

BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91156321

Filed: 4-15-2008

**Title: THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA V. UNITED STATES
HISPANIC CHAMBER OF COMMERCE FOUNDATION**

Part 5 of 6



70,000
skilled workers



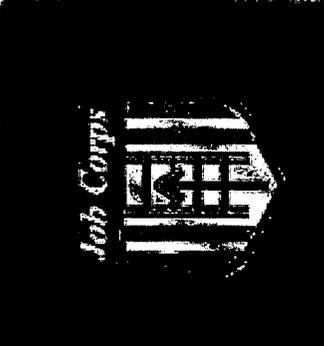
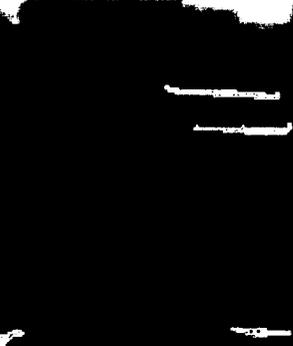
Survey Results

Valuable Additions

- The site should include a mission statement for Job Corps.
- Individual success stories.
- Local contacts.
- Programs available for volunteers.



70,000
skilled workers



U.S. CHAMBER OF COMMERCE

Survey Results

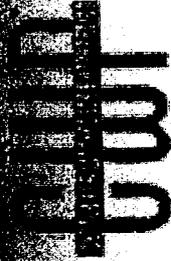
What We Found

- Survey results showed that most do not know about Job Corps. The need to market the Centers became very clear.
- Most did not see it as a tool for businesses and saw it more for students.

UNEMPLOYED
70,000
skilled workers



Job Corps



U.S. CHAMBER OF COMMERCE

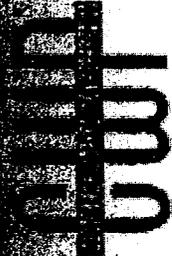
Chamber Connection

- Site Visits
- Business Expos
- Chamber Staff on Job Corps advisory Boards
- Articles in newsletters to educate the business community

70,000
skilled workers



Job Corps



U.S. CHAMBER OF COMMERCE

Matt Robison

Vice President of Small Business &
Workforce Development

The State Chamber
Oklahoma Association of
Business & Industry

USCC 55235

70,000
skilled workers

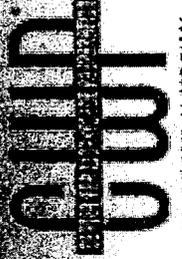
Oklahoma State Chamber

- Oklahoma Chamber of Commerce Executives Annual Conference
 - Who's heard of Job Corps?
 - What Chamber's have contacted Job Corps in their area?
 - What Chamber's have linked a member with Job Corps?
 - What Chamber's have continued a relationship with Job Corps?



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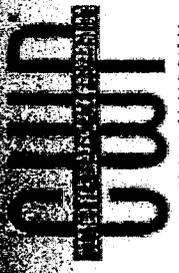
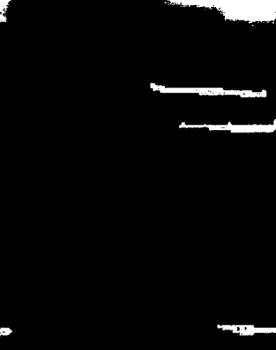
70,000
skilled workers



Oklahoma State Chamber

- CEO to CEO Briefing E-Newsletter
- State Chamber website link to Job Corps website

70,000
skilled workers



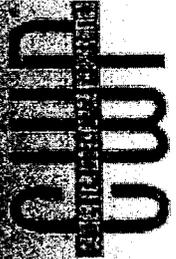
Oklahoma State Chamber

- Job Corps Centers in Oklahoma
 - Guthrie Job Corps, Guthrie
405.282.9930
 - Talking Leaves Job Corps, Tahlequah
918.456.9959
 - Treasure Lake Job Corps, Indianahoma
580.246.3203
 - Tulsa Job Corps, Tulsa
918.585.9111

70,000
skilled workers



Job Corps



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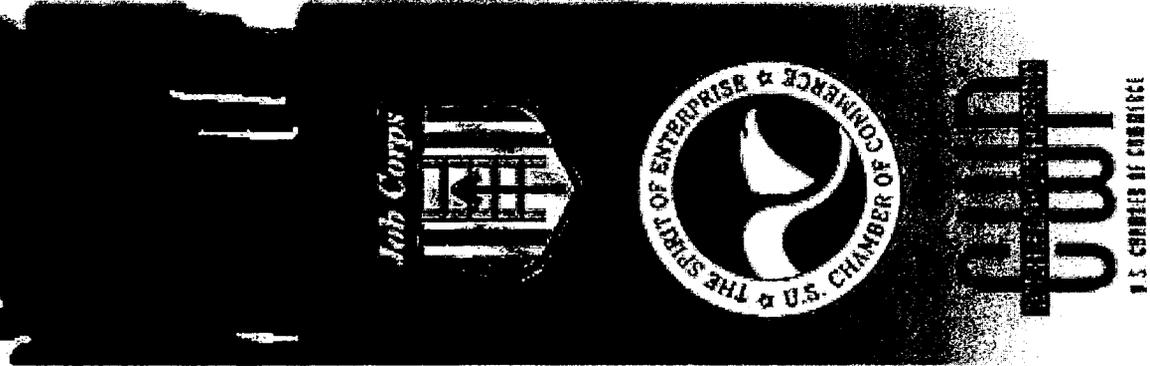
Jim Mabus

Vice President Workforce
Development

Greater Shreveport
Chamber of Commerce

USCC 55239

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skilled workers



BE PREPARED

- Partnership
 - Know Organizations
 - Business Advisory Councils
 - Internships & Sponsorships
 - Common Opportunities
- Marketing
 - Joint Responsibility
 - Chamber Web Sites, Newsletters, etc.
 - Conventional Media
 - Unique Approaches
 - Repetition

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skilled workers

FOR ANYTHING

- Remember Your Partners
- Set Priorities
- Job Corps Opportunities
 - Relief Assistance – Internal/External
 - Job Fairs
 - Record Accomplishments
- Re-establish Time-line

Job Corps



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skilled workers

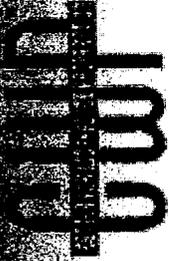


Action Step #3

Use the New Web tool

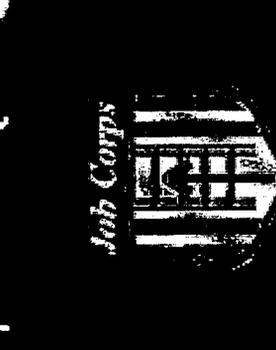
- *Your Chamber-Job Corps Connection*
- Explore outline of contents with partners
- Identify templates, promising practices that match your plans of action
- Complete and send in feedback survey

Job Corps



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skilled workers



Write-in Your Questions (per Christine's directions)

- Starting with the FAQs submitted during this Webinar
 - Answers to questions we don't have time to address on this program will be e-mailed to you
 - Answers to all questions will be archived with this Webinar on CWP's Web site
- www.uschamber.com/cwp**

**UNEMPLOYED
70,000
disabled workers**



Job Corps



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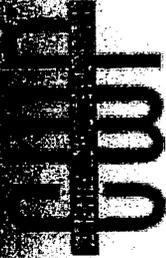
Partnership Questions?

- CWP technical assistance
- Jan Magill
- (202) 871-2471
- jmagill@uschamber.com

70,000
skilled workers



Job Corps



Connecting Employers to Skilled Entry-Level Youths Webinar Series

Moving Forward: Developing Strategic Plans of Action

Thursday, January 19, 2006
2:00-3:00 p.m. ET

SIGN UP NOW!!!

70,000
skilled workers



U.S. CHAMBER OF COMMERCE

Connecting Employers to Skilled Entry-Level Youths Webinar Series

Moving Forward: Developing Strategic Plans of Action

January 19, 2006
2 - 3 p.m. EDT

USCC 55246

70,000
skilled workers

Hello and Technology

1980



Job Corps



1980

U.S. CHAMBER OF COMMERCE

USCC 55247

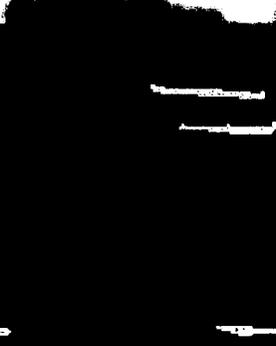
70,000
skilled workers



Jan Magill

Director of Development &
Strategic Partnerships
Center for Workforce Preparation
U.S. Chamber of Commerce

70,000
skilled workers



Moving Forward: Developing Strategic Plans of Action

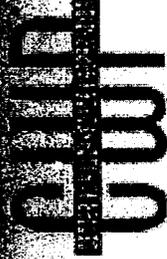
- Overview of Chamber-Job Corps
Connection
- Introduction of panelists

70,000
skilled workers

Today's Speakers

- Jan Magill
- Janet Perales
- Miltoria Fordham
- Haley Schwartz
- Rich Berkowitz
- Marguerite Schantz
- Dale Coachman

Job Corps

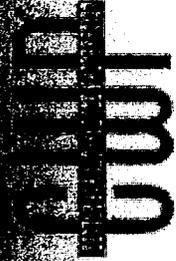


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skilled workers



Job Corps



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Janet Perales

**Business Community Liaison
Miami Job Corps**

&

Miltoria Fordham

**Executive Director
Partners for Self Employment,
Inc.**

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skilled workers



MJCC Case Study

- **MJCC Business Development Strategy**
 - Overview
 - Relationship w/Chambers of Commerce
 - Community at-large
 - Positioning
 - Customized Training Program
 - Temp to perm – Work-based Learning program
 - Community Relations/Industry Council
 - Tax Incentive (WOTC Program)

Job Corps

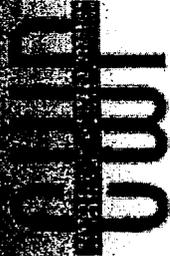


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skilled workers



Job Corps

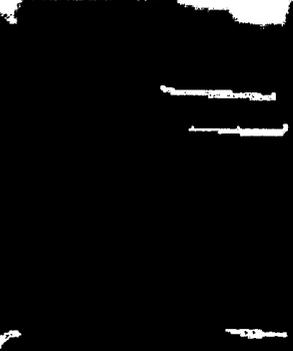


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Case Cont'd.

- **The Chamber Experience**
 - Greater Miami Chamber of Commerce
 - North Dade Regional Chamber
 - Miami Gardens Junior Chamber of Commerce

70,000
sighted workers

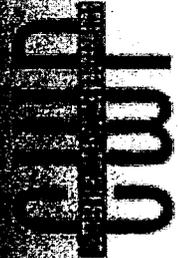


MJCC Case Study

- MJCC Micro-business Institute (2004 – present- www.microbusinessusa.org/)
 - Pilot project between Miami Gardens Jaycees and Micro-business USA
 - 8-week intensive course designed to teach how to build/develop your own business.
 - Curriculum includes: financial literacy, developing a mission statement, business plan, marketing, banking, credit & debt management, customer research, etc.

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skilled workers

2000



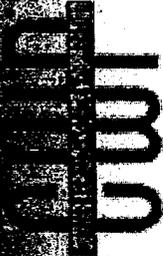
Case Study Contd.

- Taught on Center – once per week (2hrs), by business professionals.
- Three groups of 12 students completed program.
- Graduate workshop, enhanced training

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Job Corps



U.S. CHAMBER OF COMMERCE

Haley Schwartz

Regional Business &
Community Liaison

San Francisco Region Job Corps

Rich Berkowitz

Director of Pacific Coast
Operations

Transportation Institute

70,000
skilled workers

Establishing Chamber Connections

- Chamber introduced Job Corps as a workforce strategy for the Transportation Institute
- Chamber instilled confidence through Job Corps expertise and strong program examples
- Chamber provided framework/tools to introduce Job Corps to NCLA as business solution
- Interest in Job Corps led to regional link starting in WA State



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skilled workers

Partnership Benefits

- NCLA has access to pipeline of culinary applicants
- NCLA can customize training on Job Corps Centers
- Job Corps establishes employment opportunities for students
- Transportation Institute and Chamber recommend Job Corps as business solution to its members
- Partnership sets precedent for future collaborations

Job Corps

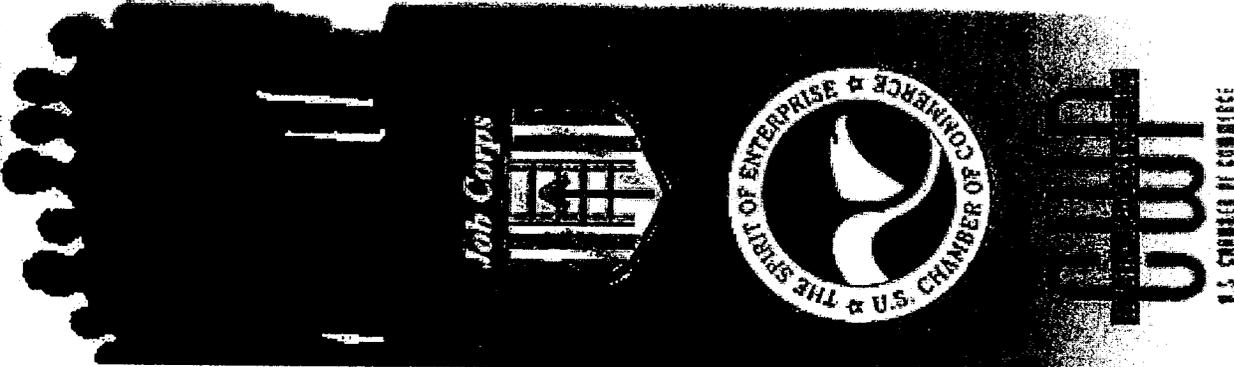


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Results

- Over 50 Job Corps students now employed with NCLA
- Students benefit from shipboard experience and advancement opportunities
- Centennial Job Corps has created the, "black coats" program



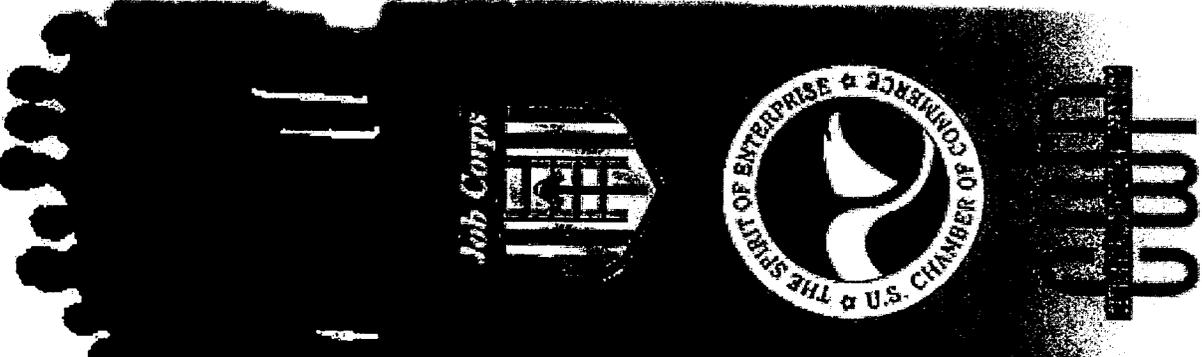
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Lessons Learned

- Begin partnership as a pilot program
- Implement tracking systems
- Connect key players in a timely manner
- Establish Job Corps point of contacts
- Establish partner point of contacts



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skilled workers



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CVS/Job Corps Partnership

Marguerite Schantz
Consultant, Horizons Youth
Services

Gary Jones
Business Community Liaison
Muhlenberg Career
Development Center

UNEMPLOYED
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skilled workers

2001



UWI
U.S. CHAMBER OF COMMERCE

Challenges to establishing partnerships with national businesses

- "Trickle down" from corporate office to local level difficulties
- Resistance on local level:
 - "What's in it for my business?"
 - "Why should I invest my time training an intern returning to a different location?"
 - Lack of understanding of Job Corps

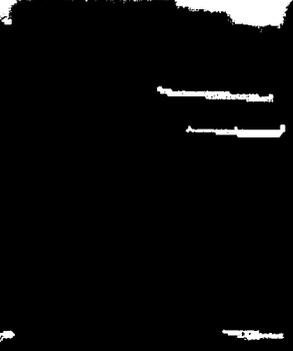
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skilled workers

CVS Model = Success

- CWP and CVS developed a model that works eliminating the aforementioned challenges.
- The HYS operated Job Corps centers - Muhlenberg Career Development Center, Whitney M. Young, and North Texas - are working with CVS to establish a solid relationship to benefit students both locally and long distance while providing CVS with quality entry level employees.



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skilled workers



Model Cont'd.

- First contact with local store
- Regional Manager involvement
- In KY new Employer Team (consortium) concept will also be involved – 7 centers in KY with large numbers of students returning to other states will provide employees to CVS in a wide variety of states.

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skilled workers



Career Path Possibilities

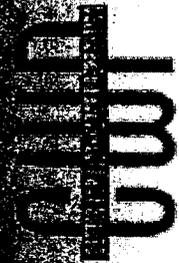
- Pharmacy Service Associate,
Pharmacy Tech
- Business Office Tech track:
Cashier, Head Cashier, Shift
Supervisor, Assistant Manager,
Store Manager

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skilled workers



WBL/Home Based WBL/Employment

- Combining big business with community based initiatives.
- Supports WBL both locally and long distance
- Home based WBL will benefit the store as well as the student who upon successful completion of internship may enter employment in home town.
- Ideal partnering of business and Job Corps – quality employees for CVS; progressive employment opportunity for graduates.



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70,000
skilled workers

100

100



100

100
U.S. CHAMBER OF COMMERCE

CWP's Partnership Action Steps

70,000
skilled workers

70,000

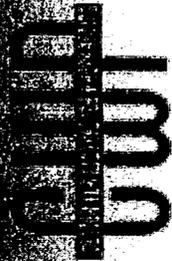
CWP's Partnership Action Steps

- **Action Step #1**

Getting Started: The Business Case for Partnerships

- ✓ **Connect with Key Partners**
- ✓ **Hold first partnership meeting at
chamber of commerce**
- ✓ **Identify 2-3 activities to foster
awareness of Job Corps**
- ✓ **Determine communication system**

Job Corps



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70,000
skilled workers

70,000

CWP's Partnership Action Steps

- **Action Step #2:**

- ***Building Partnerships: Case Studies on Collaboration***

- ✓ **Select "quick win" activities such as, center tours, Expo booth, chamber presentation**
- ✓ **Market the partnership in chamber, one-stop and community media**
- ✓ **Distribute brochures to business**

Job Corps



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U.S. CHAMBER OF COMMERCE

70,000
skilled workers

2011



U.S. CHAMBER OF COMMERCE

CWP's Partnership Action Steps

- Action Step #3
Using New Online Resources: Your Chamber-Job Corps Connection
- ✓ **Post the webtool address on your "favorites":**

<http://iccdrcc.jobcorps.gov/cwp>

- ✓ **Check out success stories and promising practices**
- ✓ **Download survey samples, checklists and sample media articles**
- ✓ **View archived CWP Webinar series**

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CWP's Partnership Action Steps

- **Action Step #4:**
**Moving Forward: Developing
Strong Plans of Action**
 - ✓ **Keep focused on the business
case for a chamber-Job Corps
partnership**
 - ✓ **Measure, celebrate and market
your success**

Job Corps



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skilled workers



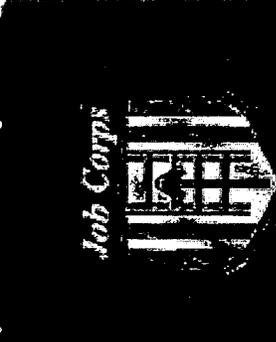
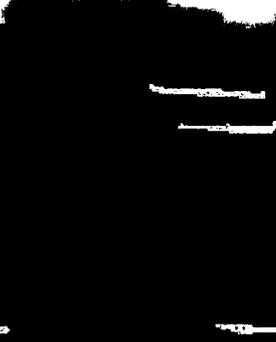
Job Corps



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www.uschamber.com/cwp

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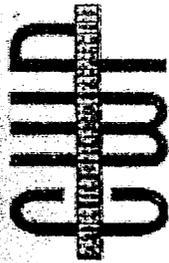
Partnership Questions?

- CWP technical assistance
- Dale Coachman
 - (202)-463-5581
 - Dcoachman@uschamber.com
- Jan Magill
 - (202) 871-2471
 - jmagill@uschamber.com

**INDUSTRIAL
REVOLUTION
70,000
skilled workers**



Job Corps



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- Thank you for attending
- Visit CWP website to view all webinars from this series:
- <http://www.uschamber.com/cwp/tool/s/chambercast/2005.htm>



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PROGRAMS

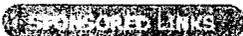
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2005/2006 ICW Webcasts

Opinions expressed in these programs do not necessarily represent the policy or views of fun or participants.

- >> [Connecting Employers to Skilled Entry-Level Youths Webinar Series \(Four Total\)](#)
- >> [The Voice of Business on the Mature Workforce: A Pre White House Conference on Agir](#)

Connecting Employers to Skilled Entry-Level Youths Webinar Series (Four Total)

Many businesses don't know that Job Corps graduates 65,000 students a year who have con in more than 100 different trades and are skilled, motivated, and ready to start careers. Hear i executives of the U.S. Chamber of Commerce and U.S. Department of Labor Office of Job Co needs and functions of employer organizations and Job Corps centers, and how partnership c bottom line outcomes for both.

Each Webinar program can be viewed using Macromedia Flash [[free download](#)].

• **Webinar 1 - Getting Started: The Business Case for Partnerships**
June 23, 2005

Watch the Webcast

The documents below accompany the webcast. (Each of the links below is a PDF document.)

- [Action Step 1](#)
- [Job Corps Career Offerings](#)
- [Job Corps Center Directory](#)
- [PowerPoint Presentation](#)
- [Q and A](#)
- [Speaker Bios](#)
- [Surveys](#)

• **Webinar 2 - Building Partnerships: Case Studies on Collaboration**
August 25, 2005

Watch the Webcast

The documents below accompany the webcast. (Each of the links below is a PDF document.)

- [Action Step 2](#)
- [Job Corps Handouts](#)
- [Hidden Agendas Handout](#)
- [Speaker Bios](#)

USCC 55275

Up to 30% off online
recruiting tools at Monster

▪ **Webinar 3 - Using New Online Resources: Your Chamber-Job Corps Connection**
October 20, 2005

 [Watch the Webcast](#)

The documents below accompany the webcast. (Each of the links below is a PDF document.)

[Your Chamber Job Corps Connection Handouts](#) [Speaker Bios](#)
[PowerPoint Presentation](#)

▪ **Webinar 4 - Moving Forward: Developing Strategic Plans of Action**
January 19, 2006

 [Watch the Webcast](#)

The documents below accompany the webcast. (Each of the links below is a PDF document.)

[PowerPoint Presentation](#) [Speaker Bios](#)

Related Links:

- [Your Chamber-Job Corps Connection Web tool](#)
- [Your Chamber-Job Corps Connection: Partnering to Link Employers to Skilled Entry-Level Workers](#)

[return to top](#)

**The Voice of Business on the Mature Workforce:
A Pre White House Conference on Aging Event**
June 15, 2005

Each Webcast program can be viewed using RealOne Player [[free download](#)].

 [Watch the Webcast](#)

Industries across the United States are increasingly affected by the aging workforce. As the baby boom generation becomes closer and closer to the eligibility age for retirement, the sharp loss in knowledge and experienced workers will present enormous challenges to America's businesses. Be part of the solution.

The U.S. Chamber of Commerce held a one-day forum, entitled, "The Voice of Business on the Mature Workforce" on June 15th 2005. It is a White House designated pre-conference event to the White House Conference on Aging (WHCoA) in October 2005. This is a national symposium that occurs on a biennial basis.

Participants developed 4 policy recommendations which the U.S. Chamber will present to the White House.

[return to top](#)

USCC 55276

USCC 55277

Institute for a Competitive Workforce

U.S. Chamber of Commerce

1615 H Street NW

Washington, DC 20062

Phone: 202-463-5525

Fax: 202-887-3424

www.uschamber.com/icw

ORIGINAL

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 - - - - - x

4 THE CHAMBER OF COMMERCE OF :

5 THE UNITED STATES OF AMERICA, :

6 Opposer, : Opposition No

7 vs. : 91/156,321

8 UNITED STATES HISPANIC CHAMBER : Serial No.

9 OF COMMERCE FOUNDATION, : 78/081,731

10 Applicant. :

11 - - - - - x

12 Deposition of CHRISTINE A. KANUCH, a
13 witness herein, called for examination by counsel
14 for Opposer in the above-entitled matter, pursuant
15 to notice, the witness being duly sworn by Robert M.
16 Jakupciak, a Notary Public in and for the District
17 of Columbia, taken at the offices of Kenyon &
18 Kenyon, 1500 K Street, N.W., Washington, D.C.,
19 20005, at 1:00 p.m., on June 20, 2007, and the
20 proceedings being taken down by Stenotype by Robert
21 M. Jakupciak, RPR.

22

1 APPEARANCES:

2 On behalf of the Opposer:

3 EDWARD T. COLBERT, ESQUIRE

4 ERIK C. KANE, ESQUIRE

5 Kenyon & Kenyon, LLP

6 1500 K Street, N.W.

7 Washington, D.C. 20005

8 (202) 220-4216

9 and

10 JUDITH K. RICHMOND, ESQUIRE

11 Chamber of Commerce of the United States

12 1615 H Street, N.W.

13 Washington, D.C. 20062

14 (202) 463-5337

15

16 On behalf of the Applicant:

17 ANDREW ELISEEV, ESQUIRE

18 JILL M. PIETRINI, ESQUIRE

19 Manatt, Phelps & Phillips, LLP

20 11355 W. Olympic Boulevard

21 Los Angeles, California 90064

22 (310) 312-4384

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I N D E X O F E X A M I N A T I O N S

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E X H I B I T S

KANUCH EXHIBIT NUMBER	PAGE NO.
1	7
Chart summarizing number of Chamber Members from 2001-2006 (USCC 57204)	
2	16
Summary of Revenue and Promotional Expenses (USCC 57205)	

1 Whereupon,

2 CHRISTINE A. KANUCH,
3 called for examination by counsel for the Opposer
4 and having been duly sworn by the Notary Public, was
5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR OPPOSER

7 BY MR. COLBERT:

8 Q. Good morning, Ms. Kanuch.

9 A. Good afternoon.

10 Q. I stand corrected. Could you, please,
11 for the record, identify by whom you are currently
12 employed?

13 A. The U.S. Chamber of Commerce.

14 Q. And how long have you been employed
15 there?

16 A. Since the beginning of 1999.

17 Q. And what is your current title at the
18 U.S. Chamber of Commerce?

19 A. I am the vice president of finance.

20 Q. And could you, please, describe briefly
21 your current responsibilities in that position?

22 A. I manage the accounting functions, which

1 include accounts payable, accounts receivable,
2 payroll, general ledger, financial reporting, tax
3 returns. I also manage our Data Operations Group.
4 The Data Operations Group provides technical and
5 application support for the membership databases as
6 well as process all the membership transactions.

7 Q. Now, in connection with those
8 responsibilities, do you have personal knowledge of
9 the revenues of the U.S. Chamber of Commerce?

10 A. Yes.

11 Q. And do you have personal knowledge of the
12 expenditures or outlays for the U.S. Chamber of
13 Commerce?

14 A. Yes.

15 Q. Thank you. And how long have you held
16 the title of vice president of finance?

17 A. It's been about three years.

18 Q. And prior to that, what was your title at
19 the U.S. Chamber of Commerce?

20 A. Prior to that I was the controller.

21 Q. Now, what were your responsibilities as
22 controller?

1 A. Essentially the same. It's more,
2 I gained more authorization when I was promoted.

3 Q. Now, you mentioned, I believe,
4 responsibility for certain aspects of U.S. Chamber
5 of Commerce membership?

6 A. Yes.

7 Q. Could you, please, describe a little bit
8 the types of membership of the U.S. Chamber of
9 Commerce?

10 A. We have several levels of membership.
11 Our highest level of membership is what we call our
12 President's Advisory Group and National Accounts.
13 Those are the larger companies. We have a next tier
14 of membership, which is mid-cap. And then we have a
15 tier of membership called the Small Business Group,
16 which tend to represent the smaller companies.

17 We also have a membership class, which is
18 our Federation Membership Program, which is a
19 partnership with local chambers of commerces, as
20 well as associations. We have memberships for
21 associations and we have memberships for chambers of
22 commerce.

1 Q. I would like to show you a document which
2 previously has been marked with the identification
3 number USCC57204, which is marked as an attorney's
4 eyes only document, and ask if you can identify that
5 document, please?

6 A. Yes, I prepared it.

7 MR. COLBERT: I would like to have this
8 marked as Kanuch Exhibit 1.

9 (Kanuch Exhibit No. 1
10 was marked for
11 identification.)

12 BY MR. COLBERT:

13 Q. Could you please describe the document
14 that you prepared that has now been marked as Kanuch
15 Exhibit 1?

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Q. And I note that in 2004 there appears a federation program number for the first time.

Can you please describe for the record why that is?

MR. ELISEEV: Objection. Counsel is testifying. Move to strike the preamble.

Q. You may respond.

A. That is the year the federation program was launched.

Q. Could you describe the federation program, please?

A. The federation program is a partnership between the U.S. Chamber of Commerce, local and

1 state chambers of commerce and associations,
2 whereby, the U.S. Chamber signs an agreement with
3 one of those organizations and the U.S. Chamber
4 provides free U.S. Chamber membership to the
5 members of those organizations.

6 Q. Are the members of those organizations
7 individuals or businesses?

8 A. Businesses.

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Q. Do you have an understanding of the distinction between an association and a chamber of commerce, as you've listed them on this document, Kanuch Number 1.

A. Yes.

Q. Could you describe for the record what that is?

A. An association will typically represent a single industry, whereas a chamber of commerce will represent all businesses typically within a geographical region for a specific group.

Q. Could you give us an example of an association?

A. The National Association of Manufacturers.

Q. Could you give an example, for the

1 record, of the chambers of commerce?

2 A. The Fairfax Chamber of Commerce.

3 Q. Would the American Bar Association belong
4 in either of those categories?

5 A. Yes. It would belong in the association
6 category.

7 Q. And if -- would an El Paso Chamber of
8 Commerce belong in either of those categories?

9 A. Yes.

10 Q. Which category?

11 A. The chambers of commerce.

12 Q. Now, can you describe for the record,
13 please, the differences between a small business and
14 a mid-cap business, which I understand, correct me
15 if I'm wrong, are represented by the first line of
16 this document?

17 A. Yes. The small business in our
18 designation are companies with revenues of less than
19 \$10 million. A mid-cap business are companies with
20 revenues between 10 and a 100 million dollars.

21 Q. And the next line, PAG & NA, is there any
22 particular measurement that you used to determine

1 who belongs in that category?

2 A. Companies with revenues greater than a
3 \$100 million.

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Q. Let me back up. If you have a business that has \$10 million in sales, that would qualify as small business; correct?

A. Uh-huh.

Q. And if you had a business that was 1 million, that would also qualify as a small business?

A. Uh-huh.

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Q. All right. Let me show you a document which has previously been identified as USCC57205, and ask if you can recognize that document?

A. Yes. I prepared this document.

Q. You personally prepared this document?

A. Yes.

Q. Did you personally prepare Kanuch Number 1?

A. Yes.

MR. COLBERT: I would like to have this marked as Kanuch Number 2 by the reporter, if you

1 would.

2 (Kanuch Exhibit No. 2
3 was marked for
4 identification.)

5 BY MR. COLBERT:

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MR. COLBERT: And this document, like the
prior one, is identified as attorneys' eyes only, is
to be treated the same, as well as the witness'
testimony.

Q. Now, I want to ask you, you mentioned the

1 Institute for Legal Reform?

2 A. Uh-huh.

3 Q. And what is that organization?

4 A. It's an organization that's affiliated
5 with the Chamber. We have common management.

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12 Q. And do you understand that the ILR is
13 co-branded?

14 A. That was what I was told.

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Q. Now, does the U.S. Chamber also operate
Website?

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Q. Now, the parties in this present dispute include the U.S. Chamber of Commerce on one side and the U.S. Hispanic Chamber of Commerce on the other, as well as the U.S. Hispanic Chamber of Commerce Foundation. All right?

A. Uh-huh.

Q. When was the first time you ever heard of the U.S. Hispanic Chamber of Commerce?

A. As part of this proceeding.

Q. How did you learn about them?

A. I think just when I was asked to put information together, there was a small brief on what was happening.

Q. Do you have any understanding of what it

1 is the U.S. Hispanic Chamber of Commerce does?

2 A. It would be speculation.

3 Q. I'm just asking if you have an
4 understanding of actually what it does, not to
5 speculate.

6 A. No.

7 Q. I also mentioned earlier the U.S.
8 Hispanic Chamber of Commerce Foundation.

9 Have you ever heard of that organization
10 before?

11 A. No. Not until this proceeding.

12 Q. Okay. Do you have any understanding as
13 to what the U.S. Hispanic Chamber of Commerce
14 Foundation does?

15 A. No.

16 MR. COLBERT: Your witness.

17 MS. PIETRINI: We need a ten-minute
18 break.

19 - - -

20 (Recessed at 1:33 p.m.)

21 (Reconvened at 1:49 p.m.)

22 - - -

1 MR. COLBERT: Back on the record. I just
2 want to be sure in case it wasn't clear at the
3 end -- I can't remember if it was clear or not --
4 that we move the admission of both Exhibits 1 and 2
5 into evidence. So I just want to make sure it's
6 clear. If you have an objection, you can make it
7 clear.

8 MR. ELISEEV: I do make an objection on
9 foundation on both documents.

10 MR. COLBERT: Thank you.

11 MS. PIETRINI: Can you move to the other
12 side?

13 MR. COLBERT: Do you want to sit over
14 here?

15 - - -

16 (Discussion off the Record.)

17 - - -

18 MR. COLBERT: Same rules apply, wherever
19 you are sitting, if I object, wait for me to finish
20 and wait for him to finish his question.

21 BY MR. ELISEEV:

22 Q. Good afternoon, Ms. Kanuch. When was the

1 document designated as Kanuch Exhibit 1 prepared?

2 A. I don't know the exact date, but I would
3 say within the last three weeks.

4 Q. Within last three weeks you said?

5 A. Three weeks.

6 Q. What about the document designated as
7 Exhibit Number 2, when was it prepared?

8 A. The same.

9 Q. The same. Who asked you to prepare
10 Exhibit Number 1?

11 A. The attorneys.

12 Q. Which attorneys? What are the names?

13 A. I met with Judy Richmond, Erik, and I
14 won't remember his last name, and Bill Merone.

15 Q. For both documents?

16 A. Yes.

17 Q. Did you look at any documents to prepare
18 the document that's designated as Exhibit 1?

19 A. Yes.

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Q. Aside from these two documents, Exhibit 1
and Exhibit 2, did you provide any other documents
to your attorneys as part of this project?

1 A. I believe that several years ago I was
2 asked to prepare some additional summaries on
3 historical advertising expenses.

4 Q. And did you provide them as part of --
5 did you provide them to the attorney that requested
6 you, these documents, as part of this project?

7 A. That was several years ago.

8 Q. Several years ago?

9 A. Yes.

10 Q. How did that relate to this project?

11 A. I don't know that.

12 Q. What was -- were those documents, in
13 fact, related to this project?

14 MR. COLBERT: Objection; asked and
15 answered. You may respond.

16 A. I don't know.

17 Q. So -- but these two documents, Exhibit 1
18 and Exhibit 2, were prepared only three weeks ago?

19 A. Correct.

20 Q. Can you please look at Exhibit Number 1?

21 A. Uh-huh.

22 Q. And, for the record, we are going to look

1 at Exhibit Number 1, but we're not waiving any
2 objections to this document.
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18 Q. Okay. What does PAG stand for?

19 A. President's Advisory Group.

20 Q. And how does it differ from national
21 accounts?

22 A. PAG represents those contributors that

1 give us the highest level of contribution.

2 Q. But, nevertheless, those are the
3 businesses whose revenue exceeds \$100 million?

4 A. Yes.

5 Q. The same for national advisors?

6 A. Yes.

7 Q. National accounts, I'm sorry.

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MR. COLBERT: I'll wait.

BY MR. ELISEEV:

Q. With respect to your federation program, could you please explain again what the federation program is?

A. That is a partnership between the U.S. Chamber of Commerce and associations and chambers of commerces, whereby, those associations and chambers

1 of commerces that are members of the U.S. Chamber of
2 Commerce can form a partnership with the U.S.
3 Chamber of Commerce to provide free U.S. Chamber
4 memberships to the members of those associations or
5 chambers of commerce.

6 Q. And you said that for the years 2001
7 through 2003 there are -- the program did not exist?

8 A. Correct.

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Q. What are the exact purposes of the federation program? I understand you mentioned the cooperation between different associations and local and state chambers of commerce with the United States Chamber of Commerce, but what is the nature of that cooperation?

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A. I don't know that I can answer that.

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Q. Okay. Then explain to me which association and chambers of commerce that are included in the federation program.

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MR. COLBERT: Note -- no objection.

22

A. I do not know the names off the top of my

1 head.

2 Q. Not the names, but the kinds of
3 associations and chambers of commerce that are
4 included in these numbers.

5 A. On the chambers of commerces, it would be
6 local chambers of commerce, for example. On the
7 associations, it could be a trade association.

8 Q. Do you know if the federation program
9 included any Hispanic, Hispanic entities?

10 A. I do not know.

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Q. As part of this project, Exhibit 1, have you -- again, I might have asked you before. Have you provided any documents that you used as part of this project to the attorneys to produce in this litigation?

A. I provided the attorneys these two documents.

Q. That's it? As part of this project no other documents were provided; correct?

A. Correct.

Q. Could you, please, look at Exhibit Number 2? And, again, we are going to look at Exhibit Number 2 and we are not waiving any objections to this exhibit.

1 What is the Institute for Legal Reform?

2 A. It is a separate legal entity that is
3 related to the U.S. Chamber of Commerce through
4 common management.

5 Q. What is the exact relationship between
6 these two companies aside from the common
7 management?

8 A. Legally I don't know.

9 Q. Who -- strike that.

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14 Q. What is your understanding of co-branded?

15 A. Well, that it uses the U.S. Chamber of
16 Commerce in its name.

17 Q. How does it use Chamber of Commerce in
18 its name?

19 A. It is the U.S. Chamber of Commerce's
20 Institute for Legal Reform.

21 Q. Is that the exact name? The U.S. Chamber
22 of Commerce's Institute for Legal Reform?

1 A. Legally I don't know that I know that.

2 Q. Who told you that these two entities are
3 co-branded?

4 A. When I met with the attorneys, that is
5 what we discussed.

6 Q. Do you know if these entities are
7 co-brand because the ILR uses the U.S. Chamber of
8 Commerce logo?

9 A. I do not know that.

10 Q. Do you know if ILR provides any products
11 or services that use the phrase United States
12 Chamber of Commerce or just the phrase Chamber of
13 Commerce?

14 MR. COLBERT: I'll object to the form of
15 the question as compound and lacks foundation. You
16 may answer.

17 A. I do not know that.

18 Q. Have you seen any documents that were
19 prepared by the Institute for Legal Reform?

20 A. I don't know. I'm not sure what you mean
21 by a document.

22 Q. Any documents that were prepared by the

1 Institute of Legal Reform?

2 A. Have I seen an ad? Yes.

3 Q. You have seen an ad?

4 A. Yes.

5 Q. Did it have -- did the ad have the phrase

6 Chamber of Commerce in it?

7 A. I don't recall.

8 Q. Do you recall seeing the United States

9 Chamber of Commerce circle logo on it?

10 A. I don't recall.

11 Q. So ILR is not a member of the Chamber of

12 Commerce; is that right?

13 MR. COLBERT: Object to the form of the

14 question in terms of characterizing the witness'

15 testimony and it's vague. You may answer.

16 Q. Do you understand the question?

17 A. ILR is not included in any of the numbers

18 on the number of member's sheet.

19 Q. So ILR is not a member of the United

20 States Chamber of Commerce?

21 A. Correct.

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Q. Did you understand my question?

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Q. Do you have any independent knowledge regarding what co-branded means in the context of the Institute for Legal Reform?

MR. COLBERT: Objection; asked and

1 answered. You may answer again.

2 A. No.

3 Q. You don't have any independent knowledge
4 about ILR being co-branded aside from what you were
5 told by your attorneys; right?

6 A. Correct.

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Q. Do you know if United States Chamber of
Commerce filed the 2006 tax return yet?

A. It has not been filed yet.

Q. Do you know when is it due to be filed?

A. It is due to be filed no later than
November 15th of 2007.

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1 A. It is a program to educate voters in the
2 election years.
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MR. COLBERT: To save us some, I'm just going to reiterate that I have had a standing objection all day to use of Hispanic in terms of it being a vague category. But so I don't interrupt you, I just want to make sure that I have an outstanding objection. You may answer.

A. I don't know.

Q. Do you understand the phrase Hispanic business?

A. Yes.

Q. What do you understand about it?

A. A business run by an individual of Hispanic descent.

Q. Run or owned by an individual of Hispanic

1 descent or a business that services the Hispanic
2 community, specifically services the Hispanic
3 community?

4 MR. COLBERT: I object. One, I don't
5 hear a question. Two, if you are characterizing the
6 witness' testimony, that's not what she said. So if
7 I hear a question, the witness can answer.

8 Q. Do you understand what I understand by
9 the phrase Hispanic business?

10 A. I understand your description of it, yes.

11 Q. Do you know if the advertising category
12 includes numbers that pertain to Hispanic
13 businesses?

14 A. I do not know.

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Q. Do you know if the Institute for Legal Reform files its own tax returns?

A. It files separate tax returns from the U.S. Chamber of Commerce.

Q. How did you obtain those returns?

A. They are prepared by our office.

Q. So you prepare returns for the United States -- I'm sorry.

You prepare the returns for the Institute for Legal Reform; correct?

A. I personally do not prepare them. Someone on my staff does.

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1 do?

2 A. They tend to be issue-related.

3 Q. What do you mean by that?

4 A. They tend to be advertisements regarding
5 issues that are important to the business community.

6 Q. Do you know if ILR and the Chamber of
7 Commerce have any publications that are issued in
8 cooperation?

9 A. I don't specifically know that.

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1 another break before we conclude.

2 MR. COLBERT: Okay.

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4 (Recessed at 2:38 p.m.)

5 (Reconvened at 2:45 p.m.)

6 - - -

7 BY MR. ELISEEV:

8 Q. Ms. Kanuch, you are an officer of the
9 United States Chamber of Commerce?

10 A. That's correct.

11 Q. And you are a director of the United
12 States Chamber of Commerce?

13 A. Don't know what that term means.

14 Q. Do you know if there is a Board of
15 Directors of the United States Chamber of Commerce?

16 A. Yes, there is a Board of Directors and I
17 am not on it.

18 Q. When did you become an officer of the
19 United States Chamber of Commerce?

20 A. I believe it was three years ago.

21 Q. In 2004?

22 A. Yes.

1 Q. Do you remember approximately when?

2 A. Probably summertime of 2004.

3 Q. Was that coinciding with your becoming
4 vice president?

5 A. Correct.

6 Q. Are you an officer of the Institute for
7 Legal Reform?

8 A. I am not.

9 Q. Do you have any position in the Institute
10 for Legal Reform?

11 A. No.

12 Q. By virtue of being an officer of the
13 United States Chamber of Commerce, you are not an
14 officer or an employee of the Institute for Legal
15 Reform?

16 A. That is correct.

17 Q. Who prepares the monthly expense reports?

18 MR. COLBERT: Objection; asked and
19 answered.

20 A. I'm not sure I understand what you mean
21 by monthly expense reports.

22 Q. The reports that you used for 2006.

1 A. It's a combination of myself and
2 individuals on my staff.

3 Q. And how are they prepared?

4 A. They are an accumulation of the accounts
5 payable, payroll, accounts receivable, transactions
6 that are processed in the normal course each day, as
7 well as review of myself of the detailed financial
8 records.

9 Q. Do you know if any of those documents
10 were produced as part of this litigation?

11 MR. COLBERT: Objection; asked and
12 answered. You may respond.

13 A. I don't know.

14 MR. ELISEEV: Okay. For the record, I'm
15 going to object to both exhibits on the grounds of
16 lack of foundation and as improper summaries. I
17 have no more questions.

18 MR. COLBERT: All right. Can I take a
19 look at those two exhibits?

20 BY MR. COLBERT:

21 Q. I would like to show you Exhibit 1.
22 That's a document to which you have already

1 testified; correct?

2 A. Yes.

3 Q. And you prepared that document yourself?

4 A. Correct.

5 Q. And you prepared those from the business
6 records of the U.S. Chamber of Commerce?

7 MR. ELISEEV: Objection; asked and
8 answered, leading.

9 BY MR. COLBERT:

10 Q. You may answer.

11 A. Yes.

12 Q. Are you confident or not confident in the
13 accuracy of the records from which you compiled
14 those numbers?

15 MR. ELISEEV: Objection; leading.

16 A. I am confident in the numbers.

17 Q. And by whose department are those numbers
18 compiled?

19 A. They are compiled primarily from my
20 department and the membership operations department.

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Q. To the best of your knowledge as vice president of finance and responsible for the business reports, the management reports, are those accurate numbers?

MR. ELISEEV: Objection; leading.
Objection; counsel is testifying.

BY MR. COLBERT:

Q. You may respond.

A. The numbers are accurate.

1 Q. Are those numbers accurate, to the best
2 of your knowledge?

3 A. The number from 2005 is exactly accurate.
4 The numbers for 2001 through 2004 and 2006 are
5 estimates made by me that are materially accurate.

6 Q. And by materially accurate, do you have a
7 range of accuracy that you mean by that?

8 A. I would estimate within 10 percent.
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17 Q. Are those numbers accurate based on your
18 knowledge as vice president of finance?

19 MR. ELISEEV: Objection; vague.
20 Objection; lack of foundation.

21 Q. You may respond.

22 A. The numbers are accurate.

1 Q. Would you, please, read the fourth line;
2 associations?

3 MR. ELISEEV: Objection; asked and
4 answered, the document speaks for itself.

5

6

7 Q. Are those numbers accurate?

8 MR. ELISEEV: Objection; lack of
9 foundation, vague.

10 A. The numbers for 2004 through 2006 are
11 exact figures. The numbers for 2001 through 2003
12 are estimates made by me that are materially
13 accurate.

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20 Q. To the best of your knowledge, are those
21 numbers reflecting the numbers of chambers of
22 commerce -- members of the U.S. Chamber of Commerce

1 accurate?

2 MR. ELISEEV: Objection; lack of
3 foundation, vague.

4 A. The numbers for 2004, 2005 and 2006 are
5 exact figures and are accurate. The numbers for
6 2001, 2002 and 2003 are estimates made by me that I
7 believe are materially accurate.

8 Q. Would you, please, for the record read in
9 the last line labeled total?

10

11

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14

15 knowledge as vice president of finance of the U.S.
16 Chamber of Commerce, accurate figures reflecting
17 membership?

18 MR. ELISEEV: Objection; lack of
19 foundation, vague.

20 A. Where we had exact figures, the exact
21 figures are presented on this schedule. Where we
22 did not have exact figures, I estimated those

1 numbers and I believe they are materially accurate.

2 Q. I would like to show you exhibit marked
3 as Kanuch 2 and ask you to look that. I would ask
4 you first, are the annual returns of the U.S.
5 Chamber of Commerce available publicly?

6 A. Yes.

7 Q. Are the returns of the Institute for
8 Legal Reform available publicly?

9 A. Yes.

10 Q. Are the numbers reflected on the summary
11 in front of you that you prepared, do those
12 accurately reflect precisely the figures that are
13 contained on the tax returns for 2001 through 2005
14 for those two organizations?

15 MR. ELISEEV: Objection; lack of
16 foundation.

17 A. Those numbers are off the tax return with
18 the exception of the Consulting Policy - Voter
19 Education line.

20 Q. All right. Would you, please, read into
21 the record the number for the revenues and expenses
22 for the year 2006, into the record? Just that year.

1 MR. ELISEEV: Objection; asked and
2 answered. The document speaks for itself.

3 A. Just the total numbers or the entire --

4 Q. Individual lines. Would you identify
5 them, please?

6 MR. ELISEEV: Same objections.

7 A. The Chamber revenue figure is
8 125,179,000. The Chamber postage and shipping
9 figure is 1,187,000. Printing and publications,
10 also for the Chamber, are 1,364,000. Chamber
11 advertising, 13,084,000.

12
13
14 ILR revenue, 35,345,000. ILR postage and
15 shipping, 24,000. ILR printing and publications,
16 53,000. ILR advertising, 4,202,000.

17
18
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20 Adding the Chamber and ILR together,
21 The total postage and
22 shipping for those two organizations is 1,211,000.

1 Total printing and publications, 1,417,000. Total
2 advertising, 17,286,000.
3
4

5 Q. Are those figures accurate for 2006 as
6 reflected in the financial business records of the
7 U.S. Chamber of Commerce and the Institute for Legal
8 Reform?

9 A. Yes.

10 MR. ELISEEV: Objection; lack of
11 foundation, vague.

12 Q. Do you know that to your personal
13 knowledge?

14 A. Yes.

15 MR. COLBERT: Nothing further.

16 BY MR. ELISEEV:

17 Q. Ms. Kanuch, with respect to Exhibit 1,
18 you don't have any independent knowledge of these
19 numbers other than just reading them minutes ago
20 from this document; is that correct?

21 MR. COLBERT: Object to the form of the
22 question.

1 BY MR. ELISEEV:

2 Q. You can answer.

3 A. No. I work with these numbers every day.

4 Q. But just minutes ago you were just
5 reading them off the documents; is that correct?

6 A. Correct.

7 Q. You don't know these numbers off the top
8 of your head, do you?

9 A. Exactly, no.

10 Q. With respect to Exhibit Number 2, again
11 you were just reading them off this document and you
12 don't know them off the top of your head; correct?

13 A. That's correct.

14 Q. And, otherwise, you have no independent
15 knowledge of these numbers when you were just
16 reading them off the documents other than just
17 looking at the documents and looking at this
18 document, Exhibit 2.

19 A. Again, that's incorrect. I work with
20 these numbers every day.

21 Q. Other than reading them off this document
22 just minutes ago, you had no independent knowledge

1 of them. You just read them off this document; is
2 that right?

3 A. A minute ago I just read them off the
4 document, yes.

5 Q. Okay.

6 MR. ELISEEV: All right. No more
7 questions.

8 MR. COLBERT: The witness is excused.

9 - - -

10 (Whereupon, at 2:58 p.m. the taking of
11 the instant deposition ceased.)

12
13
14 Christine A. Kanuch

15 Christine A. Kanuch

16
17 SUBSCRIBED and SWORN TO before me this 24th day of
18 September, 2007.

19
20 Alicia R. Harris

21 NOTARY PUBLIC

22 ALICIA R. HARRIS
Notary Public, District of Columbia
My Commission Expires May 31, 2011

My Commission expires: _____

1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4

5 I, ROBERT M. JAKUPCIAK, a Notary Public in
6 and for the District of Columbia, do hereby certify
7 that the within transcript is a true and accurate
8 record of the testimony of CHRISTINE A. KANUCH under
9 oath and other proceedings in The Chamber of Commerce
10 of the United States of America v. United States
11 Hispanic Chamber of Commerce Foundation, Opposition
12 Number 91/156,321 and Serial Number 78/081,731. The
13 deposition was held at the offices of Kenyon & Kenyon
14 LLP, 1500 K St. N.W., Washington D.C., on Wednesday,
15 June 20, 2007, from 1:00 p.m. to 2:58 p.m. and in
16 the presence of both parties.

11

12 I further certify that I am not a
13 relative, employee, attorney or counsel of any of
14 the parties to this action and that I am in no way
15 interested in the outcome of this matter.

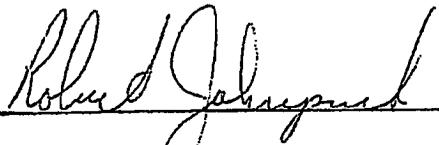
14

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 3rd day of July, 2007.

16

17

18


ROBERT M. JAKUPCIAK

19

20 My Commission Expires:

21 December 14, 2008

22

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EXHIBIT 1

KANUCH EXHIBIT I

Offered by Opposer, The Chamber of
Commerce of the United States of America

The Chamber of Commerce of the United
States of America, v. United States Hispanic
Chamber of Commerce Foundation
Opposition Number 9/1/56,321

EXHIBIT 2

KANUCH EXHIBIT 2
Offered by Opposer, The Chamber of
Commerce of the United States of America
The Chamber of Commerce of the United
States of America v. United States Hispanic
Chamber of Commerce Foundation
Opposition Number 91/156,321

USCC 57205
ATTORNEYS' EYES ONLY

ORIGINAL

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 - - - - - x

4 THE CHAMBER OF COMMERCE OF :

5 THE UNITED STATES OF AMERICA, :

6 Opposer, : Opposition No

7 vs. : 91/156,321

8 UNITED STATES HISPANIC CHAMBER : Serial No.

9 OF COMMERCE FOUNDATION, : 78/081,731

10 Applicant. :

11 - - - - - x

12
13 Deposition of Lydia Carlotta Miles Logan,
14 a witness herein, called for examination by counsel
15 for Opposer in the above-entitled matter, pursuant
16 to notice, the witness being duly sworn by Robert M.
17 Jakupciak, a Notary Public in and for the District
18 of Columbia, taken at the offices of Kenyon &
19 Kenyon, 1500 K Street, N.W., Washington, D.C.,
20 20005, at 9:00 a.m., on June 26, 2007, and the
21 proceedings being taken down by Stenotype by Robert
22 M. Jakupciak, RPR.

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17

18

19 Also Present:

20 Shanise Gholston

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I N D E X O F E X A M I N A T I O N S

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 by Ms. Pietrini.....19

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E X H I B I T S

LOGAN EXHIBIT NUMBER	PAGE NO.
1 Washington Hispanic Newspaper	15
2 Web page of article in Washington ... Hispanic newspaper	17

1 Whereupon,

2 LYDIA C. MILES LOGAN,
3 called for examination by counsel for Opposer and
4 having been duly sworn by the Notary Public, was
5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR OPPOSER

7 BY MR. KANE:

8 Q. Good morning, Ms. Logan.

9 A. Good morning.

10 Q. For the record, could you please state
11 your full name?

12 A. Lydia Carlotta Miles Logan.

13 Q. Ms. Logan, where are you currently
14 employed?

15 A. At the U.S. Chamber of Commerce.

16 Q. What is your current role within the U.S.
17 Chamber?

18 A. I am the executive director of the
19 Institute for Competitive Workforce.

20 Q. And how long have you occupied that role?

21 A. For a few months.

22 Q. And how long have you been with the U.S.

1 Chamber of Commerce?

2 A. Since January of 2006.

3 Q. And what were some of your previous roles
4 at the U.S. Chamber?

5 A. I was the national program manager for
6 the Business Education Network.

7 Q. And after the Business Education Network
8 did you immediately go right to ICW?

9 A. I did. We actually -- I was brought on
10 to run the education program at the Chamber, which
11 was the Business Education Network, and we merged
12 the education activities with the Center for
13 Workforce Preparation to create the Institute for a
14 Competitive Workforce, also known as ICW.

15 Q. And can you briefly describe what is the
16 Business Education Network?

17 A. The Business Education Network came out
18 of a conference that we had at the Chamber. We had
19 a partnership conference in 2004, which was hugely
20 successful. We created after that the Business
21 Education Network. We had a conference in 2005,
22 about 400 attendees. The idea was to promote

1 business and education partnerships and to connect
2 corporations and chambers and educators together
3 around education reform strategies.

4 Q. And what were some of the activities of
5 the Business Education Network you undertook?

6 A. We had a monthly conference call, which
7 we still do through ICW. We have an annual summit,
8 which is every fall. We also do some research or
9 surveys of the Chamber members about attitudes
10 towards education or we've done a couple of reports.

11 This February, which was an outgrowth of
12 the work from the Business Education Network, we
13 published a report called Leaders and Laggards,
14 about education -- each -- the education system in
15 each state and how it was performing.

16 Q. Okay. And can you briefly describe what
17 ICW is?

18 A. ICW is a non-profit affiliate of the U.S.
19 Chamber of Commerce. We do all of the education and
20 workforce development work for the Chamber that does
21 not include lobbying. We work closely with the
22 policy department, the department of -- at the

1 Chamber, at the U.S. Chamber.

2 We work with the policy staff at the
3 state and local chambers and then we also work with
4 our corporate members on issues of education and
5 workforce development. We have partnerships with
6 several government agencies, the Department of
7 Labor, the Department of Education, and we work with
8 several private foundations and corporate
9 foundations on different projects.

10 Q. And you previously mentioned that ICW
11 has, continues the conference calls of the Business
12 Education Network.

13 Has ICW continued any of the other
14 activities of the Business Education Network?

15 A. We have a database of 300 education and
16 business partnerships, which we are about to
17 relaunch. We have done a redesign of the ICW
18 Website. So that had been a part of a stand-alone
19 Business Education Network Website. That
20 information will be made available through the ICW
21 Website.

22 The monthly conference calls, we've

1 expanded the scopes, so now instead of the BEN call
2 it's the ICW monthly call, and we discuss our full
3 range of issues, so, the 50-plus worker; we did one
4 on -- some are education related, some are workforce
5 related in terms of topics.

6 Q. Okay. And what are your primary
7 responsibilities in ICW?

8 A. My primary responsibilities as executive
9 director, it's a long list. It covers raising money
10 to support the activities, managing the staff,
11 overseeing our contracts, and carrying out the roles
12 and responsibilities of our mission. So working
13 with our state and local chambers, traveling around
14 the country representing ICW and the U.S. Chamber of
15 Commerce at times, particularly at regional
16 conferences on education and workforce development,
17 often sponsored by corporate members or state or
18 local chambers.

19 Q. Okay. Now, Ms. Logan, the parties in
20 this dispute include the U.S. Chamber of Commerce on
21 our side and the U.S. Hispanic Chamber of Commerce
22 or the U.S. Hispanic Chamber of Commerce Foundation

1 on the other side.

2 Let me ask you, when was the first time
3 you ever heard of the U.S. Hispanic Chamber of
4 Commerce?

5 A. The first time I heard of it was during
6 the litigation. It was a few months ago.

7 Q. Prior to that time had you ever heard of
8 the -- have you ever seen the name U.S. Hispanic
9 Chamber of Commerce?

10 A. I saw it under my name in a picture in
11 the newspaper.

12 Q. What newspaper was that?

13 A. I don't recall the name of the newspaper.
14 It was the, I think the Latino Times, a local
15 newspaper.

16 Q. Okay. And have you ever worked for the
17 U.S. Hispanic Chamber of Commerce?

18 A. I have not.

19 Q. Okay. Now, have you ever heard of the
20 U.S. Hispanic Chamber of Commerce Foundation?

21 A. I have just since this case.

22 Q. And does it surprise you to know that

1 there is a U.S. Hispanic Chamber of Commerce
2 Foundation?

3 A. It does not.

4 MS. PIETRINI: Objection; lacks
5 foundation, calls for speculation.

6 BY MR. KANE:

7 Q. Okay. And why doesn't it surprise you to
8 know that there is a U.S. Hispanic Chamber of
9 Commerce Foundation?

10 MS. PIETRINI: Same objections.

11 A. I worked for a private foundation, a
12 grant-making foundation, for over six years, and
13 have extensive experience with the non-profit
14 community and as a result I've seen several
15 foundations that are related to other entities and
16 have the same name.

17 Q. So from your experience working for other
18 foundations, is it common that a company will have a
19 foundation that carries the same name?

20 MS. PIETRINI: Objection; leading, lacks
21 foundation, overbroad.

22 A. Yes.

1 Q. Can you give me an example of a company
2 that has a foundation with the same name?

3 A. J.P. Morgan Chase Foundation.

4 Q. Ms. Logan, have you ever heard of Mary's
5 Center?

6 A. I have.

7 Q. Can you please explain what is Mary's
8 Center?

9 A. Mary's Center is a non-profit
10 organization based in the metro area serving,
11 providing healthcare and other social services to
12 people who can't afford healthcare. I know they
13 have a large client base, including many Latino
14 clients.

15 Q. And does this organization exclusively
16 serve the Latino community?

17 A. I don't know.

18 Q. Okay. And have you ever attended any
19 events hosted by Mary's Center?

20 A. I have.

21 Q. What event was that?

22 A. Noche Tropical.

1 Q. And what was Noche Tropical?

2 A. It was a fund raiser for Mary's Center.

3 Q. Do you remember when that occurred?

4 A. It was in November of 2006.

5 Q. And how did you come to attend this
6 event?

7 A. A friend of mine, Kathleen Padian, who is
8 a development director who had a contract with
9 Mary's Center to raise money for them and she
10 invited me.

11 Q. And why did you go with her to Mary's
12 Center?

13 A. I went to support her and what she was
14 doing and to support Mary's Center. From what I,
15 little I know of them, they do very good work and
16 are well respected in the community.

17 Q. Can you please explain, can you briefly
18 described what went on at the Noche Tropical event?

19 MS. PIETRINI: Objection; overbroad,
20 lacks foundation.

21 A. There were some awards that were
22 presented, there was dancing and there was a silent

1 auction, other sort of festivities. The Mayor came.

2 Q. Did they take pictures at the event?

3 A. They did.

4 Q. Was your picture taken?

5 A. It was.

6 Q. And did the person that took your picture
7 take it with a regular snapshot camera or was it a
8 professional camera?

9 MS. PIETRINI: Objection; leading.

10 A. It was a large camera that looked like it
11 was professional equipment.

12 Q. Okay. And did you interact with the
13 photographer?

14 A. I did.

15 Q. And can you, please, describe your
16 interaction with the photographer?

17 A. He asked me my name and where I worked.

18 Q. And what did you tell him?

19 A. I told him Lydia Logan and that I worked
20 at the U.S. Chamber of Commerce.

21 Q. And did he respond to your description?

22 A. He wrote it down.

1 Q. And what did he write down?

2 A. I couldn't see his tablet.

3 Q. Ms. Logan, I'm going to show you a copy
4 of the Washington Hispanic Newspaper. This is the
5 17th of November, 2006. It's volume 12, number 27.
6 I'm going to ask you to please turn to page A16.

7 MS. PIETRINI: May we have a copy of
8 that? And has that been produced in this case?

9 MR. KANE: It has not and I'll give you a
10 copy right now.

11 MS. PIETRINI: And we object to the use
12 of this document at the deposition. It was not
13 provided in discovery before today.

14 BY MR. KANE:

15 Q. And do you --

16 MR. COLBERT: Do you want those back?

17 MR. KANE: No.

18 BY MR. KANE:

19 Q. Ms. Logan, do you recognize this article?

20 A. I do.

21 Q. And can you please describe this article?

22 A. This is a photograph of me and my husband

1 and some friends, including Kathy Padian, the one
2 who invited me, at the event.

3 Q. Okay. I'm now going to show you this
4 document. Can you please tell me if this is a copy
5 of that newspaper?

6 A. It is.

7 MR. KANE: I'm going to ask the court
8 reporter to please mark this exhibit.

9 (Logan Exhibit No. 1
10 was marked for
11 identification.)

12 BY MR. KANE:

13 Q. Ms. Logan, I'm going to hand you back
14 what's been marked as Logan Exhibit 1 and ask you to
15 turn to page 16 again.

16 Can you please describe the photograph
17 and the caption?

18 A. This is a photograph of me and my husband
19 and my friends at the event. Would you like me to
20 read the caption?

21 Q. Please.

22 A. "Scott Logan, de Monster Worldwide;

1 Lydia Logan, U.S. Hispanic Chamber of Commerce;
2 Kathy Padian, Building Hope; con ellos Tom Lane y su
3 esposa Kimberly, de Children's National Medical
4 Center".

5 Q. When did you first see this article?

6 A. A little while after the event.

7 Q. And when did you -- how did you -- where
8 did you see the article?

9 A. Kathy called me and told me that we were
10 in the newspaper. Her office is just a little over
11 a block from mine. So I went to her office to take
12 a look at it and she showed it to me in her office.

13 Q. And have you seen this article anywhere
14 else?

15 A. I saw it on the Website.

16 Q. Okay. I'm going to hand a copy.

17 MS. PIETRINI: Has this document been
18 produced in discovery?

19 MR. KANE: No.

20 MS. PIETRINI: All right. Then we object
21 to the use of this document during this testimony
22 deposition. It has not been provided in discovery.

1 It was called for. Both Exhibit 1, and I assume you
2 are going to mark this as Exhibit 2?

3 BY MR. KANE:

4 Q. Do you recognize this document?

5 A. I do.

6 Q. Can you please describe this document?

7 A. This is a printout of the Web page from
8 the article.

9 Q. And who printed out this Web page?

10 A. I did.

11 Q. And I'm going to ask the court reporter
12 to please mark this.

13 (Logan Exhibit No. 2
14 was marked for
15 identification.)

16 BY MR. KANE:

17 Q. Ms. Logan, I'm going to hand you back
18 what's been marked as Logan Exhibit 2.

19 Can you tell me is the picture the same
20 picture that appears in the newspaper article?

21 A. It is.

22 Q. And is the caption identical wording

1 that's in the newspaper article?

2 MS. PIETRINI: Objection; leading.

3 A. It is the same wording.

4 Q. Ms. Logan, do you speak Spanish?

5 A. I speak some Spanish.

6 Q. Would you be able to translate the
7 caption?

8 A. Sure.

9 MS. PIETRINI: Objection; lacks
10 foundation.

11 Q. Can you please translate this caption
12 into English?

13 A. I can. Scott Logan, of Monster
14 Worldwide; Lydia Logan, U.S. Hispanic Chamber of
15 Commerce; Kathy Padian, Building Hope; with them,
16 Tom Lane and his wife, Kimberly, of Children's
17 National Medical Center.

18 Q. And did you show either the newspaper
19 article or this Website to anyone else?

20 MS. PIETRINI: Objection; leading.

21 A. I did.

22 Q. Who did you show this article to?

1 A. I showed it to some colleagues at work
2 and I showed it to a few members of my family.

3 Q. Okay. And do you remember who you told
4 at work about this article?

5 A. I did. I entered into Rosemary Lahasky's
6 work area at work and called over a few people who
7 were standing around and pulled up the Website on
8 her computer. She was there, as was Karen Elzy, who
9 is another executive director at ICW, and showed
10 them the photograph and actually laughed and said
11 I've taken another job.

12 Q. Okay. No further questions.

13 MS. PIETRINI: We need a ten-minute break
14 for cross-examination.

15 - - -

16 (Recessed at 9:28 a.m.)

17 (Reconvened at 9:43 a.m.)

18 - - -

19 BY MS. PIETRINI:

20 Q. Good morning.

21 A. Good morning.

22 Q. Can you tell me what you did to prepare

1 for your testimony at this deposition today?

2 A. I spoke with the attorneys here.

3 Q. Which attorneys?

4 A. These two.

5 Q. Mr. Kane and Mr. Colbert?

6 A. Correct.

7 Q. When did you speak with them?

8 A. Yesterday.

9 Q. How long did you spend talking to them?

10 A. I don't know. Less than an hour.

11 Q. Each or was it a separate meeting with
12 each lawyer?

13 A. Together.

14 Q. Did you speak with Karen Elzy about her
15 testimony deposition given in this case?

16 A. Only about the length of time.

17 Q. When did you talk with her?

18 A. I don't recall exactly.

19 Q. Was it in the past few days?

20 A. No.

21 Q. Her deposition was taken on the 19th, I
22 believe. June 19th.

1 Does that give you a reference point?

2 Which is last Tuesday.

3 A. I don't recall exactly when I spoke to
4 her about it.

5 Q. Did you read her transcript?

6 A. I have not read her transcript.

7 Q. Have you spoken with Lydia Olivera about
8 her testimony in this case?

9 A. I have not.

10 Q. Are you familiar with her?

11 A. I don't know her.

12 Q. Does she work for ICW or USC, as far as
13 you know?

14 MR. KANE: Objection. Lack of
15 foundation.

16 A. She does not work for ICW.

17 Q. You don't know her at all in connection
18 with your work at U.S. Chamber of Commerce?

19 A. I do not.

20 Q. Did you speak with any of the in-house
21 counsel at U.S. Chamber of Commerce about your
22 testimony today?

1 A. No.

2 Q. What is your educational background?

3 MR. KANE: Objection; lack of foundation.

4 You may answer.

5 BY MS. PIETRINI:

6 Q. Let me back up. Did you go to high
7 school?

8 A. Yes.

9 Q. Where did you go to high school?

10 A. National Cathedral School for Girls.

11 Q. Is that here in Washington, D.C.?

12 A. Yes.

13 Q. Did you graduate?

14 A. Yes.

15 Q. Did you go to college?

16 A. Yes.

17 Q. Where did you go to college?

18 A. University of Pennsylvania.

19 Q. University of Pennsylvania. Did you take
20 any courses in Spanish during high school?

21 A. I did.

22 Q. How long did you take Spanish courses in

1 high school?

2 A. I don't recall exactly.

3 Q. You have four years of high school;
4 right?

5 A. Yes.

6 Q. Do you know if there was ever a year that
7 you did not take a course in Spanish?

8 A. I do not.

9 Q. Was it two years?

10 A. I don't recall.

11 Q. You have no reference point on the number
12 of years that you took Spanish in high school?

13 A. I do not.

14 Q. Did you take Spanish in college?

15 A. I did take some Spanish in college.

16 Q. How many courses in Spanish did you take
17 in college?

18 A. At least one.

19 Q. At least one. Any more than one?

20 A. I don't recall.

21 Q. Are you of Hispanic or Latino descent?

22 A. I am.

1 Q. How so?

2 A. My grandfather was Panamanian.

3 Q. Panamanian. Did he speak Spanish?

4 A. He died before I was born.

5 Q. Did your parents speak Spanish?

6 A. No.

7 Q. How did you learn Spanish?

8 A. In school.

9 Q. Do you use it in your work currently?

10 A. I do not.

11 Q. Do you consider yourself fluent in
12 Spanish?

13 A. No.

14 Q. Do you consider yourself capable enough
15 in Spanish to translate the article that's been
16 marked as Logan Exhibit 1?

17 A. I consider myself fluent enough to
18 translate the caption.

19 Q. Just the caption?

20 A. I have not read the entire newspaper.
21 But the caption I'm confident.

22 Q. By the caption you're referring to the

1 information underneath your photograph?

2 A. Correct.

3 Q. Any other part of the article that has
4 been marked as Exhibit 1 that you're comfortable
5 translating from Spanish to English?

6 MR. KANE: Objection. Outside the scope
7 of direct.

8 A. Could you repeat the question, please?

9 Q. Is there any other part of the article
10 that's been marked as Logan Exhibit 1 that you're
11 comfortable translating from Spanish to English?

12 MR. KANE: Objection; vague.

13 A. Define the scope of Exhibit 1. Is it
14 just --

15 Q. Look at Exhibit 1. Tell me what you can
16 read in Spanish other than the information that's
17 right below your picture which appears on the second
18 page?

19 A. I can read all of it. I would not be
20 confident translating all of it.

21 Q. When you read in Spanish do you
22 understand, are you translating in your mind what it

1 means in English?

2 A. I translate what I understand.

3 Q. You're not comfortable, and I'm just
4 trying to get a feel for what your level of comfort
5 is with Spanish. Sometimes you can read a foreign
6 language but you can't speak it that well.

7 A. Correct.

8 Q. And you wouldn't be confident translating
9 it for someone else. But for your purposes, when
10 you read that text in Spanish you understand what it
11 means in English?

12 A. I understand some of it.

13 Q. Would you say a lot that you understand,
14 a little? What's your comfort level in Spanish?

15 A. I think it depends on the sophistication
16 of the piece I'm reading.

17 Q. Okay. So using Exhibit 1 here as an
18 example, what's your comfort level in terms of the
19 ability to understand that document?

20 A. I have not read the full, all of the text
21 on either of these pages.

22 Q. Okay. What did you read of Exhibit 1?

1 A. I have read the headlines. I have read
2 the caption under my photograph and the caption
3 under the photograph of the Mayor.

4 Q. And under the photograph of the Mayor,
5 you can translate that from Spanish to English?

6 A. I haven't read it recently. It reads --
7 do you want me to read it in Spanish?

8 Q. You said that you read it. Do you
9 understand what that means in English?

10 A. I understand the majority of what it
11 says.

12 Q. Okay. And what about, you said that -- I
13 think the title of the article you're referring to,
14 Mary's Center celebra Gala Anual?

15 A. Yes.

16 Q. What's that mean?

17 A. Celebrate, an annual gala.

18 Q. That's your understanding of what that
19 term means?

20 A. Celebrated.

21 Q. So that's past tense?

22 A. Correct.

1 Q. So what's your direct translation of that
2 title from Spanish to English?

3 A. Mary's Center celebrated their annual
4 gala. There is no their.

5 Q. And what's your translation of the
6 caption that appears underneath your picture?

7 A. Scott Logan, of Monster Worldwide; Lydia
8 Logan, U.S. Hispanic Chamber of Commerce; Kathy
9 Padian, Building Hope. With them, Tom Lane and his
10 wife, Kimberly, of Children's National Medical
11 Center.

12 Q. And then which picture is of the Mayor?

13 A. Just the one next to my picture. I
14 didn't really read the rest of the newspaper.

15 Q. Which one is the Mayor in that picture?

16 A. The bald man.

17 Q. And is he of Hispanic descent?

18 A. I have no idea.

19 Q. What's his name?

20 A. Adrian Fenty.

21 Q. Fenty?

22 A. Fenty, F-E-N-T-Y.

1 Q. And who is he -- if I sound ignorant, I
2 don't know local politics.

3 A. He is the new mayor of the District of
4 Columbia.

5 Q. Okay. Have you participated in any fund
6 raising at the U.S. Chamber of Commerce --

7 A. Yes.

8 Q. -- in your responsibilities? How so?

9 A. I am partially responsible for raising
10 money to support the activities of the Institute for
11 a Competitive Workforce.

12 Q. Can we abbreviate to ICW?

13 A. Sure.

14 Q. Did the Business Education Network, BEN,
15 merge into ICW?

16 A. Yes.

17 Q. When did that take place?

18 A. Last summer.

19 Q. Last summer, '06?

20 A. Correct.

21 Q. In connection with your fund raising for
22 the ICW, are you involved with any of the businesses

1 that do the fund raising with you?

2 MR. KANE: Objection; vague.

3 A. What do you mean by do the fund raising
4 with me?

5 Q. Explain to me how you're involved in the
6 fund raising for ICW.

7 A. I help to create budgets for the programs
8 that we run and then solicit support from some
9 members and some foundations and other sources of
10 revenue to cover these events.

11 Q. So you solicit funds from members and
12 then what was the other thing?

13 A. Private foundations and other sources.

14 Q. Okay. Members of who?

15 A. The U.S. Chamber of Commerce.

16 Q. Are any of those members that you have
17 solicited funds from Hispanic-based businesses?

18 MR. KANE: Objection; vague.

19 A. I don't know. I mean it depends on how
20 you define a Hispanic-based business.

21 Q. A business that is more than 50 percent
22 owned by someone of Hispanic descent, operated by

1 someone of Hispanic descent or targeted toward the
2 Hispanic community.

3 MR. KANE: Objection; vague.

4 Q. That's the definition I'm going to use.

5 MR. KANE: Objection; vague.

6 A. Those are not questions we -- I have ever
7 asked of anyone I'm soliciting funds from when I'm
8 making a solicitation.

9 Q. Who do you talk to when you're soliciting
10 funds from members of the USCC?

11 A. Usually I talk to either the head of
12 their corporate foundation, if it's a corporation,
13 or a program officer at the corporate foundation or
14 it could be a staff member in their community
15 relations group and occasionally it's another staff
16 member, it could be someone in government relations
17 or another department where we have a relationship.

18 Q. Have any of these people that you deal
19 with who are the members of the U.S. Chamber of
20 Commerce, have they ever told you that they were
21 Hispanic-based businesses?

22 A. Have they ever told me?

1 Q. Yes.

2 A. No, not to my recollection.

3 Q. Was there anything said or indicated to
4 you that any of these members were Hispanic-based
5 businesses.

6 MR. KANE: Objection; vague.

7 A. Could you repeat the question?

8 Q. Was there anything said to you by the
9 people that you work with, you said you worked with
10 the head of the corporate foundation, corporate
11 officer or staff.

12 A. Right.

13 Q. Anything said by any of these people that
14 would lead you to believe that they were working for
15 Hispanic-based businesses?

16 MR. KANE: Objection; vague.

17 A. Not that I recall.

18 Q. And then you said you solicit funds from
19 private foundations?

20 A. Correct.

21 Q. Are any of those private functions run by
22 or owned by Hispanic-based businesses?

1 MR. KANE: Objection; vague.

2 A. Not to my knowledge, but I mean I
3 don't -- again, those are not questions that I ever
4 asked when I'm soliciting funds.

5 Q. Was there anything said by any of the
6 people that you work with at the private foundations
7 that would lead you to believe that they were owned
8 or operated or targeted Hispanic businesses?

9 MR. KANE: Objection; compound.

10 A. Could you repeat the question?

11 MR. KANE: Could you read it back?

12 - - -

13 (Whereupon the following portion of the
14 testimony was repeated by the Court Reporter:

15 QUESTION: Was there anything said by
16 any of the people that you work with at the private
17 foundations that would lead you to believe that they
18 were owned or operated or targeted Hispanic
19 businesses?)

20 - - -

21 MR. KANE: Same objection.

22 A. Not that I'm aware of.

1 Q. Does the ICW do anything to target
2 Hispanic-based businesses?

3 MR. KANE: Objection; vague.

4 A. We don't break out any of our
5 solicitations by subgroup. We haven't in the past.

6 Q. So is it fair to say that ICW targets all
7 businesses and not any particular minority-based
8 business?

9 MR. KANE: Objection; mischaracterization
10 of prior testimony.

11 A. Exactly.

12 Q. Are you aware of any members of the
13 United States Chamber of Commerce that are
14 Hispanic-based businesses?

15 MR. KANE: Objection; vague.

16 A. Not that I recall.

17 Q. Do you understand what the word aware
18 means?

19 A. Can you define how you are using aware?

20 Q. Just common parlance. I want to make
21 sure that you and I are on the same page, there's no
22 issue as to the word aware?

1 A. I have no specific knowledge of the
2 entire roster of members at the U.S. Chamber of
3 Commerce. I have not, to my knowledge, worked
4 specifically with an Hispanic business.

5 Q. You work -- you mentioned in your direct
6 testimony that you worked with various chambers of
7 commerce; correct?

8 A. Correct.

9 Q. Are any of those chambers of commerce
10 Hispanic chambers of commerce?

11 A. Not that I know of.

12 Q. Have you been involved in your position
13 at U.S. Chamber of Commerce with initiating
14 membership or increasing the membership for the U.S.
15 Chamber of Commerce?

16 MR. KANE: Objection; outside the scope
17 of direct.

18 A. We encourage other companies interested
19 in our issues that may not be members of the Chamber
20 to join the Chamber as part of our general work. I
21 do not do specific member solicitation.

22 Q. Have you ever done it for the U.S.

1 Chamber of Commerce?

2 A. I have not.

3 Q. So if I understand your testimony, you
4 have not dealt with any local or state chamber of
5 commerce that's been a Hispanic chamber of commerce;
6 correct?

7 MR. KANE: Objection; mischaracterization
8 of testimony.

9 A. Hispanic-operated business in the way
10 that you're saying, are they run by or are 50
11 percent operated by or --

12 Q. A chamber of commerce that is directed
13 towards the Hispanic community. That's what I'm
14 talking about.

15 Have you ever worked in your job at the
16 U.S. Chamber of Commerce with any Hispanic chamber
17 of commerce?

18 MR. KANE: Objection; vague.

19 A. I'm still not specifically understanding
20 the question.

21 Q. Okay. Let's back up for a sec.

22 How many chambers of commerce have you

1 worked with in your year and a half employment at
 2 U.S. Chamber of Commerce?

3 MR. KANE: Objection, mischaracterization
 4 of prior testimony.

5 A. I don't have a specific number. The
 6 newsletter that goes out to many of the chambers --
 7 worked with is a very vague concept in terms of how
 8 we work with the membership of the U.S. Chamber of
 9 Commerce.

10 Q. Have you ever visited any chambers of
 11 commerce?

12 A. Yes.

13 Q. How many do you visit?

14 A. I'm going to Montana tomorrow, I'm go to
 15 Sacramento in a few weeks. I don't always visit
 16 them at their facility. Sometimes -- I have been to
 17 Huntsville, Alabama to a chamber. So sometimes it's
 18 a meeting that they may co-host, so we're not
 19 actually interacting with all of their staff or
 20 going to their actual building.

21 When we say work with, it may mean we
 22 host a monthly call and they can, they are free to

1 join the call.

2 Q. How are you going to define work with?
3 I'm okay with that because it's your business, but I
4 just want to know how many chambers of commerce do
5 you work with during your employment at the U.S.
6 Chamber of Commerce and whether that's visits or the
7 calls or however you would define it is fine with
8 me.

9 MR. KANE: Objection; vague.

10 A. I'm trying to clarify, is that me
11 individually or when you say you, you as ICW?

12 Q. You individually.

13 A. I have called, I don't know, I can't
14 recall an exact number.

15 Q. Would it be more than a hundred?

16 A. No.

17 Q. So you've worked with less than a hundred
18 chambers of commerce in the year and a half that
19 you've been at the U.S. Chamber of Commerce?

20 A. Well, again, I want to be clear about
21 worked with, because worked with the way we do our
22 work, we have a broad reach. It could be something

1 that's in the newsletter, it could be inviting them
2 to our summit.

3 Q. Anything.

4 A. Right.

5 Q. Anything.

6 A. So when you define worked with that way,
7 we have a much broader reach and it could be a note
8 that's sent from me electronically. Is it me
9 personally visiting their facility or speaking with
10 their staff directly?

11 Q. Any way that you want to define work
12 with. It's your job, how you work. I want to know
13 in that work how many chambers of commerce do you
14 personally work with? I mean if you want e-mail,
15 visits, whatever, that's what I'm asking.

16 MR. KANE: Objection; vague.

17 A. Given that definition, I couldn't give
18 you a number.

19 Q. You have no idea?

20 A. No.

21 Q. Do you know if it's more than a thousand?

22 A. I do not.

1 Q. Your daily interaction with various
2 members, that includes chamber of commerce; right?

3 A. It does.

4 Q. Telephone, e-mail?

5 A. Yes.

6 Q. And how many chambers of commerce would
7 you say you deal with in that manner in a day?

8 MR. KANE: Objection; vague.

9 A. Some days none. Some days it could be
10 four, five.

11 Q. And your talking on the phone with people
12 that run or work for various chambers of commerce;
13 correct?

14 A. Often.

15 Q. And then you e-mail people that work at
16 various chambers of commerce?

17 A. Yes.

18 Q. And then you visit various chambers of
19 commerce; right?

20 A. Yes.

21 Q. And during those visits has anyone ever
22 told you at those chambers of commerce that they

1 directed their chamber of commerce towards Hispanic
2 businesses?

3 MR. KANE: Objection; vague.

4 A. Not that I recall.

5 Q. Okay. And in any of those e-mails that
6 you've had with various chambers of commerce, has
7 anyone ever told you that they are directing their
8 chamber of commerce towards Hispanic businesses?

9 MR. KANE: Same objection.

10 A. Not that I recall.

11 Q. And what about in telephone conversations
12 that you've had?

13 MR. KANE: Same objection.

14 Q. You have to let me ask the question
15 first. Has anyone ever told you that their chamber
16 of commerce directs their chamber towards
17 Hispanic-based businesses?

18 MR. KANE: Same objection.

19 A. Not that I recall.

20 Q. Okay. You said in terms of I think --
21 can we just abbreviate BEN?

22 A. Sure. What we usually call it BEN.

1 Q. BEN. BEN was started in 2004 as a result
2 of a conference?

3 A. We had a conference in 2004 and it was a
4 result of that conference.

5 Q. Okay. The -- okay. So after that
6 conference in '04 BEN was started?

7 A. After that conference there was a working
8 group that was started.

9 Q. Then had you -- there was a BEN
10 conference in 2005; correct?

11 A. Correct.

12 Q. And I think you said 400 attendees?

13 A. Approximately.

14 Q. Of those 400 attendees, were any of them
15 Hispanic-based businesses?

16 MR. KANE: Objection; vague.

17 A. I have no idea.

18 Q. Anyone indicate to you -- back up.
19 Did you attend that conference in 2005?

20 A. I did.

21 Q. Did you interact with any of the
22 attendees?

1 A. I did.

2 Q. Did you interact with any of the
3 exhibitors at that conference?

4 A. I don't believe we had exhibitors, but I
5 don't recall.

6 Q. Were there speakers at that conference?

7 A. Yes.

8 Q. Did you interact with any of the speakers
9 at that conference?

10 A. Yes.

11 Q. Were any of the speakers from
12 Hispanic-based businesses?

13 MR. KANE: Objection; vague.

14 A. Not that I recall.

15 Q. Were any of the -- did any of the
16 attendees indicate to you that they were from
17 Hispanic-based businesses?

18 MR. KANE: Same objection.

19 A. I don't recall.

20 Q. In the conference in 2004, you did not
21 attend that; correct?

22 A. Pardon?

1 Q. In 2004 you did not attend?

2 A. I did.

3 Q. You did not work for the U.S. Chamber of
4 Commerce at that time, did you?

5 A. I did not.

6 Q. Who did you work for?

7 A. I worked for the Kimsey Foundation.

8 K-I-M, as in Mary, S-E-Y.

9 Q. What is that?

10 A. It's a family foundation.

11 Q. What do they do?

12 A. Private foundation. It's a grant-making
13 foundation in Washington, D.C.

14 Q. For anything in particular?

15 A. Education, some arts and some
16 international issues.

17 Q. So during -- what was your position at
18 Kimsey?

19 A. Vice president of programs.

20 Q. And as the vice president of programs,
21 you attended the 2004 conference?

22 A. Correct.

1 Q. What was the name of that again? I'm
2 sorry.

3 A. Name of?

4 Q. That 2004 conference.

5 A. The Business Civic Leadership Center
6 Partnership Conference.

7 Q. You're killing me. Can we call it the
8 Business Civic Leadership Conference?

9 A. Let me go back. At the time the Business
10 Civic Leadership Center, which is an affiliate of
11 the U.S. Chamber of Commerce, had a different name.
12 And each year that group, which is still at the
13 Chamber, has an annual partnership conference. The
14 2004 conference was on business and education.

15 Q. I'm just going to call it the 2004
16 conference.

17 A. That's fine.

18 Q. So you and I know what we're talking
19 about.

20 How many people attended the 2004
21 conference?

22 A. I have no specific knowledge of exact

1 numbers of attendees.

2 Q. Was it more than 400 that you saw at the
3 2005 BEN Conference?

4 A. I just don't recall.

5 Q. Did you talk to any other attendees at
6 the 2004 conference?

7 A. I did.

8 Q. Did any of those attendees that you spoke
9 with indicate in any way that they were
10 Hispanic-based businesses?

11 MR. KANE: Objection; vague.

12 A. I do not recall.

13 Q. All right. You said your activities of
14 BEN, now through the ICW, you do the monthly
15 conference calls?

16 A. Correct.

17 Q. During -- when you had -- it sounds like
18 from your direct that the monthly conference calls
19 with BEN were a little bit narrower than what they
20 are for ICW?

21 MR. KANE: Objection; mischaracterization
22 of prior testimony.

1 A. The Business Education Network was solely
2 focused on education. ICW is focused on education
3 and workforce development.

4 Q. A little bit broader?

5 A. It's a little broader.

6 Q. Let's focus on your monthly conference
7 calls that you had with BEN.

8 Any of those calls made with
9 Hispanic-based businesses?

10 MR. KANE: Objection; vague.

11 A. The call is actually a topic with a
12 speaker and we broadcast the information of the call
13 through a variety of avenues to U.S. Chambers
14 members. Anyone is free to dial in.

15 Q. If they know about it?

16 A. If they know about it.

17 Q. On average, how many people participated
18 in these monthly conference calls?

19 A. I can't say exactly. Early on it was
20 maybe 40 people.

21 Q. At the time that BEN merged into ICW, how
22 many people were participating in those monthly

1 conference calls?

2 A. I don't have any exact -- it varied from
3 topic-to-topic.

4 Q. Were you involved in setting up those
5 conference calls?

6 A. I was.

7 Q. Were you involved in the marketing of
8 those conference calls such that people would know
9 about it in order to participate?

10 A. Tangentially.

11 Q. Okay. And by tangentially, what was your
12 involvement?

13 A. I did not have the main function of
14 marketing the calls.

15 Q. But did you offer suggestions on how to
16 market it, these calls? What exactly did you do in
17 connection with marketing them?

18 A. I marketed the calls to corporate members
19 who were potential donors.

20 Q. Any of those corporate donors
21 Hispanic-based businesses that you worked with while
22 BEN was still in existence?

1 MR. KANE: Objection; vague.

2 A. Again, during any solicitations I've
3 never inquired as to the nature of the ownership or
4 the management of the business.

5 Q. I'm talking about not the solicitation
6 but the monthly conference calls, and maybe I'm just
7 not understanding your testimony right. But in
8 connection with getting people to participate in
9 those monthly conference calls, which would have
10 been the corporate donors or no?

11 A. Some corporate donors.

12 Q. And during any of your activities to try
13 to get these corporate donors to participate in
14 these monthly conference calls, did anyone indicate
15 to you that they were Hispanic-based businesses?

16 MR. KANE: Objection; vague.

17 A. Not that I recall.

18 Q. Did BEN do anything to target its
19 marketing towards Hispanic businesses to participate
20 in those monthly conference calls?

21 MR. KANE: Objection; vague.

22 A. Could you repeat the question?

1 Q. Did BEN do anything in its marketing
2 efforts to target Hispanic-based businesses to
3 participate in those monthly conference calls?

4 MR. KANE: Same objection.

5 A. Not specifically.

6 Q. Did they do anything generally to
7 encourage Hispanic-based businesses to participate
8 in those monthly conference calls?

9 MR. KANE: Same objection.

10 A. We market to all members, so to the
11 extent that there could be members of the U.S.
12 Chamber of Commerce or that are Hispanic-owned
13 businesses or other kinds, they are all free to join
14 the call.

15 Q. But nothing specifically targeted towards
16 a Hispanic-based business to participate in those
17 monthly conference calls; right?

18 MR. KANE: Objection; vague.

19 A. No.

20 Q. You talked on your direct examination
21 about annual summit. What is that?

22 A. Each year we have a national conference,

1 where we bring together experts in education and
2 practitioners and workforce development for a
3 national conference.

4 Q. And this was done while you were at BEN?

5 A. Yes.

6 Q. Okay. And how many -- while it was BEN,
7 between, and it looks like you had January '06 to
8 about, you said summer, August, July, '06, that it
9 was BEN versus ICW?

10 A. The conference is always in the fall.

11 Q. Okay.

12 A. BEN and the Center for Workforce
13 Preparation to -- merged to create ICW happened
14 before the conference. So the 2006 conference was
15 the first ICW Education and Workforce Conference.

16 So what had been the Annual BEN
17 Conference became the new ICW Education and
18 Workforce Conference.

19 Q. Okay. Did you participate in that ICW
20 2006 Conference?

21 A. I did.

22 Q. All right. So, as I understand it then,

1 you never participated in a summit or a conference
2 when it was just BEN?

3 MR. KANE: Objection; mischaracterization
4 of prior testimony.

5 A. Well, I had attended in 2004 before BEN
6 actually existed as BEN, and then I attended in 2005
7 when it was the BEN Conference.

8 Q. Okay. So when you talked about the
9 conference, the 400 attendees in 2005, that was one
10 of, the annual summit that you would refer to on
11 your direct testimony?

12 A. Correct.

13 Q. I'm with you now. I've gotcha.

14 When you were employed by the U.S.
15 Chamber of Commerce, the only annual summit that you
16 attended was for ICW?

17 MR. KANE: Objection; mischaracterization
18 of prior testimony.

19 A. Repeat the question?

20 Q. While you had been employed at the U.S.
21 Chamber of Commerce, the only annual summit that
22 you've attended has been ICW?

1 MR. KANE: Same objection.

2 Q. As an employee?

3 A. Correct.

4 Q. Okay.

5 A. Could you rephrase the question? I mean
6 there are other summits that I've attended as an
7 employee.

8 Q. I'm taking about your annual summit that
9 you talked about on your direct examination. Okay?

10 The one in 2006 was ICW, correct? It
11 wasn't BEN?

12 A. Correct.

13 Q. And you were employed by U.S. Chamber of
14 Commerce at that time?

15 A. Yes.

16 Q. Was there any other annual summit that
17 you attended during 2006 or was that it for ICW?

18 A. ICW only hosts one annual summit a year.

19 Q. All right. And maybe the distinction is
20 host versus participate. Maybe ICW participates in
21 a bunch of conferences but only hosts one?

22 A. Yes.

1 Q. I'm talking about the one that they host.

2 A. Okay.

3 Q. The only one that ICW hosted in 2006 was
4 this one that you attended as an employee at, at
5 U.S. Chamber of Commerce?

6 A. Yes.

7 Q. All right.

8 A. Well, it's the -- I attended more, other
9 summits.

10 Q. No, I understand that. But the one that
11 they hosted.

12 A. Yes.

13 Q. There was only one that they hosted?

14 A. We only host one a year.

15 Q. You worked with ICW, BEN had already
16 merged into it?

17 A. Yes.

18 Q. Got it. That annual summit was held
19 where?

20 A. Last year it was in Texas.

21 Q. Texas. And was the focus of that annual
22 summit, education in the workforce?

1 A. Yes.

2 Q. Were any of the attendees or let me back
3 up.

4 How many attendees were there at the
5 Texas summit for ICW?

6 A. I don't recall the exact number.

7 Q. Was it more than 400?

8 A. No.

9 Q. Was it less than 200?

10 A. No.

11 Q. So somewhere between two and four?

12 A. Correct.

13 Q. Were any of those attendees
14 Hispanic-based businesses?

15 MR. KANE: Objection; vague.

16 A. Again, when they register, they register
17 and pay and we don't ask any questions about the
18 type of business they are when they register.

19 Q. Did you interact with any of the
20 attendees of the 2006 summit for ICW?

21 A. At the summit?

22 Q. Yes.

1 A. Yes.

2 Q. And did those attendees have name tags
3 on?

4 A. I don't recall. I don't recall
5 specifically. We had name tags. Not everybody wore
6 them.

7 Q. Did you have a name tag on?

8 A. Some days.

9 Q. What did your name tag say?

10 A. Lydia Logan.

11 Q. Did it have your place of employment?

12 A. Yes.

13 Q. Did it have a logo on the name tag?

14 A. I don't recall.

15 Q. Did anyone that you met with or talked
16 to, any of the attendees at the 2006 conference,
17 have name tags on that indicated that they were from
18 a Hispanic-based business?

19 MR. KANE: Objection; vague.

20 A. I don't recall.

21 Q. Did anyone at the 2006 conference confuse
22 where your place of employment was; any of the

1 attendees?

2 MR. KANE: Objection; vague. Calls for a
3 legal conclusion.

4 A. Confuse? Could you restate it?

5 Q. Did any of the attendees that you met
6 with at the 2006 summit, were any of them mistaken
7 as to where you were employed?

8 A. I have no idea.

9 Q. No one said anything like, God, I think
10 you work for a different chamber of commerce or just
11 had a different name entirely for your employer?

12 A. Not that I recall.

13 Q. Did anyone at the 2006 ICW Annual Summit
14 confuse where you worked with the U.S. Hispanic
15 Chamber of Commerce?

16 MR. KANE: Objection; vague, calls for a
17 legal conclusion.

18 A. I don't know.

19 Q. Did anyone mistakenly refer to you at
20 that conference as being from the U.S. Hispanic
21 Chamber of Commerce?

22 MR. KANE: Objection; vague.

1 A. Did any -- could you repeat the question?

2 Q. Did any attendees that you spoke with or
3 met with at that 2006 conference, did any of them
4 mistake your place of employment as being with the
5 U.S. Hispanic Chamber of Commerce?

6 A. I don't know. No one said anything to me
7 that I can recall.

8 Q. Okay. And what about the U.S. Hispanic
9 Chamber of Commerce Foundation; did any of these
10 attendees that you spoke with at the 2006 annual
11 summit, did any of them mistake your place of
12 employment as being that of the U.S. Hispanic
13 Chamber of Commerce Foundation?

14 A. I don't know.

15 Q. No one ever said anything to you to that
16 effect?

17 A. Not that I recall.

18 Q. You said as part of the activities of
19 BEN, and it sounds like those have continued into
20 ICW, that you do surveys towards attitudes of
21 education?

22 A. We have conducted on occasion, through

1 the Chamber, surveys through ICW.

2 Q. This is through ICW versus -- BEN didn't
3 do it?

4 A. We have done -- well, BEN as, under the
5 Business Civic Leadership Center had done some
6 survey work on corporate investment in education.

7 Q. Okay. But the surveys and I'm just
8 trying to understand what you were talking about on
9 your direct testimony.

10 Surveys towards attitudes of education,
11 was that done on behalf of BEN or ICW?

12 A. We often -- it actually wasn't done on
13 behalf of either. That particular survey was done
14 through the U.S. Chamber. We often work with other
15 departments to conduct surveys for the research
16 department.

17 Q. Was there only one survey?

18 A. There are --

19 Q. That you worked with?

20 A. No.

21 Q. Okay. So you worked with more than one
22 survey?

1 A. Correct.

2 Q. Were any of those surveys done by ICW or
3 BEN?

4 A. Not directly. Well, I don't recall.

5 Q. How many surveys have you worked on
6 during your employment at U.S. Chamber of Commerce?

7 A. I don't recall a specific number.

8 Q. Was it more than ten?

9 A. No.

10 Q. Was it less than five?

11 A. I am not sure.

12 Q. Somewhere between one and ten?

13 A. Yes.

14 Q. Okay. But more than one though? It
15 sounds like you had more than one.

16 A. Yes.

17 Q. Okay.

18 A. More than one.

19 Q. Between two and ten surveys that you
20 worked on. Have any of them been directed toward
21 Hispanic-based businesses?

22 MR. KANE: Objection; vague.

1 A. Do you want to restate the question?

2 Q. You don't understand it?

3 A. I mean, we don't target. We have sent
4 them out to the membership of the U.S. Chamber of
5 Commerce.

6 Q. Okay. So are you aware of any surveys
7 being sent by the U.S. Chamber of Commerce to
8 Hispanic-based businesses?

9 MR. KANE: Objection; vague.

10 A. As someone who is not in the department
11 who sends them out, the -- I have no direct
12 knowledge of specifically who receives them.

13 Q. Has anyone at U.S. Chamber of Commerce
14 ever told you that they've sent out surveys to
15 Hispanic-based businesses?

16 MR. KANE: Objection; vague.

17 A. They have not said something specifically
18 to me about that.

19 Q. Have any -- are the surveys written?
20 They are a document?

21 A. They are usually electronic.

22 Q. Electronic. Like an e-mail? Where

1 someone fills out questions?

2 A. I actually have not received one of the
3 surveys.

4 Q. How do you know that they're e-mails
5 then?

6 A. We usually communicate with our members
7 through e-mail.

8 Q. Have any of the e-mails that have been
9 sent, these surveys that you're talking about, in
10 Spanish?

11 A. I don't know.

12 Q. When you correspond in e-mail is it in
13 English or Spanish?

14 A. English.

15 Q. You said, the last thing you said was
16 that the activities of BEN and now through ICW were
17 reports on educations and systems?

18 A. Yes.

19 Q. That's leaders and laggards report?

20 A. Yes.

21 Q. Was there any other report that you
22 worked on while at BEN or ICW that falls into that

1 category?

2 MR. KANE: Objection; vague.

3 A. Category of reports?

4 Q. Activity. You listed four activities
5 that BEN did as part of your direct testimony. One
6 was the monthly conference calls, the annual summit.

7 A. Correct.

8 Q. The surveys and then these reports on
9 education systems in each state.

10 Was there more than one report or was
11 this just it while you've been there, the leaders
12 and laggards?

13 A. There have been other reports.

14 Q. Okay. And of those reports -- let me
15 back up.

16 How many reports have there been since
17 you've worked at U.S. Chamber of Commerce?

18 A. I couldn't give you a number. I don't
19 have a specific number.

20 Q. Was it more than five?

21 A. It depends on how you define a report and
22 on how many -- there have been several reports.

1 Q. Okay. I'm just trying to understand your
2 direct testimony on this, because you said that one
3 of the activities of BEN and now ICW was these
4 reports on education systems.

5 So I don't know how many reports. I'm
6 asking you how many reports. You can understand my
7 difficulty.

8 A. We have had one report on education
9 systems.

10 Q. Okay. And then you had other reports
11 while at BEN or ICW on education?

12 A. Yes.

13 Q. How many of those?

14 A. We have, we did one end-of-the-year
15 report as BEN on business and education
16 partnerships, and we have done another what could be
17 called a report, another publication on education;
18 our joint platform for education reform.

19 Q. So two plus the leaders and laggards?

20 A. Two plus leaders and laggards on
21 education only.

22 Q. Okay. Are you doing -- has BEN or ICW

1 done reports that are not on education?

2 A. Yes.

3 Q. You're making a distinction?

4 A. Yes.

5 Q. Is that workforce?

6 A. Correct.

7 Q. So it's either education or workforce?

8 A. Right.

9 Q. Okay. I'm catching up. And the reports
10 on workforce, how many have been done since you've
11 been employed at U.S. Chamber of Commerce?

12 A. I don't recall a specific number.

13 Q. More than three?

14 A. Yes.

15 Q. More than five?

16 A. Let me define them as publications rather
17 than reports.

18 Q. Okay. That's fine.

19 A. Since I have been an employee at the
20 Chamber, I would say more than three.

21 Q. More than ten?

22 A. No.

1 Q. Somewhere between four and ten?

2 A. Yes.

3 Q. Okay. And so we'll call the three
4 education reports, which are the leaders and
5 laggards, the -- there was a publication on
6 education and there was a year-end report?

7 A. Pardon?

8 Q. And there was a year-end report for BEN;
9 right?

10 A. There was leaders and laggards, there was
11 a joint platform for education reform.

12 Q. Okay.

13 A. And there was a BEN end-of-year report on
14 business education partnerships.

15 Q. Can we call those the three reports?

16 A. Three education reports.

17 Q. Okay. All right. I'm into simplifying
18 and that will be easier.

19 So of those three education reports, were
20 any of them in Spanish?

21 A. No.

22 Q. Were any of them directed towards

1 Hispanic-based businesses?

2 MR. KANE: Objection; vague.

3 A. They are directed towards the membership
4 of the Chamber, the U.S. Chamber.

5 Q. Which includes any kind of business?

6 A. Right.

7 Q. All right. But nothing specifically for
8 Hispanic-based businesses?

9 MR. KANE: Objection; vague.

10 A. There is a -- we just -- we did them for
11 the Chamber membership.

12 Q. Okay. But there wasn't -- nothing was
13 done special for Hispanic-based businesses; correct?

14 MR. KANE: Objection; vague.

15 A. We didn't do anything -- we only issued
16 one version of the report.

17 Q. And that was to any member of the United
18 States Chamber of Commerce?

19 A. Correct.

20 Q. And then of the four to ten, can we call
21 them workforce publications?

22 A. Yes.

1 Q. Were any of those in Spanish?

2 A. No.

3 Q. Were any of those four to ten workforce
4 publications directed towards businesses, directed
5 towards Hispanic-based businesses?

6 MR. KANE: Objection; vague.

7 A. When you say directed, you mean?

8 Q. Targeting a Hispanic-based business. If
9 you wanted to target the workforce in Hispanic-based
10 businesses?

11 MR. KANE: Same objection.

12 A. Again, all of our publications are for
13 the Chamber membership directly.

14 Q. So nothing directed specifically towards
15 Hispanic-based businesses; right?

16 MR. KANE: Same objection.

17 A. They are directed towards all the members
18 of the chambers who are interested.

19 Q. But no subset of Hispanic?

20 A. No subset of any kind.

21 Q. Whether Hispanic or not?

22 A. Right.

1 Q. You also mentioned on direct that there
2 was a database of 300 business and education
3 partnerships?

4 A. Approximately.

5 Q. What is that?

6 A. We started to collect examples of
7 businesses working with educators, business and
8 education partnerships, and that is the collection
9 that we have at this point is approximately 300
10 examples of business and education partnerships.

11 Q. Maybe I'm just being thick here this
12 morning, but I'm not really understanding what the
13 partnership is. A partnership between a business
14 and the U.S. Chamber of Commerce?

15 A. No. A business and a school or a
16 business and a school system.

17 Q. Okay.

18 A. Where business is working with education
19 issues. They could be working with a variety of
20 roles of education.

21 Q. Are you aware of any of those
22 partnerships that are formed between a

1 Hispanic-based business and an education system or
2 school or university?

3 MR. KANE: Objection; vague.

4 A. We did not do any sort of screen for the
5 type of business.

6 Q. Do you have any knowledge of whether any
7 of these businesses that are part of your 300
8 database are Hispanic-based businesses?

9 MR. KANE: Same objection.

10 A. I do not know.

11 Q. You understand my question?

12 A. I don't know. We have no specific
13 information on the type of business.

14 Q. But did you understand the question I was
15 asking, whether you personally had any knowledge?

16 A. I do not.

17 Q. Okay. All right. But you understood the
18 question?

19 A. I understood the question and I do not
20 have any specific knowledge.

21 Q. All right. Thank you. You said your
22 responsibilities at ICW now are raising money,

1 managing staff, overseeing contracts, and I think
2 the fourth one, I may be wrong, correct me --
3 traveling around to visit the various chambers of
4 commerce and members?

5 A. Yes.

6 Q. Managing the staff of ICW?

7 A. Correct.

8 Q. And then overseeing the contracts; what
9 does that entail?

10 A. We often have grant contracts with
11 donors, so it's making sure it gets through the
12 business process at the Chamber and any reporting
13 requirements are met.

14 Q. Do you review any of those contracts?

15 A. I read them; not for legal content, just
16 for the terms of the grant that we have agreed upon.

17 Q. Have any of those contracts that you've
18 worked on since you've been at the U.S. Chamber of
19 Commerce been in Spanish?

20 A. No.

21 Q. Have any of those contracts been entered
22 with Hispanic-based businesses?

1 MR. KANE: Objection; vague.

2 A. I don't know.

3 Q. Is there anything that stands out on any
4 of the contracts that would indicate that they were
5 Hispanic-based businesses that you can think of?

6 MR. KANE: Same objection.

7 A. Not that I, not that I know of.

8 Q. Can you think of one Hispanic-based
9 business that you've worked with in your capacity at
10 ICW?

11 MR. KANE: Same objection.

12 A. No.

13 Q. Can you think of one contract that ICW or
14 U.S. Chamber of Commerce has entered with a
15 Hispanic-based business that you've read?

16 MR. KANE: Same objection.

17 A. Again, I don't have knowledge of any sort
18 of ownership or necessarily the background of the
19 management or the staff when we do business with
20 them.

21 Q. Do you interact with the owners of the
22 businesses that you're entering the contracts with?

1 A. Usually those contracts are actually with
2 foundations, so it's --

3 Q. Are these the private --

4 A. The corporate.

5 Q. -- foundations?

6 A. Some of them are private foundation, some
7 of them are corporate foundations. Some of them are
8 corporations with community investment staff or
9 community social responsibility staff.

10 Q. So corporate foundations, private
11 foundations and what was the last one?

12 A. They may be corporations that have staff
13 to, that contribute money to social responsibility
14 programs.

15 Q. And these are the entities that ICW is
16 entering the contracts with, the contracts that you
17 review?

18 A. Yes.

19 Q. Okay. Can you think of any corporate
20 foundation that was Hispanic owned that you entered
21 or read a contract with for ICW?

22 MR. KANE: Vague.

1 A. Again, I don't ask when we enter into a
2 contract about ownership or management or background
3 of the staff.

4 Q. Was anything ever said to you by any
5 employee or someone working on behalf of a corporate
6 foundation that would indicate that it was Hispanic
7 owned?

8 MR. KANE: Objection; vague.

9 A. Pardon?

10 Q. Was anything ever said to you by any of
11 the -- we're talking about your contract discussions
12 with people at corporate foundations. Was anything
13 ever said to you that would indicate that these
14 corporate foundations were Hispanic owned?

15 A. I don't recall.

16 Q. Was anything ever indicated to you by
17 anyone from the corporate foundations that these
18 foundations targeted the Hispanic community?

19 MR. KANE: Same objection.

20 A. I don't recall.

21 Q. And what about the private foundations;
22 was anything -- are you aware of any private

1 foundations that you've worked with, and this is in
2 connection with your contracts for ICW, that were
3 Hispanic owned?

4 MR. KANE: Same objection.

5 A. I have no knowledge of whether they are
6 Hispanic or not.

7 Q. Did anyone ever indicate to you at any of
8 these private foundations that these foundations
9 were Hispanic owned?

10 MR. KANE: Same objection.

11 A. I have not had that conversation that I
12 recall.

13 Q. Did anyone at the private foundations
14 that you've dealt with in your contract discussions
15 for ICW indicate that they are servicing or
16 targeting the Hispanic community?

17 A. Could you repeat the question?

18 Q. Did anyone that you spoke with at these
19 private foundations, and this is during your
20 contract discussions at ICW, anyone indicate that
21 they were, that the foundation was targeting or
22 servicing the Hispanic community?

1 MR. KANE: Objection; vague.

2 A. I don't recall.

3 Q. Did you understand my question?

4 A. I do understand your question. That's
5 not been my experience. I don't recall having that
6 conversation.

7 Q. That's fine. And then you said the
8 corporations, the third people that you deal with
9 contracts, corporations that have staff to
10 contribute money to social, what was it?

11 A. Social responsibility programs.

12 Q. Okay. Do you have some sort of
13 abbreviation I could use to ask you questions about
14 that that would make it easier?

15 A. Those staff are often CSR staff.

16 Q. CSR? What's does that stand for?

17 A. Corporate social responsibility.

18 Q. All right. In any of the staff members
19 that you've talked to, the CSR staff members, have
20 any of them indicated that the corporations are
21 Hispanic owned?

22 MR. KANE: Objection; vague.

1 A. Not that I recall.

2 Q. Have any of the staff members, the CSR
3 staff members, indicated that these corporations are
4 targeting the Hispanic community or servicing the
5 Hispanic community?

6 MR. KANE: Same objection.

7 A. Could you with repeat the question?

8 Q. Have any of the CSR staff members that
9 you dealt with at these corporations indicated to
10 you that the corporations they worked for are
11 servicing or targeting the Hispanic community?

12 A. I don't recall.

13 Q. You said in your direct testimony that
14 you became aware of the U.S. Hispanic Chamber during
15 this litigation?

16 A. Aware of?

17 Q. Of the U.S. Hispanic Chamber of Commerce.

18 A. Yes.

19 Q. And you said it was a few months ago.
20 Can you give me a time frame, about how many months
21 ago?

22 A. Maybe March or April. March.

1 Q. Of 2007?

2 A. Yes.

3 Q. How did you become aware of this
4 litigation?

5 A. Karen Elzy told me.

6 Q. What did she tell you about this
7 litigation?

8 A. She told me that there -- she told me
9 that there was a case.

10 Q. Anything else, like between who or what
11 the subject matter of it was?

12 MR. KANE: Objection; vague.

13 A. No.

14 Q. No?

15 A. No.

16 Q. Did you ask her any questions further
17 about it? Just that there were some case between
18 the U.S. Chamber of Commerce and the U.S. Hispanic
19 Chamber?

20 A. I don't recall.

21 Q. Were you asked by Karen Elzy or anyone
22 else to collect any documents to provide in this

1 litigation?

2 A. I was.

3 Q. And when were you asked to make that
4 collection of documents?

5 A. I actually forwarded, when Karen
6 mentioned, I forwarded the document to the legal
7 staff.

8 Q. And what document are you referring to?

9 A. I forwarded a photograph from the
10 Website.

11 Q. What Website?

12 A. The Washington Hispanic Website.

13 Q. The document that you're referring to as
14 exhibit, Logan Exhibit 2?

15 A. I forwarded electronically that, the
16 Website.

17 Q. Of the Washington Hispanic that showed
18 your picture on it?

19 A. Correct.

20 Q. When was that done?

21 A. I don't recall exactly when that was
22 done. When Karen mentioned to me that there was a

1 case.

2 Q. So sometime March or April, 2007?

3 A. It could have been earlier. I don't
4 recall exactly when I had the conversation with her.

5 Q. Who did you forward that Website to?

6 A. Judy Richmond.

7 Q. In-house counsel at the U.S. Chamber of
8 Commerce?

9 A. Yes.

10 Q. Did you have any discussions with Ms.
11 Richmond after you forwarded that Website to her?

12 A. I did.

13 Q. And was that pretty soon after you
14 forwarded it or was it a month later or give me a
15 time frame?

16 A. I don't recall the exact time frame.

17 Q. Was it a couple weeks? Did it strike you
18 as being sort of a long time?

19 A. I don't recall.

20 Q. Were you asked to collect any other
21 documents on behalf of the U.S. Chamber for this
22 case?

1 A. No.

2 Q. And your knowledge with respect to the
3 U.S. Hispanic Chamber of Commerce Foundation was in
4 connection with this case as well?

5 A. Could you repeat the question?

6 Q. Your knowledge of the U.S. Hispanic
7 Chamber of Commerce Foundation was in connection
8 with this litigation?

9 A. I had no prior knowledge of the U.S.
10 Hispanic Chamber of Commerce.

11 Q. Have you ever been to the U.S. Hispanic
12 Chamber of Commerce offices?

13 A. No.

14 Q. Do you know where they are located?

15 A. No.

16 Q. What about the foundation? Have you ever
17 been to their offices?

18 A. No.

19 Q. Do you know where the U.S. Hispanic
20 Chamber of Commerce Foundation offices are located?

21 A. No.

22 Q. Have you ever had any interaction with

1 any employee or member of the Board of Directors of
2 the U.S. Hispanic Chamber of Commerce?

3 A. Not that I'm aware of.

4 Q. And what about, have you had any
5 interaction with any employee or member of the Board
6 of Directors of the U.S. Hispanic Chamber of
7 Commerce Foundation?

8 A. Not that I know of.

9 Q. Are you aware of any of the logos used by
10 the U.S. Hispanic Chamber of Commerce?

11 A. No.

12 Q. Are you aware of any logos used by the
13 U.S. Hispanic Chamber of Commerce Foundation?

14 A. No.

15 MS. PIETRINI: Can we take a few minute
16 break so I can direct my thoughts? I would
17 appreciate it.

18 - - -

19 (Recessed at 10:37 a.m.)

20 (Reconvened at 10:47 a.m.)

21 - - -

22 BY MS. PIETRINI:

1 Q. Back on the record. Are you aware of any
2 market research that the U.S. Chamber of Commerce
3 has conducted?

4 A. Could you repeat the question?

5 Q. Are you aware of any market research that
6 the U.S. Chamber of Commerce has conducted?

7 MR. KANE: Objection; outside the scope
8 of direct.

9 A. Aware of any research?

10 Q. Market research.

11 A. Market research. On any particular
12 subject or?

13 Q. Right. Any kind of market research?

14 A. Any kind of market research. Yes.

15 Q. Has any -- how did you become aware of
16 that?

17 A. I received a summary of one of the
18 surveys.

19 Q. Are you -- by surveys are you referring
20 back to those, on the education workforce surveys?

21 A. No. There was one survey on member
22 interests.

1 Q. Okay. When did you receive that survey
2 on member interest?

3 A. I don't recall.

4 Q. Was this part of -- did you receive this
5 as part of your responsibilities at ICW?

6 A. No.

7 Q. How did you receive it?

8 A. I received it working in a development, a
9 professional development program at the Chamber.

10 Q. This is while you were at BEN?

11 A. No. This is while I've been at ICW.

12 Q. Was that market -- did that market
13 research indicate that members were interested in
14 any Hispanic related issues?

15 MR. KANE: I'm going to object to this
16 line of questioning. It's completely outside the
17 scope of direct and it's also vague.

18 A. Could you repeat the question?

19 Q. It was probably a bad question.

20 You said that that survey related to what
21 members were interested in; right?

22 A. Correct.

1 Q. Did the results of that survey indicate
2 that the members were interested in any issues that
3 were directed towards the Hispanic community?

4 MR. KANE: Objection; vague, and outside
5 the scope of direct.

6 A. I don't recall.

7 Q. And did that survey, did the results of
8 that survey indicate the members were interested in
9 anything directed towards Hispanic-based businesses?

10 MR. KANE: Objection; vague.

11 A. I don't recall.

12 Q. Is that the only market research that
13 you're aware of that the U.S. Chamber of Commerce
14 has conducted?

15 A. It's the only one that I believe that I
16 have seen.

17 Q. Okay. Fair enough. Anything for ICW,
18 any market research conducted for ICW?

19 A. No.

20 Q. And I know that you said in your direct
21 and during our discussion that you have attended
22 many conferences while employed at U.S. Chamber of

1 Commerce; correct?

2 A. Correct.

3 Q. About how many would you say that you've
4 attended? And that's total, all of them.

5 A. I don't recall the specific number.

6 Q. How many have you attended in 2007?

7 A. I don't recall a specific number.

8 Q. Have you attended any in 2007?

9 A. Yes.

10 Q. How many did you attend -- did you attend
11 any in May 2007?

12 A. I don't recall. I could pull up the
13 schedule. I don't recall.

14 Q. Do you know if it was more than one that
15 you attended in 2007?

16 A. Yes.

17 Q. Was it more than five?

18 A. I don't recall.

19 Q. Was it less than five?

20 A. I don't recall. I know it's more than
21 one.

22 Q. Okay. And what about in 2006; did you

1 attend any conferences other than the annual summit?

2 A. Yes.

3 Q. We talked about earlier. How many did
4 you attend in 2006?

5 A. Don't recall.

6 Q. Was it more than ten?

7 A. No.

8 Q. Was it more than five?

9 A. I don't recall a specific number.

10 Q. So somewhere between two and ten?

11 A. Correct.

12 Q. And then in 2007 you know it's more than
13 one, but you have no idea how many?

14 A. I know it's more than three.

15 Q. More than three. Was it three to ten?

16 A. Yes.

17 Q. So of those conferences, those two to ten
18 conferences in 2006, did anyone mistake your place
19 of business as that of the U.S. Hispanic Chamber of
20 Commerce?

21 MR. KANE: Objection; vague.

22 A. Did anyone say anything to me about it?

1 No.

2 Q. Anyone indicate in any way that they were
3 mistaken at your place -- as to your place of
4 business as being that of the Hispanic Chamber of
5 Commerce at any of those two to ten conferences
6 attended in '06?

7 A. Could you repeat the question?

8 Q. Did anyone indicate in any way at those
9 conferences, those two to ten conferences that you
10 attended in 2006, that they mistakenly believed that
11 you worked for the U.S. Hispanic Chamber of
12 Commerce?

13 MR. KANE: Objection; vague.

14 A. No one has specifically said to me that
15 they were, they thought I worked somewhere else.

16 Q. Okay. But was there any indication in
17 any way that any of these people that you saw at
18 these 2006 conferences thought that you worked for
19 the U.S. Hispanic Chamber of Commerce?

20 MR. KANE: Objection; asked and answered.

21 A. No one has said to me explicitly, I don't
22 know what -- they can think other things, no one has

1 said explicitly to me that they thought I worked
2 somewhere else.

3 Q. Did you get the feeling that any of these
4 people that you met at any of these conferences in
5 2006 thought that you worked for the U.S. Hispanic
6 Chamber of Commerce?

7 MR. KANE: Objection; vague.

8 A. No.

9 Q. Okay. And what about the same questions
10 for the U.S. Hispanic Chamber of Commerce
11 Foundation; did anyone say to you at any of these
12 conferences that you attended in 2006, the two to
13 ten, anyone say to you that they thought that you
14 worked for the U.S. Hispanic Chamber of Commerce
15 Foundation?

16 A. No one said that to me, no.

17 Q. Did you get the feeling that anyone
18 believed that you worked for the U.S. Hispanic
19 Chamber of Commerce Foundation?

20 MR. KANE: Objection; vague.

21 A. I don't recall.

22 Q. While you attended any of the conferences

1 in 2006, those two to ten conferences, were you
2 photographed at any of those conferences?

3 A. I don't recall.

4 Q. Did you ever see any pictures of you
5 having attended any of these conferences?

6 A. Not that I recall.

7 Q. So no pictures indicated where it was --
8 other than what you've testified as to Exhibit 1 and
9 2, indicated that you worked for U.S. Hispanic
10 Chamber of Commerce?

11 A. No. Well, this picture.

12 Q. Right. As I said, other than that.

13 A. Repeat the question.

14 Q. Have you ever seen any pictures of you
15 having attended conferences in 2006, these are
16 conferences while you worked for U.S. Chamber of
17 Commerce, which indicated that you worked for U.S.
18 Hispanic Chamber of Commerce?

19 MR. KANE: Objection; lack of foundation.

20 A. I do not recall seeing any other
21 photographs.

22 Q. And you don't recall your picture having

1 been taken other than what's reflected at this
2 Mary's Center event; right?

3 A. I don't -- not that I recall. I don't
4 recall.

5 Q. And this Mary's Center event is not one
6 of the conferences that you've identified in the two
7 to ten that you attended in '06; right?

8 A. Correct.

9 Q. Okay. Have you ever seen any pictures of
10 you while you were attending the, any of those
11 conferences in 2006 that indicated that you worked
12 for the U.S. Hispanic Chamber of Commerce
13 Foundation?

14 MR. KANE: Objection; lack of foundation.

15 A. Would you repeat the question?

16 Q. Have you ever seen any pictures while you
17 were attending the, any of the conferences in 2006
18 which indicated that you worked for the U.S.
19 Hispanic Chamber of Commerce Foundation?

20 MR. KANE: Same objection and asked and
21 answered.

22 A. I don't recall.

1 Q. So you don't know one way or the other
2 whether you saw any?

3 MR. KANE: Asked and answered.

4 A. I don't recall ever seeing a picture that
5 way.

6 Q. All right. For the conferences that
7 you've attended, the three to ten in 2007, have any
8 of the people that you've met at those conferences
9 told you that they thought that you worked for the
10 U.S. Hispanic Chamber of Commerce?

11 A. I don't recall anyone telling me they
12 thought I worked for any other organization.

13 Q. Okay. And we're talking about the 2007
14 conferences. Okay?

15 A. Right.

16 Q. Has anyone indicated to you in any way
17 that they thought that you worked for the U.S.
18 Hispanic Chamber of Commerce?

19 MR. KANE: Objection; vague.

20 A. Could you repeat the question?

21 Q. Has anyone indicated to you in any way at
22 these conferences in 2007 that they thought that you

1 believed -- they thought that you worked for the
2 U.S. Hispanic Chamber of Commerce?

3 A. No one has explicitly told me.

4 Q. Did you get the feeling that people
5 thought that you worked for the U.S. Hispanic
6 Chamber of Commerce?

7 MR. KANE: Objection; vague.

8 A. No one has told me that they thought I
9 worked anywhere else. I don't -- I have no idea
10 what people are thinking when they are talking to
11 me.

12 Q. They didn't say anything else that would
13 lead you to believe that they thought you worked for
14 the U.S. Hispanic Chamber of Commerce; right?

15 MR. KANE: Objection; asked and answered.

16 A. Other than what people tell me, I have
17 not -- I have no idea what they could be thinking.

18 Q. Okay. And the same questions for the
19 foundation. Anyone tell you at any of these
20 conferences that you attended in 2007, these three
21 to ten conferences, that they thought you worked for
22 the U.S. Hispanic Chamber of Commerce Foundation?

1 A. That they thought I worked for the
2 foundation?

3 Q. Right.

4 A. Other than when they specifically told
5 me, which has not been that I worked for anyone
6 other than my employer.

7 Q. And your employer being U.S. Chamber of
8 Commerce?

9 A. Yes.

10 Q. Did anyone indicate to you at any of
11 these conferences in 2007 that you worked for any
12 other Chamber of Commerce other than U.S. Chamber of
13 Commerce?

14 MR. KANE: Objection; vague.

15 A. Any other chamber?

16 Q. Chamber of Commerce other than the U.S.
17 Chamber of Commerce?

18 A. Could you repeat the question?

19 Q. Did anyone indicate at any of the
20 conferences in 2007 that they thought you worked for
21 any other Chamber of Commerce other than the U.S.
22 Chamber of Commerce?

1 MR. KANE: Same objection.

2 A. I don't recall.

3 Q. So you had no problem with people
4 misidentifying where you worked at the conferences
5 in 2007; right?

6 MR. KANE: Objection; mischaracterization
7 of prior testimony.

8 A. I don't recall anyone being confused.

9 Q. Okay. And the same question for 2006;
10 was anyone confused with who you worked for during
11 any of those two to ten conferences that you
12 attended?

13 MR. KANE: Objection; vague, calls for a
14 legal conclusion.

15 A. Could you repeat the question?

16 Q. Was anyone confused in 2006, at any of
17 the two to ten conferences that you attended, as to
18 who your employer was?

19 MR. KANE: Same objection.

20 A. No one has ever said to me that they were
21 confused.

22 Q. All right. Going to your Mary's Center

1 event, did you interact with the -- let me back up.

2 How many people attended that event?

3 A. I'm not sure.

4 Q. Was it more than 400?

5 A. I'm not sure. I don't think so.

6 Q. Was it more than 200?

7 A. I am not sure. It could have been.

8 Q. Where was it held?

9 A. It was in the lobby of a local office
10 building.

11 Q. And about how large was the lobby?

12 A. Very large. It's an atrium of a building
13 that takes up a good part of a city block.

14 Q. What's the name of the building?

15 A. I don't know the name of the building.

16 Q. Where is it located?

17 A. It's located at Metro Center.

18 Q. Metro Center, which is?

19 A. A subway stop.

20 Q. Twelfth and G or H?

21 A. Right near there. I don't have the exact
22 address.

1 Q. Is it around the Hecht's or now Macy's
2 Department Store?

3 A. It's near there.

4 Q. Tell me how the event was set up when you
5 walked in?

6 A. How was it set up?

7 Q. Right. Was there a table where you had
8 to sign in or how was it set up?

9 A. There were people welcoming you when you
10 entered and then it was a standing, primarily
11 standing reception. There were not assigned seats.

12 Q. Was there a table when you walked through
13 the door where you had to sign up and get a name
14 tag?

15 A. I don't recall.

16 Q. Was there any signing up or giving your
17 identity when you entered that building for that
18 event?

19 A. I don't recall.

20 Q. Did anyone have name tags on at that
21 event for the Mary's Center?

22 A. I don't recall.

1 Q. And then describe for me what -- was,
2 everything took place in this office place lobby?

3 A. Yes.

4 Q. Were there any tables or anything set up
5 for the silent auction?

6 A. Yes.

7 Q. How many tables were set up for the
8 silent auction?

9 A. I don't know.

10 Q. You said there was dancing, I believe,
11 too?

12 A. Yes.

13 Q. Was there a live band?

14 A. Yes.

15 Q. What kind of music?

16 A. Dance music.

17 Q. Was it Latin?

18 A. Was it -- define Latin music.

19 Q. More Salsa or Latin-based music?

20 A. They played some Salsa music.

21 Q. Was it heavy metal?

22 A. No.

1 Q. Was it rock and roll?

2 A. I don't recall the full play list.

3 Q. But it had some Salsa, some Latin music?

4 A. There was some Latin music.

5 Q. Where was the band in relationship to the
6 silent auction tables.

7 A. The silent auction was off to the side
8 and the band was in the back of the room.

9 Q. Was it a band with a horn section?

10 A. I don't recall.

11 Q. Was there a lead singer?

12 A. I don't recall.

13 Q. Can you give me an approximate size of
14 this space where this event was held?

15 A. I wouldn't try to do that.

16 Q. It was larger than this conference room?

17 A. Yes.

18 Q. Which is what, about 20-by-10 or so?

19 A. Yes. I mean, I don't -- I don't have the
20 measurements of the room.

21 Q. I'm trying to get an approximation
22 because you have a band and a silent auction going

1 on in the lobby of the building; right?

2 A. Right.

3 Q. What else was going on in the lobby of
4 that building for this event?

5 A. There was buffet tables and there were
6 tables where people were seated and people were
7 standing and walking around talking.

8 Q. How many buffet tables were there?

9 A. I don't know how many there were total.

10 Q. Were there more than five?

11 A. I don't know.

12 Q. More than two?

13 A. I was on one side of the room where there
14 was one buffet.

15 Q. I'm just trying to get at picture of how
16 big it was, whether it was big or small or what this
17 event was set up like.

18 You said there were tables where people
19 could sit?

20 A. Yes.

21 Q. How many people could sit at the table?

22 A. At each table?

1 Q. Right.

2 A. I don't know specifically. People pulled
3 chairs from other tables to sit.

4 Q. Were they round or square tables?

5 A. They were round.

6 Q. Round. Was it a table that would
7 typically seat eight people?

8 A. I -- they were five or six foot rounds.

9 Q. Five or six foot round tables. And how
10 many of those were there?

11 A. I don't know.

12 Q. And then there was an area where people
13 could stand and talk?

14 A. Yes.

15 Q. Was the event crowded?

16 MR. KANE: Objection; vague.

17 A. There were -- I don't know how many
18 people were there and it was a large space.

19 Q. Do you understand what the word crowded
20 means when you go to an event?

21 A. I did not have to push past people to get
22 from one side of the room to another.

1 Q. Did you feel like you didn't have enough
2 space when you were standing or --

3 A. No.

4 Q. -- there was plenty of space?

5 A. I felt like I had plenty of space.

6 Q. And then you said the title of this event
7 was the Noche Tropical?

8 A. It's Noche Tropical.

9 Q. Was there a theme associated with this
10 event?

11 A. Other than the name, not really. It was
12 just a dancing fund raiser, silent auction.

13 Q. What does the name mean in English?

14 A. Tropical night.

15 Q. And then Mary's Center, you said that was
16 a non-profit organization based in the metro area
17 providing healthcare. Metro area is what?

18 A. Generally D.C. and the immediate
19 surrounding counties.

20 Q. So you're not talking about Metro
21 station?

22 A. No.

1 Q. Just the D.C. Metropolitan area?

2 A. Yes.

3 Q. You said it provided healthcare and
4 social services to those who can't afford it; is
5 that correct?

6 A. It provides healthcare and social
7 services -- I don't know the parameters of how they
8 define who they serve. Generally low-income
9 constituents.

10 Q. How do you know that about the center?

11 A. When I was working at the Kimsey
12 Foundation I had more information about them
13 specifically. I have not looked at anything about
14 their programs for a few years.

15 Q. And you also testified on direct that it
16 includes the Hispanic community?

17 MR. KANE: Objection; vague.

18 Q. It services the Hispanic community?

19 A. They serve low-income families. I don't
20 know if they target any particular group.

21 Q. I'm not asking about target. I'm asking
22 if it includes the Hispanic community?

1 A. Yes.

2 Q. Do you know what percentage of their
3 services are provided to those in the Hispanic
4 community?

5 A. No.

6 MR. KANE: Objection; lack of foundation.

7 BY MS. PIETRINI:

8 Q. Is Mary's Center a Catholic facility?

9 A. I have no idea.

10 Q. Where is it located?

11 A. I don't know.

12 Q. Is it in Washington, D.C.? Virginia?

13 Maryland?

14 A. I don't know their address. That's why I
15 say Metro area. I don't know if they are D.C.,
16 Maryland or Virginia.

17 Q. What did you know about the center when
18 you worked for the Kimsey Foundation?

19 A. I knew that they provided healthcare and
20 social services. I know they have some programs
21 that work with teenage girls.

22 Q. Do you know why the event was called

1 Noche Tropical?

2 A. No.

3 Q. Did you ask your friend Kathleen
4 Padian --

5 A. No.

6 Q. -- why it was called that?

7 A. No.

8 Q. Did she tell you anything about the event
9 before you went?

10 A. She told me it was a fund raiser for
11 Mary's Center.

12 Q. Did she tell you anything about what
13 Mary's Center did?

14 A. No.

15 Q. Who was the event, the Noche Tropical,
16 put on by?

17 A. Mary's Center.

18 Q. They put it on themselves?

19 A. I don't know. They could have had an
20 event planner.

21 Q. Were there any sponsors for the event?

22 A. I believe that there were.

1 Q. Do you know who they were?

2 A. No.

3 MR. KANE: Objection.

4 Q. Were any of the sponsors Hispanic-based
5 businesses?

6 MR. KANE: Objection; vague.

7 A. I don't know who the sponsors were.

8 Q. Did you get a program when you walked
9 into the event?

10 A. I don't recall.

11 Q. Was there any like billboard or sign or
12 anything that would indicate what were the events or
13 what were the things that were happening at the
14 event?

15 A. A billboard or sign? I don't recall.

16 Q. Did you have to have a ticket to get into
17 the event?

18 A. I don't recall carrying a physical
19 ticket.

20 Q. Did you have to have an invitation to get
21 into the event?

22 A. I don't recall bringing anything with me

1 to get in.

2 Q. Did you get an invitation for the event?

3 A. I don't recall.

4 Q. Was the event publicized in any way?

5 A. I don't recall.

6 Q. Is the only way that you found out about
7 it was through your friend, Kathleen Padian?

8 A. Yes.

9 Q. Am I pronouncing her name right?

10 A. Kathleen. But Kathy.

11 Q. Were the people -- did you mingle with
12 other attendees at that event for Mary Center?

13 A. Yes.

14 Q. Did any of them strike you as Hispanic or
15 Latino?

16 MR. KANE: Objection; vague, calls for
17 speculation.

18 A. I didn't ask them. And I had other
19 friends who were there.

20 Q. Were they Latino or Hispanic?

21 MR. KANE: Objection; vague.

22 A. I spoke to Maria Gomez who was the

1 executive director, who is a Latino, and I knew that
2 because she has told me that in prior years. But
3 other than that, I couldn't say specifically.

4 Q. The executive director of --

5 A. Mary Center.

6 Q. Mary Center. Okay.

7 When you meet someone you don't know, do
8 you not have any indication whether they are of
9 Hispanic or Latino descent?

10 MR. KANE: Objection; vague, calls for
11 speculation.

12 A. I don't. I don't make an assumption.

13 Q. You have never thought like, oh, I met
14 that person, Ms. Gomez, I think she might be
15 Hispanic?

16 MR. KANE: Same objection.

17 A. I have on occasion, but I wouldn't
18 pretend that everyone I know who looks a certain way
19 or has a certain name, particularly in my own
20 background, I know that not to be a safe course.

21 Q. Because you are of Hispanic descent?

22 A. Because I know that I have relatives who

1 are of all sorts of descent and they don't
2 necessarily look the way people would assume that
3 they are.

4 Q. Are you familiar with Hispanic or Latino
5 surnames?

6 MR. KANE: Objection; lack of foundation.

7 A. Am I familiar with them? By familiar you
8 mean?

9 Q. Would you recognize one, a Hispanic
10 surname as being Hispanic or Latino based?

11 A. I might recognize a few. Would not
12 pretend to know all of them.

13 Q. When you mingled with the other people
14 who were attending this Mary's Center, did you see
15 any people with Hispanic or Latino surnames?

16 A. I don't recall people having name tags.

17 Q. Do you recall meeting anyone where they
18 identified themselves with a surname that struck you
19 as Hispanic or Latino?

20 MR. KANE: Objection; vague, calls for
21 speculation.

22 A. I don't recall.

1 Q. So as you sit here today, you don't know
2 of the people that attended that event, were
3 Hispanic or Latino?

4 A. I don't know -- would you repeat the
5 question?

6 Q. As you sit here today, you can't tell me
7 how many people at that event were Hispanic or
8 Latino?

9 A. No.

10 Q. Then you mentioned that somebody came and
11 took your photograph and this was reflected in
12 Exhibit 1?

13 A. Yes.

14 Q. This was a photographer?

15 A. Yes.

16 Q. Was he accompanied by a reporter?

17 A. I don't recall.

18 Q. Was he by himself?

19 A. He was by himself that I recall.

20 Q. You said he had a large camera?

21 A. He did.

22 Q. What makes you think -- how are you

1 defining large camera?

2 A. It was not a pocket camera.

3 Q. Describe for me what the camera looked
4 like.

5 A. It had a lens, it had a flash, it was as
6 photograph -- he was taking pictures of people and
7 taking down their names.

8 Q. Was he taking pictures of various pockets
9 of people talking?

10 A. Yes.

11 Q. Was he Hispanic or Latino?

12 MR. KANE: Objection; vague and calls for
13 speculation.

14 A. I don't recall.

15 Q. How old was he?

16 MR. KANE: Objection; calls for
17 speculation.

18 A. I don't know.

19 Q. Can you estimate about how old a person
20 is when you meet them?

21 A. No.

22 Q. You have no idea?

1 A. No.

2 Q. Did he have gray hair?

3 A. I don't recall.

4 Q. How tall was he?

5 A. I don't recall.

6 Q. You said he was taking notes?

7 A. Yes.

8 Q. What was he taking notes on?

9 A. I don't know what all of his notes were.

10 I know he asked me my name and wrote it down.

11 Q. Did he have a pad of paper?

12 A. Yes.

13 Q. Did he speak to you in English or
14 Spanish?

15 A. English.

16 Q. And was his English, did he have a
17 Spanish or Hispanic accent to his English?

18 A. I don't recall.

19 Q. How long -- how much time did he spend
20 with you?

21 A. Very short.

22 Q. Define that for me, please.

1 A. He took the picture, he asked me my name
2 and where I worked and wrote it down.

3 Q. So less than 30 seconds?

4 A. I couldn't say specifically. I would say
5 less than two minutes.

6 Q. Did he speak with any of the other people
7 who are identified in the picture; your husband,
8 Kathy Padian, Tom Lane and his wife, Kimberly?

9 A. I believe that he did.

10 Q. So what was the total amount of time that
11 he spent with your group?

12 A. I don't recall. Very short.

13 Q. Help me with very short?

14 A. Long enough to take the picture and write
15 down everyone's names and place of employment.

16 Q. Was it less than two minutes the entire
17 time that he spent with your group?

18 A. After he asked me my name and my place of
19 employment I didn't really pay attention to what he
20 did after that.

21 Q. But describe for me how it happened. You
22 guys are talking and the photographer came up?

1 A. Yes.

2 Q. And asked you if he could take your
3 picture?

4 A. Yes.

5 Q. Did he tell you what his name was?

6 A. I don't recall.

7 Q. Did he have a name tag on?

8 A. I don't recall.

9 Q. And when he came up and you guys said,
10 yes, you could take my picture.

11 A. Yes.

12 Q. How long was the entire event from the
13 time he came up, took the picture and the time he
14 moved on?

15 A. I didn't time it.

16 Q. What's your estimation of what it was?

17 A. Approximately two minutes.

18 Q. Did you see him move along to other
19 groups to take photographs?

20 A. I didn't -- I know that there was, there
21 were photographers and I saw him come take, ask to
22 take our picture, take our names and places of

1 employment and move on. I don't know that he
2 specifically went and took additional photographs of
3 other groups.

4 Q. And can you describe his physical
5 characteristics at all?

6 A. Male. Beyond that, I don't recall.

7 Q. What color hair did he have?

8 A. I don't recall.

9 Q. Was he dark skinned or light skinned?

10 A. I think that's a subjective comment, but
11 I don't --

12 Q. Was he the same skin tone as you?

13 A. I would say he was lighter than me.

14 Q. Was he lighter than me?

15 A. That's what -- I don't recall. It was
16 dim lighting.

17 Q. And was there music playing while you
18 were talking to him and him taking the pictures?

19 A. I don't recall specifically whether the
20 band was playing or on a break.

21 Q. When you walked into the event was the
22 music already playing?

1 A. I don't recall whether the music was
2 playing at the time I entered the event.

3 Q. And was it, was there a lot of people
4 there when you first came to the event?

5 MR. KANE: Objection; vague.

6 A. A lot in terms of?

7 Q. Number of people. Were you the first
8 ones?

9 A. No.

10 Q. Were you the second ones?

11 A. No.

12 Q. Okay. Was it a situation where the
13 building was already filled with people by the time
14 that you arrived?

15 MR. KANE: Objection. Go ahead.

16 A. There were some people already in the
17 room.

18 Q. At what point, how long after you arrived
19 did the photographer come to take your picture?

20 A. How long after I arrived? I don't know
21 specifically how long after.

22 Q. How long was the event in terms of hours?

1 A. I don't recall exactly the beginning and
2 the end.

3 Q. How long were you there?

4 A. I don't recall specifically.

5 Q. Was it more than an hour?

6 A. Yes.

7 Q. Was it more than two hours?

8 A. I don't recall.

9 Q. Did you have dinner at the event?

10 A. Yes.

11 Q. Was it sit down or was it buffet?

12 A. Buffet.

13 Q. Did you dance?

14 A. Yes.

15 Q. How long did you dance?

16 A. I don't recall specifically.

17 Q. It was a good portion of the evening, the
18 dancing?

19 A. There were people dancing throughout the
20 course of the evening.

21 Q. Did you talk to the photographer before
22 or after you danced?

1 A. Before and after.

2 Q. So he came back? The photographer I'm
3 talking about?

4 A. No. I danced before I spoke with him and
5 I danced after I spoke with him.

6 Q. So did you dance immediately when you got
7 to the event?

8 A. No.

9 Q. So what point in the couple hours that
10 you were there did you speak with the photographer?
11 I'm just trying to get a feel for when that was?

12 A. I believe it was towards the middle of
13 the event.

14 Q. Were there a lot of people at the event
15 at that time?

16 MR. KANE: Objection; vague.

17 A. A lot being, how many?

18 Q. I don't know how many total were there.
19 You don't remember. So was it more than 20 people
20 were there?

21 A. I am reluctant to give you a specific
22 number. I don't know how many people responded. It

1 was a large space with people in it. There was
2 plenty of space to walk and to speak and be heard so
3 it was not a very crowded, what I would consider
4 very crowded. It was not sparse.

5 Q. That's fine. I'm just trying to
6 understand. I don't know. I wasn't there. I don't
7 even know the place that you were at and the size of
8 it. I'm trying to get a mental picture of it. If
9 it was more than 50 people, I would like to know
10 that. If it was more than a 100. I don't know.

11 So it wasn't more than 50 people at the
12 event?

13 A. I would say it was somewhere between 2
14 and 300. A safe approximation.

15 Q. At the time that the photographer came up
16 to meet with you and your friends and take your
17 picture, were there 2 to 300 people at that event?

18 A. I don't recall. Because after people ate
19 people start leaving. So I don't know how many were
20 in the room at that time.

21 Q. So the 2 to 300, at what point was it 2
22 to 300? When you got there, when you left or right

1 in the middle or some other time?

2 A. I think towards the beginning there was
3 an awards presentation and so that's probably the
4 peak time.

5 Q. Okay. And the awards presentation, what
6 were the awards for?

7 A. I don't recall specifically.

8 Q. Were there speakers for the awards?

9 A. There were.

10 Q. Were any of the -- were any of the
11 speakers speaking in Spanish?

12 A. I don't recall.

13 Q. That was a hard question. And then did
14 the Mayor do any speaking?

15 A. I do not recall. I do not believe that
16 he did.

17 Q. Okay. Was there any presentation in
18 Spanish during that event?

19 A. I do not recall.

20 Q. When you came up and -- let me back up.
21 When the photographer came up and took
22 your picture, were you guys talking with one

1 another?

2 A. Yes.

3 Q. When -- after he took the picture, is
4 that when he asked you where everyone worked --
5 names and where you worked?

6 A. Yes.

7 Q. Were you first or where were you in the
8 line of five people?

9 A. I believe that I was first.

10 Q. Were people continuing to talk while he
11 was talking to you?

12 A. I don't recall.

13 Q. Did he ask you and your husband at the
14 same time what your names were and who you worked
15 for?

16 A. I believe he asked at the same time.

17 Q. And then what about with your friends,
18 did he ask them at the same time their names and who
19 they worked for?

20 A. After he asked me.

21 Q. And you don't know whether people were
22 continuing to talk?

1 A. I was focused on him, so I didn't pay
2 attention to whether they were talking or not.

3 Q. Did you hear anyone talking in the
4 background?

5 A. I wasn't paying attention to what they
6 were doing.

7 Q. Describe for me where you were standing
8 in relationship to the band when the photographer
9 came up to take the picture?

10 A. There was a dance floor, there was a band
11 in front of the dance floor and there was a buffet
12 off to the side and we were near the buffet.

13 Q. How far from the buffet were you
14 standing?

15 A. How far from the buffet?

16 Q. Yes.

17 A. Fairly close to the buffet.

18 Q. Within a couple feet?

19 A. I don't know exactly. Maybe between five
20 and ten feet.

21 Q. Were people using the buffet while you
22 were standing -- people going up and getting food

1 while the photographer was there talking to you?

2 A. There could have been.

3 Q. Did you see anybody?

4 A. I don't recall seeing anyone.

5 Q. Okay. And then was there another group
6 of people standing around talking when the
7 photographer came up to talk to you guys and take
8 your picture?

9 A. I don't recall specifically any other
10 groups.

11 Q. Was your group standing alone by the
12 buffet table?

13 A. We were standing off to the side. I
14 wasn't really paying attention to the surroundings
15 much.

16 Q. Did you see anybody else near you
17 standing and groups of people talking?

18 A. I don't recall.

19 Q. Did you see the photographer after he
20 left go talk to any other group to take their
21 photograph?

22 MR. KANE: Objection; asked and answered.

1 A. I don't recall.

2 Q. You said that you saw this article that
3 is marked as Logan Exhibit 1 because Kathy Padian
4 told you about it?

5 A. Yes.

6 Q. When was that?

7 A. After a while after the event. I don't
8 remember the specific date.

9 Q. You think the event was in November 2006?

10 A. Yes.

11 Q. Do you know if it was before or after
12 Thanksgiving that you saw this, that Kathy Padian
13 told you about the article?

14 A. I don't recall specifically when she
15 showed me the picture. It was a while after the
16 event.

17 Q. A little while? A couple weeks? A
18 month, two months?

19 A. It could have been as long as a month or
20 more.

21 Q. Do you know if it was before or after
22 Christmas?

1 A. I don't recall.

2 Q. And when you -- you said you went down to
3 her place of business to take a look at the article?

4 A. I went down to her place of business to
5 meet her to talk about other things and we may have
6 been going out to dinner. But she showed it to me
7 while I was there.

8 Q. Did Kathy Padian give you a copy --

9 A. No.

10 Q. -- of the article?

11 A. No.

12 Q. You have got to let me finish.
13 When did you get a copy of the article?

14 A. I never had a copy of the article.

15 Q. Okay. So the only time that you -- maybe
16 I'm not understanding. You saw a copy at some point
17 after the November '06 event with Kathy Padian;
18 right?

19 A. She showed me the physical newspaper.

20 Q. Okay.

21 A. Which I never had a copy of because it
22 was already off the stands a long time and I don't

1 remember how long. At a later point I looked it up
2 on the Website.

3 Q. Okay. Did Kathy Padian ever photocopy
4 the original newspaper and give you a copy of that
5 article?

6 A. No.

7 Q. The original newspaper that was shown
8 today at the testimony deposition, where did that
9 come from?

10 A. I don't know. It's not mine.

11 Q. You didn't have any involvement with
12 getting the original newspaper?

13 A. No.

14 Q. And then you said at some point you got
15 it off the Website?

16 A. Yes.

17 Q. And that was when you flipped a copy to
18 Judy Richmond at the U.S. Chamber of Commerce?

19 A. I -- as soon as I found it on the Website
20 I sent Judy a copy.

21 Q. And that was about the time that Karen
22 Elzy told you about this litigation?

1 A. Yes.

2 Q. That was March, April, '07?

3 A. It could have been earlier than that.

4 Q. After you saw this, the original paper at
5 Kathy Padian's office, whenever it was -- I assume
6 it was in '06; right?

7 A. I don't recall whether it was before or
8 after that end of the year.

9 Q. So '06, '07. It was before -- obviously
10 you sent the Website to Ms. Richmond; right?

11 A. Yes.

12 Q. So somewhere between November '06 and
13 March, April, '07?

14 A. Yes.

15 Q. Okay. At any point during that time
16 period, that November '06 through March '07, April
17 '07, did you ever call the reporter and tell him
18 that he had made a mistake --

19 A. I did not.

20 Q. -- as to your employer?

21 Why is that?

22 A. It was an outdated issue.

1 Q. So you just didn't think it was necessary
2 to correct a reporter at that point?

3 A. I didn't think it was --

4 MR. KANE: Objection; vague.

5 A. To correct the caption on a photograph, I
6 didn't. As soon as I knew that there was an issue
7 and a lawsuit, I sent the information directly to
8 Judy Richmond.

9 Q. And after you learned of the lawsuit, did
10 you call the reporter and tell him that he made a
11 mistake as to your employer?

12 A. I did not.

13 Q. Why not?

14 A. Because at that point I had turned it
15 over to legal counsel and I felt it was their job to
16 take any action.

17 Q. Do you know if any action has been taken
18 by the U.S. Chamber of Commerce to correct the
19 reporter as to your place of employment?

20 A. I do not know.

21 Q. And at any point after Ms. Padian told
22 you about this article did you contact Washington

1 Hispanic and tell them that there had been a mistake
2 as to your employer?

3 A. I did not.

4 Q. Why not?

5 A. Honestly, I didn't really think much
6 about it after -- I looked at the picture and I
7 didn't really think about it again for a while.

8 Q. Until you found out about the litigation?

9 A. No. I actually did not know about the
10 litigation until I pulled it up at the office.
11 There was a slow afternoon at some point in that
12 time period and Kathy mentioned something.
13 Something reminded me that this picture was there
14 and I pulled it up in the office and they chuckled
15 about it and said you have to let Judy know and
16 immediately I sent her the information.

17 Q. Other than that you had no thoughts about
18 it between the time that Kathy Padian told you about
19 it until something happened in the office that made
20 you bring it up? Is that a yes?

21 A. That's a -- no. I did not think about
22 it.

1 Q. Okay. As a result of this article that
2 has been marked as Logan Exhibit 1, has anyone asked
3 you if you worked for the U.S. Hispanic Chamber of
4 Commerce?

5 A. As a result of the article?

6 Q. Right.

7 A. No.

8 Q. And as a result of the article has anyone
9 asked you if you worked for the U.S. Hispanic
10 Chamber of Commerce Foundation?

11 A. No.

12 Q. Do you have any understanding as to
13 whether the mistake as to your employer in the
14 article, or in the picture shown in Exhibit 1, was
15 caused by a logo of the U.S. Hispanic Chamber of
16 Commerce?

17 A. Do I have any -- could you repeat the
18 question?

19 Q. Do you have any understanding that the
20 mistake that the photographer made as to your
21 employer, that it had anything to do with a logo of
22 the U.S. Hispanic Chamber of Commerce?

1 MR. KANE: Objection; lack of foundation.

2 A. I have no knowledge of that.

3 Q. And do you have any knowledge that the
4 mistake that the photographer made as to your
5 employer at this event had anything to do with the
6 logo of the U.S. Hispanic Chamber of Commerce
7 Foundation?

8 MR. KANE: Same objection.

9 A. I have no knowledge of that.

10 Q. Take a look at Exhibit 2, if you would,
11 please. I think you testified on direct that you
12 printed out this Website?

13 A. Yes.

14 Q. How did you find it?

15 A. It's still on their Website.

16 Q. Walk me through, you typed in what URL
17 for that Website?

18 A. I did a search and it was, it's still
19 there.

20 Q. Okay. Did you search the Washington
21 Hispanic Website or did you use a search engine to
22 find this article?

1 A. I don't recall exactly.

2 Q. And this was printed out June 25th, 2007?

3 A. Yesterday we did pull a copy up here, but
4 I have gone to it several times in the past.

5 Q. Okay. And when you say you pulled it up
6 here, meaning at this law firm of Kenyon & Kenyon?

7 A. Yes.

8 Q. Were you directed by counsel to pull up
9 this article for them to use at this deposition
10 today or this testimony deposition today?

11 A. I was asked to print out a copy. They
12 had seen a previous copy.

13 Q. When did they have a previous copy?

14 A. I had printed out a copy for Judy
15 Richmond.

16 Q. Is that the time period you're talking
17 about, March or April 2007?

18 A. I don't know exactly when I sent it to
19 Judy. I sent it to Judy as soon as I found out
20 about the mistake.

21 Q. And maybe I'm confused. Did you -- for
22 Judy, did you actually print it out and hand it to

1 her or did you flip her a link to it.

2 A. I flipped her a link to it.

3 Q. Is that what you're saying, in terms of
4 the copy?

5 A. Yes. I'm sorry. I should be more
6 specific on printed versus electronic.

7 Q. So when you went to the Washington
8 Hispanic dot com Website yesterday, how did you
9 search for this article? What did you put in?
10 There was a search query that you could use on that
11 Website?

12 A. I did not search for this yesterday.

13 Q. Who did? Erik Kane?

14 A. Yes.

15 Q. Who is the lawyer for U.S. Hispanic
16 Chamber of Commerce?

17 A. No. Who is --

18 Q. Sorry. For the U.S. Chamber of Commerce.

19 A. Yes.

20 Q. Okay. Were you watching him on the
21 computer, print out this Website?

22 A. I was sitting across from him when he

1 pulled it up. I'm sorry, I printed it out.

2 Q. Now you got me really confused. He
3 pulled it up but you printed it?

4 A. Yes.

5 Q. How did that work?

6 A. We pulled up the Hispanic newspaper and
7 went to the page and I went and verified that this
8 was the article and printed it.

9 Q. Okay. So he pulled it up, then you
10 verified that was the article and then hit print,
11 whatever it is, to send it to the printer?

12 A. Yes.

13 Q. And what was the search query that was
14 used to find this article on that Website?

15 A. I'm not sure.

16 Q. Did you instruct Mr. Kane what to look
17 for to find this article?

18 A. Well, we had a printed copy. We had a
19 copy of the paper, the original paper.

20 Q. Right. But if you look -- take a look at
21 Logan Exhibit 2, there's a long string of
22 information at the bottom beginning with HTTP colon?

1 A. Yes.

2 Q. All right. And that indicates it has
3 Washington Hispanic dot com and then it looks like a
4 word in Spanish that I don't know.
5 P-A-S-S-I-S-S-U-E-S; right?

6 A. That's probably past issues.

7 Q. Okay. Oh, it might be English. And then
8 the next word is paper and then 11 underscore 17 and
9 underscore 6?

10 A. Yes.

11 Q. Do you see that?

12 A. Yes.

13 Q. And did you search the past issue
14 sections of this Website?

15 A. I have done that.

16 Q. Did you tell Mr. Kane to do that in order
17 to find this article?

18 A. No.

19 Q. And when you searched for this article,
20 before you -- at the time that you flipped the, a
21 copy to --

22 A. Judy.

1 Q. -- Judy electronically, what search
2 criteria did you use?

3 A. I used -- I believe I used Noche
4 Tropical. I do not recall specifically which query
5 I used.

6 Q. Noche Tropical, the name of the event for
7 Mary's Center?

8 A. Yes.

9 Q. That you attended?

10 A. Yes.

11 MS. PIETRINI: Let's take a couple minute
12 break. I think I'm done.

13 - - -

14 (Recessed at 11:32 a.m.)

15 (Reconvened at 11:39 a.m.)

16 - - -

17 BY MS. PIETRINI:

18 Q. Going back to the event at Mary's Center,
19 the one that was at the office building by Metro
20 Center here, did you give the photographer your
21 business card at any time?

22 A. No.

1 Q. Did you have business cards with you?

2 A. I don't recall.

3 Q. When you told the photographer who you
4 worked for, did he indicate in any way that he was
5 familiar with the U.S. Chamber of Commerce?

6 MR. KANE: Objection; vague.

7 A. He wrote it down.

8 Q. Okay. But did he say anything like, oh,
9 I've heard of them, anything to indicate that he had
10 heard of --

11 A. Not that I recall.

12 Q. You've got to let me finish.

13 Did he say anything to you or indicate in
14 any way that he was aware of or had heard of U.S.
15 Chamber of Commerce?

16 A. He asked me where I worked and he wrote
17 it down.

18 Q. Nothing else said about the U.S. Chamber
19 of Commerce?

20 A. Not that I recall.

21 Q. Did he say anything about the U.S.
22 Hispanic Chamber of Commerce?

1 A. Not that I recall.

2 Q. Did he say anything about the U.S.

3 Hispanic Chamber of Commerce Foundation?

4 A. Not that I recall.

5 Q. The band that was at that event, was that

6 band on a stage?

7 A. Yes.

8 Q. How high was the stage?

9 A. Don't recall the exact height of the

10 stage. Maybe --

11 Q. You're indicating about five feet?

12 A. Probably not even five. Maybe four.

13 Q. The awards that were being presented at
14 that event, were they given on a stage?

15 A. I don't recall the exact set-up. I
16 believe there was a riser and a higher stage. My
17 recollection is that there were two tiers.

18 Q. A riser is what?

19 A. A riser is sort of a platform.

20 Q. So a lower platform and a higher
21 platform?

22 A. Exactly.

1 Q. Was the band on the higher platform?

2 A. My recollection is that the band was on
3 the higher platform.

4 Q. And the awards, where were those given
5 out at?

6 A. In front of where the band was.

7 Q. So the lower platform?

8 A. Correct.

9 Q. Was there a microphone used to give out
10 the awards?

11 A. Yes.

12 Q. When you entered the event were the
13 awards already ongoing?

14 A. No.

15 Q. How long were you at the event before the
16 awards were given out?

17 A. I don't recall exactly.

18 Q. Was it before the music started playing?

19 A. No.

20 Q. Was the music sort of continuous
21 throughout the event?

22 A. Yes.

1 Q. Were the awards towards the end of the
2 event before you left?

3 A. No. The awards were more towards the
4 beginning of the event.

5 Q. At the time that the photographer came up
6 to you and your friends, were the awards being
7 presented?

8 A. No.

9 Q. Were the awards presented before the
10 photographer came up?

11 A. Yes.

12 Q. Was there any other speaking going on
13 from the microphone at that event at the time that
14 the photographer came up to you?

15 A. I don't recall.

16 Q. Other than this event where the
17 photographer misidentified your employer, have you
18 personally experienced any other confusion with the
19 Hispanic, U.S. Hispanic Chamber of Commerce?

20 MR. KANE: Objection; vague, calls for a
21 legal conclusion, outside the scope of direct.

22 A. Could you we repeat the question?

1 Q. Other than this event, the Mary's event
2 where the photographer misidentified your employer,
3 have you personally experienced any other confusion
4 with the U.S. Hispanic Chamber of Commerce?

5 MR. KANE: Same objection.

6 A. When you say confusion, what do you mean
7 by confusion?

8 Q. Anyone mistaking your employer?

9 A. No. Not that I recall.

10 Q. Let's back it up another way.
11 You receive e-mail at work you said;
12 right?

13 A. Yes.

14 Q. Do you read them yourself?

15 A. Yes.

16 Q. In any of those e-mails, have you
17 received any e-mails that were intended for the U.S.
18 Hispanic Chamber of Commerce?

19 A. No.

20 Q. Have you received any e-mails that were
21 intended for the U.S. Hispanic Chamber of Commerce
22 Foundation?

1 A. No.

2 Q. Do you receive mail at work?

3 A. Yes.

4 Q. Do you open it?

5 A. Sometimes.

6 Q. Do you have an assistant?

7 A. Yes.

8 Q. Does your assistant open the mail?

9 A. Yes.

10 Q. But do you see all the mail that is
11 addressed to you?

12 A. There could be pieces of junk mail that I
13 do not see.

14 Q. But for the most part you see the mail
15 that's addressed to you at the U.S. Chamber of
16 Commerce?

17 A. Correct.

18 Q. Have you ever received any mail at U.S.
19 Chamber of Commerce that was intended for the U.S.
20 Hispanic Chamber of Commerce?

21 A. Not that I recall.

22 Q. Have you ever received any mail while at

1 U.S. Chamber of Commerce that was intended for U.S.
2 Hispanic Chamber of Commerce Foundation?

3 A. Can you repeat the question?

4 Q. Have you ever received any mail while you
5 were employed at U.S. Chamber of Commerce that was
6 intended for U.S. Hispanic Chamber of Commerce
7 Foundation?

8 A. I do not recall receiving any mail
9 addressed to the U.S. Hispanic Chamber of Commerce
10 or their foundation.

11 Q. And there was nothing in the mail that
12 you received that indicated it should have gone to
13 the U.S. Hispanic Chamber of Commerce Foundation?

14 A. Not that I recall.

15 MR. KANE: Objection; vague.

16 Q. Okay. And do you receive phone calls at
17 work?

18 A. I do.

19 Q. Do you answer your own phone?

20 A. Most of the time.

21 Q. Your assistant answer the phone
22 sometimes?

1 A. Correct.

2 Q. Have you personally received any phone
3 calls while employed at U.S. Chamber of Commerce
4 that were intended for U.S. Hispanic Chamber of
5 Commerce?

6 MR. KANE: Objection; vague.

7 A. Most of the time when someone is calling
8 me, they have my direct line, so they're usually
9 calling not just ICW, they are actually calling me.

10 Q. But has anyone called you such and you
11 picked up the phone and they said, oh, my God, I was
12 looking for U.S. Hispanic Chamber of Commerce?

13 A. I have not had that specific conversation
14 with anyone.

15 Q. Have you had any conversation where the
16 caller indicated that they were looking for the U.S.
17 Hispanic Chamber of Commerce as opposed to you or
18 the U.S. Chamber of Commerce?

19 A. Not that I recall.

20 Q. And have you received any call where the
21 caller has indicated that they were looking for the
22 U.S. Hispanic Chamber of Commerce Foundation?

1 A. Not that I recall.

2 Q. Have you had any conversations with your
3 assistant where she has told you that someone called
4 looking for the U.S. Hispanic Chamber of Commerce?

5 A. Not that I recall.

6 Q. Have you had any conversations with your
7 assistant where she told you that someone called
8 looking for the U.S. Hispanic Chamber of Commerce
9 Foundation?

10 A. Not that I recall.

11 MS. PIETRINI: I don't have any other
12 questions.

13 MR. KANE: Can we proceed right to the
14 redirect? Do you want to break?

15 MS. PIETRINI: No. I'm fine.

16 BY MR. KANE:

17 Q. Ms. Logan, I'm going to ask you to look
18 at Exhibit 2 again. Can you please look at the
19 caption beneath your picture and indicate to me,
20 read just the, up to the description of your place
21 of employment out loud again?

22 A. Scott Logan, de Monster Worldwide; Lydia

1 Logan, U.S. Hispanic Chamber of Commerce.

2 Q. Okay. Now, can you tell me word-by-word,
3 if any of those words are in English or Spanish?

4 A. U.S. I would consider to be English.
5 Hispanic the same. Chamber of and commerce, all in
6 English.

7 Q. And your name?

8 A. In English.

9 Q. Okay. Ms. Logan, at Mary's Center, when
10 you were talking in groups with your friends before
11 and after the photographer met with you, how noisy
12 was it?

13 A. We were speaking in I would say a
14 slightly raised voice, but by no means were we
15 shouting or did we have to repeat ourselves.

16 Q. Were you able to understand everyone in
17 your group?

18 A. Yes.

19 MS. PIETRINI: Objection; leading.

20 BY MR. KANE:

21 Q. Did anyone in the group ask you to repeat
22 yourself?

1 A. Not that I recall.

2 Q. Did you ask anyone in your group to
3 repeat themselves?

4 A. I do not recall needing to do that.

5 Q. Did you have any doubts as to what
6 someone in your group said to you?

7 MS. PIETRINI: Objection; lacks
8 foundation, calls for speculation, leading.

9 A. We were near the buffet, far enough away
10 from the band that it wasn't necessary.

11 Q. Okay. When the, when you spoke with the
12 photographer, did the photographer ask you to repeat
13 yourself?

14 A. Not that I recall.

15 Q. Did you have any trouble hearing the
16 photographer?

17 A. Not that I recall.

18 Q. Did you have to raise your voice louder
19 than you were speaking -- the level at which you
20 were speaking with your friends to talk to the
21 photographer?

22 MS. PIETRINI: Objection; leading.

1 A. Not that I recall.

2 Q. How close were you to the photographer
3 when you spoke with him?

4 A. Probably less than two feet.

5 Q. And how close were you with your friends
6 when you spoke with them?

7 A. We were standing in a fairly tight group,
8 in a circle. We fanned out to take the picture.
9 Just a few feet. Standing close. About, I would
10 say probably about the same distance we are now.

11 Q. Okay. And so would you say that you were
12 as close to the photographer as you were to your
13 friends?

14 A. I was at least, at least that close.
15 Possibly closer.

16 MS. PIETRINI: Belated and leading;
17 objection.

18 BY MR. KANE:

19 Q. Okay. Now, Ms. Logan, when you met with
20 us yesterday did you see a copy of what's been
21 marked as Logan Exhibit 2?

22 MS. PIETRINI: Objection; leading.

1 A. Can you repeat the question?

2 Q. Did you see a printout of a Website
3 that's been marked as Logan Exhibit 2 yesterday?

4 MS. PIETRINI: Objection; leading.

5 A. Yes.

6 Q. Was that the same web printout -- was
7 that printout of the Website identical to the
8 Website that you forwarded to Judy Richmond?

9 A. Yes.

10 MS. PIETRINI: Objection; leading.

11 Q. When we loaded the Website on the
12 computer yesterday, did you verify that -- was that
13 Website identical to the Website that you sent to
14 Judy Richmond?

15 A. It was.

16 MS. PIETRINI: Objection; leading, lacks
17 foundation.

18 A. I looked at it and saw the photograph and
19 I looked at the caption and it was the same as the
20 printout and it was the same as it had been for the
21 last several months.

22 Q. And you printed this exhibit?

1 A. Yes, I did.

2 MS. PIETRINI: Objection; leading.

3 Q. Is this printout different than the
4 printout that you sent -- than the Website you sent
5 to Judy Richmond?

6 MS. PIETRINI: Leading.

7 A. It is not.

8 BY MS. PIETRINI:

9 Q. A couple questions for you, Ms. Logan.

10 How far were you standing from the band
11 when the photographer came up?

12 A. We were standing off to the side near the
13 buffet. I don't know -- I should say I don't know
14 whether the band was playing or whether there was a
15 DJ playing or some other recorded music. There was
16 continuous music throughout the event, but on the
17 sides of the room you could easily have a
18 conversation.

19 Q. How many feet were you away from where
20 the band was?

21 A. I don't know the exact number of feet.

22 Q. Was it more than two feet?

1 A. Yes.

2 Q. Was it more than five feet?

3 A. Yes.

4 Q. Was it more than ten feet?

5 A. Yes.

6 Q. What was the total size of the room?

7 A. I don't know the exact total size of the
8 room. It was -- I will say this. I was farther
9 away from the band than the length of this room.

10 Q. Farther than 20 feet?

11 A. I was farther away than the length of
12 this room.

13 Q. Do you know what the length of this room
14 is?

15 A. I do not.

16 Q. For the live band, were there speakers
17 set up on the stage?

18 A. Yes.

19 Q. How many speakers did they have?

20 A. I don't recall.

21 Q. What were the size of the speakers?

22 A. I don't recall. I don't know the size of

1 the speakers.

2 Q. Were they more than two feet tall?

3 A. Yes.

4 Q. Were they more than four feet tall?

5 A. I don't know.

6 Q. Were they more than five feet tall?

7 A. I don't know.

8 Q. Do you know how wide they were?

9 A. No.

10 Q. How many speakers did they have?

11 A. I don't know.

12 Q. Were there any amplifiers on the stage
13 for the band?

14 A. I would say there was amplified music
15 through the speakers.

16 Q. Do you know what an amplifier is?

17 A. I know that it is generally a box that is
18 hooked up to the speakers which will turn up the
19 volume.

20 Q. Did you see one of those at this event?

21 A. I don't recall seeing one of those.

22 Q. How many members of the band were there?

1 A. I don't know.

2 Q. Was it more than five?

3 A. I don't know.

4 Q. Was it more than ten?

5 A. I don't know.

6 Q. And you don't recall what kind of music
7 other than there was some Latin, Salsa music.

8 A. Yes.

9 Q. Were they playing classical music?

10 A. No.

11 Q. Were they playing orchestra music?

12 A. No.

13 Q. Show tunes?

14 A. Not that I recall.

15 Q. Do you know the number of people that the
16 photographer spoke with that night?

17 A. I have no idea.

18 Q. Did you ever ask him?

19 A. No.

20 MS. PIETRINI: No further questions.

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MR. KANE: We are done.

(Whereupon, at 11:53 a.m. the taking of
the instant deposition ceased.)


Lydia Carlotta Miles Logan

SUBSCRIBED and SWORN TO before me this 27th day of
September, 2007.



NOTARY PUBLIC

ALICIA R. HARRIS
Notary Public, District of Columbia
My Commission Expires May 31, 2011

My Commission expires: _____

1 UNITED STATES OF AMERICA)

2 ss:

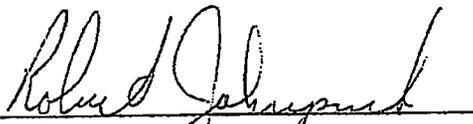
3 DISTRICT OF COLUMBIA)

4

5 I, ROBERT M. JAKUPCIAK, a Notary Public in
6 and for the District of Columbia, do hereby certify
7 that the within transcript is a true and accurate
8 record of the testimony of LYDIA C. MILES LOGAN under
9 oath and other proceedings in The Chamber of Commerce
10 of the United States of America v. United States
11 Hispanic Chamber of Commerce Foundation, Opposition
12 Number 91/156,321 and Serial Number 78/081,731. The
13 deposition was held at the offices of Kenyon & Kenyon
14 LLP, 1500 K St. N.W., Washington D.C., on Tuesday,
15 June 26, 2007, from 9:00 a.m. to 11:53 a.m. and in
16 the presence of both parties.

17 I further certify that I am not a
18 relative, employee, attorney or counsel of any of
19 the parties to this action and that I am in no way
20 interested in the outcome of this matter.

21 IN WITNESS WHEREOF, I have hereunto set
22 my hand this 9th day of July, 2007.


ROBERT M JAKUPCIAK

23 My Commission Expires:

24 December 14, 2008

25

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