

BULKY DOCUMENTS

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

Part 6 of 6



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EXHIBIT 1

Washington Hispanic

Washington Hispanic
 Volumen 12, Número 27
 Edición: 1999
 Fecha: 1999-11-15

Breves

El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.

El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.

El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.

El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.

El alcalde electo y realiza histórico nombramiento

Un hispano al frente de la educación en DC



Foto: Logan
 WASHINGTON HERALD

Víctor Reinoso es la persona escogida por el alcalde electo de Washington D.C., Adrian Fenty, como viceministro de educación.

Desde el comienzo de su campaña, Fenty dijo que la educación sería uno de los temas principales de su periodo oficial.

Por eso, la elección de un hispano para llevar las riendas de su plan de educación es un acontecimiento mayor para la comunidad latina del distrito.

Para Reinoso, su principal tarea será restaurar la confianza de la comunidad con respecto a las escuelas públicas del distrito.

Es por esta falta de confianza que cada año hay menos alumnos en las escuelas. Hay muchas cosas que debemos hacer para revertir esto, pero el punto final es que los padres se sientan tranquilos de que sus hijos van a tener una buena educación, lo que les permitirá obtener mejores oportunidades en el futuro", dijo Reinoso.

Fenty y yo tenemos la misma visión acerca de la necesidad de mejorar la confianza en nuestras

Ver pág. 6-A

Gobernador electo cuestiona medida

Gas y electricidad suben 72% en MD

Veinte millones de familias que viven en Maryland se desataron el fin de semana pasado con una mala noticia: las tarifas residenciales que pagan por el gas y la electricidad fueron aumentadas de golpe, un 72 por ciento, según se relaciona a los precios actuales.

El alza fue aprobada sorpresivamente por la Comisión de Servicios Públicos de Maryland (PSC, por sus siglas en inglés), el viernes 10. La medida había sido solicitada al PSC por la compañía de servicios de Gas y Electricidad de Baltimore.

Se trata de una de las últimas acciones que se tomaron dentro de la administración del actual gobernador del Estado, Robert Ehrlich,

cuya candidatura a la reelección fue derrotada el pasado martes por el postulante demócrata Martin O'Malley.

Precisamente, la medida encendió las más duras críticas por parte de O'Malley, quien dijo que los más afectados serán las familias de trabajadores de bajos y medios ingresos, así como los propietarios de pequeños negocios.

Asimismo, un juez de Annapolis, la capital de Maryland, sostuvo que la PSC no tuvo en cuenta los intereses de los consumidores.

La presión sobre el presupuesto familiar será mucho más alta, tanto en este invierno como en el próximo verano, cuando los costos de la energía eléctrica y el gas tengan que absorber este

Ver pág. 6-A

El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.



Cuena como habría asesinado a su esposa Nicole y su amigo

El acusado de asesinato en primer grado, Michael Jackson, fue visto en un restaurante de lujo en Los Angeles, California, el día que se cree que mató a su esposa Nicole y a su amigo.

El acusado de asesinato en primer grado, Michael Jackson, fue visto en un restaurante de lujo en Los Angeles, California, el día que se cree que mató a su esposa Nicole y a su amigo.

Buscan imitar plan de acción en MD y VA.

Disminuye actividad de pandillas en Washington



El alcalde electo de DC, Adrian Fenty, escucha el discurso del próximo viceministro de educación, Víctor Reinoso.

Critican a Michael Jackson



El acusado de asesinato en primer grado, Michael Jackson, fue visto en un restaurante de lujo en Los Angeles, California, el día que se cree que mató a su esposa Nicole y a su amigo.

LOGAN EXHIBIT 1
 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 91/156321

Mary's Center celebró Gala Anual

Foto: Alvaro Ortiz



Scott Logan, de Monster Worldwide; Lydia Logan, US Hispanic Chamber of Commerce; Kathy Padlan, Building Hope; con ellos Tom Lane y su esposa Kimberly, de Children's National Medical Center.



El alcalde electo Adrián Fenty, posó con María Gómez, (c.) y Janet Ferral con la hija Gloria, durante la Gala "Noche Tropical" el 11 de noviembre.



Andrew Blair, presidente y director de Colonial Parking recibió el Premio "Building Better Futures".



El Washington Adventist Hospital se hizo presente con Dean A. Teague, vicepresidente de operaciones, su esposa Pam, y Jeri Stocks, presidente del mismo hospital.



Stephen Smith, de su agradecimiento por el premio "Excellence Recognition", acompañado por Dan Malabonga e Ivan Soyder, miembros de la firma Powell, Goldstein, LLP.



Ricardo Urbina, US District Court Judge para el Distrito de Columbia con su esposa Coreen se divirtieron de la celebración de Mary's Center, que tuvo lugar el 11 de noviembre en el Homer Building en Washington, D.C.

Pintura Abstracta de Manuel Hernández



Manuel Hernández posó para Washington Hispanic con su hijo Pablo, quien vive en la ciudad de Boston.



El artista colombiano Manuel Hernández se dirige a los invitados en la residencia de la Embajada de Colombia. La anfitriona Carolina Barco, embajadora de Colombia ante la Casa Blanca, le observa. La exposición estará abierta para el público hasta el 30 de enero de 2007.



El artista de arte abstracto, Manuel Hernández, con la embajadora Carolina Barco, centro, posaron con Isabel Ernst (izq.) y Pilar Hernández, esposa del pintor y Ricardo Ernst, profesor de George Washington University.

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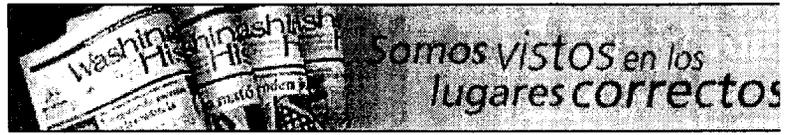
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CONEXIONES

Mary's Center celebró Gala Anual



Scott Logan, de Monster Worldwide; Lydia Logan, US Hispanic Chamber of Commerce; Kathy Padian, Building Hope; con ellos Tom Lane y su esposa Kimberly, de Children's National Medical Center.



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EVENTOS



El alcalde electo Adrian Fenty, posó con María Gómez, (c.) y Janet Ferrell con la hija Gloria, durante la Gala "Noche Tropical" el 11 de noviembre.

LOGAN 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



Andrew Blair, presidente y director de Colonial Parking recibió el Premio "Building Better Futures".



El Washington Adventist Hospital se hizo presente con Dean A. Teague, vicepresidente de operaciones, su esposa Pam, y Jeri Stocks, presidente del mismo hospital.



Stephen Smith, da su agradecimiento por el premio "Excellence Recognition", acompañado por Dan Malabonga e Ivan Snyder, miembros de la firma Powell, Goldstein, LLP.



Ricardo Urbina, US District Court Judge para el Distrito de Columbia con su esposa Coreen se divirtieron de la celebracion de Mary's Center, que tuvo lugar el 11 de noviembre en el Homer Building en Wahington, D.C.

Pintura Abstracta de Manuel Hernández



Manuel Hernández posó para Washington Hispanic con su hijo Pablo, quien vive en la ciudad de Boston.



El artista colombiano Manuel Hernández se dirige a los invitados en la residencia de la Embajada de Colombia. La anfitriona Carolina Barco, embajadora de Colombia ante la Casa Blanca, le observa. La exposición estará abierta para el público hasta el 30 de enero de 2007.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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THE CHAMBER OF COMMERCE OF THE :

UNITED STATES OF AMERICA, :

Opposer, :Opposition No.

v. :91/156,321

UNITED STATES HISPANIC CHAMBER :

OF COMMERCE FOUNDATION, :Serial No. 78/081,731

Applicant. :

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Friday, June 22, 2007

Washington, D.C.

Deposition of LUCIA H. OLIVERA, commencing at
9:16 a.m., held at the offices of Kenyon & Kenyon, 1500
K Street, N.W., Washington, D.C., before Keith
Wilkerson, a notary public in and for the District of
Columbia.

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A P P E A R A N C E S O F C O U N S E L

Attorneys for the Opposer:

Kenyon & Kenyon

1500 K Street, N.W.

Suite 700

Washington, D.C. 20005

(202) 220-4200

BY: WILLIAM M. MERONE, ESQ.

ERIK C. KANE, ESQ.

Chamber of Commerce of the United States

1615 H Street, N.W.

Washington, D.C. 20062

(202) 463-5337

BY: JUDITH K. RICHMOND, ESQ.

A P P E A R A N C E S O F C O U N S E L

Attorneys for the Applicant:

Manatt, Phelps & Phillips

11355 West Olympic Boulevard

Los Angeles, California 90064

(310) 312-4384

BY: ANDREW ELISEEV, ESQ.

JILL M. PIETRINI, ESQ.

ALSO PRESENT: Michael K. Jackson, II

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

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P R O C E E D I N G S

Whereupon,

LUCIA H. OLIVERA

was called for examination by counsel for Opposer and, after having been duly sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR OPPOSER

BY MR. MERONE:

Q. Good morning, Ms. Olivera.

A. Good morning.

Q. Can you state your full name for the record, please?

A. Lucia Haydee Olivera.

Q. And Ms. Olivera, where are you employed?

A. The U.S. Chamber of Commerce.

Q. And what is your current position at the U.S. Chamber?

A. I'm the manager for federation outreach for the political affairs and federation programs division.

Q. When did you first join the U.S. Chamber?

A. In May of 2005.

Q. Since May of 2005 can you briefly list the

1 various positions you've held at the U.S. Chamber and
2 the approximate times?

3 A. I started in May of 2005 as the administrative
4 assistant to J. P. Moery. He was the senior vice
5 president for Federation Relations. In March of 2006 I
6 was promoted to associate manager for the Access America
7 program, and in January of 2007 I was moved to a
8 different department called the Institute For
9 Organization Management.

10 Q. And when did you assume your present role?

11 A. Four weeks ago.

12 Q. Now, you mentioned Access America. Can you
13 please describe what Access America is?

14 A. Access America is a program that was to provide
15 information and resources to minority and women
16 organizations. We had a website that had information on
17 how to get certified if your business was 50 percent or
18 more minority or women owned.

19 We were trying to provide information for people
20 wanting to do business with bigger organizations,
21 information on supplier diversity programs, trying to
22 get more minority and women owned businesses to attend

1 the Chamber's small business summit, things like that.

2 Q. You mentioned that you provided information about
3 supplier diversity. What are some of the ways that the
4 Access America program sought to provide such
5 information to minority businesses?

6 A. What we had was a conference call that we did.
7 We tried to do it every month. And we would find a
8 speaker from a big company like Caterpillar or Fed Ex,
9 we would ask them to provide information during a
10 conference call, and then we would put information in
11 our newsletters or send e-mails to Chamber members
12 telling them that this person was going to be offering
13 information on their supplier diversity program on this
14 date at this time and that, if they wanted to join the
15 call, they had to sign up or call in to that number.
16 That's how we provided that information.

17 Q. To what group of people was the conference call
18 program targeted?

19 A. It was targeted to small business owners, mostly
20 businesses that were owned 50 percent or more by women
21 or minorities.

22 Q. And why is the 50 percent or more number

1 significant?

2 MR. ELISEEV: Objection. Lack of
3 foundation.

4 A. That's how the Small Business Administration
5 defines a minority and women's small business.

6 Q. And how did the U.S. Chamber promote programs
7 available through Access America?

8 A. We would have a little section on the U.S.
9 Chamber website, and we'd have the conference call
10 listed in the events section. We also had e-mails that
11 were sent to all our members, newsletters. The U.S.
12 Chamber has several different newsletters that come to
13 our members, and we would have the information there.
14 We would also do e-mails to the members.

15 Q. And so to whom would the U.S. Chamber be
16 e-mailing such information?

17 A. To all its members, Chambers of Commerce,
18 associations and small businesses.

19 Q. Now, you mentioned that the program was referred
20 to as Access America. Did the U.S. Chamber at all
21 identify itself with the Access America program such as
22 through the use of the U.S. Chamber name?

1 MR. ELISEEV: Objection. Lack of
2 foundation. Objection to the form of the question.

3 A. Yes. We were the U.S. Chamber of Commerce Access
4 America program. The Access America program didn't
5 really have much recognition and it doesn't say much by
6 itself, it doesn't really say what it is, and so we
7 would say that the e-mails came from the U.S. Chamber of
8 Commerce Access America program.

9 Q. Now, with regard to Access America, you mentioned
10 that you were an associate manager, I believe.

11 A. Yes.

12 Q. What were the responsibilities you had as an
13 associate manager during the time you worked on the
14 Access America program?

15 A. I had to attend conferences to talk to people
16 about the U.S. Chamber and what we were doing for women
17 and minorities and what we were doing in general for all
18 businesses. My responsibility was to set up these
19 conference calls and get people to sign up and get the
20 speakers and do everything that was related to that.
21 Also, we were planning an event during the small
22 business summit for a lunch for women and minorities,

1 and I also had to update the website with new
2 information.

3 Q. On average, approximately how many people
4 participated in the various conference calls that you
5 organized?

6 A. About 50 people.

7 Q. And how would you know that?

8 A. We set up the conference call through quest
9 communications, and we would ask them to -- when people
10 called the toll-free number and they entered their
11 conference call ID, somebody on the other side of the
12 line would answer the call, we'd ask them for their name
13 and their organization, and then at the end of the
14 conference call they would send a spreadsheet with all
15 the information.

16 Q. Now, you mentioned that you attended conferences
17 as part of your responsibility with Access America.

18 A. Yes.

19 Q. Did you attend any other events other than
20 conferences on behalf of Access America?

21 A. I attended lunches, dinners, receptions, trade
22 shows.

1 Q. What was the reason why, to your understanding,
2 you were attending these various conferences and events
3 on behalf of Access America?

4 A. The objective was to tell people about the U.S.
5 Chamber and about what the U.S. Chamber was doing for
6 women and for minorities and to ultimately get them to
7 join the Chamber and become members.

8 Q. You mentioned that one of the purposes was to
9 inform people as to what the U.S. Chamber was doing for
10 women and minority businesses. Were these conferences
11 and events typically associated with either women's or
12 minorities' business issues?

13 A. Yes. Most of the events that were attended were
14 targeted to Hispanics, African Americans and women. For
15 example, there was Women Impacting Public Policy, the
16 Minority Supplier Diversity Council, the Congressional
17 Hispanic Institute. They had a dinner. I believe it
18 was Fed Ex or one big company that had an event, a
19 reception saying that they were putting money to the
20 Martin Luther King monument, the monument they're doing
21 at the Mall. They did that. It was just basically
22 anything to attract minorities.

1 Q. And what did you tend to do at these conferences
2 and other events?

3 MR. ELISEEV: Objection to the form of the
4 question.

5 A. When I attended these events I would just go and
6 talk to people and introduce myself, I would tell them
7 that I was with the U.S. Chamber of Commerce and ask
8 them if they were familiar with us, and typically they
9 would say right away that they were familiar with us.

10 I would tell them about the Chamber, ask them
11 about their business, and try to find a connection
12 between how the Chamber could help them and get their
13 business cards and follow up with them.

14 Q. And when you would introduce yourself to people
15 with whom you were networking at these events, how would
16 you tend to introduce yourself?

17 A. Lucia Olivera with the U.S. Chamber of Commerce.

18 Q. Now, at any of these conferences or other events
19 did Access America have any sort of a trade show or
20 exhibition booth?

21 MR. ELISEEV: Objection to the form of the
22 question. Lack of foundation and leading.

1 A. Access America did not have a booth. The U.S.
2 Chamber had a booth, and at one of the events that I
3 attended I went with a U.S. Chamber booth.

4 Q. And do you recall what event that was?

5 A. Women Impacting Public Policy. I think they
6 called it a conference or legislative conference.

7 Q. And what were your responsibilities when you were
8 involved in manning the booth, so to speak?

9 A. Before the conference I made the arrangements for
10 us to have the booth and I collected materials from all
11 the different departments at the Chamber, including
12 materials on Access America. During the conference I
13 set up the booth, and I would just stand by the booth
14 and talk to everybody that would stop by, telling them
15 about the Chamber and about Access America.

16 Q. You stated that when you interacted with people
17 you met at these various networking events you would
18 inform them of the Access America program and about
19 other programs of the U.S. Chamber of Commerce.

20 A. Yes.

21 MR. ELISEEV: Objection. Lack of
22 foundation, misstates the witness's testimony, and

1 objection to the form of the question.

2 Q. Specifically with regard to the conference call
3 that we had been discussing, was that one of the
4 programs that you would inform people about?

5 A. Yes. The conference call was one of the programs
6 that we were trying to build up, and we had little forms
7 for people to sign up for it at the booth. We would
8 tell everybody that we talked to about the conference
9 call.

10 Q. And how would you refer to the conference call
11 program? Does it have a name?

12 A. It was the U.S. Chamber Member to Member
13 conference call or the U.S. Chamber Access America
14 Member to Member conference call.

15 Q. So it's the last one?

16 A. It was the U.S. Chamber Member to Member
17 conference call for Access America.

18 Q. You also mentioned that you had a role for a
19 number of months, I guess between January-February of
20 this year and fairly recently, involving the Institute
21 for Organizational Management.

22 A. Yes.

1 MR. ELISEEV: Objection. Lack of
2 foundation, leading, misstates the witness's testimony.

3 Q. Specifically what I want to know with regards to
4 the Institute for Organizational Management program,
5 what is that?

6 A. The Institute for Organizational Management is a
7 professional development program that the Chamber has
8 had for, I believe, 30 years or so that provides
9 education and classes regarding non-profit management.
10 It's targeted to local Chambers of Commerce and
11 association executives that want to better their
12 organizations, learn about best practices, and also
13 network with other Chamber and association leaders
14 throughout the country.

15 It takes place at five different sites throughout
16 the country in the summer, and they also have one
17 program in the winter. So the president or the
18 executive director of a Chamber of Commerce in
19 California, for example, signs up, and they go to attend
20 classes on finance and marketing and basically how to
21 manage their non-profits.

22 Q. And what were your responsibilities when you were

1 working with the institute?

2 A. I was responsible for finding 50 minority or
3 women organization executives, the leaders of minority
4 organizations, to sign them up to attend the institute
5 and offer them a scholarship for the first year and a
6 U.S. Chamber membership for one year, and I also was
7 responsible for finding funding for the scholarship and
8 for the membership.

9 Q. And what was your understanding as to the reason
10 why the institute wanted to recruit a number executives
11 from minority or women's organizations to attend the
12 institute?

13 MR. ELISEEV: Objection. Lack of
14 foundation.

15 A. We were just trying to grow the program, trying
16 to get more people to sign up for the program in
17 general, and since I had connections with minority and
18 women's organizations because I was doing that before
19 for Access America, I was just targeting that group of
20 people.

21 Q. And how did you go about recruiting the
22 individuals to attend the institute?

1 A. It was mostly over the phone. I would get a list
2 of prospects from the U.S. Chamber database, and I would
3 call them up and say, "I'm Lucia Olivera with the U.S.
4 Chamber of Commerce, we have a program called Institute
5 for Organization Management, and we'd like to invite you
6 to sign up."

7 Q. What do you mean by prospects?

8 A. The Chamber has a database that has names of
9 organizations throughout the country that are not
10 members of the U.S. Chamber that we want to call up to
11 get them to join.

12 Q. After you would call up potential prospects, how
13 else would you go about eventually getting them signed
14 up?

15 MR. ELISEEV: Objection. Lack of
16 foundation. Objection to the form of the question.

17 A. I would tell them about the Chamber, what the
18 Chamber does, tell them about the institute, about the
19 kinds of classes that we had. I would send them a
20 catalog for the institute, and then I would tell them
21 that it wouldn't have any cost for them the first year
22 because we would find them a sponsor, a scholarship.

1 Q. You said you'd send them a catalog. Can you
2 describe that?

3 A. It looks kind of like a university catalog. It's
4 just a thin booklet that talks about the institute. It
5 has an introduction by the board of regents, the
6 director of the board of regents, and it lists all the
7 different sites where the program takes place, the
8 dates, all the different classes they can take. That's
9 pretty much it. It also has instructions on how to sign
10 up. It's got a registration form at the end.

11 Q. The materials that you would send prospective
12 attendees, I guess, such as the catalog, was the U.S.
13 Chamber in any way identified as being affiliated with
14 the institute?

15 MR. ELISEEV: Objection. Lack of foundation
16 and leading.

17 A. The institute is a U.S. Chamber program, and in
18 the catalog it says Institute for Organization
19 Management, U.S. Chamber of Commerce.

20 Q. Have you heard of the U.S. Hispanic Chamber of
21 Commerce?

22 A. Yes.

1 Q. And when did you first hear of it?

2 A. In March of 2006, when I started working for the
3 Access America program, I got together with my boss,
4 Rita Perlman. We were trying to identify events that we
5 would want to attend where there would be minorities and
6 women that would be interested in our program, and one
7 of the organizations that we were interested in
8 attending their events was the U.S. Hispanic Chamber of
9 Commerce. She mentioned that, and that's how I found
10 out about it.

11 Q. How about the U.S. Hispanic Chamber of Commerce
12 Foundation? Have you ever heard of them?

13 MR. ELISEEV: Objection to the form of the
14 question.

15 A. I have heard of them. When I attended a U.S.
16 Hispanic Chamber of Commerce event I found out about
17 them.

18 Q. You referred to attending a U.S. Hispanic Chamber
19 of Commerce event. Can you describe what that was and
20 when it was?

21 A. It was in the fall of 2006, and it was the U.S.
22 Hispanic Chamber of Commerce convention in Philadelphia.

1 Q. Can you generally describe the convention, what
2 it was?

3 MR. ELISEEV: Objection. Lack of
4 foundation.

5 A. It was a three-day convention that had networking
6 events, informational sessions about legislative issues,
7 workshops on how to manage your business better,
8 financial information, and general information for
9 businesses. It was mostly targeted to a Hispanic
10 audience, but I believe it was open to the public, as
11 far as I know, to members and non-members of the
12 Chamber.

13 Q. Did you attend the conference?

14 A. Yes.

15 Q. Why was it that Access America wanted to have
16 someone attend this particular conference?

17 MR. ELISEEV: Objection. Lack of
18 foundation.

19 A. Access America is a program that was targeted to
20 minorities and women, and Hispanics are a large
21 minority. We knew there would be a lot of Hispanics
22 attending the conference, and we wanted to tell them

1 about the U.S. Chamber of Commerce and the Access
2 America program, so we thought it would be a good place
3 to meet people to do that, people who would be
4 interested in what we do.

5 Q. Did you sign up to attend the conference?

6 A. Yes.

7 Q. And how did you do that?

8 A. I went on line and found a registration form. My
9 boss asked me to check with the legal department at the
10 Chamber first to make sure that they were okay with it,
11 and I spoke to somebody in that department and signed up
12 and I went.

13 Q. Well, without getting into discussions you may
14 have had with the legal department, let me just back up
15 with regards to that. Were you instructed by anyone to
16 attend because of any sort of legal reasons?

17 A. No.

18 MR. ELISEEV: Objection. Lack of
19 foundation, leading, and to the form of the question.

20 Q. So how was it that the decision was made, to your
21 knowledge, in Access America to have you attend the
22 conference?

1 A. My boss thought it would be a good conference to
2 attend, I agreed, and I signed up and I attended.

3 Q. And who was your boss at this time?

4 A. Rita Perlman.

5 Q. So for how long did you attend the conference?

6 A. Two days.

7 Q. And can you describe what it is that you did
8 while attending the conference?

9 A. I arrived and I checked into the hotel and I went
10 to -- I believe the first event was a breakfast. I went
11 to the breakfast, and I would introduce myself to other
12 people and say, "I'm Lucia Olivera with the U.S. Chamber
13 of Commerce."

14 Q. You mentioned there were classes, workshops, and
15 networking. Can you just sort of give an overview of
16 the types of activities you participated in while you
17 were at the conference in the fall of last year?

18 MR. ELISEEV: Objection. Lack of
19 foundation, leading, and to the form of the question.

20 A. At the conference there were networking events
21 like lunches, receptions, dinners, breakfasts,
22 informational sessions. They had speakers. The

1 president of the Minority Supplier Development Council
2 was one of the speakers. They had different workshops.
3 One of the workshops was on how to do business in the
4 U.S., and it was conducted in Spanish and was targeted
5 to people that were in Latin America trying to do
6 business with the U.S. There were networking events and
7 informational sessions where they would have speakers.

8 Q. And you attended both the networking events and
9 the informational sessions?

10 A. Yes.

11 Q. Based on your interactions with the other
12 conference attendees, can you describe generally the
13 cross-section of individuals who were attending this
14 particular conference?

15 A. They were mostly local Hispanic Chambers of
16 Commerce presidents and staff and small business owners;
17 typically they were of Hispanic descent or they spoke
18 Spanish. There were people representing sponsors like
19 Fed Ex or Altria or Ford, there were U.S. Hispanic
20 Chamber board members, and there were people that were
21 attending just to network with others.

22 Q. Was there any sort of a trade show as well?

1 A. Yes, there was a trade show.

2 Q. And can you describe what that was?

3 A. It was just a big room with a lot of booths, and
4 it was mostly companies trying to inform people about
5 their supplier diversity programs and trying to offer
6 their services to small businesses.

7 Q. Now, what types of interactions did you generally
8 have with the other conference attendees in terms of how
9 it was that you came to interact with them?

10 MR. ELISEEV: Objection. Lack of foundation
11 and leading.

12 A. When I attended an event I would introduce myself
13 and I would try to tell them about the U.S. Chamber and
14 about what we did, and I would find out about their
15 business and try to find a way to tell them that they
16 should become members of the U.S. Chamber.

17 Q. Did these sorts of interactions also take place
18 in connection with the informational sessions?

19 A. Yes. During the networking events is when I got
20 to meet most of the people, but yes, in the
21 informational sessions -- the venue typically was more
22 like a theater shaped -- there were just chairs, so you

1 could only talk to the people that were sitting next to
2 you. In the lunches and breakfasts and receptions you
3 could sit at a table and talk to more people.

4 Q. Do you speak Spanish?

5 A. Yes.

6 Q. And some of the interactions you had with other
7 attendees, were they in Spanish?

8 A. Yes. They were both in Spanish and in English.

9 Q. Now, during your interactions with conference
10 attendees, were there occasions when it became evident
11 that the people with whom you were interacting thought
12 that either you or the U.S. Chamber or your programs
13 were somehow connected to the U.S. Hispanic Chamber of
14 Commerce?

15 A. Yes.

16 MR. ELISEEV: Objection. Leading, lack of
17 foundation, and to the form of the question.

18 A. Yes. The first day that I got there, every time
19 I introduced myself I would introduce myself as Lucia
20 Olivera with the U.S. Chamber of Commerce, and right
21 away the person I was talking to would say, "Oh, you're
22 with the U.S. Hispanic Chamber of Commerce," or, "Oh,

1 you are with USHCC," or, "Oh, so you work with so and so
2 in the Hispanic Chamber," or, "Oh, we work with your
3 boss a lot, Michael."

4 I would have to clarify that I was with the U.S.
5 Chamber of Commerce, not with the U.S. Hispanic Chamber
6 of Commerce, and I would say something like, We
7 represent Hispanics and non-Hispanics, or, We represent
8 all businesses, or, We don't discriminate, ha-ha-ha. It
9 basically happened every time I introduced myself to
10 somebody at that conference.

11 By the second day, when I introduced myself, to
12 avoid confusion I would right away introduce myself as
13 Lucia Olivera with the U.S. Chamber of Commerce, not the
14 U.S. Hispanic Chamber of Commerce, or Lucia Olivera with
15 the U.S. Chamber of Commerce, the one that serves all
16 races or things like that.

17 Q. Why did you feel that it was necessary on the
18 second day of the conference to change the way that you
19 were introducing yourself to provide this additional
20 information?

21 A. I was trying to avoid confusion because I
22 realized on the first day that everybody that I talked

1 to pretty much was confusing me -- right away when I
2 said that I was with the U.S. Chamber of Commerce,
3 everybody assumed that I was with the U.S. Hispanic
4 Chamber of Commerce, so I was trying to be proactive and
5 avoid confusion by doing that.

6 Q. Were you wearing a name tag at this conference?

7 A. I was wearing a name tag that said Lucia Olivera,
8 U.S. Chamber of Commerce.

9 Q. Was the name tag in any way different from the
10 types of name tags that other conference attendees wore?

11 MR. ELISEEV: Objection. Lack of
12 foundation.

13 A. Everybody was wearing the same name tag. Some of
14 them had a little thing on the bottom that said speakers
15 or sponsors or staff, but mine was just like every other
16 attendee's. It just said Lucia Olivera, U.S. Chamber of
17 Commerce, and it had a U.S. Hispanic Chamber of Commerce
18 logo on the side.

19 Q. So the name tag -- let me make sure I'm clear.
20 So the name tag for all conference attendees would have
21 the U.S. Hispanic Chamber of Commerce on it?

22 A. Yes.

1 MR. ELISEEV: Objection. Misstates
2 testimony and lack of foundation.

3 Q. So it's not that yours happened to have the U.S.
4 Hispanic Chamber of Commerce logo and other conference
5 attendees' did not?

6 MR. ELISEEV: Objection. Leading.

7 A. Everybody's name tag had their name, their
8 organization name, and the U.S. Hispanic Chamber of
9 Commerce logo, so my name tag said Lucia Olivera, U.S.
10 Chamber of Commerce, and on the side it had the U.S.
11 Hispanic Chamber of Commerce logo. For example,
12 somebody from Fed Ex, it would say Lisa whatever, Fed
13 Ex, and it had the U.S. Hispanic Chamber logo on the
14 side.

15 Q. During your experience or your interactions at
16 the conference, did it appear to you that any other
17 people there from other organizations who also happened
18 to be wearing a similar name tag, were they being
19 confused as being somehow associated with the U.S.
20 Hispanic Chamber of Commerce?

21 MR. ELISEEV: Objection. Leading, calls for
22 speculation, and lack of foundation.

1 A. I didn't see any cases where anybody was confused
2 by being from a different organization. There were
3 people from, for example, the California Hispanic
4 Chamber of Commerce, and everybody seemed to know that
5 they were not with the U.S. Hispanic Chamber of
6 Commerce, and so I seemed to be the only one that was
7 getting confused with working with the Hispanic Chamber.

8 Q. You mentioned also that you had interactions with
9 conference attendees in Spanish. Did some of these
10 instances that you were describing about being
11 misassociated with the U.S. Hispanic Chamber of Commerce
12 occur in exchanges with individuals speaking in Spanish?

13 A. Yes.

14 MR. ELISEEV: Objection. Lack of foundation
15 and leading. What was the answer?

16 THE WITNESS: When I was talking to somebody
17 in Spanish and I was introducing myself to them in
18 Spanish, the same thing happened as it would in English.
19 They assumed that I was with the U.S. Hispanic Chamber
20 of Commerce until I clarified it. It happened both in
21 English and in Spanish.

22 MR. MERONE: That's all I have at the

1 present. We'll take a ten minute break. I think
2 counsel on the other side may have some questions.

3 (Recess.)

4 EXAMINATION BY COUNSEL FOR APPLICANT

5 BY MR. ELISEEV:

6 Q. Good morning, Ms. Olivera. My name is Andy
7 Eliseev, and I represent the United States Hispanic
8 Chamber of Commerce Foundation in this proceeding. Have
9 you met with anybody to prepare for this testimony
10 today?

11 A. Yes.

12 Q. Who did you meet with?

13 A. Him.

14 Q. Anybody else? You're pointing to?

15 A. Bill Merone.

16 Q. Anybody else?

17 A. No.

18 Q. When did you meet with Mr. Merone?

19 A. Yesterday.

20 Q. Did you review any documents to prepare for this
21 testimony?

22 A. No.

1 Q. Were you given a list of questions for this
2 testimony?

3 A. No.

4 Q. Can you tell me your educational background
5 briefly?

6 A. I grew up in Argentina, went to school there
7 until high school, and I went to college at Southern
8 Utah University. I graduated with a bachelor's in
9 management information systems.

10 Q. When did you come to this country?

11 A. In 1998.

12 Q. So you got a bachelor's?

13 A. Yes.

14 Q. And what was your major?

15 A. Management information systems.

16 Q. Did you go to graduate school?

17 A. No.

18 Q. Did you take any vocational courses or go to any
19 vocational schools?

20 A. No.

21 Q. Where were you employed prior to starting with
22 the United States Chamber of Commerce?

1 A. The Joint Economic Committee of the U.S.
2 Congress.

3 Q. Was that in Washington, D.C.?

4 A. Yes.

5 Q. How many years did you work at that organization?

6 A. Approximately two years.

7 Q. And after that you started at the Chamber of
8 Commerce?

9 A. Yes.

10 Q. You mentioned that your first position at the
11 Chamber of Commerce was in May 2005 and that you were
12 administrative assistant to the senior VP of Federation
13 Relations. Is that right?

14 A. At the U.S. Chamber of Commerce, yes, the senior
15 vice president for Federation Relations.

16 Q. What is Federation Relations?

17 A. Federation Relations was the department that
18 deals with associations and Chambers of Commerce
19 throughout the country.

20 Q. What Chambers of Commerce and what associations
21 does that department deal with?

22 MR. MERONE: Objection. Vague. Also

1 outside the witness's -- vague and lack of temporal
2 restriction. You can answer.

3 A. What do you mean?

4 Q. What associations does that department deal with?
5 You mentioned that you deal with associations. Which
6 ones?

7 MR. MERONE: Same objection.
8 Mischaracterizes the witness's testimony.

9 A. I didn't personally deal with anybody, so I don't
10 know. I was the assistant to the senior vice president.
11 I would just do his scheduling and travel arrangements
12 and things like that, so I didn't really -- I don't
13 really know exactly who he dealt with.

14 Q. To your knowledge, you don't know which
15 associations that department dealt with. Right?

16 A. Do you want me to speculate, to tell you what he
17 told me he dealt with?

18 Q. Not speculate, but what was your understanding
19 about what those associations were?

20 MR. MERONE: Same objection. Calls for
21 information outside the witness's personal knowledge.
22 Also vague.

1 A. For example, my boss would meet with the
2 president of the American Restaurant Association or I
3 would make arrangements for him to meet with the
4 president of the American Restaurant Association, and
5 I'm just giving examples here, the California Chamber of
6 Commerce president, things like that.

7 Q. And are those Chambers of Commerce and
8 associations members of the U.S. Chamber of Commerce?

9 MR. MERONE: Objection to the form of the
10 question. Object to the extent that it calls for
11 information outside the witness's personal knowledge.

12 A. I don't know.

13 Q. What responsibilities did you have in that
14 position?

15 A. Scheduling, answering phone calls, writing
16 letters for the senior vice president.

17 Q. Secretarial responsibilities in general?

18 A. Yes.

19 Q. Were you opening mail as well in that position?

20 A. Yes, sometimes.

21 Q. Did you have access to your boss's e-mail account
22 at work?

1 MR. MERONE: Objection. Vague.

2 A. To his Chamber e-mail address? I believe at some
3 point I did, yes.

4 Q. I mean his in-box, his e-mail in-box.

5 MR. MERONE: Same objection.

6 A. You mean if I could read it, if I could see it?

7 Q. Yes. Did you have access to it, to your boss's
8 e-mail in-box at work?

9 A. Yes, I did.

10 Q. So you could see e-mails comes to your boss at
11 his work e-mail address?

12 A. Yes.

13 Q. How long did you stay in that position?

14 A. About eight months, I believe, from May '05 to
15 February '06.

16 Q. Did you know about the United States Hispanic
17 Chamber of Commerce at that time?

18 MR. MERONE: Objection. The witness has
19 already answered the question.

20 A. No.

21 Q. Who were the people that you were interacting
22 with during your time in that position?

1 MR. MERONE: Objection. Vague.

2 A. Interacting with? What do you mean?

3 Q. The phone calls you mentioned earlier, you said
4 that you answered a lot of phone calls and that you
5 wrote letters to and answered e-mails from people, who
6 were the individuals that you were dealing with?

7 MR. MERONE: Same objection. Vague. Also
8 compound.

9 A. People that called to talk to my boss, people
10 that my boss told me to write letters to.

11 Q. And those were people associated with those
12 associations and Chambers of Commerce that you mentioned
13 earlier?

14 MR. MERONE: Objection. Mischaracterizes
15 the witness's testimony. Also vague.

16 A. They were all sorts of people.

17 Q. But they included members of associations and
18 Chambers of Commerce that were dealing with your boss
19 and the office of your boss. Is that correct?

20 MR. MERONE: Same objection.

21 A. I would just pick up the phone, and whoever
22 called to talk to my boss, I would transfer the call.

1 They were just all sorts of people from different
2 backgrounds, from different companies, from chambers,
3 from associations. They would just typically call and
4 tell me their names. They wouldn't go into detail as to
5 anything else.

6 Q. During the time that you were employed in that
7 position, did you encounter any instances of confusion
8 between the U.S. Chamber of Commerce and the Hispanic
9 Chamber of Commerce?

10 MR. MERONE: Objection. Vague.

11 A. During that time in that position?

12 Q. Yes. Did you encounter any instances of
13 confusion, whether by phone, mail, e-mail or otherwise?

14 A. I don't recall anything like that.

15 Q. During that period, did you hear from anybody
16 saying that they encountered instances of confusion
17 between the U.S. Chamber of Commerce and the Hispanic
18 Chamber of Commerce?

19 A. Did I hear anybody say something like that?

20 Q. Yes.

21 MR. MERONE: Objection. Vague.

22 A. Not that I recall.

1 Q. During that period of being employed as an
2 administrative assistant, did you know of the U.S.
3 Hispanic Chamber of Commerce Foundation?

4 A. No.

5 Q. And you did not encounter any instances of
6 confusion during that period between the U.S. Chamber of
7 Commerce and the Hispanic Chamber of Commerce
8 Foundation. Correct?

9 A. I don't recall any.

10 Q. Do you recall anybody saying that they
11 encountered any instances of confusion between the U.S.
12 Chamber of Commerce and the Hispanic Chamber of Commerce
13 Foundation?

14 A. Any --

15 Q. Any instances of confusion. Did anyone tell you
16 during that period that they encountered any confusion?

17 A. During that period I had never heard of any of
18 those organizations.

19 Q. So nobody mentioned any confusion whatsoever
20 during that period. Correct?

21 A. I never really heard the names or anything like
22 that.

1 Q. What was your next position at the U.S. Chamber
2 of Commerce?

3 A. In March of '06 I was the associate manager for
4 Access America.

5 Q. What is Access America?

6 MR. MERONE: Objection. You can answer.

7 A. Like I mentioned before, it's a Chamber program
8 offering information and resources to minorities and
9 women.

10 Q. When did Access America start?

11 A. I don't know.

12 Q. Do you know if it started immediately before you
13 began working there?

14 A. I don't know.

15 Q. Do you know if it existed in May 2005?

16 A. I started working for the program in March of '05
17 and continued working for the program until December
18 of -- I'm sorry. I got the years confused. What did
19 you ask me?

20 Q. Do you know if the Access America program was in
21 existence in May 2005?

22 A. I don't know.

1 Q. When did you first hear about Access America?

2 A. A few months after I started working at the
3 Chamber. I don't recall exactly when.

4 Q. But it was after May of 2005. Right?

5 A. Probably. I started at the Chamber in May of
6 2005, so it had to be after that. I don't recall
7 exactly.

8 Q. Do you know the history of the Access America
9 program?

10 A. No.

11 Q. Do you know why the program started?

12 A. No.

13 MR. MERONE: Objection. Calls for
14 information outside the witness's personal knowledge.

15 Q. What are the purposes of Access America?

16 A. As I was told, Access America wanted to provide
17 information to minorities and women in general.

18 Q. Do you know if there are any programs at the
19 United States Chamber of Commerce similar to Access
20 America?

21 MR. MERONE: Objection. Vague.

22 A. I don't know of any. To my personal knowledge, I

1 don't.

2 Q. To your personal knowledge, Access America is the
3 only program at the United States Chamber of Commerce
4 that promotes to minorities and women?

5 MR. MERONE: Objection. Vague. Also
6 mischaracterizes her testimony.

7 A. Are you trying to ask me if Access America is the
8 only -- it was the only program that what?

9 Q. It was the only program at the United States
10 Chamber of Commerce that targets minorities and women.

11 MR. MERONE: Objection. Vague as to
12 "targets."

13 A. The U.S. Chamber of Commerce is an organization
14 that -- is a membership organization for all businesses,
15 and that includes women, minorities and non-minorities
16 and non-women.

17 Q. But you said Access America is the only program
18 that you know of of its kind.

19 MR. MERONE: Objection. Mischaracterizes
20 her testimony. She was responding to the specific
21 question that you asked, which was vague.

22 A. Access America is a program that provides

1 information about the U.S. Chamber, what it does is for
2 all businesses. It fights for or lobbies for
3 businesses, as far as I know. It's a big organization.
4 I'm not exactly sure what you're asking me.

5 Q. What is the purpose of Access America, then?

6 MR. MERONE: Objection. Asked and answered.

7 A. To provide information and resources to women and
8 minorities.

9 Q. Specifically to women and minorities?

10 A. To all businesses, including women and
11 minorities.

12 Q. So Access America is no different than any other
13 program at the United States Chamber of Commerce in
14 terms of targeting minorities and women?

15 MR. MERONE: Objection. Vague.
16 Mischaracterizes her testimony.

17 A. I'm not sure what you're asking me.

18 Q. I'm just trying to understand how Access America
19 stands out from other programs at the Chamber of
20 Commerce.

21 MR. MERONE: Objection. Vague. There's no
22 question there.

1 MS. PIETRINI: He was clarifying it for her.

2 Q. Do you understand my question?

3 A. No.

4 Q. Please explain to me how Access America is
5 different than any other programs at the United States
6 Chamber of Commerce.

7 MR. MERONE: Objection. Vague. Indefinite.

8 A. How Access America is different than other
9 programs? We had, for example, a conference call that
10 provided information about supplier diversity, and I
11 believe nobody else at the Chamber did that.

12 Q. Supply and diversity?

13 A. Supplier diversity.

14 Q. What do you understand by the word "diversity"?

15 A. Well, in that case, in the case I'm talking
16 about, supplier diversity, some companies have a
17 specific thing called supplier diversity, and each
18 company defines it in different ways. All we did is
19 provide information about it.

20 Q. What do you understand by the phrase "supplier
21 diversity"?

22 A. You mean what's my opinion on what --

1 Q. What that phrase means, yes.

2 A. Well, I don't really have an opinion. I can tell
3 you what I've read about it and what I understood by it.
4 I read what the Small Business Administration defines as
5 women owned or minority owned small businesses.

6 Q. What is your understanding of the word
7 "diversity"?

8 MR. MERONE: I'll object just to the
9 context. You mean within supplier diversity?

10 Q. What is your understanding of the word
11 "diversity" in the context of programs at the United
12 States Chamber of Commerce?

13 MR. MERONE: Objection. Vague. Indefinite.

14 Q. Go ahead.

15 A. You're going to have to tell me more about what
16 you want.

17 Q. Do you understand the word "diversity"?

18 A. It can have different meanings.

19 Q. Within the context of programs that you have at
20 Access America, for example.

21 A. A supplier diversity program generally is when a
22 company, for example Federal Express, has a target or

1 they're trying to get minority and women owned
2 businesses to become their suppliers. For example, Fed
3 Ex can define diversity as a business that's owned 50
4 percent or more by a woman or minority.

5 Q. I still don't think I got an answer of your
6 understanding of what the word "diversity" means. Four
7 weeks ago you said you started as a diversity outreach
8 person at the United States Chamber of Commerce. What
9 do you understand by diversity in that context?

10 MR. MERONE: So you're asking her
11 specifically what she understands diversity to mean in
12 her new position?

13 Q. What do you understand the word "diversity" to
14 mean in the context of programs at the United States
15 Chamber of Commerce?

16 MR. MERONE: I'll object because you're not
17 explaining what program you're asking about, and the
18 word "diversity" has different meanings.

19 MR. ELISEEV: I don't like your speaking
20 objections.

21 MR. MERONE: She's already said she
22 understands that the word has multiple meanings.

1 MR. ELISEEV: I don't believe I'm getting an
2 answer to my question.

3 MR. MERONE: If you ask a specific question
4 you'll get an answer.

5 Q. Do you understand my questions about the word
6 "diversity"? I'd like to get your understanding of the
7 word "diversity".

8 MR. MERONE: If that's your question, what's
9 the meaning of the word "diversity", I'll object again.
10 You're being indefinite and vague and not defining it in
11 the context of any particular program.

12 A. In my role in diversity outreach for Access
13 America, what I understood were my duties were to
14 provide information and resources to organizations that
15 target women and minorities and small businesses that
16 are owned by women and by minorities.

17 Q. So the term diversity embraces minorities and
18 women. Correct?

19 MR. MERONE: Objection. You're
20 mischaracterizing her testimony. You can answer.

21 A. My understanding of what my position and what my
22 responsibilities were is that it had to do with women

1 and minority owned businesses. It was defined as that.

2 Q. Is the Access America program still in existence?

3 A. No.

4 Q. When was it terminated?

5 A. I don't remember exactly. December of '06
6 probably.

7 Q. Do you know if a new program was substituted in
8 place of Access America?

9 A. I don't know.

10 Q. Do you know the reasons why the program was
11 discontinued?

12 A. No.

13 Q. Did you discuss with anybody as to why Access
14 America was discontinued?

15 A. No.

16 Q. You were with Access America until what date?

17 A. I believe it was until the end of December of
18 '06.

19 Q. About the time the program was discontinued?

20 A. Yes.

21 Q. And why did you switch positions?

22 A. Because the program was discontinued.

1 Q. Do you know how many people at the United States
2 Chamber of Commerce administered the program?

3 MR. MERONE: Objection. Vague.

4 A. Directly? Indirectly? There's a chain of
5 command at the Chamber.

6 Q. All together, directly and indirectly.

7 MR. MERONE: Same objection.

8 A. I couldn't say.

9 Q. More than ten?

10 MR. MERONE: Same objection.

11 A. I couldn't say.

12 Q. More than 50?

13 MR. MERONE: Same objection.

14 A. I couldn't say.

15 Q. Do you know how many people directly administered
16 the Access America program?

17 MR. MERONE: Objection. Vague.

18 A. I don't know.

19 Q. You said you were assistant manager at Access
20 America.

21 A. Yes.

22 Q. Who did you assist?

1 A. I assisted Rita Perlman.

2 Q. What was Rita Perlman's title?

3 A. I don't recall exactly. Part of it, I believe,
4 was executive director of Access America.

5 Q. Was she also a manager of Access America?

6 A. She was my boss, so she had to deal with the
7 program.

8 Q. Do you know if there were any other directors or
9 managers at Access America aside from Rita Perlman?

10 A. At the same time?

11 Q. Yes.

12 A. Not that I know of.

13 Q. As far as you know, she was the only director at
14 Access America?

15 A. Yes.

16 Q. Do you know if she had a boss at Access America?

17 A. Yes.

18 Q. What was his or her name?

19 A. She had a lot of different bosses.

20 Q. At Access America she had a lot of bosses?

21 A. She had different bosses at different times. I
22 believe when I started she reported to Anita Barrera.

1 Q. And what was Anita Barrera's title?

2 A. I don't recall.

3 Q. Who else?

4 A. I don't remember the name of the person before
5 her.

6 Q. How many other people did Ms. Perlman report to?

7 MR. MERONE: I'll object as being beyond the
8 scope of direct, and also to the extent you're seeking
9 information outside the witness's knowledge.

10 Q. You said there were many people. How many? One?
11 Five?

12 MR. MERONE: Same objection.

13 A. I don't know.

14 Q. Well, why did you say there were a lot of people?

15 MR. MERONE: Same objection.

16 A. I vaguely remember that she reported to different
17 people.

18 Q. But you don't remember how many?

19 A. No.

20 Q. How do you know she was reporting to different
21 people?

22 A. I don't really know. I believe that she had

1 different responsibilities, and for her different
2 responsibilities she reported to different people.

3 Q. And did Ms. Perlman also change positions after
4 December 2006?

5 A. I don't know, but I believe she did.

6 Q. Did she change positions prior to the
7 discontinuance of Access America?

8 MR. MERONE: Objection. Lack of foundation
9 and vague.

10 A. I don't know.

11 Q. Who did you report to throughout your position at
12 Access America?

13 A. Rita Perlman.

14 Q. All the way through December 2006?

15 A. Yes.

16 Q. What were your responsibilities at Access
17 America?

18 A. As I mentioned before, I was attending
19 conferences, updating the website, planning conference
20 calls.

21 Q. How many conferences did you attend during your
22 employment at Access America?

1 A. I don't recall exactly. Probably four or five.

2 Q. What conferences were those?

3 A. You want the names of the organizations, the
4 places?

5 Q. The names of the conferences.

6 A. I can recall some of them. The Minority Supplier
7 Development Council conference, something similar to
8 that. The Women Impacting Public Policy conference, the
9 U.S. Hispanic Chamber of Commerce convention. That's
10 all I can recall.

11 Q. Do you know who organized the first conference
12 that you mentioned?

13 A. What was the first conference I mentioned?

14 Q. The Minority Supplier Development Council
15 conference.

16 A. I don't know, but I assume it was the Minority
17 Business Development Council. It could have been
18 outsourced. I don't know.

19 Q. Is that council part of the United States Chamber
20 of Commerce?

21 A. To my knowledge they're not.

22 Q. How many people attended that conference?

1 MR. MERONE: Objection. Vague.

2 A. I don't know.

3 Q. How many days did it last?

4 A. I don't know that, either.

5 Q. Did it last a month?

6 MR. MERONE: Same objection.

7 A. Two or three days.

8 Q. What about the second conference you mentioned,
9 the Women Impacting Public Policy conference? Who was
10 that conference organized by?

11 A. I don't know. I'm assuming by them.

12 Q. It was not organized by the United States Chamber
13 of Commerce?

14 A. No.

15 Q. How many days did that conference last?

16 MR. MERONE: Same objection. Vague.

17 A. I don't recall. Two or three days. All these
18 conferences were typically between two and three days.

19 Q. Did you encounter any instances of confusion
20 between the U.S. Chamber of Commerce and the Hispanic
21 Chamber of Commerce or the U.S. Hispanic Chamber of
22 Commerce Foundation during the minority supplier

1 conference?

2 A. I don't recall any.

3 Q. How many people did you talk to at that
4 particular conference?

5 A. I don't recall exactly.

6 Q. You said it was a two or three day conference.

7 A. Yes.

8 Q. Was it a full two or three days?

9 A. I don't remember.

10 Q. When was that conference?

11 A. I don't recall.

12 Q. Do you recall if it was in the year 2006?

13 A. Yes, it must have been.

14 Q. Do you know if it was in the summer of 2006?

15 A. I don't recall.

16 Q. Do you remember where it was?

17 A. It was at the hotel on Calvert and Connecticut.

18 Q. Was it in Washington, D.C.?

19 A. Yes.

20 Q. How about the Women Impacting Public Policy
21 conference? Where was that?

22 A. It was in Capitol Hill.

1 Q. When was it?

2 A. I don't recall. Approximately February of --
3 well, no. I don't recall. It was 2006 sometime.

4 Q. What was your function at those conferences?

5 A. Which ones?

6 Q. Let's start with the first one, the Minority
7 Supplier Development conference.

8 A. I was attending to find small businesses to join
9 in the conference call.

10 Q. Was there anybody else from the United States
11 Chamber of Commerce that attended this conference with
12 you?

13 A. The Minority Business Development Council?

14 Q. Yes.

15 A. My boss attended, I believe, some of the events.

16 Q. By your boss, do you mean --

17 A. Rita Perlman.

18 Q. Did you have a booth at this conference?

19 A. Not at that one, no.

20 Q. You were just an attendee of the conference?

21 A. Yes.

22 Q. And you said you were promoting the conference

1 call, the Access America conference call. Is that
2 right?

3 A. The U.S. Chamber Member to Member conference
4 call, yes.

5 Q. How did you promote it?

6 A. By telling people.

7 Q. And how were you telling people?

8 A. I would go to them and introduce myself, "I'm
9 Lucia Olivera with the U.S. Chamber of Commerce," and if
10 they had a small business I would tell them that the
11 U.S. Chamber has a conference call and that they should
12 sign up. I would give them my card and I would get
13 their card and follow up by e-mail with information.

14 Q. And how did you encounter those people? Was it
15 during sessions, between session, lunches? Under what
16 circumstances did you encounter them?

17 A. All throughout the conference. There were many
18 different situations, in the bathrooms, in the halls, at
19 breakfast.

20 Q. And how many people did you talk to about this
21 conference call?

22 A. I don't recall.

1 Q. Was it more than five?

2 A. Probably between 20 and 30.

3 Q. Between 20 and 30 a day, or 20 or 30 for the
4 entire conference?

5 A. The entire conference.

6 Q. And you said you would give out your business
7 card to them.

8 A. Yes.

9 Q. And then follow up by e-mail or phone.

10 A. Yes.

11 Q. And you encountered no instances of confusion
12 between the U.S. Chamber of Commerce or the Hispanic
13 Chamber of Commerce or the United States Hispanic
14 Chamber of Commerce Foundation. Correct?

15 A. No.

16 Q. As far as the Women Impacting Public Policy
17 conference, what was your function at that conference?

18 A. I had a booth that I had to take care of.

19 Q. Did anybody else from the U.S. Chamber of
20 Commerce attend this conference with you?

21 A. Rita Perlman.

22 Q. Anybody else?

1 A. No, not that I know of. It was a big conference.
2 There could have been other people.

3 Q. What was the function of that booth that you had
4 at that conference?

5 A. To provide information about the U.S. Chamber of
6 Commerce.

7 Q. Do you know who the attendees at that conference
8 were?

9 A. No, not really.

10 Q. So what was the purpose of the booth?

11 A. To provide information about the U.S. Chamber of
12 Commerce.

13 Q. And who did you provide that information to?

14 A. The attendees of the conference.

15 Q. And you don't know what --

16 A. I assume that they were business owners.

17 Q. What was the purpose of providing information
18 about the U.S. Chamber of Commerce at that conference?

19 A. What was the purpose?

20 Q. Yes.

21 A. Well, one of the purposes was to have them sign
22 up for the conference call.

1 Q. Tell me about those conference calls. How many
2 of those conference calls were conducted?

3 A. I don't recall exactly. Three or four, I
4 believe.

5 Q. And you were the moderator of the conference
6 call?

7 A. I was the organizer.

8 Q. You were the organizer. And who were the
9 participants in the call?

10 A. It was open to the public.

11 Q. And you mentioned earlier that there were about
12 50 participants per call.

13 A. Approximately, yes.

14 Q. Getting back to the conference, did you encounter
15 any instances of confusion during that conference
16 between the United States Chamber of Commerce and the
17 Hispanic Chamber of Commerce?

18 A. Are you referring to the --

19 Q. The Women Impacting Public Policy conference.

20 A. I don't recall any.

21 Q. Do you recall any instances of confusion at that
22 conference?

1 A. I don't recall any.

2 Q. Do you recall any instances of confusion at that
3 conference between the U.S. Chamber of Commerce and the
4 Hispanic Chamber of Commerce Foundation?

5 A. Not that I recall.

6 Q. Do you recall any instances of confusion at that
7 conference between the U.S. Chamber of Commerce and any
8 other Chamber of Commerce?

9 A. No.

10 Q. Do you recall any instances of confusion at the
11 minority supplier conference between the U.S. Chamber of
12 Commerce and any other Chamber of Commerce?

13 A. No.

14 Q. What other conferences besides these two did you
15 attend during your employment at Access America?

16 A. What other conferences?

17 Q. Yes.

18 A. Besides the ones I mentioned before?

19 Q. Besides these three, yes.

20 A. I don't recall. I believe I attended an event of
21 the Congressional Hispanic Institute.

22 Q. Can you repeat the name, please?

1 A. The Congressional Hispanic Institute or the
2 Congressional Leadership Hispanic Institute. I don't
3 recall the name exactly.

4 Q. And what was the name of the event?

5 A. I don't recall.

6 Q. Was it a reception?

7 A. It was a dinner.

8 Q. When was that?

9 A. I don't recall.

10 Q. Where was that?

11 A. Here in D.C.

12 Q. At that Congressional Hispanic Institute dinner
13 that you just mentioned did you notice any confusion
14 between the U.S. Chamber of Commerce and the Hispanic
15 Chamber of Commerce?

16 A. Not that I recall.

17 Q. And at that dinner do you recall any instances of
18 confusion between the Hispanic Chamber of Commerce and
19 the Hispanic Chamber of Commerce Foundation?

20 A. Not that I recall.

21 Q. Do you know the difference between the Hispanic
22 Chamber of Commerce and the Hispanic Chamber of Commerce

1 Foundation?

2 MR. MERONE: Objection. Vague.

3 A. No, I don't.

4 Q. During the conference calls that you attended and
5 that were administered by Access America, did you
6 encounter any instances of confusion between the U.S.
7 Chamber of Commerce and the Hispanic Chamber of
8 Commerce?

9 A. There wasn't any opportunity for confusion.
10 There was a speaker talking to an audience.

11 Q. Were there any questions from the audience at the
12 end of the call or during the call?

13 A. To the speakers, yes.

14 Q. Were those questions asked during the call,
15 during the speech, or after the speech by the speaker?

16 A. After.

17 Q. And how long did that question and answer session
18 last?

19 A. Three, four minutes.

20 Q. How long did the whole conference last?

21 A. One hour.

22 Q. So most of the time it would be a speaker, the

1 speaker's speech, and then there would be a question and
2 answer session?

3 A. Yes.

4 Q. And you encountered no instances of confusion
5 during any of those conference calls between the U.S.
6 Chamber of Commerce and the Hispanic Chamber of
7 Commerce. Correct?

8 A. No.

9 Q. And during any of those conference calls you
10 encountered no instances of confusion between the
11 Hispanic Chamber of Commerce and the Hispanic Chamber of
12 Commerce Foundation. Correct?

13 A. Not that I recall.

14 Q. So it follows from your testimony that the only
15 time that you encountered instances of confusion were at
16 the United States Hispanic Chamber of Commerce
17 convention that you attended. Correct?

18 MR. MERONE: Objection. Mischaracterizes
19 her previous testimony.

20 A. I'm not sure what you're asking.

21 Q. I'm asking if the only instances of confusion
22 between the U.S. Chamber of Commerce and the Hispanic

1 Chamber of Commerce that you encountered were during
2 your attendance at the Hispanic Chamber of Commerce
3 convention in the fall of 2006. Is that right?

4 MR. MERONE: Objection to the form of the
5 question and vague.

6 A. As far as I can recall, when I was attending the
7 U.S. Hispanic Chamber of Commerce convention I came
8 across a lot of people confusing me with the U.S.
9 Hispanic Chamber of Commerce.

10 Q. But aside from those instances of confusion at
11 that particular convention, you have encountered no
12 instances of confusion whatsoever. Correct?

13 MR. MERONE: Objection. Mischaracterizes
14 her testimony.

15 A. As far as I can recall, when I was at the
16 conference is when I encountered most of the instances
17 of confusion.

18 Q. You said "most." Were there others?

19 A. As far as I can recall, there weren't any others.

20 Q. So aside from the instances of confusion at the
21 Hispanic Chamber of Commerce convention that you
22 attended, you have encountered no instances of confusion

1 whatsoever. Is that right?

2 MR. MERONE: Objection. Mischaracterizes
3 her testimony. Asked and answered.

4 MR. ELISEEV: She didn't answer.

5 MR. MERONE: She did. She said that as far
6 as she can recall those were the only ones she
7 encountered.

8 A. As far as I can recall, the only instances that
9 people confused me -- confused the U.S. Chamber of
10 Commerce with the U.S. Hispanic Chamber of Commerce were
11 at the conference.

12 Q. At the Hispanic Chamber of Commerce convention.
13 Correct?

14 A. That's what I said.

15 Q. And have you encountered any instances of
16 confusion between the U.S. Chamber of Commerce and the
17 Hispanic Chamber of Commerce Foundation?

18 MR. MERONE: Objection. Vague.

19 A. Not that I recall.

20 Q. At any time. Correct?

21 A. I don't recall.

22 Q. You don't recall any instances of confusion or --

1 A. I don't recall any confusion --

2 Q. Let me restate it. You haven't encountered any
3 instances of confusion between the U.S. Chamber of
4 Commerce and the Hispanic Chamber of Commerce
5 Foundation. Correct?

6 MR. MERONE: Objection to form. Vague.
7 Also mischaracterizes the testimony she just gave.

8 Q. Go ahead.

9 A. I don't know the difference between the
10 Foundation and the Chamber, so I don't know if they were
11 confusing me with the Chamber or the Foundation, with
12 the Hispanic Chamber or the Hispanic Foundation.

13 Q. But to your recollection, have you ever
14 encountered any confusion between the U.S. Chamber of
15 Commerce and the Hispanic Chamber of Commerce
16 Foundation?

17 MR. MERONE: Objection to the form of the
18 question. Also asked and answered.

19 Q. Go ahead.

20 A. I just answered that. Because I don't know the
21 difference between the U.S. Hispanic Chamber of Commerce
22 and the U.S. Hispanic Chamber of Commerce Foundation, in

1 all the instances of confusion, I don't know if they
2 were confusing me with the U.S. Hispanic Chamber of
3 Commerce or the U.S. Hispanic Chamber of Commerce
4 Foundation.

5 Q. How did you learn of the Hispanic Chamber of
6 Commerce convention that you attended?

7 A. My boss told me about it.

8 Q. Ms. Perlman told you about it?

9 A. Or she told me about the U.S. Hispanic Chamber
10 and she told me to find out if they have any events, and
11 I found out that they had an event.

12 Q. In what context did Ms. Perlman tell you about
13 the Hispanic Chamber of Commerce?

14 A. We were looking for events to attend, and one of
15 them was Women Impacting Public Policy, another one was
16 the U.S. Hispanic Chamber of Commerce event, and one of
17 them was the convention.

18 Q. And how did you learn about this convention?

19 A. I don't recall exactly. Either on the website or
20 I called them.

21 Q. You said you were looking to attend certain
22 events. What kinds of events were you looking to

1 attend?

2 A. All kinds of events that would be attended by
3 women and by minorities, anything from conferences to
4 dinners to receptions.

5 Q. And what did Ms. Perlman tell you about the
6 Hispanic Chamber of Commerce?

7 A. She told me that they had an event and that I
8 should look into it.

9 Q. She told you that the Hispanic Chamber of
10 Commerce had an event?

11 A. I don't recall exactly; something to that effect,
12 to the effect of the U.S. Hispanic Chamber may have good
13 events to attend.

14 Q. Do you know if anybody from the Chamber of
15 Commerce ever attended the Hispanic Chamber of Commerce
16 events?

17 A. I have no idea.

18 Q. After Ms. Perlman told you about the Hispanic
19 Chamber of Commerce event, how did you then determine
20 where the event would take place and the logistics of
21 the event?

22 A. I think I looked on the website.

1 Q. Which website did you look at?

2 A. The U.S. Hispanic Chamber of Commerce website.

3 Q. And how did you find that website?

4 A. Google.

5 Q. And what did you put in the Google line?

6 A. U.S. Hispanic Chamber of Commerce.

7 Q. And how did you find the Hispanic Chamber of
8 Commerce's phone number?

9 A. I don't know if I ever found their phone number.

10 Q. Who prepared the paperwork to register for the
11 Hispanic Chamber of Commerce convention?

12 MR. MERONE: Objection. Lack of foundation.

13 A. I did.

14 MR. MERONE: Also vague.

15 Q. You did?

16 A. Yes.

17 Q. When you Googled the U.S. Hispanic Chamber of
18 Commerce, do you recall if the U.S. Hispanic Chamber of
19 Commerce was the first entry on the Google search?

20 A. I don't recall.

21 Q. Do you recall getting a lot of hits for other
22 Hispanic Chambers of Commerce?

1 A. I don't recall.

2 Q. And who attended the U.S. Hispanic Chamber of
3 Commerce convention, aside from you from the Chamber of
4 Commerce?

5 A. As far as I know, nobody.

6 Q. Just yourself?

7 A. Yes.

8 Q. How many days did it last?

9 A. I believe it was a three-day conference or
10 convention.

11 Q. Was it in Philadelphia, did you say?

12 A. Yes.

13 Q. Did you know at that time, when you were
14 registering for the convention, that there was
15 litigation between the U.S. Chamber of Commerce and the
16 Hispanic Chamber of Commerce Foundation?

17 MR. MERONE: I'm going to caution the
18 witness that it's a yes or no question and not to reveal
19 any discussions you had with counsel for the U.S.
20 Chamber of Commerce.

21 A. Yes.

22 Q. You knew about that?

1 A. Yes.

2 Q. Who told you?

3 A. I don't recall.

4 Q. Do you recall if Ms. Perlman told you about that
5 litigation?

6 A. I don't recall.

7 Q. Is Ms. Perlman a lawyer?

8 A. I don't think so.

9 Q. What was your understanding at that time of the
10 nature of that litigation?

11 A. I had no understanding.

12 Q. Well, how did you learn about that litigation?

13 A. I don't recall.

14 Q. But you recall being told about this litigation?

15 A. I really don't remember how I knew about it.

16 It's one of those things that you just -- either
17 somebody told me or I read it somewhere.

18 Q. How much time passed between your registering for
19 the convention and attending the convention?

20 A. I don't recall.

21 Q. Was it more than a month?

22 MR. MERONE: Objection. Asked and answered.

1 A. I don't recall.

2 Q. You mentioned in your testimony earlier that you
3 checked with the legal department regarding attendance
4 at this convention. Is that correct?

5 MR. MERONE: I'll object to the extent
6 you're mischaracterizing her earlier testimony.

7 Q. Go ahead.

8 MR. MERONE: I'll caution the witness that
9 he's asking for a yes or no answer.

10 THE WITNESS: Could you repeat the question?

11 (The record was read by the reporter.)

12 A. Yes.

13 Q. Do you recall when you contacted the legal
14 department?

15 A. No.

16 Q. Do you recall who you spoke to in the legal
17 department?

18 A. Judy Richmond.

19 Q. Do you recall speaking to anybody else in the
20 legal department?

21 A. No.

22 Q. How did you contact Ms. Richmond?

1 A. I believe I passed her in the hall.

2 Q. Who told you to contact Ms. Richmond, if anybody?

3 MR. MERONE: Objection to foundation.

4 A. Rita Perlman.

5 Q. Rita Perlman told you to contact Ms. Richmond for
6 what purpose?

7 MR. MERONE: I'll caution the witness
8 that -- let me take a moment and make sure there's
9 nothing else privileged.

10 MS. PIETRINI: For the record, we object to
11 your taking a break while a question is pending.

12 (Recess.)

13 A. All she said was, "Check with Judy before you
14 register."

15 Q. Did she tell you the reasons to check with Judy
16 before signing up for the convention?

17 A. No.

18 Q. Did you inquire from Ms. Perlman why you had to
19 talk to Ms. Richmond?

20 A. No.

21 Q. Did Ms. Perlman tell you specifically what to
22 look for while talking to Ms. Richmond?

1 A. All she said was that I should check with Judy
2 and make sure it's okay.

3 Q. And how did you contact Ms. Richmond?

4 A. I saw her down the hall.

5 Q. And how long did that conversation last?

6 A. 15, 20 seconds.

7 Q. Was there anybody else in the hall when you were
8 talking to Ms. Richmond?

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

10 Q. Did you discuss your conversation with
11 Ms. Richmond with Ms. Perlman?

12 A. No.

13 Q. Did you discuss your conversation with
14 Ms. Richmond with anybody else afterwards?

15 A. No.

16 Q. After speaking to Ms. Richmond you went and ahead
17 and registered for the convention. Is that right?

18 A. Yes.

19 Q. What was the reason for attending the Hispanic
20 Chamber of Commerce convention?

21 MR. MERONE: Object. Asked and answered
22 multiple times. You can answer it again.

1 A. The reason what?

2 Q. What was the reason for attending that
3 convention?

4 A. To network with people.

5 Q. What people?

6 A. The attendees, to get them to sign up for the
7 conference calls and to tell them about the U.S.
8 Chamber.

9 Q. What did you know about the convention before
10 attending it?

11 MR. MERONE: Objection. Vague.

12 A. Nothing, really. There was nothing really to
13 know. It was a convention.

14 Q. What was your understanding of the purposes of
15 the convention?

16 MR. MERONE: I'm going to object to the
17 question as being vague and seeking information outside
18 the witness's knowledge.

19 Q. Go ahead.

20 A. What did I know about the convention?

21 Q. What did you know about the convention before
22 attending it?

1 A. All I knew is that it was a convention put on by
2 the U.S. Hispanic Chamber of Commerce.

3 Q. What did you know about the Hispanic Chamber of
4 Commerce at that time?

5 A. I don't recall. I assumed that it was just an
6 organization of Hispanic Chambers and businesses.

7 Q. What is your understanding as you sit here today
8 of the function of the Hispanic Chamber of Commerce?

9 A. The same thing basically.

10 Q. Which is what?

11 A. That it's an organization of Hispanic businesses
12 and Chambers of Commerce and associations.

13 Q. What is your understanding of the purpose of a
14 Hispanic Chamber of Commerce?

15 A. What's my understanding, what I think, what my
16 opinion is?

17 Q. Yes.

18 A. I don't really know. I'm assuming that it wants
19 to help Hispanic businesses grow.

20 Q. Anything else?

21 A. I don't really know much about it.

22 Q. How many times did you visit the Hispanic Chamber

1 of Commerce website?

2 A. I don't know.

3 Q. How many times did you visit the Hispanic Chamber
4 of Commerce website before you attended the conference?

5 A. I don't know.

6 Q. Can you estimate how many? More than three
7 times?

8 A. Probably two or three, yes. That sounds about
9 right.

10 Q. Did you read anything on the website?

11 A. The registration form.

12 Q. Did you read anything other than the registration
13 form on the website?

14 A. The logistics, like where it was and how to get
15 there and stuff like that.

16 Q. Did you read anything about what the Hispanic
17 Chamber of Commerce does on that website?

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

19 Q. Did you read anything on the website prior to
20 attending the conference immediately prior to attending
21 the conference?

22 A. Like I said before, just the logistics for how to

1 attend.

2 Q. What did you do to prepare for the conference?

3 MR. MERONE: Objection. Vague.

4 A. I opened a suitcase and I put all my clothes in.

5 Q. Aside from the suitcase and clothes, what

6 materials did you prepare for the conference?

7 MR. MERONE: Objection. Lack of foundation.

8 A. Business cards.

9 Q. Did you bring with you any materials prepared by
10 the United States Chamber of Commerce to the convention?

11 MR. MERONE: Objection. Vague.

12 A. No, not other than the business cards.

13 Q. Nothing else?

14 A. Not that I recall.

15 Q. Do you know who were the attendees of the
16 convention?

17 A. Do I know?

18 Q. Yes.

19 A. No.

20 Q. Did you know at the time who were the attendees
21 at the convention?

22 A. I didn't know. I could guess.

1 Q. What did you guess at the time as to who were the
2 attendees at the convention?

3 A. Hispanic Chamber people, members and non-members.

4 Q. And what was your understanding of who the
5 attendees at that convention would be?

6 MR. MERONE: Objection. Asked and answered.

7 A. Like I said before, Hispanic businesses and
8 Chambers of Commerce, presidents and staff.

9 Q. Do you know how many people attended the
10 conference?

11 A. No.

12 Q. When you attended the Hispanic Chamber
13 convention, did you want to sign up any Hispanic
14 businesses for the Access America program?

15 MR. MERONE: Objection. Vague.

16 A. Did I want to --

17 Q. Did you intend to sign up any Hispanic businesses
18 for the Access America program?

19 A. What do you mean by sign up?

20 Q. By signing them up, for example, for a conference
21 call, for an Access America conference call.

22 A. I gave them my business card and I hoped to

1 follow up with them.

2 Q. For what purpose?

3 A. A lot of different purposes.

4 Q. Give me all of them.

5 A. For example, to get them on a conference call;
6 for example, to get them to sign up for a membership.

7 Q. To sign up for a membership at the U.S. Chamber
8 of Commerce?

9 A. Yes.

10 Q. Why did you want them to sign up as members of
11 the United States Chamber of Commerce?

12 A. Because that's what we do. We are a membership
13 organization and we try to grow our membership.

14 Q. Why did you want to sign them up to attend the
15 Access America conference calls?

16 A. I wanted to have them sign up for the U.S.
17 Chamber Member to Member calls because we were trying to
18 get more people to sign up for the calls.

19 Q. At that time did the U.S. Chamber of Commerce try
20 to build its membership throughout the Hispanic
21 community and Hispanic businesses?

22 MR. MERONE: Objection. Vague. Also seeks

1 information outside the witness's knowledge.

2 A. I don't know.

3 Q. Well, do I understand it correctly that the U.S.
4 Chamber of Commerce was expanding into Hispanic
5 businesses at that time? Is that right?

6 MR. MERONE: Objection. Mischaracterizes
7 the witness's testimony. Also vague.

8 Q. Go ahead.

9 A. I don't know.

10 Q. Do you know if the U.S. Chamber of Commerce was
11 expanding into other ethnic business, not just Hispanic
12 businesses?

13 MR. MERONE: Same objections.

14 A. I don't know. I can't speak for what everybody
15 in the building is doing. I can only tell you that we
16 are a membership organization and that we try to grow
17 our membership, and that includes all sorts of
18 businesses.

19 Q. Well, was the purpose of Access America to target
20 specifically Hispanic businesses?

21 A. No.

22 Q. The conferences that you attended as part of

1 Access America or when you were employed at Access
2 America, did those conferences target specifically
3 Hispanic businesses?

4 MR. MERONE: Objection. Vague. Objection
5 in that it is also outside the witness's knowledge.

6 Q. Go ahead.

7 A. No.

8 Q. Those conferences that you attended, did they
9 target minority businesses altogether?

10 MR. MERONE: Same objections.

11 A. No.

12 Q. So it's your understanding that those conferences
13 did not specifically address the needs of minorities and
14 women?

15 MR. MERONE: Objection. Vague.
16 Mischaracterizes her testimony.

17 Q. Go ahead.

18 A. Can you say that again?

19 Q. Yes. Do you know if those conferences that you
20 attended, did they specifically address the needs of
21 minority businesses or women owned businesses?

22 A. I don't know.

1 Q. What was your understanding of who those
2 conferences targeted?

3 MR. MERONE: Objection. Vague. Compound.

4 A. My guess, or I can estimate or assume that some
5 of these conferences were for women and for minorities,
6 and most of them were actually open to the public.

7 Q. When you were choosing the events to attend, did
8 you specifically look for conferences that target
9 minority businesses?

10 A. No, not necessarily. We just looked at events
11 that would be attended by a lot of people, including --

12 Q. When you say a lot of people, what kind of --

13 A. All sorts of people.

14 Q. That doesn't answer my question. Did you go to
15 conferences that targeted Hollywood businesses?

16 A. No.

17 Q. So how did you narrow down the conferences which
18 you ultimately attended?

19 MR. MERONE: Objection. Vague.

20 A. I had a list of organizations. Some of them were
21 women, some of them were minorities, some of them were
22 local, some of them were government events, and me and

1 Rita made a list and decided which ones would be well
2 attended and which ones we wanted to go to.

3 Q. And what were the criteria for picking which
4 events to attend?

5 A. We didn't really have any criteria. We just
6 looked up the events and --

7 Q. And?

8 A. And figured out which ones would be worth our
9 time or worth attending.

10 Q. And how did you pick, for example, the Hispanic
11 Chamber of Commerce convention to attend?

12 A. I don't recall exactly. Since I'm Hispanic, I
13 just decided that that would be a good conference to go
14 to.

15 Q. Can you define Hispanic?

16 A. No.

17 Q. Well, what is your understanding of the word
18 "Hispanic"?

19 A. I consider myself Hispanic. I can tell you why I
20 consider myself Hispanic, which is because I speak
21 Spanish and I'm Latin American.

22 Q. But can you define the word "Hispanic" as you

1 were using it?

2 A. I just said I consider Hispanic somebody who
3 either is from a Spanish speaking country or was born in
4 a Spanish speaking country or is from the Hispanic race.

5 Q. Can you define Hispanic business?

6 A. I can tell you what the Small Business
7 Administration considers a Hispanic business.

8 Q. What do they consider a Hispanic business?

9 A. They consider it a business that is 51 percent or
10 more owned by somebody of Hispanic descent, I believe.
11 I'm not quite sure. I'm not an expert on racial wording
12 or anything like that.

13 Q. And what is your understanding of Hispanic
14 business?

15 A. I just told you.

16 Q. That is your understanding?

17 A. Yes.

18 Q. And that is the understanding of Access America
19 as to what "Hispanic business" means?

20 MR. MERONE: Objection. Mischaracterizes
21 the witness's testimony. Also vague.

22 A. I can tell you what I think, not really what

1 anybody else thinks.

2 Q. Then tell me what you understand as a Hispanic
3 business.

4 MR. MERONE: Objection. Asked and answered.

5 A. It's a business that is mostly majority owned by
6 somebody of Hispanic descent.

7 Q. How does the U.S. Chamber of Commerce determine
8 whether a particular business is Hispanic?

9 MR. MERONE: Objection. Lack of foundation.
10 Also vague.

11 A. I don't know.

12 Q. Well, you mentioned earlier that their definition
13 of Hispanic business is if it's owned more than 51
14 percent by an individual of Hispanic origin. Correct?

15 MR. MERONE: Objection. Mischaracterizes
16 her testimony. Now you're also being vague.

17 A. That's not what I said. I said the Small
18 Business Administration defines it that way, and this is
19 to my understanding, and by no means do I know that I'm
20 accurate on this. I believe that if you go to the Small
21 Business Administration website and look up Hispanic
22 business that it says it's a business that's owned,

1 majority owned by somebody of Hispanic descent.

2 Q. Do you know how the U.S. Chamber of Commerce
3 determines if a business is a Hispanic business?

4 MR. MERONE: Objection. Lack of foundation.
5 Asked and answered. Also vague.

6 A. No. I don't think we define that at all.

7 Q. Well, you mentioned that you attended the
8 Hispanic Chamber of Commerce convention to seek out
9 prospective members in the Hispanic business community.
10 Right?

11 MR. MERONE: Objection. Mischaracterizes
12 the witness's testimony.

13 A. No, that's not what I said. I said I attended
14 these conferences to sign up people for the call in
15 general and for membership in general.

16 Q. In the Hispanic business community. Correct?

17 MR. MERONE: Objection. Mischaracterizes
18 the witness's testimony.

19 A. No. In general.

20 (Recess.)

21 Q. When you attended the conferences for Access
22 America, what was your understanding about what the

1 attendees knew about the Access America program?

2 A. What's my understanding of what?

3 Q. As to whether the attendees knew what the Access
4 America program was.

5 MR. MERONE: Objection. Vague as to
6 "attendees."

7 A. You're going to have to elaborate on that.

8 Q. The conferences that you attended, what was your
9 understanding as to whether the attendees at those
10 conferences knew what the Access America program was?

11 MR. MERONE: Same objection. Also objection
12 as to seeking information outside the witness's
13 knowledge.

14 MS. PIETRINI: We're tired of your speaking
15 objections, and you need to stop that.

16 Q. Let me repeat the question. When you attended
17 the conferences on behalf of Access America, what was
18 your understanding as to the attendees' awareness of the
19 U.S. Chamber of Commerce?

20 MR. MERONE: Same objection.

21 A. When I attended the conferences I was attending
22 on behalf of the U.S. Chamber of Commerce. Access

1 America is not really known by anybody, so I don't know
2 if that's what you're asking me.

3 Q. What was your understanding of the attendees'
4 awareness of the U.S. Chamber of Commerce?

5 MR. MERONE: Same objections.

6 A. In all the conferences that everybody --

7 Q. Well, we can go one by one. Let's start with the
8 minority --

9 A. Are you asking me in general if people knew about
10 the U.S. Chamber of Commerce?

11 Q. What was your understanding of attendees'
12 awareness of the U.S. Chamber of Commerce?

13 MR. MERONE: Same objections.

14 A. Are you asking me, when I told people, "I'm Lucia
15 Olivera with the U.S. Chamber of Commerce," if they
16 said, "Oh, yes, the U.S. Chamber of Commerce," or, "I've
17 never heard of the U.S. Chamber of Commerce" or
18 something like that?

19 Q. Yes. What's your understanding of their general
20 awareness of the U.S. Chamber of Commerce?

21 MR. MERONE: Same objections.

22 A. It was varied. All different people have

1 different understandings, but most of the time they knew
2 right away who I was with.

3 Q. After you introduced yourself?

4 A. Yes.

5 Q. What about at the Hispanic Chamber of Commerce
6 convention? Did people know what the U.S. Chamber of
7 Commerce was?

8 MR. MERONE: Same objections.

9 A. When I was at the Hispanic conference, like I
10 mentioned before, after I introduced myself people
11 assumed that I was with the U.S. Hispanic Chamber of
12 Commerce even though I introduced myself as Lucia
13 Olivera with the U.S. Chamber of Commerce. After the
14 confusion period when they were saying, "You're with the
15 Hispanic Chamber of Commerce," things like that, I would
16 have to clarify, "No, I'm not with the U.S. Hispanic
17 Chamber of Commerce, I'm with the U.S. Chamber of
18 Commerce."

19 Q. And after you clarified yourself to them, what
20 was your understanding about their awareness of the U.S.
21 Chamber of Commerce?

22 MR. MERONE: Objection. Vague.

1 Q. Go ahead.

2 A. I don't know. Different people had different
3 answers.

4 Q. Well, what answers did you encounter?

5 A. For example, people would say "Oh, yes, oh,
6 you're with the national, with the nationwide Chamber,
7 then." I don't know. It was things like that.
8 Typically, after I explained myself and after I told
9 them that I was not with the Hispanic Chamber, that I
10 was with the U.S. Chamber of Commerce, then they would
11 typically understand that I was not with the Hispanic
12 Chamber of Commerce.

13 Q. And was it your understanding that they knew
14 exactly what the U.S. Chamber of Commerce was after you
15 clarified yourself?

16 A. Exactly?

17 Q. Yes, that they knew that the U.S. Chamber of
18 Commerce was as an organization.

19 A. I don't know what they knew.

20 Q. What was your understanding from their comments
21 as to what their awareness was of the U.S. Chamber of
22 Commerce?

1 MR. MERONE: Objection. Vague.

2 A. It was varied. I would get -- I'm assuming a lot
3 of people knew more about the Chamber than others.

4 Q. Did you get responses that indicated that the
5 people didn't know of the U.S. Chamber of Commerce after
6 you clarified yourself?

7 A. In some instances. In some instances I had to
8 explain more about what the U.S. Chamber of Commerce
9 was. In some instances they knew exactly who we were.
10 In some instances they had some idea.

11 Q. And how often did you have to explain what the
12 U.S. Chamber of Commerce was?

13 A. Not very often.

14 Q. Well, what percentage of the people that you
15 spoke to knew what the U.S. Chamber of Commerce was?

16 A. I couldn't say. Most of the time they knew.

17 Q. Do you believe that people assumed you were from
18 the Hispanic Chamber of Commerce because you're
19 Hispanic?

20 A. No.

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

1 Q. Did anybody tell you that?

2 A. No. Everybody was Hispanic. There's a lot of
3 Hispanics at all these events. Either they're put on by
4 Hispanic or non-Hispanic organizations. Hispanics are a
5 big part of the U.S. There's no reason to think that
6 just because I'm Hispanic I work for the Hispanic
7 Chamber of Commerce.

8 Q. Were most of the people at the Hispanic Chamber
9 of Commerce conference Hispanic from what you saw at the
10 conference?

11 MR. MERONE: Objection. Vague.

12 A. You have to define Hispanic and who considered
13 themselves Hispanic and who didn't. It was a convention
14 put on by the Hispanic Chamber of Commerce, and most of
15 them looked kind of Hispanic to me and most of them
16 spoke Spanish, so I would assume that most of the people
17 at the convention were Hispanic.

18 Q. Were a lot of speeches done in Spanish?

19 A. No.

20 Q. How many speeches were done in Spanish, as far as
21 you remember?

22 A. Completely?

1 Q. At that conference, at the Hispanic Chamber of
2 Commerce conference.

3 A. None of them.

4 Q. I thought you mentioned earlier that there were
5 speeches in Spanish.

6 A. I think there was one workshop done in Spanish.

7 Q. So there were workshops that were conducted in
8 Spanish?

9 A. I believe so. I'm not positive. I didn't attend
10 those. There was a piece of paper that said it was in
11 Spanish.

12 Q. Did most of the people at the conference speak
13 Spanish?

14 A. I don't know.

15 Q. Were most of your interactions with attendees at
16 that conference in Spanish?

17 A. No.

18 Q. They were in English?

19 A. Yes.

20 Q. Were any interactions in Spanish at that
21 conference?

22 A. Did I have interactions in Spanish?

1 Q. Yes, at that conference.

2 A. I believe I did, yes.

3 Q. A lot of them?

4 A. No, not a lot.

5 Q. Did you see other people speak Spanish to each
6 other at the conference?

7 A. Did I hear other people speak Spanish?

8 Q. Yes.

9 A. Yes, you would hear a Spanish word here and
10 there.

11 Q. Just a word?

12 A. I don't really recall. It was mostly words.

13 Q. You don't recall how people interacted at the
14 conference in English or in Spanish?

15 MR. MERONE: Objection. Mischaracterizes
16 the witness's testimony.

17 A. They interacted mostly in English.

18 Q. Mostly in English?

19 A. Yes.

20 Q. Was there a lot of interaction in Spanish at the
21 conference?

22 A. I just said they interacted mostly in English.

1 Q. But was there a lot of interaction in Spanish at
2 the conference?

3 MR. MERONE: Objection. Vague.

4 A. There was some.

5 Q. What do you mean by "some"?

6 A. What do you mean by "a lot"?

7 Q. Well, define "some".

8 A. A few. For every ten words in English there
9 would be one word in Spanish.

10 Q. Did you see any conversations that took place in
11 Spanish among people at the conference?

12 A. Yes.

13 Q. A lot of conversations?

14 MR. MERONE: Objection. Vague.

15 A. Not a lot. A few.

16 Q. How many?

17 A. I couldn't say. It was three days of people
18 talking mostly in English, some in Spanish, a word in
19 Spanish here and there.

20 Q. You don't remember how much interaction was
21 conducted in Spanish at the conference?

22 A. I can't quantify it. I wasn't counting how many

1 words I heard in Spanish at the conference.

2 Q. I'm not talking about words. I'm talking about
3 conversations in Spanish.

4 A. I don't remember how many conversations in
5 Spanish there were.

6 Q. You don't remember because it was long ago?

7 A. No. I just wasn't paying attention. There were
8 some conversations in English, some conversations in
9 Spanish.

10 Q. But you recall speaking in Spanish at the
11 conference. Correct?

12 A. Yes.

13 Q. Do you realize that you have an accent when you
14 speak English?

15 A. Yes.

16 Q. And please don't get offended because I have an
17 accent too, obviously. You said your badge at the
18 conference contained your name on it and the name of the
19 Hispanic Chamber of Commerce. Is that right?

20 A. No, that's not what I said.

21 Q. What did the badge contain?

22 A. The badge contained my name, it said U.S. Chamber

1 of Commerce, and it had the logo of the U.S. Hispanic
2 Chamber of Commerce, just the same as all the other
3 badges.

4 Q. Aside from these three things, which were your
5 name, the U.S. Chamber of Commerce name, and the logo of
6 the U.S. Hispanic Chamber of Commerce, did the badge
7 have anything else on it?

8 A. Not that I recall.

9 Q. What did the Hispanic Chamber of Commerce logo
10 look like?

11 A. I think it's red. It's round. I think it has an
12 H with some stars in the middle, and I believe
13 surrounding the circle it says U.S. Hispanic Chamber of
14 Commerce. I don't have a very good visual memory,
15 though. I could be wrong.

16 Q. Do you remember the colors of the logo?

17 A. I believe there was red.

18 Q. Were there any other colors?

19 A. I don't recall any other colors.

20 Q. And you said every attendee at the conference had
21 a similar badge, a badge which would include his or her
22 name, the organization they're from, and then the logo

1 of the Hispanic Chamber of Commerce. Right?

2 A. I can't say that every attendee had one. Most of
3 the people that I saw and interacted with had one.

4 Q. Is that the kind of badge that was issued on the
5 first day of the conference?

6 A. Yes.

7 Q. When you visited the Hispanic Chamber of Commerce
8 website did you see the Hispanic Chamber of Commerce
9 logo on it?

10 A. I don't recall specifically, but I believe it was
11 there.

12 Q. Do you believe that the logo that was on the
13 badges at that conference was the same logo that you saw
14 on the Hispanic Chamber of Commerce website?

15 A. I didn't compare them, but they looked kind of
16 the same to me.

17 Q. Do you still have the badge?

18 A. I don't know. I don't think so.

19 Q. Do you remember giving the badge to anybody at
20 the Chamber of Commerce or to Chamber of Commerce
21 lawyers?

22 A. No.

1 Q. You did not give it to anybody?

2 A. No.

3 Q. You said most of the people that you interacted
4 with at the conference had the badge with the logo on
5 it. Right?

6 MR. MERONE: Objection to the extent you're
7 mischaracterizing her testimony.

8 A. I believe so. I wasn't paying attention
9 specifically to that.

10 Q. But did you see a lot of people with badges on,
11 wearing badges at the conference?

12 A. Yes.

13 Q. Do you believe that confusion had something to do
14 with the logo?

15 MR. MERONE: Objection to the extent you're
16 calling for a legal confusion. Also objection, vague.

17 A. I don't know what the confusion was about. I
18 just know there was confusion.

19 Q. Do you believe the confusion was caused by having
20 the same logo it?

21 MR. MERONE: Objection to the extent you're
22 calling for a legal conclusion. Also objection, vague.

1 A. Do I believe the confusion was brought on by the
2 logo?

3 Q. Yes, at least in part?

4 MR. MERONE: Same objections.

5 A. I don't know.

6 Q. Well, in your particular instance do you believe
7 that you were confused, that your place of employment
8 was confused because you were wearing the badge with the
9 logo on it?

10 MR. MERONE: Objection because the question
11 is vague. Objection to the extent you're seeking a
12 legal conclusion. Objection to the extent you're
13 mischaracterizing her earlier testimony.

14 A. I don't know what the confusion was about. I
15 couldn't say. I mean, I never asked them, "Oh, did you
16 confuse me because of the logo?" I have no way to know
17 why they were confused. I just know they were.

18 Q. Did anybody at the convention tell you that the
19 confusion was caused because you were wearing a badge
20 with the Hispanic Chamber logo on it?

21 A. No.

22 Q. Did anybody tell you they were confused because

1 you were wearing a badge with the logo of the Hispanic
2 Chamber of Commerce on it?

3 MR. MERONE: Objection. Asked and answered.
4 Go ahead.

5 A. I don't remember anybody telling me something
6 like that, no.

7 Q. Tell me about your interactions at the convention
8 center. Did you have a booth there at the Hispanic
9 Chamber convention?

10 A. No.

11 Q. You didn't have a booth?

12 A. No.

13 Q. How many workshops or seminars did you attend at
14 the conference?

15 A. I don't recall. Three, four.

16 Q. How many people attended the convention? Do you
17 remember?

18 A. No.

19 Q. Can you estimate how many people were at the
20 convention?

21 A. I can't.

22 Q. Were there more than a hundred?

1 A. I really don't know. There were more people in
2 some events than in others. Everybody would show up for
3 the receptions and the dinners, but not everybody would
4 show up for the rest of the conference, so I couldn't
5 really say.

6 Q. Where was the convention conducted?

7 A. I believe it was in the Philadelphia Convention
8 Center.

9 Q. How large is that convention center?

10 A. I have no idea. It's big.

11 Q. And that convention center was filled with
12 attendees of that convention. Is that right?

13 MR. MERONE: Objection. Mischaracterizes
14 the witness's testimony. Objection, also vague.

15 A. I'm pretty sure there were other conferences
16 taking place there. There were a lot of people from the
17 Hispanic community. There was a lot of other people.

18 Q. How do you know that --

19 A. There were a lot of different conventions there.
20 There were signs for other conventions besides ours.
21 That's all I can say.

22 Q. Did you attend the opening ceremony of the

1 convention?

2 MR. MERONE: Objection. Lack of foundation.

3 A. I don't recall.

4 Q. Did you attend the closing ceremony of the
5 convention?

6 MR. MERONE: Same objection, and vague.

7 A. I don't recall, but I don't think so.

8 Q. How many people did you interact with every day?

9 A. I have no idea. There were different people on
10 different days.

11 Q. Well, was it more than three people?

12 A. Yes.

13 Q. Was it more than ten people?

14 A. Yes.

15 Q. Was it more than 30 people?

16 A. I don't know that.

17 Q. Was it more than 20 people?

18 A. I don't know. Probably around, I would say, 50
19 to 60.

20 Q. 50 to 60 people a day?

21 A. There were different interactions. Some people I
22 talked to more and other people I'd just say hello. If

1 you count that, then you'd say thousands of people you
2 would say hello to if you count that as an interaction.

3 Q. Did you say hello thousands of times at that
4 convention?

5 A. Probably.

6 Q. How many times did you introduce yourself?

7 A. I couldn't say. 60, 50.

8 Q. How many business cards did you give away?

9 A. I don't know. Hundreds.

10 Q. Hundreds?

11 A. Probably.

12 Q. Is it your testimony that every one of the 50 or
13 60 people you introduced yourself to were confused about
14 your place of employment?

15 MR. MERONE: Objection. Mischaracterizes
16 the witness's earlier testimony.

17 A. Can you say that again?

18 Q. Is it your testimony today that every one of the
19 50 or 60 people that you met or introduced yourself to
20 at that convention were confused about your place of
21 employment?

22 MR. MERONE: Same objection.

1 Mischaracterizes her earlier testimony.

2 A. No.

3 Q. How many people were confused about your place of
4 employment out of those 50 or 60 people?

5 A. I don't know. I can only tell you that to my
6 recollection most people that I had a chance to interact
7 with enough to know they were confused, I would say 90
8 percent of those people were confused, and I had to
9 clarify myself for a few minutes until they really
10 understood who I was with.

11 Q. You said you gave away hundreds of business
12 cards.

13 A. Yes.

14 Q. How many people to whom you gave away your
15 business cards were confused about your place of
16 employment?

17 MR. MERONE: Objection. Vague.

18 A. I don't know.

19 Q. Well, were there five people?

20 A. I don't know.

21 MR. MERONE: Objection. Vague. Lacks
22 foundation.

1 Q. Do you understand the question?

2 A. Yes.

3 Q. And you don't know how many people were confused?

4 A. No, I don't know. In fact, if I give you a
5 business card now and walk away, there's no way for me
6 to know whether you were confused or not.

7 Q. How about those times for a fact that you knew a
8 person was confused, how many of those people did you
9 encounter?

10 MR. MERONE: Objection. Asked and answered.

11 A. I don't understand your question.

12 Q. When you knew a person was confused, how many of
13 those people did you encounter at the convention?

14 A. When I knew that they were confused?

15 Q. Yes. How many of those people was it your
16 understanding were in fact confused about your place of
17 employment?

18 MR. MERONE: Objection. Vague.

19 A. If you're asking me how many people -- like I
20 said, I had some interactions that were just hello and
21 I'd move on, and some people I would talk to for a
22 longer period of time, and for those people that I was

1 able to actually introduce myself and say who I was and
2 talk to for more than three minutes, most of the people
3 that I talked to for more than three minutes and those
4 that I introduced myself to were confused.

5 Q. And how many of those people that you spoke to
6 more than three minutes were there?

7 A. I would say about 20 to 30 people.

8 Q. That's 20 or 30 people all together with whom you
9 spoke and introduced yourself to?

10 MR. MERONE: Objection. Mischaracterizes
11 her earlier testimony.

12 A. Can you say that again?

13 Q. You said you introduced yourself to about 50 or
14 60 people. Correct?

15 MR. MERONE: Mischaracterizes her earlier
16 testimony.

17 Q. You just said a couple minutes ago that you
18 introduced yourself to between 50 and 60 people at that
19 convention. Is that right?

20 MR. MERONE: You're mischaracterizing the
21 witness's testimony.

22 MR. ELISEEV: Could you read back the

1 answer?

2 MR. MERONE: I'm going to object to the
3 reading back of the record because it doesn't provide a
4 complete context to her testimony to which that relates,
5 but you can ask your question.

6 Q. Ms. Olivera, you said you gave away hundreds of
7 business cards at that convention. Correct?

8 A. Yes.

9 Q. How many times did you introduce yourself to
10 people at that convention during the three days the
11 convention lasted?

12 MR. MERONE: Objection. Vague.

13 Q. Go ahead. Do you understand my question, first
14 of all?

15 A. By introducing yourself, you can mean it a lot of
16 different ways. Sometimes I would introduce myself as
17 just my first name and I would say, "Hi, I'm Lucia."

18 Q. How many times did you introduce yourself whereby
19 you also stated your place of employment?

20 A. I really -- how many times? I couldn't really
21 say. It was three days, and I was meeting a lot of
22 people on a lot of different occasions.

1 Q. More than 200 times?

2 A. No. Probably 30, 40, 50.

3 Q. So you gave away hundreds of business cards but
4 you only stated where you worked 30 or 40 times?

5 A. To somebody directly in a one-to-one
6 conversation?

7 Q. Well, before you would give away the card
8 wouldn't you say where you were from, what organization
9 you worked with?

10 A. Sometimes. Sometime there are just a lot of
11 people talking and sitting around a table and people are
12 giving away business cards and I would just give away my
13 business cards.

14 Q. So how many times did you tell anybody where you
15 worked?

16 A. Gosh, I don't recall.

17 Q. In three days could it have been more than a
18 hundred times?

19 MR. MERONE: Objection. Asked and answered.

20 Q. Go ahead.

21 A. I really don't recall.

22 Q. Was it somewhere between 30 and 60?

1 MR. MERONE: Objection. Asked and answered.

2 A. I really don't recall.

3 Q. Was it less than five?

4 MR. MERONE: Same objection.

5 Q. Go ahead.

6 A. I would say -- I can estimate probably between 30
7 and 50.

8 Q. So between --

9 A. That is a guess.

10 Q. So if you told anybody at the convention where
11 you worked --

12 A. I told everybody who I --

13 Q. No. You said you told between 30 and 50 people
14 where you worked at the convention. Right?

15 MR. MERONE: Objection. Mischaracterizes
16 her testimony.

17 A. I can guess that that's probably about right.

18 Q. And how many of those 30 to 50 people were
19 confused about your place of employment?

20 A. I don't know. I can tell you how many people --
21 well, I can't really say that, either. I can say that
22 most people after I introduced myself that I kept

1 talking to enough to realize that they were confused
2 were confused.

3 Q. You said most of the people were confused.
4 Define most for me.

5 MR. MERONE: Objection. Asked and answered
6 previously.

7 Q. Go ahead.

8 A. 90 percent.

9 Q. 90 percent of those you told where you worked
10 were confused about your place of employment?

11 MR. MERONE: Objection. Mischaracterizes
12 her testimony.

13 A. That's not what I said. What I said was in the
14 interactions where I would introduce myself and give my
15 place of employment and kept talking to the person
16 enough for a few more minutes enough to really know who
17 they thought I was, they thought I was with the U.S.
18 Hispanic Chamber of Commerce.

19 In a lot of instances I would introduce myself
20 and go the other way or they would talk to somebody
21 else, and in those situations there's no way for me to
22 know if they really knew who I was or if they were

1 confused.

2 Q. What about in instances where you would introduce
3 yourself and tell them your name and your place of
4 employment without further talking to get to know them?
5 Were those people confused about your place of
6 employment?

7 MR. MERONE: Objection. Asked and answered.

8 Q. Go ahead.

9 A. How could I know? I would have no way to know.

10 Q. In other words, they never indicated that they
11 thought that you were from the Hispanic Chamber of
12 Commerce. Right?

13 MR. MERONE: Objection. Asked and answered.

14 A. They had no way to -- there was no further
15 interaction.

16 Q. So you would introduce yourself and tell them
17 that you worked at the U.S. Chamber of Commerce and they
18 would not ask you back whether you worked at the
19 Hispanic Chamber of Commerce. Right?

20 MR. MERONE: Objection. Asked and answered
21 and vague.

22 Q. Go ahead.

1 A. On the occasions where I would go the other way
2 or I would go my own way, no, there was no opportunity.

3 Q. You don't know one way or the other whether they
4 were confused, those particular people we just
5 discussed. Right?

6 A. There's no way for me to know.

7 Q. Those instances of confusion which you
8 encountered, tell me precisely what you discussed with
9 that particular person from the moment you introduced
10 yourself.

11 A. I can't say anything precisely. It was a while
12 back.

13 Q. How did they indicate to you that they were
14 confused about your place of employment?

15 A. Like I said before, I would introduce myself and
16 say, "I'm Lucia Olivera with the U.S. Chamber of
17 Commerce," and right away they would say something like,
18 "Oh, you are with USHCC," and I would say, "No, I'm with
19 the U.S. Chamber of Commerce," or they would say, "Oh,
20 you're with the U.S. Hispanic Chamber of Commerce, you
21 work with so and so," and I would say, "No, I'm with the
22 U.S. Chamber of Commerce," or they would say, "Thank you

1 for having us, this is a great conference that you're
2 putting on," and I'd say, "No, actually I didn't do any
3 of this work, I'm with the U.S. Chamber of Commerce."

4 Q. And what would they say back?

5 A. Different things. Sometimes they knew or they
6 understood. Sometimes they'd say, "Oh, so who are you
7 with again, oh, so you don't work with this person," or
8 -- different things.

9 Q. What other different things?

10 A. I don't recall any others. Basically that's it.

11 Q. Do you have the names of those people that were
12 confused by your place of employment?

13 A. No.

14 Q. Do you have any names of those people?

15 A. No.

16 Q. You don't have a single name of the people who
17 were confused about your place of employment?

18 A. I have very bad name memory.

19 Q. Do you have any records from that convention,
20 including their business cards, that would indicate that
21 a particular person was confused?

22 A. No.

1 Q. Do you know what businesses those confused, quote
2 unquote, people worked for?

3 A. I don't know.

4 Q. Do you remember the place of employment of at
5 least one person who was confused about your place of
6 employment?

7 A. Most of the people that I talked to were
8 presidents or staff of, say, for example, the California
9 Hispanic Chamber of Commerce, the Sacramento Hispanic
10 Chamber of Commerce, the Albuquerque Hispanic Chamber of
11 Commerce, so I don't know exactly which city they were
12 from or who they worked for.

13 Q. Can you state precisely at least with respect to
14 one person that was confused where he or she was
15 employed?

16 A. Precisely one person? No.

17 Q. So you can't --

18 A. It happened in many, many, different occasions
19 with many, many people who were from local Hispanic
20 Chambers of Commerce. That's all I can say.

21 Q. But you can't identify a particular person who
22 was confused by your place of employment. Correct?

1 A. Correct.

2 Q. Do you have any documents that would have full or
3 partial memorialization of that alleged confusion?

4 A. No.

5 Q. Did you discuss this confusion with anybody after
6 the convention was over?

7 A. Yes.

8 Q. Who did you discuss it with?

9 MR. MERONE: I'll caution the witness not to
10 reveal the contents of any communications you had with
11 attorneys. I believe he's asking in connection with the
12 business.

13 A. I talked to my boss.

14 Q. You talked to Ms. Perlman?

15 A. Yes.

16 Q. Who else did you talk to?

17 A. Nobody else.

18 Q. Did you talk to Ms. Richmond?

19 A. No.

20 Q. Did you talk to any other attorneys about this
21 confusion?

22 A. No.

1 Q. What exactly did you tell Ms. Perlman about this
2 confusion?

3 A. What exactly? I couldn't say.

4 Q. Tell me generally.

5 A. I can say generally I said something like, "Oh,
6 everybody thought I was with the U.S. Hispanic Chamber,
7 it was kind of frustrating to have to explain myself
8 that I wasn't with them."

9 Q. When did you tell that to Ms. Perlman?

10 A. Probably a few days after the conference.

11 Q. And what did Ms. Perlman say to that?

12 A. Nothing, really.

13 Q. Did you tell her anything else about these
14 instances of confusion?

15 A. No.

16 Q. When you talked to Ms. Perlman about those
17 instances of confusion, did you give her any names of
18 people who were confused?

19 A. No.

20 Q. Did you tell her about the places of employment
21 of those confused people?

22 A. No.

1 Q. You just generally described it?

2 A. Yes.

3 Q. Those times when you were talking to people that
4 indicated that they were confused, describe to me how
5 those conversations took place. Was it during seminars?
6 Was it during lunches or any other events?

7 MR. MERONE: Objection. Asked and answered
8 already.

9 A. I answered already that it was all throughout the
10 conferences on many different occasions, down the hall,
11 in lunches, at the elevator, before a speaker was
12 speaking, at a reception.

13 Q. And how did you have lunch? Was it around tables
14 or at cafes outside the convention center?

15 A. Tables.

16 Q. How large were those tables?

17 A. Eight to ten people, I'd say.

18 Q. Were lunches held in big auditoriums?

19 A. Yes.

20 Q. And there would be a lot of tables for people to
21 sit at. Is that right?

22 A. A lot of tables all around, just a regular

1 sit-down lunch.

2 Q. How many people attended the lunches?

3 A. I couldn't say.

4 Q. Was it dozens of people?

5 A. I really couldn't say. I'm really bad at
6 estimating how many people were in a room. There were
7 hundreds, I'd say.

8 Q. Was there any speaker during the lunch?

9 A. Yes. There were different speakers at different
10 lunches and dinners.

11 Q. Were there any public announcements made during
12 the lunches?

13 A. Public announcements?

14 Q. Yes, by somebody with a microphone announcing the
15 programs or whatever else.

16 A. Yes.

17 Q. Was there any music playing?

18 A. Yes.

19 Q. Was it a live band?

20 A. No.

21 Q. Was it --

22 A. I don't recall. There were different lunches and

1 different dinners. There was different music.
2 Typically in a dinner that was more informal there was
3 music. I don't recall any live bands. The music wasn't
4 very loud because of the speakers, and the lunches were
5 more to network than anything else.

6 Q. So how did it work? Was there a speaker, and
7 people were chatting among themselves as well?

8 A. Typically you would start lunch, and then in the
9 middle there would be a speaker.

10 Q. And the music would be playing while the speaker
11 was talking?

12 A. I don't recall. If there was music, it wasn't
13 very loud.

14 Q. But otherwise people were allowed to communicate
15 during the lunches?

16 A. Yes.

17 Q. And you said the lunches were conducted in large
18 halls.

19 A. Yes.

20 Q. Was it a large auditorium? Was it pretty loud
21 over there during the lunches?

22 A. No, not unusually loud.

1 Q. What's unusually loud, like rock concert loud?

2 A. It was just a typical dinner or lunch with people
3 talking.

4 Q. The music that was playing, was it Latin music?

5 A. I don't recall specific music. Probably. That
6 would be my guess.

7 Q. Was it salsa music?

8 A. I don't think it was salsa, no. I really don't
9 recall the music at all.

10 Q. And your other interactions, those that took
11 place outside of the lunch area, where exactly did they
12 take place?

13 A. Exactly? I can't recall any exact place. I just
14 remember pretty much everywhere that I introduced myself
15 I had to explain myself, in the hallways, in the
16 conference rooms, during lunches, during receptions.

17 Q. And was it in a conference room that people were
18 allowed to chat?

19 A. What?

20 Q. Was it like a seminar? Was it a networking event
21 or a reception?

22 A. It was all of those.

1 Q. And how large were receptions during which you
2 introduced yourself and saw confusion with people?

3 A. Some of them were small, 20, 30 people. Some of
4 them were large, hundreds of people.

5 Q. What receptions did you attend at that
6 convention?

7 A. I don't recall.

8 Q. Were there receptions given by particular
9 organizations?

10 A. All the attendees were invited for the
11 receptions.

12 Q. And were those outside of the convention center
13 or just in the convention center?

14 A. In the convention center.

15 Q. Were there any receptions outside of the
16 convention center?

17 A. No.

18 Q. Did those receptions have food and music?

19 A. Yes.

20 Q. At a reception during which you encountered
21 confusion, how many people were in the room when that
22 happened?

1 A. There were different receptions, different
2 occasions, and some of them were small, some of them
3 were very large. Some of them had hundreds of people.
4 Some of them had 20 or 30 people.

5 Q. Describe to me those receptions where there were
6 hundreds of people. What was it like? Was there a lot
7 of food and music?

8 A. Yes.

9 Q. And was there a theme to a reception?

10 A. What do you mean by "theme"? It was just a
11 reception.

12 Q. Was there a particular purpose for that
13 reception?

14 A. Networking.

15 Q. And people were standing in circles and talking
16 and milling around?

17 A. Yes.

18 Q. And music was playing?

19 A. Yes.

20 Q. Were there any speakers at the receptions?

21 A. I don't recall. There were some announcements,
22 but they didn't typically have a speaker.

1 Q. Announcements over the microphone?

2 A. Yes.

3 Q. Were there any live bands at those receptions?

4 A. Not that I recall.

5 Q. Was all music with the help of a DJ?

6 A. I don't know.

7 Q. Do you remember what kind of music was playing?

8 A. No.

9 Q. Was it Latin music?

10 A. I don't know.

11 Q. How loud were those events, those where hundreds
12 of people were attending?

13 MR. MERONE: Objection. Compound.

14 A. How loud is loud? Are you asking me if you were
15 able to talk and were people able to hear you without
16 having to yell? Yes.

17 Q. Could you hear somebody else stand, let's say,
18 five feet away?

19 MR. MERONE: Objection. Vague.
20 Hypothetical.

21 Q. Do you understand my question?

22 A. If I could personally hear somebody standing five

1 feet away in all of those receptions? Well, some of
2 them were louder than others, and then if somebody next
3 to you was being really loud, then you could hear him.
4 If he wasn't talking very loud, then you couldn't. Like
5 you guys over there couldn't hear me just now and this
6 place isn't loud, so it's me because I don't talk very
7 loud.

8 Q. Right. It's because you speak softly. Is that
9 right?

10 MR. MERONE: Objection. Mischaracterizes
11 her testimony that she just gave.

12 MR. ELISEEV: I didn't mention any
13 testimony.

14 Q. Is it because you speak softly?

15 MR. MERONE: It mischaracterizes what she
16 said.

17 A. The people I talked to in those --

18 Q. You said we wouldn't hear you if we were sitting
19 on the other end of the table. Is that because you
20 speak softly?

21 MR. MERONE: Objection. Vague.

22 A. I was giving you an example as to somebody

1 standing five feet away and not being able to -- I don't
2 know why you can't hear me. You can tell me, not me.

3 Q. But you said you think I wouldn't hear you. Why
4 do you think I wouldn't hear you if I was standing five
5 to six feet away?

6 A. She said she couldn't hear me. Maybe there's a
7 noisy machine over there. I don't know.

8 Q. But why did you say I wouldn't hear you?

9 A. She said that she couldn't hear me.

10 Q. Who is "she", Ms. Pietrini?

11 A. Yes.

12 Q. When you were answering Mr. Merone's question off
13 the record about standing six feet away, you're
14 referring to that instance when Ms. Pietrini couldn't
15 hear you?

16 A. You asked me if somebody -- if you could hear
17 somebody five feet away, and I was telling you that that
18 depends on how loud the people are talking and if
19 there's other noise in the room or something like that.
20 I can tell you that at the conference people could hear
21 me, and I would introduce myself if I was talking
22 louder -- I can talk louder, and so when there was noise

1 in the room I would talk louder and I would introduce
2 myself, and the confusion wasn't because they couldn't
3 hear me. The confusion was because they could hear me
4 and they thought I was with a different organization.

5 Q. Has anybody ever told you that you speak softly?

6 A. No.

7 Q. How many of those conversations during which you
8 encountered confusion were conducted in Spanish?

9 A. I couldn't say. Not a lot. Maybe three or four.

10 Q. Is it because the entire group of people you were
11 talking to was speaking Spanish?

12 A. No, not necessarily. People that speak Spanish
13 and English can sometimes just trade off and start
14 speaking Spanish in the middle of an English
15 conversation.

16 Q. Did you meet any people from Hispanic Chambers of
17 Commerce at that convention?

18 MR. MERONE: Objection. Vague.

19 A. Have I met people from local Chambers of
20 Commerce?

21 Q. Any local or state Chambers of Commerce, Hispanic
22 Chambers of Commerce.

1 A. Yes.

2 Q. How many people from local Hispanic Chambers of
3 Commerce did you meet there?

4 A. I couldn't say. Ten, 20, 30. What do you mean
5 by "meet"? Some people I would talk to and introduce
6 myself and we would have a five minute conversation.
7 Some people I would spend a lot more time with, and
8 other people I would just say hello and go my own way.

9 Q. Did you tell any of those people about the
10 confusion that you encountered there?

11 MR. MERONE: Objection. Vague.

12 A. No.

13 Q. Did any of those people tell you about any
14 confusion that they encountered?

15 MR. MERONE: Same objection.

16 A. Outside of the interactions that I've been
17 talking about?

18 Q. About any confusion that they encountered.

19 A. Any confusion at all?

20 Q. Any confusion about --

21 MR. MERONE: I've lost you. Who are you
22 referring to by "they"?

1 Q. I mean those 20 or 30 people that you mentioned
2 that are employed at various Hispanic Chambers of
3 Commerce. You did not tell any one of them about the
4 confusion that you encountered?

5 MR. MERONE: Objection. Vague.

6 Q. Do you understand the question?

7 A. No.

8 Q. The confusion you encountered at that conference,
9 and by confusion, I mean those instances you described
10 where people didn't know which Chamber of Commerce you
11 worked for, that's the confusion I'm talking about right
12 now.

13 A. Okay.

14 Q. So did you tell about those instances of
15 confusion to any one of those people that you met that
16 are employed at local or state Hispanic Chambers of
17 Commerce?

18 A. They were the people confused.

19 Q. They were the people who were confused?

20 A. A lot of them were.

21 Q. Can you name any of them, then?

22 MR. MERONE: Objection. Asked and answered.

1 A. No.

2 Q. But you said you didn't know where the people who
3 were confused, where they were employed.

4 MR. MERONE: Objection. Mischaracterizes
5 her earlier testimony.

6 A. I said not specifically. I mentioned that in
7 general they were from local Hispanic Chambers of
8 Commerce.

9 Q. Nevertheless, you cannot name a single person
10 that was confused, as to what his name or her name was
11 or where he or she was employed at.

12 MR. MERONE: Objection. Mischaracterizes
13 her testimony, and also asked and answered.

14 Q. Correct?

15 A. There were a lot of people confused. A lot of
16 them were from local Hispanic Chambers of Commerce, and
17 I don't remember any specific names. I know there were
18 a lot of them.

19 Q. So you cannot name a single individual that was
20 confused, as to what his name was or what his place of
21 employment was. Right?

22 MR. MERONE: Objection. Asked and answered.

1 Mischaracterizes her previous answer.

2 A. That's right.

3 Q. Have you encountered any instances of confusion
4 with respect to other people at the convention?

5 MR. MERONE: Objection. Vague.

6 A. Can you elaborate? Any confusion or --

7 Q. Confusion with respect to the place of
8 employment, whether anybody at the conference who was
9 not employed by the Hispanic Chamber of Commerce,
10 whether there were instances of confusion with respect
11 to those people.

12 MR. MERONE: Same objection.

13 Q. You testified earlier that you were the only
14 person about whom people were confused.

15 MR. MERONE: Mischaracterizes her earlier
16 testimony. There's no question pending.

17 A. I didn't say that. What I experienced or what I
18 saw was confusion about my name. I don't know about
19 anybody else's confusion. That's not within my
20 knowledge. If anybody got confused by anybody else, I
21 didn't hear about it.

22 Q. So you didn't encounter any instances of

1 confusion with respect to other people's employment. Is
2 that correct?

3 MR. MERONE: Objection. Vague and asked and
4 answered.

5 A. In those conferences --

6 Q. I'm talking about specifically at the Hispanic
7 Chamber of Commerce convention.

8 MR. MERONE: Same objections.

9 A. At the Hispanic Chamber of Commerce convention
10 that I was in I don't recall any instances of anybody
11 being confused about anybody else's place of employment.

12 Q. And how many people did you ask whether anybody
13 confused their place of employment?

14 MR. MERONE: Objection. Mischaracterizes
15 the witness's testimony.

16 A. Nobody.

17 Q. You didn't ask anybody whether anybody confused
18 their place of employment with the Hispanic Chamber of
19 Commerce?

20 A. You're asking me if I went around asking people,
21 "Do you think that I work for the U.S. Chamber of
22 Commerce and not the Hispanic Chamber of Commerce"?

1 Q. I'm asking you whether anybody else confused
2 their place of employment with the Hispanic Chamber of
3 Commerce.

4 A. Are you asking me if I went to the California
5 Chamber of Commerce and asked them if they confused
6 themselves with the Sacramento Chamber of Commerce?

7 Q. Using your example, I was wondering if you asked
8 those people who were employed at the California Chamber
9 of Commerce whether anybody confused their place of
10 employment with the U.S. Hispanic Chamber of Commerce?

11 MR. MERONE: Objection. Vague.

12 A. I never asked anything close to that, no.

13 Q. So you don't know for a fact whether anybody's
14 employment was confused with the U.S. Hispanic Chamber
15 of Commerce because you never asked anybody. Right?

16 A. Right.

17 Q. What is your understanding of the Hispanic
18 Chamber of Commerce? Is it a competitor of the U.S.
19 Chamber of Commerce, is it a collaborator, or is there
20 any other relationship between those two entities?

21 MR. MERONE: Objection. Vague and compound.

22 Q. Let's start with competitor. Is it your

1 understanding that the Hispanic Chamber of Commerce is a
2 competitor of the U.S. Chamber of Commerce?

3 MR. MERONE: Objection. Vague.

4 A. I don't know.

5 Q. Well, what is your understanding? Is it or is it
6 not a competitor of the U.S. Chamber of Commerce?

7 MR. MERONE: Objection. Vague and asked and
8 answered.

9 A. I don't know.

10 Q. Are you aware of any instances of any
11 relationship between the Hispanic Chamber of Commerce
12 and the U.S. Chamber of Commerce?

13 A. No.

14 Q. Had anybody told you prior to your attendance at
15 the U.S. Hispanic Chamber of Commerce convention whether
16 the U.S. Hispanic Chamber of Commerce and the U.S.
17 Chamber of Commerce have ever communicated or had any
18 relationship prior to that point?

19 MR. MERONE: Objection. Vague.

20 A. You're asking me if I know of any relationship
21 between the Hispanic Chamber and the U.S. Chamber of
22 Commerce?

1 Q. Yes, prior to attending the U.S. Hispanic Chamber
2 of Commerce convention.

3 A. Not that I'm aware of.

4 Q. Are you aware of any instances of any
5 relationship between the Hispanic Chamber of Commerce
6 and the U.S. Chamber of Commerce during the period after
7 your attendance at the Hispanic Chamber of Commerce
8 convention?

9 MR. MERONE: Objection. Vague.

10 A. No.

11 Q. Aside from this litigation between the U.S.
12 Chamber of Commerce and the U.S. Hispanic Chamber of
13 Commerce are you aware of any?

14 A. No.

15 MR. MERONE: Objection. Vague, and asked
16 and answered.

17 (Recess.)

18 Q. Ms. Olivera, since your attendance at the
19 Hispanic Chamber of Commerce convention, have you
20 encountered any confusion as to your place of employment
21 with the Hispanic Chamber of Commerce?

22 A. Since the convention?

1 Q. Yes, since that fall 2006 Hispanic Chamber of
2 Commerce convention.

3 A. Not that I recall.

4 Q. Have you encountered any instances of confusion
5 since that convention with respect to the U.S. Chamber
6 of Commerce and the Hispanic Chamber of Commerce
7 Foundation?

8 MR. MERONE: Objection. Vague.

9 A. Since the convention have I had somebody confuse
10 me with somebody who works for the U.S. Hispanic Chamber
11 of Commerce Foundation?

12 Q. Correct.

13 A. No.

14 Q. After being employed at Access America you began
15 working for the Institute for Organizational Management.
16 Is that correct?

17 A. That's correct.

18 Q. What were your responsibilities in that position?
19 What was the name of that position, first of all?

20 A. I was the associate manager, federation outreach.
21 I think that's what they called it.

22 Q. I'm sorry?

1 A. Associate manager, federation outreach.

2 Q. And what were your responsibilities in that
3 position?

4 A. Like I said before, I had to recruit minority and
5 women organization leaders to attend the institute.

6 Q. And while being employed in that position did you
7 encounter any instances of confusion with respect to the
8 U.S. Chamber of Commerce vis-a-vis the Hispanic Chamber
9 of Commerce?

10 MR. MERONE: Objection to vagueness.

11 Q. Go ahead.

12 A. Any confusion since I started in that position?

13 Q. Yes.

14 A. I don't recall.

15 Q. Is there a reason to believe that there were any
16 instances of confusion while you were employed in that
17 position?

18 A. I don't know.

19 Q. In other words, you don't have any reason to
20 believe that you encountered any confusion while
21 employed in that position?

22 MR. MERONE: Objection. Mischaracterizes

1 her testimony. Objection, also vague.

2 Q. Do you have any reason to believe there were
3 instances of confusion while employed in that position?

4 A. I never thought about that. I don't know.

5 Q. And while employed in that position did you
6 receive a lot of phone calls at work?

7 A. No.

8 Q. Did you interact a lot with business owners while
9 employed in that position?

10 MR. MERONE: Objection. Vague.

11 A. Business owners? No.

12 Q. Well, what about any prospective members?

13 A. Did I interact with prospective members of the
14 Chamber?

15 Q. Yes.

16 A. I interacted with people that I called that were
17 on a list of prospects that I was given, yes.

18 Q. Was calling those people part of your
19 responsibilities in that position?

20 A. Yes.

21 Q. How many calls would you make per week?

22 A. 30, 40.

1 Q. Per day, or 30 or 40 per week?

2 A. Per week.

3 Q. And where did you get the lists of those people
4 to call?

5 A. From a spreadsheet on our system.

6 Q. And where did you get that spreadsheet?

7 A. It's on the Chamber server.

8 Q. And what was the name of the spreadsheet?

9 A. I don't know.

10 Q. How did you know which spreadsheet to choose
11 from?

12 A. Somebody gave me the spreadsheet or somebody told
13 me where it was.

14 Q. And the people on those spreadsheets, are they
15 business owners?

16 A. They are, like I said, leaders of minority and
17 women organizations.

18 Q. And which minorities are included in that list?

19 A. There were -- I don't remember specifically.

20 There were African American chambers, Hispanic chambers,
21 Indian chambers. I think there was an Ibero American
22 Chamber.

1 Q. And which Hispanic chambers were those?

2 A. Local Hispanic chambers throughout the country.

3 Q. Do you remember any names of those Hispanic
4 chambers?

5 A. No.

6 Q. Not a single name?

7 A. There was a lot of them.

8 Q. Can you name any?

9 A. No.

10 Q. You cannot remember a single name of a single
11 Hispanic Chamber of Commerce you interacted with?

12 A. I have very bad name memory.

13 Q. While you were in that position did anybody
14 confuse you with somebody who works at the Hispanic
15 Chamber of Commerce?

16 MR. MERONE: Objection. Vague.

17 Q. Do you understand my question?

18 A. When I was making a call and I would introduce
19 myself as, "This is Lucia Olivera calling with the U.S.
20 Chamber of Commerce, I want to tell you about a program
21 called the Institute," no, I don't remember any
22 confusion.

1 Q. So there was not a single time that anybody
2 confused you with somebody who works at the U.S.
3 Hispanic Chamber of Commerce. Correct?

4 A. No.

5 Q. And there was not a single time that anybody
6 confused you with somebody who works at the U.S.
7 Hispanic Chamber of Commerce Foundation. Correct?

8 A. Not that I recall.

9 Q. Do you receive e-mails at work?

10 A. Yes.

11 Q. Do you receive a lot of them?

12 A. What's a lot? I don't know. I receive a fair
13 amount, just like everybody else.

14 Q. How many do you receive?

15 A. I have no idea.

16 Q. When you say "everybody else", what do you mean
17 by "everybody else"?

18 A. I think most people probably receive the same
19 amount of e-mails that I receive. Otherwise my in-box
20 would be full all the time, and it's not, so I'm
21 assuming that it's within Chamber server capabilities,
22 so I'm assuming it's not a lot.

1 Q. So how many e-mails a day would you get? Over
2 20?

3 A. I don't know. I think so. Maybe 50 or so.

4 Q. Did you see a single e-mail during that time when
5 you were employed at that institute which indicated that
6 anybody was confused about your place of employment and
7 confused your place of employment with the Hispanic
8 Chamber of Commerce?

9 A. No.

10 Q. And what was the primary manner of communication
11 between you and people that you were contacting on
12 behalf of the U.S. Chamber of Commerce? Was it by
13 phone, e-mail, or in person or otherwise?

14 A. It was both e-mail and phone.

15 Q. And you did not see a single e-mail which
16 indicated that anybody was confused with respect to the
17 U.S. Chamber of Commerce and the Hispanic Chamber of
18 Commerce Foundation. Correct?

19 A. Correct.

20 MR. ELISEEV: No more questions.

21 MS. PIETRINI: It's your position that you
22 are not producing Rita Perlman for testimony deposition

1 today?

2 MR. MERONE: Our position is that because of
3 the length of time of the cross-examination of this
4 particular witness, which was inordinate with regard to
5 the scope of the direct and also went into areas of
6 discovery, as it is now one o'clock and we need time for
7 the court reporter to take a break and for me to prepare
8 to do my redirect, Ms. Perlman can't attend at one
9 o'clock, so we're going to put her on on a date that's
10 already scheduled and move her to a date where we're
11 already having testimony that day.

12 MS. PIETRINI: We object to your
13 characterization of the cross-examination, particularly
14 with the word games your witness has been playing all
15 day. With that, we'll be back at two o'clock.

16 MR. MERONE: I object to that attack on the
17 witness with the questions that were vague, but we'll
18 take that up at another time. Thank you.

19 (Recess.)

20 EXAMINATION BY COUNSEL FOR OPPOSER

21 BY MR. MERONE:

22 Q. Welcome back. I just have a few questions to go

1 over with you to clarify some of the topics you
2 testified to on cross-examination. Now, first, at one
3 point counsel for applicant U.S. Hispanic Chamber of
4 Commerce was asking you about the understanding of other
5 attendees at the U.S. Hispanic Chamber of Commerce
6 convention in Philadelphia, specifically with regards to
7 their knowledge perhaps of the U.S. Chamber of Commerce.

8 Do you generally recall that testimony?

9 MR. ELISEEV: Objection to the extent you're
10 misstating the question.

11 A. When I was being asked about the attendees of
12 the --

13 Q. About the understanding of other attendees.

14 A. I recall that, yes.

15 Q. What I want to clarify, just to make sure, is:
16 Would you have any way of knowing what the understanding
17 was of attendees other than those with whom you could
18 divine through your interactions?

19 MR. ELISEEV: Objection. Leading.

20 A. No. When I was answering those types of
21 questions I was trying to make it clear that I can only
22 say what I was told or what I would hear from other

1 people, but I can't really know what the general
2 understanding of everybody attending was.

3 Q. Now, based on your interactions, you talked about
4 having, I guess, substantive conversations with a number
5 of individuals there beyond just saying hi and giving
6 them a business card.

7 MR. ELISEEV: Objection to the form of the
8 question. Misstates the testimony.

9 Q. Do you recall that generally?

10 A. I do recall that.

11 Q. Were there instances where a person indicated
12 confusion as to whether somehow you were connected with
13 the U.S. Hispanic Chamber of Commerce, even after you
14 explained that you were with the U.S. Chamber of
15 Commerce, that it was evident to you that that person
16 was not in fact aware of the U.S. Chamber of Commerce up
17 until then?

18 MR. ELISEEV: Objection. Vague. Leading.
19 Counsel is testifying. Move to strike most of counsel's
20 question and objection to the form of the question.

21 Q. You can answer.

22 A. Yes. Sometimes when I would tell them that I was

1 with the U.S. Chamber of Commerce they would say, "Are
2 you with the U.S. Hispanic Chamber of Commerce," and I
3 would say, "No, I'm with the U.S. Chamber of Commerce."
4 After that they would ask me, "So what is the U.S.
5 Chamber of Commerce, what do you guys do," and I would
6 explain what I did for the U.S. Chamber of Commerce and
7 then keep going with the conversation. There were a
8 couple of instances when people didn't know about the
9 U.S. Chamber of Commerce.

10 Q. Counsel also asked you about whether there were
11 any other instances of confusion going on involving
12 other entities or organizations while you were at the
13 conference. I guess what I want to ask you is pretty
14 specific.

15 Did you observe any instances of confusion other
16 than those that were involving you?

17 MR. ELISEEV: Objection. Leading.
18 Objection. Counsel is testifying. And objection to the
19 extent it misstates the question under
20 cross-examination.

21 A. I didn't observe anything other than what I was
22 told. I can't know what everybody else is thinking or

1 what everybody else is talking about. I can only say
2 what I hear directly.

3 Q. And did you hear any instances of confusion other
4 than those that were involving you?

5 A. No.

6 MR. ELISEEV: Objection. Leading.

7 Q. Now, when you were having interactions with the
8 individuals who mistakenly believed that you were
9 somehow connected with the U.S. Hispanic Chamber of
10 Commerce, was it your impression that they somehow had
11 difficulty in hearing you in some way?

12 MR. ELISEEV: Objection. Leading.

13 A. No. Every time I had an interaction I would
14 raise my voice if there was noise in the background or I
15 would adjust my level of voice when I was talking to
16 somebody if I was close to them or far away or if there
17 was music playing in the background. In most instances
18 it wasn't a loud environment and I didn't get the
19 impression that people couldn't hear me, just that after
20 they could hear me and understand me they still thought
21 that that I was with the U.S. Hispanic Chamber of
22 Commerce.

1 Q. Did you have any difficulty in hearing or
2 understanding the people with whom you were interacting?

3 A. No, I don't believe I did. I believe I was able
4 to understand and to hear most of the people that I
5 talked to.

6 Q. Now, counsel was also making reference to, I
7 guess, the volume of your voice as we sit here in the
8 deposition here today.

9 MR. ELISEEV: I'm sorry?

10 MR. MERONE: The volume of her voice as we
11 sit in the deposition today.

12 Q. And whether or not they may or may not have had
13 difficulty hearing it. With regard to the interactions
14 that you had with other people at the conference, were
15 you speaking in the same voice as you are doing at this
16 deposition in a law firm?

17 MR. ELISEEV: Objection. Leading. Counsel
18 is testifying.

19 A. No. I was adjusting the level of my voice
20 according to the situation, who I was talking to and the
21 background noise where I was.

22 Q. How would you describe the environment for the

1 interactions you had with the individuals who mistook
2 you as somehow being affiliated with the U.S. Hispanic
3 Chamber of Commerce relative to the environment for
4 other networking events that you may attend on behalf of
5 the U.S. Chamber of Commerce to promote the Chamber and
6 its services?

7 MR. ELISEEV: Objection. Calls for
8 speculation.

9 A. All these conferences and trade shows and
10 receptions, dinners, lunches, they're all just about the
11 same. There's people talking in the background, some
12 music playing sometimes, but the Hispanic Chamber of
13 Commerce convention wasn't any louder or any different
14 than any others.

15 Q. Earlier you talked about your responsibilities as
16 part of Access America, and what I wanted to ask was:
17 Are the environments you're describing, the parties and
18 receptions, dinners, conferences et cetera that you just
19 referred to, are those the types of environments where
20 you're expected to be attending so as to promote the
21 U.S. Chamber of Commerce and its services and programs
22 to other people?

1 MR. ELISEEV: Objection. Lack of
2 foundation. Calls for speculation. Leading. Calls for
3 a conclusion. Vague.

4 A. Yes. I was attending all these different
5 conventions to offer our services and our programs to
6 various types of people, and the Hispanic convention was
7 only one of them. There were a lot of others.

8 Q. During your interactions with the individuals who
9 were confused was your name tag visible?

10 A. Yes. My name tag was pretty much right here
11 (indicating.)

12 Q. You have to actually describe where you're
13 indicating for the court reporter.

14 A. It was like right above my shoulder where it was
15 hanging at the time. But it's very common to look at a
16 name tag, or while you're introducing yourself someone
17 would look at your name tag.

18 Q. Was the name tag that identified you as being
19 with the U.S. Chamber of Commerce, was it in English?

20 A. Yes.

21 Q. When you were interacting with the other people
22 at these events and specifically the people who were

1 confused as to your affiliation, could you see their
2 name tags?

3 A. Yes.

4 Q. During these interactions did you notice that
5 people would refer to these other name tags to see who
6 they're talking with?

7 A. Yes. It's very common in talking to somebody
8 when you would introduce yourself and look at the name
9 tag and, instead of asking them, "Who are you with", you
10 could look at the name tag and say, "Oh, you're with so
11 and so, what do you do?" People were doing it with me
12 and I was doing it with other people. I don't think
13 it's considered rudeness if you know the person, I
14 guess.

15 Q. Now, counsel was asking you about the number of
16 instances where you had substantive conversations with
17 people and it became apparent to you that they were
18 mistakenly believing that you were somehow affiliated
19 with the U.S. Hispanic Chamber of Commerce. Do you
20 recall that generally?

21 A. Yes.

22 Q. And your testimony is going to stand for what it

1 is. I want to put you in the proper frame. Now, my
2 question to you is: When you identified those instances
3 of confusion, were any of them from the second day of
4 the conference?

5 A. Well, by the second day of the conference I was
6 so -- I was pretty tired of explaining myself, and I was
7 pretty tired of people confusing me with the U.S.
8 Hispanic Chamber of Commerce, and so by the second day I
9 already introduced myself differently, and I would right
10 off the bat say, "I'm Lucia Olivera with the U.S.
11 Chamber of Commerce, not with the U.S. Hispanic Chamber
12 of Commerce," or, "I'm with the U.S. Chamber of
13 Commerce, the one for all different races," something
14 like that.

15 MR. ELISEEV: Move to strike as
16 nonresponsive.

17 MR. MERONE: That's fine.

18 Q. So the number that you provided to him when you
19 were trying to estimate the number of instances would
20 not have included any instance on the second day?

21 MR. ELISEEV: Objection. Leading.

22 A. No. The second day I wasn't able to confuse

1 anybody, really, because I was being proactive and
2 avoiding confusion by explaining myself right off the
3 bat when I was introducing myself.

4 Q. Counsel also went through a number of other
5 conferences and events and asked you whether you had
6 observed any instances of confusion there where anyone
7 there would have mistaken you for being affiliated or
8 associated with the Hispanic Chamber of Commerce,
9 conferences other than the U.S. Hispanic Chamber of
10 Commerce convention. Do you recall that?

11 A. Yes.

12 Q. I think specifically he was asking you about the
13 Women Impacting Public Policy conference.

14 A. Yes.

15 Q. And a minority supplier conference.

16 A. Minority business -- something like that, yes.

17 Q. I had four written down. I just want to make
18 sure. One was the Congressional Hispanic Leadership
19 Institute.

20 A. Yes.

21 Q. And I think he also asked you about the
22 conference calls that Access America puts on.

1 A. Yes.

2 Q. Now, what I want to ask you about all of those
3 four events is: At any of those events did the U.S.
4 Hispanic Chamber of Commerce have a significant visible
5 presence?

6 MR. ELISEEV: Objection. Leading.

7 A. Not that I recall. I don't recall meeting
8 anybody from the Hispanic Chamber or seeing anybody that
9 I knew from the Hispanic Chamber.

10 Q. At any of those events, based on your
11 interactions with the individuals there, did you receive
12 any indication that the people with whom you were
13 interacting were even aware of the U.S. Hispanic Chamber
14 of Commerce?

15 MR. ELISEEV: Objection. Leading. Counsel
16 is testifying. Move to strike that portion of the
17 counsel's question.

18 A. No. The name of the U.S. Hispanic Chamber of
19 Commerce never really came up in any of the instances
20 that I can remember.

21 Q. How about for the U.S. Hispanic Chamber of
22 Commerce Foundation? The same question. Did you see

1 that presence at any of those other conferences?

2 MR. ELISEEV: Objection. Leading.

3 Objection. Lack of foundation.

4 A. No.

5 Q. Both of these entities, the U.S. Hispanic Chamber
6 of Commerce and it's associated foundation, the U.S.
7 Hispanic Chamber of Commerce Foundation, they both, I
8 guess, had a significant presence at the U.S. Hispanic
9 Chamber of Commerce convention. Is that accurate?

10 MR. ELISEEV: Objection. Lack of
11 foundation. Leading.

12 A. Yes. They had their logos everywhere, their
13 names everywhere. It was their convention.

14 Q. So that's the conference where you observed the
15 confusion, the conference where the U.S. Hispanic
16 Chamber of Commerce actually had a presence?

17 MR. ELISEEV: Objection. Leading. Lack of
18 foundation.

19 A. Yes.

20 MR. MERONE: I have no more questions at
21 this time.

22 EXAMINATION BY COUNSEL FOR APPLICANT

1 BY MR. ELISEEV:

2 Q. Good afternoon, Ms. Olivera. During your
3 redirect examination you testified that you were
4 adjusting your tone of voice at the conferences to
5 offset noise in the background. Is that correct?

6 MR. MERONE: Objection. Mischaracterizes
7 her testimony.

8 A. What I said was just in life in general I -- I
9 don't know exactly what I said, but just in life in
10 general you have to speak softer when there's a baby
11 sleeping or you have to speak louder when there's noise
12 around to make yourself be heard, just like everybody
13 else.

14 Q. Were you also adjusting the tone of your voice at
15 those conferences?

16 MR. MERONE: Objection. Asked and answered.

17 A. At all conferences I adjust my tone of voice
18 according to who I'm talking to and how far away they
19 are and the background noise.

20 Q. And did you also adjust the tone of your voice at
21 the Hispanic Chamber of Commerce convention that you
22 attended in the fall of 2006?

1 MR. MERONE: Objection. Vague. Asked and
2 answered.

3 A. Not any different than I do in any other life
4 situations and at any of the other conferences.

5 Q. But you did adjust the tone of your voice there?

6 MR. MERONE: Objection. Asked and answered.
7 Vague.

8 A. I adjusted the tone of my voice there just like
9 in all the other conferences I attended.

10 Q. Did anybody tell you in the Hispanic Chamber
11 conference that they couldn't hear you?

12 A. No, not that I can recall.

13 Q. Did you ask anybody at the conference whether
14 they could hear you?

15 A. No.

16 Q. So you assumed that the person you were talking
17 to heard you well?

18 MR. MERONE: Objection. Mischaracterizes
19 her testimony.

20 A. Just like when I'm talking to you now, I'm
21 assuming that if you can't hear me you're going to tell
22 me, or I'm assuming from the conversation that you can

1 hear me. Otherwise you would ask me to repeat myself or
2 you wouldn't refer to what I'm talking about because you
3 couldn't hear me.

4 Q. So you did assume that they heard you well when
5 you spoke to them.

6 A. Yes, I think they could hear me well because they
7 kept going with the conversation or they would ask me a
8 question or they would repeat what I said before, and it
9 was accurate.

10 Q. During the second day of the Hispanic Chamber
11 conference did you encounter any instances of confusion
12 with respect to your place of work vis-a-vis the
13 Hispanic Chamber of Commerce?

14 A. I don't recall after the first day because I was
15 clarifying who I was not with as opposed to only saying
16 who I was with, so I was clarifying that I was not with
17 the U.S. Hispanic Chamber.

18 Q. Did the conference last for two days or three
19 days?

20 A. I believe the conference lasted three days and I
21 only attended two.

22 Q. So you don't know whether any of the people to

1 whom you were clarifying during the second day of the
2 conference, whether they were confused as to your place
3 of employment. Right?

4 A. I can only say that the instances where people
5 would have to ask me who I was with or where I had to
6 clarify myself as to who I was with were on the first
7 day or before I started clarifying myself since the very
8 beginning.

9 Q. So you didn't know either way whether they were
10 confused or not confused during the second day of the
11 conference?

12 MR. MERONE: Objection. Vague.

13 A. On the second day of the conference -- well, I
14 don't know if they were confused or not. I can only
15 tell you that they were not telling me that.

16 Q. When you were clarifying your place of employment
17 you didn't know whether they were going to be confused
18 or not by your place of employment. Right?

19 MR. MERONE: Objection. Mischaracterizes
20 her testimony.

21 A. You're talking about the second day?

22 Q. Yes.

1 A. So you're asking me if on the second day whether
2 I knew or not if they were confused?

3 Q. The people to whom you were clarifying your place
4 of employment during the second day of the conference,
5 did you know whether those people would get confused if
6 you didn't clarify the place of your employment?

7 A. No, I didn't know. I could only assume, because
8 everybody was confused on the first day, and so I made
9 sure to clarify it beforehand to avoid confusion.

10 MR. ELISEEV: Move to strike the portion
11 that's not responsive.

12 MR. MERONE: That's fine. As long as it
13 stays in the record.

14 MS. PIETRINI: You know, your mocking is
15 really unprofessional.

16 MR. MERONE: I'm doing that because he's
17 moving to strike her answer because he didn't like the
18 answer.

19 Q. Is it your testimony today that the only times
20 when you experienced confusion with respect to your
21 place of employment happened at an event put on by the
22 Hispanic Chamber of Commerce?

1 A. I can say that the only times that I became aware
2 that I was told or that I heard about any confusion
3 between me working for the U.S. Chamber of Commerce or
4 the U.S. Hispanic Chamber of Commerce were during the
5 U.S. Hispanic Chamber of Commerce convention.

6 Q. And outside of that convention you have not
7 experienced any instances of confusion with respect to
8 your place of employment. Correct?

9 A. Outside of those instances I haven't had anybody
10 asking me if I worked for the U.S. Hispanic Chamber of
11 Commerce or the U.S. Chamber of Commerce.

12 Q. So outside of that convention you have not
13 experienced any instances of confusion regarding the
14 U.S. Chamber of Commerce vis-a-vis the U.S. Hispanic
15 Chamber of Commerce or the Hispanic Chamber of Commerce
16 Foundation. Right?

17 MR. MERONE: Objection. Mischaracterizes
18 her answer. Asked and answered.

19 Q. You can answer.

20 A. No. I haven't heard anybody tell me that they
21 were confused or that they thought that I worked with
22 the U.S. Hispanic Chamber of Commerce. I don't know if

1 there was any confusion. If there was, I just didn't
2 hear about it.

3 Q. You knew at the time that you signed on for the
4 conference in the fall of 2006 that it was put on by the
5 United States Hispanic Chamber of Commerce. Right?

6 A. Yes.

7 Q. You knew when you attended that conference that
8 it was put on by the U.S. Hispanic Chamber of Commerce?

9 A. Yes.

10 Q. And also when you signed off on that conference,
11 you knew that there was litigation between the U.S.
12 Chamber of Commerce and the U.S. Hispanic Chamber of
13 Commerce Foundation. Correct?

14 A. Correct. I didn't know about the Hispanic
15 Chamber of Commerce Foundation, but I had heard
16 something about the litigation between the Hispanic
17 Chamber of Commerce and the U.S. Chamber of Commerce.

18 Q. So at that time when you signed off on that
19 conference you knew there was litigation between the two
20 parties. Right?

21 A. Right.

22 MR. MERONE: Objection. Asked and answered.

1 Q. So at the time that you attended that conference
2 you knew that there was litigation between these two
3 parties.

4 A. Yes.

5 MR. ELISEEV: That's it.

6 (Whereupon, at 3:00 p.m. the taking of the
7 deposition was concluded.)

8 (Signature not waived.)

9 - - -

10
11
12 

13
14 SIGNATURE OF THE WITNESS

15
16 Subscribed and sworn to and before me

17 this 27th day of September, 2007.

18
19
20 

21 Notary Public

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

1 UNITED STATES OF AMERICA)

2 ss:

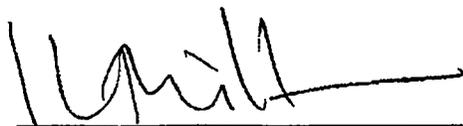
3 DISTRICT OF COLUMBIA)

4

5 I, KEITH A. WILKERSON, 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 LUCIA H. OLIVERA 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 Friday,
15 June 22, 2007, from 9:16 a.m. to 3:00 p.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 5th day of July, 2007.



KEITH A. WILKERSON

21 My Commission Expires:
22 November 16, 2009

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ORIGINAL

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

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THE CHAMBER OF COMMERCE OF THE :
 UNITED STATES OF AMERICA, :
 Opposer, :Opposition No.
 v. :91/156,321

UNITED STATES HISPANIC CHAMBER :
 OF COMMERCE FOUNDATION, :Serial No. 78/081,731

Applicant. :

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Wednesday, June 27, 2007
 Washington, D.C.

Deposition of RITA PERLMAN, commencing at 1:09
 p.m., held at the offices of Kenyon & Kenyon, 1500 K
 Street, N.W., Washington, D.C., before Keith Wilkerson,
 a notary public in and for the District of Columbia.

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P R O C E E D I N G S

Whereupon,

RITA PERLMAN

was called for examination by counsel for Opposer and, after having been duly sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR OPPOSER

BY MR. COLBERT:

Q. Good afternoon, Ms. Perlman.

A. Good afternoon.

Q. For the record, would you please state your full name?

A. My name is Rita Perlman.

Q. And would you please for the record tell us where you work?

A. I work at the U.S. Chamber of Commerce, the Institute for Legal Reform.

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

A. Yes, it is.

Q. And is the Institute for Legal Reform a separate entity from the U.S. Chamber of Commerce?

A. Yes, it is.

1 Q. What is your current position within the
2 Institute for Legal Reform?

3 A. I am the director of operations for the
4 Institute for Legal Reform.

5 Q. And what sorts of responsibilities do you
6 have in that position?

7 A. In that position I oversee the administrative
8 facilities, the operational components, the
9 staffing, the hiring, the executive coordination
10 for the president and the staff, and orchestrate
11 special projects, anything to do with the
12 logistical operation of the building, the offices,
13 the staffing, and marketing coordination with our
14 efforts within the department.

15 Q. And are you physically located within the
16 U.S. Chamber of Commerce building?

17 A. Yes. I'm located on the third floor within
18 the U.S. Chamber of Commerce at 1615 H Street.

19 Q. So is the Institute for Legal Reform an
20 entity owned by or controlled by the U.S. Chamber
21 of Commerce?

22 A. It's an affiliate.

1 Q. How long have you held that position?

2 A. For roughly two and a half months.

3 Q. And prior to that did you have a position at
4 the U.S. Chamber of Commerce?

5 A. Yes, I did.

6 Q. Could you please describe that position?

7 A. I've had numerous positions, but the one
8 prior to my taking on the Institute for Legal
9 Reform position, I was the director of stats and
10 research, and then, in addition to that, I was the
11 executive director of Access America, and then
12 prior to that within the Chamber compound I was
13 senior manager of the affinity relationship
14 programs.

15 Q. Could you please tell me what your
16 responsibilities were as director of statistics and
17 research?

18 A. I oversaw the publication of two statistical
19 products and numerous surveys conducted throughout
20 the building.

21 Q. Could you identify what those publications
22 were?

1 A. The employee benefits survey and the analysis
2 of Workers' Compensation.

3 Q. And for how long did you have those
4 responsibilities?

5 A. A year. I was given that in January of '05.

6 Q. You mentioned you were executive director of
7 Access America. During what period of time did you
8 hold that position?

9 A. I held that position from formally '05 to
10 January of 2007. I was double functioned.

11 Q. So you held both of those positions at the
12 same time?

13 A. That is correct.

14 Q. You also, I think, mentioned that you were
15 senior manager of the affiliation program.

16 A. The affinity program.

17 Q. When was that?

18 A. That was in September of '02 through January
19 of '06.

20 Q. Going back to your position as executive
21 director of Access America, could you please
22 describe what Access America did?

1 A. Access America is the U.S. Chamber of
2 Commerce's women and minority outreach initiative.
3 Through that program we put together events, put
4 together information resources, and managed a task
5 force of individuals to target ethnicity groups to
6 join the Chamber and help in the retention of
7 membership efforts.

8 Q. Did Access America exist at the time that you
9 took over as executive director?

10 A. Yes, it did.

11 Q. So it started before you took over as
12 executive director in '04 or '05?

13 A. That is correct.

14 Q. Now, I'd like to talk to you a little bit
15 more specifically about your responsibilities
16 within Access America. I believe you mentioned
17 something about events. Could you expand on that a
18 little bit, please, for the record?

19 A. Absolutely. We held independent events
20 sponsored by the Chamber. One was an Access to
21 Capital event to promote a survey that we actually
22 conducted and put together, and so it was a format

1 for talking about access to capital, what's
2 happening with ethnicity markets, and to understand
3 how we could be of service to groups to better
4 access capital and financing for their
5 organizations.

6 We also formed an event at the Small Business
7 Summit that the U.S. Chamber of Commerce hosts,
8 it's been two years now, and we had an education
9 session on access to markets. We did some
10 co-sponsorship efforts with Women Impacting Public
11 Policy. Those are the primary events.

12 Q. What do you mean by Women Impacting Public
13 Policy?

14 A. That is a women's organization that is
15 advocacy driven that focuses primarily on women
16 business owners.

17 Q. Is that organization an affiliate of the U.S.
18 Chamber of Commerce?

19 A. They are not.

20 Q. Could you please describe the reason why you
21 as a Chamber employee were participating in that
22 organization?

1 A. In an effort to align resources, we would
2 engage different entities to help us with our
3 causes, such as the survey. We went out with the
4 Access to Capital survey to all our organizations
5 that had constituents in the women, the Hispanic,
6 the Asian and other ethnicity markets where we had
7 alliances, and what we did was invite them to
8 co-host this survey to their constituents or their
9 members, and in return we would give them credit on
10 this document and would jointly share the
11 information.

12 Access to Capital is a broad spectrum that
13 encompasses all entities. We were trying to
14 co-market where it seemed reasonable, and if it was
15 not impacting negatively our individual
16 organizations we worked together for common causes.

17 Q. And I believe you also mentioned that you did
18 information research at Access America. Could you
19 describe what that is?

20 A. We did market research to better understand
21 who our competitors were in the marketplace to
22 understand who was playing in the women's space,

1 who was playing in the minority space, what they
2 were doing and how they were servicing their
3 members, again targeting business owners that might
4 be ethnically centered and focused. We wanted to
5 understand what other organizations were doing.

6 Q. Did those projects commence when you were
7 executive director?

8 A. Yes, they did.

9 Q. Were you personally involved in any of those?

10 A. Yes, I was.

11 Q. With regard to information research, did you
12 conduct surveys of any kind?

13 A. Yes. We conducted two surveys. One was an
14 Access to Capital survey. The second one was an
15 Access to Markets survey.

16 Q. Those are the ones you testified about
17 earlier?

18 A. That is correct.

19 Q. I believe you mentioned targeting specific
20 groups. How did you go about that in terms of
21 finding points of contact in organizations? What
22 did Access America do?

1 A. We would first search the web. Through
2 alliances that I had with the SBA and my network of
3 individuals, we would explore who the marketers
4 and, let's say, partnership directors might be and
5 then pursued those individuals to engage on common
6 causes.

7 Q. What's the SBA?

8 A. The Small Business Administration.

9 Q. Is that a government agency?

10 A. Yes, it is.

11 Q. A federal government agency?

12 A. Yes, it is.

13 Q. You mentioned a group of individuals
14 personally known to you.

15 A. Yes.

16 Q. Those were not individuals in any particular
17 organization, or were they?

18 A. I would say that the individuals that I used
19 as reference points, one was an employee of the
20 SBA, the Small Business Administration.

21 Q. I believe you used the term, and correct me
22 if I'm wrong, marketers.

1 A. Yes.

2 Q. What do you mean by that?

3 A. People that were focused on marketing their
4 organizations or partnering with organizations for
5 elevation of their cause and their information,
6 such as the surveys. The surveys would cover
7 women's issues as well as ethnicity issues, and so
8 for those common causes it all made sense that,
9 instead of every single one doing their own Access
10 to Capital survey, that maybe we all jointly would
11 work together and orchestrate questions together.

12 Q. I'd like to show you what's been marked as
13 UCSS 57206 through 208, and I have an original of
14 the brochure. I've handed you a photocopy. Can
15 you identify that document, please?

16 A. Yes. This was a marketing brochure that was
17 developed to support Access America information.

18 Q. Did you have any personal participation in
19 developing that brochure?

20 A. Yes, I did.

21 Q. Could you please describe that?

22 A. I designed, wrote and abstracted the

1 information that was actually placed in this
2 publication. I designed it, I created it, and I
3 managed the execution of this product.

4 MR. COLBERT: I'd like to have this
5 document marked as Perlman Exhibit 1, please.

6 (Perlman Exhibit No. 1
7 was marked for identification.)

8 Q. I'll hand you what's now been marked as
9 Perlman Exhibit 1, and I'd like you to turn to the
10 second page, which is 57207. In the center of that
11 page at the top there's a title, I believe, that
12 says: Take advantage of these key products and
13 services and unlock your business' full potential.

14 Do you see that?

15 A. Yes.

16 Q. Could you describe what these categories are
17 that follow next to a key?

18 A. Surely. There are four components that any
19 member of the U.S. Chamber receives whether you are
20 Hispanic or African American or Asian. Any member
21 entity that joins the Chamber will get advocacy
22 services, and within that we mean we have a small

1 business council that really is focused on small
2 business concerns. There is VoteForBusiness.com,
3 which is actually a grass roots initiative that,
4 when we need the voice of business, we go out and
5 solicit assistance from all our constituents there.

6 We have events which I've previously
7 mentioned, the Small Business Summit that the
8 Chamber annually puts on, and with that we usually
9 try to have something that has a strong sensitivity
10 to women and minority issues, such as we held an
11 Access to Markets discussion for an hour or hour
12 and a half.

13 Under that it also talks about the Federation
14 Partnership, which is an outreach to any Chamber of
15 Commerce, and through that, if you become a member,
16 by default all your members that opt in become
17 members of the Chamber. Then we have the Institute
18 For a Competitive Workforce, which strongly focuses
19 on women and minorities, usually on workforce
20 issues.

21 We have another component that's on the
22 website, which is a minority portal and a women

1 portal, which is specific information or resources,
2 statistics, links to other organizations that are
3 focused on minority issues.

4 We also have one that is focused specifically
5 on women's issues. Some of these direct right back
6 to the U.S. Chamber Small Business Center, but a
7 lot of these issues that small businesses have are
8 generic whether you're a male or female or
9 Caucasian or not.

10 That goes right into the Small Business Center
11 that talks about the website that the Chamber hosts
12 that has, again, a whole host of information for
13 small business owners and the publications I
14 previously mentioned, too.

15 Under the Statistics and Research Center we
16 executed two surveys. One is Access to Capital,
17 which tries to understand the issues that are
18 impacting women, minorities and ethnicities on
19 accessing money. The second one was Access to
20 Markets, and that talks about how business owners
21 actually acquire business, how you get a customer,
22 and so that includes how the Asian market is doing

1 compared to the Hispanic market versus the women's
2 market versus the non-ethnic defined groups.

3 This is the information that we as an advocacy
4 organization were trying to pull together for being
5 the resource information hub for business owners.

6 Q. If I can address the two that you've
7 identified, the two surveys, the Access to Capital
8 and Access to Markets surveys, are those
9 publications available to small businesses?

10 A. Yes. They are currently hosted on the U.S.
11 Chamber website.

12 Q. Were they available at any time in printed
13 form?

14 A. Absolutely. They're documents that were hard
15 copied that were sent out to many different
16 organizations. We actually distributed them at a
17 dinner for the Congressional Black Caucus dinner.
18 We distributed them at the Small Business Summit
19 numerous times. The sales force, I know, has
20 copies of them as well.

21 Q. I just want to make sure I'm clear. Either
22 of these surveys or reports, were they done in

1 conjunction with one or the other organizations
2 that you reached out to, you said?

3 MR. ELISEEV: Objection. Leading.

4 Q. You may answer.

5 A. The Access to Capital survey was supported by
6 -- both of my surveys were supported by Women
7 Impacting Public Policy.

8 Q. To whom was this brochure distributed?

9 A. This brochure was distributed to business
10 owners at events, whether you're a woman owned
11 business, whether you're Hispanic owned or of Asian
12 descent. It was given out significantly to large
13 organizations that were looking to join the
14 Chamber, small and medium sized prospects as well
15 as current members, to help them understand what
16 the Chamber was doing in that area.

17 Q. Was that during the entire period of time
18 that you were the executive director?

19 A. Yes.

20 Q. I'd like to show you a group of documents and
21 ask if you can identify what they represent.

22 A. Yes. These are the pages on the U.S. Chamber

1 of Commerce's website that reflect the information
2 and resources that Access America represented to
3 our members and non-members. It was an open site,
4 so it wasn't restricted just to members of the
5 organization. I printed these off to show the
6 depth of information and the research that the site
7 tried to present.

8 We have Diversity and Inclusion, and then we
9 have Access America's Women's Portal that I
10 mentioned that focuses on women's issues, and the
11 last two pages are the Access America Minority
12 Portal, which represents, again, information that's
13 generic to any small business owner, but then if
14 you want specific information on ethnicities
15 there's also links to other resources as well.

16 MR. COLBERT: I'd like to have marked as
17 Perlman Exhibit 2 the documents identified by the
18 witness. I count ten pages.

19 (Perlman Exhibit No. 2
20 was marked for identification.)

21 Q. I'll show you Perlman Exhibit 2. I'm looking
22 at the bottom of the first page, where it says

1 Certification, and that follows from there to that
2 next page a series of bullet points. Can you
3 describe just generally what is represented by each
4 of these categories, certification, diversity jobs,
5 finance, et cetera?

6 A. Sure. These categories were deemed the most
7 prevalent information needs of small businesses, so
8 when you're talking about certification, we have
9 resources that help you become either educated on
10 certification processes and/or how to become
11 certified, such as the Women's Business Enterprise
12 National Council. They're an organization that
13 certifies women business owners.

14 The second link talks about people that are
15 actually trying to employ people, whether you want
16 to be on the board or, let's say, you try to hire
17 diversity people for your employment base. These
18 are resources that would help you there.

19 Under Finance we have different organizations,
20 some of them government, some of them independent,
21 that have financial resources that would help
22 business owners acquire capital. The second part

1 was actual government agencies that we found which
2 had a lot of information to help support women and
3 minority organizations. Next we have the trade
4 entity. That was very important because of trade
5 initiatives of a global and export nature. You
6 have ethnicity issues whether you're talking to
7 China or Mexico or what have you.

8 Down at the very bottom we actually have a
9 list of organizations if you're really aligned with
10 an organization that's specific to your gender or
11 race. We also had that information listed here as
12 well. Then we go on to the procurement and
13 certification information, again, how to actually
14 work with the government, because a lot of these
15 organizations are always focused on how to work
16 with the government. Being an advocacy
17 organization, we had some links to other
18 organizations that actually had an overlay of
19 ethnicity or gender related policy.

20 Q. When you say "links", what do you mean by
21 links?

22 A. If you wanted the National Chamber of

1 Commerce for national advocacy issues, let's say
2 you wanted some issues that maybe the Black Chamber
3 of Commerce would deem of interest to them, these
4 would be the links where you would pursue Women
5 Impacting Public Policy, although some of them are
6 focused towards national issues. There are some
7 that are more focused towards women's issues, such
8 as health concerns and mammograms, and some of them
9 are more specifically focused.

10 Q. When you say a link, is it a link you can
11 click on and link to another site?

12 A. Absolutely.

13 MR. ELISEEV: Objection. Lack of
14 foundation and leading.

15 Q. I'm sorry. You were going to Research and
16 Statistics but I had stopped you.

17 A. To clarify, all these links, if you were on
18 the website, they are links to other organizations
19 and information sources. Anyway, going on to the
20 Research and Statistics, for those that are focused
21 on women's organizations, there you have the
22 Department of Labor, you have the Department of

1 Commerce, and the Small Business Administration has
2 a lot of information, and then we had a segment on
3 the actual training and technical assistance
4 programs that were very friendly to minorities and
5 women's groups.

6 And we cannot forget the veterans, because
7 they're also a component of the minority and less
8 advantaged groups, and our last segment was all the
9 various women's organizations that we had
10 identified.

11 Q. Thank you. Now, as part of your
12 responsibilities did you attend conferences or
13 events run by organizations other than the U.S.
14 Chamber of Commerce?

15 A. Yes, I did.

16 Q. Were any of these conferences on women's
17 issues?

18 A. Yes, they were.

19 Q. Could you identify some of the conferences
20 you attended?

21 A. I attended on numerous occasions the Office
22 Depot Success Strategies for Women that's done on

1 an annualized basis down in Florida. I attended
2 the National Women's Business Council events here
3 in D.C., the NAWBO event, the National Association
4 of Women Business Owners, and then we attended one
5 with WIPP, Women Impacting Public Policy. They
6 held their national event here in D.C. and invited
7 us as a collaborative partner to come and have a
8 booth at their event.

9 Q. Now, while you were with Access America do
10 you recall at any time having anyone indicate to
11 you that they thought that you were in some way
12 employed by an organization other than the U.S.
13 Chamber of Commerce?

14 MR. ELISEEV: Objection. Leading. Lack
15 of foundation.

16 A. Yes. There were occasions when I would be
17 either networking at these events or when the U.S.
18 Chamber of Commerce would have a booth presence at
19 an event, and there was confusion when I went to
20 the Office Depot Success Strategies for Women
21 event, where they thought we were actually the U.S.
22 Women's Chamber of Commerce, despite the big bold

1 presence of the U.S. Chamber lettering behind me.

2 But when I would speak to them, I think it was
3 by default, since I was at a women's event and they
4 were familiar with the U.S. Women's Chamber of
5 Commerce, that by association they assumed I was
6 from the Women's Chamber of Commerce.

7 Q. You said there was a big bold presence.
8 Could you describe what you mean by a big bold
9 presence?

10 A. The U.S. Chamber of Commerce has a three
11 panelled colored red, black and white designed
12 exhibit booth which at the very top in ten inch or
13 twelve inch lettering has U.S. Chamber of Commerce
14 across the top.

15 Q. And do you sort of man the booth?

16 A. I had two saleswomen -- yes, but I spent a
17 lot of time at the booth itself. Being the
18 executive director of the women and minority
19 outreach program, my effort was to help solicit
20 members, but to also educate those that may not be
21 as familiar with what we do.

22 Q. The event you were describing a moment ago,

1 was that something that happened to you personally
2 while you were there?

3 A. Yes.

4 Q. Did you actually introduce yourself to people
5 at the event?

6 A. While at the event through networking and
7 while at the booth, through any of the events, my
8 normal course of presentation is, "Hello, I'm Rita
9 Perlman, I'm from the U.S. Chamber of Commerce, and
10 I'm representing and overseeing the women and
11 minority outreach office."

12 Q. And after you had identified yourself not
13 just by being in a booth but verbally, did you
14 still experience circumstances where people thought
15 you were with the U.S. Women's Chamber of Commerce?

16 A. Yes. Continually through the evening events,
17 when I would -- as I said, I would network and
18 continue to talk to these people, and their
19 assumption was, "Oh, I receive numerous e-mails, I
20 was at your event," and when I stopped to clarify
21 to them that I wasn't with the Women's Chamber of
22 Commerce, that I was with the national U.S. Chamber

1 of Commerce, then there was some clarification, but
2 until that point the conversation was leading to
3 events and information that wasn't connected with
4 the U.S. Chamber of Commerce.

5 Q. Was this a one-time event, a one-time
6 occurrence?

7 A. No. Every year we attended -- I can speak to
8 the Office Depot event. We went down there three
9 times and twice with a booth, and once I went down
10 there independently as an attendee, and the same
11 occurrence happened numerous times.

12 Q. What years were those? Could you describe
13 those for the record?

14 A. Yes. Actually, we did it in '04, '05 and
15 '06, and the first two years, '04 and '05, they
16 hosted in February, and then I went down
17 independently on my own in '06, and we didn't
18 attend in '07.

19 Q. Now, aside from the women's organizations,
20 did you attend any minority targeted events while
21 you were executive director of Access America?

22 A. Yes, I did. One event that I attended in the

1 fall of '06 was the Minority Business Enterprise
2 event held here in D.C., and it was quite a
3 significant event. I went as an attendee in
4 addition to Lucia Olivera, my manager. I was there
5 for the morning and Lucia was there for the
6 afternoon.

7 Q. Did you say it was the fall of '06?

8 A. That's correct.

9 Q. What was that conference about?

10 A. It was a combined effort to talk to people in
11 these different segments on how to do business with
12 government agencies. But again, it's more of a
13 combined government project to try to help minority
14 ethnicity groups do business. I was attending the
15 exhibit hall, and at one point in time I went over
16 to -- it was a Florida Hispanic Chamber of
17 Commerce, and I introduced myself and had some
18 confusion in that conversation as well.

19 Q. Could you describe what occurred?

20 A. I went up, and I was excited because now with
21 Lucia coming on board I was able to do more
22 outreach to ethnicity groups and not just focus on

1 women. And when I went up to a gentleman looking
2 for liaison partners I introduced myself as Rita
3 Perlman from the U.S. Chamber of Commerce, and he
4 instantly said, "Oh, you're with the Hispanic
5 Chamber of Commerce," and I said, "No, I'm with the
6 U.S. Chamber of Commerce."

7 He was a little confused, not really
8 understanding who the U.S. Chamber of Commerce was,
9 but he was familiar with the Hispanic organization,
10 and so I clarified with him, you know, what our
11 organization did and why I was representing women
12 and wanting to become possibly a partner to
13 understand what his Chamber of Commerce was doing
14 down in Florida.

15 Q. You said that you attended an exhibit hall.
16 What do you mean by attending an exhibit hall?

17 A. There was an exhibit hall that probably
18 hosted, I don't know, 300 or 400 booths, and he had
19 a small corner booth, you know, again showing that
20 there are minority entities out there supporting
21 business. If you were in Florida and you wanted to
22 do business or belong to a membership organization

1 that was of Hispanic origin, it was a booth hall
2 that had a lot of different vendors in it.

3 Q. Did the U.S. Chamber of Commerce have a booth
4 there?

5 A. No, we did not.

6 Q. Did you hand out materials?

7 A. Yes, I did.

8 Q. For the U.S. Chamber of Commerce?

9 A. Yes, I did.

10 Q. Are there other examples of which you're
11 aware where people thought you or the U.S. Chamber
12 of Commerce or Access America was affiliated with
13 the U.S. Hispanic Chamber of Commerce?

14 A. There was an instance where I was invited by
15 our congressional office and independently got an
16 invitation to the inauguration or I should say the
17 induction of the new congress, the Congressional
18 Hispanic Caucus Group here in D.C. It was actually
19 in January of '07 that I was invited to attend.
20 And I went over, again just to be supportive and
21 representative of the Chamber, and when I walked
22 around and introduced myself as Rita Perlman from

1 the U.S. Chamber, because it was a Hispanic event,
2 they again thought I was from the Hispanic Chamber.

3 Q. This was the Hispanic Congressional Caucus,
4 you said?

5 A. It was the Congressional Hispanic Caucus.

6 Q. What makes you believe that people thought
7 you were with the U.S. Hispanic Chamber of
8 Commerce? What occurred to cause you to form that
9 belief?

10 A. Again, it was a networking experience, and I
11 didn't know a lot of people in the room. My job as
12 an executive director is to make the introduction
13 and to make sure that people know who I am and what
14 I'm representing. And in conversations it was
15 just, "Hello, I'm Rita Perlman from the U.S.
16 Chamber representing women and minority functions,"
17 and somebody would turn to me and say, "Oh, you're
18 representing the Hispanic Chamber," and I would say
19 "No, I'm representing the U.S. Chamber."

20 But because it was a Hispanic event by default
21 -- I can't say for sure why that person asked me
22 that question, but what I can tell you is there was

1 confusion as to what organization I belonged to.

2 Q. Why did you identify yourself as being with
3 the U.S. Chamber of Commerce instead of Access
4 America?

5 A. I am employed by the U.S. Chamber of
6 Commerce, and I'm representing a program that
7 supports women and minority issues in Access
8 America. Again, I think if anybody were to
9 introduce themselves, "I work for Honeywell and I
10 do X," or if I say, "I'm a General Electric manager
11 working for Hewlett Packard," people would probably
12 understand that the U.S. Chamber of Commerce is the
13 organization I work for.

14 Q. This particular case involves the U.S.
15 Chamber of Commerce on one side and the U.S.
16 Hispanic Chamber of Commerce and the U.S. Hispanic
17 Chamber of Commerce Foundation on the other side.
18 Are you aware of that?

19 A. Yes.

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

22 A. I was aware of it when I was asked to join

1 and be a part of the Access America program, and I
2 would say that was in the late '03, early '04 time
3 frame. I did not become executive director until
4 '05, but I was part of the program through 2004, so
5 there was an awareness then.

6 Q. Have you ever heard of the U.S. Hispanic
7 Chamber of Commerce Foundation before?

8 A. Not until I became affiliated with or was
9 asked to take on the executive director position.

10 Q. Did you hear about it before you became
11 involved in this case?

12 A. Yes.

13 Q. And does it surprise you to know that there
14 is a U.S. Hispanic Chamber of Commerce Foundation?

15 MR. ELISEEV: Objection. Leading. Lack
16 of foundation.

17 A. No, it does not. Most associations, the
18 Hispanic and the African American, they all have
19 the same structure as well as the Chamber. It's a
20 normal business alignment or business creation for
21 associations.

22 MR. COLBERT: I have no further questions

1 of the witness at this time.

2 MR. ELISEEV: I'd like to take ten
3 minutes before I start my cross-examination.

4 MR. COLBERT: We'll take a ten minute
5 break.

6 (Recess.)

7 EXAMINATION BY COUNSEL FOR APPLICANT
8 BY MR. ELISEEV.

9 Q. Good afternoon, Ms. Perlman.

10 A. Good afternoon.

11 Q. Have you met with anybody to prepare for this
12 testimony?

13 A. I had a conversation, yes.

14 Q. Who did you meet with?

15 A. I met with the folks here in the room on one
16 occasion, and then I had another meeting a week
17 ago.

18 Q. By "folks here in the room", do you mean Mr.
19 Colbert and Mr. Kane?

20 A. Correct.

21 Q. Was anybody else at that meeting?

22 A. Yes. We had people from the U.S. Chamber.

1 Q. Can you name them?

2 A. Shanice and -- I'm sorry. There was an
3 intern working. I don't know his name.

4 Q. Anybody else? Was it five people all
5 together?

6 A. And Judy Richmond was in the previous
7 meeting.

8 Q. That was in the meeting the week before?

9 A. Yes.

10 Q. Who else was in the meeting aside from Judy
11 Richmond?

12 A. The intern.

13 Q. So who was at the meeting yesterday?

14 A. Who was at the meeting yesterday?

15 Q. Yes. There were two attorneys, right, Mr.
16 Kane, Mr. Colbert, and the intern and yourself?

17 A. And Shanice.

18 Q. Did you talk about this testimony with
19 anybody else other than the people you just named?

20 A. No.

21 Q. Did you look at any documents to prepare for
22 this testimony?

1 A. None.

2 Q. Were you told to bring any documents to the
3 meeting?

4 A. No.

5 Q. Had you been given a list of questions that
6 you were going to be asked today?

7 A. Absolutely not.

8 Q. Can you please give me your educational
9 background?

10 A. Undergrad BS, Elmira College, and an MBA.

11 Q. A BS in what?

12 A. It was in marketing. It's business
13 administration with a minor in marketing.

14 Q. And where did you get the MBA from?

15 A. Averett College.

16 Q. Where were you employed prior to the U.S.
17 Chamber of Commerce?

18 A. I was employed by MCI WorldCom.

19 Q. What did you do there?

20 A. I was a marketing analyst and manager.

21 Q. How long did you spend there?

22 A. Three years.

1 Q. You mentioned that you started at the Chamber
2 of Commerce in 2002. Is that correct?

3 A. Correct.

4 Q. Let me go back for a second. Have you read
5 any transcript of the testimony given in this
6 litigation?

7 A. No.

8 Q. Have you read the testimony of Lucia Olivera?

9 MR. COLBERT: Objection. Asked and
10 answered.

11 Q. You can answer.

12 A. No.

13 Q. Have you discussed with Ms. Olivera her
14 testimony in this litigation?

15 A. Have I discussed it with Lucia? No.

16 Q. Did I understand that your first position at
17 the U.S. Chamber was director of statistics and
18 research?

19 A. Incorrect.

20 Q. What was your first position at the Chamber?

21 A. I was senior manager of affinity marketing.

22 Q. What were your responsibilities in that

1 position?

2 A. The position was focused on the acquisition
3 of partners, trademark and licensing agreements for
4 the U.S. Chamber with commercial organizations.

5 Q. And what do you mean by partners?

6 A. We, the Chamber, provide discount programs to
7 our members, and we would pursue Fed Ex, for
8 example, to provide shipping discount services to
9 members, or Office Depot to provide office
10 supplies.

11 Q. And so in that example Federal Express would
12 be a partner of the Chamber?

13 A. That is correct.

14 Q. How long did you stay in that position?

15 A. In that position through March of '05.

16 Q. So somewhere around three years. Is that
17 correct?

18 A. Correct.

19 Q. And then your next position was director of
20 Access America. Right?

21 A. I was given Access America in '04.

22 Q. So you held concurrently two positions?

1 A. Correct.

2 Q. When did Access America get instituted?

3 A. In the spring of 2002.

4 Q. And it's still existing?

5 A. The information is currently on our website.

6 Q. Right. But does the program itself still
7 exist today?

8 A. I don't know that.

9 Q. Do you mean to say that it may have been
10 terminated?

11 A. I don't know that. I was taken off the
12 program as of -- not taken off. I was put into
13 another position in March of '07 to go work for the
14 Institute for Legal Reform.

15 Q. Do you know why Access America was
16 instituted?

17 A. Yes.

18 Q. What was the reason for it being instituted?

19 A. It was a program membership outreach to women
20 and minority constituents.

21 Q. Can you give me more detail?

22 A. Growth in the business market had accelerated

1 in women ownership, Asian ownership and Hispanic
2 and other ethnicities, and so as a membership
3 organization focused on business organization, that
4 seemed to be a strategy that the organization used,
5 but I am not the expert as to why it was initiated.
6 You'd need to talk to the organization about why it
7 started back in 2002.

8 Q. You mentioned Hispanic businesses. How do
9 you define that?

10 A. I'd have to have you better tell me what do
11 you mean by how do I define it.

12 Q. I'm asking you how you'd define the phrase
13 that you just mentioned, Hispanic businesses.

14 A. Hispanic business owners, African American
15 business owners, and Asian business owners can mean
16 a lot of things to a lot of different people. I
17 per se do not have a firm definition.

18 Q. Do you have a soft definition?

19 A. I don't have a soft definition either.

20 Q. You'll have to describe to me what you meant
21 by saying Hispanic businesses.

22 A. As far as the U.S. Chamber of Commerce, we

1 are a membership organization and we bring in
2 members that, I guess, originate or have ownership
3 of different ethnicities, such as African American
4 or women owned businesses.

5 Q. What do you understand the phrase "Hispanic
6 businesses" to mean?

7 MR. COLBERT: Asked and answered.

8 Q. You didn't answer my question. I just want
9 to understand what you understand by the phrase
10 "Hispanic businesses".

11 MR. COLBERT: Asked and answered.

12 A. It can mean a lot of different things.

13 Q. What does it mean to you?

14 MR. COLBERT: Asked and answered.

15 A. It can mean a lot of different things. I
16 guess a Hispanic business owner can be where the
17 boss is Hispanic, where you have all employees that
18 are Hispanic, or where you can say that they
19 service Hispanic companies. I know the SBA has a
20 certification. When I look at statistics from the
21 Department of Commerce or the Census Bureau on how
22 they define it, 51 percent needs to be in a

1 Hispanic classified entity.

2 Q. Is that how you define it as well?

3 MR. COLBERT: Objection. Asked and
4 answered.

5 A. We don't have a definition of Hispanic.

6 Q. Who are "we"?

7 A. Well, I would say the U.S. Chamber of
8 Commerce is a membership organization dealing in
9 members. Whether you're Hispanic, African
10 American, we don't have a membership system to
11 track whether you are African American, Asian, or
12 Hispanic.

13 Q. Ms. Perlman, you're diverting from my
14 question.

15 MR. COLBERT: Excuse me. You are
16 badgering the witness and you're being
17 argumentative. She's answering your question. Ask
18 any question you want and I'll let her answer it,
19 but you're being argumentative with the witness and
20 badgering her.

21 Q. I'd like to understand what you understand
22 the phrase "Hispanic business" means.

1 MR. COLBERT: Asked and answered.

2 Q. You work for an organization that reaches out
3 to minorities and women, you mentioned that one of
4 those was Hispanic businesses, and so I just asked
5 you what do you understand is a Hispanic business
6 and what businesses would you consider Hispanic
7 businesses and non-Hispanic businesses?

8 MR. COLBERT: Objection. Asked and
9 answered.

10 A. The Chamber doesn't have a defined
11 qualification on how they define a Hispanic --
12 well, I can't say whether they do or don't.
13 There's no protocol that defines what a Hispanic
14 organization is for the U.S. Chamber of Commerce.

15 Q. But how does the Chamber decide which
16 business is Asian, which one is Slavic, which one
17 is Hispanic? What are the criteria?

18 MR. COLBERT: Objection. Asked and
19 answered.

20 A. Again, the membership organization focuses on
21 organizations that want to join and want to share
22 with us that they are Hispanic or African American

1 or women owned.

2 Q. And how do they share that with you?

3 A. Well, that's what I communicated before. The
4 Chamber does not have -- when you join the Chamber,
5 we don't ask you to define your organization or
6 verify that you're a certified women business owner
7 or that you're 51 percent Hispanic. We just ask
8 you for your name, your telephone number, and your
9 payment, and that solidifies you as a member of the
10 U.S. Chamber of Commerce.

11 Q. So how do you reach out to Hispanic
12 businesses if you don't know which businesses are
13 Hispanic?

14 A. What we have done is pursued programs that
15 have Hispanic in their title. For example, one of
16 our members is the Greater Maryland Chamber of
17 Commerce, and at one point in time, and I can't say
18 today, but I know at one point in time they weren't
19 a member of the Chamber, but through the Federation
20 Program as defined in our program, their members
21 would then by default become members of the U.S.
22 Chamber. How did they define their members? I

1 don't know.

2 Q. And so the Federation Program is the only way
3 that the Chamber reaches out to Hispanic
4 businesses?

5 A. That is one way. A Hispanic business owner
6 -- we have sales forces that go out and pursue
7 organizations. Again, we attended the women's
8 organizations and events in order to solicit
9 women's businesses, and we were in the process of
10 starting to explore other ethnicity participation
11 such as with the Black Chamber of Commerce and the
12 Hispanic Chamber events.

13 Q. Right. But how do you reach out to Hispanic
14 businesses aside from the Federation Program?

15 MR. COLBERT: Objection. Asked and
16 answered. And objection, mischaracterizes the
17 witness's testimony.

18 Q. In your answer, your previous answer, you
19 mentioned how you reach out to women and the black
20 caucus and all that, but I'm specifically
21 interested in how you reach out to Hispanic
22 businesses besides activities through the

1 Federation Program.

2 MR. COLBERT: Objection.

3 Mischaracterizes the witness's testimony. You may
4 respond.

5 A. We send out marketing materials through
6 relationships with other chambers like the Ibero
7 Chamber of Commerce.

8 Q. Which one?

9 A. The Ibero Chamber of Commerce, which is a
10 Hispanic organization, I believe. There are
11 different relationships that we were in the process
12 of exploring in order to engage Hispanic business
13 owners.

14 Q. You also mentioned just now that you reach
15 out to women's organizations.

16 A. Yes.

17 Q. How do you understand the phrase "women's
18 organizations"?

19 A. A Chamber of Commerce membership doesn't
20 mandate that you have a certification to tell you
21 whether you're 51 percent owned, so by default us
22 not having that program in place, I can't say that

1 an organization that joined is a women's business
2 or not because we don't have that in our database.
3 But I can tell you our efforts do reach out to
4 women's events to engage them in membership with
5 the U.S. Chamber, just like we did with Office
6 Depot.

7 Q. What kinds of women's events are you talking
8 about?

9 A. It's an education advocacy networking
10 experience. For example, one was in Florida, and
11 they went to talk about how to manage your
12 business, how to grow your business, how to market
13 your business.

14 Q. Once you meet people at those events, how do
15 you then ascertain which people are representatives
16 of women's organizations and which are not?

17 A. Through my network experience. There is no
18 firm process, you know, that I in a conversation
19 would say, you know, "Are you 51 percent
20 certified?" If an individual in a casual
21 conversation during networking would introduce
22 herself and say, "I own a business," because she's

1 standing there and is a female, by default I would
2 assume that she's a woman business owner.

3 Q. And that would be the only way you'd
4 determine if she is a representative of a women's
5 organization?

6 A. I'm sorry. I don't understand your question.

7 Q. Is that the only way you would determine that
8 this particular person is a representative of a
9 woman's organization?

10 A. I'm still not understanding the question.

11 Q. I'm trying to understand how you determine
12 which organizations are actually women's
13 organizations.

14 MR. COLBERT: Objection. Asked and
15 answered.

16 A. If the person in front of me was of the
17 female gender and presented herself as the business
18 owner of an organization, I would make the
19 assumption she was a woman business owner.

20 Q. Is that, then, similar to the way you would
21 determine whether a particular person at minority
22 events would be an owner of a Hispanic business?

1 A. In a fair light, yes.

2 Q. You said Access America reaches out to
3 minorities across the board, in other words to
4 Asian owned businesses, black owned businesses,
5 Hispanic, and so forth. Is that right?

6 A. That's correct.

7 Q. And the applications for Access America
8 membership do not have any questions about 51
9 percent ownership?

10 MR. COLBERT: Objection.
11 Mischaracterizes the witness's testimony. You may
12 respond.

13 A. Can you repeat your question, please?

14 Q. Do the applications for membership with the
15 Chamber of Commerce have any questions related to
16 the ethnicity of the owner or operator of the
17 business?

18 A. I'm not part of the membership group
19 formally, so you'd have to ask the membership
20 division. I don't know what's on the application
21 to be able to answer that.

22 Q. Does Access America have any applications or

1 questionnaires that are given out to prospective
2 members of the Chamber?

3 MR. COLBERT: Objection. Compound. You
4 may respond.

5 A. No.

6 Q. So what do you understand under the phrase
7 "reaching out"?

8 MR. COLBERT: Objection. Asked and
9 answered. You can answer.

10 A. You're asking me how do I reach out?

11 Q. Not how you reach out but how Access America
12 reaches out to minorities.

13 A. We are a member organization, and again, we
14 look for business owners to become members of the
15 Chamber.

16 Q. Whether they're a minority business owner or
17 otherwise?

18 A. That is correct.

19 Q. Okay. So --

20 A. And then my function was to focus attention
21 on women business owners, ones that were African
22 American, ones that were Asian, and ones that were

1 of Hispanic descent, yes.

2 Q. Do you have any lists that would tell you
3 which businesses are owned or operated by
4 minorities or women, any database to that effect?

5 A. No.

6 Q. How do you get the context for your
7 prospective members to whom you reach out?

8 MR. COLBERT: Objection. Asked and
9 answered. You may respond.

10 A. If I'm understanding your question, you're
11 asking me how we went about reaching out to our
12 members.

13 Q. How do you get the contact information on the
14 people to whom you reach out?

15 MR. COLBERT: Objection. Asked and
16 answered. You can answer.

17 Q. Where do you get the names of the businesses,
18 the addresses or any other contact information that
19 you need to reach out to them?

20 A. Through attending events. We get business
21 cards. That was the primary vehicle for women's
22 events -- I guess for membership solicitation

1 besides the Federation Program within the Access
2 America program. Keep in mind that there's a whole
3 building that is supporting the sales function for
4 membership.

5 Q. Do you do any kind of mass mailing or cold
6 calling to prospective members who are minority
7 business operators or business owners?

8 MR. COLBERT: Objection. Lack of
9 foundation. Objection. Vague. You may answer.

10 A. I don't know how the sales force conducts the
11 membership outreach. I can tell you Access America
12 did not have a calling card program.

13 Q. Do you have a mailing program?

14 A. No.

15 Q. So the only way you reach out to those
16 businesses are through events in which you
17 participate, such as conferences and conventions
18 and so forth. Is that right?

19 MR. COLBERT: Objection.
20 Mischaracterizes the witness's testimony. You may
21 answer.

22 A. We utilize the website in the whole building

1 as a conduit for membership acquisition.

2 Q. And by "we" do you mean Access America?

3 A. That is correct.

4 Q. Okay.

5 A. So we aligned ourselves or had occasions
6 where a different division such as the
7 international division would be doing things maybe,
8 you know, for advocacy purposes with the African
9 American community, and we would then go and attend
10 ~~those events. We had an occasion where Trade~~
11 Groups was doing an event, which is a grass roots
12 initiative, and so Access America would attend
13 those events.

14 I had previously mentioned we went to the
15 Minority Business Enterprise event. We were
16 looking to do things with our trade partners as
17 well. So on those occasions -- it's a
18 building-wide initiative. The membership
19 organization, we only had the focus on women and
20 minorities per se, but again, the whole building,
21 it's a membership segment. It's a portion of the
22 building. We were representing the full U.S.

1 Chamber of Commerce.

2 Q. You mentioned that as part of the Federation
3 Program the Chamber reaches out to Hispanic
4 Chambers of Commerce. Is that right?

5 A. That is correct.

6 Q. Can you give me examples of those chambers?

7 A. I'm not the sales force. I don't have the
8 list from which they pursued some of these
9 organizations. I know that through that program we
10 had the Trenton Black Chamber of Commerce, we had
11 the Greater Kansas City Hispanic Chamber, the
12 Western Maryland Hispanic Chamber, and there could
13 be some others, but those are the ones I'm familiar
14 with. Through them we would work to solicit a
15 relationship as a member of the U.S. Chamber of
16 Commerce.

17 Q. And which Hispanic Chambers of Commerce did
18 you solicit a relationship with?

19 MR. COLBERT: Objection. Asked and
20 answered.

21 A. Again, the two that were brought in through
22 the membership -- I want to say through association

1 with the Chamber's membership force. We tried to
2 have a conference call. We initiated a call with
3 the Trenton, the Western Maryland, the Kansas City,
4 and I think there were a few other ones.

5 Q. What's the exact name, the Kansas City
6 Hispanic Chamber of Commerce?

7 A. It's the Greater Kansas City Hispanic Chamber
8 of Commerce.

9 Q. What's the relationship now between the
10 Greater Kansas City Hispanic Chamber of Commerce
11 and the U.S. Chamber of Commerce?

12 A. I don't know.

13 Q. But at the time what kind of affiliation was
14 that?

15 A. They would have joined as a member of the
16 U.S. Chamber of Commerce, and through that they
17 would have had the ability to engage in our
18 membership services, which is discounts and events
19 and advocacy and grass roots initiatives, just like
20 any other member.

21 Q. I want to turn your attention to Exhibit No.
22 1. You said that you prepared it. Is that correct?

1 A. Yes.

2 Q. When did you prepare that?

3 A. This was released in the fall of '06.

4 Q. And you wrote everything that appears in this
5 document?

6 A. I had my hand in it, and yes, I did the final
7 approval. Correct.

8 Q. And who helped you in preparing this
9 document?

10 A. Lucia Olivera.

11 Q. Who was it ultimately distributed to?

12 A. This document was disseminated throughout the
13 whole building to advocacy, outreach, the
14 congressional office, the sales force. It was
15 given out at all our events at the Chamber and when
16 we attended events on behalf of -- you know, being
17 invited to a women's event such as the WIPP event
18 where we had the booth, we formally handed these
19 out at the event.

20 At the conference in Florida we handed these
21 out. Actually, we didn't because we didn't have
22 them then. But we did hand them out at the WIPP

1 event, and I had them with me when I attended the
2 Women's Business Enterprise event in the fall.

3 Q. Do you know how many copies of this document
4 were printed?

5 A. My estimate is 5,000.

6 Q. And do you know how many copies were
7 disseminated to the internal customers? By that, I
8 mean people at the building of the United States
9 Chamber of Commerce.

10 A. I don't have the exact number.

11 Q. Do you know how many copies were ultimately
12 distributed to people outside of the Chamber of
13 Commerce by your department?

14 A. I would say at least 2,000 in some kind of
15 capacity.

16 Q. Can you turn to page 57207 of Exhibit 1?
17 Under the category Advocacy you describe the Small
18 Business Council. Is that the kind of services
19 that are offered to prospective members?

20 A. Yes.

21 Q. And what is the agenda of the Small Business
22 Council?

1 A. The Small Business Council is primarily
2 focused on advocacy issues that impact small
3 businesses.

4 Q. Do you directly administer this program?

5 A. No, I do not.

6 Q. This program is not part of Access America?

7 A. It is an entity of the Chamber that is
8 definitely a component of Access America. Any
9 member, whether you're a woman or a minority,
10 again, we're an advocacy organization, so by
11 default you're going to get advocacy service.

12 Q. I see. And VoteForBusiness.com is the
13 website accessible to specifically small business
14 owners?

15 A. Vote for Business is an option for any
16 business to register and have the ability to use,
17 and it is a portal by which we used to engage
18 people for votes, votes on the Hill, if you need
19 information to get to your senator. Again, it's an
20 advocacy tool to help communicate to the different
21 congressional and senate folks about what you think
22 and how you feel about an issue.

1 Q. Is it an advocacy tool that's specifically
2 prepared for small businesses or minority
3 businesses, or is it for any member of the Chamber
4 of Commerce?

5 A. If you're asking me about Vote for Business,
6 I don't know exactly. I don't oversee Vote for
7 Business, so I don't know their formal mission or
8 objective. I can tell you that from my
9 understanding of Vote for Business, it's a tool for
10 all organizations, because again, we at the U.S.
11 Chamber of Commerce don't, I guess -- we support
12 all types of organizations, big, small, large,
13 African American, Hispanic, Asian, and women.

14 Q. And in the Programs and Events section of the
15 brochure, you mention a Small Business Summit. Is
16 that an annual summit that's conducted or hosted by
17 Access America?

18 A. This program is a program that supports small
19 businesses, and we as a program office are engaged
20 in the summit.

21 Q. And how often does the summit take place?

22 A. I know that the summit -- the only reference

1 point is this year and last year.

2 Q. Did you attend both of them?

3 A. I attended last year's. I wasn't able to
4 attend this year's.

5 Q. And what is the summit like? How many people
6 are in attendance?

7 A. The summit attendance is estimated between
8 500 and 800 people.

9 Q. Where is it conducted?

10 A. The summit is conducted here in D.C.

11 Q. And where exactly?

12 A. My recollection is the Hyatt.

13 Q. And how many days does it last?

14 A. It's two days, and I think it starts the
15 evening before, so it's like two days plus the
16 evening.

17 Q. When was the event that you attended?

18 A. It was in May of '05.

19 Q. And you attended it for all three days, or
20 two and a half days, rather?

21 A. I did? And actually Access America had an
22 Access to Markets discussion. We were on the

1 panel.

2 Q. So it's hosted by Access America?

3 A. The panel was, correct.

4 Q. What about the entire event?

5 A. The Small Business Summit is a U.S. Chamber
6 of Commerce organizational event of which Access
7 America is a program office.

8 Q. Is this brochure available on line?

9 A. Yes, it is.

10 Q. And people can view and download it from the
11 website?

12 MR. COLBERT: Objection. Lack of
13 foundation. You may answer.

14 A. I don't manage the website today nor the
15 program, but I can tell you that in the past I know
16 it was available on line.

17 Q. Do you know how often it was viewed when it
18 was available on line?

19 A. No.

20 Q. Can you describe to me what the Small
21 Business Center is, the one that appears in the
22 Online Resources section in the brochure?

1 A. The U.S. Chamber of Commerce hosts a website,
2 and within that website we have a section focused
3 on small business needs, and within that there is a
4 potpourri of different information as far as hiring
5 employees to financial planning. I don't formally
6 manage the website, so that would be a question
7 better suited to the web folks.

8 Q. And do the printouts from the web pages of
9 the Small Business Center appear in what is
10 compiled as Exhibit No. 2?

11 A. I don't understand the question.

12 Q. Are the printouts of the web pages from the
13 Small Business Center something that appears in the
14 compilation of documents marked as Perlman Exhibit
15 2?

16 A. No. Exhibit 2 is the actual Access America
17 pages.

18 Q. So the Small Business Center is not a part of
19 Access America? The Small Business Center website
20 is not a part of the Access America website?

21 MR. COLBERT: Objection.

22 Mischaracterizes the witnesses's testimony. You

1 may respond.

2 A. The U.S. Chamber of Commerce hosts both the
3 Access America portal and the small business
4 website.

5 Q. As part of your work at the Statistics and
6 Research Center, what kinds of services related to
7 minorities did you conduct?

8 A. Can you rephrase the question or restate the
9 question?

10 MR. ELISEEV: Can you read it back,
11 please?

12 (The record was read by the reporter.)

13 THE WITNESS: As the director of the
14 Statistics and Research Center I conducted the
15 Access to Capital and Access to Markets surveys.

16 Q. And Access to Capital specifically was
17 specifically related to minority owned businesses?

18 A. Absolutely, correct.

19 Q. What kind of survey is it?

20 A. It's an online survey.

21 Q. What exactly does it explore?

22 A. As the title indicates, it's access to

1 capital, ways for businesses that were requiring
2 funding to explore those options.

3 Q. And who were the interviewees of the survey?

4 A. It was a blind survey but with outreach to
5 women, Hispanic, Asian, and African American
6 business owners.

7 Q. And could anybody be interviewed as part of
8 this survey, or was there some criteria by which
9 you determined who would be asked those questions?

10 MR. COLBERT: Objection. Lack of
11 foundation. Objection. Mischaracterizes the
12 testimony. You may respond.

13 A. It was an online survey, which means any
14 party could take the survey, but we asked questions
15 like "Are you a women owned business" or "Are you
16 an African American owned organization".

17 Q. But otherwise, anybody could participate in
18 the survey as a visitor of the site. Right?

19 A. It was an open survey, correct. It wasn't
20 membership directed. It wasn't exclusive for only
21 U.S. Chamber of Commerce members.

22 Q. Can you describe to me the events that you

1 visited that were related or targeted to women
2 owned or women operated organizations?

3 A. The events that we were most close to, the
4 Office Depot Women's Success Strategies event in
5 Florida and the Women Impacting Public Policy event
6 conducted here in D.C.

7 Q. And what is the Home Depot event? What is
8 its name?

9 A. It's the Office Depot Women's Success
10 Strategies conference.

11 Q. And when was the first of those events that
12 you visited?

13 A. 2004.

14 Q. And who did you visit it with?

15 A. What do you mean?

16 Q. Who did you attend it with?

17 A. I went down with Rita Lewis from the U.S.
18 Chamber of Commerce.

19 Q. And did you have a booth there?

20 A. Yes, we had a booth, and I had one sales
21 representative and the vice president of corporate
22 communications.

1 Q. Were there a lot of attendees at the event?

2 A. I don't know specifically how to answer that.

3 I don't know the number of attendees.

4 Q. Do you know a general number of attendees?

5 A. It was in the brochure and estimated at 800.

6 Q. Did you experience any instances of confusion
7 with respect to your place of employment at that
8 event?

9 A. Yes.

10 Q. How many times?

11 A. It was numerous times.

12 Q. Can you describe to me what that confusion
13 was about?

14 MR. COLBERT: Objection. Asked and
15 answered. You can answer it again.

16 A. The questions as I was networking and/or
17 while I was attending the booth were focused around
18 the organization and who I was working for, whether
19 it was the U.S. Women's Chamber of Commerce or the
20 U.S. Chamber of Commerce.

21 Q. What is the U.S. Women's Chamber of Commerce?

22 A. I don't fully know the organization

1 personally, but it's an organization that is
2 focused on setting, I guess, women's advocacy
3 issues.

4 Q. Is there any relationship between the U.S.
5 Chamber of Commerce and the U.S. Women's Chamber of
6 Commerce?

7 A. None whatsoever.

8 Q. And who were the attendees at that event?

9 A. They were women. I don't know if they were
10 -- you know, they were primarily business owners in
11 some capacity or entrepreneurs looking to become
12 business owners.

13 Q. Did anybody at your party also experience
14 confusion about their place of employment?

15 A. Can you restate the question?

16 Q. Did anybody with whom you attended the
17 conference from the United States Chamber of
18 Commerce also experience any instances of
19 confusion?

20 MR. COLBERT: Objection. Lack of
21 foundation. You may answer.

22 A. You'd have to ask them. I don't know whether

1 they felt confusion or not. I just know from the
2 exposures and conversations that I had, I had
3 confusion experience.

4 Q. But the people with whom you attended the
5 event never mentioned to you that they experienced
6 instances of confusion?

7 A. To be honest with you, I never had that
8 conversation with them. I can't say that they
9 didn't have that. I just know that I did not have
10 a conversation with them personally about that
11 issue.

12 Q. So in other words, they never approached you
13 to tell you that they experienced confusion at that
14 event. Right?

15 MR. COLBERT: Objection. Asked and
16 answered.

17 A. I can tell you that I didn't have that
18 conversation with them per se.

19 Q. But they never approached you to tell you
20 that they experienced any confusion. Correct?

21 MR. COLBERT: Objection. Asked and
22 answered. Answer it again.

1 A. Again, we didn't have that conversation.

2 Q. So they never approached you to tell you that
3 they experienced any instances of confusion.

4 Right?

5 MR. COLBERT: Objection. Asked and
6 answered. You may respond again.

7 Q. That's a yes or no answer.

8 A. I can tell you that they did not approach me
9 on that conversation.

10 Q. Thank you. So how many times did you
11 experience instances of confusion at that event?

12 MR. COLBERT: Objection. Asked and
13 answered. Please respond.

14 A. Numerous times.

15 Q. Less than ten?

16 A. I would say less than ten. Correct.

17 Q. Was it less than five?

18 A. No.

19 Q. Was it between five and seven?

20 A. I don't know.

21 Q. So it's somewhere between five and ten?

22 A. That is correct.

1 Q. And how would you introduce yourself to these
2 people, the ones with whom you experienced
3 confusion?

4 A. As I previously stated, my protocol has been
5 that I introduce myself as Rita Perlman from the
6 U.S. Chamber of Commerce and I oversee the women
7 and minority program, and I could speak to the U.S.
8 Chamber of Commerce and the programs that the
9 Access America initiative was supporting.

10 Q. And how would they express their confusion?

11 MR. COLBERT: Objection. Asked and
12 answered. You may respond again.

13 A. Their response to me was, "Oh, you're with
14 the Women's Chamber of Commerce, the U.S. Women's
15 Chamber of Commerce," "No, I'm with the U.S.
16 Chamber of Commerce representing the women and
17 minority programs."

18 Q. Was it your understanding that they knew what
19 the national Chamber of Commerce is?

20 A. I don't know what was in their mind. I can
21 only speak to the conversation and the questions
22 that were posed to me, and their reply was, "Oh,

1 you're with the U.S. Women's Chamber of Commerce,"
2 and I would tell them, "No, I'm with the national
3 Chamber of Commerce overseeing the women and
4 minority program."

5 Q. And were those mostly women that were
6 confused about your place of employment?

7 A. Yes.

8 Q. As you were introducing yourself would you
9 hand them your business card?

10 A. Yes.

11 Q. Would they look at the business card before
12 they would get confused?

13 A. In my networking experience the business card
14 was usually at the end of a conversation, not in
15 the front end.

16 Q. So it's mostly through conversation that they
17 would get confused before getting a business card?

18 A. I can't say that that is correct. Through
19 introductions of yourself and who you are and who
20 you were representing, that's where the confusion
21 emerged.

22 Q. And did those incidents of confusion happen

1 exclusively at the Chamber booth?

2 A. No.

3 Q. Where would it happen?

4 A. It would happen throughout the networking
5 sessions, through the panel of discussions and
6 through the cocktail hour.

7 Q. Did you wear any badge while you were at the
8 event?

9 A. I did.

10 Q. And what did the badge look like?

11 A. The badge was red and had my name and
12 organization at the bottom.

13 Q. Which organization?

14 A. The United States Chamber of Commerce.

15 Q. Did it have anything else but your name and
16 the name of the Chamber of Commerce?

17 A. Not that I recall.

18 Q. Did a lot of people at the conference wear
19 badges?

20 A. It's mandatory at the event as far as
21 entrance into the event and the sessions, yes.

22 Q. Was the name of the event on the card?

1 A. Yes.

2 Q. So there was something else on the badge
3 aside from your name and the U.S. Chamber of
4 Commerce name?

5 A. I do believe the badge holder was branded the
6 Office Depot Women's Strategies event in some
7 capacity, yes.

8 Q. Is that the first event at which you
9 experienced confusion as to your place of
10 employment?

11 A. That is correct.

12 Q. And what is the next event at which you
13 experienced instances of confusion?

14 A. It was at the second Office Depot event. We
15 attended that numerous times. I also had confusion
16 when I attended the Minority Business Enterprise
17 event in the fall of '06.

18 Q. The second event at which you experienced the
19 confusion, which was the Office Depot event of '06,
20 you said --

21 A. Correct.

22 MR. COLBERT: Objection.

1 Mischaracterizes the witness's testimony. You may
2 respond.

3 Q. Who attended that event on behalf of the
4 Chamber of Commerce?

5 A. Myself and sales representatives.

6 Q. What are their names?

7 A. I don't recall at the moment.

8 Q. How many of them were there?

9 A. Two.

10 Q. Two?

11 A. Two.

12 Q. Do you remember any names?

13 A. At the moment, no.

14 Q. What department were they with?

15 A. The sales force.

16 Q. How long was that conference?

17 A. Again, the same.

18 Q. The same two and a half days?

19 A. The same two and a half days.

20 Q. And where was it?

21 A. In Florida.

22 Q. It's the same place every year?

1 A. Yes.

2 Q. And the Chamber of Commerce also had a booth
3 there?

4 A. The second year, yes, we did.

5 Q. And what did the booth look like from the
6 outside?

7 A. As previously mentioned, it was a three-panel
8 display, red, white, and blue, with U.S. Chamber of
9 Commerce across the top.

10 Q. How large were the letters?

11 MR. COLBERT: Objection. Asked and
12 answered. You can respond.

13 A. At least ten to twelve inches.

14 Q. What colors were they?

15 A. As I recall, they were white.

16 Q. And what was the background for the letters?

17 A. It's blue and red.

18 Q. And all it said was U.S. Chamber of Commerce?

19 A. Correct.

20 Q. Did other booths have similar coloring on
21 them, at least the background coloring?

22 A. I don't recall.

1 Q. So there was no uniform coloring for booths?
2 Everyone brought their own banners and lettering?

3 A. That is correct.

4 Q. How many times did you experience confusion
5 at that event?

6 A. I'd say the same amount.

7 Q. Between five and ten?

8 A. Correct.

9 Q. In similar situations?

10 A. Correct.

11 Q. And why do you believe people were confused?

12 A. I can't speak to the minds of other people.
13 I can only share with you what they communicated
14 back to me. Again, you know, I've shared with you
15 how I've introduced myself, that I represent the
16 U.S. Chamber, I represent minorities and women, I
17 oversee the women and minority outreach program. I
18 don't know the minds of other people.

19 Q. What is your opinion as to why they were
20 confused?

21 MR. COLBERT: Objection on relevance.
22 Objection to the extent it calls for a legal

1 conclusion. You may respond.

2 A. It's hard to make assumptions or make an
3 opinion statement not knowing what other people's
4 minds are, but understanding that you're at a
5 women's event, by default, if they are familiar
6 with the U.S. Women's Chamber of Commerce, by
7 default they may confuse the U.S. Chamber of
8 Commerce. It's very similar in name.

9 Q. I see. And did the two people that came with
10 you also experience confusion, as far as you know?

11 A. Again, as I previously noted, I did not have
12 that conversation with them.

13 Q. And they never indicated to you that they
14 ever experienced any confusion?

15 A. That is correct.

16 Q. When was the next event at which you
17 experienced any confusion about your place of
18 employment?

19 A. The next event was the Minority Business
20 Enterprise event.

21 Q. Where was it held?

22 A. Here in D.C.

1 Q. When?

2 A. The fall of '05. I want to say October of
3 '05. I'm sorry. '06.

4 Q. The fall of '06?

5 A. The fall of '06.

6 Q. And what was the agenda of this event?

7 A. I don't know the government's specific
8 purpose, but it's a platform by which a lot of
9 agencies get together, and organizations that
10 support minority businesses have an option to talk
11 about the issues, show solutions, and the attendees
12 are primarily minorities, women, African American,
13 and Asian business owners and entrepreneurs.

14 Q. Are there any Hispanic business owners?

15 A. Yes.

16 Q. Who is this event hosted by?

17 A. It's the Minority Business Enterprise. It's
18 a government agency.

19 Q. How many attendees were at that event?

20 A. I don't know the exact number of attendees.

21 Q. Were there hundreds of them or thousands?

22 A. There were hundreds.

1 Q. Do you believe there were more than 500
2 people there?

3 A. I would say 500 is about right.

4 Q. How many days did it last?

5 A. Two.

6 Q. Who did you attend this event with from the
7 Chamber of Commerce?

8 A. I attended as an attendee by myself for the
9 morning event.

10 Q. And that's the only time you attended the
11 event?

12 A. Yes.

13 Q. Was there a booth?

14 A. No.

15 Q. What events did you participate in in that
16 event?

17 A. The primary conversations on global trade
18 with Ron Langan.

19 Q. Was it a seminar or speech?

20 A. Yes.

21 Q. Did you mingle with people in the halls?

22 A. Yes.

1 Q. Did you meet a lot of people at that event?

2 A. Yes, I did.

3 Q. And what was the confusion that you
4 experienced there?

5 A. They had an event hall where there were
6 different vendors with organization displays and
7 event booths. I happened to go up to a Hispanic
8 Chamber of Commerce booth to introduce myself, and
9 -- it was the Florida Hispanic Chamber of Commerce
10 booth. And when I introduced myself and said,
11 again, "I'm Rita Perlman with the U.S. Chamber of
12 Commerce overseeing women and minorities," he said,
13 "Oh, you're with the U.S. Hispanic Chamber of
14 Commerce," and that's when I said no, because I
15 said I spoke to alliances.

16 I guess he made some assumption, I don't know
17 exactly, but there was confusion about the fact
18 that they thought that I was with the U.S. Hispanic
19 Chamber.

20 Q. What do you mean, you spoke to alliances?

21 A. Well, in my introduction a lot of people
22 don't know what Access America is, and so I go down

1 the road and say it's a membership supporting
2 alliances and coalitions for organizations for the
3 betterment of business enterprise. Through that
4 conversation he may have assumed that, but I can't
5 speak to him because I don't know what his thinking
6 was when he asked me that question.

7 Q. Did you mention the word "Hispanic" during
8 that conversation?

9 A. What I said was I was representing women and
10 minorities, and that included the Hispanic
11 community and, you know, the African American
12 community, so in that context I would have
13 mentioned that we do research and look to partner
14 with organizations, and I actually mentioned to him
15 the Federation Program.

16 Q. You mentioned that the Federation Program
17 reaches out to minorities, including Hispanic
18 businesses.

19 A. That is correct.

20 Q. And when in the conversation did he get
21 confused?

22 A. At the very beginning, when I made my

1 introduction.

2 Q. Immediately after you introduced yourself?

3 A. That is correct.

4 Q. And so he sort of asked you as to your place
5 of employment, and you said you're at -- well, what
6 exactly did he say?

7 A. When I introduced myself he said, "Oh, you're
8 with the U.S. Hispanic Chamber of Commerce," and I
9 was quick to clarify that I was with the U.S.
10 Chamber of Commerce, overseeing the women and
11 minority programs.

12 Q. Can you tell me the exact line by which you
13 introduced yourself? What exactly did you say?

14 A. "Hello, I'm Rita Perlman, I'm from the U.S.
15 Chamber, and I oversee the women and minority
16 outreach program called Access America."

17 Q. Did you say anything else?

18 MR. COLBERT: Asked and answered five
19 times. Respond again.

20 Q. Did you --

21 A. Pardon?

22 Q. Did you say anything else before he got

1 confused?

2 A. At that point, that's the point where his
3 confusion came into play, that I support women and
4 minority programs and that we reach out to Hispanic
5 organizations, Asian organizations, and African
6 American organizations.

7 Q. And when you stated that you were with the
8 U.S. Chamber of Commerce, did he indicate to you
9 that he knew what that organization was?

10 A. Knew of what organization?

11 Q. Of the U.S. Chamber of Commerce.

12 A. I didn't ask that question. Restate the
13 question, please.

14 Q. Was it your opinion that, after you explained
15 to him what organization you were with, he knew
16 what the U.S. Chamber of Commerce was?

17 MR. COLBERT: Objection. Misstates the
18 witness's testimony. Objection. Lack of
19 foundation. You may respond.

20 A. Again, I don't know if he knew of the U.S.
21 Chamber of Commerce. The question was, "Oh, you're
22 here representing the U.S. Hispanic Chamber of

1 Commerce," and that's when I replied, "No, I'm
2 not," so I don't know.

3 Q. You don't know either way whether he knew
4 what the U.S. Chamber of Commerce is?

5 A. That is correct.

6 Q. And do you know if there's any relationship
7 between the U.S. Chamber and the Florida Chamber of
8 Commerce?

9 A. No, I do not know.

10 Q. And at that time did you know what the U.S.
11 Hispanic Chamber of Commerce is?

12 A. At that time, yes.

13 Q. What do you know about that organization?

14 A. It's a membership advocacy organization with
15 a Hispanic focus.

16 Q. What do you mean, with a Hispanic focus?

17 A. Well, with its name, U.S. Hispanic Chamber of
18 Commerce, by default one would assume that you
19 would have a focus on the Hispanic portion of the
20 name, so it's business owners that are of Hispanic
21 descent.

22 Q. I see. Do you know if there's any

1 relationship between the two organizations?

2 A. No.

3 MR. COLBERT: Objection. Vague.

4 Q. Do you understand the question?

5 A. No, I do not.

6 Q. When you said no, then, what did you mean?

7 A. When I said no it was in relation to do I
8 personally know that we belong together, but in
9 thinking about the question I need to understand
10 better what you mean by relationship.

11 Q. What I mean by relationship? Any
12 relationship between organizations. What is it
13 that you don't understand about the question?

14 MR. COLBERT: Object to breadth and
15 vagueness. You can respond.

16 A. Relationship can mean a lot of things to a
17 lot of different people. Relationship, you know,
18 it could mean a contractual relationship, it could
19 mean friendship. It could mean a lot of different
20 things.

21 Q. Well, everything you just described is
22 included in my definition of relationship, so the

1 question is: Is there any relationship between the
2 U.S. Chamber of Commerce and the U.S. Hispanic
3 Chamber of Commerce?

4 MR. COLBERT: Objection. Lack of
5 foundation. Object to breadth. Object to
6 vagueness. You may respond.

7 A. I don't have the intelligence to say whether
8 there is any relationship between them or not.

9 Q. So as far as you know, there's no
10 relationship between the two organizations?

11 A. I don't have the intelligence, again, to be
12 able to answer that yes and/or no. I don't have
13 the intelligence -- I don't have the knowledge, the
14 organizational knowledge, to say yes or no to
15 whether that question is valid or not.

16 Q. But as far as you know, there is no
17 relationship between the two organizations, right,
18 as you sit here today?

19 A. I would say that I can't -- I don't have the
20 intelligence to be able to answer that question.

21 Q. Is the U.S. Hispanic Chamber of Commerce
22 considered a competitor of the U.S. Chamber of

1 Commerce?

2 A. I'm not in a position to say whether they're
3 a competitor or not a competitor.

4 Q. When you were with Access America, did you
5 consider the U.S. Hispanic Chamber of Commerce to
6 be a competitor of the U.S. Chamber of Commerce?

7 A. In my role as the Access America director,
8 any organization is a competitor of the U.S.
9 Chamber of Commerce, so by default I would say that
10 every membership organization is a competitor of
11 us.

12 Q. But what kind of organization would be a
13 competitor of the U.S. Chamber of Commerce?

14 A. Everyone. People only have limited dollars
15 and the ability to spend who they want to align
16 with, so every membership organization is a
17 competitor of the U.S. Chamber. Again,
18 understanding who the Chamber is, we're an
19 association, so that means trade, and so there's
20 competition.

21 Q. And so the competition is after membership
22 fees and donations. Is that right?

1 MR. COLBERT: Objection. Compound. You
2 may respond.

3 A. Again, as a competitor, the U.S. Chamber of
4 Commerce by definition is a membership organization
5 that is focused on advocacy.

6 Q. So any organization that is a membership
7 organization and is focused on advocacy would be a
8 competitor of the U.S. Chamber?

9 A. Again, I'm not in a position to define what's
10 going to be competition for the Chamber and/or not.
11 I can tell you, though, that any membership
12 organization, any organization that's membership
13 focused, whether it's paying or non-paying, is
14 going to be, you know, problematic. Again, you
15 have to understand who the Chamber of Commerce
16 represents. We're a business enterprise, and
17 businesses can be defined in many different ways,
18 whether you're a trade association, whether you're
19 a Chamber, whether you're with city group.

20 Q. And so therefore, when you were with Access
21 America, your understanding of the U.S. Hispanic
22 Chamber of Commerce is that it would be by

1 definition a competitor of the U.S. Chamber?

2 MR. COLBERT: Objection. Lack of
3 foundation. Objection. Restatement of the
4 witness's testimony. You may respond.

5 A. I wouldn't, again, have the intelligence to
6 be able to say whether they're a formal competitor
7 or not of the U.S. Chamber of Commerce. What I can
8 tell you is any organization we went after, you're
9 looking for membership dollars for your
10 organization, period, full stop.

11 Q. Were you in any way involved in collecting
12 membership fees at the U.S. Chamber?

13 A. No.

14 Q. Were you in any way involved in soliciting or
15 collecting donations at the U.S. Chamber?

16 A. No.

17 Q. Did you say that you attended that event with
18 Ms. Olivera?

19 A. Yes.

20 Q. Who else was there with you?

21 A. I know I attended and Lucia attended. I
22 don't know who else. There could have been other

1 people from the Chamber there as well.

2 Q. And Lucia Olivera also only attended that
3 particular speech that you mentioned?

4 MR. COLBERT: Objection. Lack of
5 foundation. You may respond.

6 A. I don't know exactly. I know that I did see
7 Lucia at the event in the afternoon.

8 Q. Was Ms. Olivera with you at the Florida
9 Hispanic Chamber of Commerce booth where you
10 experienced confusion?

11 A. No, she was not.

12 Q. Do you know if Ms. Olivera experienced any
13 confusion at that event?

14 A. I wouldn't know. I don't have the
15 intelligence to answer that question.

16 Q. Was there any other event at which you
17 experienced confusion as to the U.S. Chamber of
18 Commerce?

19 A. Yes. In January 2007, when I attended the
20 Congressional Hispanic Caucus celebration held here
21 in D.C., there was two times that I can recall
22 exactly where I introduced myself as Rita Perlman

1 from the U.S. Chamber of Commerce, representing the
2 women and minority program, and they mistook me --
3 oh, it was from the Hispanic Chamber of Commerce,
4 and I clarified to say, "No, I'm here with the U.S.
5 Chamber of Commerce, but I am overseeing the women
6 and the minority and Hispanic outreach."

7 Q. How many attendees were at that conference?

8 A. It wasn't a conference. It was a cocktail
9 reception.

10 Q. How long did it last?

11 A. It was from six to ten.

12 Q. Where was it held?

13 A. Downtown. A hotel down by the Capitol.

14 Q. Was it at a reception hall at a hotel?

15 A. Correct.

16 Q. And how many people were there in the room?

17 A. I think you've asked that question, but I
18 want to say 100, maybe 200 at a given point.

19 Q. And how did you learn about it?

20 A. I learned two-fold. One, I was sent an
21 invitation. Second of all, the congressional
22 office was attending as well, and I was asked to

1 participate.

2 Q. Were there any conversations among people in
3 Spanish?

4 A. Yes.

5 Q. Do you speak Spanish?

6 A. Un poquito.

7 Q. Can you carry on a conversation?

8 A. No.

9 Q. Did you speak Spanish at that event at all?

10 A. No.

11 Q. And what were the circumstances surrounding
12 the confusion? Were you standing in a group of
13 people? Were you talking to somebody alone?

14 A. It was a one-on-one conversation.

15 Q. And who was that person?

16 A. I don't recall.

17 Q. Was it a man or woman?

18 A. A woman.

19 Q. Do you know where she was employed?

20 A. That I do not.

21 Q. And how long was the conversation with her?

22 A. Probably ten minutes.

1 Q. Was there a live band at the event?

2 A. No, not at the beginning.

3 Q. But was there a live band at any time at that
4 event?

5 A. Yes.

6 Q. When did the band start playing?

7 A. I would say -- I don't recall exactly.

8 Q. Describe to me, then, the second time you
9 experienced confusion at that event.

10 A. It was during my initial arrival and my
11 introductions, again circulating through the room
12 at my arrival. I again introduced myself as Rita
13 Perlman, a U.S. Chamber of Commerce executive
14 overseeing the women and minority program, and on
15 that occasion somebody questioned me, "Are you with
16 the Hispanic Chamber of Commerce," and I clarified
17 to say, "No, I'm here with the national Chamber of
18 Commerce."

19 Q. And who was that person, a man or woman?

20 A. It was a woman.

21 Q. Was there a group of people around you?

22 A. No. We stood off to the side.

1 Q. And did any of the instances of confusion
2 happen after the music began playing?

3 A. No, it was prior to. The music only started
4 when Nancy Pelosi arrived and some of the
5 congressional folks came over, and unfortunately
6 they had to cut the conversation short and leave,
7 and that's when I left the event myself.

8 Q. How many people did you speak to at that
9 event?

10 MR. COLBERT: Objection to the question
11 as vague.

12 A. How many people?

13 Q. Yes.

14 A. You want the number of people that I spoke to
15 at that event?

16 Q. Yes.

17 A. Through my participation during that hour, I
18 probably spoke to 10, 20 people.

19 Q. And every time that you spoke you introduced
20 yourself?

21 A. Yes. Correct.

22 Q. Was anybody wearing any badges at that event?

1 A. Yes.

2 Q. And what did the badge look like?

3 A. I recall them being white with your name
4 across it. I don't know if the organization's name
5 was there or if it was just your name. It was a
6 blank badge. I don't recall specifically.

7 Q. Why do you believe those people experienced
8 confusion at that event?

9 MR. COLBERT: Objection to foundation.
10 You can respond.

11 A. Again, I can't speak to what the other
12 individuals were thinking.

13 Q. But what was your understanding as to why
14 they would get confused?

15 MR. COLBERT: Objection. Foundation.
16 Please respond.

17 A. Again, it's just understanding what their
18 experiences were and who they represented. I don't
19 know why they would have confusion. I was at a
20 Hispanic event and I was representing the U.S.
21 Chamber of Commerce. That's all I can speak to.

22 Q. Do you believe the confusion happened because

1 it was a Hispanic event and people automatically
2 assumed that you would be from a Hispanic Chamber
3 of Commerce?

4 A. I can't speak to that. I don't know
5 particularly. That could be a cause, but I think
6 there are plenty of other issues as well.

7 Q. When you were at that event, did you know of
8 the litigation which involves the U.S. Hispanic
9 Chamber of Commerce and the U.S. Chamber of
10 Commerce?

11 A. No.

12 Q. Was it the last event at which you
13 experienced any confusion as to your place of
14 employment?

15 A. I signed off of the program at the end of
16 January, so that would have been the last event
17 that I attended, or the end of February. It was
18 the last event that I formally attended in the
19 executive director position.

20 Q. Have you experienced any other instances
21 aside from the two Hispanic events that we just
22 discussed whereby you experienced any confusion on

1 behalf of anybody with respect to the U.S. Chamber
2 of Commerce vis-a-vis the U.S. Hispanic Chamber of
3 Commerce?

4 A. I'd like you to redefine the question for me.
5 What exactly are you trying to understand?

6 Q. I'm wondering if, aside from these two
7 Hispanic events that we just discussed, there were
8 any other instances of confusion where anybody
9 would be confused about your place of employment
10 and confuse it with the U.S. Hispanic Chamber of
11 Commerce or the U.S. Hispanic Chamber of Commerce
12 Foundation.

13 A. As of February I have been working for the
14 Institute for Legal Reform in a different capacity,
15 so in my new role with the Institute for Legal
16 Reform I have had no questions about the U.S.
17 Hispanic Chamber of Commerce.

18 Q. So you've experienced no confusion whatsoever
19 after you attended the Congressional Hispanic
20 Caucus group event. Correct?

21 A. I'm sorry. Restate the question.

22 Q. When I asked my first question I didn't limit

1 the time. I didn't say "after that." I'm
2 wondering if, aside from the instances of confusion
3 that you experienced at these two events, namely
4 the Congressional Hispanic Caucus group event and
5 the Minority Business Enterprise event, whether at
6 any time at all you experienced any confusion about
7 your place of employment vis-a-vis the U.S.
8 Hispanic Chamber of Commerce or the U.S. Hispanic
9 Chamber of Commerce Foundation.

10 A. I can say no.

11 Q. Have you experienced any instances of
12 confusion in connection with receiving mail or
13 e-mail or phone calls at work at the U.S. Chamber
14 of Commerce?

15 A. Please redefine the question. Have I
16 received e-mail? Yes, I've received e-mail.

17 Q. Have you received any mail at work at the
18 U.S. Chamber of Commerce that was intended for
19 either the U.S. Hispanic Chamber of Commerce or the
20 U.S. Hispanic Chamber of Commerce Foundation?

21 A. I would say no. To my knowledge, no.

22 Q. And you do look at the mail that is sent to

1 you at work. Correct?

2 A. I look at the mail that's delivered to me
3 from the mailroom. That is correct.

4 Q. Do you open your mail yourself?

5 A. No, I don't. I have an assistant that
6 currently opens my mail.

7 Q. When you say right now, do you mean at ILR?

8 A. Correct.

9 Q. And what about before ILR?

10 A. I opened my own mail.

11 Q. You would open your own mail?

12 A. That is correct.

13 Q. Have you received any phone calls throughout
14 your employment at the U.S. Chamber of Commerce
15 before or after you started at the ILR which were
16 intended for either the U.S. Hispanic Chamber of
17 Commerce or the U.S. Hispanic Chamber of Commerce
18 Foundation?

19 MR. COLBERT: Object to the lack of
20 foundation and vagueness. You can respond.

21 A. I don't know if the organization has --

22 Q. I'm asking about whether you received any.

1 A. Of the calls that I received that I picked
2 up, and I can't speak to any other calls that came
3 into my office and somebody else picked up, but
4 with regard to the calls I picked up, no.

5 Q. And how much mail do you get on average or
6 how much mail were you getting on average while you
7 were at Access America, 10 to 20 a day?

8 A. No. I would say I would get an average of
9 five pieces of mail a day.

10 Q. And how many phone calls would you get a day
11 or were you getting a day while with Access
12 America?

13 A. What type of calls are you referring to?

14 Q. Non-personal calls, the calls that relate to
15 your business at the U.S. Chamber.

16 A. I get internal calls from the Chamber. It
17 could vary from, you know, 10 to 15.

18 Q. What about calls from outside of the Chamber?

19 A. It's hard to recall. It depended on the
20 occasion. If an event was occurring, you know, by
21 default you'd get a lot of attendees and questions
22 about the event and you'd get questions about the

1 speaker, and so on those occasions I would probably
2 get, you know, 20 or 30 or 40, you know, calls a
3 day. On off event times that would be lower.

4 Q. And how many e-mail messages do you get a day
5 or were you getting a day while at Access America?

6 A. From business owners, internal mail, external
7 mail, on a daily basis you're maybe talking about
8 100.

9 Q. 100 a day?

10 A. I get between 50 and 100 a day.

11 Q. That's a lot of e-mail.

12 A. It is.

13 Q. Have you received any e-mail while at the
14 U.S. Chamber of Commerce that was intended for the
15 U.S. Hispanic Chamber of Commerce or the U.S.
16 Hispanic Chamber of Commerce Foundation?

17 MR. COLBERT: Objection to vagueness.
18 Object to foundation. You may respond.

19 A. I don't know who the originator intended it
20 to be received by, so I don't know if I was
21 intended to receive something, you know, that was
22 meant to go someplace else. I can't really respond

1 to that.

2 Q. Well, you responded to that question about
3 phone calls and letters. Why can't you respond
4 with respect to e-mail?

5 A. I would think that -- e-mail's a different
6 animal in the sense that, you know, people can send
7 you things that were or were not intended for your
8 -- there's less control on e-mail than on phone
9 calls.

10 Q. Well, have you seen any e-mail while in your
11 employment at the U.S. Chamber where the sender of
12 the e-mail indicated that he thought that you were
13 employed with either the U.S. Hispanic Chamber of
14 Commerce or the U.S. Hispanic Chamber of Commerce
15 Foundation instead of the U.S. Chamber of Commerce?

16 A. I really don't know.

17 Q. Have you seen any e-mails like that, where
18 the person would be confused as to what
19 organization you were with?

20 A. In reviewing my e-mails -- again, regarding
21 the e-mail process, one cannot know who the
22 intended recipient is. In a phone call you have a

1 better direct communication on whether the
2 telephone caller intended to call you or not. When
3 I answer the phone I identify myself as Rita
4 Perlman, U.S. Chamber of Commerce.

5 Q. Let me give you an example. I work in a law
6 firm, and if I do get an e-mail and I do see that
7 the sender is confusing my place of employment,
8 assuming that I work from Manatt Phelps, and they
9 say, "Well, since you work for Kenyon & Kenyon,"
10 and so forth, this way I would know that the sender
11 is clearly confused about my place of employment.
12 Have you ever gotten any e-mails like that, where
13 the sender would be confused as to your place of
14 employment?

15 A. I think it's hard for me to be able to answer
16 that question as far as e-mail recipients. I don't
17 know what e-mail was really intended for another
18 organization or not.

19 Q. Right. But as you sit here today, do you
20 recall any e-mail that you received during your
21 time at the U.S. Chamber of Commerce where the
22 sender would be confused as to your place of

1 employment?

2 MR. COLBERT: Objection. Lack of
3 foundation. Objection. Asked and answered.
4 Objection. Vague. You may respond.

5 A. Again, I don't know what the organization,
6 meaning the Hispanic Chamber of Commerce or the
7 Foundation, is doing to see what their organization
8 is doing and if communications erroneously got in
9 my box or not.

10 Q. Have you ever gotten such erroneous e-mails?

11 A. I can't say, because I don't know if in fact
12 -- I can't answer that question in all honesty.

13 Q. Well, you either have seen it or you have not
14 seen it.

15 MR. COLBERT: Objection. Vague.
16 Objection. Argumentative. You may answer if you
17 can.

18 A. I cannot answer that question.

19 Q. Why can't you answer that question?

20 MR. COLBERT: Objection. Asked and
21 answered.

22 A. Again, it's a vague question. I don't know

1 who the recipient -- I don't know who the
2 organization is, the Hispanic organization, the
3 U.S. Hispanic Chamber of Commerce and/or their
4 Foundation, and who or what they were sending their
5 information to to know whether I got erroneous
6 information or not.

7 Q. I said the e-mail that you receive in your
8 in-box at the U.S. Chamber.

9 A. It's a vague question. I don't have enough
10 clarity to be able to answer that.

11 Q. So as you sit here today, you can't tell
12 either way whether you have received any e-mail
13 that was intended or which would indicate that the
14 sender confused your place of employment with the
15 U.S. Chamber of Commerce or the U.S. Hispanic
16 Chamber of Commerce Foundation. Yes or no.

17 MR. COLBERT: Objection. Asked and
18 answered.

19 A. No.

20 Q. Have you discussed with anybody the instances
21 of confusion that you experienced at the two
22 Hispanic events that we were just talking about?

1 MR. COLBERT: Before you engage in
2 another line, it's been an hour and 45 minutes. Is
3 it all right if we take a break?

4 MR. ELISEEV: I'll let her answer and
5 then we'll do it.

6 MR. COLBERT: Before you respond, I will
7 direct you that communications which you may have
8 had with counsel, either counsel employed by the
9 U.S. Chamber of Commerce or retained by the U.S.
10 Chamber of Commerce to provide services to the U.S.
11 Chamber, you should exclude from your answer.
12 Other than that, you may respond to the question.

13 MR. ELISEEV: My question did include
14 that. I don't want her to go into the nature of the
15 conversation, but she can say whether she discussed
16 it with anybody, including lawyers.

17 MR. COLBERT: I'll object to the question
18 to the extent it uses legal terms of art, to the
19 extent that the discussion between this witness and
20 counsel may constitute a communication or a
21 judgment. If you would like to restate your
22 question as to whether she's discussed the

1 incidents that she's testified about this morning
2 with anyone, I'll let her answer.

3 MR. ELISEEV: I thought that's what my
4 question was.

5 MR. COLBERT: I think you characterized
6 what the instances were, and that's part of my
7 objection, so if you want to restate the question
8 that way, then I have no objection.

9 Q. Have you discussed the instances of confusion
10 that took place at the two Hispanic events?

11 MR. COLBERT: Again, I repeat my same
12 objection. I will remove my objection and
13 instruction with respect to counsel if you ask her
14 if she's discussed the incidents that occurred that
15 she discussed this morning. You keep calling them
16 instances of confusion. I don't want there to be
17 any confusion on the record as to whether this
18 witness can make a judgment as to what constitutes
19 an instance of confusion or not in a legal sense.
20 That's my objection. I'll withdraw my objection if
21 you want to ask it that way.

22 MR. ELISEEV: As long as the witness

1 understands what I mean by incidents, because she's
2 going to say what do you mean by incidents and then
3 I'll have to say --

4 MR. COLBERT: Well, ask her.

5 Q. Have you ever discussed or have you had any
6 discussion regarding the incidents that we just
7 discussed that took place at the two Hispanic
8 events? Have you discussed them with anybody?

9 A. I'm a little lost with the line of
10 questioning and what instances we're referring to.

11 Q. Well, we'll finish this line of questioning,
12 then, and then we'll take a break. With regard to
13 the Minority Business Enterprise event, the
14 instances that occurred at that event, have you
15 discussed them with anybody after that event?

16 MR. COLBERT: That's just a yes or no
17 answer.

18 A. Have I discussed them with my counsel?

19 Q. With anybody.

20 A. Yes, I have.

21 Q. And who did you discuss them with?

22 MR. COLBERT: You may respond.

1 A. I discussed them with counsel and with my
2 previous manager.

3 Q. What was the name of the manager?

4 A. Actually, if you're going to that one, I
5 haven't discussed it with my previous manager
6 because I really didn't have a previous manager.
7 But these issues with Minority Business Enterprise
8 I discussed with my counsel.

9 Q. What was the name of your counsel?

10 A. He's sitting here in the room.

11 Q. Mr. Colbert and Mr. Kane, right?

12 A. Yes.

13 Q. Did you discuss it with anybody else?

14 A. Did I discuss these issues with anybody else?

15 Q. Not these issues but the incidents that took
16 place at the Minority Business Enterprise event.

17 A. About the confusion that I experienced when I
18 was at these events?

19 Q. Yes.

20 A. The confusion with the use of the name the
21 Chamber of Commerce, have I discussed those
22 conversations with anybody? No.

1 Q. Have you discussed those instances that took
2 place at the Congressional Hispanic Caucus group
3 with anybody?

4 A. Again, I have discussed those with my
5 counsel.

6 Q. Mr. Colbert and Mr. Kane?

7 A. That is correct.

8 Q. And you did not discuss them with anybody
9 else?

10 A. No.

11 Q. And you did not discuss those incidents with
12 Ms. Olivera?

13 MR. COLBERT: Objection. Asked and
14 answered.

15 A. No.

16 (Recess.)

17 Q. Ms. Perlman, did you make any notes of your
18 conversations that you had at the Congressional
19 Hispanic Caucus group event and Minority Business
20 Enterprise event?

21 A. Mental notes? Written notes? What type of
22 notes are you looking for?

1 Q. Written notes.

2 A. No, I didn't make any written notes.

3 Q. Have you met with anybody from the United
4 States Hispanic Chamber of Commerce or the United
5 States Hispanic Chamber of Commerce Foundation?

6 A. We have met with Nicole Venable with the U.S.
7 Caucus Foundation, but it's not the U.S. Hispanic
8 Chamber of Commerce Foundation.

9 Q. What is the U.S. Caucus Foundation?

10 A. It's a separate entity that focuses on, I
11 guess, congressional appointees. It's the Hispanic
12 caucus. They have a Hispanic Caucus Foundation.

13 Q. So it's the U.S. Hispanic Caucus Foundation?
14 That's the full name?

15 A. To the best of my knowledge, correct. I know
16 it as the Hispanic Caucus -- it's the Congressional
17 Hispanic Caucus Foundation, CHCI or CF. It's the
18 Congressional Hispanic Caucus Foundation.

19 Q. USCHCF?

20 MR. COLBERT: I'll object to the
21 characterization of the witness's testimony. If
22 you'd like the witness to take a minute and try and

1 think about the initials and exactly what the name
2 is, I'm happy to let her, but I object to the
3 characterization of the witness's testimony.

4 Q. Is it USCHCF, the abbreviation for that
5 organization?

6 A. I'm unclear as to the exact name of the
7 organization.

8 Q. Have you met anyone from the U.S. Hispanic
9 Chamber of Commerce?

10 A. No.

11 Q. Have you met anybody from the U.S. Hispanic
12 Chamber of Commerce Foundation?

13 A. No.

14 Q. Have you ever had any conversations with
15 anybody from those two organizations?

16 A. No.

17 Q. Do you know where the U.S. Hispanic Chamber
18 of Commerce is located?

19 A. No.

20 Q. What about the U.S. Hispanic Chamber of
21 Commerce Foundation?

22 A. No.

1 Q. Are you an officer of the U.S. Chamber of
2 Commerce.

3 A. I was the executive director of the U.S.
4 Chamber of Commerce.

5 Q. You were the executive director prior to
6 joining ILR?

7 A. I was executive director of the Access
8 America program.

9 Q. But did that make you an officer of the
10 organization?

11 A. No.

12 Q. I'll turn your attention to Exhibit 2, and
13 I'll ask you some questions about that. Within the
14 documents that are compiled as Perlman Exhibit 2
15 there's a document that reads Access America's
16 Minority Portal.

17 A. Okay.

18 Q. What is the purpose of that web page?

19 MR. COLBERT: Objection. Asked and
20 answered. You may respond.

21 A. As previously stated, the portal is a
22 resource instrument for member and non-member

1 organizations to get information on issues that
2 pertain to minorities such as the certification
3 process, events, et cetera.

4 Q. And were you in charge of administering that
5 web page when you were at Access America?

6 MR. COLBERT: Objection to the form of
7 the question. Vague.

8 A. What do you mean by administering?

9 Q. Overseeing activities that were taking place
10 through this web page.

11 A. Yes, in conjunction with the U.S. Chamber of
12 Commerce's web division.

13 Q. I see. So what was your role in overseeing
14 this web page?

15 A. Design and content.

16 Q. You provided all the content for every link
17 on that web page?

18 MR. COLBERT: Objection to the
19 characterization of the witness's testimony.

20 A. This information was disseminated between
21 myself, Lucia, and the web team.

22 Q. What kind of content was under the

1 Certification for Minority-Owned Businesses that
2 appears on this web page?

3 A. This site is a link that goes over to
4 Minority Business Enterprise that talks about
5 certification for different ethnicities.

6 Q. What kind of certification?

7 A. Specifically, for a certification to be
8 registered by the Minority Business Enterprise
9 group that certifies that you are 51 percent owned
10 business of a woman, Asian, Hispanic, et cetera,
11 you need to have some sort of certification process
12 that this government organization monitors, and
13 this link sends you information about that.

14 Q. What would appear under the Events link?

15 A. The Events link would link to organizations
16 such as any event that was brought to our attention
17 that other organizations had, such as the Minority
18 Business Enterprise event that I just referenced.

19 Q. And who would collect information to be
20 posted under this link?

21 A. Lucia.

22 Q. Have you ever helped her with that task?

1 A. I would make recommendations. Correct.

2 Q. What about the content under the Minority
3 Business Organizations link?

4 A. Correct. I would help provide information on
5 this link.

6 Q. And what type of content would appear under
7 that link?

8 A. If you'd turn to page 2 of Perlman Exhibit 2,
9 you'll see minority business organizations, and it
10 would list what we have right here, Asian
11 Enterprise, African American Chamber of Commerce,
12 Asian Women in Business, et cetera.

13 Q. So what kind of content would be posted under
14 the Asian Enterprise link in the Minority Business
15 Organization section?

16 A. It would link over to the Asian Enterprise
17 Organization section.

18 Q. What is the Asian Enterprise Organization?

19 A. I don't have specific knowledge because it's
20 been a while, but it's an organization supporting
21 Asian entrepreneurs.

22 Q. As part of the U.S. Chamber of Commerce?

1 A. These links are to minority business
2 organizations, not necessarily affiliated or run by
3 the U.S. Chamber of Commerce.

4 Q. So for example, the Latin Business
5 Association, are they an affiliate of the U.S.
6 chamber?

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

8 Q. Who would choose which organizations would be
9 posted in that section?

10 A. Myself and Lucia.

11 Q. So how would you pick the Latin Business
12 Association versus any other Latin organization?

13 A. It's usually that they've had some
14 interaction with the U.S. Chamber of Commerce.

15 Q. But not necessarily an affiliation?

16 A. Correct. It could or could not be. For
17 example, the National Black Chamber of Commerce is
18 a member organization of the Chamber.

19 Q. And where is it listed here?

20 A. Under Minority Business Organizations, the
21 National Black Chamber of Commerce.

22 Q. I see. What kind of organization is that?

1 A. It's a Chamber of Commerce.

2 Q. Which is entirely independent of the U.S.
3 Chamber?

4 A. Correct.

5 Q. Is it also a member organization?

6 A. This one, to my knowledge, is a member
7 organization. Correct.

8 Q. So would that organization be considered by
9 you as a competitor of the U.S. Chamber?

10 MR. COLBERT: I object to the question.

11 A. It's a vague question, and again, I'm not in
12 the executive office to make an executive decision
13 whether this is a competitor or not of the Chamber.

14 Q. But from your earlier testimony it was my
15 understanding that any organization that is a
16 member based organization would be a competitor of
17 the U.S. Chamber.

18 MR. COLBERT: Objection to the
19 characterization of the witness's testimony.

20 Q. Did I correctly understand your testimony?

21 A. What I communicated is that any organization
22 that solicits members could be, could be, a

1 competitor of the U.S. Chamber of Commerce.

2 Q. Is the National Black Chamber of Commerce a
3 competitor of the U.S. Chamber?

4 MR. COLBERT: Objection. It goes beyond
5 the scope of direct. Objection to lack of
6 foundation.

7 A. I don't have specific knowledge to identify
8 which organizations are or which ones are not. I
9 can tell you from a global perspective that
10 membership organizations by default are competitors
11 of the U.S. Chamber of Commerce.

12 Q. Can you name a single organization that you
13 would consider a competitor of the U.S. Chamber?

14 MR. COLBERT: Objection. Beyond the
15 scope of direct. Objection. Lack of foundation.

16 A. I don't have the intelligence to understand
17 from a whole business perspective the whole
18 business organization. I don't know who the
19 organization is going to feel is in direct
20 competition with us.

21 Q. So you can't name a single entity that you
22 would consider a competitor of the U.S. Chamber?

1 A. Again, on a global perspective I would say
2 any organization that is a membership organization.
3 Now, if you want to go down this specific path, I
4 don't have the intelligence to understand -- I
5 don't have the intelligence to be able to make that
6 decision.

7 Q. Well, you've been with the organization for
8 over five years now, so can you name a single
9 entity that you would consider a competitor of the
10 U.S. Chamber?

11 MR. COLBERT: You're badgering the
12 witness to a point which is far beyond the scope of
13 her direct, and she was not asked any questions on
14 this. She's repeatedly answered this question
15 between five or ten times, to use your analogy,
16 counsel. You just asked her to answer on behalf of
17 the corporation, which she has not been asked a
18 question about, and you've not laid a foundation
19 for it. Why don't you just move on or restate your
20 question?

21 MR. ELISEEV: Can you read back my last
22 question, please? And counsel, keep your voice

1 down.

2 (The record was read by the reporter.)

3 MR. COLBERT: Same objections.

4 THE WITNESS: I'm not in a position to be
5 able to answer that question.

6 Q. What is the Hispanic Business Women's
7 Alliance that's listed here?

8 A. This is one I don't have specific knowledge
9 of.

10 Q. Do you know why this organization was
11 included on that list?

12 A. This is an organization that Lucia identified
13 as one to be put on the list, and I approved.

14 Q. Why did you approve that?

15 A. From Lucia's cursory review of the
16 information and perhaps a relationship. Again, I
17 don't know her strategic thinking, and I cannot
18 recall the exact conversations we may have had over
19 every one of these organizations, but I approved
20 the list.

21 Q. From the entities that are listed under the
22 minority business organizations, are any of them

1 considered by you a competitor of the U.S. Chamber
2 of Commerce?

3 A. This goes back to the line of questions we
4 just had. I cannot say exactly who's a competitor
5 and non-competitor of the U.S. Chamber of Commerce.

6 Q. Why was the U.S. Hispanic Chamber of Commerce
7 included in that list?

8 A. Because they are an organization supporting
9 Hispanic information.

10 Q. Hispanic information?

11 A. Information and membership.

12 Q. What do you mean by Hispanic information?

13 A. They are a membership organization supporting
14 Hispanic organizations.

15 Q. And anybody who would click on this link
16 would go to the U.S. Hispanic Chamber of Commerce
17 website. Is that right?

18 A. That is correct.

19 Q. Do you know if you have to obtain any kind of
20 permission from the U.S. Hispanic Chamber of
21 Commerce to put their link on this website?

22 A. I don't know the exact protocol. It might be

1 a better question for the web team and the web
2 service folks but, to my knowledge, no.

3 Q. And as far as you know, no permission was
4 requested from the U.S. Hispanic Chamber of
5 Commerce.

6 MR. COLBERT: Objection. Lack of
7 foundation.

8 A. I don't know that specifically.

9 Q. Have you ever dealt with fundraising at the
10 U.S. Chamber?

11 MR. COLBERT: Objection. Asked and
12 answered.

13 A. Again, what do you mean by dealing or dealt
14 with?

15 Q. Have you dealt directly soliciting any kind
16 of donations for the U.S. Chamber of Commerce?

17 A. Donations, no.

18 Q. What about soliciting any funds for the U.S.
19 Chamber of Commerce?

20 A. The funds that I was aligned with as senior
21 manager of the affinity program, that was
22 membership dollars, where we solicited membership

1 and sponsorship funds for the organization, so in
2 that capacity I did solicit money. We did as an
3 organization put together affinity agreement
4 relationships which involved money.

5 Q. Did you solicit those funds specifically from
6 Hispanic businesses?

7 A. The affinity relationships were service
8 oriented projects. As far as the acquisition of
9 organizations that had those services, we didn't
10 exclude minority organizations in the solicitation
11 process. It was an RFP process, a request for
12 proposal process.

13 Q. What is the nature of the affiliation between
14 the Institute for Legal Reform and the U.S. Chamber
15 of Commerce?

16 A. We are an affiliate organization. I don't
17 know the whole structure, but it's an independent
18 organization.

19 Q. Do you know if the two organizations share
20 board members or managers?

21 A. None, no.

22 Q. So what exactly is the affiliation between

1 them?

2 A. I'm unclear. I don't know the formal
3 relationship.

4 Q. Does the Institute for Legal Reform have its
5 own logo?

6 A. Yes.

7 Q. And does the logo look different than the
8 U.S. Chamber of Commerce logo?

9 A. Yes.

10 Q. Are you familiar with the U.S. Hispanic
11 Chamber event that took place in Philadelphia and
12 which was also visited by your assistant, Lucia
13 Olivera?

14 A. Please define familiar.

15 Q. What do you understand the word familiar to
16 mean?

17 MR. COLBERT: Object to the question as
18 vague.

19 Q. Do you know of that event?

20 MR. COLBERT: Object to the question as
21 vague.

22 Q. Do you believe the question is still vague?

1 A. If you'd please define the event.

2 Q. The event?

3 A. Yes.

4 Q. The name of the event is the Hispanic Chamber
5 of Commerce annual conference in Philadelphia that
6 took place in the fall of 2006.

7 A. Yes, I am aware of that event, of the
8 existence of that event.

9 Q. How did you learn about that event?

10 A. Through Lucia.

11 Q. How did you learn through Lucia about this
12 event?

13 A. Through a conversation.

14 Q. And what exactly did Lucia tell you?

15 A. In the process of exploring different
16 minority organizations' events, this event, on a
17 list of many others, was brought to my attention.

18 Q. By Lucia?

19 A. Correct.

20 Q. Do you know how she learned about that event?

21 A. I can't speak to what Lucia knew or how she
22 knew.

1 Q. Did she explain to you how she knew about
2 that event?

3 A. No.

4 Q. You have no knowledge of how she learned
5 about that event whatsoever?

6 MR. COLBERT: Objection. Asked and
7 answered.

8 A. No.

9 Q. How are events chosen by you or Lucia? And
10 I'm talking about the events that you or Lucia
11 would like to attend on behalf of the U.S. Chamber
12 of Commerce.

13 A. Some knowledge is received through word of
14 mouth, and some is through internet research or web
15 research, through, I guess, colleagues.

16 Q. Are you aware that she attended that event?

17 A. Yes.

18 Q. Why did you think it was worthwhile for a
19 U.S. Chamber of Commerce person to attend that
20 event?

21 A. In the process of understanding the
22 marketplace and other organizations, it just makes

1 good business sense to attend other events such as
2 we did with the women's event with Office Depot and
3 the WIPP event, the Women Impacting Public Policy
4 event. We were exploring attending Black Chamber
5 of Commerce and the Asian Chamber of Commerce
6 events as well.

7 Q. Can you be more specific about why you found
8 it necessary to attend this specific event?

9 MR. COLBERT: Objection to the
10 characterization of the witness's testimony.

11 A. Again, I don't know what Lucia was thinking
12 about and why we would have been homed in on this
13 particular event.

14 Q. Do you know if anybody from Access America
15 ever attended any other events by the U.S. Hispanic
16 Chamber of Commerce?

17 A. No, I don't.

18 Q. Prior to Lucia telling you about that event
19 did you know about the existence of that event?

20 A. Of that one particular event, no.

21 Q. What about the annual conferences that are
22 hosted by the U.S. Hispanic Chamber of Commerce?

1 MR. COLBERT: Objection. Lack of
2 foundation.

3 A. No, I do not.

4 Q. So the first time you learned about that
5 event was when Lucia Olivera brought it up in a
6 conversation with you. Correct?

7 MR. COLBERT: Objection. Vague.

8 A. Please restate the question.

9 MR. ELISEEV: Read the question back,
10 please.

11 (The record was read by the reporter.)

12 THE WITNESS: Yes, correct.

13 Q. After she attended that event did you discuss
14 anything about that event with Ms. Olivera?

15 A. Yes. We had a debriefing.

16 Q. What did she tell you about that event?

17 A. To my recollection, that it was well
18 attended, that she handed a lot of program
19 materials out, and that she received business cards
20 from business owners.

21 Q. Did she discuss anything else with you about
22 that event?

1 A. At the moment that's all I can recall.

2 Q. Did she discuss any instances of confusion
3 she may have experienced at the event?

4 MR. COLBERT: Objection. Foundation.

5 A. I don't know. I don't know if she had any
6 vague or confusing -- again, we did not speak on
7 that point.

8 Q. At the time when Ms. Olivera visited the
9 event, were you aware of the litigation between the
10 U.S. Hispanic Chamber of Commerce and the U.S.
11 Chamber of Commerce?

12 A. No.

13 Q. And at the time when Ms. Olivera registered
14 for the event, you also were not aware of the
15 litigation between the U.S. Chamber of Commerce and
16 the U.S. Hispanic Chamber of Commerce. Correct?

17 A. No, I was not.

18 Q. Do you know if there are any programs at the
19 Institute for Legal Reform that are directed
20 specifically at Hispanic businesses?

21 A. I am new to the program and didn't fully
22 understand the full scope of the organization, so

1 at this point I couldn't tell whether there are or
2 there are not.

3 Q. Do you know if there has been any market
4 research that was done at ILR which would indicate
5 what businesses the ILR should target?

6 A. I am not aware, again, and don't have the
7 intelligence to answer that question.

8 Q. Do you know if the ILR conducted any events
9 that would be directed toward a particular minority
10 group?

11 A. Again, I'm not intelligent enough to know.

12 MR. COLBERT: I want to restate my
13 continuing objection to the fact that this is way
14 beyond the scope of direct and clearly is improper
15 discovery. You may continue.

16 MR. ELISEEV: No more questions.

17 MR. COLBERT: Give me three minutes.

18 (Recess.)

19 EXAMINATION BY COUNSEL FOR OPPOSER

20 BY MR. COLBERT:

21 Q. You were asked a question by counsel during
22 the course of your cross-examination about an

1 organization identified as Ibero.

2 A. Yes.

3 Q. What is that? Can you describe what that is
4 or what its name is?

5 A. It's the Ibero American Chamber of Commerce,
6 and it is an organization that supports Hispanic
7 businesses, and I do believe it's Puerto Rican
8 members, members who might be of Hispanic descent
9 of some sort. It's located here in D.C.

10 MR. COLBERT: I have no further
11 questions. Thank you.

12 EXAMINATION BY COUNSEL FOR APPLICANT

13 BY MR. ELISEEV:

14 Q. Can you tell me again the name of that
15 organization you were just discussing?

16 A. It's the Ibero American Chamber of Commerce.

17 Q. And what is the affiliation, if any, of this
18 organization with the Chamber of Commerce?

19 A. Please define affiliation.

20 Q. Is there any relationship whatsoever between
21 those two organizations?

22 A. It's only a knowledge base and personal

1 contact -- I shouldn't say personal, but awareness
2 of the organization.

3 Q. That you have, you mean?

4 A. That is correct.

5 Q. You have no contact with that organization at
6 all?

7 A. Absolutely not.

8 MR. ELISEEV: No more questions.

9 MR. COLBERT: Thank you very much.

10 (Whereupon, at 4:40 p.m. the taking of
11 the deposition was concluded.)

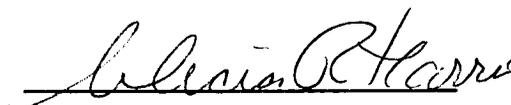
12 (Signature not waived.)

13 - - -

14 

15 RITA PERLMAN

16
17 Subscribed and sworn to before me
18 this 3rd day of October, 2007.

19
20 

21 (Notary Public)

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

22 My Commission Expires:

1 UNITED STATES OF AMERICA)

2 ss:

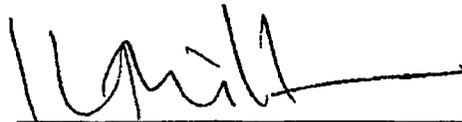
3 DISTRICT OF COLUMBIA)

4

5 I, KEITH A. WILKERSON, 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 RITA PERLMAN 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 27, 2007, from 1:09 p.m. to 4:40 p.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.



KEITH A. WILKERSON

21 My Commission Expires:

22 November 16, 2009

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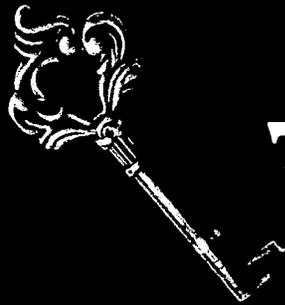
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EXHIBIT 1



ACCESSAMERICA
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Unlock the Doors of Success

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PERLMAN EXHIBIT 1
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 9/1156321



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Women and Minority Outreach

Access America promotes the U.S. Chamber's pro-business policy agenda, provides important information and updates, and delivers leading edge resources to diverse audiences nationwide.

As the nation's largest business federation, the Chamber fights for businesses of all shapes, sizes, and sectors.

Find the key to bringing your concerns front and center on Capitol Hill.

Take advantage of these key products and services and unlock your business' full potential.

ADVOCACY

- The Small Business Council shapes the Chamber's small business strategy, communicates policy positions, and advances our pro-business agenda.
- **VoteForBusiness.com** provides legislative and regulatory updates affecting businesses and delivers the tools and resources to get employers engaged.

PROGRAMS AND EVENTS

- The Small Business Summit brings together more than 500 small business owners for thought-provoking sessions.
- Federation Partnership allows qualifying small businesses to become U.S. Chamber members, at no extra cost.

The Institute for a Competitive Workforce focuses on workforce development and education issues.

ONLINE RESOURCES

- The Minority Portal specifically geared to topics including government and supplier diversity.
- The Women's Portal information and resource certification to financial women in business.
- The Small Business Handbook, more than 10,000 pages of information ranging from how to start a business to how to build a successful career.

PUBLICATIONS

- The Statistics and Reports provides customized data and publications.
- *Access to Capital II* details the financial challenges business owners and entrepreneurs face.
- *Access to Markets II* examines the strategies business owners and entrepreneurs use to grow their businesses.

EXHIBIT 2



U.S. Chamber of Commerce
Fighting For Your Business®

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Resources

Featured Resources:

NEW M2M program!

Find out the best ways to do business with corporations such as Office Depot and FedEx. [Sign up for M2M today!](#)

Supplier Diversity Programs

Many U.S. Chamber Members have robust informative webpages on supplier and vendor diversity or general small business contracting. [Click here](#) to view a list of companies and direct links to information on their [supplier diversity programs](#).

Resource Categories

- | | |
|--|---|
| Certification | Public Policy / Advocacy |
| Diversity Jobs | Research & Statistics |
| Finance | Training & Technical Assistance |
| Government | Veterans |
| International Trade | Women |
| Minority | |
| Procurement / Purchasing | |

CERTIFICATION

- [SBA - Small Disadvantaged Business Certification](#)
- [Womens Business Enterprise National Council](#)

The Chamber's Small Business Toolkits

- [Startup](#)
- [Finance](#)
- [Gov't Contracting](#)
- [Sales & Marketing](#)
- [Employer](#)
- [Office Management](#)
- [Insurance](#)
- [Security](#)
- [Tax](#)
- [Trade](#)

Forms & Documents

- [Asset Protection](#)
- [Business Finance](#)
- [Compensation & Benefits](#)
- [Employee Management](#)
- [Firing & Termination](#)
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- [Forms](#)
- [IRS Tax Forms](#)
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Additional Tools

- [Free business plan writer](#)
- [Resources Locator](#)
- [NAIS Code Finder](#)

PERLMAN 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

"Women and minority owned businesses are the strongest growing segments making significant contributions and impacting all sectors of our global economy."

Rita Perlman, Executive Director
Access America - Women and Minority Outreach
U.S. Chamber of Commerce

Minority groups and women are increasing their business ownership at a much higher rate than the national average of 10% for all businesses. Growth rates for businesses between 1997 and 2002, by business ownership:

- African-American 45%
- Asian 24%
- Hispanic 31%
- Women 20%

(From U.S. Census Bureau, Survey of Business Owners)



ACCESSAMERICA

Women and Minority Outreach

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DIVERSITY JOBS

- [Monster.com Diversity](#)
- [The Diversity Network](#)

FINANCE

- [U.S. Chamber of Commerce](#)
- [U.S. Small Business Administration Loan Programs](#)
- [Count-me-in](#)
- [Business Matchmaking](#)
- [Minority Business Development Agency](#)
- [Small Business Development Center](#)
- [Library of Congress](#)

GOVERNMENT

- [Economic Development Administration](#)
- [Office of Economic Impact and Diversity, Office of Minority Impact](#)
- [Small Disadvantaged Business \(SDB\)](#)
- [U.S. Department of Commerce](#)
- [U.S. Department of Labor](#)
- [Small Business Administration](#)

INTERNATIONAL TRADE

- [Export-Import Bank](#)
- [TradeRoots](#)
- [U.S. Department of Commerce International Trade Administration](#)
- [U.S. Department of Commerce Trade Information Center](#)
- [U.S. Department of Commerce Trade Opportunities](#)
- [U.S. Small Business Administration Office of International Trade](#)
- [United Nations Development Business](#)

MINORITY BUSINESS ORGANIZATIONS

- [Asian Enterprise](#)
- [African American Chamber of Commerce](#)
- [Asian Women in Business](#)
- [Hispanic Business Women's Alliance](#)
- [Latin Business Association](#)
- [Minority Business Development Agency](#)
- [Minority Business RoundTable](#)
- [National Black Business Council, Inc.](#)
- [National Black Chamber of Commerce](#)

- National Minority Supplier Development Council
- U.S. Hispanic Chamber of Commerce
- U.S. Pan Asian Chamber of Commerce

PROCUREMENT/PURCHASING CERTIFICATION

- U.S. Chamber of Commerce
- National Women Business Owners Corporation
- Women's Business Enterprise National Council
- National Contract Management Association
- Women's Defense Industry Association
- Library of Congress

PUBLIC POLICY ADVOCACY

- U.S. Chamber of Commerce
- National Black Chamber of Commerce
- National Women's Business Council
- Women Impacting Public Policy
- Women Entrepreneurs, Inc.

RESEARCH & STATISTICS

- U.S. Chamber of Commerce
- Center for Women's Business Research
- Department of Labor
- Institute for Women's Policy Research
- U.S. Small Business Administration, Office of Advocacy
- The Women's Research & Education Institute

TRAINING & TECHNICAL ASSISTANCE

- Association of Women's Business Centers
- Center for Women and Enterprise
- Minority Business Network Services
- U.S. Small Business Administration, Office of Women's Business Ownership
- Online Women's Business Center
- SCORE- Counselors to America's Business Business
- Small Business Development Centers
- U.S. Small Business Administration's E-Business Institute
- Women's Business Center, Inc.

VETERANS

- HUD Veteran Resource Center
- Minority Business Development Enterprise
- SBA VeteransBusiness Development
- U.S. Department of Veteran Affairs

WOMEN BUSINESS ORGANIZATIONS

- American Business Women's Association
- Asian Women in Business
- Athena International
- Business and Professional Women/USA
- Business Women's Network
- Digital Women
- EwomenNetwork
- Hispanic Business Women's Alliance
- National Association of Women Business Owners
- National Women's Business Council
- National Women Business Owners Corporation
- Online Women's Business Center
- The Association of Women in International Trade
- The Committe of 200
- The Source on Women's Issues in Congress
- U.S. Department of Labor, the Women's Bureau
- Women Entrepreneurship in the 21st Century
- Women's Business Enterprise National Council
- Women Presidents' Organization
- Women's Exchange, Inc.

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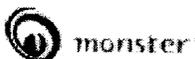
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Diversity and Inclusion

IN THE SPOTLIGHT

Conference Call featuring Caterpillar

Are you interested in working with Caterpillar? Click here for information shared by supplier diversity experts about the best way to become a Caterpillar supplier.

Doing Business with FedEx Corporation

If you want to do business with any of the FedEx Corporation branches, click here for information provided by procurement experts from FedEx Corporation during a Member To Member conference call.

Chamber Praises SBA Procurement and Contracting Proposals

The U.S. Chamber of Commerce welcomed new rules on government contracting and procurement issued by the Small Business Administration (SBA) today, calling the proposals and the formation of a new procurement 'scorecard' for federal agencies important steps towards leveling the playing field for America's small business owners.

Read the U.S. Chamber statement

Read the SBA press release

Identifying business opportunities with Office Depot.

November, 2006: Immediate business needs identified through Office Depot's vendor development department for manufacturers or vendors of the following products: ergonomic task chairs, cash boxes, small office supplies, LCD projectors, metal and mesh desk accessories, photo paper, cash register rolls, surge protectors and cables, binding and laminating products. Any innovative and cutting-edge products are always interesting to Office Depot as well, particularly in technology. For more information contact supplychaindiversity@officedepot.com or see the information provided during a conference call with Office Depot.

Featured Resources



Access to Markets: How Business Owners Acquire Customers

Download the Executive Summary (PDF)

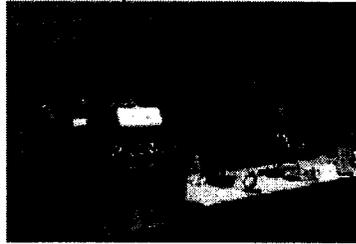
Access America Part



Helpful Links

→ **Access to Markets: How Business Owners Acquire Customers**

On May 11, 2006, the U.S. Chamber conducted a panel discussion to address how business owners acquire customers during **Access2006: America's Small Business Summit**. To read the highlights of the discussion and download the materials provided at the event, [click here](#).



→ **Impacting the nation's economy, women and minority entrepreneurs are leading the way.**

Impressive growth in minority and women business ownership now surpasses the national average, disclosed by the U.S. Census Bureau's **2002 Survey of Business Owners**.
[Read the press release](#) | [Read the report](#)

Related Links

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In the Spotlight

Are Women's Gains Men's Losses?

Some media commentaries have insinuated that the gains women are making educationally and in the workplace are coming at the expense of men, but American Association of University Women president Ruth Sweetser takes issue with that suggestion, saying, "policies and reforms that allow women and men to excel are beneficial for society as a whole." [Read more](#)

Resources for Women

- Certification
- Corporate Procurement
- Events
- Finance
- Marketing
- News
- Statistics, Research, and Publications
- Women Business Organizations

Discounts & Services

From shipping to office supplies, the Chamber and its partners have the tools to save your business money and the solutions to help you run it more efficiently. [Find out more](#) on how to take advantage of your discounts today!

Related Links

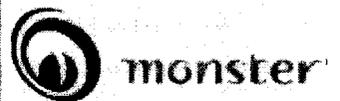
Small Business Center Toolkit

- Finance
- Government Contracting
- Hiring
- Sales and Marketing

Small Business Issues

- Health Care
- Tax Reform
- Workforce Flexibility

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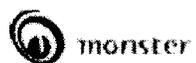
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In the Spotlight

→Congressional Hispanic Caucus Institute offers internships, scholarships, and fellowships to Hispanic students. [Click here](#) to find out more or apply.

→63 U.S. Chamber Members Recognized by Hispanic Magazine

Access America and the U.S. Chamber of Commerce would like to recognize the [63 U.S. Chamber members](#) acknowledged by Hispanic Magazine as some of the top 100 companies offering the most opportunities for Hispanics. For the full article from Hispanic Magazine, [click here](#).

Resources for Minorities

- Certification for Minority-Owned Businesses
- Corporate Contracting
- Education
- Events
- Finance
- Minority Business Organizations
- Publications
- Statistics and Data

Small Business Center Toolkit

- Finance
- Government Contracting
- Hiring
- Sales and Marketing

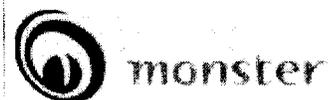
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Small Business Issues

- Health Care
- Tax Reform
- Workforce Flexibility

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