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

Proceeding	91181448
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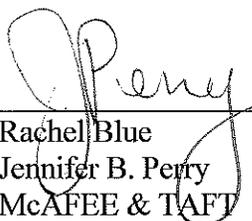
JEFF BROWN,)
)
) Opposer,)
)
) Opposition No. 91181448
)
 PGR, INC.,)
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)
)
) Applicant.)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S NOTICE OF FILING TESTIMONY DEPOSITIONS AND EXHIBITS
PURSUANT TO RULES 2.123 AND 2.125

Opposer hereby submits this Notice of Filing Testimony Deposition and Exhibits pursuant to 37 CFR §§ 2.123 and 2.125 for deponent Ronny Roy Awtry held on May 4 and 5, 2010.

Dated this 20th day of June, 2011.

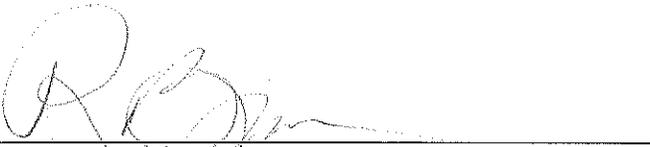


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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2011, a true and correct copy of the foregoing OPPOSER'S NOTICE OF FILING TESTIMONY DEPOSITION AND EXHIBITS PURSUANT TO RULES 2.123 AND 2.125 (including the certified signed deposition transcripts referenced above) was sent first class mail, postage prepaid to:

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

3 JEFF BROWN,)
4)
5 Opposer and Petitioner,)
6) Opposition Number:
7 vs) 91181448
8) Serial Number:
9 PATRIOT GUARD RIDERS, INC.,) 77/040,379
10 Applicant and Respondent)

11 ORIGINAL

13 THE DEPOSITION OF **RONNY ROY AWTRY**,
14 produced as a witness on behalf of the
15 Opposer, taken before Elizabeth Ann Behles,
16 a Certified Shorthand Reporter in and for
17 the State of Oklahoma, on the 4th and 5th
18 days of May, 2010, in the City of Tulsa,
19 County of Tulsa and State of Oklahoma,
20 pursuant to the Federal Rules of Civil
21 Procedure.

22 MIDWEST REPORTING, INC.
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STIPULATIONS

1
2 It is stipulated and agreed by and
3 between the parties hereto that the
4 deposition is taken pursuant to Notice To
5 Take Deposition, and that the same may be
6 taken at this time and place.

7 It is further stipulated and agreed
8 that all objections are to be made at this
9 time and place.

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23 Mr. Tom Hoffman
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RONNY ROY AWTRY

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RONNY ROY AWTRY,

Being first duly sworn to tell the truth,
the whole truth, and nothing but the truth,
testifies as follows, to-wit:

DIRECT EXAMINATION

BY MRS. BLUE:

Q. Okay. Good afternoon, Ronny. My name
is Rachel Blue. You've already met me just
a little while ago. I am counsel for Jeff
Brown in an opposition proceeding that's
before the Trademark Trial and Appeal Board
at the US Patent and Trademark office, and
we're going to talk today about that matter.

You're here to give what's called
testimonial deposition, and it's my
understanding that you're here by agreement.
I sent you a Notice of Deposition in this,
and I asked you to be here today; is that
correct?

A. Yes, yes.

Q. Okay. Well, I'm going to ask you some
questions, and what I want to make sure that

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1 you understand is that if I ask you a
2 question you don't understand, ask me to
3 clarify it. If I didn't speak up enough or
4 you didn't hear me, ask me to clarify.

5 You're under oath, so you have a duty
6 to answer the questions fully and truthfully
7 and as completely as you can. If you think
8 of something that changes your answer to an
9 earlier question, please be sure you let me
10 know that and go back to it. We can always
11 do that.

12 If you don't feel well at any time, or
13 if you need a break, let me know. The only
14 thing I'm going to ask you is if we're in
15 the middle of a question and you haven't
16 finished your answer yet, let's wait until
17 your finish your answer to take a break, okay?

18 A. Okay.

19 Q. But when you need one, let us know.
20 The same goes for the rest of you. We've
21 got a court reporter, and she's going to
22 make a transcript. And so that means that
23 you need to answer out loud, and you need to
24 try to say "yes" or "no," not "huh-uh" or
25 "uh-huh," or "yeah" and try not to nod your

1 head or shake your head. She needs to hear
2 you answer so that she can take it down.

3 A. Okay.

4 Q. Okay, all right. Well, let's get
5 started.

6 A. Do you by any chance have extra piece
7 of paper or pen in case I have any of those
8 questions you asked me about?

9 Q. Certainly.

10 A. All right, thank you.

11 Q. Can you tell us your full name, please?

12 A. Ronny Roy Awtry.

13 Q. Would you spell that for the Record,
14 please?

15 A. R-O-N-N-Y, R-O-Y, A-W-T-R-Y.

16 Q. Are you known by any other names?

17 A. Bear.

18 Q. Okay. Is that what we would call your
19 road name or your ride name?

20 A. Yes, that is my road name.

21 Q. Okay. I'll make sure I use the right
22 terminology. What's your address?

23 A. My address is 834 Rock Creek Lane,
24 three words, Red Oak, two words, Texas, 75154.

25 Q. How long have you lived there?

1 A. Three years.

2 Q. Are you feeling okay today?

3 A. Yes.

4 Q. Taking any medication?

5 A. No.

6 Q. Any other substances that might cause
7 you to have trouble answering questions today?

8 A. No.

9 Q. Okay. Do you have any headaches; do
10 you have any illnesses?

11 A. No.

12 Q. All right. Is there anything that you
13 can think of that would prevent you from
14 giving your full testimony today?

15 A. No.

16 Q. Okay. All right, where were you born?

17 A. Corpus Christi, Texas.

18 Q. Did you grow up there?

19 A. No.

20 Q. Where'd you grow up?

21 A. In North Texas in Duncanville
22 primarily and the area I'm still in.

23 Q. Okay. Where'd you go to school?

24 A. Duncanville High School.

25 Q. Okay. Did you go to college?

1 A. Yes, I did.

2 Q. And where'd you graduate from?

3 A. I graduated from Central Texas College.

4 Q. Okay. When did you graduate?

5 A. In 1999.

6 Q. Did you go to any other schools?

7 A. That's it.

8 Q. Did you do any time in the military?

9 A. No.

10 Q. Do you have any certificates or
11 licenses or degrees?

12 A. I have two degrees: One an Associate
13 of liberal arts, and one in Associated
14 applied science, air conditioning and
15 refrigeration. And I have a Texas
16 contractor license with a Class A air
17 conditioning comfort cooling license.

18 Q. Okay. So would it be safe to assume
19 that that's what you do for a living?

20 A. That's what I do for a living.

21 Q. Air conditioning repair, okay.

22 A. (Indicating).

23 Q. All right, let's talk a little bit
24 about this case. You've been deposed before
25 in this matter; is that correct?

1 A. That is correct.

2 Q. Do you remember the date of that
3 deposition?

4 A. No, I don't.

5 Q. Okay.

6 A. A year or two; it's been awhile.

7 Q. You know from your testimony in that
8 deposition that this today is a dispute that
9 revolves around the use of the trademark
10 Patriot Guard?

11 A. Yes, I do.

12 Q. Okay. Now, I'm going to do my very
13 best when I'm asking you questions today to
14 refer to the PGR, Inc., when I mean the
15 corporation, and I'll try to say the PGR
16 organization when I mean your organization.

17 A. Okay.

18 Q. But if I forget or I'm not clear in
19 that in some way, and you don't understand
20 my question, please stop me and ask me to
21 clarify.

22 A. Of those two PGR, Inc., and PGR
23 organization --

24 Q. Uh-huh.

25 A. Is there a different timeline some way

1 for me to reference?

2 Q. As I ask the questions I'll try to
3 make that clear, but if you don't understand
4 it, you be sure and ask me. Okay?

5 A. Okay.

6 Q. All right. How long have you been a
7 member of the PGR organization?

8 A. I believe the date was January the 5th
9 or 6th of 2006.

10 Q. Okay.

11 A. Somewhere in early January, within a
12 week of that date.

13 Q. Okay. Tell us about why you joined
14 the PGR.

15 A. I joined the PGR because it was the
16 right thing to do. I couldn't stand the
17 fact of these heinous individuals protesting
18 at military funerals, being the family of a
19 missing in action Vietnam soldier.

20 Q. Okay. When you joined the PGR
21 organization, was there any leadership
22 structure in the organization?

23 A. Yes, there was.

24 Q. Can you talk about that?

25 A. At the national or state level or all

1 levels?

2 Q. All of it.

3 A. There was a state captain that was
4 Bonnie Cutler, and there was a national
5 structure which was Curt Mayer. At the, I
6 guess Board of Director level, Jason Wallin
7 and Jeff Brown. And within weeks I became
8 what's called a contact coordinator for the
9 State of Texas, and I began developing the
10 contact list and method of alerting riders
11 for missions within the State of Texas.

12 Q. Now, when you said, I think you said
13 Bonnie Cutler was the state captain?

14 A. Yes.

15 Q. Was she a state captain for the State
16 of Texas?

17 A. For the State of Texas.

18 Q. Okay. Did other states have state
19 captains at that point?

20 A. Most of them probably did at that
21 point. I don't know for sure on that
22 because I was just a guy who wanted to start
23 going on missions.

24 Q. Okay. Now, what do you mean when you
25 say a mission, what does that mean?

1 A. A mission is our primary function of
2 going to the funeral services for soldiers
3 who are killed in action initially, and that
4 expanded scope. But initially it was to go
5 to the funeral services for soldiers who
6 were killed in action and/or shield the
7 family from protestors.

8 Q. Were there always protestors at these
9 funerals?

10 A. No.

11 Q. When there were no protestors, what
12 did you do?

13 A. The same thing we did when there were
14 protestors.

15 Q. Just rode in the funeral procession?

16 A. No, stand there at the funeral
17 procession, stand at the -- at the funeral
18 home with flags, kind of at attention, and
19 just as a general show of support for the
20 families, that there's a country that feels
21 their loss, and their communities are
22 standing with them to show support for the
23 sacrifice their families made.

24 Q. Okay. Now, you said a minute ago, I
25 think, that you became the contact

1 coordinator to alert other members to
2 missions. Did you do that just for Texas or
3 for every place in the country?

4 A. Well, initially just for Texas. But
5 within probably a couple of weeks of me
6 doing that, Bonnie Cutler became the
7 national captain, and for all intents and
8 purposes recommended me to Jeff initially as
9 somebody to help him sort out his
10 uncontrollable email, which was in the
11 hundreds per day. I later inherited this
12 curse, but in the hundreds per day. And
13 from there I kind of naturally fell into my
14 first thing, which was contact coordinating.
15 And I developed the method of contacting
16 nation-wide when the DOD announcement came
17 in and the captain secured the invitation,
18 then I would, through the national aspect,
19 send out emails to the riders in the area or
20 the state specifically and let them know
21 that there was a mission taking place.

22 Q. Okay. Did you have an official title
23 when you did that?

24 A. Contact coordinator.

25 Q. Okay.

1 A. Yeah.

2 Q. Was that an appointed position or an
3 elected one?

4 A. Appointed.

5 Q. Okay.

6 A. We were growing so fast in the early
7 days it was all you could do to hold on as
8 the merry-go-round spun faster and faster
9 and try to get some help into help plug the
10 holes.

11 Q. When you -- after you became the
12 contact coordinator, did you advance beyond
13 that position at any time?

14 A. Yes, I did.

15 Q. Tell us about that.

16 A. Initially, I followed up a story of a
17 wounded soldier at Brooke Army Medical
18 Center. And it was an Internet story, and
19 as with so much of the Internet, I thought
20 it was a hoax. So I actually called Brooke
21 Army Medical Center, and I understand
22 there's HIPAA laws and all. But I called
23 down to the nurses ward to check on the
24 soldiers well-being, and I actually ended up
25 on the phone with this soldier who had no

1 hands that could really be used at the time
2 and talking to him on the phone and was
3 invited to Brooke Army Medical Center to
4 come see him.

5 And I went to Brooke Army Medical
6 Center and I came back, and I reported to
7 the board what I had just experienced
8 walking through. I went to see this
9 soldier, and I met him out front. And the
10 sergeant -- or not the sergeant, the
11 captain, Captain Flores at Brooke Army
12 Medical Center invited me to meet some of
13 the soldiers on the burn unit.

14 So in this turn of events, within ten
15 days I'm walking around on the burn unit at
16 Brooke Army Medical Center meeting wounded
17 soldiers. And I immediately told the board
18 about this. And the board at that time
19 consisted of Curt, Jason, and Jeff, but
20 there was myself, Bonnie and Snap that were
21 kind of national departments heads, give or
22 take, kind of advisor, basically in on all
23 the board decisions at that point.

24 Q. Can I ask you a question before you go
25 on, who's Snap?

1 A. Bill Lyons.

2 Q. Okay, thanks.

3 A. And at that point Jeff verbatim said,
4 "Do we need to do something about this?"
5 And I said, "Yes, we do." I had no need for
6 this. And he said that they'd develop a
7 plan and make it happen. How -- what does
8 the rest of the board say? And the rest of
9 the board said, "Make it happen," and that's
10 the creation of our Help On The Homefront.
11 And I became the director of Help On The
12 Homefront, and launched into this.

13 Basically it's the -- it's the second
14 and lesser of the two missions that the
15 Patriot Guard Riders does. It does -- it
16 encompasses everything but our primary
17 mission, which our primary mission is and
18 always has been honoring the fallen
19 soldiers, which later included Veterans,
20 and, you know, our other military personnel
21 or first responders.

22 Q. Okay. What does HOTH do exactly?

23 A. Help On The Homefront; anything we
24 can. You've got soldiers that -- there were
25 instances where a husband and wife divorced

1 when the child's real young, and the mother
2 or the father goes out and is -- disappeared
3 from the life. The soldier gets
4 catastrophically wounded in action, and he's
5 in one of the major trauma centers. But the
6 step-mother, who actually raised the kid,
7 cannot get military passes or anything on
8 the spur of the moment, and they'll fly the
9 father and the mother or whichever, you
10 know, whichever parent had disappeared, they
11 will fly them both down there. Even if one
12 hadn't been a part of their lives, but the
13 step-parents are stuck out.

14 And we've flown step-parents to the
15 major medical centers to visit the kids.
16 We've participated in home repair projects
17 for soldiers at home with dilapidated
18 houses.

19 A soldier one time who couldn't get --
20 his wife was actually shot, and he had to
21 wait for all the papers to transfer. And
22 the state captain brought it to our
23 attention, and we put it on a credit card
24 worried about being reimbursed later. We
25 called the board together, and we

1 immediately, instead of waiting a day for
2 this to get sorted out, we immediately -- he
3 had his leave approved through his
4 commanding officer, put him on an airplane
5 and flew him home.

6 Q. So really it could run the gamut then
7 is what you're saying?

8 A. Yeah.

9 Q. Okay. How were these requests funded;
10 where'd you get the money?

11 A. Initially in the early days, the money
12 came from the -- from Jeff or from the PGR
13 store.

14 Q. All right. So after you became
15 director of HOTH, or Help On The Homefront,
16 did you hold any other positions within the
17 PGR organization?

18 A. Within about a month -- that was
19 around the very first of May, 2006. Within
20 about a month around the -- June 6th or
21 12th, somewhere in that time range, Curt
22 Mayer, one of the original three board
23 members had disappeared. Nobody had heard
24 anything for literally a month. You just
25 couldn't find him. You couldn't hunt him

1 down. His wife was going to leave him if he
2 participated in any Patriot Guard Rider
3 functions anymore, quote, unquote. I mean,
4 he told us that. And at that time the
5 board, which was Jeff and Jason, voted to
6 have Bill Lyons, Snap, take the third seat.
7 And shortly after that, within a few days
8 literally or a week maybe, they decided to
9 expand to a five-man board, and Bonnie
10 Cutler was the fourth, and I was the fifth.

11 Q. Okay. How long did you hold that
12 position as a director?

13 A. Until November or December of 2007.

14 Q. So from June 2006 until -- I'm sorry,
15 what'd you say?

16 A. November or December.

17 Q. November of 2007?

18 A. 2007, yes, ma'am.

19 Q. Okay. Now, during that time period
20 did the rest of the composition board remain
21 the same. Who were the other members of the
22 board?

23 A. Well, the original five-man board; and
24 then Jeff's resignation took place in
25 November of 2006, at which point Ed Mueller

1 was brought on the board. And the board
2 maintained that composure from November of
3 2006 until August of 2007, when I caught
4 Jason Wallin stealing money through a PayPal
5 account, and he was not the secretary.

6 After Jeff left -- I became the
7 treasurer of the Patriot Guard Riders in
8 either November or early December of 2006,
9 and Jason resigned immediately in August of
10 2006. And that --

11 MR. O'MALLEY: That's -- okay,
12 some dates are wrong there.

13 BY MRS. BLUE:

14 Q. Is that --

15 A. August 2007, yes.

16 Q. Okay. Thank you.

17 A. We switched a year. And immediately
18 upon -- we had already held the board
19 elections for the replacement of an odd --
20 every other year; two go in, three go in;
21 two go in, three go in, or two go out and
22 three go out, however you want to look at
23 it. And we'd already held the elections and
24 the posts were going to be filled by Bill
25 Richarts and Donny Schneider. And we went

1 ahead and pulled Bill Richarts in to fill
2 the position of Jason Wallin early, or the
3 vacated board seat of Jason Wallin early in
4 August.

5 Q. Okay.

6 A. Of 2007.

7 Q. So Bill became a director in August of
8 2007; is that right?

9 A. Yes.

10 Q. O just wanted to make sure I got the
11 dates rights there.

12 A. Donny Schneider replaced another board
13 member in November when the regular seats
14 were changed, as well as Bill -- I can't
15 remember his name. Like a fleeting moment
16 in the wind, Bill --

17 MR. BROWN: Lowery.

18 A. -- Bill Lowery stepped in. That's
19 okay --

20 MR. O'MALLEY: I'm going to ask
21 him not to answer questions.

22 MRS. BLUE: Yes.

23 MR. BROWN: I'm sorry.

24 A. No problem. Bill Lowery stepped in,
25 so the board -- the three out were replaced.

1 And at that point the board consisted of --
2 that was the official change over of the
3 board, and the board officially consisted of
4 myself, Ed Mueller, Bill Richarts, Bill
5 Lowery, and Donny Schneider. And then I was
6 going to serve for a period of time further,
7 but due to the my father's health, my
8 company's neglect and the amount of time I
9 put into the organization, I went ahead and
10 I resigned my position in, as I said,
11 November, December, 2007 and left.

12 I essentially -- I essentially stayed
13 on long enough to complete the official
14 inhouse audit of -- as treasurer of the
15 Jason Wallin. And at that point we had
16 taken it all the way through. We had turned
17 it over to the accountant. The accountant
18 had gone over the notes and gone over my
19 audit, and from what I understand later that
20 that had changed a bit, but it was completed
21 as far as inhouse and all the evidence we
22 could find.

23 Q. Okay. Well, we'll probably get to
24 that in just a minute. After you resigned
25 in November, December of '07, did you take

1 another officer's position; what did you do
2 next within the PGR?

3 A. Nothing, I became a rider.

4 Q. Okay.

5 A. I essentially came home from being at
6 war for several years and kissed my wife.
7 And coming home was literally walking out of
8 the back room's computer where I was day and
9 night and walking into the other room and
10 tell my wife "Honey, I'm home," and enjoyed
11 life for a little bit.

12 Q. Okay, so did you -- would you say then
13 that you just became a regular member at
14 that point?

15 A. Just became a regular member at that
16 point.

17 Q. All right.

18 A. I was still, as I had completed the
19 official full term, and due to the change
20 over of the board, I was -- my resignation
21 was accepted. And I was at that point
22 given -- all board members who resigned or
23 leave in good standing are at that point
24 awarded advisory positions to the board of
25 directors as past standing boards to deliver

1 past emails, past information, training, et
2 cetera, for instances that we've already
3 gone through as an organization to new board
4 members coming along, so hopefully, we don't
5 have to hit ourself on the same thumb with
6 the same hammer time and again.

7 Q. Do you then as an advisory member have
8 access to forums within the Patriot Guard
9 website?

10 A. I did for a very short time, and then
11 my statuses were just pulled to regular
12 membership. And I had lost all access to
13 the state captains forum, the ride captains
14 forum and the other forums that I was
15 supposed to have access to, but I no longer
16 did. I just had regular access and Help On
17 The Homefront access.

18 Q. Do you know why you lost your access?

19 A. No, and I don't know that anybody
20 knows why. But it was supposed to have been
21 fixed for several years, but it never was.

22 Q. Okay. Okay, did you at any time act
23 as a website administrator or moderator or
24 have anything to do with the website?

25 A. Yes, I did. I never was a moderator;

1 I was never part of the moderator team. But
2 in about early August of 2006, Jason Wallin
3 pulled a disappearing act and disappeared
4 from contact. You couldn't get him on
5 emails, cell phones or anything. Every blue
6 moon you could get him maybe once or twice a
7 month.

8 But at that point the website was
9 having problems, and Jason had taught me a
10 little about the website. My analogy is I
11 was a gorilla with a machine gun, and I
12 could pull the trigger and couldn't
13 guarantee who got shot, but -- so I rebooted
14 the computer several times and dumped
15 several backup copies that would build up.
16 It locked the whole system up. And assign
17 email addresses, I always had that ability
18 to assign email addresses. And I had admin
19 privileges to the website just based on my
20 initial starting of the contact coordinator
21 duties. So I did have access to all of the
22 administration functions to the website.

23 Q. So could you read any posts on the
24 website?

25 A. Anything on the website.

1 Q. Did you often read posts on the website?

2 A. Yes.

3 Q. Okay. Okay, let's talk a little bit
4 about Jeff. How do you know Jeff Brown?

5 A. Through the Patriot Guard Riders. As
6 I said, shortly after Bonnie became national
7 member she pulled me on board to try to help
8 Jeff sort out his un-sortable email list,
9 and instead I kind of fell into the Help on
10 The Homefront. I never did what I was
11 originally -- it's kind of the story of the
12 Patriot Guard. I never did what I was
13 originally hired for, but I did something.

14 Q. When did you first meet Jeff?

15 A. Face-to-face or phone or email?

16 Q. Either way.

17 A. February of '06.

18 Q. Okay. Had you spoken to him before
19 then?

20 A. No.

21 Q. Had you emailed with him before then?

22 A. No. I've only been a member since
23 January, so --

24 Q. Had you met any other Patriot Guard
25 members face-to-face before --

1 A. Oh, yes.

2 Q. -- you met Jeff?

3 A. Within a week of me joining I rode
4 from Dallas, Texas to Houston, Texas to go
5 on the first mission that I personally went
6 on; not the first mission, period.

7 Q. When you met Jeff did he hold a
8 leadership position in the organization?

9 A. He was president of Patriot Guard Riders.

10 Q. At that point, how long was an
11 officer's term?

12 A. There was not -- there was no term
13 limits at that time.

14 Q. Okay. Was that -- is that still the
15 case?

16 A. No, they're two year term limits
17 currently.

18 Q. When did that change?

19 A. After Jeff's resignation and we redid
20 the by-laws, we decided that there would be
21 a limit to two year terms. The five-man
22 board at that time consisted of Ed Mueller,
23 Bonnie Cutler and myself, Snap -- Bonnie
24 Cutler, myself -- Jason.

25 Q. Okay, so you and Jeff then were on the

1 board of directors at the same time; is that
2 right?

3 A. Yes.

4 Q. Okay. Were you aware of any other
5 roles that Jeff played within the Patriot
6 Guard?

7 A. Other than being the head cat herder,
8 he ran the Patriot Guard Rider store.

9 Q. Okay. When did you learn that he ran
10 the Patriot Guard Rider store?

11 A. First time I ordered merchandise,
12 which I mean, I immediately -- I joined and
13 within a week ordered merchandise. So, I
14 mean, I may have officially had contact with
15 him, but not interpersonal kind of contact.

16 Q. Okay. So you think your order of
17 merchandise was within a few weeks of -- you
18 said you joined in August?

19 A. No, in June.

20 Q. June --

21 A. I mean, January, January 2006.

22 Q. January 2006?

23 A. Yes.

24 Q. Okay. Tell us about the PGR store,
25 what did it do?

1 A. The PGR store sold the gear that most
2 of our riders used to display who they were,
3 the Patriot Guard Riders for mission
4 purposes. Windshield banners for
5 motorcycle, caps, tee-shirts, mission pins;
6 the list has kind of evolved.

7 I mean, in the early days I think when
8 I first joined there was maybe a dozen, I
9 don't remember exactly, but maybe a dozen,
10 and by June or July there was several things
11 you could buy.

12 Q. How are the prices on the store?

13 A. They were good.

14 Q. When you bought the merchandise from
15 that store did you have -- well, let me
16 strike that.

17 What was your understanding of how
18 that store was owned or operated?

19 A. I didn't have any understanding.

20 Q. Okay.

21 A. All I was doing was purchasing
22 merchandise to represent myself to go on
23 missions with.

24 Q. Did your understanding of -- did you
25 ever gain any understanding of who owned the

1 store?

2 A. Yes, I did.

3 Q. Okay, tell us about that.

4 A. I learned initially that Jeff owned
5 the store from Jason Wallin.

6 MR. O'MALLEY: Objection; hearsay.

7 MRS. BLUE: He can testify to it
8 if Jason said it directly to him.

9 MR. O'MALLEY: Go forward.

10 BY MRS. BLUE:

11 Q. Okay. Go ahead.

12 A. Jason Wallin told me in June of 2006,
13 shortly before the gathering of the guard,
14 that Jeff owned the Patriot Guard Rider store.

15 Q. I'm sorry, tell me again what the date
16 was there?

17 A. June of '06.

18 Q. June '06?

19 A. Yes.

20 Q. What's the gathering of the guard?

21 A. Gathering of the guard is our yearly
22 national gathering of riders from all across
23 the country into one location to fellowship
24 and usually have entertainment and guest
25 speakers, and just stuff to go be a Patriot

1 Guard Rider with other Patriot Guard Riders.

2 Q. Okay. Where was it held in June of 2006?

3 A. Claremore, Oklahoma.

4 Q. Was Jeff there?

5 A. Yes, he was.

6 Q. When Jason told you that Jeff owned
7 the store, did you ever say anything to Jeff
8 about that?

9 A. I did at some point. I don't know
10 exactly when, but I did at some point. I'm
11 thinking that I didn't say anything to Jeff
12 until maybe late July, early August of 2006,
13 after the gathering of the guard.

14 Q. Did Jeff make any secret of owning the
15 store?

16 A. Not that I'm aware of, no
17 particular -- I didn't much care who owned
18 the store when I first started buying
19 merchandise. And I can't say that it was
20 ever really a point of topic anywhere until
21 the Kansas Patriot Guard Riders, the guys
22 who always said they were the original
23 founding fathers. They said something about
24 it in their fleeting departure, although
25 they blamed Help on The Homefront and the

1 American Legion already doing that as their
2 reason for leaving the organization. But
3 there was generally something about Jeff
4 owning the store at that time, and that
5 would have been the first time. I wasn't
6 the national captain or over the captain, so
7 that would have been the first time that
8 Bonnie Cutler or Snap or the board as a
9 whole had heard that in passing. And at
10 that time it just came in passing and went.
11 I don't believe there was any discussion,
12 any topic, any communications.

13 Q. Okay. Did you ever see on the PGR
14 forums any postings with regard to Jeff's
15 ownership of the store?

16 A. That hit the forums in literally three
17 weeks, give or take, before Jeff's
18 resignation, that's when -- that's when that
19 started to get heated and nasty.

20 Q. Okay. I'm going to show you, I'll
21 mark this as Exhibit 1.

22 (Whereupon Deposition Exhibit Number
23 1 was marked for identification.)

24 MRS. BLUE: And this is, Jim, for
25 you, this is produced in your documents to

1 us. It's PGR 006225 is the Bate's stamped
2 on it. It's a post from Jason Wallin,
3 Patriot Guard website.

4 BY MRS. BLUE:

5 Q. I want you to look at that.

6 A. Okay.

7 Q. I need you to take a look at that and
8 read it and tell me when you're finished.

9 A. Okay.

10 Q. Okay. Who is "Waldo"?

11 A. Jason Wallin.

12 Q. Okay. Do you see here that this is a
13 post from Waldo on December 16th, 2005. He
14 is talking about the web store and banner
15 advertising; do you see that?

16 A. Yes.

17 Q. Okay. Do you see that he is
18 indicating that there are some PGR items
19 that Jeff has put together. I assume he's
20 referring to the store there; would that be
21 your assumption as well?

22 A. Yes.

23 Q. Okay. Would you take from this post
24 that Jeff had any involvement or ownership
25 in the store?

1 A. I would say that it definitely implies
2 that Jeff has some items put together, so if
3 you want to buy a PGR merchandise to --
4 Jeff's the guy to talk to.

5 Q. Okay. All right, who can read that
6 PGR forums?

7 A. The PGR forums are primarily -- I
8 wasn't never a forum-specific person, but
9 there are parts of the forums that are
10 locked to anybody that is not a member. And
11 to be a member you just merely have to
12 register. It's free. And at that point you
13 can read the forums based on your level of
14 ride.

15 I mean, the home page is open to
16 everybody, and I believe that you could,
17 without -- I've always had membership since
18 the day I was a member, so I don't know what
19 a non-member would necessarily see. But you
20 could click on the mission links and it
21 would take you to the threads regarding
22 mission links. So I think that that was
23 always -- the particular forums related to
24 the individual services and the home page
25 were always open.

1 The majority of the forum was only
2 open if you were a member. And then there
3 were privileges assigned based on your level
4 or rank, for lack of a better word, in the
5 organization that allowed you privileges to
6 see various other stuff.

7 Q. Okay. Are you aware of any other
8 posts besides this one that might have
9 indicated that Jeff Brown owned the PGR store?

10 A. Other than the specific one where Jeff
11 said that he owned the store in November,
12 I'm not aware necessarily of any forum post
13 that said that, no. I don't remember. I
14 don't believe there were.

15 Q. Now, when you refer to a post you --
16 are you referring to a post that Jeff made
17 in November saying he owned the store?

18 A. Yeah.

19 Q. Okay. Do you remember the context of
20 that post?

21 A. Yes, there were people who had decided
22 that initially, as it started to build,
23 there were people who decided that that was
24 totally unacceptable; at which point Jeff
25 basically said that was how it's been and

1 that's how it's always been. And, of
2 course, the unacceptable level just kept
3 rising in regards to some on membership and
4 some in the board of directors.

5 Q. Okay. Do you have any other reason to
6 know about Jeff's ownership of the store?

7 A. Well, as I said, Jason told me. I had
8 personally talked to Jeff about it later,
9 and I know that Snap knew about it. I
10 talked to Snap about it, Bill Lyons.

11 MR. O'MALLEY: Objection; hearsay.

12 MS. BLUE: Go ahead.

13 THE WITNESS: Okay.

14 MRS. BLUE: I'm Also going to add
15 into the Record that, "Snap," who is also
16 Bill Lyons is deceased?

17 MR. O'MALLEY: Correct.

18 A. Okay. And that's -- that's my
19 official understanding of the story in the
20 early days.

21 BY MRS. BLUE:

22 Q. Okay. Do you know whether any other
23 members of the board of directors were aware
24 of that ownership?

25 A. Well, as I said, the original Kansas

1 three in June had said --

2 MR. O'MALLEY: Objection; hearsay.

3 BY MRS. BLUE:

4 Q. Go ahead.

5 A. As part of their reason for the
6 disgruntledness with the national Patriot
7 Guard Riders organization, that Jeff owned
8 the store and was making money, and the
9 board really didn't do anything about it.
10 And I know that myself, I had communications
11 with it prior to the big October blow-up
12 with Snap, with Jeff, with Jason. They
13 were -- never talked to Bonnie about it.

14 Q. Okay. Were those communications with
15 Snap and Jeff and Jason in person or through
16 email or telephone call?

17 A. Telephone call.

18 Q. Okay. Were all three of you on all
19 those calls, or were they individual calls
20 between two of you at a time?

21 A. Individual calls.

22 Q. Okay.

23 A. The original one with the Kansas three
24 were all the board members were on the
25 phone.

1 Q. Okay, including you?

2 A. Including me.

3 Q. Thank you.

4 A. All five of us that were the original
5 five-man board when it was expanding.

6 Q. Okay. Do you have any other
7 conversations with any other members that
8 were not officers regarding Jeff's
9 ownership?

10 MR. O'MALLEY: Objection; hearsay.

11 A. I don't remember. I will say that at
12 times, because as I started to grow, Tom
13 became my -- Tom Hoffmann became my
14 assistant HOTH coordinator, and we both
15 together handled the HOTH program. And I
16 did confide in Tom on a friendship level and
17 on particular -- but as friends and as
18 frequent as we have conversations, I would
19 not testify to any specifics, only that he
20 may have general knowledge of conversations
21 we've had. Because as this whole thing
22 generally grew and built, I was probably the
23 person who told him about the resignation of
24 Jeff, the original story, I mean. There are
25 times -- and on that degree of friendship on

1 that degree of level, there's probably not
2 much that we have not talked about. So that
3 would probably be one of the only souls
4 outside of the organization and my wife that
5 I might have discussed things with.

6 BY MRS. BLUE:

7 Q. Okay, so other than Mr. Hoffmann and
8 your wife, you don't remember personally
9 telling anyone else about Jeff's ownership
10 in that store?

11 A. I don't know that I personally told him.

12 Q. Okay.

13 A. But I very well could have.

14 Q. Okay, fair enough. Okay, you referred
15 a couple times today about Jeff's term as an
16 officer coming to an end. Why did Jeff's
17 term as an officer come to an end?

18 A. Well, resigned. There were -- there
19 was a movement to -- and there were people
20 who wanted him stripped of his presidency.
21 And counsel, advice from me and Snap were
22 that resignation was the best thing for the
23 organization, and so he resigned. We -- we
24 did not think it was good for anybody if the
25 board physically removed him and booted him

1 out of office. That would be a horrible
2 precedent for the organization, and he
3 resigned.

4 The events leading up to it were that
5 Jeff left on a Friday to go to Alabama for,
6 I believe, the Alabama gathering of the
7 guard to see -- and actually, he was with
8 Bill Lyons. And within a couple of hours of
9 him getting out of touch and leaving for the
10 airport, Jason Wallin called a board meeting
11 and myself, Jason, Bonnie, and Ed Mueller,
12 who wasn't on the board of directors at the
13 time, were on the call.

14 Q. Why was Ed Mueller on the call?

15 A. I don't know. He was going -- well,
16 he did fill Jeff's vacant position.

17 Q. Well, was that before the resignation?

18 A. That was after the resignation.

19 Q. So were people who were not on the
20 board of directors typically on a conference
21 call of this nature?

22 A. Not of this nature, no. But there
23 were typically -- at that time it was not
24 uncommon for them to have, for the board of
25 directors to have lots of people on calls

1 for various topics, especially national or
2 regional captains or state captains in
3 regards to specific happenings in that
4 particular area to just monitor what was
5 happening with the board, just so we had
6 membership involved to some degree.

7 Q. What was Ed Mueller's position at that
8 time before he assumed Jeff's position on
9 the board?

10 A. I believe that Ed had become the
11 national captain because Bonnie was
12 overwhelmed and needed to shed some of her
13 responsibilities. We all kind of did -- as
14 I said, in the early days as we grew, we all
15 started to wear so many hats that you didn't
16 get anything done. So we started bringing
17 more people on, such as Tom later became the
18 Help On The Homefront director. I mean, it
19 was something I had to let go.

20 Q. Uh-huh.

21 A. Which I never would have; I'd still be
22 in that job and -- be happy. I loved that
23 job. And Ed had previously been, I believe,
24 a forum moderator; unsure as to specifically
25 before national captain what he had done.

1 Q. Was he a forum moderator during the
2 time this call took place?

3 A. I do not remember.

4 Q. What was Bonnie's title at that point?

5 A. She was a board of directors member,
6 and her specific was Board of Director over
7 captain. So she was supposed to be the
8 direct contact for the board of directors
9 for the national captain.

10 Q. Okay. How about Jason, what was his
11 title at this time?

12 A. Jason was officially the treasurer at
13 that time.

14 Q. Okay.

15 A. As well as he was the head website guru.

16 Q. Was that his formal title, Guru?

17 A. I don't know if he had a formal title.

18 It was forum administrator, I mean, he went
19 by Waldo like the, "Where's the Waldo"
20 character --

21 Q. Right.

22 A. That's where that came from so --

23 Q. Okay.

24 A. Yes, that was -- guru was probably the
25 best title.

1 Q. Okay. Now, had you met Jason Wallin
2 at the time that this telephone call took
3 place; had you met him in person?

4 A. Yes, I had.

5 Q. Okay. How did you meet him?

6 A. I met him first at the gathering of
7 Guard in Claremore, Oklahoma, in July of
8 2006. And I met him the second time -- I
9 stayed in his home in, I think Windsor,
10 Colorado in mid August of 2006, because I
11 went as a representative for the Patriot
12 Guard Riders to personally liaison with the
13 national commander and national adjutant of
14 the American Legion, who we, as I talked
15 about the Kansas three, were an original
16 point of contention for the organization.
17 And there was a lot of bad feelings growing
18 between the American Legion riders and the
19 Patriot Guard Riders. And I had been
20 working with their national offices to mend
21 these wounds. And I physically were on
22 their very first inaugural Fallen Warrior
23 Scholarship ride for part of it, and I met
24 the commander and adjutant in Colorado.

25 Q. Okay. Now, when Jason initiated this

1 call, did he give a reason for the telephone
2 call?

3 A. The uproar and fevered pitch on the
4 forum threads was growing out of control and
5 extremely hostile, and we needed to get
6 ahead of this.

7 Q. Okay. Was the phone call open to
8 anyone besides these five people that were
9 on it?

10 A. Five people; myself --

11 Q. I'm counting Bonnie, Jeff, Ed, Jason,
12 and you?

13 A. Not Jeff.

14 Q. I'm sorry.

15 A. Talking about --

16 Q. I got that one?

17 A. Yes, Bonnie, Ed, Jason and me, there's
18 four.

19 Q. Okay, four.

20 A. No.

21 Q. Okay. Could regular members typically
22 get on a conference call like this if they
23 wanted to?

24 A. No.

25 Q. Was there any attempt to keep anyone

1 else from getting on the conference call?

2 A. The initial conference call happened
3 on a Friday, and it was brought up that
4 something needed to be done. We
5 generally -- there was topic of discussion,
6 and I -- quite frankly, this whole scenario
7 set real bad with me. So I said we needed
8 to call a break and we needed to think about
9 this, and we needed to get back together at
10 another time. And that set fairly well with
11 the board, and they decided that the other
12 time would be first thing in the morning.

13 So the call was continued first thing
14 in the morning on Saturday while Jeff was
15 still out of town and Snap was still at the
16 gathering of the guard. And I immediately
17 left two voice mail messages with Bill Lyons
18 trying to get other parties involved in
19 this. I did not call Jeff. I called Bill
20 Lyons just because I thought the nature of
21 the topic of the call, since it's concerned
22 Jeff specifically, and the nature of the
23 topic which was self-dealing, that it would
24 be most prudent to call Bill to get some age
25 and wisdom involved in the phone call

1 because it was pretty fever pitched.

2 Q. Why was it fever pitched?

3 A. Because they wanted to immediately
4 call for a vote, and right off the bat they
5 wanted to call for a vote to remove Jeff
6 from the presidency and fire him.

7 Q. Was there any kind of a quorum that
8 was required to call for a vote like that?

9 A. Yes, there was. There was three of
10 five was the requirement for an action of
11 that magnitude, or for any action to be --
12 anything -- the board had to have at least a
13 minimum of a three out of five.

14 Q. Okay. But there were four of you, and
15 Ed was not a Board of Directors member; is
16 that right?

17 A. Ed was not a board of directors member.

18 Q. So did you have a quorum for this
19 phone call?

20 A. We had three.

21 Q. Okay.

22 A. But at that particular point we did
23 not have a quorum because I would not have
24 voted at that particular time without
25 further investigation. As I said, I wanted

1 to get off the phone and call Snap as
2 quickly as possible. But, unfortunately, he
3 was having a great time at the Alabama
4 gathering of the guard.

5 Q. Okay. When the call continued on
6 Saturday morning, was there a vote?

7 A. There was not a vote, per se. There
8 was a pending vote put in place to move
9 forward with it; however, when Snap finally
10 came back into the picture after he went
11 home and put Jeff on an airplane, and
12 figured out what was going on, Snap kind of
13 put his foot down and is the one who
14 immediately thought of the nasty, evil
15 precedence this may set, and that we
16 probably ought to find a kinder, softer way
17 to proceed forward.

18 Q. Did anybody decide that they ought to
19 talk to Jeff about this?

20 A. By the time it was given to Jeff it
21 had essentially come to, "Here's your
22 marching orders," at which point Jeff wrote
23 as a rather heart-felt letter about how
24 broken hearted he is that this whole thing
25 had conspired in this particular manner, and

1 he turned in his resignation.

2 Q. And when you said, "Here's your
3 marching orders," what were those marching
4 orders?

5 A. That it was always the intention at
6 that -- by that point to remove Jeff from
7 office. It was, the whole point was
8 initially that it was self-dealing as far as
9 the quorum of the board.

10 Q. How long after the conference call did
11 you give this -- these marching orders to
12 Jeff?

13 A. Snap, as soon as Jeff was probably on
14 the ground, Snap probably picked up the
15 phone. I think Snap immediately called
16 Jeff, so probably Sunday night, Monday
17 morning. I don't know remember exactly, but
18 no lengthy period of time elapsed.

19 Q. Was he given any opportunity to rebut
20 the --

21 A. No, I mean, by that point it was -- we
22 have a section, a small minority, very vocal
23 section of the membership that consists of a
24 few people; state captains primarily, at the
25 time Richard Wilbur, Andy Harley, "Steam,"

1 which was Randy Stephens, Mona Mead, which
2 goes by "Monica," and Tony Turner, which
3 were pretty much the driving force behind
4 this whole scenario in the first place and
5 in bringing it to such a head so fast. And
6 it came through Bonnie in that particular
7 direction as national captain, and they were
8 state captains underneath her.

9 But Jason Wallin was -- Jeff had been
10 calling for -- there was a period of time
11 when Jason pulled that disappearing act,
12 right around the time I went to Colorado and
13 I stayed in his home, and we physically had
14 talks about this as well.

15 Q. This is August of '06?

16 A. August of '06. Jason had talked to me
17 in depth about the arrangements of how
18 monies were made in the organization.

19 MR. O'MALLEY: Objection; hearsay.

20 A. He told me specifically that he made
21 the money from the banner ads and the Google
22 ads and that stuff and that --

23 BY MRS. BLUE:

24 Q. What did you say to Jason when he told
25 you that?

1 A. I said, "What about the merchandise
2 that was sold on the website, the Healing
3 Fields merchandise and the Sponsor a Flag
4 merchandise and that kind of stuff?" And he
5 said, "No, the organization made that." All
6 he made was the Google ads, and that that
7 had been his understanding from the day one
8 with Jeff was that Jeff would run the store,
9 and that he would run the Google ads. And
10 that they would both independently recover
11 their costs and time devoted to getting this
12 organization running from the two endeavors
13 that they pursued.

14 Q. Let me ask you this: When Jason said
15 that he would run the Google ads, what was
16 your understanding. What he meant by run
17 the Google ads?

18 A. Well, specifically that he set up the
19 Google ads to run on the website and would
20 use that to offset the costs for servers,
21 for, you know, make -- you know, he did
22 understand that he would make some money
23 based on the amount of time he spent
24 programming on the website, which I didn't
25 think was unreasonable myself. Because in

1 the early days anybody knew that Jeff and
2 Jason, specifically, those two individuals
3 put enormous amounts of time into the
4 organization to get it started. And every
5 time Jeff would talk about putting a new
6 item in the store, he would do what needed
7 to be done: Take it down, pay the money,
8 pick it up and box up and send stuff out of
9 his own home. And Jason was doing a lot of
10 programming stuff right there, just on the
11 website. But Jason would use it to offset
12 the cost is what he had said, and that he
13 wasn't making any money off of any of the
14 other store items. But during Jason's
15 disappearing act, Jeff continually brought
16 up on board calls, "Can somebody get hold of
17 Jason and get the checkbook from Jason?"
18 Because he wrote, that I'm aware of, a
19 \$20,000 check to the Healing Fields because
20 they were calling state captains and
21 everybody looking for us to make good on our
22 debt, and Jason did not pay any of the
23 bills. And then Jeff started talking about
24 hiring an independent accountant to go over
25 the books.

1 And that's about the time that Jason
2 had the talk with me about exactly how the
3 store ran and how the money got -- you know,
4 that kind of stuff. But he told me he
5 wasn't making any money, which I later found
6 through our audit that he got everything;
7 his personal PayPal account which was linked
8 to it. None of it ever -- out of a 130,
9 \$150,000; I'd have to see the numbers in
10 front of me, \$35,000 of nearly \$150,000
11 actually made it to the PGR Patriot Guard
12 Riders, Inc. bank account from all the stuff
13 that Jason had done, the stuff that he had
14 said had gone in.

15 But in that August talk, Jason was
16 talking about some way about how much money
17 the store was probably making, and that it
18 needed to -- something needed to be done to
19 harangue the money back into the Patriot
20 Guard Riders' national account.

21 Now, at the same time he's talking out
22 the side of his neck because he's stealing
23 the organization blind his own self. But at
24 that time Jeff is paying all the expenses
25 that aren't getting paid and looking for an

1 audit on the other organization.

2 And the organization for Help on The
3 Home Front sent me to Walter Reed;
4 reimbursed me for airfare and hotel. I
5 wouldn't accept any other monies because I
6 have to eat, I have to do whatever I have to
7 do, so that's just normal part of everyday
8 living. But the organization voted to comp
9 my airfare and hotel, and the check came
10 from the Patriot Guard Rider store, okay.
11 Patriot Guard Rider store or Jeff Brown
12 himself, it did not -- there was no -- there
13 was no physical checks for anybody to write
14 anything because Jason had them.

15 And we went so far as to send Wayne
16 Hemmert to Jason's house to get the
17 checkbook, and Jason said that he'd take
18 care of it, he'd put it in the mail to Jeff
19 tomorrow. And he physically ripped half of
20 a checkbook; not in part like tearing this
21 sideways, but he took half of a checkbook,
22 ripped it off, put in it the mail and sent
23 it to Jeff so that he had some Bank of
24 Oklahoma checks to pay some Patriot Guard
25 Riders' bills. But by this point we've

1 already got people thinking we're a bunch
2 were biker crooks because we've already
3 ripped them off for not paying our bills.

4 Q. Now, when you said that Jeff was
5 paying expenses, do you know what funds he
6 was using to make those payments?

7 A. At the time I did not understand the
8 difference between Patriot Guard Riders'
9 store ownership, trademarks, any of that
10 kind of stuff. Unequivocally, all I knew
11 was Jeff was paying the bills.

12 Q. Okay. Was he using his personal funds?

13 A. My understanding was that he was using
14 funds from the merchandise sold to the
15 Patriot Guard Riders' store to pay for the
16 bills.

17 Q. Now, let's go back to the conference
18 call for a second. Before Jason initiated
19 this call, I think you testified a few
20 minutes ago that you had had a conversation
21 with Snap regarding Jeff's ownership of the
22 store; is that right?

23 A. That's correct.

24 Q. Okay. So when you got Snap on the
25 phone on the Saturday morning, if I

1 understood your testimony correctly, what
2 did he have to say about Jeff's ownership of
3 the store?

4 MR. O'MALLEY: Objection; hearsay.

5 A. Well, Snap's feeling at the time was
6 that -- this is after it had already blown
7 up and the board had pretty much pushed in
8 the direction, which is -- does that clarify
9 the time frame?

10 BY MRS. BLUE:

11 Q. Sort of.

12 A. No.

13 Q. Tell me a little bit more --

14 A. I mean, what time frame --

15 Q. -- Snap's not here to tell us anything
16 now anyway, so --

17 A. Okay, okay, but, I mean, what are
18 talking exactly?

19 Q. Well, when you got Snap, who is now
20 deceased, back on the telephone --

21 A. Okay.

22 Q. After the first Friday and Saturday --

23 A. Okay.

24 Q. -- missed, right.

25 A. Okay. By that point, it was a living

1 hell. The website was exploding. There
2 were agitators; there were people defending
3 Jeff. It was like being in a freaking war
4 zone. Excuse my terminology there. It was
5 horrible. Anybody who was around at that
6 time will tell you it was horrible. It was
7 coming apart at the seams.

8 And by that point a fast resolution
9 appeared to be the best option. And by that
10 resolution Snap believed that at that point
11 that it was probably better if Jeff were
12 gone right then, too. However, previously,
13 before that in our talks before that, Snap
14 stood with me in alignment that we really
15 wanted Jeff to draw a salary from the
16 organization. Because in board of
17 directors' talks, Jeff had told all of us
18 that he had quit his job to run the store
19 and the organization full time.

20 Q. Now, when you say board of directors'
21 talks, do you mean talks that occurred
22 previous to this --

23 A. Yes.

24 Q. -- conference call?

25 A. Previous to that. And --

1 Q. Jeff told you that he had quit his job
2 to run the store full time?

3 A. Jeff told us he quit his job within a
4 week or two of it happening, and that was
5 spring, early summer of 2006. I don't know
6 exactly, it's his job. But at the time that
7 Jeff quit working to run the Patriot Guard
8 Riders full time, that's what made me ask
9 the first question. It does not take a
10 rocket scientist to figure out that a man is
11 quitting a job and lives in a nice house,
12 has a nice means of income, this all
13 happened before the Patriot Guard Riders;
14 that somehow he's going to be supporting
15 himself. So that's where I personally --
16 that's where Snap personally keyed in on.

17 And one of the single biggest peas
18 that I've always had in this whole dispute
19 was that nobody knew Jeff was making any
20 money, but yet he had told us that he quit
21 his job and was doing the Patriot Guard
22 Riders full time. And I knew that every
23 time I ordered something it came from Broken
24 Arrow, Oklahoma. I mean, maybe I don't
25 remember him saying exactly that he ran and

1 owned the store and was making the profits
2 on it, but -- everybody had to -- well, I
3 can't speak for everybody. Maybe I'm just
4 more intelligent than the average soul, but
5 I just had to assume he was earning a living
6 and wasn't living on the street and running
7 the Patriot Guard Riders' store and giving
8 up his means of income. That's -- I would
9 like to believe people are not that naive,
10 but maybe I'm wrong.

11 MRS. BLUE: Let's take a two
12 second break here.

13 (A short recess was had)

14 MRS. BLUE: Let's go back on the
15 Record. All right, Ronny, I'll just remind
16 you; you know we took a break, but,
17 obviously, you're still under oath.

18 THE WITNESS: Okay.

19 BY MRS. BLUE:

20 Q. All right. Let's go back a little bit
21 to the time before Jeff's resignation. Were
22 you ever a party to any discussion with Jeff
23 regarding Jason Wallin and his duties as
24 treasurer?

25 A. Well, I mean, on the board calls he

1 was visibly upset about people calling in
2 looking for monies that were supposed to
3 have been paid and that were not being taken
4 care of. And he was paying the funds and
5 asking for a checkbook. And that's when he
6 became vocal about calling for an audit on
7 the Patriot Guard Rider, Incorporated Bank
8 of Oklahoma bank account.

9 Q. Was Jason on these calls when Jeff was
10 calling for an audit?

11 A. Jason wasn't anywhere to be found.
12 Jason wasn't answering calls. His voice
13 mail was completely blocked up, you know,
14 "This mail box is full." He was not
15 answering emails. Once a week or so you
16 might be able to get hold of him. He did
17 take some calls from me specifically. I
18 don't know who else, but he did take a call
19 from me every blue moon, because I was
20 running the website. And as I said, I was a
21 gorilla with a machine gun. I'm convinced I
22 crashed it for three days just trying to
23 help.

24 Q. A feat to be proud of there. Who else
25 was on the telephone calls where Jeff asked

1 for or -- what'd you say, upset about the
2 checkbooks and the monies being paid?

3 A. There were board of directors com
4 calls, so I mean, that long ago it happened
5 several times over the course of probably a
6 month.

7 Q. Okay.

8 A. And you -- and the board of directors,
9 the five-man board, minus Jason, were on the
10 call. Jason may have been there and heard
11 that direct once or twice. I don't know if
12 he made any of those calls in that period.
13 But they had to be aware of what we were
14 looking for because by then Jeff was sending
15 folks to his house. And there were at that
16 time national department heads.

17 At that particular time there was a
18 group of people which we call national
19 department heads which consisted of -- and I
20 don't know if any of these people were
21 specifically, but all of them could have
22 been: Tom, Elise was the mail team. I
23 don't know, Bill might have been as -- you
24 can ask him, as the head forum guy. I don't
25 know if he was the forum guy at that

1 particular time, but there were a group of
2 four or five department heads that were
3 regularly on these calls in some capacity,
4 shape, form, or fashion that may or may not
5 have been there. So those particular ones
6 were privy, were at least available to the
7 five-man board and possibly five other
8 department head-type people that possibly
9 heard that.

10 Q. Okay. Do you know if Jason Wallin is
11 still involved with the PGR?

12 A. I do not. Due to his intricate nature
13 with the website, he was contacted several
14 times after his resignation.

15 Q. When you say, "his resignation," do
16 you mean his resignation as officer, or as a
17 member, what?

18 A. As board of directors when the PayPal
19 discrepancies were brought to light. There
20 was --

21 Q. We're going to talk about those in
22 just a second.

23 A. Okay.

24 Q. You testified a few minutes ago that
25 there were, in your mind, some discrepancies

1 in the PayPal accounts. Are you telling us
2 that Jason took money from the organization?

3 A. Okay, this is a two part answer.

4 Q. Okay.

5 A. Originally with Jeff's resignation,
6 and Jason had already confided in me and I
7 don't know who else, but me for sure, that
8 the deal was that Jeff did the store and
9 that Jason got the website Google ads, the
10 funds from those, and that was to offset
11 their costs for time and effort. That when
12 it all rained down on Jeff and he had
13 resigned, within days I said, "Now, Jason,
14 what about you and the Google ads?" And
15 within a couple of hours he had sent a
16 Promissory Note and said what had happened;
17 if he needed to be pulled, whatever, he'd be
18 pulled, resign or whatever, but that he had
19 confided the deal that him and Jeff had been
20 operating under since the founding of the
21 organization.

22 And at that time the organization
23 forgave him for debts based on he signed all
24 ownership of servers, of everything involved
25 with the organization, he signed all of that

1 over. And I specifically asked him on those
2 calls, I said, "Was it Google ads only or
3 was it the Healing Field shirts and
4 everything else that was sold through the
5 website?" And meaning everything excepting
6 the official store and whatever capacity it
7 existed. And he said --

8 MR. O'MALLEY: Objection; hearsay.

9 A. He said that it was entirely -- that
10 was all that he had got was just the PayPal
11 for the Google ads. So we still wanted to
12 verify just based on judiciary
13 responsibility that that indeed was true.
14 And I can remember Bonnie and Ed thought,
15 no, we don't need to and --

16 MR. O'MALLEY: Objection; hearsay.

17 A. -- and on the board official call.
18 And Snap said I think --

19 MR. O'MALLEY: Objection; hearsay.

20 A. -- it would be better to proceed with
21 this. So the board took an official vote,
22 and we went -- we went ahead and decided we
23 were going to do an audit on the PayPal
24 accounts.

25 BY MRS. BLUE:

1 Q. What did you say to the board
2 regarding the PayPal audit?

3 A. That was -- okay, at this same time,
4 this is when Jason said, "And now I'll turn
5 --"

6 MR. O'MALLEY: Objection; hearsay.

7 A. -- I'm turning this over. I no longer
8 want to be the treasurer. Somebody else has
9 to step in and be the treasurer.

10 BY MRS. BLUE:

11 Q. Did you have any response to Jason
12 when he said that? What did you say to
13 Jason about that?

14 A. Well, that's -- on that call I asked
15 him was it only those funds or was it the
16 other merchandise sold; the Healing Field
17 flags and the donations for the flags, and
18 he said no, that was only those accounts.
19 That was all that was there.

20 Q. Okay.

21 A. So we voted as a board so to ahead and
22 pull a PayPal audit, and Jason was going to
23 supply the PayPal records. Because they
24 were his personal PayPal account, he was
25 going to supply the PayPal records to John

1 Tatum, the accountant. And this went back
2 and forth for several months about getting
3 the records to the accountant.

4 I took this extremely -- I took a
5 large degree of importance to this because
6 now I was a treasurer based on people
7 calling self-dealing on Jeff, me having
8 knowledge that Jason had done this, I wanted
9 the PayPal cleared up.

10 Jason never supplied anything to the
11 accountant except for a standard Microsoft
12 Word document with some figures plugged in
13 it -- or an Excel's document with some
14 figures plugged in it and sent them over.
15 And the accountant said, "I can't do
16 anything with this." And --

17 Q. Did the accountant say that to you?

18 A. The accountant said that to me, who
19 reported to it the board. Because as
20 treasurer, I was the contact with the
21 accountant and the bank officers.

22 Q. Did this communication take place in
23 writing, or did you all talk on the
24 telephone?

25 A. I did -- most of the my communications

1 with John Tatum I did on the telephone.

2 Q. Okay.

3 A. However, in February or so, I
4 called -- I was starting to get upset
5 because this was going nowhere, and it
6 looked bad that it was installing. And
7 Jason would say, "Oh, well, I sent you my
8 records." It's like, "No, no. Well, he's
9 an accountant, send him officially what he
10 needs."

11 And I called the accountant to see how
12 it was going. I talked to the accountant
13 three or four times a week. And I called
14 him to see how it was going, and he told me
15 that he had been called off the
16 investigation by Snap, who was the then
17 sitting president. And I said, "Not good."
18 I said, "I am the treasurer." I said, "if
19 that's where you stand." And I talked to
20 Snap and he said, you know, it just needed
21 to go away.

22 And I received a letter at that time,
23 and I have it somewhere from John Tatum. I
24 told him, "I want a letter that I did not
25 initiate the closing of the investigation

1 into Jason's PayPal account. That as
2 treasurer this was not mine. This was --
3 the president had put a stop to this, and
4 that if it's coming to an end it's not at my
5 bequest," and he supplied that letter.

6 Q. Okay. Now, a second ago I thought I
7 heard you testify that Jason had sent in a
8 Promissory Note to the board?

9 A. Okay. That was -- there was two.
10 Jason said in regards to -- that this was
11 all the money that was missing, and that he
12 was signing over -- it was like \$12,000 or
13 something, and he was signing over all the
14 servers and all that official gadgetry to
15 the organization, all his ownership to it.
16 At which point I asked him, "Is that
17 everything, including the stuff on the
18 store?" And he said, "Yes." So there
19 are -- yes, he did turn over a Promissory
20 Note, but only for the Google ads.

21 Q. Now --

22 A. What was later in discrepancy was when
23 we actually found records of the PayPal
24 transactions was he had actually pocketed
25 all the money through his PayPal account for

1 all the Healing Field flags, for all the
2 Healing Field shirts, for any of the Sturgis
3 Patriot Guard shirts he had made, for any of
4 that -- that had all gone to Jason.

5 Q. Now, let me ask you this: How did he
6 send that Promissory Note. Did he send it
7 by email, did he --

8 A. By email, and he sent it to all the
9 board members.

10 Q. Do you have a copy of that email?

11 A. Somewhere I do. Don't have it with
12 me, but somewhere I do.

13 Q. Well, it's possible that I have missed
14 that email in the massive amounts of
15 documents that have been produced in this
16 case, but I have not seen that.

17 MRS. BLUE: Do you know if that's
18 been made available.

19 MR. O'MALLEY: I'm not positive
20 right now.

21 MRS. BLUE: To the extent that it
22 hasn't and you have possession of it, I'm
23 going to ask that you make it available.
24 I've asked for that --

25 MR. O'MALLEY: Sure.

1 MRS. BLUE: -- in production.

2 BY MRS. BLUE:

3 Q. Okay, let's go back to the this
4 spreadsheet for a minute. How was that
5 spreadsheet transmitted to the board; was it
6 via email. Did you mail a letter to
7 somebody?

8 A. The initial dollar amount that he
9 was --

10 Q. Uh-huh.

11 A. Okay, he -- okay, you got to
12 understand. It was real dicey in how this
13 whole thing transpired because originally
14 when Jeff was -- resigned, I said, "What
15 about your part, Jason?" And Jason then
16 came clean, but what he said was the Google
17 ads only.

18 Q. Uh-huh.

19 A. And that's what we requested the
20 PayPal account was to verify that what he
21 was coming clean on was accurate, which
22 later it was far, far from accurate upon
23 prudent investigation, and to the tune of
24 \$130,000 not accurate. But if --

25 Q. Was that your investigation or John

1 Tatum's?

2 A. That's my investigation. And what I
3 found out later, John Tatum reconciled my
4 numbers as good. Ed Mueller went back to
5 John Tatum with numbers because Jason
6 protested the accounting on it. And Jason
7 later presented a document which said
8 something to the effect of he itemized what
9 he had paid for, like the trip to
10 Washington, DC, and the hotel fees and the
11 trip to Indianapolis for the Indy 500, that
12 he had all paid for.

13 However -- and it was my understanding
14 from Jason and Jeff that Jeff had reimbursed
15 for those costs as official Patriot Guard
16 Rider stuff. And Jason was still claiming
17 these items as he had paid them. So
18 probably by combining, you know, receipts
19 from Jeff the truth could have been got to.
20 But my understanding is that Jason was
21 double-dealing himself on what was actually
22 what he was claiming as expenses. Because
23 somehow it went from \$130,000 to \$30,000 I
24 think was near the official estimate. And
25 \$100,000 worth of petty expenses is a pretty

1 hard number to reconcile. I can't imagine
2 being -- if it was an IRS audit, I can't
3 imagine writing off \$100,000 worth of petty
4 expenses and getting away with it. But
5 that's the number that Ed officially
6 released.

7 Later, after my audit and John Tatum's
8 approval of my audit, then I do know that
9 there was some back and forth with the
10 board. This was after I was gone, because
11 Jason officially --

12 MR. O'MALLEY: Objection; hearsay.

13 BY MRS. BLUE:

14 Q.. Do you know how Ed released that
15 number or that audit?

16 A. On the Internet. I mean, on the
17 website; I believe.

18 Q. Okay. Was it in any kind of a secured
19 form, or could anybody see it?

20 A. I don't remember. By this point,
21 frankly, I didn't log on to the Patriot
22 Guard Riders' website after my resignation.
23 I didn't attempt to log on -- maybe once or
24 twice just to log on and to see if my
25 account was active and if my state cap pulls

1 had been activated but never really to do
2 anything. I don't remember intentionally
3 logging on to verify until David David's
4 removal and my website privileges had been
5 removed, and Hal Horton had told me I had
6 been banned from the website.

7 Q. So what is your understanding of the
8 total amount of money that Jason Wallin
9 supposedly took?

10 A. \$130,000, approximately; I don't have
11 that number in front of me.

12 Q. Well, did Jason ever make an admission
13 of that in writing anywhere?

14 A. No. To the best of my knowledge, no.
15 He didn't like my numbers, as he said that
16 he -- some of those were legitimate, as I
17 just explained, that Jeff had claimed that
18 he had reimbursed Jason for.

19 Q. Okay. Was --

20 A. And that's --

21 Q. -- Jason, I'm sorry, go ahead.

22 A. In all honesty, at no point in my
23 investigation as treasurer was I allowed to
24 seek verification of reimbursement of funds
25 from Jeff.

1 Q. Why not?

2 A. Because I was -- Bonnie Cutler and Ed
3 Mueller basically thought I was Jeff's
4 puppet and spied on the board of directors,
5 and I had been ordered by that point to
6 cease and desist Patriot Guard
7 communications with Jeff. And, frankly,
8 nothing he could have brought to the table
9 in that audit anybody gave a damn about.

10 Q. And when you say you weren't allowed
11 to seek reimbursement of funds from Jeff, do
12 you mean that you weren't allowed --

13 A. No, no, no, Jason's reimbursement.
14 Jason claimed --

15 Q. You weren't allowed to seek any
16 information regarding the reimbursements
17 that Jason was claiming; is that what you're
18 saying?

19 A. Correct.

20 Q. Okay, I just wanted to clarify that.
21 Was Jason allowed to continue in his
22 leadership role? I think you said he was a
23 secretary after the results of this audit.

24 A. No, no, no. As soon as -- in setting
25 up a donations account for the Patriot Guard

1 Riders, my American Express secured all the
2 Patriot Guard Riders' PayPal accounts. I
3 don't know if they still do, but as recently
4 as six months ago I couldn't use one of my
5 American Express cards on PayPal because it
6 was securing an account, and the only
7 account it was linked with was Patriot Guard
8 Riders, but I was creating a donations
9 account.

10 Now, I went to create a Patriot Guard
11 Riders' email address -- and this is the
12 whole thing that brought Jason to light.
13 But previous to that Jeff had been screaming
14 all along something along these lines in the
15 background. And various people, Carey
16 Hamilton and others had brought this up, and
17 I frankly thought it was -- at the time I
18 frankly thought that it was just hard
19 feelings on Jeff screaming about Jason.

20 And I told Jeff at one time that if
21 this is true and I can find anything about
22 it, I promise you I'll bring it to light,
23 and that's the PayPal kind of meander.

24 But in the creation of this donation
25 account the mail server came back and said,

1 this donation that Patriot Guard already
2 exists. So I went to it, and I looked at
3 it. And like most of the Patriot Guard
4 accounts at that time there was three
5 thousand spam messages stuck on it. And I
6 scrolled all the way down to the first of it
7 and, lo and behold, all the way back to the
8 initial opening of the Bank of Oklahoma
9 account that Jason Wallin was treasurer on
10 to, I believe it was late February of 2006,
11 was every single PayPal transaction that
12 Jason would not turn over to the
13 organization in that email. And I merely
14 spent three days sorting through spam and
15 pulling out the good email addresses so that
16 I could actually run a set of numbers.

17 The first night that I found it after
18 about three hours of hammering through this
19 and getting a fraction of the way into it, I
20 had already found \$30,000 worth of
21 transactions in here, and they were
22 everything. They were peoples' Healing
23 Fields shirts, and there were -- and the
24 funny thing about it is I don't remember any
25 transactions from Google ads. There were no

1 Google ads. It was -- all the PayPal
2 transactions were completely linked to
3 Healing Field shirts, to sponsoring flags,
4 to the Sturgis shirts, to special events
5 that we would put up on the website that was
6 supposed to be paid, the \$20,000 to the
7 vendor that was calling us a crook at that
8 point that Jeff paid.

9 So at that point, frankly, that's when
10 lots of the events of the past started to
11 gel into chronological order that you could
12 actually put together. Because in the fast
13 growing phase, as I've said, one of the big
14 deficits of the boards -- I sat on
15 officially two boards. Let's call it the
16 original board, which was Jeff, Jason, and
17 us, and then the next board which was led by
18 Snap and us, and then a month or two into
19 the next board, so let's just say two
20 official boards that I was partaking in. We
21 left very little documentation. We left
22 very little trail. That's why we initiated
23 the advisory status for past board members
24 so that -- to try to pick our brains so we
25 could help you all move along because there

1 wasn't any time.

2 As I said, the time around Jeff's
3 resignation you will find a thread in there
4 with Monica Mead pushing and pushing and
5 pushing. And, frankly, in an open thread,
6 it was not an open thread, it was in a ride
7 captains' thread, I called her a bitch
8 because she pushed so hard. And I got more
9 fan mail out of that statement, state
10 captains from all over the country said,
11 "I've been waiting on one of you board of
12 directors to say that."

13 And -- but, yeah, that's exactly where
14 it was. There was just such an uproar that
15 there was not time to do anything. So being
16 able to sit back and look at the
17 chronological order of things, that at this
18 point where I sit today, Jeff knew damn good
19 and well that Jason was ripping off the
20 organization; was calling for the checkbooks
21 to get out of that man's hand, and an audit
22 into what was happening.

23 At that point Jason talked to me in
24 August about how to start crossing Jeff out
25 to get him out of the occasion, which later

1 culminated with the uproar that took place.
2 Jason's first initial call to, "Let's have a
3 call to get Jeff out of here while he's out
4 of town." And Jason not coming clean on any
5 of his own dirt until I said, "Jason, what
6 about your Google ads?" And Jason said,
7 "Oh, yeah, here's how much I got, and here's
8 a list of the stuff I've given to the
9 organization," and the board said, "Okay,
10 clear."

11 Q. Okay. All right, so at this time did
12 Jason have any control over the PGR website
13 or its domain name?

14 A. Absolutely. That was the single
15 biggest fear that the original five-man
16 board had of launching Jason and just firing
17 him outright was that Jason was the only
18 person in the organization that knew where
19 the servers were.

20 Jason could have unplugged the
21 computers and gone home, and it would have
22 essentially shut us down. We might have
23 been able to get it back up and running.
24 And that's one of the things that we were
25 looking at. Right there around this time

1 leading up to it was we were looking at
2 alternative methods of mirroring the website
3 onto Go Daddy or something, and we were
4 looking at that kind of thing right around
5 now, too.

6 Q. Did Jason threaten to take the servers
7 or unplug them?

8 A. No.

9 Q. Do you know if Jason owned the Patriot
10 Guard dot org website or domain name at that
11 time?

12 A. At that time the Patriot Guard dot org
13 was registered to Jason Wallin. And like
14 other things, I later found out that for the
15 first two years of our organization we
16 didn't even have license to dot net Nuke,
17 our website. Our physical software was
18 Jason's copy of it because as I was looking
19 to purchase other modules in 2007 or to move
20 down the road, Jason told me to be real
21 careful because that's not registered.

22 MR. O'MALLEY: Objection; hearsay.

23 BY MRS. BLUE:

24 Q. Did you verify whether those were
25 registered?

1 A. Frankly, I didn't know how to
2 register; I didn't know how to verify. I
3 just did what I was told and tried not to
4 stir up any trouble that would have shut us
5 down.

6 Q. Where were the servers located
7 physically, do you know?

8 A. In a co-location --

9 Q. In November of 2006. Let me clarify
10 that?

11 A. In November of 2006, I had already
12 learned that they were in a co-location
13 facility that -- called Whatwire, and they
14 were not physically in his home. We were
15 worried that they were in his home, that
16 he'd unplug it, and now he's got the servers
17 and everything.

18 Q. Okay. Okay, let me introduce our
19 Exhibit 2.

20 (Whereupon Deposition Exhibit Number
21 2 was marked for identification.)

22 BY MRS. BLUE:

23 Q. This is a series of posts on the PGR
24 forum that were produced in response to our
25 document production requests to the PGR.

1 They're Bate's stamped PGR 003530.

2 Okay, Ronny, if you'll look at this
3 for us and tell us who is the poster on this
4 first page, which at the top is Page three
5 of ten. I think that probably refers to a
6 thread on the website.

7 A. Yes, that's "Waldo," Jason Wallin.

8 Q. Okay. If you'll go to page five of ten?

9 A. Okay.

10 Q. We're going to read beginning with, "I
11 want to make..." would you read that to us?

12 A. "I want to make this formal notice
13 that as of today all software and
14 hardware used for the website,
15 servers, firewalls, and switches are
16 donated to the PGR, Incorporated. In
17 addition I am releasing any claim I
18 have to the domain name patriotguard
19 dot org. FYI --"

20 Q. That's good, thanks. So what's the
21 date on this post?

22 A. The date on this post is 11-21 of 2 --
23 oh, hold on, that's the date it was printed.
24 The 10th of November, 2006.

25 Q. Is that before or after Jeff Brown was

1 asked to resign?

2 A. That is after. This is -- this is
3 within a day of me calling him on the mat
4 about his own --

5 Q. Okay. Now, is there anything that --
6 in this post that reminds you of any other
7 circumstances that led to this ownership
8 transfer between Jason and the PGR?

9 A. I'm sorry, clarify?

10 Q. Sure. That wasn't a very clear
11 question, I'm sorry.

12 Having reading this post now, and if
13 you want to certainly take some time and
14 familiarize yourself with the rest of it,
15 but does it give you the opportunity to
16 refresh your recollection about anything
17 else Jason might have said about
18 transferring those servers back to the PGR?

19 And if it doesn't, then that's fine.
20 I just want you to take a look at it and see
21 if it reminds you of anything that happened
22 about that time?

23 A. Well, the bylaws as he's talking about
24 it, he does say that they're working on the
25 new ones. The original bylaws are the

1 three-man board which were never updated.

2 Q. Okay. All right, let me ask you this
3 -- actually, I'm going to go ahead and
4 introduce in, this is Number 3.

5 (Whereupon Deposition Exhibit Number
6 3 was marked for identification.)

7 BY MRS. BLUE:

8 Q. This is Page 59 of the testimony you
9 gave on October 28th, 2003 in this matter.
10 If you'll take a quick second and look at
11 that.

12 (Off the Record)

13 A. Okay, go ahead.

14 BY MRS. BLUE:

15 Q. Okay. If you'll take a look at your
16 Answer that begins at the top of the page
17 after the little letter A, it looks like you
18 testified that there was a fear that if too
19 hard a move was made against Jason, he would
20 shut the Patriot Guard Riders down. Is that
21 your testimony from earlier; do you remember
22 that?

23 A. Yes.

24 Q. Okay. And why did the -- why was
25 there a fear about that? Let me ask it that

1 way.

2 A. Well, because he still had the
3 technical ability, such as when I later
4 discovered, the very night that I discovered
5 the email account for donations that showed
6 the listing of the PayPal transactions, and
7 I immediately called Jason, immediately that
8 is after I did a backup and saved all of
9 those answers. I immediately called Jason
10 and said, "What the hey, Buddy. I just
11 found all of these things. What's going
12 on?" And he said blah, bluh, bluh, bluh; he
13 just stuttered and mumbled and had no valid
14 reason for them, and then he knew what I had
15 found.

16 That very night my personal -- nobody
17 else's personal email suffered this, but
18 that very night donations at Patriot Guard
19 dot org disappeared. And --

20 Q. Donations, monetary donations or the
21 button that you could use to donate on the
22 website?

23 A. No, the emails that I had found that
24 substantiated Jason's stuff from the
25 organization disappeared from the mail

1 servers. Not anybody could do that.
2 Somebody with administration privileges and
3 access of where to even go and look had to
4 know where that was to physically go remove
5 that body of emails, that proof that Jason
6 had stolen.

7 Q. Okay.

8 A. At which point I raised bloody hell.
9 And, lo and behold, there was an old backup
10 Jason found that he could restore those
11 from, but I already had a backup that I had
12 saved before I had called him. And that was
13 within hours, days at the most, of Jason
14 resigning. As soon as he knew that I had
15 found that, Jason resigned.

16 Q. So it was that deletion of those
17 emails that gave rise to the board's fear
18 that he would shut down the website?

19 A. No, just the general fear that --
20 okay, I can't say it any other way than in
21 regards to the website, Jason was almost
22 Omnipotent. When I said guru earlier, I
23 mean just that. There were aspects of our
24 organization that nobody -- we kept bringing
25 in, "Do we have a volunteer that could do

1 this?" And we kept bringing in people who
2 would flounder and do nothing and talk about
3 how this program might be bad or that, and
4 never do anything productive, which gave
5 rise to me saying that, "I can't really be
6 doing this."

7 And I initially gave Bill Richarts and
8 Neal Hoopert in the original organization
9 chart, co -- talked to the board about it
10 and, they were co-website administrators, or
11 co-directors of that facility, because I
12 didn't wanted to do it. It was -- the
13 expertise to run it were outside of mine,
14 and hopefully the goal was to find somebody
15 who could do it because we kept floundering.
16 So, I mean, literally there are things
17 called back doors. There's all kinds of --
18 it is real easy to sabotage websites if
19 you're an ace computer programmer, and
20 you're surrounded by gorillas with machine
21 guns.

22 Q. Well, let me ask you this question --

23 A. And we -- and up until just before --
24 just before Jeff's removal -- now, this is
25 much later; this is in August of '07. Until

1 right at the time of Jeff's resignation,
2 nobody knew where the servers were.

3 Q. So Jason wasn't removed until August
4 of '07?

5 A. Right.

6 Q. Okay.

7 A. He was originally found that he did
8 the Google's -- that's I keep getting
9 confused at, because there's two scenarios.
10 One, he came clean on the Google ad, but he
11 only came clean on a quart when he had
12 actually stole 500 gallons. And that's --
13 that took awhile to find through the
14 stumbling of the donations at Patriot Guard
15 website to actually prove that. And Jason
16 knew where the servers were; nobody else
17 did. Jason knew how to run the servers;
18 nobody else did. There was so much to do
19 with the original computers of the
20 organization that, yes, Jason could have had
21 a backdoor login or any kind of stuff.
22 Jason -- we were scared that if we went at
23 Jason too hard, he would shut the
24 organization down.

25 Q. Now, since --

1 A. And nobody knew how to stop him or
2 even to verify if he had done it. I only
3 use the missing emails to justify my
4 statement in that I find the proof and it
5 disappears.

6 Q. Okay. All right, well, what is the
7 scope of the Patriot Guard organization.
8 How many states do members live in?

9 A. All of them.

10 Q. Okay. So --

11 A. Plus protectorates.

12 Q. All right, so how do those members
13 communicate with one another?

14 A. Well, primarily the initial way of
15 communication is to monitor the website.

16 Q. Okay, so is the -- the website's the
17 primary means of communication then?

18 A. Absolutely, first and foremost.

19 Q. And so if you shut that website down,
20 what happens to the organization?

21 A. It dies. I mean, it could be
22 recovered, but what happens to the
23 organization, It dies. I mean, everybody
24 goes into panic mode until some kind of Plan
25 B is popped up and you go. I understand

1 that there's -- probably much better now,
2 which was the direction we were trying to go
3 to back then, but at that particular time
4 it's dead, bingo.

5 And the other thing, there was another
6 method of communication, which is the
7 national contact coordinator, and that was
8 the mail server. And once again, the only
9 other backup or secondary system we had,
10 Jason was the omnipotent guru over that as
11 well, so --

12 Q. Okay. So if Jason had been hit by a
13 bus, what would have happened?

14 A. It would have got ugly. We wouldn't
15 have known where to go. We wouldn't even
16 have known where to go push a button to turn
17 the servers back on.

18 Q. Okay. All right, so who owns the
19 domain name now, to the best of your knowledge?

20 A. Jason signed the domain name over at
21 the time that he came clean on the Google
22 ads at Jeff's removal in November of '06.
23 That's when --

24 Q. He signed it over to who?

25 A. The Patriot Guard Riders dot org.

1 Q. Okay, was --

2 A. -- or is it --

3 Q. Was that before or after the Patriot
4 Guard Riders had some form of incorporation?

5 A. Okay.

6 Q. Whatever that was, whether it was a
7 501 c 3 or anything else?

8 A. That was after.

9 Q. Okay, all right. You have talked a
10 little bit about Jon Tatum. Do you know
11 where Jon Tatum lives?

12 A. Not now, but he did live here in
13 Tulsa. And when I was dealing with him
14 primarily, he lived in Tennessee.

15 Q. Okay. And what's John Tatum's
16 profession?

17 A. He is an accountant.

18 Q. Okay. Do you know if he's a CPA?

19 A. I do not know that for sure. I always
20 thought he was, and I had later been told
21 that he was not.

22 Q. Okay. Do you know who hired John
23 Tatum on behalf of the Patriot Guard
24 organization?

25 A. Jeff.

1 Q. Okay. Do you know when Jeff hired him?

2 A. I do not know because he was already
3 in place at the time of Jeff's removal.
4 Because when Jason said, "That I will not
5 be --" as he said here, "that I will not be
6 handling any money any more, period," I
7 immediately started dealing with Jon Tatum,
8 our accountant, to set up our treasury, so
9 he was already in place.

10 Q. Okay. Was there any connection
11 between the hiring of John Tatum to perform
12 an audit and Jeff's resignation other than
13 the concern over Jason's failure to turn
14 over the checkbooks?

15 A. Repeat the question?

16 Q. Well, let me ask it a different way.
17 That's too hard. Why did Jeff hire Jon
18 Tatum?

19 A. Jeff hired Jon Tatum to go over the
20 Patriot Guard Riders books.

21 Q. Okay.

22 A. Because he had been paying the Patriot
23 Guard Riders' expenses rather than the
24 Patriot Guard Riders for stuff that the
25 Patriot Guard Riders was selling in a

1 special event store on its own website that
2 was supposed to be entirely connected to the
3 Patriot Guard Riders' corporate bank
4 account.

5 Q. And tell us about that a little bit.

6 A. Well, that's the Healing Fields, the
7 Healing Field flags, shirts, Sturgis shirts,
8 were all initially. -- Healing Fields was
9 something Jason brought to the organization.
10 We voted that, yeah, it sounded like a good
11 idea. They were going to put up a flag for
12 every soldier killed in --

13 Q. Who voted that?

14 A. The five -- the first five-man board
15 being Bonnie, myself, Snap.

16 Q. Okay.

17 A. Jeff, Jason. And we thought that
18 would be a wonderful idea to sponsor this.
19 They were putting up a flag with a name on
20 it for every soldier who had been killed in
21 the war on terror.

22 And to sponsor it, because it was
23 going to cost a large sum of money, we were
24 going to sell sponsorships of flags, at
25 which point I believe you could request the

1 flag and the pole that it was on returned
2 when the Healing Fields were torn down. And
3 you could also -- or you could just donate
4 the money, and you could also purchase a tee
5 shirt, either a Sturgis or a Sturgis Healing
6 Fields shirt. And to do that, that was
7 going to be separate. We talked about it
8 directly, and that was going to be separate
9 from the Patriot Guard Riders store, and it
10 was going to run through what we were going
11 to term a special event store.

12 Q. Why was it going to be separate from
13 the Patriot Guard store?

14 A. Because it was a special event, and
15 Jason was going to oversee it.

16 Q. Whose decision was that?

17 A. That was the board of directors.

18 Q. Was Jeff involved in the board of
19 directors at that time?

20 A. Yes.

21 Q. Okay. Okay, so you were selling the
22 Sturgis tee-shirts on this special part of
23 the website?

24 A. Yes. The front page, actually.

25 Q. Okay.

1 A. Actually, the middle of the front page
2 of the website.

3 Q. And Jeff hired Jon Tatum to help sort
4 out the money from those sales; is that what
5 you testified to?

6 A. Yes, that the people were calling --
7 basically, we were crooks and leaving them
8 with bad debts because we sponsored the
9 Healing Fields and weren't sending them any
10 money. And the South Dakota state captain
11 had called Jeff, not -- yeah, had called
12 Jeff --

13 MR. O'MALLEY: Objection; hearsay.

14 A. And Jeff brought it to the board, and
15 the board decided that we needed to pay the
16 bills. Jeff said he would write them a
17 check, but he wanted the checkbooks back,
18 and he wanted an audit on the accounts.

19 BY MRS. BLUE:

20 Q. Okay. Was any legal action ever taken
21 against Jason Wallin for the funds that
22 couldn't be accounted for?

23 A. Not the ones that he -- not the --
24 okay, for the ones that could be accounted
25 for, that's -- the ones denied --

1 Q. Let's do it another way.

2 A. Okay, for the --

3 Q. Did the board or the organization ever
4 take any legal action against Jason Wallin?

5 A. What we did was we contacted the FBI.
6 And the FBI told us -- now this is -- Ed
7 Mueller reported back to the board that his
8 conversation with the FBI --

9 MR. O'MALLEY: Objection; hearsay.

10 A. -- when he was president was that the
11 official stance of the FBI was they'll put
12 it in the -- they'll turn in the complaint,
13 and that usually in, usually in events of
14 corporate -- oh, I don't know the word;
15 corporate theft, essentially, that if it's
16 not in a quarter million dollar or higher
17 range, they generally don't waste their time
18 with it. But they will leave it on file,
19 and that will be up for their in-house
20 investigators to decide, and they'll call us
21 back if they ever want to talk to us.

22 BY MRS. BLUE:

23 Q. Was there any email exchanged among
24 the board members regarding this FBI
25 investigation?

1 A. I don't remember.

2 Q. Did you personally have any
3 conversation or express any opinion to any
4 other board member about the FBI investigation?

5 A. Well, it was a topic that was brought
6 forward. We voted to call the FBI. And Ed
7 was the point man on the board of directors
8 assigned to be the contact to the FBI and to
9 report back the findings from them. So,
10 yes, there was discussion in that matter.
11 There was also discussion about pursuing the
12 money from Jason.

13 Q. Was that done?

14 A. The money was not pursued from Jason
15 because the legal costs to recover what he
16 was -- what he had stolen, I think the term
17 I used on the conference call was, "You
18 can't squeeze blood out of a turnip," along
19 with several other people felt the same way.
20 So throwing good money after bad would have
21 proven to be a bad judiciary responsibility
22 on the part of the board. We were advised
23 by our accountant along that same realm and
24 the corporate attorney.

25 Q. Your accountant being Jon Tatum?

1 A. Jon Tatum.

2 Q. Okay.

3 A. And we were advised by Jon Tatum that
4 our best act would be to send Jason a 1099,
5 I think, and bill him for those -- stuff.
6 So at some -- so that we as an organization
7 recognized that there had been that money,
8 and that it wasn't -- just disappeared, to
9 take us off the hook for misappropriating
10 the funds.

11 And we had the complaint filed with
12 the FBI, along with the 1099 to back up that
13 we're saying the money did exist, and it
14 does not exist any longer. And this is the
15 easiest way for us to get out of it without
16 spending any more money.

17 Q. Okay. After the decision was made to
18 contact the FBI, was Jason still treasurer?

19 A. No, Jason was gone. Jason resigned.

20 Q. He resigned as a member as well?

21 A. No, he resigned from the board of
22 directors. I don't think his membership was
23 ever questioned. I don't think it was.

24 Q. Do you remember the date that Jason
25 resigned?

1 A. Approximately August the 15th of 2007,
2 somewhere in there.

3 Q. Did the audit that Jon Tatum conducted
4 provide the organization with any other
5 information that you recall?

6 A. No.

7 Q. Okay. Did that audit suggest that
8 there had been any other PGR member or
9 leader that had misused funds?

10 A. No.

11 Q. Were the audit results released to the
12 membership at large of the organization?

13 A. That was after I had left. As I --
14 earlier something was on the website. I
15 don't remember the extent. It might have
16 been in the presidential corner or something
17 there or a formal announcement but --

18 Q. Who would have been president?

19 A. That would have been Ed Mueller.

20 Q. Okay, so he would have posted that?

21 A. Yes.

22 Q. Okay. Did you personally have any
23 exchange with Jason Wallin or see any post
24 by Jason regarding the use of the Patriot
25 Guard trademark before Jeff's resignation?

1 A. Not that I recall.

2 Q. Okay.

3 A. At the time -- for the Record, I will
4 state that at the time I was not on the
5 lynch Jeff Brown band wagon. There was --

6 MR. O'MALLEY: Objection;
7 non-responsive.

8 MRS. BLUE: No, he's not
9 finished. Let him finish before we --

10 A. There was a very vocal and adamant
11 lynch Jeff Brown coalition that took place,
12 and I was not. I have often been the
13 odd-man-out because I've told people for
14 years that Jeff is my friend. And I've been
15 told for years that that also makes me an
16 enemy of the Patriot Guard Riders. And --
17 but the lynch Jeff Brown coalition was not
18 part of mine.

19 I knew what was happening with the
20 store. My goal, when all this had arisen
21 was, my goal was I wanted Jeff Brown to
22 become the first paid employee of the
23 Patriot Guard Riders. I think the term I
24 used exactly, and you'll find it in several
25 of my forum posts is I invented this

1 imaginary guy called Uncle Bubba, and Uncle
2 Bubba thinks he is the most intelligent
3 human being that ever walked the face of the
4 planet, and he wouldn't know how to pour
5 piss out of a boot with the instructions on
6 the heel. And I told Jeff Brown I think
7 specifically that, "Uncle Bubba will not
8 understand this," and that I think that if
9 we move towards a solution, that it may be
10 better for everybody involved. Jeff had
11 better faith in the membership than that,
12 and Uncle Bubba proved to be a very real
13 idiot.

14 MR. O'MALLEY: Objection;
15 non-responsive.

16 MRS. BLUE: All right.

17 (Whereupon Deposition Exhibit Number
18 4 was marked for identification.)

19 BY MRS. BLUE:

20 Q. I'm going to have you take a look at a
21 post here. We're on Exhibit 4, which is a
22 document that was produced by the PGR in
23 response to one of our document production
24 requests. The Bate's stamp is PGR 003540.

25 I'll ask you to take a look at that

1 and tell us what that is.

2 A. This is a post from the Patriot Guard
3 Riders' forum.

4 Q. Okay. What's the first full post on
5 that page?

6 A. Do you want me to read it?

7 Q. No, can you just tell us what it is,
8 or identify it for us? The post from -- if
9 you'll look in the middle of the page
10 beginning 15th November 2006, 1:43 p.m.

11 A. Well, it's Jason saying that Jeff had
12 given the Patriot Guard Riders position --
13 permission to use the PGR logo, the
14 trademark that's in dispute, I would suppose.

15 Q. Okay. This post says:

16 "The permission to use this logo has
17 been granted for use on the website
18 only. For use on business cards I
19 would contact Jeff and ask him about
20 it, as he drew the logo and by his own
21 statements has filed a copyright of
22 the logo personally."

23 What, as a PGR member, would you think
24 if you were reading that post?

25 A. It plainly says that Jeff is granting

1 the PGR the right to use the logo, and
2 that's it.

3 Q. Would you think that Jeff created the
4 logo from this post?

5 A. I'm --

6 MR. O'MALLEY: Objection; leading.

7 BY MRS. BLUE:

8 Q. Let me ask you what you think of this
9 statement:

10 "For use on the business cards I would
11 contact Jeff and ask him about it as
12 he drew the logo."

13 A. That would say that if anybody else
14 wanted permission to use the logo, they need
15 to go ask Jeff as well.

16 Q. Okay.

17 A. Implying that the PGR could not grant
18 that permission to other individuals.

19 Q. Why would the PGR not be able to grant
20 permission, that permission to individuals?

21 A. Because Jason's statement is that Jeff
22 has granted us permission --

23 Q. Okay.

24 A. And we don't have permission to grant
25 it to other people.

1 Q. So who was controlling the mark then.
2 If you read this, who would you think was
3 controlling the mark?

4 A. I would think that Jeff was
5 controlling the mark, if I were to read this.

6 Q. Okay.

7 A. In context it is written.

8 Q. Okay. All right, let's go -- well,
9 actually, let me ask you one more question
10 about this. From reading that post would
11 you as a member think that PGR could make
12 any use that it wanted to of that mark?

13 A. No. It says that PGR could use it for
14 the website only.

15 Q. Okay. All right, this is -- what are
16 we at, 5?

17 A. Can I go back and clarify something here?

18 Q. Sure.

19 A. You're asking me about this specific
20 context, 15th November, 2006.

21 Q. Uh-huh.

22 A. And this does not -- this is a moment
23 of time that happened clear nearly a week
24 and a half to two weeks after Jeff's
25 resignation.

1 Q. Okay. Do you think that's significant
2 in some way?

3 A. Yes. The initial resignation by Jeff
4 was followed by -- immediately by a
5 negotiation with myself and Bill Lyons with
6 Jeff Brown.

7 Q. And I'll let you know we're going to
8 talk about that in just a minute, but you
9 can feel free to, if you think there's
10 something significant that relates to this
11 post, feel free to tell us what that is.

12 A. Well, the significance of it is that
13 in negotiations Jeff had previously talked
14 to two of the board members that were on
15 communication basis with him about the PGR
16 controlling the logo in and of itself. So
17 there were --

18 Q. Who were those two members that he was
19 talking with?

20 A. Myself and Bill Lyons.

21 Q. Okay.

22 A. This is a further continuation after
23 another major event, being the filing of the
24 trademark itself had physically taken place,
25 I believe.

1 Q. Okay.

2 A. And there were preceding things that
3 would give rise to the context of this
4 sentence.

5 Q. Okay.

6 A. Okay, that's it.

7 Q. All right.

8 (Whereupon Deposition Exhibit Number
9 5 was marked for identification.)

10 BY MRS. BLUE:

11 Q. This Exhibit 5 is a printout
12 downloaded from the Patent and Trademark
13 Office on May 3rd, 2010. We killed a lot of
14 trees on this. And this is PGR, Inc's
15 application, serial number 77040379. The
16 application's already been made of Record.
17 I think this is Petitioner's 14 in Mr.
18 Richart's deposition. This is -- I have a
19 color copy for the court reporter here. I
20 thought it would be easier for us to look at.

21 MR. O'MALLEY: I'm sorry to
22 interrupt, did you say that there was a PGR
23 Bate's stamp on this, or did I mishear?

24 MRS. BLUE: No, you didn't, and
25 that's what I'm getting to.

1 MR. O'MALLEY: Okay.

2 MRS. BLUE: The application
3 itself was produced in Mr. Richart's
4 deposition, and I imagine it's also going to
5 come in on a Notice of Reliance. If you
6 want me to go get --

7 MR. O'MALLEY: No, that's fine, I
8 just --

9 MRS. BLUE: Yes, I just wanted to
10 tell you where it came from so we can
11 authenticate it, and if you will stipulate
12 that it appears to be a printout from the
13 PTO.

14 MR. O'MALLEY: It appears to be
15 although it's rather long, but --

16 MRS. BLUE: Well, that's fine.
17 BY MRS. BLUE:

18 Q. Let's kind of walk through this a
19 little bit, and it might take us a little
20 bit.

21 Ronny, if you'll take a look up at the
22 top of this first page, we see about five
23 lines down it says: "Mark." Do you see
24 that?

25 A. I do.

1 Q. And what appears right under that word
2 mark?

3 A. The Patriot Guard Riders' logo.

4 Q. Okay. And then if we go on down to
5 the bottom of the page where it says: "Last
6 applicant, owner of record," tell me what it
7 says there.

8 A. Patriot Guard Riders, Incorporated.

9 Q. Okay, and what's the address there?

10 A. 312 Granite Court. Jason Wallin's
11 address.

12 Q. Okay. Okay, go to the -- flip to the
13 next page.

14 A. Okay.

15 Q. See where it says, "Goods and/or
16 Services" there? Can you tell me what it
17 says. There's a line that says,
18 "International Class: 45; Class Status:
19 Active," and then read that next line in for
20 me, please?

21 A. "Organizing and conducting support
22 groups in the field of combat veterans and
23 their families."

24 Q. Okay. And the first use date in
25 commerce?

1 A. 6-1 2006.

2 Q. Okay. And the first use date?

3 A. 11-11-2005.

4 Q. Okay. Now, I want you to flip on over
5 to this. I think we've got to flip one,
6 two; there's a page that says, "Trademark/
7 Service Mark Application, Principal
8 Register."

9 A. Okay.

10 Q. Okay, keep going on that --

11 A. Okay.

12 Q. -- till you get to the page, the
13 middle of the page. It says, "Declaration,"
14 and you have to go one more.

15 A. Okay.

16 Q. Do you see that?

17 A. Okay.

18 Q. If you will read the first two lines
19 of that, please?

20 A. "The undersigned, being hereby warned
21 that willful false statements and the
22 like so made are punishable by fine or
23 imprisonment or both under 18 USC
24 Section 1001, and that such willful
25 false statements and the like may

1 jeopardize the validity of the
2 application or any resulting
3 registration."

4 Q. Okay, that's good. Thanks. Now,
5 let's skip on down to the bottom of this and
6 begin, "...to the best of his/her
7 knowledge." Read the rest of it for me.

8 A. Same paragraph?

9 Q. Uh-huh.

10 A. I'm trying to find it.

11 Q. Seventh line down toward the end of
12 the line.

13 A. Oh, sorry.

14 "...to the best of his/her knowledge
15 and belief, no other person, firm,
16 corporation or association has the
17 right to use the mark in commerce,
18 either in the identical form thereof,
19 or in such near resemblance thereto as
20 to be likely when used on or in
21 connection with the goods, services of
22 such other person to cause confusion,
23 or to cause mistake or to deceive; and
24 that all statements made of his/her
25 own knowledge are true, and that all

1 statements made on information and
2 belief are believed to be true."

3 Q. Okay. Now, do you see the next line
4 where it says, "signature"?

5 A. Yes.

6 Q. Okay, what do you see on that line.
7 Can you read it for me?

8 A. Jason D. Wallin.

9 Q. Okay. Now, I realize that you're not
10 a lawyer, and I don't want to ask you for
11 any kind of legal conclusion. But what do
12 the words the undersigned and the appearance
13 of Jason's name on the this document suggest
14 to you?

15 A. That Jason Wallin was the person
16 filing out this document.

17 Q. Okay. All right --

18 A. And he was.

19 Q. Okay. What's the date that Jason
20 Wallin's name appears on that signature line?

21 A. November 9th of 2006.

22 Q. Okay. Did you ever have any
23 conversation with Jason Wallin that
24 suggested that he knew Jeff Brown had
25 claimed to use the mark Patriot Guard?

1 A. Well --

2 MR. O'MALLEY: Objection; hearsay.

3 A. When Jason filed, we had a board of
4 directors call, at which point Jason,
5 independently, had researched the mark to
6 determine if it was a mark held on file, and
7 it was not, so -- at that time. So Jason
8 determined that -- the board voted to
9 authorize Jason to proceed with filing the
10 trademark, and Jason did so.

11 BY MRS. BLUE:

12 Q. Why did the board tell Jason to file
13 that mark?

14 A. Because --

15 Q. Or file that application, I'm sorry.

16 A. Because the board believed at the time
17 that it was the first horse to the trough
18 gets to drink; that the owner has to first
19 right of claiming it.

20 Q. Did you believe that?

21 A. Not trained in legal law, I saw no
22 reason not to. I had no idea until this
23 first right of commerce or any other
24 specifics of trademark law, so I thought
25 that that was fairly accurate as well. But,

1 apparently, commerce seems to be a big issue.

2 Q. If you had read that declaration while
3 trying to file an application yourself,
4 would you have signed it?

5 A. Me, myself, no, because it says if you
6 know of other persons who are doing so,
7 that -- I wouldn't have touched it with a
8 ten foot pole. I would have told Jason to
9 do it.

10 Q. Did Jason ask anyone else on the board
11 whether he should sign that declaration?

12 A. No, Jason --

13 Q. Let me rephrase that. Did he ask you
14 whether he should sign that declaration?

15 A. No, he did not. Jason was given
16 orders to fill out the trademark application
17 and to -- and at which point we had a com
18 call, at which point he came back and said
19 he had filled out the application and
20 submitted it and released -- none of these
21 documents. These were, I think this page
22 looks recognizable; something to the effect
23 of this page was included in an email to us.
24 But none of the -- none of this came
25 through, none of the -- none of the

1 disclaimers for legal purposes.

2 Q. Did Jason ever say anything during
3 this conference call with the board
4 regarding how he chose the dates of use in
5 this application?

6 A. I mean, in all honesty, yes, he did.

7 Q. What did he say?

8 A. He determined at which date he thought
9 it was first used by Jeff and added a couple
10 of days to it to determine a good, valid
11 date for us to use it in the organization.

12 MR. O'MALLEY: Objection; hearsay.

13 A. That's what he told us on an official
14 board of directors conference call.

15 BY MRS. BLUE:

16 Q. Did anyone discuss that with him?

17 A. Well --

18 Q. Did anyone ask him if he thought that
19 was a good idea. Did you ask him that?

20 A. Frankly, Bonnie Cutler and Ed Mueller
21 were ecstatic; that was a wonderful idea.

22 MR. O'MALLEY: Objection; hearsay.

23 BY MRS. BLUE:

24 Q. What did you think about it?

25 A. I just thought it was more BS in a

1 long line of BS.

2 Q. Did you say that?

3 A. No. I was -- I was greatly
4 outnumbered, as I have already stated; me
5 being one of the few people still on
6 speaking terms with Jeff garnered me no
7 friends.

8 Snap being Snap, Snap was -- Snap was
9 Snap. How do you argue with somebody
10 wearing as many decorations as he wore and
11 such a humble man and tell him he's on bad
12 seats? So it was just understood that me
13 and Snap were on speaking terms with Jeff
14 still, and that I better keep my mouth shut
15 and not be Jeff's puppet on the board.

16 MRS. BLUE: Hang on just a
17 second. Let's go off the Record for just a
18 second.

19 (Off the Record)

20 MRS. BLUE: Go back on.

21 BY MRS. BLUE:

22 Q. Did any of the board of directors
23 besides Jason have any input into this
24 application?

25 A. Other than the board voting to tell

1 Jason to file it when he discovered that it
2 was not filed, no.

3 Q. Did Jason sign this application on
4 behalf of the board of directors?

5 A. I believe he did.

6 Q. Will you read what it says about the
7 signatory's position there?

8 A. The treasurer of Patriot Guard Riders,
9 Incorporated?

10 Q. Uh-huh.

11 A. I don't know if he was still the
12 treasurer. There was another piece of
13 evidence we flipped through where he made
14 statements about he wasn't going to handle
15 the money any more. But as of 11-9 of '06,
16 he -- I don't know if he was the treasurer
17 or not. He was on the board of directors.

18 Q. Okay.

19 A. This was a tornado for about three
20 weeks in this time frame.

21 Q. I think you've already testified --
22 well, strike that.

23 Did you know on November 9th, 2006,
24 that Jeff Brown had used either this logo or
25 one like it on any merchandise?

1 A. Yes.

2 Q. Okay. What kind of merchandise?

3 A. Hats, shirts, windshield banners,
4 mission pins. I mean, they -- on everything.

5 Q. Okay. How about the line that appears
6 on the bottom of this logo, "Riding With
7 Respect," had Jeff used that?

8 A. Yes.

9 Q. How about the triangular design
10 that -- my understanding is it's supposed to
11 be like a folded flag?

12 A. Yes.

13 Q. Had Jeff used that --

14 A. Yes.

15 Q. -- banner? Do you know whether
16 anybody else on the board of directors knew
17 that?

18 A. Well, that's a vague question, and
19 that is that everybody on the board of
20 directors by this point knew that Jeff was
21 running his store. And so everybody on the
22 board of directors knew that Jeff was using
23 this logo. The confusion is whose logo was
24 Jeff using? So yes, everybody -- the answer
25 to the question is yes, everybody, everybody

1 who hated Jeff and wanted him strung up and
2 everybody that loved Jeff and wanted him
3 reinstated. Everybody knew that Jeff was
4 using this logo by 11-9 of 2006.

5 Q. All right. Let's go to some posts
6 here.

7 MRS. BLUE: What are we on now,
8 6?

9 (Whereupon Deposition Exhibit Number
10 6 was marked for identification.)

11 BY MRS. BLUE:

12 Q. All right. This is part of a forum
13 thread. The Bate's stamp is PGR 003626. It
14 is produced in response to a document
15 production request from the opposer.

16 Let's look at the post at the top of
17 the page. And I've been on a couple of
18 websites myself, the forums, and I
19 understand that this is a paste of
20 somebody's previous post into this --

21 A. Right.

22 Q. Let's begin with where it starts:
23 "Straight up question then Jeff."

24 A. Okay.

25 Q. Okay.

1 "Is the PGR logo and all that goes
2 with it going to PGR, Inc. or not?
3 Simple yes or no question. Lots of
4 people would appreciate a response I
5 think."

6 Ronny, you want to read in the answer
7 that he's been posted there?

8 A. "Dennis, straight up answer... there's
9 never been an issue with the PGR, Inc.
10 using the name or logo on the website
11 or any non-commercial use. I've made
12 that clear from the beginning and
13 don't even know how, other than some
14 people trying to stir up crap, that
15 question ever came up. Any other use
16 will be decided on a case-by-case
17 basis. Jeff."

18 Q. Okay. Is this post by Jeff an accurate
19 characterization of how he had treated the
20 PGR, Inc's use of the logo?

21 A. Officially, there had never been a
22 decisive moment that brought the use of the
23 logo to the attention of the organization of
24 a whole until members, such as this, started
25 asking questions. And not then -- there had

1 never been -- there had never been -- there
2 had never been a moment's contemplation
3 officially by the Patriot Guard Riders'
4 national board of directors in regards to
5 the logo and Jeff in any capacity.

6 I mean, the talks that had taken place
7 were regards to the store, but in regards to
8 the logo specifically in the national
9 organization, that never became a topic
10 until we filed our logo and Jeff filed his
11 logo. Until the two logos were filed, there
12 was never a discrepancy, up to and including
13 Jeff was going to close his store, and we
14 could start selling items with the logo on
15 it as soon as his items sold out. But that
16 was the first original deal that me and
17 Snap, Bill Lyons, had negotiated with Jeff.
18 However, when that was taken to the board of
19 directors, I will give you the response that
20 came. Quote, unquote, Ed Miller -- Mueller:
21 "Fuck that son-of-a-bitch."

22 MR. O'MALLEY: Objection; hearsay.

23 A. That was on a board of directors com
24 call. There was never --

25 MRS. BLUE: You should object to

1 language.

2 MR. O'MALLEY: That, too.

3 A. There was never to be a negotiation
4 with Jeff in any shape, form, or fashion,
5 regarding the logo, the store, or anything.

6 As a matter of fact, the trademark was
7 a secondary issue. It was one those times
8 where you do something, and you don't think
9 about the second move, like a chess game,
10 until you're already at the second move.
11 The whole move was always to shut down
12 Jeff's store, take the money over by the
13 organization itself until somebody figured
14 out that -- what's this crazy thing called a
15 trademark.

16 BY MRS. BLUE:

17 Q. Okay. Does this post suggest to you
18 that Jeff was willing to allow the PGR, Inc.
19 to use this logo in connection with the
20 website and its association services?

21 A. This -- and the associated services.

22 Q. Well, let's just leave it with the
23 website.

24 A. Yes.

25 Q. Does this post suggest to you that

1 Jeff was willing to let --

2 A. Yes.

3 Q. -- the group use it on the website?

4 A. Yes.

5 Q. Okay. You talked a minute ago about
6 the firestorm over the store. Well, that's
7 my categorization of it; you might have a
8 different one. And one of the issues was
9 the ownership of that store, okay?

10 Was there an understanding among the
11 membership, or are you aware whether there
12 was an understanding within the membership
13 that Jeff owned the store?

14 A. I don't know. I'd never really spent
15 that much time pondering it. When I was a
16 member and not in a position of leadership,
17 I was just buying stuff from the store. I
18 wasn't aware of a difference until Jason
19 Wallin told me there was a difference.

20 Q. Okay.

21 A. And to that capacity, the Help On The
22 Homefront program had already started. And
23 to be real honest, it didn't matter to me a
24 whole lot because every request for Help On
25 The Homefront that was ever submitted

1 through the board of directors was funded
2 through Jeff.

3 I did not see a dissemination in
4 purposes until the split of Jeff and the
5 Patriot Guard Riders. They served one and
6 the same purpose to the fullest extent.

7 Q. Okay.

8 MR. O'MALLEY: Rachel, can we
9 have a chance for a break, whenever.

10 MRS. BLUE: As a matter of fact,
11 why don't we take one right now?

12 (Whereupon, a recess was had)

13 MRS. BLUE: Back on the Record,
14 and we will try to keep our next break short
15 because I think Ronny, you and Tom are both
16 on an 8:30 flight, and we're going to try
17 wrap you up so that you don't have to stay
18 over.

19 So, all right, let's get started.
20 I'm going to give you what I have marked
21 Exhibit 7.

22 (Whereupon Deposition Exhibit Number
23 7 was marked for identification.)

24 BY MRS. BLUE:

25 Q. This is another email or another post

1 produced by the PGR. The Bate's stamp is
2 PGR 001383. It's produced in response to a
3 request to produce documents.

4 Okay, there you go. Ronny, if you'll
5 take a look at this post November 15th,
6 2006, 2:58 p.m. by Waldo, who you had
7 testified previously is Jason Wallin.

8 Let's take a look at this post from
9 Jason, which is proposed rules for a
10 challenge coin design. Would you please
11 read numbers one and two in that post?

12 A. "One: Required design elements
13 include the words, "Patriot Guard
14 Riders," and, "Standing For Those Who
15 Stood For US." Note, the US is all
16 caps so that it is -- can mean us
17 or the United States. Forbidden
18 design elements -- two: Forbidden
19 design elements include the
20 copy written logo that Jeff Brown
21 drew, as we only have permission to
22 use it on the website but not in
23 marketing materials."

24 Q. Okay. Now, this post is dated
25 November 15th, which is the date -- several

1 days after Jason had filed a trademark
2 application on behalf of the Patriot Guard,
3 or PGR, Inc., correct?

4 A. I'm sorry, repeat?

5 Q. This post is dated November 15th, 2006?

6 A. Yes.

7 Q. Which is after Jason's filing of a
8 trademark application on behalf of PGR,
9 Inc., correct?

10 A. Yes.

11 Q. Okay. Why then, if Jason had signed a
12 declaration indicating that only the PGR was
13 entitled to use Patriot Guard Riders in the
14 trademark application, would he say that
15 "forbidden design elements include the copy
16 written logo that Jeff Brown drew"?

17 A. Because he knew it was disputed; the
18 trademark was in dispute.

19 Q. So does that seem inconsistent with
20 the declaration that he signed that said
21 only PGR had the right -- PGR, Inc. had the
22 right to use Patriot Guard Riders in that
23 trademark application?

24 A. In the physical trademark application,
25 yes.

1 Q. Okay. Okay, let's do 8.

2 (Whereupon Deposition Exhibit Number
3 8 was marked for identification.)

4 BY MRS. BLUE:

5 Q. This is going to be Plaintiff's
6 Exhibit 8. There's another forum post.
7 It's Bate's stamped, PGR 003662, produced in
8 response to the opposer's document
9 production requests. Down at the bottom of
10 that page did you see a post dated
11 November 17th, 2006?

12 A. Yes.

13 Q. Who does it look like the poster is
14 there?

15 A. That is Jeff Brown.

16 Q. Okay. Can you read us the first three
17 sentences in that post?

18 A. "Well, it looks like I'm dammed if I
19 do and dammed if I don't. Once again
20 the folks -- once again folks, the
21 store is a "for profit" business. It
22 has never been and -- it always has
23 been and that's always been out in the
24 open. I have yet to figure out why
25 some people have a need to initiate

1 conspiracy theories and others are
2 quick to believe in them. I busted my
3 butt for the PGR and make no apologies
4 for anything I've done."

5 Q. Okay. Do you see a little further
6 down that post indicates that Jeff, who's
7 the poster here, and Jason discussed that
8 Jeff would set up the store, and he would
9 set up the website advertising as for profit
10 companies?

11 A. Yes.

12 Q. Okay. Let's turn to the next page.
13 All right, if you will go down to the one,
14 two, three, fourth paragraph beginning,
15 "With all due respect."

16 A. Okay.

17 Q. Would you read that paragraph to us?

18 A. "With all due respect, instead of
19 asking me why we don't sign over a
20 private business that is personally
21 funded that we did all the design work
22 for, all the product research, all the
23 tasks of ordering and inventorying,
24 all the packing and shipping, all the
25 order problems, all the myriad of

1 other tasks necessary to make it
2 successful, plus assumed all the
3 financial risk, why not just
4 graciously say, 'Hey, thanks for all
5 the donations and the hard work to
6 make it happen, and please keep
7 'em coming,' and let it go at that."

8 Q. Okay. Okay, who would have able to
9 see this post by Jeff Brown? It was posted
10 to a forum.

11 A. Yeah, I was reading the forum.
12 American's doing the right -- Patriot Guard
13 Riders' forum, Patriot Guard Riders. Here's
14 the answer to that. I can't tell from the
15 forum exactly which forum it came from,
16 however, by that point I believe that Jeff
17 no longer had the ride captain status, so
18 that would have been the general forums, and
19 any member could have seen that.

20 Q. Okay.

21 A. However, I could be mistaken and that
22 could be ride captains only, but I think
23 that was initially pulled from Jeff right
24 off the bat.

25 Q. All right. So would a person who saw

1 that post understand that Jeff operated that
2 store for profit?

3 A. Yes.

4 Q. Would you have understood that?

5 A. That's what it's stating. Yes, I
6 would have.

7 Q. Okay.

8 A. And behind the scenes though, when
9 he's talking about him and Jason, that was
10 what was initially told to me by Jason in
11 June of '06.

12 MR. O'MALLEY: Objection; hearsay.

13 BY MRS. BLUE:

14 Q. Does this post confirm any previous
15 understanding that you had with regard to
16 Jeff's ownership of the store?

17 A. Yes, it did.

18 Q. Okay. Okay, let's do Number 9.

19 (Whereupon Deposition Exhibit Number
20 9 was marked for identification.)

21 BY MRS. BLUE:

22 Q. All right. This is a forum post,
23 Bate's stamp PGR 003737, produced in
24 response to our Request for Production of
25 Documents. And this is post-dated November

1 19th, 2006 by -- you're going to have to
2 tell me, is we Wescoot or Wescoot?

3 (Pronunciation)

4 A. Wescoot.

5 Q. Wescoot2. Who is "Wescoot2"?

6 A. Ed Mueller.

7 Q. Okay. All right, if you will turn to
8 the second page of this post or this -- yes,
9 this post. And right underneath what
10 appears to be a paste of a previous post
11 from another poster, beginning with, "Well,
12 you've asked many question --" I think it
13 should be "questions." "I'll attempt to
14 answer them as best I can."

15 All right, if you will read in that
16 next paragraph beginning with, "Let's tackle
17 the easy one first."

18 A. "Let's tackle the easy one first. The
19 store, which has always been owned by
20 Jeff, your questions relating to the
21 store and the store website must be
22 addressed to him. Jeff was
23 responsible for obtaining the name and
24 the dot org name. That has never been
25 in the past, nor will it ever be in

1 the future, under the control of
2 Patriot Guard Riders, Incorporated.
3 From the very beginning it was set up
4 as a private company owned and
5 operated by Jeff Brown."

6 Q. Okay, thank you. Could any member of
7 the Patriot Guard see this post; was it
8 restricted in any way to a portion of the
9 membership?

10 A. I can't answer that for sure because
11 that doesn't dictate to us. I don't know if
12 it was or not, but it was at least available
13 to ride captains, state captains. But John
14 in Minnesota, I think that was Birdie, I'm
15 not sure, but he's definitely in the ride
16 captain's area, but I'm unsure exactly which
17 group of forums, but you had to be some type
18 of membership of some shape, form, or
19 fashion to be in there.

20 Q. Okay, was this a private communication
21 between John in Minnesota and Ed?

22 A. No, this was a forum poster.

23 Q. Okay, thanks.

24 A. Can I comment on something real quick,
25 and I'll make it quick?

1 Q. Uh-huh.

2 A. Ed also stated here that: "You also
3 asked about the donations..." the very next
4 sentence:

5 "I'm assuming you're speaking about
6 the donate button which is located on
7 the PGR website. All those donations
8 went into the bank account of the
9 Patriot Guard Riders, Incorporated,"
10 which it did not.

11 Q. Okay.

12 A. All those funds went into Jason
13 Wallin's bank account.

14 Q. All right. Let's go to Exhibit 10.

15 (Whereupon Deposition Exhibit Number
16 10 was marked for identification.)

17 BY MRS. BLUE:

18 Q. All right. This is another post,
19 forum post. This is Bate's stamped PGR
20 002166. It was produced in response to
21 production of documents request. It also
22 has a second sticker on it. You can see it
23 on your copy that says Petitioner's
24 Exhibit 31. This was produced in an earlier
25 deposition.

1 A. Okay.

2 Q. But we'll mark it 10 for this one.

3 MRS. BLUE: Is that okay with
4 you, Jim?

5 MR. O'MALLEY: That's fine.

6 BY MRS. BLUE:

7 Q. Okay. All right, this post is dated
8 November 17th, 2006?

9 A. Yes.

10 Q. It looks like the poster is "Snap67";
11 is that Bill Lyons?

12 A. That's Bill Lyons.

13 Q. It says under there that he is the
14 captain, national executive director; is
15 that right?

16 A. Yes.

17 Q. Okay. Let's take a look at Numbers 1,
18 2, 3, 4, 5, 6, of this post. It looks like
19 Snap is posting to the membership at large
20 here; is that correct?

21 A. Yes, letters from the PGR president.
22 Patriot Guard Riders national -- letter from
23 the president, yes.

24 Q. Okay. What does Number 1 say?

25 A. "Jeff created the concept of the

1 national and the PGR store -- PGR
2 national and the PGR store."

3 Q. Okay, Number 2?

4 A. "Jeff has design the logo and the
5 merchandise it appears on."

6 Q. Okay, Number 3?

7 A. "Jeff and his wife are the sole
8 owners of the PGR store."

9 Q. Okay, how about 4?

10 A. "The PGR store was placed on the front
11 page of the website for members to
12 order their PGR items, leading some
13 members to believe that the store
14 belongs to the PGR."

15 Q. Okay. Let's go down to Number 17.

16 Can you read that?

17 A. "The BOD is now working on creating a
18 new logo for sale of items in the
19 special events store, drafting
20 appropriate by-laws and applying for
21 501 c 3 tax attempt status, which we
22 understand from our attorney will
23 cover the PGR activities for the
24 preceding 18 months."

25 Q. Were you on the board of directors

1 when that decision was made?

2 A. Yes.

3 Q. Can you tell us what was behind that
4 decision to create a new logo?

5 A. The -- initially, there was no money,
6 and the PGR national leadership initially
7 wanted to avoid any kind of Court conflicts
8 because, as stated many times, the only one
9 who wins when attorneys are involved are the
10 attorneys. So we wanted to avoid a legal
11 battle and find an option. It was of great
12 concern if we could find some kind of
13 representation, logo, trademark, that would
14 fly with the membership that could supercede
15 the previous logo and give us our autonomy
16 from Twister, Jeff Brown.

17 Q. Okay. Did you manage to do that?

18 A. "Standing For Those Who Stood For US"
19 was that attempt to do so.

20 Q. Okay.

21 A. It was generally thought that the
22 organization as a whole was pretty well
23 identified and at peace with the trademark
24 that we'd always kind of stood under, and it
25 was just impossible to move away from

1 anything not similar to some shape, form, or
2 fashion to that.

3 Q. Okay. Was it your intention then to
4 keep the trademark similar in some shape,
5 form, or fashion?

6 A. Yes.

7 Q. Okay.

8 (Whereupon Deposition Exhibit Number
9 11 was marked for identification.)

10 BY MRS. BLUE:

11 Q. Exhibit 11.

12 A. All right.

13 Q. This is a forum post. It's Bates
14 stamped PGR 004105. It's a post again by
15 Wescoot2, which you previously testified as
16 Ed Mueller. The post is dated March 26th,
17 2007, 10:23 a.m.

18 All right, let's go down to the
19 sentence beginning, "Let me see if I can
20 answer your questions..." can you read that
21 through the next paragraph?

22 A. "You asked when the merchandise is
23 going to be available... what
24 merchandise?" It's -- "items that
25 being developed, may or many not be

1 placed in the store. The marketing
2 team comes up with ideas and presents
3 them to me. I take them to the entire
4 BOD and it voted upon. So there is no
5 timeline available on items being
6 developed."

7 Q. Okay. Do you know what Ed Mueller was
8 talking about there?

9 A. Oh, yes, initially when the first
10 store started up, we were showing items for
11 sale that weren't ready for shipment from
12 CDM, who we had chosen as a fulfillment
13 center. And people were buying them and
14 upset that they weren't coming.

15 Q. Okay, so when Ed says, "what
16 merchandise?" And says items that -- I
17 assume he means that are being developed, he
18 says, "...being developed may or may not
19 ever be placed in the store."

20 Did you have any items in the store at
21 that point?

22 A. Yes, because we started -- we were
23 having funds available by December. By the
24 time that I had become treasurer, we were
25 already starting to take funds in. I don't

1 remember to what degree. There were only a
2 few items. I mean, we literally -- he goes
3 on to state how we develop an item, and
4 that's pretty much it. "Hey, do we want to
5 sell these things?" And we'd get one drawn
6 up and sometimes the sample's made, and you
7 look at them and then they go. But if you
8 take that sample and you say, "Okay, we're
9 going to go," and you put it on the website
10 for sale, and the fulfillment center hasn't
11 had time to purchase the merchandise,
12 prepare the logos, whatever, then you find
13 people buying things that aren't available
14 for shipment.

15 And the Patriot Guard Riders are a
16 large group of initially, primarily, bikers,
17 and individually-minded, cowboy-type people
18 and hard-headed individualists. And you buy
19 something, you expect it to come pretty soon.

20 Q. You're telling me you don't like to
21 wait then?

22 A. They don't like to wait, no.

23 Q. All right. Do you know what logo
24 those items had on them?

25 A. "Standing For Those Who Stood For US."

1 Q. Okay. It appears from this post that
2 those items weren't available, and that's
3 what Ed's trying to tell membership?

4 A. Yes, most of the items were available,
5 but there were a few that were lagging or
6 that we'd sell out of. And we'd -- it was a
7 rocky transition between Jeff's store and
8 the new store, but --

9 Q. Well, it sounds like from this post,
10 and correct me if I'm wrong, that some of
11 the items weren't -- hadn't even been
12 developed yet; is that right?

13 A. Yes, I mean, there's -- there was a
14 thread on there, okay? This may be out of
15 that thread. There was a thread on the
16 website that were marketing ideas at one
17 time.

18 Q. Uh-huh.

19 A. And, I mean, they would come fast and
20 furious: Kickstand pads, license plate,
21 pins, caps, sweaters, plates, like the Elvis
22 collection. And people, just because they
23 were posting it that, "Hey, this would be
24 great," I mean, "Why don't we
25 start imprinting the colors on Boston

1 Terriers to read Patriot Guard Riders?" And
2 they would part expecting this stuff to
3 start coming right off the pipeline. And it
4 was rather -- there was two scenarios that
5 took place. One of them was the total biker
6 mentality with no foundation, demanding
7 products that they thought were going to
8 come out ASAP, and they wanted them here,
9 and they wanted them now. And there were a
10 few items that were having shipping
11 problems, and it could have been in either
12 one of those context because they were both
13 taking place.

14 Q. Okay, all right.

15 (Whereupon Deposition Exhibit Number
16 12 was marked for identification.)

17 BY MRS. BLUE:

18 Q. This is another forum post. This is
19 Bate's stamped PGR 003509, produced in
20 response to request to produce documents.

21 This is a post dated November 9th,
22 2006. It looks like the author is HLang or
23 Lange -- excuse me. Let's go to the second
24 page of the post. Up at the top it says
25 Page 2 of 19, which I think --

1 A. Okay.

2 Q. -- refers to the thread, the number of
3 pages in the thread.

4 A. Okay.

5 Q. Let's go to the one, two, three, third
6 full paragraph there beginning with
7 "Anyway..."

8 A. All right. "Anyway, way, way back
9 when this thing started, Twister did
10 not hide the fact that he owned the
11 PGR store, that it was a for profit
12 thing, whereas the PGR was a non --
13 it was a nonprofit thing. I don't
14 know how PGR would become, how big it
15 would get --"

16 Q. I think you skipped a line there.

17 A. Oh.

18 Q. "I don't know --"

19 A. "I don't know why it was set up this
20 way and I don't care. There was no
21 way that anyone could have seen what
22 the PGR would become, how big it would
23 get, or that it could be operated at
24 least as a break even operation. All
25 that came later. I think what was

1 (sic) happened was that everything got
2 so big so fast that the owners were
3 taken by surprise. I do not believe
4 that anyone could have seen just how
5 big the store would become, or how
6 much money would go through it.
7 Regardless of how much it makes to
8 design the items, someone has to pay
9 the trademark --"

10 MR. O'MALLEY: You skipped a line
11 again, I'm sorry.

12 A. Oh. "Someone had to design the items,
13 someone had to --"

14 MR. O'MALLEY: I'm sorry --

15 MRS. BLUE: Go back to,
16 "Regardless of how much it makes..."

17 A. "Regardless of how much it makes now,
18 back then someone had to front the
19 store, do the work and get the items
20 shipped. Someone had to design the
21 items, someone had to pay to trademark
22 them to protect their investment. I
23 didn't do it, the malcontents didn't
24 do it, Twister did it. He did the
25 work to at least make the PGR break

1 even. Yeah, he could have given every
2 penny to the PGR, but I believe that
3 he deserved much more than he could
4 have possibly got from the store. If
5 the store had lost money, I wonder how
6 many people that say Twister shouldn't
7 have made a profit would say the PGR
8 should bail him out. No, heaven
9 forbid that would happen. That (sic)
10 would say it is -- that it is his
11 problem and he should have to cover it."

12 Q. Okay. Who could see this post, do you
13 know?

14 A. That's in the state captains' area,
15 state captains and ride captains only, that's --

16 Q. Okay. Would a state captain or a ride
17 captain reading this post understand that
18 HLang or -- is it Lang or Lange?

19 A. Henry Lang, HLang.

20 Q. HLang believed that Twister, who is
21 also Jeff Brown, owned the store?

22 A. Yes.

23 Q. Okay.

24 (Whereupon Deposition Exhibit Number
25 13 was marked for identification.)

1 BY MRS. BLUE:

2 Q. This is 13. This is Bate's stamped
3 PGR 003503, produced in response to request
4 for document request from the opposer.

5 A. Okay.

6 Q. It is post dated November 9th, 2006,
7 by "Adccop," if you will go down and read
8 the paragraph beginning with, "The national
9 PGR..."

10 A. "If the national PGR was built with --
11 by Jeff with his time, spirit, funds,
12 and separation from his family. It is
13 his to do with as he wants. If you
14 disagree with his version or vision,
15 leave and start your own group. If
16 your ideas are so great then you
17 shouldn't have to invest a lot to make
18 it work. (Tongue in cheek.)"

19 Q. All right. Do you know what -- where
20 this post would have appeared?

21 A. This was in the state captain area,
22 specifically of the state captains/ride
23 captains' forum. So state captains -- I
24 believe it should have been state captains
25 only, but that might have -- state captains

1 were only supposed to see state captains,
2 and ride captains/state captains were
3 supposed to be visible to everybody.

4 Q. Okay. Would a state captain reading
5 this post believe that this member at least
6 understood that Jeff started the national PGR?

7 A. Yes.

8 Q. Okay, okay.

9 (Whereupon Deposition Exhibit Number
10 14 was marked for identification.)

11 BY MRS. BLUE:

12 Q. Let's go to 14. Okay, this is,
13 appears to be an email communication from
14 Jon Tatum. It's Bate's stamped 003047,
15 communications to Ed Mueller.

16 Ronny, were you on the board of
17 directors at the same time as Ed Mueller?

18 A. Yes.

19 Q. Have you ever seen this email exchange
20 before?

21 A. I don't know. I don't remember. Ed
22 was -- oh, yeah, Ed was, too. Yes, we were
23 both on the board together.

24 Q. Okay. Were you on the board together
25 on September 25th, 2007?

1 A. Yes, we were.

2 Q. Okay. You referred earlier today in
3 your testimony, I believe, to some
4 communication from Jon Tatum regarding the
5 PGR store. Do you know if this was a
6 communication you were referring to?

7 A. I'm sorry, repeat the question? I was
8 reading.

9 Q. Earlier today you testified that you
10 had seen some communication from Jon Tatum
11 regarding the ownership of the PGR store.
12 Do you know if this is it?

13 A. It could have been, I don't --

14 Q. Okay, you want to read it and refresh
15 your memory a little?

16 A. I'm familiar with the contents of it
17 and I've probably seen it, but just due to
18 the time I don't -- I don't specify recall
19 it. But everything that -- I was just
20 scanning it, and everything is par for the
21 course. I think I've seen this document,
22 but I wouldn't swear to it.

23 Q. Okay. Well, can you tell us what Jon
24 Tatum says at the top of the email?

25 A. "Ed, Jeff's store had nothing to do

1 with the non-profit corporation. The
2 non-profit didn't even exist for
3 the -- most of the time that Jeff had
4 the store. There may have been a
5 short period that Jeff was selling
6 product while the nonprofit was in
7 existence, but I'm not sure what those
8 dates would have been. He operated
9 the store as a sole proprietor for tax
10 purposes. I never prepared Jeff's tax
11 return, so I can't say how that was
12 handled. The attorney is correct with
13 the assumptions below, however, that
14 timing is what would hold up in Court
15 and with the IRS. Hope this helps.
16 Let me know if you have any other
17 questions. I'm always glad to help."

18 Q. Did you ever have any conversation
19 with Ed or with anybody else on the board of
20 directors regarding the 501 c 3 as it
21 related to Jeff's ownership of the store?

22 A. Yes, it was a topic.

23 Q. Okay. What was the nature of the topic?

24 A. Well, the topic was the time of
25 whether it was self-dealing. And one of the

1 examples that was commonly brought up was
2 the Diuretics (sic) -- L. Ron Hubbard and
3 Scientologists, how he essentially sold his
4 own book to all his own congregation and
5 eventually was -- that was just a big topic
6 of, to use as an example, that was
7 discussed. Literally, we discussed L. Ron
8 Hubbard and Diuretics and -- Dianetics and --

9 Q. Dianetics?

10 A. Dianetics, yeah; I never read it,
11 yeah. And Scientology because L. Ron
12 Hubbard apparently had been found guilty of
13 self-dealing, in that he was the president
14 of his nonprofit and that -- and that that's
15 what they were trying to link Jeff to was
16 that he was selling his own merchandise to
17 his congregation, and that he was
18 self-dealing.

19 And in the dealings with the
20 accountants, specifically and the events
21 leading up to my conversation with Ed was
22 that, "Are you turning an undue profit?"
23 The questions that were asked of me as the
24 treasurer was, you know, undue profits,
25 "What are your things being sold for?" Are

1 you selling a \$5 for \$15 an item, but it's
2 your product so that you're making extra
3 money. Because myself, as an air
4 conditioning company -- this is an example
5 that was brought up. If the PGR built a
6 national headquarters, and I was awarded the
7 contract, that would not be self-dealing if
8 I was on the board of directors doing the
9 air conditioning works on the new buildings
10 unless I did a \$50,000 air conditioning job
11 for \$100,000 so I could turn an extra easy
12 buck because I was a shoe-in. And it's just
13 a continual gouging really on the part of --

14 Q. It was an issue with the board of
15 directors?

16 A. (Indicating).

17 Q. Does -- reading this now, do you think
18 that the accountant saw a tax problem?

19 A. No.

20 Q. Do you think that he thought that
21 Jeff's ownership of the store jeopardized
22 the status of the 501 c 3?

23 A. No, he did not. He never did.

24 Q. Okay, all right. Ronny, have you ever
25 asked Jeff for permission to use any version

1 of the Patriot Guard trademark?

2 A. Yes, I did.

3 Q. And what was the nature of that request?

4 A. That was on my race car.

5 Q. Okay, what did Jeff say about it?

6 A. I sent him a formal letter and asked
7 him if I could use the logo expressly and
8 replicate it for use on the race car, not to
9 be sold or used for profitability, just for
10 personal use on my race car. And he said
11 that he did agree with that and gave me
12 permission to use it.

13 Q. Okay. Now, why didn't you ask PGR,
14 Inc. if you could use it on the race car?

15 A. I asked them next.

16 Q. Okay.

17 A. And, frankly, I did it in that order
18 because after I left the board, I don't know
19 what took place about -- I knew that when I
20 left the board, "Standing For Those Who
21 Stood For US," was what was being used. And
22 that was not any kind of -- "Riding With
23 Respect" had kind of been moved away from,
24 and I'm, "Riding With Respect."

25 Q. What does the wrap around your race

1 car say?

2 A. "Riding With Respect."

3 Q. Okay. Why did you ask the PGR, Inc.,
4 if you could use, Riding With Respect?

5 A. Out of respect. I mean, it's
6 literally, Riding With Respect is for --
7 when I left the board, the big contention
8 seemed to be the Riding With Respect logo,
9 and some of the documents have shown that
10 Riding With Respect was clearly disputed by
11 Jeff as his, and the Patriot Guard Riders
12 had moved on to, "Standing For Those Who
13 Stood For US." And I always thought that
14 sounded gay and wordy, and I never -- none
15 of the materials that I ever owned have
16 Riding -- have Standing For Those Who Stood
17 For US on it.

18 Yes, I take that back. There was hats
19 that were given to us at the gathering of
20 the guard when I was still on the board of
21 directors, a black national directors hat,
22 and I do have that hat, Standing For Those
23 Who Stood For US, but --

24 Q. Okay.

25 A. I'm Riding With Respect because I'm a

1 biker, and Standing For Those Who Stood For
2 US was a second shot, hole-in-the-dark, kind
3 of move-past-it type thing. And I own too
4 much stuff that says, "Riding With Respect."
5 It's all kind of wore out these days, but,
6 you know, hats, shirts and Sturgis shirts
7 and Healing Field shirts and --

8 Q. Oh, gosh, okay. All right, let's talk
9 a little bit about Standing For Those Who
10 Stood For US.

11 When do you remember that slogan --
12 it's called a slogan -- being introduced for
13 use in connection with Patriot Guard
14 organization or with any merchandise?

15 MR. O'MALLEY: I'll object to
16 whole line of questioning about this. It's
17 irrelevant.

18 MRS. BLUE: Okay, I'm going to go
19 ahead and ask.

20 MR. O'MALLEY: That's fine.

21 A. It came into --

22 MRS. BLUE: It's relevant to the
23 issue of likelihood of confusion.

24 A. The 10th, somewhere around the time
25 that all this is happening, somewhere in the

1 neighborhood of the 10th to 15th of November
2 of '06 probably. I know that when the
3 contention first came out that we decided,
4 or that -- the dual filing, Jeff and the
5 Patriot Guard Riders, that as it says, that
6 we stopped using the Riding With Respect and
7 started using For Those Who Stood For US as
8 an alternate. And that idea came
9 specifically from -- Jason Wallin presented
10 it, and we accepted it shortly after that.

11 BY MRS. BLUE:

12 Q. Is that slogan used by itself?

13 A. It's use with the folded flag, with
14 the Patriot Guard Riders. The standard
15 logo, just the bottom rocker for all intents
16 and purposes is Standing, that's --

17 Q. Is it the logo that appears on Mr.
18 Hoffmann's shirt here?

19 A. Yes, it is.

20 Q. Okay.

21 MR. O'MALLEY: We are going to
22 have to bring that shirt into evidence now.
23 I'm sorry, take it off --

24 BY MRS. BLUE:

25 Q. Or if -- he can look at Exhibit Number

1 13 if you want to look at the logo then so
2 we don't have to have Mr. Hoffmann give us
3 his shirt off his back. If you want to go
4 back to Exhibit Number 13 --

5 A. Yes, ma'am.

6 Q. -- and look at the logo at the top of
7 page; is that it?

8 A. That's it.

9 Q. Okay. There's a hat sitting on the
10 table here.

11 A. Yeah.

12 Q. I think that belongs to Jeff Brown?

13 A. Yes.

14 Q. All right, why don't you put that hat
15 next to Exhibit Number 13, please.

16 A. (Witness complied).

17 Q. Okay. Take a look at those two logos.
18 Do they look very much alike to you?

19 A. They look have much alike, except for
20 the bottom.

21 Q. Okay.

22 A. Standing For Those Who Stood For US,
23 and Riding With Respect.

24 Q. Okay. Is that the only difference in
25 those two logos?

1 A. Yes, it is.

2 Q. If you were standing across the room
3 and all you could see was the shape and you
4 couldn't read the words, do you think you
5 could tell them apart?

6 A. Myself, yes.

7 Q. Okay. You must have good eyesight?

8 A. Well, I hate the other one. I mean,
9 and so, yes, I could identify it. But it
10 is -- it's such a confusing matter, okay --

11 Q. Okay.

12 A. -- that I actually have a Patriot
13 Guard Riders' tattoo.

14 Q. I see that.

15 A. And pending the outcome of this
16 dispute -- I didn't want to live my life --
17 I will gladly live with the logo with the
18 folded flag and the thing in the middle --

19 Q. Okay.

20 A. -- but the Riding With Respect, or the
21 Standing For Those Who Stood For US --

22 Q. All right. Well, your dislike of the
23 slogan, Standing For Those Who Stood For US
24 aside, if you saw those two logos would you
25 think that they came from the same source?

1 A. If I knew nothing about the Patriot
2 Guard Riders, I would.

3 Q. Okay, all right. Let's look here at
4 Exhibit 14.

5 (Whereupon Deposition Exhibit Number
6 14 (sic) was marked for identification.)

7 BY MRS. BLUE:

8 Q. This is a printout from the Patent and
9 Trademark office website dated May 3rd, 10th?

10 MR. O'MALLEY: Did you say 14?

11 MRS. BLUE: Yes.

12 MR. O'MALLEY: That was the last
13 exhibit.

14 MRS. BLUE: I'm sorry, did I skip
15 one? This should be 15, I'm sorry. I'll
16 take it back and renumber it.

17 (Whereupon Deposition Exhibit Number
18 15 was marked for identification.)

19 MRS. BLUE: There we go, 15.

20 BY MRS. BLUE:

21 Q. All right, this is a printout from the
22 trademark office website dated May 3rd,
23 2010. It is a printout of the Patriot
24 Guard, Inc., application number 77383586.
25 I'll show you this document.

1 MR. O'MALLEY: Objection with
2 regard to all testimony regarding this is
3 irrelevant.

4 MRS. BLUE: Noted. I'm offering
5 it to discuss the likelihood of confusion.
6 I think it is relevant.

7 BY MRS. BLUE:

8 Q. Okay, we're going to walk through this
9 one a little bit like we did the other one.
10 Look up here at the mark. Tell me what you
11 see right there underneath the word "mark"
12 on the first page of this.

13 A. Okay, mark, Patriot Guard Riders, the
14 name Patriot Guard Riders.

15 Q. Okay. If you will go down to the last
16 applicant, owner of record, see there is
17 says Number 1?

18 A. Yes.

19 Q. Who is that?

20 A. Patriot Guard Riders, Incorporated.

21 Q. Okay. Flip to the next page, look at
22 the Goods and Services. And I see
23 International Class 14, 24, 25, 26 and 45
24 listed there; is that correct?

25 A. Yes.

1 Q. Okay. Go up to Class 14, ornamental
2 pins and commemorative coins.

3 A. Okay.

4 Q. Do you see the first use in commerce
5 date there of 12-14 of 2005?

6 A. Yes.

7 Q. Are you aware of any pins with the
8 mark, "Standing With Those Who Stood For US"
9 that were available on December 14th of 2005?

10 A. I was not a member December 14th of
11 2005; however, as a board member that voted
12 for Standing For Those Who Stood For US,
13 that term didn't even come into existence
14 until on or about November the 10th of 2006,
15 so no way that could have happened.

16 Q. Okay. How about on cloth banners and
17 fabric flags. I see a first use in commerce
18 date of 11-29 2005; is that possible?

19 A. The Standing For Those Who Stood
20 For -- no.

21 Q. Okay. Now, I want you to flip back,
22 show you -- several pages, flip back.
23 There's a picture here of what appears to be
24 a pin. It's the next page after the license
25 plate.

1 A. Okay.

2 Q. Are you there? There you go.

3 A. Okay.

4 Q. When are you aware that that first pin
5 was available to purchase?

6 A. It would have -- I don't know an exact
7 date, but it would have had to have been in
8 December of 2006 or later.

9 Q. Okay. Let's stay in that section
10 there. What's that next page, what's that
11 appear to be?

12 A. That's the PGR flag.

13 Q. Okay. What does the slogan on the
14 bottom of that flag say?

15 A. "Standing For Those Who Stood For US."

16 Q. Okay. If you can, flip back over to
17 the Class 24 goods, cloth banners and fabric
18 flags. First use in commerce 11-29 2005; is
19 that what it says?

20 A. Yes.

21 Q. Okay. Was that flag available for
22 purchase in November of 2005?

23 A. Absolutely not.

24 Q. Okay. Let's take a look at the next
25 class of goods in International Class 25:

1 Hats, short-sleeved and long-sleeved
2 tee-shirts, sweat shirts and doo-rags.
3 First use in commerce date 12-8 2005. Flip
4 back to the page after the flag. Do you see
5 a tee shirt with a logo on it that looks
6 like the one Mr. Hoffmann's wearing. It
7 says, "Standing With Those Who Stood With
8 US"; was that shirt available in December of
9 2005?

10 A. No, it was not.

11 Q. Okay. Let's go to Class 26,
12 embroidered patches for clothing and
13 armbands. First use in commerce date is
14 12-23 2005, okay. Do you see a picture of a
15 patch there?

16 A. Yes, do I.

17 Q. Standing With Those Who Stood With US?

18 A. Yes.

19 Q. Was that patch available in December
20 of 2005?

21 A. No, it was not.

22 Q. Okay. All right, let's go on down to
23 the next class, which is International Class
24 45: "Organizing and conducting support
25 groups in the field of combat veterans and

1 their families."

2 All right, I think if you go to the
3 page after the patch. I'm -- now I'm lost,
4 sorry. You see a printout of what appears
5 to be a page from the Patriot Guard Riders'
6 website?

7 A. Yes.

8 Q. Does that look like what it is to you
9 as well?

10 A. Yes.

11 Q. Do you see the Patriot Guard Riders'
12 logo in the corner that says, "Standing for
13 Those Who Stood For US"?

14 A. Yes, I do.

15 Q. Okay. Was that logo on the Patriot
16 Guard website on November 9th of 2005?

17 A. No, it was not.

18 Q. Okay. You have already testified that
19 you believe this logo looks very similar to
20 the previous logo that used the tag line,
21 "Riding With Respect"; is that correct?

22 A. Yes.

23 Q. Okay. Why would Patriot Guard Riders,
24 Inc. have filed this application with dates
25 of use of 2005 when this mark wasn't used

1 until sometime in 2006?

2 A. I do not know. I was no longer on the
3 board on January 29th of 2008.

4 Q. Okay. Do you know who authorized that
5 application?

6 A. I have no clue.

7 Q. Okay. Do you have -- strike that.
8 When the board of directors adopted the
9 Standing With Those Who Stood For US slogan --

10 MR. O'MALLEY: Objection; it's
11 not the proper name.

12 MRS. BLUE: Pardon?

13 MR. O'MALLEY: It's not the
14 name of the mark.

15 MRS. BLUE: Oh, Standing For
16 Those Who Stood For US. Sorry, you're right.
17 BY MRS. BLUE:

18 Q. When they adopted that slogan, what
19 was their reason for doing so?

20 A. To differentiate ourselves from Jeff
21 Brown, Twister's store, and to continue on
22 with a logo that represented us and was
23 similar enough for comfort factor for all of
24 our forum members so that they could have --
25 they wouldn't have to throw all their other

1 stuff out the door to participate or bring a
2 showdown between one or the other.

3 Q. Okay. All right, let's talk for a
4 minute about the time that you were acting
5 as treasurer for the PGR for -- and perhaps
6 even after Jeff Brown resigned. Did Jeff
7 Brown ever donate any money to the PGR?

8 A. Donation's the right term. He paid
9 bills for the Patriot Guard Riders,
10 Incorporated, that we were negligent on
11 paying ourselves.

12 Q. Was he reimbursed?

13 A. No.

14 Q. Okay. So would you consider that a
15 donation?

16 A. Yes, I would.

17 Q. Okay.

18 A. He donated to a couple of veterans'
19 causes, and he donated to -- basically we
20 could call the Help On The Homefront trip
21 publicity for the organization, so he did
22 fund some of those items.

23 Q. Did Jeff ever offer a donation to the
24 PGR that was rejected?

25 A. I don't remember, although there

1 were -- there was a standing order from Jeff
2 that if there were ever any funding for HOTH
3 that was not accepted by the national
4 organization, to come to him and he would be
5 willing to help. However, I was advised
6 that I am not to go to Jeff for any HOTH
7 funding.

8 Q. Why not?

9 A. Because he's Jeff.

10 Q. Was there any other reason given to you?

11 A. Because we're in a trademark lawsuit
12 with him, and we don't want his money. We
13 were -- I was told at one time to
14 communicate to Jeff that he could donate to
15 the website, cart blanche, just send a
16 donation in, and that us as the board would
17 figure out what to do with the money. And
18 Jeff said, "No, I'm not just sending you a
19 bunch of money. You can tell me specific
20 things that you would like the money for,
21 and I will be more than glad to help or to
22 see what I can do to help." And that was
23 summarily rejected.

24 Q. Are targeted donations by other
25 members rejected?

1 A. Not that I can remember.

2 Q. If I want to give money specifically
3 to Help On The Homefront, can I do that?

4 A. You could when I was there.

5 Q. Do you know if you can do it now?

6 A. I do not know, although the past
7 treasurer who stepped out told me that they
8 were having a lot of problems getting money
9 to states through the national organization.
10 You're supposed to be able to.

11 I don't know, I don't know; that was
12 told by the current sitting treasurer who's
13 no longer the treasure, and I don't know the
14 terms of his removal.

15 MR. O'MALLEY: Objection; hearsay.

16 BY MRS. BLUE:

17 Q. And if I want to donate to a specific
18 cause that the PGR supports, can I do that
19 anonymously?

20 A. Sure.

21 MR. O'MALLEY: Objection as to
22 time period.

23 BY MRS. BLUE:

24 Q. Can I do that anonymously now?

25 MR. O'MALLEY: It's speculation.

1 A. I have no idea.

2 BY MRS. BLUE:

3 Q. Could I do it anonymously when you
4 were treasurer?

5 A. Yes.

6 Q. Okay. Did you ever discuss with
7 anyone on the board of directors or within
8 leadership to PGR Jeff's donations after he
9 resigned?

10 A. Well, yes, because that's where --
11 there was a soldier that he supported in
12 what would have been January of 2007. And
13 Bonnie Cutler specifically was furious that
14 we had allowed Jeff to service a HOTH
15 project, and Ed Mueller was not happy about
16 it whatsoever.

17 Q. Why?

18 MR. O'MALLEY: Objection; hearsay.

19 A. Because Ed's philosophy from the very
20 beginning and Bonnie's was to destroy Jeff's
21 reputation to any extent possible. And Ed
22 Mueller's, as I have said earlier, standard
23 response to any negotiation with Jeff
24 Brown -- standard response, for the Record,
25 is, "Fuck that son-of-a-bitch."

1 MR. O'MALLEY: Objection; hearsay.

2 BY MRS. BLUE:

3 Q. Okay.

4 MR. O'MALLEY: And for the language.

5 BY MRS. BLUE:

6 Q. And the language, okay. Did you ever
7 offer any comments on your perception of
8 that policy?

9 A. Yes, on the -- my policy was always to
10 negotiate, as I've already said. My
11 personal belief is when the attorneys are
12 involved, the only one who wins are the
13 attorneys. And my -- from the very
14 beginning, me and Snap wanted to negotiate a
15 successful truce, cease fire, what have you,
16 and bring to a conclusion a bloody chapter
17 in the Patriot Guard Riders and move forward
18 with everybody's integrity intact.

19 The single biggest sticking point to
20 the first negotiation with Jeff Brown was he
21 asked if he could be listed as founder
22 emeritus or some kind of position of honor
23 for the time and effort he had put into
24 founding the Patriot Guard Rider. And the
25 objectionable language and hearsay was the

1 standard issue answer.

2 Q. Okay.

3 MR. O'MALLEY: Objection; hearsay.

4 THE WITNESS: You're doing it for
5 me now.

6 (Whereupon, an off the Record
7 discussion was had)

8 BY MRS. BLUE:

9 Q. Okay. I got something here I want to
10 find. Did Jeff ever make any offer to you
11 about selling out the current inventory?

12 A. Yes, he did.

13 Q. All right. Did that -- was that offer
14 accepted by the board?

15 A. No, it was not. That was his first
16 offer was to allow him to sell his remaining
17 inventory, then he would go away.

18 Q. Okay.

19 A. And we were told -- we communicated
20 with it. Myself and Snap were the ones that
21 were both in communication with him on that
22 negotiation initially. And primarily Bonnie
23 Cutler -- at this point Jason Wallin kept
24 his head real far down. He didn't raise
25 much head, but he usually voted with Ed and

1 Bonnie on the board votes. And Bonnie and
2 Ed were adamantly opposed to that because,
3 "Well, what if he orders new stuff and this
4 could drag on for 30, 60, 90 day, six
5 months; he never may never shut down. We
6 may never be able to sell. We're not going
7 to do that at all," probably followed
8 shortly by Ed's standard answer.

9 Q. Okay.

10 A. There was lot of -- I cannot overly
11 stress; there was a lot of overt animosity
12 on the part of Ed Mueller and Bonnie Cutler
13 to any kind of dealings with Jeff Brown on
14 any level.

15 MR. O'MALLEY: Objection; hearsay.

16 (Whereupon Deposition Exhibit Number
17 16 was marked for identification.)

18 BY MRS. BLUE:

19 Q. Okay, Number 16 is Bate's stamped PGR
20 001989. It was produced in response to one
21 of our document production requests.

22 This one is signed at the bottom of
23 it, "Ed." If you'll go to the second page
24 of that, you'll see that. And there's a
25 message to Monica.

1 MR. O'MALLEY: I object to the
2 time frame. I don't know when this was
3 posted by Ed.

4 MRS. BLUE: Well, you guys
5 produced it, so we can go back in and look
6 at that.

7 THE WITNESS: The 10th of
8 December, 2006, on the last page.

9 MR. O'MALLEY: No, that's the
10 date that the response was made to it.

11 THE WITNESS: Right.

12 MRS. BLUE: I believe it is also
13 a portion of the -- the Petitioner's Exhibit
14 Number 27 in Bonnie Perry, who I believe was
15 previously Bonnie Cutler, it was produced in
16 her testimony. So if you like I can go in
17 and get Bonnie's deposition copied.

18 MR. O'MALLEY: I just wanted to
19 know; I assume the page before this probably
20 PGR 001988 likely has the date on it, but --

21 MRS. BLUE: Okay.

22 MR. O'MALLEY: I'm just -- as of
23 right now I can't confirm or deny what date
24 he wrote this on.

25 MRS. BLUE: All right, well,

1 let's go ahead with it right now. I can
2 produce it through Bonnie's testimony if I
3 need to.

4 BY MRS. BLUE:

5 Q. Let's look at Number 3 here:

6 "Jeff asked that we allow the store to
7 remain open until he sold out of all
8 of the product which he currently had
9 in stock. The BOD agreed to that."

10 Is that accurate?

11 A. That is a lie.

12 Q. Okay. Let's go down to Number 5:

13 "Jeff told the BOD that we could use
14 the current logo and name on the
15 website, but would not grant us the
16 use for any items to be merchandised."

17 Is that correct?

18 A. That is out of context correct; that
19 is a further negotiation after the
20 trademarks had been filed and the trademark
21 dispute started, tied with a pre-trademark
22 initial resignation/store closing offer.
23 There's two things happening in there at the
24 same time that are not the same negotiation.

25 Q. Okay. Let's go down to Number 8:

1 "The BOD did not accept those terms
2 and took a chance and filed for a
3 trademark on the current logo."

4 What, if you know, was he referring to
5 when he says, "the current logo"?

6 A. The current logo, I would assume he's
7 referring to the Patriot Guard Riders'
8 "Riding With Respect" logo.

9 Q. Okay. What, if you know, is meant by,
10 "The board did not accept those terms and
11 took a chance"?

12 A. The board threw a Hail Mary and hoped
13 to acquire the trademark.

14 Q. Was it your understanding on the -- as
15 a board of directors member at that time
16 that it was a first to file?

17 A. That's what we all thought. When it
18 was later reported by Jason when he brought
19 back the documents that he had now filed the
20 trademark, and he also had a copy of Jeff's
21 later that was presented to us, or at a time
22 or -- it was that we had beat him to the
23 trough.

24 MR. O'MALLEY: Objection; hearsay.

25 BY MRS. BLUE:

1 Q. Okay. Did you believe that that was
2 correct, that if you beat him to the trough
3 you would get the trademark?

4 A. At the time I thought that that was
5 accurate.

6 Q. Okay.

7 A. I had no idea with any of this.

8 Q. Okay. Do you have a different
9 understanding now of how somebody acquires
10 trademark ownership?

11 A. Oh, yeah, much difference.

12 Q. Okay.

13 A. First use in commerce, whoever uses it
14 in a livelihood earning capacity. That's --
15 that seems to be the accurate representation
16 of acquiring trademark.

17 Q. Did you -- let's see, strike that.
18 When did the PGR, Inc. first begin to sell
19 merchandise that had Patriot Guard on it in
20 any form?

21 A. I do not know the first use date. I
22 was not a member. When I became a member
23 somewhere around, like I said, the 6th to
24 12th of January of 2006, I bought
25 merchandise possibly within that day or

1 later that day. As soon as I became a
2 member I bought my first merchandise.

3 Q. Where'd you buy it from?

4 A. I don't know. I bought it from --

5 Q. Where did your shipment come from?

6 A. Broken Arrow, Oklahoma.

7 Q. Okay.

8 A. I understood -- I had no grasp on
9 stores or whose stores or website links or
10 any of that jargon initially. I know that I
11 initially transmitted my first sale and
12 dealt with Jeff as -- I believe I sent him
13 an email asking about products before I
14 purchased them.

15 Q. Okay.

16 A. I wouldn't testify to that, but I did
17 have some business interactions, not on a
18 personal level, but in regards to the first
19 sale.

20 Q. When Jeff resigned did you participate
21 in any discussion with the board of
22 directors about how to supply members with
23 PGR merchandise?

24 A. Yes.

25 Q. And what was the outcome of that

1 discussion?

2 A. Well, we knew that we needed to get on
3 something fast, that the money train was no
4 longer exiting, and we had to start finding
5 some way to start earning money for HOTH
6 projects, et cetera, et cetera.

7 Q. Okay.

8 A. For me personally, funding the HOTH
9 projects was the most important thing that
10 we did with the money. As a matter of fact,
11 most our money went to Help On The Homefront
12 projects.

13 Q. Okay.

14 A. And I frankly just wanted money coming
15 from the door that I could keep helping
16 soldiers and their families.

17 And at that, Ed Mueller formed a store
18 committee. I never knew any of the store
19 members, but -- or any of the committee
20 members, and reported to the board that
21 there had been -- one of the board votes
22 should have a report of Ed reporting that a
23 couple of people were looked at. CDM had
24 the best offer, plus it was close to his
25 house. So the board decided that that was

1 the quickest, easiest route because they
2 didn't require us for minimum purchases or
3 anything. It was -- they would just
4 immediately start manufacturing and shipping
5 items.

6 Q. Okay. Were there any other companies
7 considered in picking out a vendor?

8 A. The report was that there was a couple
9 of other companies that were looked into,
10 and that CDM was the best option.

11 Q. Okay. Did you know who those other
12 companies were?

13 A. No, I did not.

14 Q. Did the board -- did anybody from the
15 committee disclose that to the rest of the
16 board?

17 A. No, I don't believe -- they did not.
18 We just hoped that -- the committee at that
19 time was reporting their findings, and we
20 were taking them and running with them.

21 Q. Okay. Do you know if CDM is still a
22 vendor for the PGR, Incorporated store?

23 A. I do not know.

24 Q. Okay.

25 A. I have been told no, but I don't know.

1 Q. Okay. Do you know if there were any
2 specific financial arrangements with CDM?

3 MR. O'MALLEY: Objection; irrelevant.

4 A. CDM sold us merchandise, and we
5 displayed it on the website. We initially
6 would determine the cost we wanted to sell
7 an item for, and CDM would package and ship,
8 and we would send them a check for what they
9 charged us for it. And whatever it was left
10 we deposited in the PGR bank accounts.

11 BY MRS. BLUE:

12 Q. Okay. Did CDM give the PGR a portion
13 of its proceeds?

14 A. No, we paid CDR (sic) for services
15 rendered, and that was the extent of our
16 obligation with CDM.

17 Q. Okay, so they didn't give any money
18 back to the PGR?

19 A. No.

20 Q. Okay.

21 A. The money all was handled through the
22 Patriot Guard Riders. And we -- through the
23 website and the PayPal accounts, and Ed
24 would notify me when he was making a
25 transfer. I would account it in my

1 transactions as the treasurer, and that was
2 that. And then I would authorize a payment
3 when he told me they had an invoice.

4 Q. Okay. Was there ever any suggestion
5 at the board of directors' level that CDM
6 was -- intended to give any kind of donation
7 to PGR or donate any percentage of its profits?

8 A. No.

9 Q. Okay. Did you tell me just a minute
10 ago that you don't know who the vendor is
11 right now for PGR, Inc.?

12 A. I don't know.

13 Q. Okay. Do you think it's okay for
14 somebody who provides merchandise for the
15 PGR to sell, to make a profit on that
16 merchandise?

17 A. As a small business person, anybody at
18 any degree of commerce is doing it for a
19 profit; otherwise, they have no business
20 sense, and they probably ought to go to work
21 for somebody. So, yes, if you're
22 manufacturing products for sale and you're
23 in the commerce chain at any level; be it
24 shipping, manufacturing, raw products,
25 production, yes, you should be doing it for

1 a profit.

2 Q. Do you know whether any PGR forum
3 posts or emails concerning Jeff Brown or
4 this trademark dispute have ever been
5 deleted or modified?

6 A. Yes.

7 Q. How do you know that?

8 A. Because I was participating in a
9 thread on the forums where they would pop up
10 and they would say anything, and they would
11 be shut down. We would try to keep the lid
12 on the situation.

13 And there was a forum post that was
14 happening, and it was basically somebody
15 wanted to know what had really happened. So
16 I was posting on there the truth, the whole
17 truth, and nothing but the truth, and it was
18 going on, and it was kind of swinging. And
19 I personally believe we needed to let the
20 membership work it out of their system, win,
21 lose, or draw, or it was just going to be
22 horrible and keep dragging on and dragging
23 on. I just believe that.

24 And, as a matter of fact, Bill
25 Richarts was forum moderator and locked the

1 thread. And it was supposed to take a
2 quorum of the board, and he decided to do it
3 by himself, and I was -- and I was pissed off.

4 Q. Is a forum moderator the only person
5 who can delete or modify posts?

6 A. No.

7 Q. Okay. Who else can do it?

8 A. Anybody with admin privileges.

9 Q. So how do you know that Bill locked
10 down that thread?

11 A. Because he told us.

12 Q. Okay.

13 A. And --

14 MR. O'MALLEY: Objection; hearsay.

15 A. He was the -- he told myself and Ed
16 that as a forum person, that that was his
17 realm, and regardless of whether we were
18 board of directors or not, that he saw it as
19 negative for the organization and didn't
20 want to let it continue. And --

21 BY MRS. BLUE:

22 Q. Did you ask him to unlock the thread?

23 A. I don't think I asked him to unlock
24 it. I just --

25 Q. Did you voice any objection to his

1 locking it?

2 A. Yes, I did.

3 Q. Okay. Are there any posted criteria
4 about when posts ought to be deleted or
5 modified?

6 A. I do not know about posted criteria
7 for forum moderators because I was not a
8 forum moderator. There is a terms of use
9 for the website, and that has statements in
10 it regarding acceptable conduct. But I
11 don't know specifically within the realm of
12 the forum moderators what they're -- or if
13 there are any other set of guidelines
14 outside of the terms of use, I don't know
15 that.

16 Q. Okay. Were posts that were critical
17 of Jeff Brown allowed to remain on the forums?

18 A. Yes and no.

19 Q. During -- and let me specify the time
20 frame there: After his resignation?

21 A. No, if it became extremely heated, but
22 they had a lot longer lifespan than anything
23 that was pro Jeff Brown.

24 Q. All right, so posts in defense of
25 Jeff, were those modified or deleted?

1 A. Yes. Any posts that -- any posts that
2 got the membership worked up and could
3 possibly be viewed to black eye the
4 organization was a candidate for moderation.
5 Any post, be it pro or con.

6 Q. Okay.

7 A. But being not a fan of the particular
8 method in which Jeff was railroaded, I
9 particularly would get pissed off because if
10 it was anything of Jeff's friends, it lived
11 a very short life span. It was nowhere --
12 the forums against Jeff always prospered
13 longer, but they all disappeared.

14 Q. Okay. Were there ever any actions
15 taken to ban access to the website of any
16 member based on their support of Jeff Brown?

17 A. Myself.

18 Q. What happened?

19 A. David David was a state captain in
20 Texas, and David and -- either invited -- to
21 some extent Jeff showed up at the gathering
22 of the guard in Texas, and this really
23 didn't set well with the national
24 leadership. So David David had -- Texas is
25 a pretty good running state. I never

1 particularly agreed with David David's
2 support of the Help On The Homefront
3 program. First and foremost, taking care of
4 my soldiers and their families was the most
5 important thing to me in this whole
6 organization, and David much didn't care
7 about spending money on HOTH. But David, I
8 feel, was removed because Jeff went to the
9 gathering of the guard in Texas. And when
10 David David's firing happened, my website
11 access was pulled.

12 Q. Okay.

13 A. And totally I was locked out of the
14 website.

15 Q. Do you know who did that?

16 A. I do not know who did that.

17 Q. Do you know if Jeff's ever been denied
18 access to the website?

19 A. Yes, he has.

20 Q. Do you know why?

21 A. Hissself and Bonnie. Well, Jeff was
22 locked out because of the -- when he would
23 defend hissself when this -- when the
24 incident first happened surrounding his
25 resignation first happened, and he would

1 post anything, the official policy on the
2 board, spoken amongst ourself -- and you'll
3 probably never find this in an email -- was
4 to totally discredit Jeff.

5 Q. Did you participate in that?

6 A. Well -- discrediting Jeff?

7 Q. Uh-huh?

8 A. No, I --

9 Q. Did you object to it?

10 A. Yes.

11 Q. What'd you say?

12 A. I said that, "It's enough that he's
13 not around. It's enough that --" and this
14 is the early days, "that he'll give us the
15 store, and he'll gladly walk away from all
16 this stuff. But I think it's totally not in
17 the realm of honor or dignity that we, as an
18 organization, try to stand for that we want
19 to purposely try to humiliate the man," and
20 that's what it was.

21 Q. Okay. Why was Bonnie's access cut off?

22 A. Because she's his wife.

23 Q. Okay.

24 A. You log on under your wife's name, and
25 you're still floating around.

1 Q. You testified earlier that the members
2 of this organization communicate with each
3 other primarily through the website?

4 A. Yes.

5 Q. So if you wanted to --

6 A. Then, not now.

7 Q. Okay, how do they communicate now?

8 A. Now most states have their own
9 websites and there's --

10 Q. Okay.

11 A. Most states have independent -- like I
12 said, I developed the Texas coordination
13 before I became national, and most states
14 have developed their own in-house
15 coordination. And there's many, many, many
16 states websites already that are up and
17 running. Texas has geographical --

18 Q. Uh-huh.

19 A. So we have southeast Texas, north
20 Texas, central Texas; there's several
21 different websites operating that's within
22 the State of Texas.

23 Q. Okay. Can you post on the state
24 forums if you're not a member of that
25 state's organization?

1 A. I don't know.

2 Q. Okay.

3 A. I'm not a member of any state forum.

4 Q. If you are banned from the national
5 website, is there a way that you know of to
6 communicate effectively with membership of
7 the PGR at large. Not just within any
8 particular state, but with the entire
9 membership?

10 A. If you're banned?

11 Q. Uh-huh?

12 A. No, not really.

13 Q. Okay. Do you know -- strike that.
14 What does FJB stand for?

15 A. Fuck Jeff Brown.

16 Q. How do you know that?

17 A. Ed Mueller told the board on a com
18 call.

19 MR. O'MALLEY: Objection;
20 hearsay, irrelevant.

21 BY MRS. BLUE:

22 Q. Okay.

23 A. If it's in Jeff's -- if it's in his
24 signature right here, when you figure out
25 the date on this. This is as early as -- Ed

1 knew it right here in his own post,
2 "Freedom, Justice, Brotherhood." Whatever
3 the date of this is.

4 I mean, it was in, I think -- it was
5 pretty soon right off the bat. And Ed
6 reported to the board that it was an
7 organization that was going to donate to the
8 legal defense based on patches that
9 supported, "Freedom, Justice, Brotherhood,"
10 or, "Fuck Jeff Brown," however you chose to
11 read it. But it was reported to board of
12 directors that we were going to be receiving
13 funds from this counter-organization and
14 what the name of it was by Ed Mueller.

15 Q. Okay.

16 MRS. BLUE: It's 6:30. Okay, I
17 still have maybe 30, 45 minutes, and that's
18 going to put them over on their flight, so
19 what do you want to do?

20 MR. O'MALLEY: Well --

21 MRS. BLUE: Well, Ronny can stay,
22 he says.

23 MR. O'MALLEY: Well, let's ask him.

24 MRS. BLUE: Well, that's what he
25 told me earlier. I know he probably doesn't

1 want to, but --

2 MRS. BLUE: Yes, let's go off the
3 Record for this part of the conversation.

4 (Whereupon, an off the Record
5 discussion was had).

6 (DEPOSITION TO RESUME 5-5-10)

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MIDWEST REPORTING, INC. 918.455.2631

Ronny Roy Awtry 5-4 and 5-5 2010

1 (DEPOSITION RESUMED 5-5-10)

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MRS. BLUE: Let's go ahead and get started. Do you want to swear Mr. Awtry back in?

RONNY ROY AWTRY,

Being first duly sworn to tell the truth, the whole truth and nothing but the truth, testifies as follows, to-wit:

CONTINUED DIRECT EXAMINATION

BY MRS. BLUE:

Q. Okay. After a nice break, and I see everybody's got fresh tee-shirts on this morning and presumably found a toothbrush. I want to go back to the PGR, Incorporated first application, which is exhibit, I believe -- I'm sorry, I've got the wrong stack in front of me now.

Exhibit 5, okay. Let's go back, page back into that application. We're going to see a picture of two tee-shirts. Can you find that picture?

A. (Witness complied).

MIDWEST REPORTING, INC. 918.455.2631

1 Q. There you go.

2 A. Yes.

3 Q. Okay. Do you know what those are?

4 A. Those are the Sturgis Healing Field
5 shirts from when we sponsored the Healing
6 Fields in Sturgis.

7 Q. Okay. Do you see the triangular
8 folded flag, Patriot Guard logo on those
9 anywhere?

10 A. On the front, on the front right
11 corner there's the exact logo.

12 Q. Okay. It's a little hard to see on
13 this copy, I think --

14 A. Yes.

15 Q. -- but it appears to be that logo. Do
16 you know when these Sturgis shirts were made?

17 A. In July of 2006.

18 Q. Okay. When does Sturgis take place?

19 A. August of 2000 -- August of every year.

20 Q. Okay. So if you go back to the First
21 Use in Commerce date that's on Page 2 of
22 this exhibit, it says June 1st, 2006. Were
23 these shirts made June 1st, 2006?

24 A. It was after that that we actually
25 voted to do the sponsor on that, so they

1 couldn't have been made on June 1st.

2 Q. Okay, was anybody wearing them June 1st?

3 A. No.

4 Q. Okay, all right. Yesterday we talked
5 a little bit about the declaration that was
6 executed in this application by Jason Wallin.

7 Do you see this last sentence in the
8 declaration, it says: "That all statements
9 made on information and belief are believed
10 to be true"?

11 A. That's a big, long, run-on sentence.

12 Q. Yes, it is. That's how we like to
13 talk in the legal field.

14 A. "...all statements made of his/her own
15 knowledge are true, and that all statements
16 made on information and belief are believed
17 to be true."

18 Q. So is it true then that these shirts
19 were in use in commerce on June 1st, 2006?

20 A. No.

21 Q. Okay. All right, let's turn a little
22 further back in this group of documents, and
23 we're going to see a picture of a pin on a
24 leather jacket, or what looks like a leather
25 jacket to me.

1 A. Yes.

2 Q. Do you see that?

3 A. Yes.

4 Q. What is that?

5 A. That's the Patriot Guard Riders' logo.

6 Q. Okay. If you will look at that pin
7 and look back at the first page of this
8 application where it says "mark," do you see
9 any difference between that pin and the mark?

10 A. First page of the application?

11 Q. The first page of the application is
12 the first page of this exhibit. If you need
13 to unstaple it so you can look at them side
14 by side --

15 A. There is a difference.

16 Q. What is that difference?

17 A. The triangle with Patriot Guard Riders
18 is not full width.

19 Q. Do you see any other difference?

20 A. A little blue splotch over at the
21 corner of the flag, but --

22 Q. Okay. If you'll look at, read the
23 wording on the top of the pin?

24 A. Patriot Guard.

25 Q. Okay. Read the word underneath the

1 little flag emblem?

2 A. Rider.

3 Q. Okay. What is the word underneath the
4 flag emblem on the first page of this exhibit?

5 A. Riders, with an "S."

6 Q. Okay. Where would you have gotten a
7 pin like the one in this picture on June
8 1st, 2006?

9 A. The only pin that I'm -- I don't know.
10 I don't know. I don't know for sure if that
11 pin was produced by Jeff. I don't remember
12 specifically on the pins. But the only
13 place that you could have got one if they
14 were manufactured at that time was through
15 Jeff Brown's store.

16 Q. Okay. Was the Patriot Guard,
17 Incorporated set up as a corporation on June
18 1st, 2006; do you know?

19 A. Yes.

20 Q. Okay. Was the Patriot Guard,
21 Incorporated set up as a corporation on
22 November 11th, 2005?

23 A. No.

24 Q. Okay. Why was the date June 1st, 2006
25 chosen as the first use in commerce date, do

1 you know?

2 A. I have no clue.

3 Q. Okay. Do you know why the first use
4 date of 11-11 2005 was chosen?

5 A. If this is in regards -- is this the
6 same application filed by Jason?

7 Q. Yep.

8 A. Well, it was believed that was
9 around -- the method that was devised for
10 that date was the first date that Jason
11 thought it was used, minus a couple of days.

12 Q. Okay.

13 MR. O'MALLEY: Objection; hearsay.

14 BY MRS. BLUE:

15 Q. Okay.

16 A. That was what he told the board on a
17 board of directors call.

18 Q. All right.

19 MR. O'MALLEY: Objection; hearsay.

20 BY MRS. BLUE:

21 Q. This declaration that Jason signed
22 indicates that "...willful, false statements
23 and the like may jeopardize the validity of
24 the application or any resulting
25 registration." And it also says that,

1 "false statements are punishable by fine or
2 imprisonment or both under 18 USC, Section
3 1001."

4 Did PGR, Inc. authorize Jason to file
5 this application?

6 A. Yes.

7 Q. Has PGR, Inc. committed perjury under
8 this section?

9 A. I would say yes. We weren't aware of
10 the entirety of it. And, as I said, he was
11 the one who researched it, and he filed it
12 and told us he had filed.

13 We weren't necessarily specifically
14 aware of declarations, et cetera. That was,
15 as I said, I had previously seen the first
16 two pages of this, possibly the first three
17 pages of this document, but I have never
18 seen the declarations page and at no time
19 was aware that myself, as a part of the
20 board, had committed perjury.

21 Q. Okay. Let's talk for a minute about
22 where those dates of use might have come
23 from. Notwithstanding Mr. O'Malley's
24 objection a minute ago, how would Jason have
25 been aware of what Jeff was claiming as

1 first use date, do you know?

2 A. Well, Jason and Jeff were developing
3 the organization in some capacity. I don't
4 know the semantics of how it worked, but
5 Jason was developing the website and Jeff
6 was developing merchandise for sale, and
7 that was their agreement on funding
8 themselves for time and effort into the
9 organization. So Jason would have been
10 aware of when the organization started.
11 This was before my membership; my membership
12 was January.

13 Q. Okay. So you don't really know how
14 Jason would have become aware of -- how
15 would he have known what date to take away a
16 couple of days from?

17 A. I don't know specifically. There
18 were -- there was a board com call where we
19 talked about the origins of the organization
20 and the date things were such used, and
21 Jason was the most prepared to answer those.

22 Q. Okay.

23 A. However, in light of some of my other
24 testimony, Jason was proven to be a very
25 large liar and a thief, so --

1 Q. Okay.

2 MR. O'MALLEY: Objection.

3 (Whereupon Deposition Exhibit Number
4 17 was marked for identification.)

5 BY MRS. BLUE:

6 Q. This is 17. I want you to take a look
7 at this. This is a forum post on the
8 Patriot Guard website. It is Bate's stamped
9 PGR 003712. It is produced in response to a
10 Request for Production of Documents by Jeff
11 Brown. Can you identify the author of this
12 post?

13 A. Bill Lyons.

14 Q. Okay. Is Bill also known as "Snap67"?

15 A. Yes, he was.

16 Q. Okay. All right, would you take just
17 a second and read Snap's post, please? Tell
18 us when you're ready.

19 A. Okay.

20 Q. Okay. Snap talks in this post about
21 on November 18th, 2006, about a discussion
22 he's had with Jeff Brown, or Jeff, which I
23 assume in this post means Jeff Brown because
24 he's also referring to Twister here, which I
25 believe is Jeff's road name.

1 He says: "There will be two stores,
2 the new PGR store and Twister's Place.
3 Jeff will license the PGR, Inc. and
4 the new PGR store to use the name and
5 logo free of charge to produce new PGR
6 products designed to raise funds for
7 the PGR, Inc.."

8 Was this decision a result of a board
9 of directors' decision?

10 A. It would have -- I don't remember this
11 expressly, although Snap would not have done
12 this without a board vote. I have to
13 believe there's a board of directors meeting
14 somewhere that would support this, yes.

15 Q. Okay. Well, on November 18th, he's
16 posting this, and this is after Jason Wallin
17 filed the trademark application on November
18 9th. Why would the board of directors or
19 Snap, who at that point was a national
20 executive director, agree to let Jeff
21 license the PGR, Inc. to use the name and logo?

22 A. Because we as a board of directors
23 knew that Jeff created the logo, and we were
24 trying to find a solution to keep using the
25 logo or trademark as our identifier. And we

1 knew damn good and well that Jeff had that
2 ability at that time.

3 Q. Okay. This is despite Jason's
4 execution of a declaration that said that
5 the PGR, Inc. was the only entity entitled
6 to use that mark; is that right?

7 A. I would say that the exhibits would
8 support that, yes.

9 Q. Okay.

10 A. I'd like to point out something in
11 this document real quick.

12 Q. Go ahead.

13 A. As we know, this obviously didn't come
14 to pass. And the next three posts below
15 this say, "Thank you," "Fantastic," and
16 "Illinois backs the board."

17 Q. Okay.

18 A. It was a very small minority of folks
19 who did not go along with this, followed up
20 by the board of directors, expressly Bonnie
21 Cutler, Ed Mueller and Jason Wallin, who
22 ultimately protested and reneged on this.

23 Q. Okay. Ronny, do you know if the
24 Patriot Guard, Inc. has ever sent any kind
25 of a demand letter or requested anyone to

1 stop using the Patriot Guard mark?

2 A. I didn't draft it, but there was a
3 board of directors' meeting where we
4 discussed sending a cease and desist letter
5 to Jeff. I don't know -- I have not seen
6 the document. I don't know who executed it,
7 but I think that we as a board did decide
8 that that was something that needed to be done.

9 Q. Well, now, let me ask you a question.
10 Why, in light of the post we just looked at
11 from Snap, would you send Jeff a cease and
12 desist letter?

13 A. Well, the organization is recognized
14 by the disputed trademark. And many,
15 probably the great majority, think that the
16 logo best represents the organization as a
17 whole.

18 Q. Okay.

19 A. And any attempted -- any attempted
20 means of acquiring the trademark for control
21 by the organization in many eyes seems to be
22 the best representation of what would be the
23 best for the organization.

24 Q. So the end justifies the means then?

25 A. The end justifies the means.

1 Q. Okay. Even though we've seen several
2 posts, including the one we just looked at
3 in Exhibit 17, indicating that Jeff owned
4 the mark, you guys -- the board was going to
5 send him a demand letter?

6 A. Yes.

7 Q. To tell him to stop using the mark?

8 A. Yes, it is -- as I've said several
9 times, I'm speaking the board as a whole.
10 Myself and Snap were in negotiations with
11 Jeff until the board decided that we were no
12 longer going to negotiate with Jeff. We
13 were looking for a prudent means out. We
14 were looking to keep attorneys from being
15 involved. We were looking for any matter to
16 bring this to a successful close.

17 I personally believe that several
18 negotiations yielded more than adequate the
19 initial investigate -- the initial, where
20 Jeff offered to close his store and to go
21 away. I was fairly broken hearted at that
22 particular time when we summarily dismissed
23 him in a -- on a board meeting in a very --
24 "We are not going to deal with Jeff." Ed
25 Mueller and Bonnie Cutler frequently called

1 him a thief, and we were not going to deal
2 with a thief in any shape, form, or fashion.

3 And so when I say the board, I just
4 want it on the official Record that the
5 board is a five-person conglomerate. And I
6 have always felt it was cowardice to not
7 reveal the votes of the board on major
8 issues so the membership knew who was
9 fighting and in what capacity, to such an
10 extent that I am the only board member in
11 the history of the organization to put my
12 board seat up for a vote by the state
13 captains. And I was -- by a two-thirds vote
14 held in place. The other board members
15 felt, one board, one vote. And I've been up
16 for removal for violating that policy when I
17 wrote the truthfulness behind the board's
18 voting for banking relations for states'
19 use, so I just want that clarified.

20 Q. Okay. All right, so other than the
21 demand letter that you believe the board
22 voted to send to Jeff -- and let me ask
23 another question here. Did that letter get
24 sent to Jeff, do you know?

25 A. I don't know for sure.

1 Q. Okay. Has there been any other
2 attempt to police the Patriot Guard Rider
3 trademark on behalf of PGR, Inc.?

4 A. There's two scenarios. There's the
5 timeline; you have to specify the timeline,
6 pre-Jeff and post-Jeff. It's just --

7 Q. Okay, post-Jeff then. Has there been
8 any attempt by PGR, Inc. to police the
9 trademark?

10 A. There were states -- there are states
11 that were using the logo and making their
12 own merchandise for whatever purposes. And
13 we as a board attempted to find some kind of
14 a solution to bring that to an end, and that
15 including -- that including if the states
16 were producing specific state merchandise
17 that included the PGR log for funding state
18 endeavors, that that was acceptable.

19 Q. Okay.

20 A. We tried -- there were stores that
21 were already -- at that point there were
22 stores already that you could go online and
23 purchase PGR gear for -- that had this
24 happening already. So we were trying to
25 close the gate after the cow was already out

1 and --

2 Q. What did you do with those stores; did
3 you write them a letter, did you call them?

4 A. Ed Mueller being the board member
5 over -- called the store and talked to them,
6 and we talked as a board. And we decided
7 that if they would adhere to that policy,
8 that we would allow that to happen. But
9 there's many, many, many state items that
10 were manufactured, just don't ask, don't
11 tell, and nobody would say where they were
12 from.

13 Q. Okay. Did you give the states any
14 kind of guidelines, any writing about what
15 they could and couldn't use?

16 A. It was in the form at one point in
17 time when we developed it originally, and I
18 may have written it myself, I don't know for
19 sure. But it was that it had to be state
20 specific, and the logo had to be, whatever
21 they developed, had to be presented to a
22 board member for approval. And as long as
23 it was state -- had the state logo, had the
24 state name, had the -- you know, the shape
25 of the state had something in there, that it

1 would have been deemed acceptable.

2 Q. Could they use the triangular, folded
3 flag design?

4 A. They could use that logo in its
5 entirety as long as it was implanted in a
6 state-specific design as well.

7 Q. Okay. How about the phrase, "Standing
8 With Those Who Stood For US," or, "Standing
9 For Those Who Stood For US"?

10 MR. O'MALLEY: Objection.

11 BY MRS. BLUE:

12 Q. Sorry, I deep getting that wrong.

13 A. That's the specific that we were
14 dealing with.

15 Q. Okay.

16 A. That's -- when I was on the board, the
17 Riding With Respect logo was not used in any
18 shape, form, or fashion to identify us as an
19 organization after Jeff Brown's resignation.

20 Q. Okay. All right, I want to introduce
21 18.

22 (Whereupon Deposition Exhibit Number
23 18 was marked for identification.)

24 BY MRS. BLUE:

25 Q. This is a printout from May 3rd, 2010

1 from the US Patent and Trademark office
2 website. It's an application for serial
3 number 77958528. We just learned about this
4 this weekend. Can you look at this and look
5 at the mark? Tell me what that says.

6 A. It says, "Michigan Patriot Guard Rides
7 with Respect," and it has the emblematic
8 folded flag that --

9 Q. Okay. And tell me, if you'll look
10 down at the bottom of the page, who's the
11 applicant?

12 A. Michigan Patriot Guard.

13 Q. Okay. Their address?

14 A. 2915 South Cambridge Road, Lansing,
15 Michigan, 48911.

16 Q. Okay. And this was -- can you tell me
17 the filing date of this?

18 A. The filing date of this is --

19 Q. About halfway down the page there.

20 A. 3-14 of 2010.

21 Q. Okay. Now, when you were on the board
22 would a state have been allowed to file a
23 trademark application like this?

24 A. Absolutely not.

25 Q. Okay.

1 A. The states were to be given approval;
2 ultimately national held the right. The
3 only time that I know of an individual or a
4 state being given license to this was Bill
5 Richart's giving intellectual property
6 rights to Diane Adderson, or Zippy, on a
7 disputed Arizona Patriot Guard logo about a
8 year ago.

9 And the only one -- our policy was
10 states, via the state captain, is the only
11 person -- it's Patriot Guard Riders national
12 approval, therefore, it's ours, and the
13 states can develop their logos, but the
14 state captain ultimately was responsible
15 party in the development of that.

16 And in that particular dispute between
17 the state captain and the member of the
18 state who also owned patches and is a member
19 of national, national sided with Diane
20 Adderson for intellectual property rights in
21 that issue.

22 Q. Okay.

23 MR. O'MALLEY: Objection; hearsay.
24 He wasn't on the board at the time.

25 BY MRS. BLUE:

1 Q. Do you know anybody in the Michigan
2 Patriot Guard?

3 A. Well, let me answer real quick because
4 there was an objection, I want to clarify
5 something.

6 Q. Okay.

7 A. Myself and Tom Hoffmann sat with
8 Luanne at last year's gathering of the guard
9 in Utah, and so I was not on the board, but
10 I sat there with a member of the board and
11 talked to one of the parties involved in the
12 dispute, who was later fired because she
13 wouldn't shut her mouth and quit raising
14 hell about this. And by all means, when I
15 sat on the board, this would have never
16 transpired, an individual being given
17 intellectual property rights by the
18 president of the organization.

19 Q. Okay. All right, let's go back to my
20 question. Do you know anybody in Michigan
21 Patriot Guard?

22 A. Larry Helser is the only one that
23 comes to mind.

24 Q. Okay.

25 A. And he lives in Tennessee now, so I

1 don't know anybody in Michigan.

2 Q. Okay. Well, let's look at this
3 trademark on this application. If you saw
4 this trademark with the folded flag and the
5 words, "Patriot Guard," and the slogan,
6 "Rides With Respect," would you think that
7 that person had anything to do with either
8 Jeff Brown or with the Patriot Guard,
9 Incorporated, if you saw somebody wearing
10 this logo?

11 A. I would recognize somebody with this
12 logo as a Patriot Guard Rider easily, just
13 based on the Patriot Guard. But the folded
14 flag design is very emblematic of the
15 Patriot Guard --

16 Q. Okay.

17 A. -- that particular design. However,
18 myself, as a Patriot Guard Rider, I would
19 recognize this as not a member of the
20 national organization.

21 Q. Okay. Would you think that they could
22 have gotten this gear from somebody
23 affiliated in some fashion with the Patriot
24 Guard?

25 A. It would have --

1 Q. Okay.

2 A. -- to my understanding, this would
3 have probably come from a store operated by
4 the state captain for funding Michigan State
5 projects.

6 Q. Okay. Can anybody create Patriot
7 Guard clothing?

8 A. No.

9 Q. Can anybody wear Patriot Guard clothing?

10 A. Yes.

11 Q. So if Jeff gave me a tee shirt, even
12 though I'm not a Patriot Guard member, could
13 I wear it?

14 A. Sure.

15 Q. And you guys wouldn't have any
16 objection to it?

17 A. No.

18 Q. All right. Do you see any difference
19 in the way that the Patriot Guard, Inc.
20 exercises its policies with regard to the
21 trademark and other people using the
22 trademark, and the way that that was done
23 before Jeff resigned?

24 A. Yes.

25 Q. Okay. Tell us about that difference.

1 A. Before Jeff resigned -- and this is
2 hindsight and error on my part as well as a
3 board member after Jeff resigned -- but
4 before Jeff resigned, anybody who requested
5 to use the Patriot Guard Riders' logo was
6 presented to Jeff for approval, and Jeff
7 frequently said that the logo was
8 trademarked. And at the time I knew no
9 difference between logo trademarking, first
10 use in commerce, protecting, any of that
11 kind of stuff, and what turned out to be
12 probably a wrong decision to allow states to
13 manufacture state-specific merchandise.

14 Q. What happened before Jeff resigned if
15 somebody made goods that were maybe not of
16 great quality; a tee shirt that ripped or a
17 flag that didn't stay on?

18 A. If Jeff was selling it?

19 Q. No, somebody -- if Jeff told somebody
20 they could use it and the product turned out
21 to be not that great, what would happen?

22 A. I don't remember that ever happening,
23 so --

24 Q. Okay.

25 A. -- I can't answer that.

1 Q. All right, fair enough. Are you aware
2 that of any products that were made after
3 Jeff's resignation that weren't of quality
4 that people would like to buy?

5 A. The members hated the quality of CDM
6 merchandise, and that was our own mistake.
7 CDM was -- they did not like the CDM
8 merchandise as well as they like liked the
9 original merchandise from Twister's store.

10 Q. Did they stop buying CDM merchandise?

11 A. No.

12 Q. Okay. We never fixed it neither. We
13 would ask them to use different stuff, but
14 in their own quality control methods they
15 would talk about increasing costs, and so it
16 just was what it was.

17 (Whereupon Deposition Exhibit Number
18 19 was marked for identification.)

19 BY MRS. BLUE:

20 Q. This is 19. I smudged it, sorry. If
21 you would take a look at this, and this is a
22 post from PGR forums. The Bate's stamp is
23 003571, produced in response to a document
24 production request from Jeff Brown.

25 Look down at the middle of the page.

1 There's a post dated November 16th, 2006.
2 Who is that poster, or the author of that
3 post?

4 A. Okay, repeat that again?

5 Q. In the middle of the page there's a
6 post dated November 16th, 2006?

7 A. Done at 4:10 p.m.?

8 Q. Uh-huh.

9 A. Okay, that was Bonnie Cutler's, "BonRu."

10 Q. Okay. Let's look down here, it looks
11 like Bonnie's pasted in an earlier post and
12 then she is responding to that post. Would
13 you read in the sentence beginning, "We only
14 took a chance..." it's the third sentence in
15 the post.

16 A. "We only took a chance and filed on
17 behalf of the PGR as a precaution in
18 case that had not been done since we
19 had seen no evidence of it. We
20 learned this information tonight while
21 checking the status of our own pending
22 trademark. I believe you were alerted
23 only shortly after the rest of us."

24 Q. What's Bonnie talking about there?

25 A. I don't know specifically in the

1 context it's written. However, I would
2 assume we're probably by reading --

3 MR. O'MALLEY: Objection; speculation.

4 BY MRS. BLUE:

5 Q. Okay. Is Bonnie talking about the
6 trademark filing on behalf of PGR, Inc.?

7 MR. O'MALLEY: Objection; leading.

8 A. My understanding of this would be that
9 Bonnie is probably discussing learning of
10 Jeff's filing as well. I don't know in the
11 context of this outside of the post.

12 BY MRS. BLUE:

13 Q. Okay, that's fine. Does Bonnie like
14 Jeff Brown?

15 A. No. Bonnie hates Jeff Brown.

16 Q. Why?

17 A. Her belief -- and this was after
18 the -- this was in the process of Jeff's
19 resignation and it coming to a head, the
20 events that happened on Friday the 6th of
21 November of 2006 -- was that Jeff was a
22 thief, and that she had never known anything
23 of the trademarks, et cetera.

24 Q. Okay. All right, I'll show you Number
25 20.

1 (Whereupon Deposition Exhibit Number
2 20 was marked for identification.)

3 BY MRS. BLUE:

4 Q. This is forum post, Bate's stamped
5 006471, produced in response to a document
6 production request that we made to PGR. Go
7 down to the post dated August 8th, 2007 at
8 11:46 pm.

9 A. Okay.

10 Q. All right. Who's the poster there?

11 A. Ed Mueller.

12 Q. Wescoot?

13 A. Wescoot.

14 Q. All right. What is Ed talking about
15 in this post?

16 A. Ed is talking about an amendment to
17 the by-laws in which we stated that no
18 former member of the board of directors who
19 has been removed or resigned from that
20 position will be able to hold the position
21 of BOD again without 100 percent of the
22 currently seated board voting in the
23 affirmative.

24 Q. Why was that changed to the by-laws
25 made?

1 A. In the context, I scanned the post by
2 Randy Stephens above it, and Randy says:

3 "A move is underway. I have sensed it
4 since the gathering of the guard.
5 That move will be -- place Jeff Brown
6 back in control of the PGR. That
7 cannot be."

8 That is why that specifically that was
9 put in place, to prevent Jeff from ever
10 becoming a member of the board of director
11 again without a unified vote. And as long
12 as Jason and Ed and Bonnie sat on the board,
13 that would never take place.

14 Q. Does Ed Mueller like Jeff Brown?

15 A. Ed Mueller hates Jeff Brown, as I've
16 testified to and been objected to. He has a
17 very specific term in regards to dealing
18 with Jeff.

19 Q. All right.

20 (Whereupon Deposition Exhibit Number
21 20 was marked for identification.)

22 BY MRS. BLUE:

23 Q. So this is 21. Hold on, I'm sorry,
24 hang on. Let's go off for a second.

25 (Off the Record discussion had)

1 MRS. BLUE: Back on.

2 BY MRS. BLUE:

3 Q. Let me give you -- if you will get rid
4 of that one, I gave the wrong exhibit,
5 sorry. We're going to introduce 21.

6 Okay, this is a forum post on the PGR
7 website, Bate's stamped PGR 003592. Some
8 posts, the first one on this page is dated
9 November 17th, 2006, 10:31 am. It looks
10 like somebody has pasted some former posts
11 in there and has given a link. And at the
12 bottom of that page, what do you see
13 beginning with, Patriot Guard Riders filing
14 date?

15 A. "Patriot Guard Riders, filing date
16 original, 1A. Original 1A. Owner, Jeff
17 Brown." This is -- it appears to be some
18 kind of link to a filing. And from -- at
19 the time I recognize the document, it
20 appears to be a trademark link to Jeff's
21 trademark application.

22 Q. Okay, go to the second page of this
23 document. The post at the bottom of the
24 page dated November 17th, 2006, 10:49 am
25 from somebody, "Fenderstrat72." Who is

1 Fenderstrat?

2 A. I don't know who Fenderstrat is
3 specifically.

4 Q. Okay. Can you read Fenderstrat's post
5 to us?

6 A. "Russ what it all boils down to is
7 Jeff had never coyrighted the logo
8 like he said he did. Then to top it
9 off he filed for it, after Waldo did
10 on behalf of PGR, Incorporated. So in
11 summary, when Jeff told everyone back
12 in June to quit using it because he
13 had the copyright, it was a lie."

14 Q. Okay. Do you remember this
15 controversy on the PGR forums?

16 A. Yes.

17 Q. Can you summarize that controversy for
18 us?

19 A. Yes, I can, in specific context.
20 The -- there's a series of posts above it
21 where Waldo and Cargo's post at 17th
22 November at 10:31, you can see a link of
23 posts that happened from 17 November, 2006,
24 6:26 p.m. period. But you see Waldo here
25 says: "Click here and you make the call."

1 And they were trying to sort out what would
2 happen. And this particular thing was when
3 this actual post above Fenderstrat's has
4 a -- in Cargo's post has Tony Turner for
5 Virginia's District 3 ride captain --

6 Q. Okay.

7 A. Tony Turner was one of the chief
8 instigators against Jeff. He later became
9 Virginia state captain, but they are in the
10 midst of researching the filings of the
11 trademark applications on behalf of PGR and
12 Jeff Brown. And they're summarizing,
13 Fenderstrat's summarizing that Jeff lied and
14 said that the trademark application was
15 filed. And essentially, it's just a bunch
16 of people ranting and raving who don't know
17 anything and are just wasting our time and
18 making us mislead and not have dinner with
19 our wives.

20 Q. Okay.

21 A. Tony Turner was real good at that.

22 Q. All right. Would you say that these
23 posts might reflect an understanding similar
24 to the one that the board had, that the
25 first person that filed owns the trademark?

1 A. I would say that because we should
2 have, or probably released that we did file
3 for it --

4 Q. Okay.

5 A. -- at some point. That would probably
6 be more people carrying forth that Jeff
7 lied, and we're the first one there so it's
8 ours.

9 Q. Okay. All right, let me give you
10 Exhibit 22.

11 (Whereupon Deposition Exhibit Number
12 22 was marked for identification.)

13 BY MRS. BLUE:

14 Q. This is a post on the PGR website
15 forum dated November 17th, 2006 at 1:15
16 p.m.. It's Bate's stamped PGR 003605. It
17 is produced in response to a document
18 production request by Jeff Brown. Do you
19 see at the post, in the middle of the page
20 by Gordon Sturrock?

21 A. Yes.

22 Q. Okay. Can you read me the first three
23 sentences of that post?

24 A. "It doesn't matter if Jeff never
25 actually filed for copyrights. If he

1 actually created the logo - he owns it
2 - simple. At some point he must file
3 for copyright ownership as I think he
4 did. PGR will lose the Court fight in
5 my opinion. I'm not a lawyer but I
6 have been in the graphics industry for
7 two decades so I'm pretty sure I'm
8 right on this."

9 Q. Okay. Is that post any closer to your
10 current understanding of how copyright or
11 trademark ownership accrues?

12 A. That's pretty dead on to what I've
13 come to understand.

14 Q. Okay. All right, this is going to
15 be -- wait, hang on just a second. Go off
16 for a minute.

17 (Off the Record)

18 MRS. BLUE: Okay, let's go back
19 on.

20 (Whereupon Deposition Exhibit Number
21 23 was marked for identification.)

22 BY MRS. BLUE:

23 Q. This is Exhibit 23. It's another post
24 from the PGR forum. It's Bate's stamped PGR
25 003846, and it was produced in response to a

1 document production request that Jeff Brown
2 made of the PGR.

3 Okay. This is a sort of a long thread
4 here, and I want to start with the post at
5 the bottom of the first page dated
6 November 19, 2006 at 6:03 p.m. by "Sgtpotsie."
7 Okay, take a look at Number 1:

8 "I have known for quite some time
9 (before the "I'm tired..." post by
10 Jeff) that Jeff was the owner of the
11 logo and the motto, "Riding With
12 Respect." It came up at the gathering
13 of the guard during the captains
14 meeting."

15 Let's go to Number 3:

16 "The money Jeff made or didn't make
17 via the PGR store is none of anyone's
18 business except Jeff Brown and the IRS."

19 Sergeant -- was Sgtpotsie in the minority
20 with this view?

21 A. Initially, the large --

22 MR. O'MALLEY: Objection;
23 compound question. Are you referring to 1
24 or 3?

25 BY MRS. BLUE:

1 Q. All right, let's take Number 1. Was
2 Sgtpotsie in the minority with that?

3 A. I don't know because it was never a
4 topic of conversation.

5 Q. Okay.

6 A. It didn't matter at the time of that
7 meeting, and I was in that meeting. And
8 Sgtpotsie is a pretty impeccable guy. I
9 don't remember this happening. So the
10 events of the riders meeting were more
11 important for the riders safety handbook we
12 were working to develop and other things.
13 That happened at such a fleeting moment that
14 I would not doubt that Sgtpotsie heard that
15 in the meeting, but it was so minute --

16 Q. Okay.

17 A. It didn't raise --

18 Q. Let's take Sgtpotsie's point Number 3:
19 "The money Jeff made or didn't make
20 via the PGR store is none of anyone's
21 business except Jeff Brown and the
22 IRS." Was he in the minority with
23 that viewpoint?

24 A. What's the date of this post?

25 Q. It's the same day, November 19th, 2006.

1 A. No. Initially when the issue of
2 Jeff's resignation and it being over the
3 store, I had friends who knew I was on the
4 board of director that were furious with me
5 for having let this go down.

6 There's a group of people that are on
7 the board, and in the board meeting are
8 referred to as, "the goon platoon," and that
9 would be Tony Turner, Randy Stephens, Monica
10 Meade and Andy Harley, who were the ones
11 probably initiating most of these threads.
12 As a matter of fact, the last document of
13 evidence, evidence 22 -- not 22, the one
14 previous to that. If you will notice in
15 that post, "Elviszappa," Tony Turner. He
16 was the one that Cargo was using to quote.
17 And there's several of them. You'll see
18 Randy Stephens, and on and on and on. As a
19 matter of fact, the post before Sergeant
20 Post (sic) is Randy Stephens, the South
21 Carolina state captain.

22 Q. Okay. All right, is there anything
23 about Sgtpotsie's post here that suggests
24 that he thinks the PGR, Inc. was the owner
25 of the trademark?

1 A. No.

2 MRS. BLUE: Okay, I think we are
3 getting close to being done here.

4 A. Can I make a comment? I just followed
5 Sgtpotsie's post, and when you flip over his
6 list of demands, immediately you have Randy
7 Stephens who is one of the key mud slingers,
8 say:

9 "Potsie, chill out. Just when things
10 are calming down here you come getting
11 all serious again. You want a donut?"

12 Because it was not acceptable to have
13 a pro-Jeff conversation in the context of
14 his removal, his store, the trademark,
15 negotiations; that was not an acceptable
16 thing for the board in general. The one
17 board, the one vote, in any capacity, and
18 this thread here summarizes it. Because
19 immediately you have the goon platoon out
20 there saying, "Calm down, Potsie," when
21 somebody else is making a rational statement
22 to the contrary.

23 Q. Okay. Ronny, what do you think is
24 going to happen if Jeff is successful in
25 opposing the registration of PGR, Inc.?

1 A. I believe that in line with the
2 initial negotiations for the Patriot Guard
3 Riders to use the logo and to earn money,
4 that Jeff will indeed continue the same path
5 if we were to forward through all of this to
6 that particular time.

7 His standing was to help soldiers, and
8 he has continued to make that offer to help
9 soldiers and Patriot Guard events throughout
10 this entire time since his resignation. Go
11 ahead.

12 Q. Okay. Has Jeff Brown ever said to
13 you; have you ever understood from a
14 conversation with Jeff Brown that he was
15 acting on behalf of the corporation in
16 developing this trademark or using this
17 trademark?

18 A. I don't know that he's ever said that.

19 Q. Okay.

20 A. During Jeff Brown's tenure I never had
21 any reason to believe anything other than
22 that the logo and the trademark was being
23 used for the good of the organization; the
24 Help On The Homefront program initially, the
25 Healing Fields debacle were all funded from

1 Jeff. I have no reason to believe anything
2 other than his best wishes were --

3 Q. Okay, all right. I think I'm done
4 now. Pass the witness.

5 MR. O'MALLEY: Okay, I'd like to
6 take a break.

7 MRS. BLUE: Okay.

8 (Whereupon, a recess was had)

9 MR. O'MALLEY: On the Record.

10 CROSS EXAMINATION

11 BY MR. O'MALLEY:

12 Q. Ronny, just -- if you don't remember,
13 my name is Jim O'Malley. I represent PGR,
14 Inc. in connection with this matter. I'm
15 going to ask you a few more questions and in
16 connection with the things --

17 A. Sure.

18 Q. -- that Rachel has asked you over the
19 past couple of days.

20 A. Okay.

21 Q. First of all, can you tell me who
22 asked you to testify in this matter?

23 A. I was asked by Mr. Marr initially. I
24 was offered Mr. Marr's services to represent
25 me in the Patriot Guard Riders matter in

1 case there were issues that I didn't want to
2 discuss.

3 Q. I'm sorry, that's not the question I'm
4 asking. I'm asking who asked you to testify
5 in this matter?

6 A. Today?

7 Q. Right, yes.

8 A. I was asked by Mrs. Blue's firm.

9 Q. Okay. Did you discuss your testimony
10 with Mrs. Blue prior to the beginning of
11 your testimony yesterday; did you prepare?

12 A. No.

13 Q. In no way?

14 A. No.

15 Q. Okay. Did you study any materials in
16 preparation for your testimony?

17 A. I did read the -- I haven't read my
18 testimony from before in my deposition, but
19 I did read Bonnie Cutler and Bill Richart's
20 depositions.

21 Q. Is there a reason you didn't you study
22 your own deposition?

23 A. I didn't need to. The truth doesn't
24 change.

25 Q. Okay. Do you have any personal

1 interests in the outcome of this matter as
2 to who prevails?

3 A. Yes and no.

4 Q. Can you explain?

5 A. Yes, in that I'm a Patriot Guard
6 Rider, first and foremost. No, in that I
7 have nothing to gain either way, win or
8 lose, other than hopefully the longevity of
9 the organization.

10 Q. Okay. Are you being compensated by
11 anyone for your testimony here today?

12 A. No, I am not.

13 Q. Okay. You mentioned yesterday, I
14 believe, that you were at one point in time
15 the director or the head of Help On The
16 Homefront; is that correct?

17 A. Yes.

18 Q. And you at some point in time gave up
19 that position?

20 A. Yes.

21 Q. And -- but you stated that you would
22 like to have that position back; is that
23 correct?

24 A. Oh, I would love to be director of
25 Help On The Homefront, where it was and what

1 it did, yes.

2 Q. Okay. In connection with that have
3 you had any talks with Jeff Brown about the
4 possibility of ever getting back into that
5 position?

6 A. Never.

7 Q. Okay. I want to ask you a couple
8 questions with regard to Bill Lyons. You
9 spoke of Bill Lyons early in your
10 deposition. As we've put on the Record
11 before, you're aware that Mr. Lyons died
12 earlier this year?

13 A. Yes.

14 Q. Okay. You personally knew Mr. Lyons?

15 A. Personally; I vacationed at his house.

16 Q. Okay. And he was the secretary for
17 the PGR, Inc.; at what time was that?

18 A. He was the secretary prior to his
19 becoming the president while Jeff was still
20 the president.

21 Q. Okay. And then he took over as
22 president of the PGR with --

23 A. Yeah.

24 Q. -- upon Jeff's resignation?

25 A. Yes.

1 Q. Did you consider Mr. Lyons to be an
2 honorable man?

3 A. There's nobody better.

4 Q. A truthful man?

5 A. A truthful man.

6 Q. A man of integrity?

7 A. A man of integrity.

8 Q. Okay. Do you believe that Mr. Lyons
9 would have any reason to lie about matters
10 pertaining to the PGR?

11 A. No.

12 Q. Pertaining to Jeff Brown?

13 A. No.

14 Q. Pertaining to this trademark opposition?

15 A. No.

16 Q. Okay. Okay, on the opposite end of
17 that, during your testimony you talked about
18 in your opinion your -- that it was your
19 stated opinion that certain people hated or
20 disliked other people that were on the
21 board. For instance, you stated Bonnie
22 hates Jeff; Ed hates Jeff, correct?

23 A. (Indicating).

24 Q. Are there any situations, any people
25 that were involved in this matter that you

1 disliked or hate?

2 A. Oh, absolutely.

3 Q. Who would those people be?

4 A. I will name off in probably the order
5 of people that I dislike. Bonnie Cutler.

6 Q. Okay. Can I ask why?

7 A. Bonnie Cutler was the person who
8 chiefly called for board votes against me to
9 have me removed from the board; it was never
10 successful. But I later found out through
11 Randy Stephens, when he became a board
12 member, that Bonnie would call Andy Harley,
13 Steam, basically Tony Turner, the members of
14 the goon squad, who she was national captain
15 and over, and talk to them about things that
16 I was doing or talking about on the board.
17 And then she would call the board meeting
18 and say these guys were all concerned about
19 what I was doing, based on what she was
20 doing. She was double-dealing. She would
21 call them and tell them what I was wanting
22 to do as a board member and raise opposition
23 to it based on the state captains, who
24 really knew nothing about it before she
25 called them and stirred up their ant beds.

1 Q. When was this happening; was this
2 before the removal of Jeff Brown, or -- I'm
3 sorry, after --

4 A. After the removal.

5 Q. -- this is after Jeff Brown's
6 resignation?

7 A. When Jeff Brown was there, the board
8 operated as close ever as a well-oiled
9 machine in my tenure as a board member.

10 Q. Okay. So besides Bonnie Cutler is
11 there anybody else?

12 A. Ed Mueller.

13 Q. Ed Mueller?

14 A. Yes.

15 Q. Okay. What about Bill Richart, do you
16 have any -- what are your feelings toward
17 him?

18 A. I do not like Bill Richarts. I
19 believe he's totally incompetent as a
20 president, and has systematically destroyed
21 the communication structure in the
22 organization.

23 And in Bonnie's deposition she was
24 made to read a statement by Bill Lyons. And
25 in the statement we discussed transparency.

1 and all the things we're going to do now to
2 prevent instances from ever happening, such
3 as the grievance against Jeff Brown. And we
4 promised as a board that the ride captains'
5 forum would never go away. And it no longer
6 exists because it was an avenue directly to
7 the board to answer questions in regards to
8 matters that were happening to members in
9 leadership, private from the standard
10 membership, and it no longer exists.

11 The board operates completely
12 autonomously of the organization. And most
13 of the states that I have personally spoken
14 to operate autonomously of national. All
15 the integrity of the national organization
16 and our vitality -- as I testified earlier,
17 many states have their own websites.
18 National's just this group of people that
19 sends down orders periodically. And one
20 state captain told me you say, "Okay,
21 thanks, I'll take care of it. You hang the
22 phone up and do whatever the hell you want."

23 Q. Okay. When is it that you ended your
24 tenure as a board member?

25 A. I believe it was December of 2007.

1 Q. Okay. And when did Bill become the
2 president of the PGR?

3 A. After my tenure.

4 Q. Okay. And what has been your
5 involvement with the PGR since the time that
6 you ended your tenure as a board member to
7 date?

8 A. I have attended a few going-aways or
9 welcome-homes, I don't know exactly, and two
10 gathering of the guards. I have done
11 approximately four items in the last several
12 years.

13 Q. So is it fair to state that your
14 involvement has been minimal?

15 A. Yes, it is.

16 Q. So is it fair, off of that, to state
17 that there have been things going on in
18 connection with the PGR and the board that
19 you are not aware of or not privy to that
20 may lend Bill and the board to make certain
21 decisions at the time that you're not privy
22 as to why they're being made?

23 MRS. BLUE: Objection; vague.

24 BY MR. O'MALLEY:

25 Q. You can answer, if you understand.

1 A. Well, I will answer yes.

2 Q. Okay.

3 A. As a past board member, who left in
4 good standing, I am supposed to have what is
5 called advisory status to the board members.
6 And I have talked to various people; I've
7 stayed in touch and made a lot of friends
8 across the country. I have learned from the
9 past treasurer that Bill Richart --

10 Q. Who is that, I'm sorry?

11 A. The past treasurer is Jim Grant, "Cyber."

12 Q. Okay.

13 A. That he was actually advised by Bill
14 Richarts not to trust me because I'm a liar.

15 Q. Okay.

16 A. And you can't believe what I say.

17 Q. Okay.

18 A. However, I learned from Jim Grant that
19 the treasury is currently in shambles. And
20 he was having trouble because Bill Richart's
21 had informed him that he was the contact to
22 the bank. He was the contact to the
23 accountant, and that he was not to contact
24 them initially.

25 I know Tom Hoffmann, my friend who's

1 talk to me over the years about various
2 issues -- not everything; there's a lot of
3 things I'm sure I didn't discuss. But it
4 took Tom over a year to acquire the
5 secretary's book with the official seal as
6 the secretary of the organization from Bill.

7 And I have stayed in touch with
8 various people that -- in terms of state
9 captain, when Dave David was removed and my
10 rights were removed, it was because the --
11 my relationship with David David, although I
12 hadn't talked to him in over a year. But it
13 was to prevent me from going off the deep
14 end and contacting all the other state
15 captains and doing what many people have
16 done, which is entirely wrong, of going on
17 the PGR email list and raising a big rant
18 against the organization. I never agreed
19 with that, and so I have had awareness.

20 And the funny thing about it is, as
21 the treasurer who set up the policies
22 regarding state banking, my policies were --
23 by people who had access were some of the
24 only policies still in the standard
25 procedures of operation up until six months

1 ago. I was -- one of the only things
2 listing for banking procedures and a couple
3 of other items, so I have stayed in touch
4 with members of the membership.

5 And, frankly, my participation is
6 basically, as I said, because I won't damn
7 Jeff and hang him from a cross, there's
8 members who -- now I'm a traitor. And
9 because I won't totally say that Jeff's
10 thing on a 100 percent, then I'm a traitor
11 because I won't stand behind Jeff.

12 So I have walked a line, and every
13 time I have attended any kind of a function,
14 inevitably because of my involvement through
15 all the formative hard years, it becomes
16 extremely -- I was broken hearted when I
17 resigned and just tired of fighting for
18 forward progress within the organization.

19 MR. O'MALLEY: Okay, objection to
20 the parts of that that are hearsay.

21 BY MR. O'MALLEY:

22 Q. So is it fair to say that -- so in
23 connection, you said you dislike Bill
24 Richart and believe he's run things
25 improperly. Is it fair that state that you

1 are trying to do whatever you can to have
2 Bill removed as the PGR president?

3 A. I believed when he gave personal
4 license of the logo to an individual, that
5 he stepped so far outside of the boundaries
6 that it was heinous. And when the last vote
7 for me as a board was to acquire a debit
8 card, because my American Express may still
9 be holding all the PayPal accounts, and the
10 treasurer was to receive a debit card. And
11 it's been in Bill's possession all this
12 time, and he doesn't want the treasurer
13 talking to the accountant or the Bank of
14 Oklahoma. I think that -- and removal of
15 the ride captains' forum, I believe that he
16 has established a power base for himself and
17 the systematic removal of anybody who may
18 possibly endorse Jeff Brown. Myself, as a
19 friend of David David, my own rights removed
20 as an example, that he has done a horrendous
21 job of destroying the organization.

22 Q. Okay, so -- but again, this is your
23 belief, having not been on the board or
24 specifically involved with the PGR since the
25 time before Bill Richart even became the

1 president of the PGR; is that correct?

2 A. That's correct.

3 Q. Okay. Can you take me through the
4 evolution of the board of directors from the
5 time you became a board member until the
6 time you left the board?

7 And what I'm looking for there is the
8 time you became a board member, if you can
9 tell me the date, like approximate date. I
10 mean, you're probably not going to know the
11 exact dates of this, but -- so if you came
12 on at a certain time, who else at that time
13 was a board member, and what were their
14 positions. And then move to the next time
15 when the board changed, how it changed, and
16 so on until the time that you left the
17 board. I just want to -- through your
18 testimony with Rachel there were different
19 time periods discussed jumping back and
20 forth. I want to be able to get a clear
21 kind of timeline as to when --

22 A. Sure.

23 Q. -- things were happening, and who was
24 there.

25 A. The first board I sat on was in June

1 of '06 when we went to the five-man board.
2 It was myself, Bonnie Cutler, Bill Lyons,
3 Jason Wallin, and Jeff Brown. In Jeff's
4 resignation --

5 Q. I'm sorry, can I back you up? So Jeff
6 at that time, the five people, what were
7 their positions on the board?

8 A. Jeff was president. Snap was
9 secretary. Jason was treasurer. Bonnie was
10 captains, and I was Help On The Homefront.

11 Q. Okay.

12 A. Now, we formalized titles a little bit
13 more further down the road.

14 Q. What do you mean you formalized titles
15 later?

16 A. Well, we did specific tasks. We
17 decided that individual programs should
18 probably be held up by individual people.

19 Q. So --

20 A. Under what's --

21 Q. -- so what you're saying is a
22 secretary, if there was a particular job
23 that a secretary is to do, the secretary
24 might have other duties than what a
25 secretary is supposed to do under the

1 corporation rules?

2 A. We all wore many hats outside of
3 the -- outside of our official board of
4 directors, in the early days we all wore
5 many different hats as well. Jason was the
6 treasurer, but he was also the administrator
7 of the website.

8 Q. Okay.

9 A. I was a board member at large, but I
10 was Help On The Homefront and various times
11 the admin -- I mean, the web administrator
12 for a very short period of time, thankfully,
13 and such as that. I mean, everybody's
14 duties may evolve.

15 Q. Okay. Okay, so picking up then, after
16 the time you came onto the board, when is
17 the first change to the board?

18 A. Jeff's resignation in November.

19 Q. Okay.

20 A. Of 2006.

21 Q. Okay, so at that point in time Jeff is
22 resigned. You're now a four-man board?

23 A. Yes.

24 Q. Was that -- was Jeff's position filled?

25 A. It was filled immediately upon his

1 resignation by Ed Mueller.

2 Q. Okay, and so Ed Mueller, he did not
3 become president at that time. Can you tell
4 me now amongst those five people what are
5 their positions?

6 A. Bill Lyons became the president.

7 Q. Uh-huh.

8 A. Bonnie became vice-president. Ed
9 Mueller -- Bonnie became secretary.

10 Q. Okay.

11 A. Actually, there was a funny little
12 jolt in here. I became secretary. Jason
13 was still treasurer. Bonnie was just the
14 vice-president at large, and Ed was a
15 vice-president at large, followed shortly by
16 Jason's admission that he'd done the Google
17 ads, at which point I became the treasurer,
18 Bonnie became the secretary, and Jason
19 became a vice-president at large member.

20 Q. And so that was how long after Jeff's
21 resignation?

22 A. That was at the same time that -- so
23 within a week to two weeks.

24 Q. Okay. But -- so it was after the time
25 that the PGR, Inc. filed for its trademark

1 on the PGR logo?

2 A. Yes.

3 Q. Okay. So take me through -- all
4 right. We're at that stage; when does the
5 next change come?

6 A. The next change comes in August of 2007.

7 Q. Okay.

8 A. When I found the funds that Jason had
9 been stealing.

10 Q. I'm sorry, I'm not asking you for --

11 A. Okay.

12 Q. -- an explanation of that. I'm just
13 asking you for the time and the change, not
14 why the change was made.

15 A. Okay. Bill stepped in in August of
16 2007 and filled Jason's -- he'd already been
17 elected hisself, and Donnie, who was going
18 to be the next, but Bill had stepped in to
19 fill the vacant -- the seat vacated by Jason.

20 Q. Okay, so Jason is out in August of '07?

21 A. Yes.

22 Q. Is that correct?

23 A. Yes.

24 Q. Okay, and so Bill steps in. And what
25 position does --

1 MRS. BLUE: Can I clarify real
2 quickly, which Bill are we talking about?

3 BY MR. O'MALLEY:

4 Q. I'm sorry, Bill Richart?

5 A. Yes.

6 MRS. BLUE: Thanks.

7 BY MR. O'MALLEY:

8 Q. You're looking at Bill Richart, so --

9 A. Snap maintained presidency all through
10 his --

11 Q. Okay. So as of August 27th -- I'm
12 sorry, August 2007 --

13 A. Yeah.

14 Q. -- not 27th. So Bill is -- Bill Lyons
15 is the president?

16 A. Yes.

17 Q. You hold the title of?

18 A. Treasurer.

19 Q. Treasurer. Bonny holds the title of?

20 A. Secretary.

21 Q. Ed Mueller holds the title of?

22 A. Vice-president at large.

23 Q. And Bill Richart holds the title of?

24 A. Vice-president.

25 Q. Vice-president, okay. And then when

1 is the next change?

2 A. The next change is when the official
3 change was supposed to happen in November,
4 Bonnie left and -- Bonnie left and Donnie
5 Schneider filled in on the board.

6 Q. Okay.

7 A. And that was -- and Bill Lowery.

8 Q. So now there's six people?

9 A. There's -- Snap left and Bill Lowery
10 came in.

11 Q. Okay, so Snap left and --

12 A. Bill Lowery came in.

13 Q. -- Bonnie left?

14 A. And Bonnie left.

15 Q. And so Donnie Schneider and Bill
16 Lowery came on?

17 A. Yes.

18 Q. Okay, and what time is that happening?

19 A. That's November of 2007.

20 Q. Okay. And now can you take me through
21 each of their positions --

22 A. Ed Mueller was --

23 Q. -- at that time?

24 A. -- the president. I was still the
25 treasurer. The secretary's position went to

1 Bill Lowery, and the vice presidents at
2 large would have been Bill Richarts and
3 Donnie Schneider.

4 Q. Okay. And then when is the next
5 change?

6 A. The next change is myself. I left the
7 board.

8 Q. When did that happen?

9 A. Approximately December of 2007.

10 Q. Okay. And who filled your space, if
11 you know?

12 A. Randy Stephens.

13 Q. Randy Stephens. Do you know what
14 position he took. Did he take the treasurer
15 position then?

16 A. He became treasurer.

17 Q. He became treasurer, okay. And so
18 then that's your, the end of your
19 involvement on the board, right?

20 A. That's the last person. I trained him
21 to become treasurer, sent him all the
22 pertinent documents and --

23 Q. Okay.

24 A. I'm not on the board.

25 Q. Okay. You testified that at some

1 point in time, for a short period of time
2 you took over as the web administrator?

3 A. Yes.

4 Q. Am I using the correct terminology?

5 A. Yes.

6 Q. That's correct?

7 A. Yes.

8 Q. Okay. When was that period of time?

9 A. In Jason's disappearing, which was
10 August of 2007, most likely September, give
11 or take 2007. It was never an official
12 title. It was a hat that I wore for a
13 period of time because we were in need.

14 Q. Okay, so this was a number of weeks
15 somewhere in around August, September of 2007?

16 A. Probably more in the line of a couple
17 of months in August, September. It was a
18 period of time --

19 Q. Okay.

20 A. -- but somewhere in August, September.

21 Q. Somewhere in that vicinity though?

22 A. Yes, somewhere in there.

23 Q. Okay. Now, you have stated that you
24 would not describe yourself as to be
25 computer savvy, for lack of a better term;

1 is that correct?

2 A. No, I'm pretty computer savvy.
3 However, I have no training or history in
4 database administration.

5 Q. Okay. So at the time when you took
6 over the web administration unofficially --

7 A. I was a gorilla with a machine gun.

8 Q. You were a gorilla with a machine gun,
9 so you didn't know all the ins and outs of
10 everything you were doing. You didn't know
11 it like Jason did --

12 A. Absolutely not.

13 Q. -- basically? So when you're
14 referring to things that -- you made some
15 comments that items were deleted or
16 modified, or that you dumped stuff from the
17 website, do you have any ever -- I'm sorry,
18 going back. Do you have any actual
19 knowledge that those were actually ever
20 deleted, purged from the system. Can you
21 verify that with 100 percent certainty?

22 A. Absolutely, positively. One morning
23 they're there, the next morning they're not.
24 They went somewhere. And my personal email
25 account, Patriot Guard dot org was not

1 affected, nor was anybody else's. That file
2 was the only one deleted.

3 Q. Okay, so you're referring to an email?

4 A. An email account.

5 Q. An account, not necessarily postings
6 on the web?

7 A. Not necessarily.

8 Q. Or forums?

9 A. Not necessarily postings on the
10 forums, no.

11 Q. You're not referring to that, okay.
12 Give me a second.

13 Okay, you mentioned or you testified
14 yesterday that Jeff had announced on a
15 conference call that he had quit his job so
16 that he could become -- he could run the PGR
17 store full time and work in connection with
18 the PGR full time; is that correct?

19 A. That's correct.

20 Q. Do you know when that was?

21 A. To the best of my recollection March
22 or April 2006, somewhere in the very early
23 period.

24 Q. Okay. At that time do you know how
25 old Jeff was when he quit his job?

1 A. No clue. I don't know his age today.
2 He's a Vietnam-era veteran, so he's 60-ish.

3 Q. He's 60-ish; as of today or then?

4 A. Vietnam was a long time ago, now and
5 then.

6 Q. No, no, I'm not saying -- I'm not
7 saying Vietnam then, I apologize.

8 A. His age is -- I mean, his age is --

9 Q. At the time when he quit his job is
10 when I'm referring to?

11 A. I mean, the same answer. It's that
12 era. Those guys were all 60-ish, and some
13 of them are 70-ish now and --

14 Q. Okay. So is he close at that time
15 when he quit his job, would you believe that
16 he is close to a normal retirement age?

17 A. At some point in the future.
18 Sixty-seven is full retirement, so at some
19 point down the road, yes, I would say within
20 the next ten years.

21 Q. But people retire beforehand?

22 A. My goal's 50.

23 Q. Well, there you go.

24 A. Okay.

25 Q. I would love that as well. But so if

1 Jeff was in a financial position where he
2 decided he could retire earlier than say 67;
3 not that you're not aware that he was that
4 age, but it's possible he could have retired
5 younger than 67?

6 A. I would expect anybody to.

7 Q. Okay. So it's -- do you know when he
8 quit his job how long he had been working
9 prior to that in his life?

10 A. I don't even know what he did for a
11 living at that time. I have no clue --

12 Q. Okay.

13 A. -- of his work history.

14 Q. Okay. Do you know whether his wife
15 worked at the time, when he quit his job?

16 A. I don't know what his wife does. I
17 believe she was in education of some form, I
18 don't -- but I don't know if she worked.

19 Q. Okay. So in connection with that,
20 you've stated that because he informed the
21 board that he was going to be quitting his
22 job and running the PGR store, that you
23 assumed it was because he was making so much
24 money at the PGR store that he might as well
25 quit his job and run this instead. Am I --

1 MRS. BLUE: Objection; I think
2 that --

3 BY MR. O'MALLEY:

4 Q. -- giving your testimony accurately?

5 MRS. BLUE -- mischaracterizes.

6 BY MR. O'MALLEY:

7 Q. Okay. Can you explain to me why, off
8 of what you said yesterday, why you believed
9 Jeff quit his job?

10 A. To run the PGR store and the
11 organization full time.

12 Q. Did you further state that it was your
13 opinion that it would take a rocket
14 scientist to understand that he would only
15 do that because he was making money from the
16 store?

17 A. Yes.

18 Q. But isn't it entirely possible that
19 that wasn't the reason Jeff was quitting his
20 job? Isn't it entirely possible that it was
21 just that he had reached retirement age. He
22 was -- had reached a comfortable financial
23 position. His wife may or may not have
24 still been working, but he and his wife
25 decided it was okay for him to quit, and

1 that he didn't necessarily need to make
2 money from the PGR store?

3 MRS. BLUE: Objection; calls for
4 speculation.

5 BY MR. O'MALLEY:

6 Q. You can answer.

7 A. Sure, it's entirely possible.

8 Q. Okay.

9 A. Could I clarify that last answer? I'd
10 like to add something to it for the Record.

11 Q. Sure.

12 A. Me and my business partner almost
13 dissolved our own company behind the time
14 and effort I put into the Patriot Guard
15 Riders. We fought like cats and dogs.

16 She supported the idea of what the
17 Patriot Guard Riders stood for, but she
18 hated the Patriot Guard Riders. And if I
19 would have been an employee, I would have
20 been fired. We had many, many, many
21 knock-down drag-outs over the time and
22 effort I invested sitting there in there in
23 my office to the Patriot Guard Riders
24 instead of devoting it to the company.

25 So somebody going to work for the

1 Patriot Guard Riders was not a crazy idea to
2 me, essentially. If he was running the
3 store and earning an income so we could
4 continue to progress the organization, that
5 made absolute, perfect sense. Based on my
6 own personal experiences that this
7 organization was causing big problems
8 between me and my business partner, me and
9 my wife, it took a lot of time and effort to
10 wear those many hats we did to start the
11 organization.

12 Q. Okay. But you don't know that that
13 was necessarily true with regard to Jeff
14 Brown. This is your situation?

15 A. Absolutely not with a certainty.

16 Q. Okay. Okay, you stated yesterday --
17 so the time leading up to Brown's
18 resignation, when did that -- what happened
19 where this all kind of started coming out?

20 A. With absolute certainty where it
21 began, I don't know, because it was one of
22 those holes in the dike you wished you could
23 have put your finger in in hindsight and
24 shut off and proceeded forward.

25 Q. Uh-huh.

1 A. But it pretty much originated, if I
2 could put an originator's name on it, I
3 would say Alan Mullis.

4 Q. And who is that?

5 A. That was a very loud Uncle Bubba in
6 North Carolina. He was very good friends
7 with Steam and Tony Turner and Monica. He
8 was -- he was not an official duty state
9 captain or anything. He was one of the
10 members of my perceived group of the goon
11 platoon.

12 Q. Okay, your perceived group?

13 A. Yes.

14 Q. Okay. And so when, timeline-wise,
15 when did -- when did it first become
16 public -- public now, it's not just, you
17 know, with regard to you or a few people --
18 but when did it become public knowledge in
19 your mind that -- sorry.

20 When did it become public knowledge in
21 your mind as to when the membership at large
22 became aware that Jeff was profiting from
23 the sale of goods in connection with the PGR
24 store?

25 MRS. BLUE: Objection; vague.

1 BY MR. O'MALLEY:

2 Q. You can answer, if you understand.

3 A. I would say the first evidence that I
4 have seen is Sgtspotsie's post in the
5 evidentiary stack, that's --

6 Q. Which, can you refer me to what
7 exhibit is that?

8 A. That would be -- oh, right here, the
9 top one, Exhibit 23. Where he discusses at
10 the gathering at the guard, which was July
11 4th weekend of 2006, that he says that the
12 topic came up and was clarified that weekend.

13 Q. Okay. I believe you said though that
14 you didn't remember that happening; that you
15 were at this meeting, but that you don't
16 remember this being said?

17 A. No, but somebody does. And, I mean,
18 it's a piece of evidence before me, and as I
19 also testified that it was never an issue.

20 It became an issue when the goon
21 platoon sometime in October started in with
22 their thing which culminated with Jeff's
23 resignation. But I don't know when the
24 public knowledge happened other than I've
25 seen this thing today with a date and time,

1 and it was never a point of contention for
2 anybody on the board.

3 Q. Okay. I want to introduce --

4 (Whereupon Deposition Exhibit Number
5 Defendant's 1 was marked for identification.)

6 BY MR. O'MALLEY:

7 Q. This is a complete copy of your
8 deposition testimony.

9 A. Okay.

10 Q. I'm going to introduce that as
11 Defendant's Exhibit 1. All right. Five
12 copies of this, transporting it all --

13 MRS. BLUE: Can you get me one
14 please? Thanks.

15 BY MR. O'MALLEY:

16 Q. Can you take a look at this, if you
17 don't mind?

18 A. It's rather large.

19 Q. Have you seen this document before?

20 A. I've never seen this document before.

21 Q. You've never seen this document?

22 A. I've never seen this. I did my
23 deposition by telephone last time, so I've
24 never seen this document.

25 Q. Can I have you turn toward the back.

1 There's a Page 80 -- let's see, there's a
2 Page 91.

3 A. Okay.

4 Q. Can you state what that page says. It
5 starts off with "signature page." Can you
6 state what it says underneath that?

7 A. "I, Ronny Roy Awtry, do hereby certify
8 that the foregoing deposition was
9 presented to me by Marlene Percefull
10 as a true and correct transcript of
11 the proceedings in the above-styled
12 and number cause, and I now sign the
13 same as true and correct."

14 I do remember this now.

15 Q. Okay, so you read through this
16 deposition --

17 A. Yes.

18 Q. -- to insure the accuracy?

19 A. This was emailed to me to insure the
20 accuracy, and I did -- I did take a look at
21 it.

22 Q. And you signed this on November 25th,
23 2008. That's your signature?

24 A. Yes.

25 Q. Okay. And you further, two pages

1 later, there's a statement or page that
2 starts off, "Corrections to the Deposition
3 of Ronny Roy Awtry, page and line number and
4 corrections"?

5 A. Yes.

6 Q. So that is your writing that you --

7 A. That is my writing.

8 Q. -- filled those out and corrected this?

9 A. Yes.

10 Q. So you have read -- at that time you
11 read your deposition testimony?

12 A. Yes, I did.

13 Q. Okay, all right.

14 A. It's been a long time.

15 Q. Yes. If you will bear with me. I'm
16 sorry, I have to find my notes. Okay, I'd
17 like you to turn to Page 18, Lines 14
18 through 23, if you can read those?

19 A. Page 18, Line 14 through 23.

20 "Question: Do you recall ever seeing
21 a post on any forum on the website www
22 dot Patriot Guard dot org that stated
23 that Jeff Brown owned the store?

24 Answer: The only that I can
25 recollect -- the only post or the

1 first post I saw was of that nature
2 was, I believe, in October of 2006 on
3 the, you know, threads in the open
4 forums.

5 Question: When you say, 'open
6 forums,' do you mean anyone can access
7 those?

8 On any forums whatsoever, Answer."

9 Q. Okay. That's -- and now I'd like you
10 to turn to Page 81.

11 A. Okay.

12 Q. Lines 6 through 9.

13 A. Line 6 through 9:

14 "Question: I believe you testified
15 that in October is the -- of '06 is
16 when it became public knowledge that
17 Jeff owned the store; is that correct?
18 Answer: That's the best of my
19 knowledge, yes."

20 Q. Okay. So as of the time, when you
21 gave this deposition, it was your belief
22 that it became -- first became public
23 knowledge that Jeff owned the store was in
24 October of '06?

25 A. At the time I gave this deposition, yes.

1 Q. Okay, thank you.

2 A. But that's not supported by the
3 evidentiary stuff I've viewed today.

4 Q. I'm not asking you that question. I'm
5 asking you what was your belief at that
6 time. That's all I'm asking for.

7 A. Okay.

8 Q. Okay. And I'd ask you that you not
9 volunteer, just answer my question.

10 A. But I'm not allowed to clarify my
11 answers?

12 Q. You will have the chance to do that
13 with your attorney on redirect, if she
14 chooses to do so.

15 A. Okay. Even if I want to answer?

16 Q. I'm sorry?

17 A. Even if I want to answer I'm not
18 allowed to, based on the rules of the Court,
19 or based on --

20 Q. You are supposed to -- it's proper to
21 answer my questions. If my question ends in
22 an "is that correct," or, "is that right,"
23 the answer is yes or no. I'm not asking for
24 clarification.

25 A. But it's, can I -- I'm asking you, can

1 I go outside of properness, quote, unquote,
2 and say what I feel to believe the answer.

3 Q. You can say what you want. I may object.

4 A. Okay.

5 Q. Is that fine?

6 A. Clarifying the rules. I'm learning
7 the rules of law as we go, as I've said
8 several times. Thank you.

9 Q. Okay. I'd like you to take
10 Plaintiff's Exhibit 1. You still have a
11 copy of that; that was the first exhibit
12 introduced yesterday. It's probably on the
13 bottom of your stack there.

14 A. Yes. Well, we did some digging
15 around, so it's not on the bottom of my stack.

16 Q. It's a post by Waldo dated December
17 16th, 2005. There's a number at the right
18 hand corner that says PGR 006225.

19 A. Okay.

20 Q. Okay. I'm going to read this
21 statement that was made by Jason Waldo,
22 correct? Jason Wallin, who is otherwise
23 known as Waldo?

24 A. Okay.

25 Q. He says: "We're using the couple of

1 bucks that we make on the web store
2 and the banner advertising to help
3 cover some costs that we have incurred
4 to get this site and organization up
5 and going. We would greatly
6 appreciate it if you could buy some
7 quality PGR items that Jeff has put
8 together and click on some of the
9 sponsor's links to help us out.

10 Thanks a million."

11 Who is Jason referring to as the "we"
12 in we?

13 A. Hisself and Jeff.

14 Q. Himself and Jeff, okay. This
15 statement conveys the message that Jason
16 Wallin was asking people to buy quality PGR
17 items from the web store, so that Jeff and
18 Jason could have some of their costs covered
19 that were incurred to get the PGR site and
20 the organization up and running; isn't that
21 correct?

22 A. That's correct.

23 Q. So this statement doesn't convey the
24 message that Jeff Brown was looking to
25 profit from the sale of quality PGR items

1 from the web store, does it?

2 A. No, sir. It states that they are
3 trying to cover their costs of getting the
4 organization up and going.

5 Q. So they're looking to cover costs, not
6 profit. They're stating that they have
7 invested some money in order to help get
8 this off. What they're looking for is to
9 cover their costs?

10 A. That's what it says in the post, yes.

11 Q. Okay, thank you. Can you turn to
12 Exhibit 4 now?

13 A. I've got that. Okay.

14 Q. You got it?

15 A. Got it.

16 Q. Okay. You testified -- Rachel had you
17 testify yesterday regarding this post by
18 Jason Wallin of November 15th, 2006, correct?

19 A. Correct.

20 Q. Okay, I'm going to read this statement
21 as well. It says:

22 "Jeff has given us permission to use
23 the logo for the next 12 months
24 followed by a reevaluation by both
25 parties, PGR and Jeff, at the end of

1 that time frame. The permission to
2 use this logo has been granted for use
3 on the website only. For the use on
4 business cards I would contact Jeff
5 and ask him about it, as he drew the
6 logo, and by his own statements has
7 filed a copyright of the logo
8 personally."

9 So is it fair to say from this posting
10 by Jason Wallin that Jeff Brown claimed
11 ownership of the PGR logo because he had
12 filed a copyright application on the logo?

13 A. From reading the post, yes, it is.

14 Q. Okay. Do you have any knowledge or
15 understanding of the difference between a
16 copyright and a trademark?

17 A. Absolutely not.

18 Q. Not, okay.

19 A. To this moment I couldn't tell you.

20 Q. Even to this day?

21 A. I couldn't tell you a trademark from a
22 copyright.

23 Q. Okay, okay, can you go to Exhibit 7
24 now, please. Do you have that?

25 A. Yes, I do.

1 Q. Okay, so this is another post from
2 Jason Wallin dated November 15th, 2006. I'm
3 going to read a portion of this, where it
4 says:

5 "We need to set up some ground rules
6 around this. What would you think of
7 these, proposed rules for challenge
8 coin design.

9 1. Required design elements include
10 the words, quote, 'Patriot Guard
11 Riders,' unquote, and, quote,
12 'Standing For Those Who Stood For US,'
13 unquote. And then in parentheses,
14 (note the "US" is all caps so that it
15 can mean us or the United
16 States), end paren."

17 Then Number 2. States: "Forbidden
18 design elements include the
19 copywritten logo that Jeff Brown drew
20 as we only have permission to use it
21 on the website but not in marketing
22 material."

23 So is it fair to say from Paragraph 2
24 there by Jason Wallin, that Jeff Brown
25 claimed ownership of the PGR logo because he

1 had a copyright on the logo?

2 A. It specifically says copywritten, yes,
3 and at the time trademark and copywritten
4 were something the board of directors as a
5 whole knew not the difference of.

6 MR. O'MALLEY: Okay, object to
7 hearsay as to what the remainder of the
8 board knew as opposed to yourself.

9 BY MR. O'MALLEY:

10 Q. So you had no knowledge of the
11 difference between copyright and a trademark
12 and their legal purposes and all that?

13 A. No.

14 Q. Okay, and still do not to this day, or
15 is that just with regard to copyrighting?

16 A. Just with regard to copyright.

17 Q. Okay, okay. Going to Paragraph 1 of
18 this statement of this post, Jason also
19 states in Paragraph 1:

20 "That it is acceptable and even
21 required that a new design element
22 must use the words Patriot Guard
23 Riders"; isn't that correct?

24 A. To Line 1?

25 Q. Yes --

1 A. You said Paragraph 1.

2 Q. I'm sorry.

3 A. Okay.

4 Q. Yes.

5 A. Okay, repeat the question?

6 Q. Sure. Jason states in Line 1,
7 Paragraph 1, whatever you want to call it,
8 the sentence following the Number 1:

9 "That it is acceptable and even
10 required that a new design element
11 must use the words Patriot Guard
12 Riders"; isn't that correct?

13 A. Yes.

14 Q. Okay. How is it that it was
15 acceptable for the PGR to use the term
16 Patriot Guard Riders, such to the point that
17 it was even required if Jeff Brown wouldn't
18 allow them to use the logo?

19 A. Because at the time we thought that we
20 had claimed it first and that the logo was
21 ours, so we were trying to set rules and
22 standards for the organization to use.

23 Q. But you state -- you just stated that
24 the -- his statement here is "that a
25 forbidden design element includes the

1 copywritten logo."

2 A. The logo itself is the emblem on my
3 shirt, the "Patriot Guard Riders, Riding
4 With Respect" trademark logo that Jeff has
5 filed.

6 Q. Right.

7 A. And Patriot Guard Riders is the name,
8 "Patriot Guard Riders."

9 Q. Okay.

10 A. The words, "Patriot Guard Riders."

11 Q. So you as the board, the board
12 believed that it was only not allowed to use
13 the logo, but they were still allowed to use
14 the name?

15 A. Yes.

16 Q. In connection with goods?

17 A. In connection with goods, yes.

18 Q. Okay. So, all right, so going back I
19 asked you before about when the time came up
20 when all this stuff, so to speak, hit the
21 fan, so that was --

22 A. Good description.

23 Q. Thank you. So that was leading up to
24 his resignation, Jeff Brown's resignation,
25 as well as after his resignation, correct?

1 A. Yes.

2 Q. There was still, I believe yesterday
3 you referred to it, and if I misquoted you
4 here wrong, but you can correct me now, that
5 it was like a hail storm or a war going on;
6 that there was a lot happening --

7 A. Fair enough.

8 Q. -- at that time. Would it be fair to
9 state that there was a lot of confusion on
10 the board as to what was happening at the
11 time and how things should be handled, both
12 leading up to Jeff's resignation and
13 following Jeff's resignation?

14 A. Mass confusion. We had no idea what
15 we were doing.

16 Q. Okay, mass confusion. So --

17 A. We were very aware of the steps we
18 were taking, but we were taking steps and
19 moving forward to the best of our knowledge.
20 And as I said on various composites there
21 was one board, one vote, regardless of
22 individuals. What the board voted was what
23 was released, and we knew nothing.

24 Q. Okay, so because you state you knew
25 nothing, isn't it possible that members on

1 the board: Jason, yourself, Bonnie, Bill
2 Lyons -- who did I leave off? Ed Mueller,
3 isn't it possible that any one of them could
4 have made statements on the board while
5 trying to answer questions to your general
6 public, your members. You're trying to
7 answer questions; isn't it possible that
8 some of the information that was provided
9 was not accurate or not fully thought through?

10 MRS. BLUE: Objection; calls for
11 speculation.

12 A. It is possible, yes. However, in the
13 designation of Jason as the person to
14 contact the trademark, that Jason was chosen
15 specifically because Jason claimed to have
16 previously done trademarks for other
17 organizations. Jason claimed to have
18 knowledge of what he was doing, so, "Good
19 answer, good answer, here's your hat. You
20 know what's happening."

21 BY MR. O'MALLEY:

22 Q. So what about with regard to
23 statements made on the forums that Rachel
24 has talked to you about both yesterday and
25 today?

1 A. There were specific items. Bonnie and
2 Ed specifically would lie through their
3 teeth. I -- individual topics we can look
4 at and approach one by one, but Jason
5 claimed he knew what he was doing. And
6 Bonnie and Ed hated Jeff and would say
7 whatever they could to make this resignation
8 permanent.

9 Q. Okay. Okay, so going back to the
10 trademark filing, you have stated that after
11 Brown resigned, you and the rest of the
12 board of directors authorized Jason Wallin
13 to file a trademark application on behalf of
14 the PGR for the PGR logo, correct?

15 A. Yes.

16 Q. Okay. This authorization was
17 given during a board meeting, a telephonic
18 board meeting; is that how --

19 A. A telephonic board meeting.

20 Q. -- you typically did this because
21 you're all located in different areas, right?

22 A. A telephonic board meeting.

23 Q. Do you know what day that happened?

24 A. Within a week of it, and I think
25 looking through the documents that it was

1 somewhere around the 9th of November. The
2 exact date I don't know for sure, but it
3 happened -- it happened before it was
4 considered.

5 Q. Before it was filed -- it happened
6 before the trademark was filed, correct?

7 A. Yes.

8 Q. Okay. So if the trademark was filed,
9 I believe if we look at --

10 A. It happened the day before or within
11 hours of the trademark being filed.

12 Q. Okay. And so the trademark was filed --

13 MRS. BLUE: November 9th.

14 BY MR. O'MALLEY:

15 Q. If we look at Exhibit 5, I think,
16 which I'm missing here. It was November
17 9th?

18 A. Yes.

19 Q. Right. Okay, so it happened either
20 the day before or within hours of that
21 happening?

22 A. Yes.

23 Q. Okay. Prior to the authorization
24 being given, did Jeff Brown ever inform the
25 board or yourself that he was the owner of

1 the trademark of the PGR logo? Now, I'm
2 talking separate than your knowledge that he
3 ran the store --

4 A. Yes.

5 Q. -- and used it?

6 A. Yes.

7 Q. When did he tell you that he was the
8 owner of the trademark?

9 A. When people would ask us to use the
10 trademark for merchandise, and the board, as
11 early as when I was a board member, and even
12 when I was just head shed on some of the com
13 calls in regards to the Help On The
14 Homefront.

15 So one time, for instance, somebody
16 wanted to use the logo. I can't remember
17 the specific incident, but they -- somebody
18 presented an idea to use the logo on
19 something that was pretty ridiculous idea,
20 and Jeff and the board voted. Jeff said,
21 "Absolutely not," and the board said,
22 "Absolutely, you're right," and we didn't
23 grant permission to use the logo to --

24 Q. So, okay, so the board was involved in
25 that decision?

1 A. If I remember right, it was like Jeff
2 was not going to release the logo for that
3 particular thing. And the board would --
4 somebody on the board presented it because
5 somebody had asked. And Jeff said,
6 "Absolutely not." The board said, "Yeah,
7 that's great; we wouldn't recommend it
8 either," and it went away.

9 Q. Okay. So from what I understand from
10 what you're saying is that this occurred
11 during a PGR board meeting?

12 A. That particular incident, yes.

13 Q. Or conference call?

14 A. Yes.

15 Q. So wouldn't it stand to reason that
16 decisions Jeff is making at that time he is
17 making on behalf of the board as opposed to
18 on his own individual behalf?

19 MRS. BLUE: Objection; calls for
20 legal conclusion.

21 A. We were deferring to him as the guy
22 who controlled the mark as far as we were
23 concerned.

24 BY MR. O'MALLEY:

25 Q. So you deferred to him, but you didn't

1 have actual knowledge that he had stated
2 he -- he, as an individual, owned the mark.
3 You were aware that it was being used by the
4 store; is that correct?

5 MRS. BLUE: Same objection.

6 A. Two things happened, okay? We knew he
7 was controlling the mark at that point, not
8 the board, not the store. We, as an
9 organization around the time of the hail
10 storm, didn't clearly understand the
11 difference between the store and the mark.
12 Our goal was to acquire the mark, which we
13 knew Jeff had previously --

14 BY MR. O'MALLEY;

15 Q. Used, I believe is what you've stated?

16 A. Granted permission to use. So our
17 knowledge within it has -- my knowledge, and
18 I will say the board at large because I was
19 on the calls with them, were that the
20 discrepancy and the storm was that
21 originally it was his mark, but it should
22 have gone with the organization.

23 In our naivety we didn't separate the
24 difference between them. Now Jeff's gone.
25 Now let's open our store, and as I've

1 testified earlier, "Oh, shucks, what's this
2 thing about the logo and trademark?" "Well,
3 let's research it." "Okay." "It hadn't been
4 filed." "Quick, get a file on it and it's
5 ours, and we'll run our store." That's the
6 sequence of events in our Harry-Caray world
7 during that hail storm.

8 So previous to that we knew damn good
9 and well it was Jeff's trademark, but we
10 didn't understand trademarking and all of
11 that that went with it.

12 Q. So if you didn't understand all that
13 went with trademarks, how did you know it
14 was Jeff's trademark --

15 A. Because we went to him to get --

16 Q. -- that seems terribly inconsistent to
17 me.

18 A. We went to him to get permission from
19 him for other people to use it, because he
20 told us he's --

21 Q. Because he was the president of the PGR?

22 A. He said he owned the trademark. The
23 discrepancy came in when we saw that it
24 hadn't actually been filed, and there's two
25 sets of scenarios. At the time he claimed

1 that he owned the trademark, which nobody
2 disputed. The dispute came in when we
3 decided that we would own the trademark
4 because he hadn't filed it yet.

5 Q. Okay. Can I ask you to look at your
6 deposition again, Defendant's Exhibit 1?

7 A. Yes.

8 Q. Can you first go to Page 77, Line 23,
9 and read starting there until the next page,
10 Line 3?

11 A. "Ronny, before Jeff Brown resigned as
12 the PGR, were you aware that --"

13 Q. I'm sorry, can you repeat it to track
14 the language? You didn't read it properly.

15 A. Question -- Line 23, right?

16 Q. Right.

17 A. "Ronny, before Jeff Brown resigned
18 from the PGR, were you ever aware that
19 he claimed to own the PGR trademark as
20 an individual?

21 Answer: I have no specific knowledge
22 that he claimed to own the trademark
23 as an individual. I mean, like I
24 said, I knew that he owned the store."

25 Q. Okay. That seems to be in

1 contradiction to what you have just told me;
2 isn't that correct?

3 A. Absolutely, I mean there was --

4 Q. Okay, thank you.

5 A. Absolutely, there was no clarification.

6 MR. O'MALLEY: Object to the
7 continued volunteering of testimony.

8 BY MR. O'MALLEY:

9 Q. Can I have you go to Page 84, Line 19?

10 A. Okay.

11 Q. And can you read until Page 85, Line 2?

12 A. Did you --

13 "Question: Did you and the PGR
14 leadership, at the time that you
15 authorized Jason Wallin to tried
16 (sic) to file the trademark
17 application on the corporation's
18 behalf, did you believe that the
19 trademark was owned by the organization?

20 Answer: Yes, I did. I thought it
21 represented the organization and it
22 was so fundamentally tied to our image
23 and our personnel that, yes, I believe
24 that the organization owned the
25 trademark."

1 Q. Okay, thank you. Can we take a look
2 at Exhibit 5 again, please? That's the
3 trademark application.

4 A. Okay, this one?

5 Q. Yes.

6 A. Okay.

7 Q. Okay. Can I have you turn to, let's
8 say the second page here.

9 A. Okie-dokie.

10 Q. There's a header that says, "Goods
11 and/or Services," correct?

12 A. Yes, that's there.

13 Q. And it says International Class: 045.
14 Class status: Active, and describes --
15 below that it says:

16 "Organizing and conducting support
17 groups in the field of combat veterans
18 and their families."

19 This is what the trademark, the PGR
20 logo was filed for by the PGR, Inc.; is that
21 correct, in connection with these services?

22 A. Yes.

23 Q. Okay. It does not call for anything
24 having to do with the sale of goods at the
25 time, correct?

1 A. Correct.

2 Q. Do you see anything in here talking
3 about goods?

4 A. No.

5 Q. Okay. Do you know whether the
6 services provided by the PGR, consistent
7 with this, began to take place prior to any
8 sale of goods where this logo was used on?

9 A. I don't know.

10 Q. Okay.

11 A. The organization started before I came
12 on board, and I wasn't involved with it.
13 And when the store opened and when the
14 merchandise on the website came on, I was
15 member 7000, I think, somewhere in there. I
16 don't remember exactly. My email address,
17 my original account died when I was on
18 there, and I started over, so I don't
19 remember what my original was. So I don't
20 know what -- the transactions that took
21 place in the very beginning.

22 Q. Okay, all right. Sorry, I'm just
23 going through my notes. If you will give me
24 a second.

25 A. That's okay.

1 Q. I probably ought to put my stuff in
2 some kind of workable fashion.

3 In connection with what you just said,
4 you said that you were not involved with the
5 PGR at the time to know whether the services
6 were provided prior to the sale of goods,
7 right?

8 A. Correct.

9 Q. Who do you believe would have
10 knowledge of that; would Jason Wallin?

11 A. I believe Jason Wallin would have.

12 Q. Anyone else?

13 A. Jeff Brown would have.

14 Q. Anyone else?

15 A. I don't know of myself personally any
16 individual. I mean, sure, there had to be
17 somebody, but I don't know for sure any
18 individual's name, as I learned everything I
19 know from Jason and Jeff in the early days.

20 Q. So because Jason filed this trademark
21 application on behalf of the PGR --

22 A. Yes.

23 Q. -- he was the one who declared
24 ownership of the mark in connection with the
25 services provided. Do you believe -- you

1 have no knowledge to dispute that Jason
2 Wallin was incorrect; you have no firsthand
3 knowledge to debate that. Is that correct?

4 A. That is correct. And as I stated
5 earlier, we had no specifics other than,
6 "You're the guy that knows something about
7 it; file it." We didn't even know what he
8 had filed. There was no official board of
9 directors' communication in the development
10 of that document other than, "Go forth,
11 young man, go forth."

12 Q. Because you believed him to be the
13 most knowledgeable person about the --

14 A. About trademark.

15 MR. O'MALLEY: I have no further
16 questions.

17 MRS. BLUE: Do you want to take a
18 short break?

19 MR. O'MALLEY: Sure.

20 (Whereupon, a recess was had)

21 MRS. BLUE: You're still under oath.

22 REDIRECT EXAMINATION

23 BY MRS. BLUE:

24 Q. A minute ago Mr. O'Malley had you look
25 at Exhibit 4. Let's go back to that if we

1 can find it in our --

2 A. I've got my stack --

3 Q. -- stack of exhibits here.

4 A. I've got it.

5 Q. Okay, now I have to find it. All
6 right, Mr. O'Malley asked you if this post
7 from Jason Wallin indicated that Jeff's
8 ownership was dependent on his filing of the
9 copyright; is that correct?

10 A. I believe so.

11 Q. All right. Is there anything else in
12 this post that might indicate why Jeff
13 thought he owned the logo?

14 A. Well, the last sentence says that he
15 drew the logo.

16 Q. All right, thank you. Okay, let's go
17 to Exhibit 7 now. We need more space here.

18 All right. A few minutes ago Mr.
19 O'Malley asked you some questions regarding
20 Number 1 and 2 in this post from Jason
21 Wallin. And specifically he asked you
22 whether Jason Wallin's statement indicated
23 that Jeff thought he owned the logo because
24 it was copywritten, which is in Number 2?

25 A. Right.

1 Q. All right. Is there anything else in
2 Number 2 that would indicate why Jeff
3 thought he owned the logo?

4 A. Well, it says that Jeff drew it.

5 Q. All right, thank you. Let's stay on
6 that post for just a second and let's talk
7 about these rules here. Were these rules
8 actually ever enacted?

9 A. This?

10 Q. Yes.

11 A. Yes, this was. This was specific to
12 the challenge coin that we, I believe, came
13 out with as an organization. And I believe
14 we were released a challenge coin at some
15 point thereafter for sale.

16 Q. So were these rules adopted in any
17 formal way; were they ever posted anywhere
18 for membership?

19 A. This is specific to a contest and a
20 coin. There was a similar, very similar
21 that was posted on state usage of the PGR
22 logo. Very -- I mean, these rules
23 specifically are specific to that challenge
24 coin.

25 Q. Now go to Exhibit 5 that we were

1 looking at. This is PGR, Inc.'s application.

2 A. Okay.

3 Q. I believe you testified when Mr.
4 O'Malley was asking you some questions that
5 the board thought that they could use the
6 name but not the logo; is that right?

7 A. That's what the post said.

8 Q. Okay, that's what Jason thought?

9 A. (Indicating).

10 Q. Do you know whether the rest of the
11 board had that same understanding?

12 A. I believe we thought as we were the
13 Patriot Guard Riders, Incorporated, that we
14 were the Patriot Guard Riders, and that
15 specific organization was not questionable.

16 Q. Okay. Well, if you thought that you
17 could use the name but not the logo, why was
18 Jason directed to file a trademark
19 application that included the logo?

20 A. Because the logo was in dispute, and
21 we needed to file a trademark on it to make
22 a claim for it.

23 Q. That was your understanding at the time?

24 A. Yes.

25 Q. That if you made the filing then you

1 could claim it?

2 A. We were the first horse to the trough.

3 Q. All right. But this post of Jason's
4 is November 15th, so it's after the
5 trademark application's filed?

6 A. Okay.

7 Q. And he's telling everyone that
8 forbidden design elements include the
9 copywritten logo that Jeff Brown drew.

10 A. Right.

11 Q. Okay. So does that seem contradictory
12 to you?

13 A. Yes. We knew the trademark was in
14 contest.

15 Q. Okay, let's talk for a second about
16 another question Mr. O'Malley asked you, if
17 Jeff had ever informed the board that he
18 owned the Patriot Guard logo, and you
19 answered, "Yes, he had." And I think then
20 Mr. O'Malley asked you the basis for that.
21 And you testified that when people would ask
22 for permission to use the logo they would
23 ask Jeff; is that right? I want to make
24 sure I don't mischaracterize your testimony.

25 A. They would either ask Jeff directly or

1 ask one of us, and we would then approach
2 Jeff.

3 Q. Okay. Could anybody else on the board
4 give permission to use the logo?

5 A. No.

6 Q. Without asking Jeff?

7 A. No.

8 Q. Did you ever give anybody permission
9 to use the logo without asking Jeff?

10 A. I did, as a board member when the
11 state stores were given the set of
12 instructions that they develop a state
13 specific, and a board member can approve it
14 for state use, yes.

15 Q. Is that before or after Jeff resigned?

16 A. That was after.

17 Q. Okay. All right, you testified also
18 that there was one instance, and you
19 weren't -- I don't think you had a very
20 clear recollection of exactly what the
21 request was for, but it was something that
22 neither Jeff or nor the board appeared to
23 have thought worthy of putting the logo on?

24 A. Right.

25 Q. And you didn't remember exactly what

1 that request was?

2 A. I remember the incident because it was
3 a pretty ludicrous proposition.

4 Q. Okay. And you testified that the
5 board was involved in that decision. You
6 said that the board deferred to Jeff because
7 he owned the mark; is that right?

8 A. Yes.

9 Q. Okay. And you also said that the
10 board was aware that Jeff used the mark; is
11 that right?

12 A. Yes.

13 Q. When the board deferred to Jeff, were
14 they simply agreeing with his denial of this
15 request to use, or was there some formal
16 vote on it? If you recall.

17 A. I don't recall specifically, but there
18 may have been, et cetera. The one thing
19 that specifically confused me in this is --

20 MR. O'MALLEY: Objection; speculation.

21 A. -- the title ownership versus control.
22 The ownership, as I've stated several times,
23 never was spent much time with. I mean,
24 owner and controlling, we just didn't think
25 like that. There wasn't, "You own this,"

1 and, "You own that," but we knew who owned
2 the store and who to verify with.

3 BY MRS. BLUE:

4 Q. Did you understand that Jeff had
5 already used that logo in connection with
6 goods he offered in the store?

7 A. I bought my first items, and it came
8 from him.

9 Q. Okay. Do you have a better
10 understanding now about how trademark
11 ownership is acquired?

12 A. I have a much better idea of how it's
13 acquired. I still am not sure of what
14 trademark and copyright, and somehow
15 trademark is -- my simplistic would be the
16 donut, and copyright would be the term,
17 "donut." But I could be entirely wrong.

18 Q. Okay, all right. Mr. Mark had you
19 look at some testimony that you -- I'm
20 sorry, Mr. O'Malley. I was reading Davis'
21 name on here.

22 He had you look at some testimony that
23 you gave in October of 2008. And I think
24 that he indicated that there was a
25 contradiction in your testimony on Page 78

1 in that deposition and today's testimony.

2 A. Yes.

3 Q. I would like to have you take a look
4 at Page 89 in that deposition. And I'm
5 going to have you read that first Question
6 and Answer, please.

7 A. "Ronny, what is your understanding of
8 how an individual or an entity comes
9 to own a trademark?

10 A: Well, before November of 2006, I
11 had no clue what a trademark was or
12 what was happening. It wasn't even
13 part of my vernacular. But to own a
14 trademark, you submit it through the
15 trademark or patent office, whatever
16 it is, and then they review it and
17 after some kind of period of time they
18 issue a preliminary approval kind of
19 thing, where at that point if there's
20 any objections, you can go to their
21 website and look at what's up and
22 protest it or not."

23 Q. And so when you gave the testimony in
24 this deposition in October of 2008 --

25 A. Yes.

1 Q. This was your understanding of how a
2 trademark -- how trademark ownership was
3 acquired?

4 A. Yes.

5 Q. And that is different than your
6 understanding of how trademark ownership is
7 acquired today?

8 A. Yes.

9 Q. Let's go back to Exhibit 5 for just a
10 second. Mr. O'Malley asked you to look at
11 the goods and services in this application
12 which is the one filed by the PGR, Inc., and
13 you indicated that the goods and services
14 were as set forth in this document:

15 "Organizing and conducting support
16 groups in the field of combat veterans
17 and their families," right?

18 A. Right.

19 Q. Now, let's flip back in this document
20 to the page with the tee-shirts on it?

21 A. Okay.

22 Q. Okay. How do those tee-shirts support
23 the organizing and conducting support groups
24 in the field of combat veterans and their
25 families?

1 A. Do you want the correct answer, or do
2 you want what actually happened with those
3 shirts?

4 Q. Well, no, what I want to know is how
5 do those shirts tell people that the PGR,
6 Inc. performs those services?

7 If I see somebody wearing one of these
8 shirts, what would I think? That's a bad
9 way to ask that question.

10 If you saw somebody wearing those
11 shirts, what would you think?

12 A. That they are a Patriot Guard Rider.

13 Q. Okay. And what do Patriot Guard
14 Riders do?

15 A. We support families of wounded troops
16 and deceased soldiers or wounded soldiers.

17 Q. So I could assume then, if I saw you
18 wearing one of those shirts, that you were a
19 Patriot Guard Rider, and that's what you
20 did, right?

21 A. Yes.

22 Q. Okay.

23 MRS. BLUE: Just a second here.

24 (Whereupon Deposition Exhibit Number
25 24 was marked for identification.)

1 MRS. BLUE: I'll introduce, this
2 is going to be Plaintiff's 24.

3 A. I lost it.

4 Q. You don't have it yet.

5 A. I lost another one.

6 Q. Give that one down to the reporter,
7 please. This is a printout from May 3rd,
8 2010 from the US Trademark -- Patent and
9 Trademark office. It is a trademark
10 application, serial number 770410061.

11 Ronny, will you look at the mark?

12 A. Okay.

13 Q. What does that say?

14 A. Patriot Guard Rider.

15 Q. Will you look down at the applicant on
16 the page?

17 A. Jeff Brown.

18 Q. Yep, right. This is Jeff Brown's
19 application. Can you tell us the filing
20 date on this?

21 A. November the 9th of 2006.

22 Q. Okay, all right. Flip to the second
23 page where it says, "Goods and Services."
24 There's a whole long list of them there. Go
25 down to the bottom of that list,

1 International Class: 035. Will you read
2 that, beginning with "Association services,"
3 please?

4 A. "Association services, namely,
5 promoting the interests of families of
6 deceased military members and families
7 of deceased Veterans."

8 Q. Okay. Tell me the first use date there?

9 A. First use date, October the 27th of 2005.

10 Q. Okay. First use in commerce date?

11 A. November the 9th, 2005.

12 Q. Okay. Let's go to -- flip back over
13 to Exhibit 5, flip to the second page of it.
14 Exhibit 5 again is the PGR, Inc.'s application?

15 A. Okay.

16 Q. Tell me the first use in commerce date?

17 A. First use in commerce date, June the
18 1st of 2006.

19 Q. Okay. First use date?

20 A. November 11th of 2005.

21 Q. All right. Are those dates in the
22 PGR, Inc. application before or after the
23 dates alleged in Jeff Brown's application?

24 A. The first use date is later. The
25 first use in commerce date is later.

1 MRS. BLUE: Okay, that is all I
2 have.

3 MR. O'MALLEY: Okay, I've got a
4 couple more questions. We can stay with
5 this Exhibit 24 and Exhibit 5.

6 THE WITNESS: Okay.

7 RECROSS EXAMINATION

8 BY MR. O'MALLEY:

9 Q. Let's see, we'll start with
10 Exhibit 24. On that same -- I'm sorry, not
11 on that same page. Let's go on the sixth
12 page.

13 A. Okay.

14 Q. So on the top it says email address,
15 and to the right, Jeff Brown at valornet dot
16 com?

17 A. Yes.

18 Q. We're on the same page, okay. So if
19 you go down about midway into that page,
20 actually, I'm sorry, I'm going to skip
21 another page. Go up two more pages. I'll
22 get to the right --

23 A. Okay.

24 Q. Okay, so down there, midway down you
25 see, "Goods and/or Services and Basis

1 Information." And then it says,
2 "International Class 035," right?

3 A. Okay.

4 Q. And then the next, below that it says,
5 "First Use Anywhere Date." What does that
6 say to the right of that?

7 A. October 27th, 2005.

8 Q. Can you read exactly what it says to
9 the right of that, please?

10 A. "At least as early as 10-27 2005."

11 Q. So does that mean, if you were to
12 understand this statement, that this mark
13 was used in connection with the services,
14 which it describes right below, "Association
15 services, namely." And then it goes on,
16 that this mark was used at least as early as
17 that date, meaning it could have been used
18 prior to that date, but in no event later
19 than that date?

20 A. That's what I would read, yes.

21 Q. Okay. Go down the next step where it
22 says, "First Use In Commerce Date." What
23 does it say to the right?

24 A. At least as early as November 9th, 2005.

25 Q. Okay, so does the same hold true, that

1 it would have been used in commerce -- it's
2 possible that it was used in commerce prior
3 to that date, but no later than that date?

4 A. That's what I would surmise.

5 Q. Okay, can we switch back to Exhibit 5?

6 A. Okay.

7 Q. This is the PGR's application.

8 A. Okay.

9 Q. Go to the fifth page?

10 A. Five, all right.

11 Q. Okay, down about midway there it says,
12 "Goods and/or Services and Basis Information"?

13 A. Yes.

14 Q. "International Class 045"?

15 A. Yes.

16 Q. Okay, so this one says, "First Use
17 Anywhere Date," what does it say to the
18 right of that?

19 A. At least as early as November 11th,
20 2005.

21 Q. So your understanding is that the mark
22 could have been used prior to this date, but
23 in no event later than this date?

24 A. Yes.

25 Q. Okay. And go down another line,

1 "First Use In Commerce Date," what is that
2 date?

3 A. At least as early as June the 1st of
4 2006.

5 Q. So it could have been used before that
6 date, but in no event later than that date?

7 A. Yes. And as I said earlier, that was
8 an arbitrary number invented by Jason
9 Wallin, so I don't know the accuracy of this
10 one, which I was a participant.

11 Q. That's fine. So you have no knowledge
12 with regard to that is what you're saying of
13 the actual dates?

14 A. Actually, I do not.

15 Q. Okay. So if you compare these two
16 because the dates could be prior to the
17 dates, the specific dates identified, isn't
18 it entirely possible that the dates when the
19 PGR first used their mark, the logo mark in
20 connection with their services, was before
21 the date that Jeff Brown used his mark in
22 connection with services?

23 MRS. BLUE: Objection; calls for
24 speculation.

25 BY MR. O'MALLEY:

1 Q. All I'm asking is is it possible. One
2 says at least as early as October 27th, '05.
3 The other one was a least as early as
4 November 11th, 2005, so that means it's
5 possible that --

6 A. Legally written on this document, if
7 you weren't aware of the methodology Jason
8 used to determine that number. He admitted
9 it.

10 Q. So, yes, so you don't know that?

11 A. I don't know that.

12 Q. Okay, thank you.

13 A. I do know it was invented.

14 MR. O'MALLEY: Okay, objection to
15 the volunteering again.

16 BY MR. O'MALLEY:

17 Q. Okay. I want to take, again keep
18 Exhibit 5 out but go to Exhibit 7.

19 A. Five and seven, okay.

20 Q. Okay, you got Exhibit 7. That's a
21 post by Jason Wallin on November 15th, '06?

22 A. Yes.

23 Q. And Exhibit 5 is PGR application for
24 the PGR logo?

25 A. Yes.

1 Q. So you had stated that the filing date
2 for the logo was November 9th of 2006, correct?

3 A. Yes.

4 Q. Okay. And then six days later on
5 November 15th, '06, Jason Wallin is stating
6 that, "forbidden design elements include the
7 copywritten logo"; is that correct?

8 A. Yes.

9 Q. And she asked you if something seems
10 contradictory there, and you agreed that it
11 seems contradictory.

12 Doesn't it stand to reason that
13 something happened between November 9th of
14 '06, and November 15th, '06, that would
15 cause Jason Wallin to write this?

16 MRS. BLUE: Objection; vague.

17 A. It would be speculation to say yes.
18 Written as it is in evidence right here, no.
19 So seeming to reason, based on if I was a
20 member at large or on the board of
21 directors, I know that negotiations were
22 proceeding with Jeff behind the scenes, and
23 the board was not moving forward with them,
24 so on the surface, no.

25 BY MR. O'MALLEY:

1 Q. So you don't believe that anything
2 would have caused Jason to, on November 9th
3 state, "We own the mark," and six days later
4 suddenly switch and say, "Jeff owns the
5 mark"; that nothing happened to cause him to
6 change his mind in that regard?

7 A. I'm sure that something happened;
8 don't know what. I'm only speculating to
9 make that kind of an answer. But as it is
10 written, there's nothing to lead me to that
11 conclusion other than assumptions.

12 MR. O'MALLEY: Okay, thank you.
13 Can we take a quick break, maybe a minute?

14 MR. STOUT: Yes.

15 (Whereupon, a recess was had)

16 MR. O'MALLEY: Back on the
17 Record. Okay, we have no further questions.

18 MRS. BLUE: All right. Well,
19 there you go, that was easy.

20 (Whereupon, a lunch recess was had, after
21 which negotiations between the parties ensued).

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SIGNATURE CERTIFICATE

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I, RONNY ROY AWTRY, do hereby certify that the foregoing was presented to me by Elizabeth Ann Behles, a Certified Shorthand Reporter, as a true and correct transcription of the deposition in the above styled and numbered cause, and I now sign the same as true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of May, 2010.

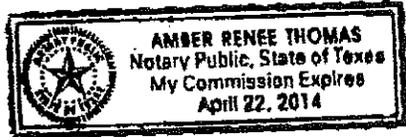
[Handwritten Signature]

RONNY ROY AWTRY

SUBSCRIBED AND SWORN to before me on this 20 day of May, 2010.

[Handwritten Signature]

Notary Public



My Commission Expires: 4/22/2014

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4 CORRECTIONS TO THE DEPOSITION OF:

5

6 RONNY ROY AWTRY

7

8

9	PAGE	LINE	CORRECTION	REASON
10	2	22	Add Tom Hoffman PGR BOD member present	He was there

11

12

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1 November 9, 2010

2

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4 Re: Jeff Brown v. Patriot Guard
5 Riders, Inc.

6

7 Dear Mr. Awtry:

8 Please find attached a copy of your
9 deposition in the above matter. Please read
10 the deposition. If there are corrections
11 there is a separate sheet to denote the
12 correction and the reason for same. You
13 will need to sign the certification page in
14 front of a Notary Public.

15 If I have not received the corrections
16 page within thirty (30) days, the original
17 will be filed without signature. If you
18 have any questions, please contact this
19 office.

20

Respectfully,

21

Elizabeth Ann Behles, CSR
Certified Shorthand Reporter

22

23 CC: Transcript
24 Cc: Mrs. Rachel Blue
Cc: Mr. James O'Malley

25

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Ronny Roy Awtry 5-4 and 5-5 2010