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

Proceeding	91237315
Party	Plaintiff American Marriage Ministries
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Date	11/05/2020
Attachments	Transcript Lewis King.pdf(75002 bytes ) Lewis King Deposition Transcript 91120.pdf(245987 bytes )

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

AMERICAN MARRIAGE MINISTRIES,	)	Opposition No. 91237315
	)	
Opposer,	)	Marks: GET ORDAINED
	)	Application No. 87430729
v.	)	
	)	
UNIVERSAL LIFE CHURCH	)	
MONASTERY STOREHOUSE, INC.	)	
	)	Filed: October 18, 2017
Applicant.	)	

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**TESTIMONY FOR PLAINTIFF**

Opposer American Marriage Ministries hereby submits the final transcript of the certified corrected transcript of the testimony deposition of Lewis King taken September 11, 2020 (with exhibits and errata sheet). The transcript was not available to Opposer at the close of Plaintiff’s Testimony Period as indicated in Opposer’s Notice of Reliance referencing this testimony in Exhibit “U” to that submission. Applicant has received a copy of the transcript, errata sheet and the deposition exhibits.

The testimony is relevant as evidence of Opposer’s competitive need to use the term “get ordained,” functional (non-trademark) use of “get ordained” by Opposer and third parties as a “call to action” to prompt visitors to get ordained, evidence of the public view of the term “get ordained.” Such evidence is associated with the issue of standing, use of “get ordained” by Opposer, no inherent distinctiveness or acquired distinctiveness, a lack of exclusivity of use, the relevant public’s understanding of the term “get ordained,” failure of the term “get ordained” to function as a trademark or source identifier for relevant services, descriptive use of “get ordained,” generic use of “get ordained,” and damage to the Opposer which would result if a “term of art” or key phrase used by the industry is not available for use.

Dated: November 5, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2020, I served the foregoing Testimony Transcript on the Applicant by emailing to Applicant as follows:

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LEWIS KING - SEPTEMBER 11, 2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE )  
MINISTRIES, )

Opposer, )

vs. ) Opposition No.  
91237315

UNIVERSAL LIFE CHURCH )  
MONASTERY STOREHOUSE, INC., )

Applicant. )  
\_\_\_\_\_ )

VIDEOCONFERENCE DEPOSITION OF

LEWIS KING

FRIDAY, SEPTEMBER 11, 2020

Reported by:

MARLA SHARP, RPR, CCRR, OR CSR 17-0446,

CA CSR 11924, WA CSR 3408

JOB NO. 183877

1 LEWIS KING - SEPTEMBER 11, 2020

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September 11, 2020

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12:22 p.m. PDT

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Videoconference deposition of

11

LEWIS KING, held remotely via Zoom

12

pursuant to agreement before

13

Marla Sharp, a stenographic reporter

14

certified in California, Oregon, and

15

Washington.

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1 LEWIS KING - SEPTEMBER 11, 2020

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3

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19

20

21

22

23 ALSO PRESENT:

24 DALLAS GOSCHIE

25 MIKE GALLETCH

LEWIS KING - SEPTEMBER 11, 2020

I N D E X

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DEPOSITION EXHIBITS

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2 FRIDAY, SEPTEMBER 11, 2020

3 12:22 P.M. PDT

4 LEWIS KING,

5 called as a witness, having been duly  
6 sworn by the certified shorthand  
7 reporter, was examined and testified as  
8 follows:

9 EXAMINATION

10 BY MS. MENNEMEIER:

11 Q Could you please state your name for the  
12 record?

13 A Lewis King.

14 Q Are you familiar with the opposer in this  
15 case, American Marriage Ministries?

16 A Yes, I am.

17 Q Can we agree that, if I say "AMM" today,  
18 that I am referring to American Marriage Ministries?

19 A Yes.

20 Q Are you familiar with the Universal Life  
21 Church Monastery Storehouse?

22 A Yes.

23 Q Can we agree that if I say "ULCMS" today,  
24 that I am referring to the Universal Life Church  
25 Monastery Storehouse?



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2 A Yes.

3 Q Could you please describe your role with  
4 AMM?

5 A I am the executive director for American  
6 Marriage Ministries.

7 Q How long have you been in that position?

8 A I've been in this position for  
9 approximately two years.

10 Q Have you held any other position with AMM?

11 A Yes.

12 Q What other position or positions have you  
13 held?

14 A Prior to my current role, I was serving as  
15 communications director for about four or five  
16 months. And prior to that, I was assisting AMM in  
17 the capacity as a contractor working on some  
18 publishing projects.

19 Q Could you please describe in general terms  
20 what the purpose of AMM is?

21 A AMM is a Internet church that provides  
22 online ordinations for people that want to perform  
23 wedding ceremonies for friends and family members.

24 Q Does AMM ordain people?

25 A Yes.

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2 Q Okay. And what does it mean to ordain  
3 people?

4 MR. MATESKY: Objection. Relevance and  
5 calls for speculation regarding third-party  
6 understanding.

7 THE WITNESS: Ordaining -- to ordain  
8 someone means to provide them with an ordination,  
9 which is a pact between a religious or non- -- which  
10 is a pact between an organization and an individual  
11 that empowers them with the ability to perform  
12 certain functions on behalf of and in the name of  
13 the organization.

14 BY MS. MENNEMEIER:

15 Q And can you please describe what it means  
16 to "get ordained"?

17 MR. MATESKY: Objection. Lack of  
18 foundation, calls for information outside the  
19 witness's personal knowledge, speculation as to  
20 third-party understanding, opinion testimony.

21 THE WITNESS: Get ordained -- or to "get  
22 ordained" is a verbal phrase which is -- which  
23 describes the act of receiving an ordination,  
24 which -- yeah.

25 ///

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2 BY MS. MENNEMEIER:

3 Q Does getting ordained qualify somebody to  
4 do anything that they would not able to do if they  
5 were not ordained?

6 MR. MATESKY: Objection. Lack of  
7 foundation.

8 THE WITNESS: Yes.

9 BY MS. MENNEMEIER:

10 Q What does getting ordained qualify a person  
11 to do that they might not be able to do if they  
12 weren't ordained?

13 MR. MATESKY: Objection. Calls for  
14 improper opinion testimony.

15 THE WITNESS: Would you mind repeating the  
16 question, please?

17 BY MS. MENNEMEIER:

18 Q What does getting ordained qualify somebody  
19 to do that they wouldn't be able to do if they were  
20 not ordained?

21 MR. MATESKY: Same objection.

22 THE WITNESS: Getting ordained qualifies  
23 people to do a number of things. In terms of their  
24 relationship with the organization that provided the  
25 ordination, getting ordained lets them act on behalf

1 LEWIS KING - SEPTEMBER 11, 2020

2 of that organization as an official or a minister of  
3 that organization.

4 So, for example, it would let somebody  
5 perform a wedding ceremony in the role of wedding  
6 officiant or minister on behalf of that  
7 organization.

8 There are other things that getting  
9 ordained allows somebody to do in -- on behalf of  
10 the religious organization such as presiding over  
11 funerals, baptisms, and generally leading a  
12 congregation in worship.

13 MR. MATESKY: Object to this response to  
14 the extent it's outside his personal knowledge  
15 regarding third-party organizations.

16 BY MS. MENNEMEIER:

17 Q How do you know that ordination enables  
18 somebody to do the things that you just described?

19 A Well, in the context of allowing somebody  
20 to officiate a wedding ceremony, I know this because  
21 it's explicitly stated in state law, which says that  
22 ordained ministers of religious organizations are  
23 allowed to officiate weddings.

24 In the context of other -- you know, other  
25 ministerial duties that ordination allows one to

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2 take on, I know this because this is something that  
3 we've had to consider in the daily function of our  
4 own religious organization.

5 And I know this from having been a part of  
6 our religious organizations in the past. This is  
7 what ordination allows or empowers somebody to do.

8 MR. MATESKY: Objection to the extent the  
9 response is improper legal opinion testimony with no  
10 foundation.

11 BY MS. MENNEMEIER:

12 Q What kinds of people might be inclined to  
13 get ordained?

14 MR. MATESKY: Objection. Calls for  
15 speculation, information outside the witness's  
16 personal knowledge, hypothetical.

17 THE WITNESS: Well, based on my experience  
18 interacting with people that have been ordained  
19 through American Marriage Ministries, I would say  
20 that every kind of person that you can possibly  
21 imagine would seek out and undergo ordination.

22 It really -- people -- that demographic  
23 represents people from all walks of life, every  
24 state, every sort of socioeconomic group that you  
25 can possibly imagine is represented by this group

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2 that we're talking about right here.

3 BY MS. MENNEMEIER:

4 Q How does one go about getting ordained?

5 MR. MATESKY: Objection. Vague.

6 THE WITNESS: In the context of American  
7 Marriage Ministries, one goes about getting ordained  
8 by applying for ordination on our website and  
9 submitting that ordination application, which  
10 incidentally makes them an ordained minister.

11 Generally speaking, ordination is sought  
12 out and undertaken with an organization that  
13 represents your values and beliefs. And -- can we  
14 back up on that? Would you mind repeating the  
15 question? Sorry. I got --

16 BY MS. MENNEMEIER:

17 Q Sure. I was wondering how -- well, what  
18 the process for getting ordained looks like.

19 MR. MATESKY: Okay. So I'm going to object  
20 to the extent it calls for information outside his  
21 personal knowledge, and to his prior response to the  
22 extent it's based on other organizations, not AMM.

23 THE WITNESS: The process of getting  
24 ordained is -- ordination is a religious pact or  
25 contract between an organization or individual that

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2 determines the ordination and the processes decided  
3 by the organization and undertaken by the  
4 individual.

5 So, in the case of American Marriage  
6 Ministries, our process of getting ordained is very  
7 straightforward. You read our -- what we stand for,  
8 and you agree to that. You agree to our terms of  
9 service. You agree that you're over the age of 18,  
10 and you do so as a -- you know, willfully and  
11 consciously.

12 And you become an ordained minister once  
13 you submit that application.

14 BY MS. MENNEMEIER:

15 Q Do you know what the process for getting  
16 ordained looks like with any other organizations?

17 A Yes.

18 MR. MATESKY: Objection. Lack of  
19 foundation.

20 BY MS. MENNEMEIER:

21 Q Have you personally gotten ordained through  
22 any other organizations?

23 A Yes.

24 Q What other organizations have you gotten  
25 ordained through?

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2 A I have gotten ordained through a number of  
3 different organizations. I've gotten ordained  
4 through ULCM. I am an ordained Dudeist priest.

5 Q Any other organizations?

6 A O Ministry.

7 Q What was the process -- what did the  
8 process entail for getting ordained with ULCM? And  
9 to back up for a moment, what organization do you  
10 mean when you say "ULCM"?

11 A I mean the Universal Life Church Monastery  
12 Storehouse. And I did so through the website  
13 GetOrdained.org.

14 Q What was the -- what did the process  
15 involve for getting ordained as a Dudeist priest?

16 A The process for getting ordained as a  
17 Dudeist priest was, you know, aesthetically  
18 different but essentially the same process that we  
19 provide on our website, TheAMM.org.

20 It's a simple matter of submitting an  
21 ordination application and applying for ordination.  
22 And you are instantly ordained as a Dudeist priest.

23 Q And what was the process like for getting  
24 ordained with O Ministries?

25 A The process involved navigating to the



1 LEWIS KING - SEPTEMBER 11, 2020

2 O Ministry's website and filling out an ordination  
3 application and submitting it, at which point I  
4 became an ordained minister with O Ministries or  
5 Open Ministries.

6 Q Are you aware of any other organizations  
7 besides the ones you just described that ordain  
8 people?

9 A Yes.

10 Q Could you identify some of those other  
11 organizations?

12 A Sure. I know there's the Church of  
13 Metaphysics. I know there is NAC Ministers.  
14 There's Wanderlust Bay, Church of the Open Road.  
15 There's the original ULC out of Modesto. There's  
16 Rose Ministries. And that's -- those are the ones  
17 that are coming to me off the top of my head.

18 MR. MATESKY: Objection. Lack of  
19 foundation, lack of personal knowledge.

20 BY MS. MENNEMEIER:

21 Q How did you become aware of those  
22 organizations?

23 A I became aware of those organizations in my  
24 capacity as -- English. I became aware of those  
25 organizations in my capacity as executive director

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2 of American Marriage Ministries.

3 I frequently and routinely do research of  
4 the ordination landscape and see which other  
5 organizations are out there and how they're  
6 providing ministries and generally try and get a  
7 sense of where American Marriage Ministries fits in  
8 the broader ordination industry.

9 MR. MATESKY: Objection to the extent the  
10 answer is based on hearsay.

11 BY MS. MENNEMEIER:

12 Q And, to the extent this was not included in  
13 your prior answer, how did you become aware that  
14 those organizations you just identified ordain  
15 people?

16 A I did so by reading the copy on their  
17 website. They explicitly state that they ordain  
18 people, that they provide ordinations. And the  
19 value -- and they sort of, you know, communicate the  
20 value of their ordinations that they're offering.

21 I also became aware of the fact that they  
22 offer ordinations by reading about them in blogs or  
23 in the news and following their act- -- their  
24 general activities.

25 MR. MATESKY: Objection. That response is

1 LEWIS KING - SEPTEMBER 11, 2020

2 hearsay.

3 BY MS. MENNEMEIER:

4 Q Do you personally know people who have  
5 gotten ordained through AMM?

6 A Yes, I do.

7 Q Do you personally know anybody who's gotten  
8 ordained through an organization besides AMM or  
9 ULCMS?

10 A Yes, I do.

11 Q What organization or organizations have  
12 those people gotten ordained with?

13 A I know someone who has gotten ordained  
14 through Church of the Latter-Day Dude as a Dudeist  
15 priest. I know somebody who has gotten ordained by  
16 the Church of Pastafarianism. And I know people who  
17 have gotten ordained through -- with the original --  
18 with the Modesto ULC.

19 And I also know a number of people who have  
20 gotten ordained with organizations that they can't  
21 even recall who they got ordained with. They just  
22 say, "Yes, I've gotten ordained online, and I don't  
23 recall who I got ordained with."

24 MR. MATESKY: So I object to that response  
25 as outside the witness's personal knowledge,

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2 hearsay, and lack of foundation.

3 BY MS. MENNEMEIER:

4 Q I'll come back to that.

5 Do you have any experience in the  
6 ordination industry besides your experience with  
7 AMM?

8 A Yes.

9 Q How many --

10 MR. MATESKY: I'm going to object to the  
11 question as vague in use of "ordination industry."  
12 I apologize for not getting that in earlier.

13 MS. MENNEMEIER: Sure.

14 BY MS. MENNEMEIER:

15 Q Can you explain what you understand the  
16 ordination industry to be?

17 A Sure. I understand that to be a sort of  
18 ecosystem of organizations that provide ordinations.  
19 And obviously that's a pretty -- that's pretty broad  
20 in scope.

21 But when I refer to the ordination  
22 industry, I refer to it -- I'm referring  
23 specifically to organizations that provide online  
24 ordination and organizations that subsequently sell  
25 documentation and ministerial products to fund their

1 LEWIS KING - SEPTEMBER 11, 2020

2 activities.

3 Q And when you or I use the term "ordination  
4 industry" today, do you understand that to include  
5 the organizations that you've described -- that  
6 you've identified so far?

7 A Yes.

8 MR. MATESKY: Objection. Vague.

9 BY MS. MENNEMEIER:

10 Q How many years of experience in the  
11 ordination industry do you have?

12 A I want to say it's getting on to three  
13 years now, yeah. Close to -- approximately three  
14 years of experience.

15 Q Do you have experience interacting with  
16 people who are interested in getting ordained?

17 A Yes.

18 Q In what contexts have you interacted with  
19 people interested in getting ordained?

20 MR. MATESKY: Objection. Calls for  
21 speculation and information outside the witness's  
22 personal knowledge.

23 THE WITNESS: I have interacted with people  
24 that were seeking ordination in a number of  
25 different capacities.

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2 In terms of interpersonal interaction, I  
3 interacted with hundreds of people in Tennessee who  
4 were seeking to get ordained in person back in the  
5 summer of 2018 or '19 -- it's a little hazy right  
6 now -- when American Marriage Ministries was on the  
7 ground in Tennessee providing in-person ordinations.

8 I've also interacted with people seeking  
9 ordination in the office or through e-mail and  
10 telephone communications, folks who have reached out  
11 to us and reached out to our customer service  
12 department to find out more about the ordinations  
13 that we offer, what the implications are, and more  
14 details about the services that we offer and what  
15 ordination means.

16 BY MS. MENNEMEIER:

17 Q Do you have experience interacting with  
18 people who have already gotten ordained?

19 A Yes, I do.

20 Q Could you explain what context -- in which  
21 context you've interacted with people who have  
22 already gotten ordained?

23 A Absolutely. Again, in terms of  
24 interpersonal interactions, I would -- I'd go back  
25 to Tennessee where a good number of the people who

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2 we ordained in person were people who we had already  
3 ordained online. But these were people who needed  
4 to have an in-person ordination so that they could,  
5 at the time, be in compliance with the law that  
6 prohibited online-ordained ministers from  
7 officiating weddings.

8           So these are people who had already gotten  
9 ordained with American Marriage Ministries or other  
10 online organizations who were seeking in-person  
11 ordinations.

12           I've also interacted with people in my own  
13 sort of social capacity who have gotten ordained  
14 through various organizations online. Because of  
15 what I do for a living, the topic often comes up.  
16 And so we just -- we talk about "Oh, hey," you know,  
17 they'll mention to me that they got ordained online,  
18 and we'll discuss that.

19           Thirdly, I've interacted with people that  
20 have gotten ordained online just in American  
21 Marriage Ministries at the office, folks who have  
22 completed our ordination application and want  
23 additional information or discussion beyond what's  
24 provided on the website.

25           MR. MATESKY: And just an objection to the

1 LEWIS KING - SEPTEMBER 11, 2020

2 extent he's representing the content of third-party  
3 statements for the truth of those statements.

4 (Interruption by the reporter.)

5 BY MS. MENNEMEIER:

6 Q With respect to the personal conversations  
7 that you were describing with people who have  
8 already gotten ordained, when you encounter people  
9 in your personal life who have already gotten  
10 ordained, do you ever ask them what organization  
11 they got ordained with?

12 A Yes.

13 Q Based on your experience talking to people  
14 like that, do you have a sense for people's just  
15 general brand awareness regarding online-ordination  
16 organizations?

17 MR. MATESKY: Objection to the extent it  
18 calls for speculation and information outside the  
19 witness's personal knowledge, improper opinion  
20 testimony.

21 THE WITNESS: Yes, I do.

22 BY MS. MENNEMEIER:

23 Q And what is your understanding of people's  
24 general awareness regarding online-ordination  
25 organizations based on your --



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2 MR. MATESKY: Same -- same objection,  
3 vague, calls for speculation.

4 THE WITNESS: Well, this is one of the  
5 first things I get into when the topic arises  
6 because, as somebody that's very concerned with the  
7 brand of my own organization, I want to understand  
8 how they understand brand awareness of organizations  
9 that provide online ordinations.

10 So the topic always comes up, and it's --  
11 in a couple of different ways. Quite often people  
12 don't actually know who they got ordained with.  
13 They just know that they were ordained with someone.  
14 They'll oftentimes say something like "It was a  
15 Universal something, but I don't really know."

16 Oftentimes, because of my knowledge of the  
17 ordination industry landscape, we can narrow it down  
18 and we can figure out if it was GetOrdained or if it  
19 was a ULCM entity or if it was the original ULC or  
20 if it was any of the other organizations.

21 And, of course, I always ask, "Was it  
22 American Marriage Ministries?" because that's the  
23 link that I'm interested in in particular.

24 So, to sum all that up, I'd say there's  
25 generally pretty low brand awareness of

1 LEWIS KING - SEPTEMBER 11, 2020

2 organizations operating in the online ordination --  
3 online-ordination ecosystem.

4 MR. MATESKY: Same objection as previously  
5 plus hearsay.

6 BY MS. MENNEMEIER:

7 Q Based on your experience talking to people  
8 that have already gotten ordained, do you have a  
9 sense for how strong people's brand loyalty is to  
10 the organization that ordained them?

11 MR. MATESKY: Same objections.

12 THE WITNESS: I do.

13 BY MS. MENNEMEIER:

14 Q What is that understanding?

15 MR. MATESKY: Same objections.

16 THE WITNESS: My understanding is that  
17 there is not a lot of brand loyalty, in that most  
18 times people who get ordained do so because they  
19 want to officiate a wedding ceremony. They  
20 understand that, by getting ordained, they gain a  
21 certain legal status that allows them to officiate  
22 weddings and sign marriage documents.

23 And, generally speaking, as Americans, we  
24 all sort of understand the role that religion and  
25 religious organizations play in society.

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2           So we say, "Okay. Well, I have the same  
3 legal status as any other minister of any brick or  
4 mortar organization."

5           And if somebody -- and as people that  
6 oftentimes aren't very religious, they're doing so  
7 to get that legal status, not because they want to  
8 necessarily be a -- you know, be involved with that  
9 organization beyond that simple act of officiating a  
10 wedding.

11 BY MS. MENNEMEIER:

12         Q     You've mentioned ordination conferring a  
13 certain legal status a couple times. And I want to  
14 follow up on that.

15           Does the word "ordain" have legal  
16 significance?

17         MR. MATESKY: Objection. Calls for  
18 improper opinion testimony, information outside the  
19 witness's personal knowledge.

20         THE WITNESS: Yes, it does.

21 BY MS. MENNEMEIER:

22         Q     What is --

23         MR. MATESKY: Lack of -- sorry. Lack of  
24 foundation.

25     ///

1 LEWIS KING - SEPTEMBER 11, 2020

2 BY MS. MENNEMEIER:

3 Q What is that legal significance?

4 A That legal significance is that the word --  
5 or the term "ordained minister" or "ordained" shows  
6 up in many states' wedding laws --

7 MR. MATESKY: Same objections. I  
8 apologize.

9 THE WITNESS: -- specifically allowing  
10 ordained ministers to solemnize marriage in a  
11 certain state.

12 So the state law that defines who can  
13 officiate a wedding specifically mentions and allows  
14 ordained ministers to do that.

15 BY MS. MENNEMEIER:

16 Q Can you provide any examples of states that  
17 have the word "ordain" in their state wedding laws?

18 MR. MATESKY: Same objections as before.  
19 And also to the extent he's testifying regarding  
20 documents that have not been produced.

21 THE WITNESS: Yes, I can.

22 BY MS. MENNEMEIER:

23 Q Could you please do so?

24 A Yeah.

25 MR. MATESKY: Same objections.

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2 THE WITNESS: I know Washington State  
3 specifically describes ordained ministers as people  
4 that are allowed to officiate weddings. I know the  
5 same applies for states including Tennessee,  
6 Florida, Virginia, and New York State.

7 BY MS. MENNEMEIER:

8 Q How do you know that certain states use the  
9 word "ordain" in their state law?

10 MR. MATESKY: Same objections.

11 THE WITNESS: I do so for a couple of  
12 reasons. One reason is that we publish state  
13 wedding laws on our website. So I've reviewed that  
14 copy, and I've seen the word "ordained minister"  
15 popping up.

16 So we're taking -- word for word, we're  
17 taking marriage law from a state's marriage law  
18 repository and moving that over onto our website.  
19 So I know that that copy is the same and that that's  
20 the case.

21 I also know because I sort of, like, follow  
22 very closely the developments in marriage law in all  
23 the different states. And I've actually worked with  
24 or reached out to a number of lawmakers to help them  
25 understand the importance of online-ordained

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2 ministers and the role that online-ordained  
3 ministers play in their communities.

4 MR. MATESKY: Also object as hearsay and  
5 lack of personal knowledge.

6 BY MS. MENNEMEIER:

7 Q For which states have you personally been  
8 in contact with lawmakers?

9 A I have personally been in contact with  
10 lawmakers in the states Virginia and New York.

11 Q And in what context specifically were you  
12 in contact with lawmakers in those states about?

13 A Sure.

14 MR. MATESKY: Same objection. Vague.

15 THE WITNESS: In both of those states I was  
16 in contact with lawmakers who were coauthors or  
17 authors of amendments to bills that would have had  
18 an impact on the status of online-ordained ministers  
19 in their communities.

20 So in the case of New York, that was with  
21 Representative Sandra Galef -- or Sandy Galef. And  
22 she's out of Ossining. And she was proposing --  
23 well, she'd actually introduced two laws.

24 The first law was saying either we sort of  
25 clarify the role of online-ordained ministers and

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2 sort of make it very clear in marriage law that  
3 online-ordained ministers are allowed to officiate  
4 weddings.

5 And then the second one was kind of a  
6 poison-pill followup that says, "Okay. If this bill  
7 doesn't pass, bill No. 2 says online-ordained  
8 ministers aren't allowed to officiate weddings in  
9 the state of New York."

10 So that's obviously really problematic even  
11 though we agreed with the goal and that she was  
12 generally supportive of online-ordained ministers,  
13 we thought that it was important that she understood  
14 that bill No. 2 was a real sort of -- really  
15 questioned the credibility and legal status of  
16 online-ordained ministers.

17 So for us it's always important for us to  
18 reach out proactively to lawmakers and let them know  
19 "Hey, look, you've got thousands, tens of thousands  
20 of online-ordained ministers in your community who  
21 you represent. And it's important that your state's  
22 marriage law is, you know -- is supportive of them."

23 BY MS. MENNEMEIER:

24 Q Does AMM use the word "ordain"?

25 A Yes.

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2 Q Why does AMM use the word "ordain"?

3 A We use the word "ordain" and "ordained"  
4 because it is the most direct and accurate way of  
5 describing the status that we confer onto people who  
6 take advantage of the services that we offer.

7 Q Could AMM stop using the word "ordained"?

8 A It's possible that we could stop using the  
9 word "ordained." It would be incredibly challenging  
10 and problematic, and we'd have to really get a  
11 pretty sophisticated thesaurus to continue to do our  
12 jobs.

13 MR. MATESKY: Objection to the extent the  
14 answer is nonresponsive.

15 BY MS. MENNEMEIER:

16 Q Could you explain the challenges for AMM if  
17 it were to have to stop using the word "ordained"?

18 A Sure. In purely practical terms, it would  
19 require a lot of work to just basically rewrite all  
20 the copy that we have on our website to communicate  
21 essentially the same thing without using what we  
22 consider to be the best word to describe what we  
23 offer.

24 And, in addition to that, we would have to  
25 undergo a similar process with our marketing, with



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2 our sort of copy creation, with our blog, and with  
3 the way that we interact with ministers and  
4 potential ministers.

5 Q If AMM were in a position where it had to  
6 stop using the word "ordained," how would that  
7 affect its ability to cite to state law?

8 MR. MATESKY: Objection on the grounds --  
9 on the prior grounds of referring to documents not  
10 introduced as evidence, improper opinion testimony,  
11 and outside the witness's personal knowledge.

12 THE WITNESS: Well, as we discussed  
13 earlier, we present and publish state marriage law  
14 on our own website, so we would be unable to publish  
15 portions of documents that are published on state  
16 websites on our own website, and we would  
17 essentially have to take that part of our website  
18 down or black out certain words and hope that people  
19 understood what we were talking about.

20 It would be -- we would essentially have to  
21 remove, you know, state laws that are published in  
22 order to help people understand what the laws are.  
23 We'd have to take that down from our own website,  
24 and we would be unable to provide the sort of  
25 information services that we do to our ministers.

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2 (Interruption by the reporter.)

3 MS. MENNEMEIER: Yes, absolutely.

4 (Recess taken from 12:51 p.m.

5 to 12:58 p.m.)

6 BY MS. MENNEMEIER:

7 Q Is ordination a religious service?

8 MR. MATESKY: Objection. Vague. Calls for  
9 information outside the witness's personal  
10 knowledge. Speculation as to third-party  
11 understandings.

12 THE WITNESS: Yes.

13 BY MS. MENNEMEIER:

14 Q Is ordination an ecclesiastical service?

15 MR. MATESKY: Same objections.

16 THE WITNESS: Yes.

17 BY MS. MENNEMEIER:

18 Q What is an ecclesiastical service?

19 MR. MATESKY: Same objections.

20 THE WITNESS: An ecclesiastical service  
21 simply describes a service provided by a religious  
22 organization, historically referring to a Christian  
23 organization, but it's expanded in meaning since.

24 BY MS. MENNEMEIER:

25 Q Is --

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2 MR. MATESKY: Objection. Sorry. Lack of  
3 foundation. Go on.

4 BY MS. MENNEMEIER:

5 Q Is ordaining ministers to perform religious  
6 services an ecclesiastical service?

7 MR. MATESKY: Same objections.

8 THE WITNESS: Yes.

9 BY MS. MENNEMEIER:

10 Q More specifically, is ordaining ministers  
11 to perform weddings an ecclesiastical service?

12 MR. MATESKY: Same objections.

13 THE WITNESS: Yes, it is, because weddings  
14 are generally considered to be a religious service  
15 or religious event.

16 BY MS. MENNEMEIER:

17 Q Are ordination services inherently  
18 ecclesiastical services?

19 MR. MATESKY: Same objections.

20 THE WITNESS: Yes. Well, let me expand on  
21 that --

22 BY MS. MENNEMEIER:

23 Q Sure.

24 A -- more a little bit. They are -- I  
25 wouldn't say inherently because "ecclesiastical

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2 services" generally is referring to a church.

3 So I would say they are often  
4 ecclesiastical services. But synagogues, mosques,  
5 and other religious organizations that may not  
6 consider their services to be ecclesiastical can  
7 still offer ordination.

8 Q Okay. Thank you for that clarification.

9 Does it remain true that ordination  
10 services are ecclesiastical services if the  
11 ordination services are provided online?

12 MR. MATESKY: Same objections.

13 THE WITNESS: Yes.

14 BY MS. MENNEMEIER:

15 Q What do you personally understand the  
16 phrase "get ordained" to mean?

17 MR. MATESKY: Objection. Relevance.

18 THE WITNESS: "Get ordained" is a verbal  
19 phrase. It's descriptive of the act of ordination,  
20 which is a compact between an organization and an  
21 individual that empowers or allows that organization  
22 to undertake acts on behalf of and in the name of  
23 that organization.

24 BY MS. MENNEMEIER:

25 Q Do you understand the phrase "get ordained"

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2 to refer to any particular organization?

3 MR. MATESKY: Same objection. Irrelevant.

4 I'm sorry. I may have spoken over the  
5 answer. I didn't hear the answer.

6 THE WITNESS: No.

7 BY MS. MENNEMEIER:

8 Q Do you have any reason to believe, based on  
9 your experience, that individuals seeking to get  
10 ordained understand the phrase "get ordained" to  
11 refer to any particular organization?

12 MR. MATESKY: Objection to the extent it  
13 calls for information outside the witness's personal  
14 knowledge.

15 THE WITNESS: I have no reason to believe  
16 that people seeking -- using the term "get ordained"  
17 are doing so -- you know, can you repeat the  
18 question? I kind of lost it there.

19 BY MS. MENNEMEIER:

20 Q Absolutely. Do you have any reason to  
21 believe, based on your experience, that individuals  
22 who are seeking to get ordained understand the  
23 phrase "get ordained" to refer to a particular  
24 organization?

25 MR. MATESKY: Same objections.

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2 THE WITNESS: I have no reason to believe  
3 that they are seeking out a particular organization.

4 BY MS. MENNEMEIER:

5 Q Do you have an understanding of what  
6 individuals who are seeking to get ordained  
7 understand the phrase "get ordained" to mean?

8 MR. MATESKY: Objection. Ambiguous, lack  
9 of foundation, calls for information outside the  
10 witness's personal knowledge.

11 THE WITNESS: Yes, I do.

12 MR. MATESKY: Also hearsay.

13 BY MS. MENNEMEIER:

14 Q What do they understand the phrase "get  
15 ordained" to mean?

16 MR. MATESKY: Same objections. Improper  
17 opinion testimony.

18 THE WITNESS: People that are using the  
19 term "get ordained" are using it because they  
20 think -- oh, man.

21 Would you mind repeating the question? I  
22 want to, like, really get the language right here.

23 BY MS. MENNEMEIER:

24 Q Sure.

25 A There's a pretty long lag here.

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2 Q Absolutely. What do you -- what do people  
3 who are seeking to become ordained understand the  
4 phrase "get ordained" to mean?

5 MR. MATESKY: Same objections.

6 THE WITNESS: People understand the phrase  
7 "get ordained" to mean the act of receiving an  
8 ordination that allows them to do certain things  
9 that they want to do and being -- becoming an  
10 ordained minister by the organization that is  
11 providing that ordination.

12 So, in the case of AMM, when people use the  
13 phrase "get ordained," they are -- and they find our  
14 website, they're doing so looking for a particular  
15 service that we do offer.

16 BY MS. MENNEMEIER:

17 Q How do you know that that's how people who  
18 want to get ordained understand the phrase "get  
19 ordained"?

20 MR. MATESKY: Same objections.

21 THE WITNESS: We know this for couple of  
22 reasons. We know it because we can look at how  
23 people are finding our website using Google  
24 Analytics and Google Search console. And it will  
25 tell us what folks are looking for, the phrases and

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2 keywords that they're using when they're looking for  
3 what they are looking for.

4 And then whether or not they -- that search  
5 takes them to our site and delivers a conversion,  
6 which is essentially an ordination.

7 BY MS. MENNEMEIER:

8 Q When you said "we" in your answer just now,  
9 who were you referring to?

10 A American Marriage Ministries. And I guess  
11 myself in particular. I -- this is what I've seen  
12 and what I've learned.

13 Q Do you have an understanding of what people  
14 who have already gotten ordained understand the  
15 phrase "get ordained" to mean?

16 A Yes.

17 Q What do those people understand the phrase  
18 "get ordained" to mean?

19 A They understand the phrase "get ordained"  
20 to mean that they have received an ordination that  
21 empowers them to officiate wedding ceremonies for  
22 friends and family members and that by -- through  
23 that process of ordination, that they have become a  
24 minister of our organization, American Marriage  
25 Ministries.



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2 MR. MATESKY: Same objections as before.

3 Outside the witness's personal knowledge,  
4 speculation, improper testimony, lack of foundation,  
5 hearsay.

6 BY MS. MENNEMEIER:

7 Q How did you come to that understanding?

8 A I did so in a number of ways but primarily  
9 by -- through interactions with people that got  
10 ordained through American Marriage Ministries'  
11 website.

12 MR. MATESKY: Same objections.

13 BY MS. MENNEMEIER:

14 Q Are you personally aware of anyone who  
15 associates the phrase "get ordained" with ULCMS?

16 MR. MATESKY: Same objections.

17 THE WITNESS: Not the ULCMS specifically.  
18 I know that there is -- that there are certain  
19 people that associate the phrase "get ordained" with  
20 the Universal Life Church more broadly, which would  
21 include the Modesto organization and any number of  
22 other options that exist out there, which there are  
23 quite a few.

24 BY MS. MENNEMEIER:

25 Q Are you aware of whether AMM as an

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2 organization has ever heard from somebody that it  
3 ordained that that person associates the phrase "get  
4 ordained" with ULCMS?

5 MR. MATESKY: Same objections.

6 THE WITNESS: No. I personally am not  
7 aware of anybody that meets that description.

8 BY MS. MENNEMEIER:

9 Q Has AMM ever heard from somebody that it  
10 ordained that that person believed AMM was  
11 affiliated with ULCMS because AMM used the phrase  
12 "get ordained"?

13 A Never.

14 MR. MATESKY: Objection. Vague, ambiguous.

15 BY MS. MENNEMEIER:

16 Q How long has AMM been ordaining people?

17 A AMM has been ordaining people since our  
18 inception in July 2009.

19 Q How long has AMM been using the phrase "get  
20 ordained" in conjunction with ordaining people?

21 A We have been using the phrase or the term  
22 "get ordained" ever since we've started ordaining  
23 people back in 2009.

24 Q How many ministers has AMM ordained total?

25 MR. MATESKY: Objection. Outside witness's

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2 personal knowledge.

3 THE WITNESS: We have ordained in excess of  
4 730,000 ministers.

5 MR. MATESKY: Objection. Lack of  
6 foundation. And to the extent he's relying on  
7 documents that have not been produced.

8 BY MS. MENNEMEIER:

9 Q How do you know that?

10 A I know that because we update our minister  
11 count in realtime right on the front of our -- of  
12 the landing page at the AMM.org. So the number of  
13 people that we have ordained is publicly available  
14 on our website and easily accessible. And I look at  
15 that number every single day.

16 Q Can you explain how AMM obtains the  
17 information that generates that number?

18 A Sure. We do so by -- we have a -- a  
19 database that is stored in the cloud through our  
20 cloud service provider.

21 And that -- and there's an API that  
22 interacts with that data and looks at the number of  
23 people that have been ordained who are kept in that  
24 database and counts the number and feeds that number  
25 back onto a display on our website that has the

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2 exact same number as the number of people that are  
3 stored in that database.

4 And that number is derived from the number  
5 of people who have successfully completed an  
6 application and their data has been moved from our  
7 website into that cloud database.

8 Q You used the term "API" in your answer just  
9 now.

10 Can you explain what API means?

11 A It's something A -- I don't know what the A  
12 stands for, but it stands for something programming  
13 interface. And it's basically just a line of -- a  
14 line or couple lines of code that allow data from  
15 one repository to be served in another capacity on  
16 another website or through another app.

17 And it's pretty straightforward stuff, but  
18 it can look a lot of different ways.

19 MR. MATESKY: Objection. Lack of  
20 foundation, improper opinion testimony.

21 BY MS. MENNEMEIER:

22 Q How many ministers did AMM ordain between  
23 January 1st, 2014, and October 30th, 2019?

24 MR. MATESKY: Objection to the extent it  
25 calls for information outside the witness's personal

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2 knowledge.

3 THE WITNESS: We ordained about 517,000  
4 ministers during that time period.

5 BY MS. MENNEMEIER:

6 Q How do you know that?

7 A I know that because I consulted our  
8 database.

9 MR. MATESKY: We object to the extent he's  
10 testifying based on documents that have not been  
11 produced.

12 MS. MENNEMEIER: And, Counsel, this  
13 document has been produced in the Western District  
14 of Washington litigation. You have received a copy  
15 of this document.

16 MR. MATESKY: Well, we object to the extent  
17 it's not been produced in this litigation and not  
18 being produced during the discovery period in this  
19 litigation.

20 MS. MENNEMEIER: And I'm not sure what --  
21 if you can identify for me which of your requests  
22 this would have been responsive to. My  
23 understanding is that this document was not  
24 responsive to any of your requests. We determined  
25 its relevance after the discovery period had closed.

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2 But we would be happy to reproduce it in  
3 this proceeding, if you would like to make that  
4 request.

5 MR. MATESKY: Yeah, I would like you guys  
6 to produce that document.

7 MS. MENNEMEIER: I will make a point of --  
8 we will produce that today.

9 MR. MATESKY: But I would note that I don't  
10 think that production cures the prejudice of not  
11 being able to ask questions in discovery since the  
12 discovery period has long closed. But go ahead.

13 MS. MENNEMEIER: And, again, I would ask  
14 you to identify which requests you believe this  
15 would have been responsive to.

16 MR. MATESKY: Do you want to do it on the  
17 record now, or should we do it later?

18 MS. MENNEMEIER: I think we can handle this  
19 later, but...

20 MR. MATESKY: Okay.

21 BY MS. MENNEMEIER:

22 Q How many -- well, how many of the ministers  
23 who have been ordained through AMM saw or heard AMM  
24 use the phrase "get ordained"?

25 MR. MATESKY: Objection. Calls for

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2 information outside the witness's personal  
3 knowledge.

4 THE WITNESS: Almost every single minister  
5 that got ordained by American Marriage Ministries  
6 has interacted with the phrase "get ordained" on our  
7 website or -- sorry.

8 BY MS. MENNEMEIER:

9 Q Sorry. I did not mean to cut you off.

10 A No, that's fine. Let's stop it at  
11 "website," period, full stop.

12 Q How do you know that those people would  
13 have -- that those people saw the phrase "get  
14 ordained" on AMM's website?

15 A I know this because "get ordained" is  
16 central to our SEO strategy, it's central to our  
17 marketing strategy, and it's central to our copy  
18 strategy on our website itself.

19 So that means that if somebody finds -- if  
20 somebody gets as far as clicking the "get ordained"  
21 button and then clicking the "ordain me" button,  
22 they would have found us either through a Google  
23 search, where they would have probably interacted  
24 with "get ordained."

25 They would have found us through a Google

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2 AdWords advertisement, which would probably use the  
3 phrase "get ordained."

4 (Interruption by the reporter.)

5 THE WITNESS: Sure. Sorry about that. A  
6 lot of coffee coursing through my veins right now.

7 Or they would have interacted with a Google  
8 AdWords advertisement that would have used copy  
9 including "get ordained."

10 And then, once they actually land on our  
11 website, the phrase "get ordained" would have been  
12 and is prominently displayed in a number of  
13 locations above the fold in the -- if you are  
14 looking at our website and you land on our website,  
15 you see the words "get ordained."

16 MR. MATESKY: Object to the response as  
17 speculation and lack of personal knowledge.

18 BY MS. MENNEMEIER:

19 Q Given your role as executive director of an  
20 organization that ordains people online, are you  
21 familiar with how prospective ministers find your  
22 organization?

23 A Yes.

24 Q Given that experience, are you familiar  
25 with how prospective organizations -- excuse me, how



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2 prospective ministers find other organizations that  
3 offer similar services?

4 MR. MATESKY: Objection. Lack of personal  
5 knowledge, calls for speculation.

6 THE WITNESS: Yes, I am.

7 BY MS. MENNEMEIER:

8 Q How do prospective ministers find  
9 ordination organizations?

10 MR. MATESKY: Same objection. Lack  
11 personal of knowledge, calls for speculation,  
12 improper opinion testimony.

13 THE WITNESS: Well, one sort of accurate  
14 way of understanding what people are looking for and  
15 how they're looking for it when they are searching  
16 for "ordination" is by using a tool that Google  
17 provides for free. And it's called Google Trends.

18 BY MS. MENNEMEIER:

19 Q What is that tool? Rather, what does that  
20 tool do?

21 A Google Trends is a -- is basically -- it's  
22 an aggregation of all the different Google search  
23 terms that are run through Google's search engine.  
24 And then it breaks them down over time by phrases  
25 used and into different categories that allows you

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2 to understand sort of the search velocity for any  
3 term over a given period of time.

4 Q What else, if anything, can Google Trends  
5 show you?

6 A It can show you a lot of stuff. It can  
7 show you related topics that users are searching  
8 for. It can do related queries or related phrases  
9 that will give you a little bit more insight into  
10 how people are using or are looking for online  
11 ordination.

12 So you can expand from just "get ordained"  
13 to "get ordained online," "get ordained in  
14 Minnesota." And it can sort of give you the context  
15 to understand how people are searching for the  
16 phrase "get ordained."

17 Q And when you say that it can show you  
18 related searches, does Google Trends show what other  
19 searches are getting run by people who search for  
20 one particular phrase?

21 A Yes, it does.

22 Q What is the value of knowing what else  
23 people are searching for?

24 A Well, the value of knowing what else people  
25 are searching for and how they're searching for it

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2 is central to running any sort of online business or  
3 online organization, in that the only way that  
4 people are going to find you is through the  
5 Internet.

6 And so you need to take advantage of the  
7 sort of information streams that are out there and  
8 ensure that your website, your intellectual property  
9 is situated in the center of those streams and is  
10 able to capture that traffic.

11 So you want to use all the tools that  
12 Google provides for free to ensure that you're  
13 creating copy, that you're advertising, and that  
14 you're talking about yourself using the right  
15 phrases, the right keywords, and the right terms.

16 And that's what Google Trends does in a  
17 very -- in a much more -- you know, in the context  
18 of time. It graphs it out so you can really  
19 understand it.

20 If you need -- if something is happening  
21 out there or if -- you know, a particular amount of  
22 interest is being generated regarding a very  
23 specific term that's related to the service that  
24 you're offering, you can make sure that you are  
25 creating copy and content that is -- how do you

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2 say? -- you know, that is aligned with that.

3 Q How did you become familiar with Google  
4 Trends?

5 A I've been poking around at Google Trends  
6 for years in my previous roles working in media and  
7 communications consulting and as a journalist.

8 I was just -- you know, it's -- a similar  
9 sort of dynamic is at play where you want to  
10 understand what your readers or what your clients'  
11 readers are interested in and how they're talking  
12 about certain subjects.

13 Q Did you ever personally run a search of the  
14 phrase "get ordained" in Google Trends?

15 A Yes.

16 Q When did you last perform such a search?

17 A I performed such a search yesterday.

18 Q What did you learn from that search?

19 MR. MATESKY: Object to the extent the  
20 witness is testifying regarding documents that have  
21 not been produced.

22 THE WITNESS: Well, I learned a lot. I  
23 learned, for one thing, that the big takeaway is  
24 that there has been a significant amount of  
25 search-term velocity for the term "get ordained"

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2 since 2004.

3 I also learned a lot about, you know,  
4 related search terms and related topics that are  
5 associated with the phrase "get ordained."

6 BY MS. MENNEMEIER:

7 Q Did your search of "get ordained" in Google  
8 Trends inform your understanding of what other  
9 people are looking for when they search the phrase  
10 "get ordained"?

11 A Yes.

12 MR. MATESKY: Objection. Calls for  
13 improper opinion testimony.

14 MS. MENNEMEIER: Marla --

15 THE WITNESS: Yes, it did.

16 MS. MENNEMEIER: -- witness's answer?

17 Sorry, Marla, did you get the witness's  
18 answer?

19 THE COURT REPORTER: Yes.

20 MS. MENNEMEIER: Okay. Great.

21 BY MS. MENNEMEIER:

22 Q How did running that search in Google  
23 Trends inform your understanding of what people are  
24 looking for when they search for the phrase "get  
25 ordained"?

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2 MR. MATESKY: Object to the extent it calls  
3 for information outside the witness's personal  
4 knowledge, speculation, improper opinion testimony,  
5 and lack of foundation.

6 THE WITNESS: Would you mind repeating the  
7 question?

8 BY MS. MENNEMEIER:

9 Q Sure. How did that --

10 Marla, could you repeat my question?

11 (The record was read as follows:

12 Q How did running that search in  
13 Google Trends inform your understanding  
14 of what people are looking for when they  
15 search for the phrase "get ordained"?)

16 MR. MATESKY: Same objections.

17 THE WITNESS: It informed it by serving up  
18 a list of the top and rising related search terms.

19 And it also -- so, for example, it's, you  
20 know, a big way that -- one of those prominent ways  
21 that people were searching for "get ordained," it  
22 said -- or it didn't say -- it showed data that most  
23 people were searching for "get ordained" in the  
24 context of "get ordained online" or "get ordained  
25 in" and then a specific state, like California.

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2 MR. MATESKY: Objection. Hearsay.

3 BY MS. MENNEMEIER:

4 Q Based on what you were seeing, did the data  
5 tell you anything about whether people who searched  
6 for "get ordained" are looking for a particular  
7 brand?

8 MR. MATESKY: Same objections as  
9 previously.

10 THE WITNESS: Yes.

11 BY MS. MENNEMEIER:

12 Q What did it tell you?

13 MR. MATESKY: Same objections.

14 THE WITNESS: It told me that the  
15 overwhelming majority of people that used the search  
16 term "get ordained" did not do so looking for a  
17 brand.

18 And the only brand that showed up was quite  
19 low in the ranking of related search terms, and that  
20 was Universal Life Church, which, in and of itself,  
21 is a brand but is not a brand that's associated, in  
22 my opinion, with -- or, in my experience, with any  
23 one organization.

24 MR. MATESKY: So we object to the response  
25 on all the previously stated grounds, improper

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2 testimony, outside the witness's personal knowledge,  
3 and hearsay.

4 BY MS. MENNEMEIER:

5 Q Did the data you saw in Google Trends tell  
6 you anything about whether people who searched for  
7 the phrase "get ordained" are looking for a  
8 particular organization?

9 MR. MATESKY: Same objections.

10 THE WITNESS: Yes.

11 BY MS. MENNEMEIER:

12 Q What did it tell you?

13 MR. MATESKY: Same objections.

14 THE WITNESS: It told me that they are not  
15 looking for a particular organization with the  
16 exception of the few searchers who were looking for  
17 the organization of Universal Life Church.

18 BY MS. MENNEMEIER:

19 Q Why do you say that?

20 MR. MATESKY: Same objections.

21 THE WITNESS: I think -- I say that because  
22 Google ranks the velocity of the related search  
23 terms from zero to a hundred.

24 And, for example, "get ordained online" is  
25 at 100, which means it is the highest velocity.



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2 That means the majority of people are searching for  
3 that search term. "Universal Life Church" is down  
4 at the bottom with just six.

5 BY MS. MENNEMEIER:

6 Q Did any other organizations appear in the  
7 list of related search queries?

8 MR. MATESKY: Same objections and vague to  
9 the extent it refers to other organizations.

10 MS. MENNEMEIER: Actually, let me rephrase  
11 that.

12 BY MS. MENNEMEIER:

13 Q Did any organizations appear in the list of  
14 related search queries?

15 A Yes.

16 MR. MATESKY: Same objection.

17 BY MS. MENNEMEIER:

18 Q Which organizations?

19 A Universal Life Church.

20 MR. MATESKY: Objection in use of the term  
21 "organization" in this context.

22 BY MS. MENNEMEIER:

23 Q Do you know whether the Universal Life  
24 Church is the same as the applicant in this case,  
25 ULCMS?

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2 MR. MATESKY: Objection. Vague regarding  
3 use of the terminology.

4 THE WITNESS: No.

5 BY MS. MENNEMEIER:

6 Q Is the Universal Life Church the same as  
7 the applicant in this case, ULCMS?

8 MR. MATESKY: Objection. Lack of  
9 foundation, outside the witness's personal  
10 knowledge, speculation, and hearsay to the extent  
11 referring to whatever the witness saw on whatever  
12 document that hasn't been produced used by third  
13 parties.

14 THE WITNESS: ULCMS is not the same  
15 organization, as I understand it, as Universal Life  
16 Church.

17 BY MS. MENNEMEIER:

18 Q Okay. I'd like to introduce a copy of the  
19 document that's been prelabeled Exhibit 47. And I  
20 will share my screen with you so that you can see  
21 this.

22 MR. MATESKY: I'm sorry. Did you say 47?

23 MS. MENNEMEIER: Yes.

24 (Exhibit 47 was marked for  
25 identification by the reporter.)

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2 MR. MATESKY: We object to introduction of  
3 this document on lack of authentication grounds and  
4 because it was not previously produced and on  
5 hearsay grounds to the extent it's used to prove the  
6 truth of anything stated in the document.

7 BY MS. MENNEMEIER:

8 Q Do you recognize this document?

9 A Yes, I do.

10 Q How do you recognize this document?

11 A This is a document -- this document is a  
12 screen capture that I created yesterday.

13 Q As a general matter, what does this  
14 document show?

15 MR. MATESKY: I'm also going to object to  
16 the extent this is outside of the pretrial  
17 disclosures.

18 THE WITNESS: This document shows the  
19 search velocity or interest over time -- well, it's  
20 the entire top half of the page that Google Trends  
21 serves up for the search term "get ordained."

22 BY MS. MENNEMEIER:

23 Q Let me scroll down so that you can see the  
24 whole --

25 A Sure.

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2 Q -- the whole exhibit.

3 A Right. Okay.

4 Q And, based on that, what, just as a general  
5 matter, does this screenshot show?

6 A This is an overview of the information  
7 associated with the search term "get ordained" that  
8 Google Trends serves up January 1st, 2004, and  
9 September 10th --

10 (Interruption by the reporter.)

11 THE WITNESS: Yeah. Sure.

12 This is an overview of the information that  
13 Google Trends serves up for the search term "get  
14 ordained" on the time line between January 1st,  
15 2004, and September 10th, 2020.

16 BY MS. MENNEMEIER:

17 Q Does this document accurately reflect the  
18 information that appears in Google Trends -- that  
19 appeared in Google Trends for a search of the term  
20 "get ordained" as it appeared to you on  
21 September 10th, 2020?

22 A Yes.

23 Q Is the Web page shown in this document  
24 publicly available?

25 A Yes.

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2 Q Did you run the search that's shown in this  
3 screenshot?

4 A Yes, I did.

5 Q Do you know where the information in this  
6 Web page comes from?

7 MR. MATESKY: Objection. Lack of  
8 foundation.

9 THE WITNESS: Yes, I do.

10 BY MS. MENNEMEIER:

11 Q Where does the information shown in this  
12 Web page come from?

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

15 THE WITNESS: This is information that  
16 Google collects based on all of the searches that  
17 are run using its Google.com search engine.

18 MR. MATESKY: Objection to the response  
19 based on lack of personal knowledge.

20 BY MS. MENNEMEIER:

21 Q How do you know that?

22 A Because this is how Google Trends describes  
23 the service that it provides.

24 MR. MATESKY: Same objection and hearsay.

25 ///

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2 BY MS. MENNEMEIER:

3 Q Do you see the line graph in what right --  
4 what currently appears, like, sort of the middle of  
5 the page?

6 A Yes, I do.

7 Q Do you know what that line graph shows?

8 A Yes, I do.

9 Q What does that line graph show?

10 A It shows the interest over time in the  
11 search term "get ordained," starting in January 1st,  
12 2004, and running through September 10th, 2020.

13 Q How do you know that that's what this line  
14 graph shows?

15 A Because if you look immediately above the  
16 line graph, you can see "2004 through present." And  
17 I know that I ran the search term yesterday and  
18 created this document yesterday; therefore, those  
19 are the dates that it represents.

20 MR. MATESKY: Same objection regarding  
21 hearsay.

22 BY MS. MENNEMEIER:

23 Q I'm going to scroll down a little bit.

24 Do you see the map on this document?

25 A Yes, I do.

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2 Q Do you know what the map shows?

3 A Yes, I do.

4 MR. MATESKY: Objection. Lack of  
5 foundation, lack of personal knowledge.

6 BY MS. MENNEMEIER:

7 Q What does this map show?

8 A This map --

9 MR. MATESKY: Same objection.

10 Sorry.

11 Same objections.

12 THE WITNESS: This map shows interest in  
13 the search term "get ordained" by state.

14 BY MS. MENNEMEIER:

15 Q How do you know that?

16 A Well, I know that based on the information  
17 that's served immediately to the right of the state  
18 map of the United States where it's got search terms  
19 broken down by interest and the name of the state,  
20 starting with Kentucky and running down through  
21 No. 5, which is Washington.

22 MR. MATESKY: Objection. Hearsay, lack of  
23 personal knowledge.

24 BY MS. MENNEMEIER:

25 Q What do the blue states versus the gray

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2 states on that map -- what do the colors represent?

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

5 THE WITNESS: Well, the colors -- the  
6 darker the shade of blue, the more the interest by  
7 state. So Kentucky is the darkest shade of blue  
8 because it has its state interest registered at 100.

9 Whereas if you look at a state like  
10 Montana, which is the big state to the right of  
11 Washington State there nestled up there against the  
12 Canadian border, interest is significantly lower.

13 So it tells us that users of Google search  
14 engine in the state of Montana are less interested  
15 in the search term "get ordained" than their  
16 counterparts a few miles west in Washington State.

17 MR. MATESKY: Objection. Hearsay and lack  
18 of personal knowledge.

19 BY MS. MENNEMEIER:

20 Q Make sure I'm understanding correctly.

21 Does that mean that people in, say,  
22 Washington State are more frequently searching for  
23 the phrase "get ordained" than people in Montana?

24 MR. MATESKY: Objection. Lacks foundation,  
25 lack of personal knowledge.



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2 THE WITNESS: Yes.

3 BY MS. MENNEMEIER:

4 Q Regarding the chart on the bottom left  
5 that's titled "Related Topics"?

6 A Mm-hmm.

7 Q Do you know what that chart shows?

8 A Yes.

9 Q What does that chart show?

10 A This shows the related topics that people  
11 who searched for the search term "get ordained" are  
12 searching for.

13 In other words, it shows the other topics  
14 that they have expressed interest in during their  
15 searches using Google's search engine.

16 MR. MATESKY: Objection. Lack of  
17 foundation, lack of personal knowledge.

18 BY MS. MENNEMEIER:

19 Q How do you know that?

20 A I know that because Google breaks down  
21 search terms into topics and it uses that for its  
22 own personal sort of classification of search terms.  
23 And it also uses it to serve -- to interact with its  
24 Google AdWords platform and serve more targeted  
25 marketing.

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2 And so it knows -- it's got a separate  
3 topic for ordination. It's got a topic for  
4 marriage.

5 And it uses those topics to figure out the  
6 topics that any individual searcher is interested in  
7 and then to classify them as such.

8 MR. MATESKY: Objection. Lack of  
9 foundation, lack of personal knowledge, and hearsay.

10 BY MS. MENNEMEIER:

11 Q Does the information shown in this  
12 particular chart come from Google?

13 A Yes.

14 Q Okay. And looking at the chart on the  
15 bottom right that's titled "Related Queries," do you  
16 know what this chart shows?

17 A Yeah. This is a little bit more granular  
18 than the chart on the left in that this actually  
19 breaks it down to the queries that -- that the  
20 searchers were querying in conjunction with "get  
21 ordained."

22 MR. MATESKY: Objection. Lack of personal  
23 knowledge, lack of foundation, hearsay.

24 BY MS. MENNEMEIER:

25 Q And when you say "queries," do you mean

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2 searches, Google searches?

3 A Yeah. The phraseology of that Google

4 search. Is "phraseology" a word?

5 Q I believe so.

6 A Okay.

7 Q Maybe not. Maybe it's just from "The Music

8 Man."

9 Let's see. How do you know that this chart  
10 is showing related queries run by people who  
11 searched for "get ordained"?

12 A Because that is how Google Trends describes  
13 this chart that we're looking at right here. It's  
14 got information -- it basically breaks down what  
15 you're looking at, at what and what it means.

16 And I've read closely all the different  
17 descriptions of the different -- of all the  
18 different descriptions of the information that it  
19 serves up here on this website.

20 MR. MATESKY: Objection. Hearsay. Lack of  
21 personal knowledge.

22 BY MS. MENNEMEIER:

23 Q Looking at the first row of this "Related  
24 Queries" chart, I see a number of symbols in this  
25 row. And I'd like to walk through them with you.

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2 First, do you know what the question mark  
3 next to the words "Related Queries" shows?

4 A Yes.

5 Q And what is that question mark?

6 A Yeah. So that's what I was referencing in  
7 response to your previous question, but I'll get a  
8 little bit more detailed.

9 That's where you can click -- you can hover  
10 over that and click on it, and it expands and gives  
11 you more information about the information that  
12 you're looking at.

13 Q Okay. Then looking over to the right  
14 further, the word "top" appears.

15 What does that word mean in this context?

16 A So this is the top related queries over the  
17 time period that's laid out in the graph above.  
18 It's a toggle that you can toggle between that lets  
19 you go between "top" and "rising." So it's  
20 basically a way that you can look at this same data  
21 from different angles.

22 Q And what does "rising" mean in this  
23 context?

24 A "Rising" is used to represent a significant  
25 increase in search velocity over the time period

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2 represented in the graph above.

3 Q So, with respect to this chart, does  
4 "rising" represent related searches that have  
5 recently become more popular in combination with the  
6 search "get ordained"?

7 A Yes.

8 Q And looking back at that top -- or at this  
9 row -- the top row of this chart, next to the word  
10 "top," there's a downward-pointing arrow.

11 A Mm-hmm.

12 Q What does that arrow do?

13 A It just moves -- it's a way to toggle  
14 between how the data is represented here, I believe.  
15 So if you click on that little arrow, it'll move the  
16 queries around, I think from lowest to highest and  
17 highest to lowest again.

18 It's just if you want to see what people  
19 don't care about, what people care about, and see  
20 the sort of the extremes of the search.

21 Q Okay. So looking at the downward-pointing  
22 arrow next to that that's on top of a line, do you  
23 know what that symbol reflects?

24 A Yes, I do.

25 MR. MATESKY: I'm sorry, Counsel, which are

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2 you referring to now?

3 MS. MENNEMEIER: The downward-pointing  
4 arrow that's on top of a line.

5 MR. MATESKY: Thank you.

6 THE WITNESS: And yes, I do.

7 BY MS. MENNEMEIER:

8 Q What does that symbol reflect?

9 A That's an icon that you can click on that  
10 will download the information presented in that  
11 visual right there.

12 Q Okay. I want to come back to that in a  
13 moment.

14 But moving on to the left- and right-facing  
15 arrows, what do those do?

16 A You can expand that to get the code for an  
17 API.

18 Q Okay. And then moving over to what looks  
19 sort of like a less-than symbol, but there are dots  
20 in all of the ends of the lines, can you explain  
21 what that symbol does?

22 A Yeah. That allows you to share this  
23 information on social media.

24 Q Okay. So with respect to the downward  
25 pointing arrow over the line, you said that you

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2 could click on that to download information.

3 Have you clicked on that arrow to download  
4 information from Google Trends?

5 A Yes, I have.

6 Q Okay. I'd like to direct your attention  
7 now to what's been previously marked as Exhibit 48.

8 (Exhibit 48 was marked for  
9 identification by the reporter.)

10 BY MS. MENNEMEIER:

11 Q And I will share my screen of that.

12 Okay. Can you see this document?

13 A Yes, I can.

14 Q Do you recognize this document?

15 A Yes, I do.

16 Q How do you recognize this document?

17 A This is the document that's created from  
18 data that I downloaded yesterday.

19 Q Where did you obtain the data in this  
20 document from?

21 A I obtained the data in this document from  
22 Google Trends.

23 MR. MATESKY: So we object to introduction  
24 of this document on the grounds it has not been  
25 previously produced and has been withheld for

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2 surprise at trial.

3 BY MS. MENNEMEIER:

4 Q Is this data publicly available?

5 A Yes, it is. Anybody can go to Google  
6 Trends and type in the search term "get ordained"  
7 and download this exact data. Takes about  
8 30 seconds.

9 Q Prior to your preparation for testimony --  
10 for your testimony today, had you ever downloaded  
11 the data shown in Google Trends for a search of the  
12 phrase "get ordained"?

13 MR. MATESKY: Objection. Vague. Kelly, I  
14 wasn't sure of the first few words in that question.

15 MS. MENNEMEIER: Marla, did you catch my  
16 full question?

17 (The record was read as follows:

18 Q Prior to your preparation for  
19 testimony -- for your testimony today,  
20 had you ever downloaded the data shown  
21 in Google Trends for a search of the  
22 phrase "get ordained"?)

23 THE WITNESS: I think I have downloaded  
24 this data a couple of days ago, but I don't recall  
25 exactly when. Very recently when I was playing



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2 around with it.

3 BY MS. MENNEMEIER:

4 Q Do you know what the data in this document  
5 shows?

6 A Yes, I do. It's a more detailed  
7 representation of the data that we were just looking  
8 at in the last presentation, exhibit.

9 MR. MATESKY: Objection. Lack of  
10 foundation, lack of personal knowledge, hearsay.

11 BY MS. MENNEMEIER:

12 Q A more detailed representation of the  
13 "Related Queries" chart specifically or of another  
14 chart?

15 MR. MATESKY: Objection. Leading.

16 THE WITNESS: This is related queries.

17 BY MS. MENNEMEIER:

18 Q Okay. What time frame is shown in this  
19 document?

20 A This is through one -- through the  
21 beginning of 2004 up until today.

22 Q Okay. Now, looking first at column A,  
23 rows 5 through 29, what is shown in those rows in  
24 that column?

25 A Can I just back up the last question before

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2 I do that and just say I think it's through  
3 yesterday? I said today, but I believe the data  
4 that I created was created yesterday.

5 Q Okay. Thank you for that clarification.

6 With respect to column A, rows 4 through  
7 29, what does the information in these rows show us?

8 A This is a numerical representation of the  
9 search velocity for the time period between -- for  
10 the search term "get ordained" for the time period  
11 between January 1st, 2004, and September 10th, 2020.

12 Q And what information in this spreadsheet  
13 shows us the search velocity?

14 A That's going to be that number in column B  
15 there, between B5 and B29.

16 Q When you say "search velocity," what do you  
17 mean by "velocity"?

18 MR. MATESKY: Objection. Compound.

19 THE WITNESS: By "velocity" I just mean the  
20 interested number of people using the search term at  
21 any given time.

22 BY MS. MENNEMEIER:

23 Q With respect to these numbers, what does  
24 100 mean in terms of search velocity?

25 A A hundred means that that is the maximum

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2 interest -- that that is the maximum amount of  
3 interest that is being expressed in or being  
4 registered in Google's search engine.

5 MR. MATESKY: Objection. Lack of personal  
6 knowledge, hearsay, lack of foundation.

7 BY MS. MENNEMEIER:

8 Q And what is the lowest number that's  
9 possible to appear?

10 A Zero.

11 Q Okay. And how do you know that that's what  
12 the highest and -- well, how do you know that that's  
13 what these numbers mean?

14 A Because I've used Google search term and --  
15 sorry. Wow. I've used Google Trends, and Google  
16 Trends explains in detail what all the data means  
17 and that this is how they describe these numbers  
18 that we're looking at.

19 MR. MATESKY: Objection. Hearsay.

20 BY MS. MENNEMEIER:

21 Q Okay. And looking specifically at this  
22 spreadsheet -- I want to make sure that I understand  
23 what it's showing.

24 Looking at row 5 specifically, can you  
25 explain what that row tells -- what that row

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2 indicates?

3 A Sure. So what this row indicates is that  
4 the top related search query to "get ordained" is  
5 "how to get ordained." When people are searching  
6 for "get ordained" and they use that phrase in  
7 Google's search engine, they're doing it in the  
8 context of how to get ordained.

9 MR. MATESKY: Objection. Lack of personal  
10 knowledge, hearsay, lack of foundation.

11 BY MS. MENNEMEIER:

12 Q Does this row mean that people who search  
13 for the phrase "get ordained," that many of them are  
14 also searching for the phrase "how to get ordained"?

15 MR. MATESKY: Same objections.

16 THE WITNESS: That is exactly what it  
17 means, yes.

18 BY MS. MENNEMEIER:

19 Q Does the information in this spreadsheet  
20 inform your understanding of what people are looking  
21 for when they search for the term "get ordained"?

22 A Yes.

23 Q Can you explain how the information in this  
24 spreadsheet specifically informs your understanding?

25 A Yes. So we know -- because we typed in

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2 "get ordained," we know that "get ordained" is a  
3 relevant search term. And we know that because "get  
4 ordained" is going to show up in our Google Search  
5 console as something that people are punching into  
6 Google's search engine that's taking them to our  
7 website. So we know that the search term "get  
8 ordained" is driving traffic.

9 Now, when we come over here to Google  
10 Trends, we can look at -- we can break that out into  
11 search terms, to top related search terms to find  
12 out more details on how people who are finding our  
13 website or how people are using just as general.

14 Now this is beyond our website. This is  
15 just, in general, how people who use Google's search  
16 engine use the term "get ordained" and how they  
17 search for -- or how they use "get ordained" when  
18 they are running searches on Google's search engine.

19 MR. MATESKY: So I'm going to --

20 THE WITNESS: And --

21 MR. MATESKY: Oh, sorry. I thought you  
22 were done. Keep going.

23 THE WITNESS: And so I guess in the context  
24 of -- and the value of this information to us at AMM  
25 is that we can structure our metadata, our copy, and

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2 our advertising to reflect the searches and the way  
3 that people are searching.

4 MR. MATESKY: So I'm going to object to the  
5 extent much of the answer was nonresponsive to the  
6 question as well as on the grounds of hearsay and  
7 lack of personal knowledge and improper opinion  
8 testimony.

9 BY MS. MENNEMEIER:

10 Q Can you give me an example of the insight  
11 that you've obtained from looking at the search --  
12 looking at the information shown in this  
13 spreadsheet?

14 A Yeah. Absolutely. I mean, the example,  
15 and you can go to the AMM.org and verify this -- is  
16 we know from looking at this information that "how  
17 to get ordained" is the top related search term.

18 And so we're going to take that  
19 information, and we are going to put that -- we're  
20 going to integrate that into copy that we may have  
21 because we're already essentially talking about all  
22 the same things on our website.

23 But what we want to do is use this  
24 information to ensure that there's a direct  
25 correlation between the phrase used here and the

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2 phrases that we're using on our website.

3 Because that's going to show up in Google,  
4 and that's going to make us more relevant to the --  
5 you know, the people that are looking for services  
6 that we provide.

7 It helps us communicate with them and let  
8 them know that, you know, we've got what they're  
9 looking for.

10 MR. MATESKY: Object on lack of personal  
11 knowledge, hearsay, improper opinion testimony.

12 BY MS. MENNEMEIER:

13 Q On this list of top related queries,  
14 looking specifically at row 23, I know you'd  
15 mentioned earlier that Universal Life Church -- that  
16 you've seen that in Google Trends.

17 Is this -- does this row reflect what you  
18 were talking about earlier?

19 A Yes, it does.

20 Q Can you explain what, if anything, you make  
21 of the fact that the Universal Life Church is  
22 somewhat commonly searched for by people who are  
23 also searching for "get ordained" -- for the phrase  
24 "get ordained"?

25 MR. MATESKY: Objection to the extent it

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2 assumes facts not in evidence and mischaracterizes  
3 prior testimony.

4 THE WITNESS: Sure. Well, the original  
5 Universal Life Church founded by Kirby Hensley in  
6 the late '50s, early '60s -- I don't know the exact  
7 date -- was a real force in promoting and raising  
8 public awareness about nontraditional ordination  
9 venue -- avenues for people who didn't want to get  
10 ordained through traditional churches.

11 So they were and remain a pretty active  
12 player in the space, and there have been a lot of  
13 Universal Life Church offshoots in the subsequent  
14 decades.

15 So it's just -- it's sort of a fact of the  
16 ecosystem that this has been -- you know,  
17 Kirby Hensley definitely started it all, and, as  
18 such, it's one of those things where you've got --  
19 the original brand retains some association with the  
20 service that's provided despite the fact that there  
21 are other -- a lot more players in the market now  
22 than there were -- what is this? -- like, 50, 60  
23 years ago.

24 Yeah. I think that pretty much explains  
25 it.



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2 MR. MATESKY: Object to the extent most of  
3 the answer is nonresponsive to the question, and  
4 hearsay, lack of personal knowledge, lack of  
5 foundation.

6 BY MS. MENNEMEIER:

7 Q Do you regard Universal Life Church as a  
8 brand?

9 MR. MATESKY: Objection. Relevance.

10 THE WITNESS: Yes.

11 BY MS. MENNEMEIER:

12 Q Have you ever seen ULCMS draw upon the  
13 Universal Life Church brand?

14 MR. MATESKY: Objection. Assumes facts not  
15 in evidence.

16 THE WITNESS: Yes.

17 BY MS. MENNEMEIER:

18 Q In what ways have you seen ULCMS invoke the  
19 Universal Life Church brand?

20 MR. MATESKY: Same objection.

21 THE WITNESS: Well, one example that  
22 springs to mind is the way that ULCMS represents  
23 itself on its ULC.org website, and ULC.org standing  
24 for Universal Life Church.

25 If you go to that website, the Universal

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2 Life Church brand is predominantly displayed, and  
3 you have to actually, like, get into the weeds and  
4 dig into the copy on the website before you might  
5 realize that it is not the original Universal Life  
6 Church and it's -- the website is not actually run  
7 by or representing the Universal Life Church. It's  
8 representing ULCMS.

9 So in that sense, the Universal Life  
10 Church, the original one, the Kirby Hensley brand is  
11 prominently represented on that site. And I would  
12 say that there are a couple of other sites that the  
13 ULCMS runs that use a similar tactic of representing  
14 themselves to be Universal Life Church as opposed to  
15 the ULCMS.

16 MR. MATESKY: Objection. Assumes facts not  
17 in evidence. Objection. Refers to documentation  
18 that's not been produced outside of evidence and  
19 irrelevant.

20 BY MS. MENNEMEIER:

21 Q Do you know whether organizations besides  
22 ULCMS use the Universal Life Church brand?

23 MR. MATESKY: Objection. Assumes facts not  
24 in evidence, mischaracterizes the words "Universal  
25 Life Church."

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2 THE WITNESS: Would you mind repeating the  
3 question?

4 BY MS. MENNEMEIER:

5 Q Sure. Do you know whether organizations  
6 besides ULCMS use the Universal Life Church brand?

7 MR. MATESKY: Same objections.

8 THE WITNESS: Yes, I do.

9 BY MS. MENNEMEIER:

10 Q Do other organizations use the Universal  
11 Life Church brand?

12 A Yes. There are a number of other  
13 organizations that use the Universal Life Church  
14 brand beyond -- or other than ULCMS.

15 MR. MATESKY: Objection. Lack of  
16 foundation.

17 BY MS. MENNEMEIER:

18 Q What do you make of the location of  
19 Universal Life Church on this list of top related  
20 queries to get ordained?

21 A Well --

22 MR. MATESKY: Objection. Vague.

23 THE WITNESS: It indicates a number of  
24 things. The first thing it indicates to me is that,  
25 since it's down there on row 23 and its search

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2 velocity is 7 versus 100, generally speaking, even a  
3 strong brand like Universal Life Church, which is  
4 arguably the strongest brand in the ordination  
5 space -- in the online-ordination space, I should  
6 say, even a strong brand like Universal Life Church  
7 doesn't register nearly as high as most other common  
8 search terms. And it's, you know, 7 versus 100.

9 What it also says and indicates is that,  
10 because it's the only brand that we're seeing in the  
11 top 25 slots, the search term "get ordained" is  
12 just -- it's just not generally associated with any  
13 brand at all.

14 And it's really sort of a brand-free  
15 association. It's more of a verbal phrase that's  
16 descriptive of something that people are looking to  
17 undergo or undertake or engage in.

18 MR. MATESKY: Objection. Lack of  
19 foundation, improper opinion testimony, lack of  
20 personal knowledge, hearsay, speculation.

21 BY MS. MENNEMEIER:

22 Q Okay. And then looking at this again --  
23 or, excuse me, this document again, taking a look at  
24 rows 31 through 56, can you tell me what those rows  
25 show?

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2 A Yeah. These are rising, which means that  
3 they are -- they demonstrated an upward movement in  
4 search velocity over the time period represented by  
5 this data.

6 Q Okay. And in column B where it says  
7 "breakout" --

8 A Mm-hmm.

9 Q -- do you have an understanding of what  
10 "breakout" means?

11 MR. MATESKY: I'm sorry. Kelly, you went  
12 right into that question before I could get an  
13 objection out. But objection based on improper  
14 opinion testimony, lack of foundation and hearsay,  
15 lack of personal knowledge.

16 BY MS. MENNEMEIER:

17 Q Let me back up.

18 How do you know that that's what these rows  
19 show?

20 A Because that's how Google Trends describes  
21 the data that's being presented here.

22 MR. MATESKY: Objection. Hearsay.

23 BY MS. MENNEMEIER:

24 Q Okay. And then looking at column B where  
25 it says "breakout" next to those rows, what does

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2 "breakout" mean in this context?

3 A "Breakout" is actually kind of similar to  
4 "rising," but it just represents a more substantial  
5 and notable sudden movement in search velocity.

6 That means that during the time period  
7 represented here at some point or another, the  
8 search terms in row 32 down to -- I don't know --  
9 that there is some breakout moments here.

10 So you could actually click on "breakout"  
11 if we were looking at this on Google Trends, and it  
12 would show graphically a breakout period of time  
13 during which there was a significant sort of  
14 breakout or dramatic increase in search velocity or  
15 interest in that related term.

16 MR. MATESKY: Same objections. Lack of  
17 personal knowledge, hearsay, lack of foundation,  
18 improper opinion testimony.

19 BY MS. MENNEMEIER:

20 Q And how do you know that?

21 A I know that because I checked with Google  
22 Trends and read how they describe that data and what  
23 it means.

24 MR. MATESKY: Objection. Hearsay.

25 ///

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2 BY MS. MENNEMEIER:

3 Q Okay. I'm going to direct your attention  
4 to the exhibit that's been prelabeled Exhibit 49.

5 (Exhibit 49 was marked for  
6 identification by the reporter.)

7 BY MS. MENNEMEIER:

8 Q Can you see that exhibit?

9 A Yes.

10 Q Do you recognize this document?

11 A Yes.

12 Q How do you recognize this document?

13 A I recognize this document because this  
14 represents data that I downloaded yesterday over  
15 the -- then and sent -- yeah, I downloaded this data  
16 and sent it to you yesterday.

17 Q Where did you obtain the data that's shown  
18 in this document?

19 A This data is downloaded from Google Trends.

20 Q How did you obtain this data from Google  
21 Trends?

22 A I typed in the search term "get ordained."  
23 And I clicked -- and I set the parameters for the  
24 dates that we see there. And I hit the "download"  
25 button, and it downloaded a document that contains

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2 this data, more or less as it's represented here in  
3 this exhibit.

4 Q Is the data in this document publicly  
5 available?

6 A Yes, it is.

7 Q And what time frame is reflected in this  
8 data?

9 A This is the last year.

10 Q Okay.

11 MR. MATESKY: I just want to note that we  
12 object to introduction of this document because it  
13 was not previously produced and it has been withheld  
14 for trial.

15 BY MS. MENNEMEIER:

16 Q Can you explain what "top queries" in this  
17 document reflects?

18 A Yeah, I can. I was going to ask for a  
19 short break and then --

20 MS. MENNEMEIER: Absolutely.

21 MR. MATESKY: Just to be clear, I guess you  
22 asked a question and he answered it because it was  
23 yes or no. He answered yes. So I guess that's not  
24 a pending question. Okay. Yeah, I'm fine with a  
25 break.



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2 THE WITNESS: Okay. Literally two minutes.  
3 I'll be right back.

4 MS. MENNEMEIER: Two minutes? Perfect.  
5 Okay.

6 (Recess taken from 2:02 p.m.  
7 to 2:05 p.m.)

8 MS. MENNEMEIER: We can go on the record.  
9 And I will share my screen of Exhibit 49  
10 again.

11 BY MS. MENNEMEIER:

12 Q Can you see that?

13 A Yes.

14 Q Can you explain what the top queries in  
15 this document show?

16 A Yeah. So this is the top related queries  
17 just over the last year.

18 Q And the top related queries to what  
19 specifically?

20 A To the search term "get ordained."

21 MR. MATESKY: We would just object, again,  
22 to the extent this is lack of personal knowledge,  
23 lack of foundation, hearsay, speculation, and  
24 outside the witness's personal knowledge.

25 ///

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2 BY MS. MENNEMEIER:

3 Q How do you know that this document shows  
4 the top related queries to the search "get ordained"  
5 over the past year?

6 A I know this because I downloaded this data  
7 and sent it over to you yesterday evening.

8 Q Is the data reflected in this document  
9 Google data?

10 MR. MATESKY: Objection. Lack of personal  
11 knowledge -- objection. Vague. And objection.  
12 Lack of personal knowledge, hearsay, lack of  
13 foundation. I think that's it.

14 THE WITNESS: Yes, this is data that's  
15 sourced directly from Google.

16 I described earlier, the way that Google  
17 comes up with this data is that they -- this is a  
18 representation of all the different searches that  
19 have been run on their search engine. And they  
20 compile this data and represent it using the data  
21 that we're looking at right now.

22 MR. MATESKY: So I'm going to object to  
23 much of that response as nonresponsive to the  
24 question, also outside the witness's personal  
25 knowledge, and hearsay.

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2 BY MS. MENNEMEIER:

3 Q When the phrase "get ordained" appears in  
4 this list of top related queries, how is the phrase  
5 "get ordained" being used?

6 A Well, it's being used in the way that we  
7 see represented here in rows 5 through 21 in that  
8 probably is that when people were using the search  
9 term "get ordained," a majority of them -- or not a  
10 majority, but the largest percentage of people using  
11 that search term were using it in the context of how  
12 to get ordained.

13 MR. MATESKY: I'm sorry. I'm sorry -- I'm  
14 sorry. Can you guys hear me?

15 MS. MENNEMEIER: Yes.

16 MR. MATESKY: I've got a problem. Hold on.

17 MS. MENNEMEIER: I think we can go off the  
18 record.

19 (Discussion held off the record.)

20 (The record was read as follows:

21 Q When the phrase "get ordained"  
22 appears in this list of top related  
23 queries, how is the phrase "get  
24 ordained" being used?

25 A Well, it's being used in the way

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2 that we see represented here in rows 5  
3 through 21 in that probably is that when  
4 people were using the search term "get  
5 ordained," a majority of them -- or not  
6 a majority, but the largest percentage  
7 of people using that search term were  
8 using it in the context of how to get  
9 ordained.)

10 MR. MATESKY: Okay. I'd just like to state  
11 an objection that it calls for information outside  
12 the witness's personal knowledge, lack of  
13 foundation, hearsay, improper opinion testimony, and  
14 speculation.

15 But I can hear you guys now.

16 BY MS. MENNEMEIER:

17 Q When the phrase gets --

18 Sorry, Mike, I'm now getting an echo.

19 MR. MATESKY: Oh, okay. Let's see what I  
20 can do about that.

21 Is this any better? Could you speak?

22 MS. MENNEMEIER: Sure. Can -- it sounds  
23 like it's better.

24 MR. MATESKY: Okay.

25 THE WITNESS: Sounds great to me.

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2 MR. MATESKY: Okay. Good.

3 MS. MENNEMEIER: I'm not hearing myself  
4 anymore.

5 BY MS. MENNEMEIER:

6 Q Okay. When the phrase "get ordained"  
7 appears in these top related queries, what part of  
8 speech is the phrase "get ordained" being used as?

9 MR. MATESKY: Same objections as before.

10 THE WITNESS: "Get ordained" is being used  
11 as a verbal phrase in conjunction with information  
12 on either end of that verbal phrase to further  
13 clarify the context of that verbal phrase, such as  
14 how to get ordained or where would you want to get  
15 ordained? You get ordained online.

16 BY MS. MENNEMEIER:

17 Q Is there anything in this list of top  
18 related queries that indicates that people who have  
19 searched for the phrase "get ordained" in the past  
20 year regard get -- regard the phrase "get ordained"  
21 or regard the words "get ordained" as a brand?

22 MR. MATESKY: Same objections as before.

23 THE WITNESS: There are no indications in  
24 the top related search terms that any of the people  
25 reflected here are searching for "get ordained" as a

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2 brand.

3 BY MS. MENNEMEIER:

4 Q Is there any indication in the list of  
5 rising queries on this page that indicates that  
6 people searching the phrase "get ordained" regard it  
7 as a brand?

8 MR. MATESKY: Same objections.

9 THE WITNESS: No, there's no indication of  
10 that being the case.

11 BY MS. MENNEMEIER:

12 Q Is there anything in the information on  
13 this page that indicates that people searching the  
14 phrase "get ordained" are trying to locate a  
15 specific organization?

16 MR. MATESKY: Same objections.

17 THE WITNESS: No, there is -- all evidence  
18 points to the fact that they are not looking for any  
19 particular organization, but that they are, in fact,  
20 searching for the verbal phrase in conjunction with  
21 whatever words are associated with it in the  
22 respective searches.

23 BY MS. MENNEMEIER:

24 Q When did AMM start using the phrase "get  
25 ordained"?

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2 MR. MATESKY: Objection. Outside the  
3 witness's personal knowledge.

4 THE WITNESS: AMM started using the phrase  
5 "get ordained," basically, from day one back in 2009  
6 when we kind of first started ordaining people  
7 online.

8 MR. MATESKY: Also object as to lack of  
9 foundation.

10 BY MS. MENNEMEIER:

11 Q How do you know that?

12 A Well, I know that for a couple of reasons.

13 I know that because of discussions that  
14 I've had with people who were part of the foundation  
15 of the organization, but I also know that because  
16 that is, and has remained and always seems -- will  
17 be the most apt and direct way to describe the  
18 service that we provide and that -- it's really  
19 central to what we do.

20 MR. MATESKY: Object as hearsay.

21 BY MS. MENNEMEIER:

22 Q If AMM was required to stop using the  
23 phrase "get ordained" in conjunction with its  
24 services, how would that affect AMM?

25 MR. MATESKY: Objection. Speculation, and,

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2 I think, asked and answered. Wasn't this already  
3 covered today?

4 MS. MENNEMEIER: No. We spoke specifically  
5 about the word "ordained." Now I'm asking about the  
6 phrase "get ordained."

7 THE WITNESS: If we were forced to stop  
8 using the phrase "get ordained," it would present  
9 some very serious challenges and put a lot of --  
10 make it very challenging for us to talk about  
11 services that we provide and to accurately represent  
12 the service that we provide to the individuals that  
13 take advantage of that service.

14 And I guess I'll add to that that it would  
15 be a lot of work. It would be a lot of rewriting, a  
16 lot of just sort of reconstructing all the different  
17 processes and communication pathways that we have in  
18 place right now.

19 BY MS. MENNEMEIER:

20 Q If AMM was required to stop using the  
21 phrase "get ordained" in conjunction with its  
22 services, would that affect the way that AMM  
23 provides information to prospective clients about  
24 its services?

25 A Yes, it would. We would be forced to



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2 substitute the phrase "get ordained" for more  
3 abstract, more complicated, less direct ways of  
4 referencing the same act of ordination and the  
5 imperative to engage in ordination that we put out  
6 there.

7 Q If AMM was required to stop using the  
8 phrase "get ordained" in conjunction with its  
9 services, would AMM have to change the way that it  
10 invited prospective ministers to obtain AMM's  
11 services?

12 MR. MATESKY: Object to the line of  
13 questioning as speculation and hypotheticals. But  
14 go on.

15 THE WITNESS: Yes.

16 BY MS. MENNEMEIER:

17 Q How so?

18 A The way that we -- well, we'd basically be  
19 forced to do a couple of things. We'd be forced to  
20 rework our CTAs, or our calls to action, that we use  
21 all over the website, and that's one way.

22 The point of a CTA is that it's very  
23 direct, very understandable, and very relatable.  
24 And "get ordained" is -- you know, really meets that  
25 definition in a way that I can't imagine any other

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2 words doing.

3 So whatever CTAs we would replace "get  
4 ordained" with would oftentimes not be as effective.  
5 And so we wouldn't see the same sort of results as  
6 we currently see using "get ordained."

7 And then, more broadly, I think, you know,  
8 we sort of create this experience for people, this  
9 sort of, like, user experience where we talk about  
10 the same process in multiple ways.

11 And that's really important because, when  
12 you're selling something, you don't just say,  
13 "Here's an apple." You talk about the apple in a  
14 couple of different ways and in a way that the --  
15 you know, something resonates with the potential  
16 customer and that they respond to.

17 So if you just say "become ordained" and  
18 leave it at that, it's probably not going to go  
19 anywhere.

20 But if you say, "Hey, why don't you get  
21 ordained. Here's why ordination's awesome," and  
22 then you follow that up with "All right. You ready?  
23 Get ordained," it creates, like, a psychological  
24 funnel that people go through that is, you know --  
25 ensures a higher percentage of conversions than

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2 you'd otherwise get if you just let led with one or  
3 two of the different phrases in the absence of the  
4 others.

5 Q When you used the term "CTA" in your  
6 answer, what did you mean by that?

7 A I meant a call to action, which is a --  
8 which urges a potential minister, in our case, to  
9 click a button, to file -- you know, to apply for  
10 ordination, to do something.

11 Q Okay. Would AMM lose Web traffic if it  
12 couldn't use the term "get ordained"?

13 MR. MATESKY: Objection. Calls for  
14 speculation, lack of foundation, hypothetical.

15 THE WITNESS: Yes.

16 BY MS. MENNEMEIER:

17 Q Why do you think that?

18 A Well, I think that -- and I -- well, I  
19 don't -- I know that because I have looked at our  
20 different analytics tools that we have at our  
21 disposal. I've looked at Google Analytics. I've  
22 looked at the Google Search console, and, as I've  
23 just discussed, Google Trends.

24 And we can see very clearly that the verbal  
25 phrase "get ordained" is how people external to our

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2 organization are already talking about and  
3 referencing the service that we and other  
4 organizations in our space provide.

5 So you take that out of the equation, and  
6 now all the other organizations are still using  
7 that; we're not. And so, all of a sudden, we're not  
8 a part of that conversation. We're not showing up  
9 in Web traffic the same way that we used to.

10 Google's not recognizing those phrases on  
11 our website, so it's not serving our website as  
12 prominently as it otherwise would.

13 And so, for all those reasons, you would  
14 definitely see a decline in traffic.

15 MR. MATESKY: Objection. Entirely  
16 speculation.

17 BY MS. MENNEMEIER:

18 Q Would AMM lose prospective ministers if it  
19 were not -- if it could not use the phrase "get  
20 ordained"?

21 MR. MATESKY: Same objection. Calls for  
22 speculation, predicting the future in a hypothetical  
23 world.

24 THE WITNESS: Well, in a nonhypothetical, I  
25 think it's -- we have seen data that very clearly

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2 indicates that, you know, using "get ordained" more  
3 prominently translates into a higher conversion  
4 rate, which basically says that, yes, using  
5 "ordained" makes it more likely that you're going to  
6 have people go through the process of ordination.

7 That's pretty clear.

8 MR. MATESKY: Objection to the extent the  
9 witness is referring to documents that have not been  
10 produced and hearsay.

11 BY MS. MENNEMEIER:

12 Q When you used the term "conversion rate,"  
13 can you explain what you mean by that?

14 A Yeah. That's just a -- that's just a way  
15 of referencing when people on the website click a  
16 certain button or do a certain thing. So in our  
17 case, when I'm using the phrase "conversion rate,"  
18 it's people landing on the website, submitting an  
19 ordination application, and landing on the  
20 "ordination success" page.

21 The minute you click that "ordain me"  
22 button and you become ordained, you land on the  
23 "ordination success" page, that triggers a  
24 conversion.

25 (Interruption by the reporter.)

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2 THE WITNESS: That triggers a conversion.

3 BY MS. MENNEMEIER:

4 Q So is a conversion the success rate at  
5 converting people from just visiting the website to  
6 becoming ordained ministers through the AMM website?

7 MR. MATESKY: Objection. Confusing.

8 THE WITNESS: Yeah, that's the way that I'm  
9 using the phrase. I mean, in generic terms, a  
10 conversion can mean any number of things. A lot of  
11 e-commerce websites use the term "conversion" to  
12 reference a purchase.

13 But we are -- in the context that I'm using  
14 it today, it's in reference to someone becoming  
15 ordained.

16 BY MS. MENNEMEIER:

17 Q Okay. If AMM were to stop using the phrase  
18 "get ordained," would AMM lose revenue?

19 MR. MATESKY: Objection. Calls for  
20 speculation.

21 THE WITNESS: Yes.

22 BY MS. MENNEMEIER:

23 Q Why do you think that?

24 MR. MATESKY: Objection. Calls for  
25 improper opinion testimony.

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2 Go ahead.

3 THE WITNESS: Well, we know that the search  
4 term "get ordained" drives a lot of traffic to our  
5 website, a good percentage of which represents  
6 people who go through the ordination process and  
7 then end up purchasing documents or other  
8 ministerial supplies.

9 So we can see a direct correlation between  
10 the use of that phrase and people purchasing  
11 products. So you take that phrase out of the  
12 equation, those people are going to go to other  
13 websites that are still using "get ordained" because  
14 that's what they were searching for.

15 And the websites that are using that phrase  
16 will be able to cash in on traffic and conversions  
17 and ministers purchasing ministerial products that  
18 would have otherwise gone to our website.

19 MR. MATESKY: I'll also object to the  
20 response in addition to previously stated grounds as  
21 hearsay, and to the extent he's representing facts  
22 represented in some other documents as true, also to  
23 the extent he's referring to documents that have not  
24 been produced.

25 MS. MENNEMEIER: I have no further

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2 questions.

3 MR. MATESKY: Okay. We are going to have  
4 some cross-examination questions. Let's tentatively  
5 say a 15-minute break. But if I think I'm going to  
6 need more, I'll let you know. Well, okay. So what  
7 is it? It's 2:23. Let's say -- let's try to get  
8 back at 2:45. How's that?

9 MS. MENNEMEIER: Okay.

10 MR. MATESKY: Okay. Thank you.

11 (Recess taken from 2:23 p.m.  
12 to 2:52 p.m.)

13 MR. MATESKY: Okay. Are we back on the  
14 record?

15 THE COURT REPORTER: Sure thing.

16 - - -

17 EXAMINATION

18 BY MR. MATESKY:

19 Q All right. Mr. King, I'm going to ask you  
20 some questions. And, just as a reminder, if you can  
21 answer somewhat slowly, it will be easier for the  
22 court reporter to take down your answer.

23 A Roger that.

24 Q Mr. King, are you an attorney?

25 A No.



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2 Q Are you licensed to practice law anywhere?

3 MS. MENNEMEIER: Objection. Relevance.

4 THE WITNESS: No.

5 BY MR. MATESKY:

6 Q Are you a legal expert?

7 MS. MENNEMEIER: Objection. Relevance.

8 THE WITNESS: What is a legal expert?

9 BY MR. MATESKY:

10 Q In your opinion, are you a legal expert?

11 MS. MENNEMEIER: Same objection.

12 THE WITNESS: I have a probably  
13 above-average understanding of the law. So I don't  
14 know. I don't know.

15 BY MR. MATESKY:

16 Q Did you testify earlier that someone who is  
17 ordained through an organization is empowered to  
18 perform certain actions in that organization's name?

19 MS. MENNEMEIER: Objection to the extent it  
20 mischaracterized prior testimony.

21 THE WITNESS: I believe so.

22 BY MR. MATESKY:

23 Q Okay. And is that true of AMM?

24 A Yes.

25 Q And, to the best of your knowledge, is that

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1 true of ULCMS?

2 A Yes.

3 Q You testified earlier that you were  
4 ordained through ULCMS, AMM, and the church of  
5 Dudeism; is that right?

6 A That's correct.

7 Q And did you testify earlier that you knew  
8 people who had become ministers with other  
9 organizations?  
10

11 A Yes.

12 Q How do you know that those people had  
13 become ministers with the other organizations?

14 A Well, I know this because in one instance I  
15 saw a confirmation of their ordination that was sent  
16 to them by the organization that ordained one  
17 individual.

18 In other cases I have had conversations  
19 with people where they informed me of the fact that  
20 they were ordained by organizations.

21 Q So other than the instance in which you  
22 viewed a certificate, is it fair to say you know  
23 this because they told you so?

24 MS. MENNEMEIER: Objection.

25 Mischaracterizes prior testimony.

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2 THE WITNESS: I guess it's worth adding to  
3 that that they also officiated weddings as ordained  
4 ministers. So presumably, unless they were acting  
5 in violation of the law, they had actually done what  
6 they said they did.

7 BY MR. MATESKY:

8 Q So, then, is it fair to say that, again,  
9 setting aside the example of the certificate, that  
10 you believe the people you referred to had become  
11 ordained members of other organizations because they  
12 told you so and because they acted as if they were  
13 ordained with those organizations?

14 MS. MENNEMEIER: Objection. Misleading,  
15 ambiguous, mischaracterizes prior testimony.

16 THE WITNESS: That's certainly a part of  
17 it. It's worth adding to that that another  
18 individual who I -- who I know was ordained as a  
19 Pasta- -- the Church of Pastafarianism, she was  
20 publicly quoted in a newspaper article that she was  
21 a minister of that organization -- that she was  
22 ordained by that organization.

23 And I've seen her make public  
24 representations to other people aside from myself  
25 where she...

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2 BY MR. MATESKY:

3 Q So let me ask the question again, I guess.

4 How do you know, since -- just trying to  
5 get a complete answer since you're, you know, adding  
6 in new things each time I ask the question.

7 How do you know that these other people  
8 became ministers with these other organizations?

9 MS. MENNEMEIER: Objection. Asked and  
10 answered.

11 THE WITNESS: So compiling my -- or  
12 consolidating all my previous answers, because in  
13 some -- in an instance I saw an ordination record;  
14 two, I was told by those individuals that that was  
15 the case; three, they officiated weddings that would  
16 have required them to be ordained ministers; and  
17 four, because I read about it in external newspaper  
18 articles and saw a video of them representing  
19 themselves to be such.

20 BY MR. MATESKY:

21 Q Okay. Is there any other basis that you  
22 haven't mentioned?

23 A No.

24 Q Okay. I believe you testified earlier that  
25 you became a ULCMS minister through the

1 LEWIS KING - SEPTEMBER 11, 2020

2 GetOrdained.org website; is that accurate?

3 A That is accurate.

4 Q When did that occur?

5 A I don't know the exact date. It wouldn't  
6 be more than a year ago.

7 Q Would it have been more than ten years ago?

8 A No. It would have been during my tenure at  
9 American Marriage Ministries. So...

10 Q And could you remind me, again, when that  
11 started?

12 A Sure. About two and a half years ago.

13 Q Did you receive any confirmation of that  
14 process?

15 MS. MENNEMEIER: Objection. Vague,  
16 misleading, ambiguous.

17 THE WITNESS: I don't know. And the reason  
18 I say that is I probably didn't give my real e-mail  
19 because I didn't want to get spammed.

20 But I know I have received e-mails from  
21 ULC.org. So I guess I got ordained there as well.

22 BY MR. MATESKY:

23 Q Do you know where --

24 (Interruption by the reporter.)

25 ///

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2 BY MR. MATESKY:

3 Q Do you know which website you became a  
4 minister through?

5 A Yes, I do.

6 MS. MENNEMEIER: Objection. Asked and  
7 answered, argumentative.

8 BY MR. MATESKY:

9 Q Was it more than one?

10 A It was more than one.

11 Q Which websites -- strike that. Let me  
12 start over.

13 For which websites did you become a  
14 minister with ULCMS?

15 A As I previously stated, GetOrdained and  
16 ULC.org and possibly even the monastery. I don't  
17 know. I know I probably got ordained with all three  
18 at one point or another just to check out the  
19 functionality.

20 Q Okay. So earlier I asked if you knew, and  
21 you said yes. Now you're saying you don't know. So  
22 I'm just trying to clarify what you do and don't  
23 know.

24 MS. MENNEMEIER: Objection.  
25 Mischaracterizes prior testimony.

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2 BY MR. MATESKY:

3 Q I guess we'll let that testimony stand for  
4 itself.

5 Am I correct -- let me start that over.

6 Did you testify earlier that AMM is a  
7 church?

8 A Today?

9 Q Yes.

10 A I don't recall if I testified earlier today  
11 that AMM was a church.

12 Q Is AMM a church?

13 A Yes.

14 Q When someone becomes a minister of AMM, is  
15 AMM providing an ecclesiastical service?

16 A Yes.

17 Q Okay. I am going to direct your attention  
18 to Exhibit 47.

19 Do you recognize this document?

20 A Yes, I do.

21 Q Do you recognize this document as  
22 Exhibit 47 introduced earlier today?

23 A Yes, I do.

24 Q When did you produce this document?

25 A Yesterday.

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2 Q And which dates are covered by this  
3 document?

4 Let me ask that question a better way.

5 What is the date range covered by the  
6 information in this document?

7 A Well, it's January 1st, 2004, through the  
8 end of, I guess, and including September 10th, 2020.

9 Q Was this produced for use in this  
10 opposition matter?

11 MS. MENNEMEIER: Objection. Vague,  
12 misleading, confusing, and ambiguous to the extent  
13 the word "produce" is being used.

14 MR. MATESKY: Yeah, I'll ask the question a  
15 different way.

16 BY MR. MATESKY:

17 Q Did you create this document for use in  
18 this trademark opposition proceeding?

19 MS. MENNEMEIER: And objection to the  
20 extent that that calls for attorney-client privilege  
21 or work product information.

22 To the extent you can answer the question  
23 without revealing any conversation or discussions  
24 with counsel, you can answer.

25 THE WITNESS: Can you repeat the question,



1 LEWIS KING - SEPTEMBER 11, 2020

2 please?

3 MR. MATESKY: Sure. I'll have Marla read  
4 it back just to make sure I don't screw it up by  
5 trying to rephrase it.

6 (The record was read as follows:

7 Q Did you create this document for use  
8 in this trademark opposition  
9 proceeding?)

10 MS. MENNEMEIER: Same objections. Also  
11 confusing and ambiguous and misleading.

12 THE WITNESS: I'm not entirely sure.

13 BY MR. MATESKY:

14 Q Do you know why you created this document?

15 MS. MENNEMEIER: Same objections.

16 THE WITNESS: I created this document to --  
17 I mean, I captured this -- I took this screenshot,  
18 if you will, to present the information that we  
19 covered earlier today.

20 BY MR. MATESKY:

21 Q To present it to whom?

22 MS. MENNEMEIER: Same objections.

23 THE WITNESS: Anyone who's on this call  
24 right now.

25 ///

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2 BY MR. MATESKY:

3 Q Did you create this document for any other  
4 purpose?

5 MS. MENNEMEIER: Same objections.

6 THE WITNESS: No.

7 BY MR. MATESKY:

8 Q Mr. King, you realize that this call, as  
9 you referred to it, is part of a trademark  
10 opposition proceeding, right?

11 MS. MENNEMEIER: Objection to the extent it  
12 mischaracterizes prior testimony.

13 THE WITNESS: That is -- that is certainly  
14 part of it.

15 BY MR. MATESKY:

16 Q That's part of what?

17 A A trademark opposition proceeding.

18 Q Oh, okay. Okay.

19 Have you ever produced a document with  
20 similar information for the phrase "get ordained"  
21 previously to creation of this document reflected in  
22 Exhibit 47?

23 MS. MENNEMEIER: Objection. Vague and  
24 confusing and ambiguous to the extent it uses the  
25 term "produced."

1 LEWIS KING - SEPTEMBER 11, 2020

2 MR. MATESKY: Sure. I'll try to rephrase.

3 BY MR. MATESKY:

4 Q Prior to creating this document that we  
5 see, Exhibit 47, have you ever created a similar  
6 document containing similar data sets for the phrase  
7 "get ordained"?

8 MS. MENNEMEIER: Same objections with  
9 respect to the word "create."

10 THE WITNESS: I don't know. And the reason  
11 I'm saying I don't know is that it's possible that I  
12 could have downloaded other -- made an attempt to  
13 download other similar data in the last couple of  
14 weeks. However, generally, I probably wouldn't have  
15 because the data is very well represented visually  
16 here.

17 So I just -- I mean, if it's right here, I  
18 don't need to -- you can generally -- it's so easy  
19 to access by just punching in the search term that  
20 there's no point in downloading it.

21 BY MR. MATESKY:

22 Q Did you create this document?

23 MS. MENNEMEIER: Same objections regarding  
24 the word "create."

25 THE WITNESS: I used a -- what do you call

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2 it? -- like, a Google add-on or some -- oh, man.

3 What's the technical term for that?

4 BY MR. MATESKY:

5 Q So I'm not going to testify.

6 A Yeah, no, give me a second here. I'm  
7 having a brain fart. There's a -- I'm going to just  
8 call it an add-on for now. And if I can clarify  
9 this later, I will.

10 But there's, like, an add-on app that you  
11 can use to capture a whole screenshot. And you just  
12 click that button up at the top right corner, and  
13 Google captures -- or your Chrome, sorry -- an  
14 extension. Boom. I used a Chrome extension.

15 Q So you used a Chrome extension to create  
16 this document?

17 A To capture this image.

18 Q Okay. I am going to direct your attention  
19 to Exhibit 48.

20 Sorry. This is looking a little funny on  
21 my screen right now. I'm not quite sure why. Fine.

22 Can you see the document?

23 A I can see part of it.

24 Q I'm sorry. For some reason, this is  
25 looking different than it normally does for me.

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2 Give me a moment.

3 Well, if you need me to scroll, let me  
4 know, although -- I could send this to you in an  
5 e-mail if that's easier, because for some reason  
6 this is looking different than I'm used to all of a  
7 sudden.

8 Do you recognize this document?

9 A Can you scroll up and to the left?

10 Q Honestly, I don't know if I can. For some  
11 reason -- I don't know if it's just because it's in  
12 Excel or what. That's not what I want.

13 All right. I'm going to pause sharing  
14 and -- have you -- Kelly, did you send these to him  
15 in an e-mail earlier?

16 MS. MENNEMEIER: I don't know that I have  
17 sent these to him in an e-mail. I can certainly do  
18 so.

19 MR. MATESKY: I don't know if it's just  
20 because of the file format or what, but it looks  
21 very different on my screen when I try to share that  
22 one when compared to others. We can probably go off  
23 the record for a minute.

24 (Recess taken from 3:11 p.m.

25 to 3:12 p.m.)

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2 MR. MATESKY: So I'm reintroducing  
3 Exhibit 48 to ask Mr. King questions about it.

4 BY MR. MATESKY:

5 Q Can you see this document?

6 A Yes.

7 Q Okay. Do you recognize this document as  
8 Exhibit 48 introduced earlier today?

9 A Yes.

10 Q Okay. Did you create this document?

11 A I downloaded --

12 MS. MENNEMEIER: Objection. Vague,  
13 ambiguous, and confusing to the extent it uses the  
14 word -- to the extent the question uses the word  
15 "create."

16 THE WITNESS: I downloaded this data that  
17 was used to create this document.

18 BY MR. MATESKY:

19 Q How did you obtain this document?

20 A If you'll recall that little "download"  
21 button that we discussed earlier in the deposition,  
22 I pressed it.

23 Q So is it fair to say you caused this  
24 document to be created?

25 A Not this particular document, but a

1 LEWIS KING - SEPTEMBER 11, 2020

2 document that was used -- the data where I -- yes, I  
3 mean, I didn't cause this document -- I mean, in  
4 that one causes anything to happen, I mean, I guess  
5 I was a part of a chain of actions that ended up  
6 with this document.

7 But I didn't -- this particular document,  
8 no.

9 Q Do you know who did create this document?

10 A I believe --

11 MS. MENNEMEIER: Same objections.

12 THE WITNESS: -- Kelly did.

13 (Interruption by the reporter.)

14 MR. MATESKY: I'm sorry. Did you get that?

15 MS. MENNEMEIER: Same objections.

16 THE WITNESS: Sorry. I'll give you guys  
17 some space to do this -- objection to questions.

18 So the --

19 BY MR. MATESKY:

20 Q And before you follow --

21 And did you get his response?

22 (The record was read as follows:

23 A I believe Kelly did.)

24 BY MR. MATESKY:

25 Q Okay. If you have more to say, that's

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2 fine. I just wanted to make sure we -- since there  
3 was some talking over.

4 A Nope. I was just going to say essentially  
5 the same thing.

6 Q Which dates -- or, sorry, let me rephrase  
7 that.

8 What is the date range of data covered in  
9 this document?

10 A The date range of data --

11 MS. MENNEMEIER: Objection. Asked and  
12 answered.

13 THE WITNESS: Sorry. The date range of  
14 data covered in this document is 1-1-04 through  
15 9-10-20, through yesterday.

16 BY MR. MATESKY:

17 Q So do you see on line 2 where it says:  
18 "Get ordained: (1/1/04-9/11/20)"?

19 A Yeah, I do.

20 Q Why does this document give the date range  
21 as ending 9/11/20?

22 A Because it's through 9-10, so it's  
23 including 9-10. So it's the data through 9-11.  
24 It's a couple of things. I mean, I think it's  
25 basically how Google probably rounds and says,



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2 "Okay, well, this data was collected late on the  
3 10th. So we're going to factor that day in and say  
4 that it runs through 9-11, but not including."

5 Q And what's your basis for that testimony?

6 A My basis -- you know, I started -- I  
7 encountered this same thing happening in the past.

8 Like, for example, Google Analytics doesn't  
9 necessarily -- I don't -- the way that Google  
10 Analytics starts and stops the days doesn't  
11 necessarily correspond to yours and my midnight and  
12 my -- yeah, like, they're just on their own separate  
13 clock, and I don't know exactly what that clock is.

14 It could be like a Greenwich standard time  
15 or eastern standard time or whatever. They've got  
16 their own way of measuring these things.

17 Q Okay. I'm going to direct your attention  
18 to Exhibit 49.

19 Can you see this document?

20 A Yes.

21 Q Do you recognize this document as  
22 Exhibit 49 introduced earlier today?

23 A Yes.

24 Q Do you know who created this document?

25 MS. MENNEMEIER: Objection. Asked and

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2 answered. Also, objection, vague, ambiguous, and  
3 confusing to the extent it uses the word "create."

4 THE WITNESS: I know that the exact same  
5 circumstances apply as we discussed in the previous  
6 document -- I think it was 48 that we just looked  
7 at -- and that I download this data and sent it to  
8 Kelly last night.

9 BY MR. MATESKY:

10 Q So, just to clarify, I'm not referring to  
11 the data in -- reflected within this document but  
12 the document itself.

13 So do you know who created this document?

14 MS. MENNEMEIER: Asked and answered. Also,  
15 ambiguous, confusing, misleading.

16 I think not only with respect to the word  
17 "create," but also now with respect to the word  
18 "document."

19 THE WITNESS: So I guess we could say that  
20 multiple people were involved in representing this  
21 data in relatively the same way that we're looking  
22 at it right now on the screen starting with myself  
23 entering the search parameters into Google Trends,  
24 downloading that data, and sending that on to Kelly.

25 And then some additional steps transpired

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2 in between then and now, and now we're looking at  
3 it. So I can't speak for what other people were  
4 doing.

5 MS. MENNEMEIER: It may be helpful to ask,  
6 Mike, whether the data contained in the document is  
7 the same data that Mr. King downloaded.

8 MR. MATESKY: I think I'm okay.

9 BY MR. MATESKY:

10 Q Mr. King, do you work for Google?

11 THE WITNESS: Last time I checked my bank  
12 account, that didn't seem to be the case.

13 BY MR. MATESKY:

14 Q I understand, but if you could just answer  
15 yes or no, that'll help us get a clear transcript.

16 A Let's go with no.

17 Q Okay. Have you ever worked for Google?

18 A No.

19 MR. MATESKY: I think those are all my  
20 questions.

21 MS. MENNEMEIER: Okay. I expect to have  
22 some redirect. But I'm going to need a few minutes  
23 to get my notes together.

24 MR. MATESKY: Sure.

25 MS. MENNEMEIER: 3:20 right now. If we can

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2 plan on resuming 3:30.

3 MR. MATESKY: Fine with me.

4 MS. MENNEMEIER: For everybody?

5 THE WITNESS: Cool.

6 MS. MENNEMEIER: Okay.

7 (Recess taken from 3:21 p.m.

8 to 3:32 p.m.)

9 - - -

10 FURTHER EXAMINATION

11 BY MS. MENNEMEIER:

12 Q Mr. King, when you testified earlier that  
13 you have an above-average knowledge of law, what's  
14 your basis for saying that?

15 A My basis for saying that is a number of  
16 things. It's having -- well, first off, I don't  
17 think the average individual has read that much  
18 marriage law. I think I've read most of it, at  
19 least as it appears on our website.

20 I've also worked with -- as I mentioned  
21 earlier, I've worked with lawmakers, even testifying  
22 in committee to help them understand the  
23 implications of the marriage law amendments that  
24 they were discussing.

25 And I've had conversations with lawmakers

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2 so that the actual, like, creation at this level of  
3 this law, ensuring that it doesn't undercut the  
4 standing of our ministers.

5 So from that perspective, I'd say just, you  
6 know, compared to the average, I'm well above it in  
7 terms of engagement with marriage law.

8 Q Is your experience with law particularly  
9 focused on marriage law?

10 A Yes.

11 Q Then I'd like to refer your attention to  
12 Exhibit 48. Let me pull that up.

13 And can you see this exhibit?

14 A Yes, I can.

15 Q Is the data that appears in this exhibit  
16 the same data that you downloaded yesterday from  
17 Google Trends?

18 A Yes, it is.

19 MR. MATESKY: Objection. Foundation.

20 BY MS. MENNEMEIER:

21 Q Are there any modifications that you see to  
22 this data from the data that you downloaded from  
23 Google Trends yesterday?

24 A It's in a different format, but the data  
25 itself is unchanged.

1 LEWIS KING - SEPTEMBER 11, 2020

2 Q What about the format is different?

3 A This is an Excel file. So the -- just the  
4 interface that we're looking at it in is different  
5 than the one that it was downloaded as, which was a  
6 CSV. But that's just an issue of which program  
7 you're using to open it.

8 Q Okay. Then I will direct your attention to  
9 Exhibit 49.

10 And can you see Exhibit 49?

11 A Yes.

12 Q Is the data that appears in Exhibit 49 the  
13 same data as the data you downloaded from Google  
14 Trends yesterday pertaining to the search term "get  
15 ordained" with the search parameters of the past  
16 year?

17 A Yes, it is.

18 Q In looking at this exhibit, has the data  
19 that you downloaded yesterday been modified in any  
20 way?

21 A The data has not.

22 MR. MATESKY: Lack of personal knowledge.

23 THE WITNESS: No. It's the same data that  
24 I downloaded.

25 ///

1 LEWIS KING - SEPTEMBER 11, 2020

2 BY MS. MENNEMEIER:

3 Q How do you know that?

4 A I know because I looked at the data before  
5 I sent it over and I compared it to what I'm looking  
6 at. And the data is unchanged. The only difference  
7 is that we're looking at it through -- you've  
8 essentially opened the data that I sent you in a  
9 different program.

10 MS. MENNEMEIER: And I have no further  
11 questions.

12 I think with that, we are done with you,  
13 Mr. King. Thank you very much for your time.

14 THE WITNESS: Thank you very much,  
15 everyone.

16 MS. MENNEMEIER: And I think we can go off  
17 the record.

18 (Time noted: 3:37 p.m. PDT)

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I, LEWIS KING, having appeared remotely for my videoconference deposition on September 11, 2020, hereby certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
(city) (state)

\_\_\_\_\_  
LEWIS KING



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2 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

3 I, Marla Sharp, a stenographic reporter  
4 certified in California, Oregon, and Washington,  
5 hereby certify:

6 That the foregoing videoconference  
7 deposition of LEWIS KING was taken remotely before  
8 me on September 11, 2020, at which time the witness  
9 was remotely duly sworn by me;

10 That the testimony of the witness and all  
11 colloquy and objections made at the time of the  
12 deposition were recorded stenographically by me and  
13 thereafter transcribed, said transcript being a true  
14 copy of my shorthand notes thereof;

15 That review of the transcript was  
16 requested before completion of the deposition;  
17 ( ) that the witness has failed or refused to  
18 approve the transcript.

19 I further certify I am neither financially  
20 interested in the action nor a relative or employee  
21 of any attorney of any of the parties.

22 In witness whereof, I have subscribed my  
23 name and signature this date, September 26, 2020.

24 *Marla Sharp*  
\_\_\_\_\_

25 Marla Sharp, RPR, CLR, CCRR, WA CSR 3408

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NAME OF CASE:

2 DATE OF DEPOSITION:

3 NAME OF WITNESS:

4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

9 From \_\_\_\_\_ to \_\_\_\_\_

10 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

11 From \_\_\_\_\_ to \_\_\_\_\_

12 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

13 From \_\_\_\_\_ to \_\_\_\_\_

14 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

15 From \_\_\_\_\_ to \_\_\_\_\_

16 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

17 From \_\_\_\_\_ to \_\_\_\_\_

18 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

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23 From \_\_\_\_\_ to \_\_\_\_\_

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