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IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND
VIRGINIA

-----: :
CHRISTOPHER HORNER, et al., : :
: :
Petitioners : :
: : Case No.:
VS. : : CL-1500-4712-00
: :
RECTOR AND VISITORS OF : :
GEORGE MASON UNIVERSITY, : :
: :
Respondent : :
-----: :

Fairfax, Virginia

Friday, February 5, 2016

Deposition of:

EDWARD MAIBACH

called for oral examination by counsel for the
Petitioners, pursuant to notice, at George Mason
University, 4400 University Drive, Merten Hall,
Fairfax, VA, before Sherry L. Brooks, CLR, of Capital
Reporting Company, a Notary Public in and for the
Commonwealth of Virginia, beginning at 10:17 a.m.,
when were present on behalf of the respective
parties:

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1 APPEARANCES 2 3 On behalf of Petitioners: 4 MATTHEW D. HARDIN, ESQUIRE HARDIN LAW OFFICE 5 314 West Grace Street Suite 304 6 Richmond, VA 23220 (804) 608-6456 7 (887) 310-3847 (Fax) E-mail: Matthewdhardin@gmail.com 8 9 10 On behalf of Respondent: 11 THOMAS M. MONCURE, JR., ESQUIRE University Counsel 12 4400 University Drive, MS 2A3 Fairfax, VA 22030 13 (703) 993-2619 (703) 993-2340 (Fax) 14 E-mail: Tmoncure@gmu.edu 15 16 17 ALSO PRESENT: 18 Christopher C. Homer, Petitioner 19 20 21 22	1 PROCEEDINGS 2 3 WHEREUPON, 4 EDWARD MAIBACH, 5 called as a witness, and having been first duly 6 sworn, was examined and testified further as follows: 7 8 EXAMINATION BY COUNSEL FOR PETITIONERS 9 BY MR. HARDIN: 10 Q. Good morning, Mr. Maibach. My name is 11 Matthew Hardin and I have a few questions for you. 12 A. Good morning, Matthew. 13 Q. How are you doing this morning? 14 A. Never better. Thanks. You? 15 Q. Wonderful. Will you please tell me what 16 your full name and position is? 17 A. My name is Ed Maibach. I'm a university 18 professor here at George Mason University and I run 19 the Center for Climate Change Communication. 20 Q. As director of the Center for Climate 21 Change Communication, what do you do? 22 A. That's a great question. The center's --
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1 CONTENTS 2 EXAMINATION BY: PAGE 3 Counsel for Petitioners 4 4 Counsel for Respondent 84 5 6 7 8 9 (No exhibits marked.) 10 11 12 13 14 15 16 17 18 19 20 21 22	1 the mission of the center is to conduct social 2 science research focused on public engagement and 3 climate change. 4 As director, I suppose my chief job is 5 raising the money we need to do the research, 6 actually overseeing the research so that it is done 7 of sufficient quality, mentoring my post docs, my 8 students, my faculty, keeping the ship moving 9 forward. 10 Q. You also -- 11 MR. MONCURE: Let me clarify. That's not 12 your sole duty? 13 A. No. That's my duty as director of the 14 center, which is what he asked me. 15 BY MR. HARDIN: 16 Q. Right. What I'm going to follow up on is 17 you also have duties as a faculty member, aside from 18 your role as director? 19 A. I do, indeed. 20 Q. Can you describe those duties? 21 A. Sure. I teach three classes a year. I am 22 expected to participate as a faculty member in the

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6	<p>1 Department of Communication in, essentially, the same 2 way all faculty members are. 3 I'm participating on (sic) doing service 4 to the department, to the college, to the university. 5 I mentor more -- a fair number of graduate students 6 both in terms of at the master's and the Ph.D. 7 levels. And I have the opportunity to work with 8 undergraduates as well. 9 Q. What courses do you teach? 10 A. I teach -- it depends, to be totally 11 honest. Off the top of my head, I'll give you the 12 full listing. 13 Every fall I teach a course called 14 Communication 700. It's developing and testing 15 social science theories. It's sort of a basic level 16 course for first-year Ph.D. students. 17 I teach -- every spring, I teach a course 18 called Climate Change Communication Campaigns. I 19 teach a course -- I will be teaching a course every 20 other year called social marketing, use of marketing 21 techniques to address social problems. 22 I taught a course last semester for the</p>	8
7	<p>1 first time called Advanced Communications Skills for 2 Stem Professionals, Science Technology Engineering 3 and Math. And I have taught in the past but have no 4 plans to currently teach a course called Strategic 5 Communication. 6 Q. Do you teach coursework in any of your 7 classes related to climate change? 8 A. Oh, yeah. My course this semester is 9 Climate Change Communication Campaigns. 10 Q. Can you discuss what material that course 11 covers? 12 A. Absolutely. It is equivalent to a 13 strategic communication course. By that, I mean, use 14 of -- planned use of communication to achieve 15 specific objectives. 16 And taking that as the general framework, 17 it is all focused on -- primarily focused on climate 18 change, but also focused on other sustainability 19 goals more broadly. 20 Q. Do you discuss specific means of combating 21 climate change? 22 A. Specific means. Could you be more</p>	9

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<p style="text-align: right;">10</p> <p>1 A. Well, they go to school. That's all they 2 do for me, yes. 3 Q. That's all they do for you, okay. 4 In your role as director of the center, 5 you said you have other staff in that role? 6 A. I do. 7 Q. What do those staff do? 8 A. I have one gentleman who is essentially 9 our financial manager. 10 He has other duties working -- keeping our 11 website operating, using our social media platforms, 12 et cetera. 13 I have currently three members of the -- 14 well, two full-time faculty members who are research 15 professors. 16 And that's a specific term in the 17 university, meaning they're completely funded on 18 extramural funding. In other words, the state 19 doesn't pay their salary. It's totally paid based on 20 the research revenue we raise. 21 I have a third faculty member who we call 22 an affiliate researcher. She doesn't actually draw a</p>	<p style="text-align: right;">12</p> <p>1 Science Foundation, funded research focused on TV 2 weathercasters. 3 And then the longest tenured person is 4 Connie Roser (sic), R-O-S-E-R - R-E-N-O-U-F. She's a 5 research associate professor. 6 And the work we do together is a project 7 -- a project in collaboration with Yale called the 8 Climate Change in the American Mind project. 9 Q. Okay. Thank you. Now, how did you -- 10 what was your path, I suppose, to becoming director 11 of the Center for Climate Change Communication? 12 What's your background? 13 A. I am a public health professional first, 14 foremost, and always; in other words, my core 15 training is in the field of public health. 16 In the service of work I was doing at NIH 17 right out of graduate school, I came to -- became 18 familiar with the field of communication research. 19 Eventually left my paid work to go back 20 and get my doctoral degree in communication research. 21 Finished my degree at Stanford. Went to Emory 22 University in Atlanta. I was a faculty member there</p>
<p style="text-align: right;">11</p> <p>1 salary. So she's not paid at all. But she is, in 2 fact, working full-time at the center. 3 Q. Can you give me their names and what 4 they're researching? 5 A. Sure. We'll start with the last first, 6 Mona Sarfaty, S-A-R-F-A-T-Y, M.D. She's a physician. 7 She runs our program on climate and health. 8 So she is currently researching physicians 9 and nurses understanding of climate change in 10 partnership with different medical societies around 11 the country. 12 The second most recently added person is 13 Teresa Myers, M-Y-E-R-S. She's a research assistant 14 professor and she is -- her research portfolio is 15 fairly broad. 16 She's conducting research with me funded 17 by NASA on public trust -- on a variety of issues 18 fundamentally under the umbrella of public 19 understanding about climate change and public 20 perception of climate scientists and climate science 21 organizations. 22 She also works with me on my NSF, National</p>	<p style="text-align: right;">13</p> <p>1 for five or six years. 2 Was recruited to come to the private 3 sector here in Washington, a company called Porter 4 Novelli. And I did that for eight years. 5 Then I went back to government service. 6 Went to the National Cancer Institute for two years 7 and then came back to academia, first to George 8 Washington University and then specifically to George 9 Mason to create the Center for Climate Change 10 Communication. 11 MR. MONCURE: If I may, your degrees are 12 in? 13 A. My degree -- I have a master's in public 14 health and a Ph.D. in communication science. 15 BY MR. HARDIN: 16 Q. Your private sector work for Porter 17 Novelli, can you describe what you did there and how 18 it's different perhaps from what you're doing now? 19 A. Sure. Initially, I was their director of 20 research. Eventually, I became the director of their 21 social marketing practice. And I mentioned earlier 22 that I teach a course here in social marketing.</p>

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<p style="text-align: right;">14</p> <p>1 So my clients were a fairly diverse 2 portfolio of clients at the Robert Wood Johnson 3 Foundation, the American Cancer Society, the Centers 4 for Disease Control, the National Cancer Institute, 5 the March of Dimes. 6 There were more, but -- 7 Q. What did you do for these clients? 8 A. Help them organize strategic communication 9 programs. 10 Q. On a variety of topics? 11 A. Mostly public health topics. Oh, I forgot 12 one of my most important clients. The American 13 Legacy Foundation doing -- in which -- on whose 14 behalf we helped dramatically reduce the rate of teen 15 smoking in America. 16 Q. These campaigns that you worked on at 17 Porter Novelli, did you just work with other Porter 18 Novelli staff or did you hire outside experts? 19 A. The latter -- well, both. 20 Q. Both? 21 A. Yes, both. 22 Q. Okay. Can you describe on what occasions</p>	<p style="text-align: right;">16</p> <p>1 academics and researchers? 2 A. Common? Couldn't tell you. I did it. 3 Q. You did it? 4 A. I did it. 5 Q. So as an academic and in the private 6 sector both you engaged in that coordination? 7 A. As I'm now talking about my work at Porter 8 Novelli and specifically this example that I just 9 gave you, the National Drug -- Anti-Drug Campaign, we 10 engaged -- I engaged academics who were experts in 11 drug use prevention. 12 Q. As an academic yourself now, do you work 13 with PR firms or public affairs groups or anyone in 14 the private sector realm? 15 A. I do not currently work with any PR firms. 16 Q. By "currently," you mean as of this 17 instant. Have you recently? 18 A. Not that I can recall. 19 Q. I have a biography of you from George 20 Mason's website. I wanted you to take a look and 21 tell me if you believe it's accurate or inaccurate in 22 any way.</p>
<p style="text-align: right;">15</p> <p>1 you might bring in outside experts? 2 A. Sure. One of the really -- the most 3 exciting assignments I had, certainly the most highly 4 visible and high-pressured, was I won an assignment 5 to represent the Clinton Administration in developing 6 a youth -- what was called the Youth Anti-Drug 7 National Media Campaign. 8 And it was funded by Congress at the level 9 of \$200 million a year for five years initially. So 10 it was a \$1 billion investment in federal funds in 11 trying to reduce the rate of teen drug use. 12 Winning the contract to develop the 13 campaign, I was given 100 days to develop the 14 strategy. 15 So that was certainly an occasion where I 16 liberally hired outside experts, the best available 17 outside experts, to help design -- to quickly come up 18 to speed on the techniques that were most likely to 19 work so that we could put forth the best possible 20 plan. 21 Q. Would you say it's common for PR firms or 22 public affairs firms to work with academics or engage</p>	<p style="text-align: right;">17</p> <p>1 A. It looks pretty accurate to me. 2 Q. Do you know who wrote it? 3 A. At some point, I wrote it, I'm sure. 4 Whether these are the exact words I submitted, I 5 don't know. But, no, it's accurate. 6 Q. Okay. Drawing your attention to something 7 that I'm sure has been of interest lately, do you 8 recall a letter that was written on September the 1st 9 to President Obama and Attorney General Lynch? 10 A. I do. 11 Q. Who wrote it? 12 A. Myself, Dr. Shukla of George Mason 13 University, and 18 other climate scientists. 14 Q. Whose idea was it initially? 15 A. It was Shukla's idea originally. 16 Q. But you said you wrote it yourself. So it 17 was his idea and you wrote it. Is that what 18 happened? 19 A. No. I mean, Shukla is the first author of 20 the letter. Shukla is ultimately -- it was his idea 21 ultimately. 22 It was Shukla who initiated it and many</p>

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<p style="text-align: right;">18</p> <p>1 people's words were included in the letter. 2 Q. I have a copy of what I believe is a 3 letter from you. Can you take a look at it and tell 4 me whether it is a true and accurate copy? 5 A. It looks right to me. Although, I will 6 say I'm a little surprised by the September 1st date. 7 That's later than my memory, but the letter is the 8 letter. 9 Q. Fair enough. What does the letter say in 10 broad strokes? 11 A. In broad strokes, the letter was an 12 encouragement to the President and the Attorney 13 General to follow up on Senator Whitehouse's 14 suggestion to call for a RICO investigation of 15 ExxonMobil based on the possibility that they had 16 knowingly deceived the public about climate change 17 and its potential dangers, and in doing so -- you 18 know, for the express purpose of preventing American 19 society and global society in dealing with a clear 20 and present danger. 21 Q. Would you consider a RICO investigation a 22 serious matter?</p>	<p style="text-align: right;">20</p> <p>1 Q. Did you consult with -- 2 A. By that -- 3 Q. Legal counsel, I mean. 4 A. No. 5 Q. Did you consult with any law enforcement 6 officials? 7 A. No. 8 Q. Can you explain to me what the Racketeer 9 Influenced and Corrupt Organizations Act does? 10 A. No. As I said before, I'm not an expert 11 in RICO. 12 Q. Can you give me a list of any RICO 13 predicate violations? 14 A. No. 15 Q. What did you want the President and the 16 Attorney General to do in (sic) this letter? 17 A. To investigate the credible allegations 18 that ExxonMobil has been knowingly deceiving the 19 public on an issue of considerable importance to 20 public well-being. 21 And if found to be true, if the 22 allegations are found to be true, to take actions to</p>
<p style="text-align: right;">19</p> <p>1 A. I am not an expert on RICO. But, yes, I 2 would consider it a serious matter. 3 Q. Okay. Before you drafted this letter, you 4 put some thought into it. Did you consult with 5 anyone else? 6 A. Yes. 7 Q. With whom? 8 A. To be -- I approached the Union of 9 Concerned Scientists to ask them about RICO and to 10 learn their views on this. 11 And they, essentially, said they viewed 12 this -- they viewed it as there being about a 13 snowball's chance in hell of a RICO investigation 14 ever being opened. 15 Q. Did you consult with anyone else, other 16 than the Union of Concerned Scientists? 17 A. Not that I can recall. 18 Q. Did you consult with other academics? 19 A. Well, we clearly consulted with other 20 academics because they signed the letter. 21 Q. Okay. Did you consult with any counsel? 22 A. No.</p>	<p style="text-align: right;">21</p> <p>1 stop future deceptions. 2 Q. So what you're telling me is, while you're 3 not aware of the specifics of RICO and how the law 4 works, you think that what ExxonMobil specifically 5 was doing was troubling and you wanted that stopped? 6 A. Correct. 7 Q. That's a fair characterization, okay. 8 What specifically was ExxonMobil doing that bothered 9 you? 10 A. Funding climate denial organizations. 11 Q. Funding climate denial organizations 12 bothers you? 13 MR. MONCURE: Let me interject at this 14 point. This line of questioning I would deem to be 15 somewhat irrelevant to the prosecution of a FOIA 16 action. I believe clearly, we're talking about his 17 advocacy, if you want to go down that path. 18 But whether that's related to his 19 characterization of these activities as public or 20 private is another issue. 21 MR. HARDIN: I believe that we are going 22 to establish what he did first and then we're going</p>

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<p style="text-align: right;">22</p> <p>1 to tie it into his position here and how it's 2 relevant to his position here. 3 I think for now, obviously, we need to 4 just answer the questions that are posed. And, 5 obviously, whether it's relevant, the judge will 6 eventually decide. 7 MR. MONCURE: Okay. Well, I just wanted 8 to interject that as a standing objection. We're 9 talking about advocacy and not what he does as a 10 public employee. So go ahead. 11 MR. HARDIN: Sure. 12 Can you please read back the last question 13 and response? 14 (The reporter read back the requested 15 testimony.) 16 BY MR. HARDIN: 17 Q. So what is climate denial? I'll ask that. 18 A. What's climate denial? Good question. 19 Activities that are intentionally misrepresenting 20 what is known to be true about climate change so as 21 to convince people that climate change is not, in 22 fact, a reality.</p>	<p style="text-align: right;">24</p> <p>1 Exxon to knowingly deceive the public about a matter 2 of potential grave importance to public well-being. 3 Q. Knowingly deceiving the public about what, 4 specifically? 5 A. About the reality of climate change, about 6 whether or not climate change is human-caused, and 7 about whether or not human-caused climate change 8 represents any real threat to American -- the 9 American people and people worldwide. 10 Q. So you believe that someone knowingly 11 misrepresenting a risk posed by climate change merits 12 investigation? 13 A. Yes, I do. 14 Q. Okay. So if someone, for example, were to 15 knowingly hide data indicating an increase in 16 temperatures over the years, that would merit 17 investigation? 18 A. Say it again, please. 19 Q. If someone were to hide or misrepresent or 20 deceive the public relating to data which showed an 21 increase in global temperatures over time, that would 22 merit investigation?</p>
<p style="text-align: right;">23</p> <p>1 Q. So climate denial broadly bothers you 2 then? 3 A. Mischaracterization of the truth 4 specifically intended to undermine the public's 5 well-being, yes, typically does bother me. 6 Q. Can you give me an example of these 7 misrepresentations by ExxonMobil or others? 8 A. No, not off the top of my head. 9 Q. What should the Attorney General or the 10 president investigate? 11 A. Whether or not it is true that the 12 considerable -- in the letter, we cited considerable 13 academic evidence that ExxonMobil had been knowingly 14 taking action to deceive the public. So we were 15 asking them to investigate whether or not that was 16 true. 17 Subsequently, there has been even more 18 investigative journalism looking into these very 19 questions. And so what we were looking for them to 20 investigate is the assertion that there has been 21 knowing deception. 22 There have been activities being funded by</p>	<p style="text-align: right;">25</p> <p>1 A. It would be -- I suppose it depends on who 2 it is. 3 But, yes, it would certainly be a 4 deception. And as such, it would be an act that, in 5 my view, ought to be exposed. 6 MR. MONCURE: Let me interject. It's 7 clear that based on the letter this is the position 8 he's taken. I don't know how much you want to 9 belabor this. 10 The question is whether or not it is 11 involved in the transaction of public business. 12 MR. HARDIN: I understand your objection. 13 MR. MONCURE: It's clear that he is an 14 advocate in this issue. 15 MR. HARDIN: Right. 16 MR. MONCURE: We're not denying that at 17 all. The question is whether that advocacy relates 18 to his performance as a public official. 19 MR. HARDIN: No. I understand your 20 objection. And eventually a judge will rule on the 21 relevancy of it. I believe we can probably wrap up 22 this line of questioning fairly quickly. And I'm</p>

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<p style="text-align: right;">26</p> <p>1 certainly willing to stipulate that you've objected. 2 MR. MONCURE: Well, you've got the letter 3 and he's acknowledged it. So I don't know that 4 there's much further to pursue on that. 5 BY MR. HARDIN: 6 Q. Two quick questions. First, you keep 7 referring to ExxonMobil. And I have a copy of the 8 letter and you just reviewed it. I can give it back 9 to you. 10 I don't see the words "ExxonMobil" in the 11 letter. And I was wondering if you were referring to 12 ExxonMobil specifically in the letter or if there's 13 another individual or organization you were referring 14 to? 15 A. If ExxonMobil isn't cited in the letter 16 directly, then that's clearly not what we were 17 calling for at that time. 18 Perhaps I am conflating the subsequent 19 investigative journalism by insight climate news in 20 the LA times, which did focus exclusively on 21 ExxonMobil. So perhaps I'm conflating the two. 22 Q. The letter mentioned, "corporations and</p>	<p style="text-align: right;">28</p> <p>1 Q. Okay. So it could apply equally. No 2 matter what data you're hiding that is, in fact, 3 worthy of an investigation? 4 A. Sure. 5 Q. Okay. Fair enough. Do you recall -- 6 well, I'll ask more broadly, in your position as 7 either director of the climate change center or as a 8 professor, do you give interviews to the media? 9 A. Yes. 10 Q. Do you recall an interview with Grist, the 11 online magazine or newspaper, I suppose you can call 12 it, Grist.org? Do you remember an interview with 13 them? 14 A. At least one, yes. 15 Q. Can you tell me how that interview was 16 conducted--in-person? over the phone? email? 17 A. Can you tell me which one you're asking 18 about? There might have been more than one. 19 Q. There's a story I will hand you. It's the 20 16th of October 2015 story that I'm specifically 21 asking about. You can tell me if you recognize the 22 article while you have it.</p>
<p style="text-align: right;">27</p> <p>1 other organizations that have knowingly deceived the 2 American people." That's a quote. 3 Can you tell me who those corporations and 4 other organizations would have been? 5 A. Obviously, I've talked about ExxonMobil 6 already, so they were clearly in my mind. 7 To the extent that other oil companies 8 were -- have been involved in similar activities that 9 it would include them, the organizations that they 10 have colluded with in acts to deceive the public 11 would be included. 12 Presumably, we didn't name any names 13 because we didn't feel that that was warranted. 14 Q. So you said hiding an increase in 15 temperatures would be a knowing deception, depending 16 on who it is. I believe that's what you said a 17 minute ago; is that correct? 18 A. Sure. 19 Q. What if you knowingly hid a decrease in 20 global temperatures? Would that be a knowing 21 deception? 22 A. Sure.</p>	<p style="text-align: right;">29</p> <p>1 A. Yes, I do. 2 Q. Do you remember that interview? 3 A. Vaguely. I believe it was conducted on 4 the telephone. 5 Q. Okay. 6 MR. MONCURE: My standing objection with 7 regard to relevance. 8 BY MR. HARDIN: 9 Q. Right. Now, the author says that this 10 interview was given -- "as the director of the Center 11 for Climate Change Communication at George Mason 12 University where you are studying the fine art of 13 convincing people, particularly conservatives, that 14 climate change is both very real and very bad." 15 Was the author accurately characterizing 16 you? 17 A. I wouldn't have said it in those words. 18 But there's nothing she said that's fundamentally 19 untrue. 20 MR. MONCURE: Well, that's the title by 21 which you are identified; is that correct? You were 22 identified by that title?</p>

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<p style="text-align: right;">30</p> <p>1 A. Yes. I mean, she -- I don't dispute the 2 fact that I agreed to an interview in my capacity as 3 director of the center. 4 BY MR. HARDIN: 5 Q. In that article, you discussed extensively 6 state attorney generals across the United States 7 settling with tobacco companies in the late 1990s. 8 Do you remember that? 9 A. I do. 10 Q. Were you engaged in that work in the 11 private sector? 12 A. I was not. But the work that I mentioned 13 earlier, the American Legacy Foundation, was 14 established as a result of that legal settlement. 15 So while I had no direct role in the 16 attorney -- state Attorney General's action against 17 the tobacco industry, my work as a public health 18 communicator, public health communication expert, has 19 been focused on anti-tobacco work for large -- if not 20 the entirety of my career. 21 And that settlement then ended up funding 22 quite a lot of anti-tobacco work that I, in fact was</p>	<p style="text-align: right;">32</p> <p>1 today? 2 A. It does. 3 Q. Have you ever discussed the RICO issue 4 with any of your courses -- any of your classes here 5 at George Mason? 6 A. Not to the best of my knowledge. 7 Q. You speak in the Grist article -- 8 A. There may -- I'm sorry. It's possible 9 that it's on the topic. It will be discussed in my 10 course on Monday. But that's next Monday, not the 11 past. 12 So to the best of my knowledge, I don't 13 ever recall discussing this with any -- 14 Q. But you might start? 15 A. Sure. 16 Q. Okay. Is it something that might be 17 interesting to a climate change course or a climate 18 change communication course? 19 A. It would be relevant in the context of a 20 general environmental scan, understanding the current 21 communication environment about a climate change. 22 Q. So you said in the Grist article where the</p>
<p style="text-align: right;">31</p> <p>1 directly involved in. 2 Q. There's a quote in the Grist article. And 3 I'll ask you first whether it's an accurate quote. 4 The quote is: "If The White House took up 5 Senator Whitehouse's suggestion to wage a full 6 investigation into the fossil fuel industry for all 7 of their collusion and stonewalling to confuse the 8 public about the harm of fossil fuels and if a RICO 9 suit were successful and if there was a settlement 10 between the government and the fossil fuel industry, 11 there is no question in my mind that a good portion 12 of that money should be spent on a national campaign 13 to educate people on the risks of climate change and 14 build their resolve to work towards solutions." 15 Is that an accurate quote? 16 A. Are you asking me did I say those exact 17 words? 18 Q. Did you say those words? 19 A. I'm sure she did a very good job of 20 capturing what I said. I don't know if I said those 21 exact words, but I stand by those words. 22 Q. That accurately reflects your sentiment</p>	<p style="text-align: right;">33</p> <p>1 settlement money between the government and the 2 fossil fuel industry could be spent. 3 Have you put any thought into where it 4 could be spent? I mean, you said on a national 5 campaign. Do you have any specific ideas, I suppose? 6 A. No, I don't. 7 Q. So you have no idea who would receive the 8 money? 9 A. No. That sentiment there, as you 10 undoubtedly see, I was drawing a parallel between the 11 current situation and the situation with the tobacco 12 industry. 13 So I was, essentially, suggesting that the 14 way that played out historically on the tobacco issue 15 is very likely to be a similar -- it's likely to play 16 out in a similar way with regard to any potential 17 deceptions of the public about climate change. 18 Q. You believe that there is an analogy to be 19 made between the actions of the tobacco industry and 20 hiding the dangers of cigarette smoking and the 21 actions of ExxonMobil and others in hiding the 22 dangers of climate change?</p>

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1 A. I do.
2 Q. Can you describe what actions the tobacco
3 companies took that are analogous to the actions
4 taken by ExxonMobil and others?
5 A. Again, it doesn't really -- I don't see
6 any benefit in going top of mind describing a history
7 to you that's not top of mind.
8 But it is well-known and well-documented,
9 the many, many decades of deception on the part of
10 the tobacco industry. And ultimately, there were
11 legal settlements as a result.
12 Q. So you said you haven't looked into where
13 the money would go or how these settlement funds
14 might be spent with respect to the climate change
15 settlement.
16 But have you corresponded or discussed it
17 with anyone else?
18 A. No. I should say, no, not to the best of
19 my recollection.
20 Q. When you said as a George Mason University
21 professor in the Grist article that, "you strongly
22 endorsed Senator Whitehouse's call for a RICO

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1 investigation of corporations and other organizations
2 that have knowingly deceived the American people
3 about the risks of climate change as a means to
4 forestall America's response to climate change," whom
5 were you calling to be investigated?
6 MR. MONCURE: We need to qualify.
7 Speaking as a GMU professor, that could be in two
8 contexts. That could be as identifying yourself by a
9 position that you occupy or speaking on behalf of the
10 university. And I believe that's a critical
11 distinction.
12 MR. HORNER: Just to clarify, that was
13 actually from the letter signed as George Mason
14 University Fairfax, not the interview.
15 This was from the letter signed as Edward
16 Maibach, George Mason University, Fairfax, Virginia,
17 not an interview in which a reporter attributed the
18 GMU employment to the capacity in which he was giving
19 the interview. This is from a letter signed as GMU.
20 MR. MONCURE: See, my comment is he can
21 identify himself as a professor. That's what he
22 does. Your question is then whether that speech is

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1 on behalf of the university or on his behalf
2 identifying his position.
3 MR. HARDIN: Your point is well taken and
4 certainly not waived in any sense. And my question,
5 as Mr. Horner just pointed out, was actually
6 incorrect. I was quoting from the wrong source.
7 So I should perhaps just start over and
8 rephrase the question.
9 MR. MONCURE: Okay. But I want to make
10 that -- maybe the question is that distinction. The
11 issue is that distinction.
12 MR. HARDIN: Eventually, that will be a
13 legal issue.
14 MR. MONCURE: Right. So I object as a
15 predicate matter making that assumption.
16 MR. HARDIN: Okay. That's, obviously, on
17 the record at this point.
18 MR. MONCURE: Right.
19 BY MR. HARDIN:
20 Q. Do you endorse Senator Whitehouse's call
21 for a RICO investigation of corporations and other
22 organizations that have knowingly deceived the

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1 American people about the risks of climate change?
2 A. I do.
3 Q. Did you -- do you often use your George
4 Mason University title to support personal positions?
5 A. Do I -- well, I clearly did in this
6 instance. No, I wouldn't say I often do.
7 MR. MONCURE: But that's who you are.
8 A. That is who I am. And I have subsequently
9 learned that it might have been -- it, in fact, would
10 have been wise for me to make very clear that I was
11 not representing the university in this matter,
12 which, indeed, I was not.
13 BY MR. HARDIN:
14 Q. I'm sorry. Hold on just a second. Did
15 you subsequently learn that you should have clarified
16 your position in the letter as being a private one,
17 you said?
18 A. In conversation with Tom, I asked him very
19 directly, in the future, should I engage in such
20 activities, how would he advise me to make clear that
21 I'm acting in the capacity as a private citizen and
22 not as a representative of our university.

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<p style="text-align: right;">38</p> <p>1 And he, in fact -- he suggested that's a 2 really good practice. The exact wording is not -- 3 there is no formula for the exact wording but making 4 clear that I'm representing myself only is a smart 5 thing to do. 6 Q. So you say you might use this RICO idea as 7 a teaching subject, but you haven't so far? 8 A. To the best of my knowledge, that's 9 correct. 10 Q. You said you have not spoken to anyone 11 with any government office or agency about RICO. Is 12 that what you said earlier, you hadn't spoken with 13 any law enforcement? 14 Perhaps I should rephrase my question. 15 Who have you talked to about this RICO idea? 16 A. As I said, I spoke to the Union of 17 Concerned Scientists. To the best of my 18 recollection, that's the only organization I spoke to 19 about it. 20 Q. Did you speak with any government 21 officials inside or outside of law enforcement? 22 A. Not to the best of my recollection.</p>	<p style="text-align: right;">40</p> <p>1 Q. What do you use your private account for? 2 A. Not much. 3 Q. What do you use your George Mason account 4 for? 5 A. Almost everything I do. 6 Q. Would you say that there is a consensus -- 7 I suppose I'm drawing your attention back to the RICO 8 issue in the letter. 9 Would you say there's a consensus among 10 surveying climate scientists on the issue of climate 11 change? 12 A. There is. 13 Q. What degree of consensus? 14 A. It depends on which study you look at. 15 But the consensus would be, on the absolute most 16 conservative side, 90 percent or greater, on the 17 other side, 99.9 percent. 18 Q. Okay. I have a quote. It says: "There's 19 an overwhelming scientific consensus, at least 97 20 percent consensus, and that is based on surveying 21 climate scientists. 22 "If you survey the literature instead of</p>
<p style="text-align: right;">39</p> <p>1 Q. Did you speak with any political body of 2 government? 3 A. Not to the best of my recollection. 4 Q. Did you speak, perhaps, with Senator 5 Whitehouse or his staff? 6 A. I did not speak with either of them. But 7 I do know that Senator Whitehouse knew -- was aware 8 of our letter and, in fact, emailed the group of 9 signatories a response at some point. 10 Q. You didn't talk to him before sending the 11 letter? 12 A. I did not. 13 Q. And you haven't had private correspondence 14 with him since sending the letter? 15 A. I have not. 16 Q. How many email accounts do you have? 17 A. Two. 18 Q. One, I assume, is your George Mason 19 account? 20 A. It is. 21 Q. The other is a private account? 22 A. It is.</p>	<p style="text-align: right;">41</p> <p>1 human beings, it actually looks more like 99.9 2 percent." 3 Is that a fair quote? 4 A. That's a fair quote. 5 MR. MONCURE: That's your opinion? 6 A. Well, that's a fair representation of 7 published data out there. It is my opinion based on 8 having read that published research. 9 BY MR. HARDIN: 10 Q. Can you describe what published research 11 that would be? 12 A. There have been a whole variety of 13 different papers, including ones that my research 14 team has worked on. 15 I am currently -- we currently have a 16 paper -- what is called In Press. It's been 17 accepted, but hasn't yet appeared -- in a journal 18 called Environmental Research Letters, in which we 19 review all of the published studies attempting to 20 quantify the extent of the consensus. 21 Q. So you have reviewed published studies and 22 come up with the figure that there's 99.9 percent</p>

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<p style="text-align: right;">42</p> <p>1 agreement in the literature? 2 A. The 99.9 -- yes. Yes. So that is, 3 essentially, an estimation of published research as 4 opposed to surveying climate scientists. 5 So there basically have been two types of 6 studies that have been done, surveying experts and 7 actually reading what has appeared in the published 8 literature. 9 Q. So this 99.9 percent figure, is it your 10 research of the literature or is it based on someone 11 else's analysis of the literature? 12 A. Someone else's. 13 Q. Whose? 14 A. There have been a couple of different 15 studies. The names of the authors are eluding me at 16 this point. But there are at least two, if not more, 17 published studies that have looked at the published 18 literature. 19 Q. Are you familiar with a study conducted by 20 a man by the name of Cook 21 A. John Cook is, in fact, the first author on 22 the study that I just referred to a moment ago.</p>	<p style="text-align: right;">44</p> <p>1 that's correct. 2 Q. In the ballpark of 12, shall we say? 3 A. That's correct. 4 Q. Okay. Do you discuss the consensus among 5 climate scientists with your class? 6 A. Yes. 7 Q. Does this consensus among climate 8 scientists relate to your allegation of racketeering 9 activity for collusion and stonewalling to confuse 10 the public about the harm of fossil fuels? 11 A. It does. 12 Q. If there was a greater degree of 13 dissonance in the studies, you wouldn't think that 14 there was collusion going on? 15 A. If I may reframe your statement. If I 16 believe there was, in fact, a legitimate disagreement 17 among experts about whether or not human-caused 18 climate change was happening, then, yes, I would feel 19 very differently. 20 Q. So the reason that this is racketeering is 21 because there's no legitimate disagreement here? 22 This is, I suppose, a coordinated campaign of deceit?</p>
<p style="text-align: right;">43</p> <p>1 Q. Okay. What did John Cook find? 2 A. John's published lots of papers. 3 Q. In that particular paper that you're 4 referencing about the consensus, what did he find? 5 A. That there is a very, very high level of 6 consensus among climate scientists about human-caused 7 climate change. 8 Q. How did he conduct his study? 9 A. We were reviewing the literature of all 10 published studies. So it's a literature review. 11 Q. How many pieces of literature did you 12 review? 13 A. I'm guessing offhand there's about a dozen 14 published studies. 15 Q. So when you say there was 99.99 (sic) 16 percent consensus, that was based on a study of 12 17 pieces of literature? 18 A. It's based on a summary of 12 published 19 studies. That's correct. 20 Q. That was the universe of literature that 21 was reviewed was 12? 22 A. I said -- I estimated it 12, and, yes,</p>	<p style="text-align: right;">45</p> <p>1 MR. MONCURE: Are you asking for a legal 2 opinion? 3 MR. HARDIN: I'm asking -- I'll rephrase 4 the question. 5 BY MR. HARDIN: 6 Q. What's racketeering about climate change 7 denial is that it is deceit, I suppose, instead of 8 legitimate disagreement. 9 Is that your characterization? 10 A. That would be correct. 11 Q. Are you aware of individuals in the 12 academy or in academia who disagree with the 13 consensus view of climate change? 14 A. I don't personally know any. I know there 15 are a few. 16 Q. Okay. Do you know anyone named Freeman 17 Dyson? 18 A. I know the name. I don't know him. 19 Q. You don't know who he is? 20 A. I have a vague knowledge of who he is. 21 He's a physicist. 22 Q. Okay. You have no opinion of him or his</p>

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<p style="text-align: right;">46</p> <p>1 work? 2 A. No. I don't know him. 3 Q. Okay. Are you familiar with anyone named 4 Christy or Spencer? 5 A. Can you give me first names? 6 MR. HORNER: John Christy. Roy Spencer. 7 A. I know the names. I don't know either of 8 them. 9 BY MR. HARDIN: 10 Q. You have no opinion of them or their work? 11 A. I have no opinion of them or their work. 12 Q. Are you familiar or have you heard of any 13 statements by a Russian academy of physicists 14 doubting this consensus view on global warming? 15 A. No. 16 Q. Do you have any background in statistics 17 or statistical analysis? 18 A. I do. 19 Q. What background would that be or 20 coursework have you taken? 21 A. Keep in mind, this was a long time ago. I 22 finished my doctoral degree in 1990. But I would</p>	<p style="text-align: right;">48</p> <p>1 fairly close to being done. 2 MR. MONCURE: Okay. 3 BY MR. HARDIN: 4 Q. What would you hope -- you said that you 5 hoped that ExxonMobil specifically would be, I 6 suppose, stopped from causing deceit in the realm of 7 climate change. 8 What specifically did you want them to 9 stop doing? 10 A. Specifically, I would like to see them 11 cease all activities intended to confuse or deceive 12 the public about the realities of human-caused 13 climate change. 14 Q. What activities would those be? 15 A. I don't know the full extent of their 16 activities. But I certainly would like to see them 17 stop funding organizations that are out there 18 intentionally deceiving the public. 19 Q. Is there any correspondence between you 20 and anyone with any state Attorney General's office? 21 A. Not to the best of my knowledge. 22 Q. Is there any correspondence between you</p>
<p style="text-align: right;">47</p> <p>1 guess that I had a half a dozen statistics courses in 2 my doctoral degree and another two or three in my 3 master's degree. So lots of statistical courses. 4 Q. Have you ever been the subject of a 5 federal investigation? 6 A. Not to my awareness. 7 Q. Do you know what a federal investigation 8 can cost someone in terms of dollars and other 9 impacts? 10 A. No, I don't. 11 Q. Have you discussed it with anyone else? 12 A. No, I haven't. 13 Q. Have you had discussions with anyone about 14 the threat of a RICO investigation being enough to 15 keep people from speaking out? 16 A. No. 17 MR. MONCURE: Again, my standing objection 18 to this line of questioning. The relevancy to the 19 Freedom of Information Act is continuously eluding 20 me. 21 MR. HARDIN: You will be relieved because 22 your objection is on the record. And I'm actually</p>	<p style="text-align: right;">49</p> <p>1 and anyone with the New York Office of the Attorney 2 General? 3 A. Not to the best of my knowledge. 4 Q. With the Federal Bureau of Investigation? 5 A. Not to the best of my knowledge. 6 Q. With the Department of Justice? 7 A. Not to the best of my knowledge. 8 Q. Have you ever corresponded with -- 9 MR. MONCURE: Where was the letter -- the 10 subject letter, where was that directed? 11 A. To -- oh, thank you. I guess I misspoke 12 since I directed -- we directed a letter to the 13 Attorney General. 14 MR. HARDIN: To the federal Attorney 15 General. I'm asking about state Attorney General. I 16 understand that he's not misleading on that point. 17 MR. MONCURE: Okay. For clarification 18 then? 19 MR. HARDIN: Yes. 20 BY MR. HARDIN: 21 Q. Have you ever spoken with anyone or 22 corresponded with anyone in a state Attorney</p>

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<p style="text-align: right;">50</p> <p>1 General's office? 2 A. Not to the best of my knowledge. 3 Q. Do you know who representative Grijalva 4 is? 5 A. California, Southern California. 6 Q. I believe he's a representative of 7 Arizona, but you may be right. 8 A. I don't know. I don't know him. 9 Q. Have you ever corresponded with him? 10 A. No, I have not corresponded with him. 11 Q. Okay. Have you ever corresponded with 12 anyone in The White House -- 13 A. Yes. 14 Q. -- other than the President of the United 15 States? 16 A. On this topic? 17 Q. On any topic within the last year. 18 A. Yes. 19 Q. With whom? 20 A. Oh, goodness. I was invited to a -- The 21 White House Summit on climate and -- climate change 22 and health last summer.</p>	<p style="text-align: right;">52</p> <p>1 Q. In your role at the university, have you 2 ever received FOIA requests? 3 A. Yes. 4 Q. How many? 5 A. Two, I believe. 6 Q. Okay. 7 A. I'm not actually sure how many -- 8 Q. Are at issue in this case? 9 A. Yes. Are there one or two at issue in 10 this case? 11 Q. One at issue, although there have been 12 two. 13 A. Okay. Once prior. I do recall receiving 14 a FOIA request once prior. 15 Q. Do you recall receiving any FOIA requests 16 from anyone other than Mr. Horner or the Competitive 17 Enterprise Institute? 18 A. To be totally honest, I don't recall who 19 the prior request came from. 20 Q. Since you were hired at the university, 21 have you undertaken any training in the Virginia 22 Freedom of Information Act?</p>
<p style="text-align: right;">51</p> <p>1 I attended that summit. So I don't recall 2 who invited me, but I was certainly invited by White 3 House people. And so that would be an affirmative. 4 Q. Any other correspondence that you recall? 5 A. No. 6 Q. Other than the letter to the Attorney 7 General and the President of the United States -- I 8 suppose it's also addressed to Director Holdren -- 9 other than that letter, have you reported this 10 suspected racketeering activity to anyone else? 11 A. No. I mean, reported -- that seems like 12 it has a very specific thing -- 13 MR. MONCURE: You haven't called the FBI, 14 in other words. 15 A. No. I mean, obviously, if I've talked 16 about it publicly to a journalist, I've talked about 17 it. 18 BY MR. HARDIN: 19 Q. But you haven't called the FBI? 20 A. No, I have not. 21 Q. You haven't called your local police? 22 A. I have not.</p>	<p style="text-align: right;">53</p> <p>1 A. I don't recall. I've taken all required 2 trainings. Trust me. There are many. 3 Q. Have you been made aware of any policies 4 relating to the Virginia Freedom of Information Act? 5 A. Yes. 6 Q. What are those policies? 7 A. I don't feel like I could do them justice. 8 But I can tell you that it is contingent upon me to 9 be responsive when there is a request and to provide 10 what is asked of me. 11 Q. What is the process? Do you receive 12 requests personally or are they forwarded to you? 13 A. Do I receive them directly from the 14 petitioner? 15 Q. Yes. 16 A. No. I don't think so. 17 Q. Okay. So requests are forwarded to you 18 from someone else? 19 A. Yes. 20 Q. Okay. And then what do you do? 21 A. Then I pull together the documents that 22 are requested and I submit them.</p>

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1 Q. Okay. That's the process. Do you recall
2 receiving the specific request at issue in this case?
3 A. I do.
4 Q. What did you do when you received it?
5 A. I believe I asked for some clarification.
6 Q. Who did you receive the request from?
7 THE WITNESS: If you could remind me of
8 Elizabeth's last name.
9 MR. MONCURE: Woodley.
10 A. Elizabeth Woodley.
11 BY MR. HARDIN:
12 Q. And you said you requested clarification
13 from her?
14 A. Yes.
15 Q. What clarification did you request?
16 A. I wanted to get to the issue of that I
17 felt this was -- these were activities -- information
18 was being requested about my activities as a private
19 citizen, not as a George Mason University employee.
20 And I asked her for clarification as to
21 how one should think about that.
22 Q. What did Ms. Woodley say?

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1 A. I believe she did a cut and paste of the
2 actual statutes or regulations. And she sent them to
3 me and said: "This is what they say."
4 Q. Did you get any further clarification?
5 A. No. I mean, she -- you know, she asked me
6 to interpret it for myself.
7 Q. What did you ultimately respond to Ms.
8 Woodley with? Did you give her any responsive
9 records?
10 A. I did not.
11 Q. Why not?
12 A. Because I deemed this -- the request to be
13 asking for information that was generated on my -- by
14 me in pursuit of my rights as a private citizen and
15 on my own time; in other words, completely distinct
16 from my activities as a -- or responsibilities as a
17 Mason professor.
18 Q. Did you consult with anyone, other than
19 Ms. Woodley, prior to making that determination?
20 A. I don't recall doing so.
21 Q. Did you inform Ms. Woodley that records
22 did exist but you believed them to be nonresponsive

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1 or did you clarify what you meant with her?
2 A. Records clearly exist. And I don't recall
3 exactly what I said. But I believe I was clear in
4 stating that I considered these to be my own personal
5 records because this was done on my own time in the
6 capacity as a private citizen.
7 Q. How is the Center for Climate Change
8 funded?
9 A. We have federal grants. We have donations
10 from philanthropic -- from private foundations, small
11 donations from individuals.
12 Q. How do you solicit these funds?
13 A. We usually write grant proposals.
14 Q. Do you do in-person fundraising?
15 A. Meaning, do I ever go and talk to
16 foundations and government agencies?
17 Q. Or individuals.
18 A. Yes, I do.
19 Q. What do you tell them when you ask for
20 money?
21 A. Generally speaking, I'd say this is a
22 project that I think is really exciting and important

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1 and very much in need of your financial support. And
2 usually, the answer is thank you.
3 MR. MONCURE: Well, it's a normal grant
4 process, isn't it?
5 A. Yes, it's a normal grant process. Exactly
6 right. That doesn't work that way with federal
7 agencies, obviously. It's all done through a very
8 formalized process.
9 The university submits the grant proposal
10 to the government agency. And many months later, we
11 hear the answer.
12 BY MR. HARDIN:
13 Q. What specific projects have you fundraised
14 regarding in the last six months?
15 A. In the last six months, I'm pretty sure
16 that everything I have fundraised for -- the only
17 project I have fundraised for is the project we call
18 our program on climate and health.
19 Q. Please explain what that program is.
20 A. That program is a series of -- it is,
21 essentially, focused on the health -- the human
22 health implications of climate change, the health

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<p style="text-align: right;">58</p> <p>1 harms currently associated with climate change and 2 the projected health harms in the future associated 3 with climate change, and the health benefits -- 4 immediate health benefits, in most cases, associated 5 with the transition to clean renewable fuels as 6 opposed to fossil fuels. 7 Q. Does the center take any position on that? 8 A. The center doesn't really take positions, 9 but the center does engage in designing programs and 10 evaluating programs intended to inform the public 11 about what the scientific -- the science base says. 12 Q. Okay. And you said earlier that there's 13 either a 97 or a 99 percent consensus. Those who 14 disagree, why do they disagree? 15 A. I don't know why they disagree. As I 16 said, I've never met any one of them myself. 17 MR. HARDIN: I believe I'd like to take 18 about a five-minute break. 19 (A break was taken.) 20 BY MR. HORNER: 21 Q. Okay. Professor, you emphasized mentoring 22 quite a bit as part of your job and one of your</p>	<p style="text-align: right;">60</p> <p>1 A. No, not on this issue. 2 Q. He's -- the public record attributes -- 3 actually, no. It's emails -- George Mason University 4 emails attribute him as having convinced the state 5 Attorneys General to prosecute, close quote, 6 industry. 7 And then Porter Novelli got a large piece 8 of business out of that, did they not? 9 A. We did. 10 Q. Okay. You state -- your bio states that 11 you are the director of Mason (sic) Center for 12 Climate Change Communication, right? 13 A. Correct. 14 Q. You testified that your earlier job in 15 that position is raising funds? 16 A. Part of. 17 Q. You said your chief job was the quote. We 18 can go back. Your chief job is raising money to keep 19 it going. Is that still accurate? 20 A. That is probably a little too glib. My 21 chief job is to make sure that we're doing research 22 and -- so that we are making a contribution.</p>
<p style="text-align: right;">59</p> <p>1 functions. 2 Do you consider anyone your mentor? 3 MR. MONCURE: Consider what? 4 MR. HORNER: Anyone your mentor. 5 A. Oh, yeah. 6 BY MR. HORNER: 7 Q. Who is that? 8 A. Oh, I've had many wonderful mentors: 9 Albert Bandura, professor of psychology at Stanford 10 University; June Flora, my dissertation advisor at 11 Stanford University; Bill Novelli, former CEO of AARP 12 and former executive director of a campaign for 13 tobacco-free kids. 14 Q. Was he at Porter Novelli when you were at 15 Porter Novelli? 16 A. No, but thank you for making that 17 connection. He started the firm. But he was at CARE 18 by the time I was recruited to join Porter Novelli. 19 Q. Okay. Are you still in contact with Mr. 20 Novelli? 21 A. I am. 22 Q. Okay. On this issue?</p>	<p style="text-align: right;">61</p> <p>1 In order to do the research, we need to 2 raise funds. 3 Q. Okay. So do you raise funds? 4 A. I do raise funds. 5 Q. Okay. Is your position made more secure 6 with more substantial funding? 7 A. My position is -- I am a tenured member of 8 the faculty. I have life-time employment. 9 Q. At the Center for Climate Change 10 Communication? 11 A. In the department of communication. 12 Q. Okay. Is there any reward for 13 particularly successful fundraising for you working 14 for the Center for Climate Change Communication? 15 A. There is not. 16 Q. Does the Robert Wood Johnson Foundation, 17 which you said was a Porter Novelli client, do they 18 support the center? 19 A. Yes. My very first grant at the center 20 was a grant from the Robert Wood -- well, indirectly 21 from the Robert Wood Johnson Foundation. 22 I was made a -- the Robert Wood Johnson</p>

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<p style="text-align: right;">62</p> <p>1 Foundation health policy -- you would think I could 2 have this roll right off the tongue -- health policy 3 investigator. 4 It wasn't directly from the foundation. I 5 believe another university runs that program for 6 them. 7 Q. Where was that position or was it a roving 8 ambassador to perform? 9 A. They gave me a grant proposal to, 10 essentially, do research on public understanding of 11 the health implications of climate change and how to 12 communicate about that. 13 Q. Was that here? 14 A. That was here. 15 Q. Did they have a role in bringing you to 16 George Mason University? 17 A. They did not. 18 Q. Did they have a role in founding the 19 Center for Climate Change Communication? 20 A. No, they did not. 21 Q. Do they still support your work? 22 A. No.</p>	<p style="text-align: right;">64</p> <p>1 time that was covered last summer, but I'm going to 2 guess 20 percent. So, essentially, I was an employee 3 of the university one day a week during the summer. 4 And specifically in response to your 5 question, yes. I was sitting at home when I was 6 engaged in these activities. 7 Q. So you can access your GMU account from 8 home? 9 A. Correct. 10 Q. Okay. You receive a summer salary in your 11 positions with the university? 12 A. Only insofar as I bring in grant money to 13 support that time. 14 Q. Did you receive a summer salary in 2015? 15 A. Yes. And as I said, I would estimate it 16 on (sic) the top of my head at about a day a week. 17 Q. Did you use your private email account in 18 the summer of 2015? 19 A. For this purpose, I did not. 20 Q. For other purposes? 21 A. Presumably. But as I said earlier, I 22 rarely use my private email account.</p>
<p style="text-align: right;">63</p> <p>1 Q. You stated about the emails a few moments 2 ago that this was done in your own time in your 3 capacity as a private citizen; is that correct? 4 A. Correct. 5 Q. What about these emails made it on your 6 own time in your capacity as a private citizen? 7 I'm going to raise some ideas. Was it 8 were you sat when you physically get it? Was it 9 where you sat, where you physically were, the time of 10 day, the day of the week, the system used, the email 11 account used, the title on the email? 12 What evidence indicates, supports the idea 13 that this was in your capacity as a private concerned 14 citizen on your own time? 15 A. In this case, that's a very easy set of 16 questions to answer. 17 This all happened last summer. I'm on a 18 nine-month contract. So I'm not actually a 19 university employee during the summer except insofar 20 as I -- a portion of my summer salary is covered on 21 my research grants. 22 I don't recall the exact proportion of my</p>	<p style="text-align: right;">65</p> <p>1 Q. You said 18 other climate scientists wrote 2 it, too. I presume that refers to the other 3 signatories. There were 20. 4 A. Yes. 5 Q. Who is Mark Cane? 6 A. I don't know Mark Cane. 7 Q. Okay. So you don't recall corresponding 8 with Mark Cane? 9 A. I don't. Would you like to remind me who 10 Mark Cane is? 11 Q. He's with Columbia University. 12 A. If he was one of the signatories -- 13 Q. He's not? 14 A. Okay. Then no. 15 Q. Okay. Now, the letter itself, the 16 September 1st letter, is not limited to ExxonMobil. 17 In fact, it doesn't say Exxon or Mobile or 18 ExxonMobil. 19 Who were you referring the Attorney 20 General to with the phrase -- I'll just read the 21 highlighted phrase -- "corporations and other 22 organizations"?</p>

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<p style="text-align: right;">66</p> <p>1 And I'm going to ask for specifics because 2 you state they knowingly -- you're attributing 3 knowledge to somebody, not an idea, but to somebody 4 as to knowingly deceive the American people about 5 risks. 6 The methods of these organizations are 7 quite similar to those used earlier. So you're 8 referring to someone by corporations and other 9 organizations. 10 Who were you referring the Attorney 11 General to? 12 MR. MONCURE: I'm going to interject my 13 objection at this point and let him answer. I just 14 want to note that is a continuing objection. 15 A. If I recall the letter, we had immediately 16 prior to that introduced into the record, so to 17 speak, the literature in which all of this has been 18 investigated. And the arguments have been laid out. 19 So we, obviously, chose not to name names, 20 other than to, essentially, point to where the 21 evidence lies. 22 BY MR. HORNER:</p>	<p style="text-align: right;">68</p> <p>1 investigation. And we were introducing into the 2 record where lots of evidence exists. 3 Q. You've asked and answered. But I want to 4 reaffirm. 5 You see -- a federal RICO investigation is 6 a serious matter in your mind, correct? 7 A. Yes, it is. 8 Q. So calling for one is a serious matter in 9 your mind, also? 10 A. It is, yes. 11 Q. So you gave this thought beforehand? 12 A. I did. 13 Q. And you're not an expert on RICO. But you 14 do agree that you're expert enough on RICO to call 15 for RICO investigations of parties? 16 A. I don't -- yes. 17 What we did is we recommended that the 18 administration take seriously Senator Whitehouse's 19 call for a RICO investigation, so yes. 20 Q. Of dark forces? Of whom? There's no -- 21 A. Of organizations -- fossil fuel 22 organizations and their allies who have been involved</p>
<p style="text-align: right;">67</p> <p>1 Q. Okay. So did you expect the Attorney 2 General to read six books? 3 A. Sure. Why not? 4 Q. Okay. Was there any discussion of what 5 the expected outcome of this letter would be among 6 the signatories? 7 A. Yes, an investigation. 8 Q. An investigation? 9 A. Yes, by the Federal Government. 10 Q. Into whom? 11 A. Into organizations that -- for which there 12 is credible evidence that they have engaged in 13 deception. 14 Q. What is that credible evidence? 15 A. The credible evidence is referred to in 16 the letter. 17 Q. Do you have any evidence of racketeering 18 by anybody you're referring to in this letter? 19 A. Since I've already stated I don't; I'm not 20 an expert on racketeering, no, I can't say that I do 21 or I don't. But I can say that we were seconding 22 Senator Whitehouse's call for a racketeering</p>	<p style="text-align: right;">69</p> <p>1 in knowingly deceiving the public about the dangers 2 of climate change. 3 Q. "Knowingly" is a state of mind. So who is 4 this? 5 A. You've asked and I've answered. I don't 6 know what to say about that. 7 Q. So there's no evidence of any racketeering 8 that you're referring to in this letter? Do you have 9 any evidence of any racketeering that you're 10 referring to in this letter? 11 A. I do not personally, no. That's not the 12 nature of my business. 13 Q. Have you ever reviewed a list of RICO 14 predicate offenses? 15 A. I have not. 16 Q. So are you referring to any RICO predicate 17 offense that you think someone specifically violated? 18 A. Since I don't exactly understand the 19 question, the answer is certainly no. 20 Q. Well, I'll make sure the question is 21 clear. Is there any RICO predicate offense you were 22 referring to as having been violated in this letter?</p>

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<p style="text-align: right;">70</p> <p>1 A. As I've already said, I don't know RICO 2 well enough to know what qualifies and what doesn't. 3 But I do know Senator Whitehouse to be a serious 4 elected official who feels -- and a former 5 prosecutor, I believe, who feels that there is basis 6 for such an investigation. 7 We identified further evidence in our 8 letter and we seconded his call for action. 9 Q. Since RICO provides for private Attorneys 10 General, have you approached any counsel to take this 11 case? 12 A. I have not. 13 Q. Are you aware of any counsel having 14 rejected taking a RICO case against these nondescript 15 parties? 16 A. I do not. 17 Q. What were the objectives of the letter? 18 So far you've said, to stop ExxonMobil from funding 19 groups who do what? 20 A. The objective of the letter was to stop 21 ExxonMobil from engaging in deceptive activities 22 related to climate change.</p>	<p style="text-align: right;">72</p> <p>1 scientific consensus that human activities are 2 creating -- are changing the Earth's climate and that 3 the projections about the consequences for that span 4 projections that are at very least serious; at very 5 most, much more than just serious. 6 And any activities that are knowingly 7 engaged in in order to paint a different picture 8 especially activities that aren't based on evidence, 9 but are just based on, frankly, public relations and 10 spin and deception, that is the truth that I would 11 object to being distorted. 12 Q. Did you work for a public relations firm? 13 A. I did. 14 Q. Do you know people who engage public 15 relations firms? 16 A. I do. 17 Q. Do groups like Union Concerned Scientists 18 engage in public relations? 19 A. Do they engage -- yes, they do. 20 Q. What is your basis for the claimed 21 consensus? You said both 99.07. 22 Do you agree there's a 97 percent</p>
<p style="text-align: right;">71</p> <p>1 Q. Was it to get them to stop funding groups? 2 A. That is -- as I say, I don't know. I am 3 not an expert on ExxonMobil's activities or any other 4 oil company's activities. 5 But I do know this is one of the ways in 6 which they have worked in the past, in which at least 7 ExxonMobil has pledged in the past to no longer 8 pursue and has been shown to continue to pursue. 9 MR. MONCURE: Asked and answered. And I 10 object continuously. 11 BY MR. HORNER: 12 Q. What is climate denial? We can go back. 13 You referred to it several times. What is climate 14 denial? 15 A. I feel that question has been asked and 16 answered as well. 17 Q. Alright. Then to refer to your prior 18 answer, you said it was denying the truth. What is 19 the truth that if you deny it it's climate denial? 20 What is the truth that, if you deny it, 21 warrants investigation? 22 A. The truth is that there is an overwhelming</p>	<p style="text-align: right;">73</p> <p>1 consensus? 2 A. Yes. 3 Q. What do they agree to? 4 A. That human-caused climate change is 5 happening. 6 Q. Is happening? 7 A. Correct. 8 Q. Okay. And that it's caused by humans 9 partially? somewhat? majority? What is it that the 10 97 percent agree to that if you challenge this 97 11 percent it warrants investigation? 12 What is the basis for the 97 percent? 13 A. The different studies that have looked at 14 this question of the extent of the consensus, they've 15 used different levels. They've used different 16 questions if it was survey-based and they've used, 17 essentially, different criteria if they were 18 literature-review based. 19 Q. You said the literature review is 99.9 20 percent. I'm asking you about the 97 percent. You 21 said that was two studies, Cook -- 22 A. No. It's been a variety of survey</p>

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<p style="text-align: right;">74</p> <p>1 studies.</p> <p>2 Q. Okay. Which ones?</p> <p>3 A. So the very first one was done by</p> <p>4 Zimmerman, Maggie Zimmerman. And I'm forgetting the</p> <p>5 name of her co-author.</p> <p>6 At any rate, not having prepared for this,</p> <p>7 I can't do it off the top of my head.</p> <p>8 MR. MONCURE: Let me interject. You all</p> <p>9 have made references to studies with which he's</p> <p>10 unfamiliar. I don't know the substance of the</p> <p>11 studies that you refer to. I assume, they're outside</p> <p>12 of the issue. But the studies you referenced he did</p> <p>13 not know anything about.</p> <p>14 MR. HORNER: To clarify, Thomas, we're</p> <p>15 responding to the professor's invocation of studies.</p> <p>16 And the record will reflect that.</p> <p>17 MR. MONCURE: Okay. Well, this is his</p> <p>18 opinion. And that's what we're dealing with.</p> <p>19 MR. HORNER: He strongly disagreed with</p> <p>20 that when you suggested that's his opinion. He said</p> <p>21 that's when the truth and reality was invoked as</p> <p>22 well. So I'm just asking --</p>	<p style="text-align: right;">76</p> <p>1 Q. So the 97 percent -- do you know what they</p> <p>2 were asked, how many people agreed to what? Because</p> <p>3 it's a very -- it's not 96 and it's not 98 percent.</p> <p>4 It's 97 percent. So I'm curious.</p> <p>5 Is this the 77 of 79 respondent's infamous</p> <p>6 study, which is the popular 97 percent?</p> <p>7 A. That would be the very first study that</p> <p>8 was done, correct.</p> <p>9 Q. And do you know how many were actually</p> <p>10 asked of the 79 who responded?</p> <p>11 A. Many more were asked. I believe the</p> <p>12 reason -- and I don't know that 79 is necessarily the</p> <p>13 number, but I know what you're referring to.</p> <p>14 It was a subset of the total population of</p> <p>15 respondents who claimed to be experts in climate</p> <p>16 change and who were active contributors to the</p> <p>17 published literature in climate change.</p> <p>18 And it was under 100 respondents who fell</p> <p>19 under that category.</p> <p>20 Q. Is there a definition for a climate expert</p> <p>21 or is there one that you adhere to, at least?</p> <p>22 A. To the best of my knowledge, all of these</p>
<p style="text-align: right;">75</p> <p>1 BY MR. HORNER:</p> <p>2 Q. What were they asked?</p> <p>3 A. I can't give you that off the top of my</p> <p>4 head because I don't know it off the top of my head.</p> <p>5 I'm happy to provide you with the studies.</p> <p>6 MR. MONCURE: We are way off-track on a</p> <p>7 FOIA issue.</p> <p>8 MR. HORNER: I think you'll see, for the</p> <p>9 reasons you've stated, you called for a federal RICO</p> <p>10 investigation as citing only your university</p> <p>11 affiliation, not as a member of society, not a paper</p> <p>12 you authored, not a degree holder, the professor</p> <p>13 (sic). Everyone elected consciously, I assume, to</p> <p>14 identify themselves as the university.</p> <p>15 BY MR. HORNER:</p> <p>16 Q. Was there any discussion, Professor,</p> <p>17 before the letter was sent about how to identify the</p> <p>18 signatories, how the signatories should identify</p> <p>19 themselves?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. Again, not that I'm aware of.</p>	<p style="text-align: right;">77</p> <p>1 studies have, essentially, allowed people to, you</p> <p>2 know -- surveys are almost by definition a -- they</p> <p>3 are based on the truth-telling of the respondents.</p> <p>4 So each of the studies would have asked</p> <p>5 the person's bona fides as a climate scientist in a</p> <p>6 different way.</p> <p>7 Q. Okay. Did you participate in any of these</p> <p>8 surveys that you're referring to?</p> <p>9 A. Yes. My team did one of them.</p> <p>10 Q. Did you respond to any of the surveys?</p> <p>11 A. No.</p> <p>12 Q. Okay. Do you consider yourself a climate</p> <p>13 expert?</p> <p>14 A. I consider myself an expert on climate</p> <p>15 change communication.</p> <p>16 Q. Climate change communication, okay. Thank</p> <p>17 you.</p> <p>18 BY MR. HARDIN:</p> <p>19 Q. I have a couple more questions and then we</p> <p>20 can wrap this up.</p> <p>21 Do you recall giving an interview to</p> <p>22 Autobahn Magazine?</p>

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<p style="text-align: right;">78</p> <p>1 A. Yes, Elizabeth Kolbert. 2 Q. Yes. How was that interview conducted? 3 A. On the telephone. 4 Q. There was a quote. You can tell me 5 whether it's accurate. She quotes you as saying: 6 "The single most common myth about climate change 7 among Americans is that there's a lot of disagreement 8 among the experts. 9 "And the reason why they think there is a 10 lot of disagreement among the experts is because 11 there was an intentional strategy to sew the seeds of 12 doubt." 13 Is that an accurate quote? 14 A. That's an accurate quote. 15 Q. What can you tell me about this 16 intentional strategy to sew the seeds of doubt? 17 A. The intentional strategy to sew the seeds 18 of doubt has been amply documented in the academic 19 literature. We referenced six full length books to 20 the effect in the letter of concern. And there are 21 lots of other studies as well. 22 Q. Six books are referenced in the letter.</p>	<p style="text-align: right;">80</p> <p>1 MR. MONCURE: He's answered the question. 2 MR. HARDIN: I was just clarifying that 3 one for the record. I thought it was fairly clear, 4 but we need to make sure it's absolutely clear. And 5 I believe that might be it. 6 BY MR. HORNER: 7 Q. I have one question -- I'm sorry, Thomas, 8 and Professor Maibach -- I forgot. 9 I want to follow up on one thing. Mr. 10 Hardin had asked you about individuals, if they 11 knowingly deceived the American -- is -- knowingly 12 deceived the American people about the risk of 13 climate change is the offense or what warrants 14 investigation, right? 15 A. In my view. 16 Q. Okay. So if Christy and Spenser -- they 17 keep the satellite temperature record. 18 If they were found to have increased -- 19 I'm sorry, not increased -- hidden an increase in the 20 temperature in the satellite record, would that 21 warrant investigation as knowingly deceiving the 22 American people?</p>
<p style="text-align: right;">79</p> <p>1 What do the books say if I was to read them? 2 A. The books document the actors and their 3 methods to knowingly deceive the public about 4 human-caused climate change. 5 Q. "Doubt is Their Product," written by 6 somebody named Michaels. Can you tell me what actors 7 are detailed in that book? 8 A. Not off the top of my head. 9 Q. How about "Climate Coverup," written by 10 Hoggan and Littlemoore in 2009? Any particular 11 actors you recall in that book? 12 A. As I will answer to all of your questions 13 along this line, I did not prepare to -- these are 14 books that I've read at different points in the past. 15 And I'm not prepared to tell you what I remember and 16 don't remember. 17 Q. To clarify just for the record then and to 18 save time, "Merchants of Doubt," "The Climate War," 19 and "The Climate Deception Dossiers," you don't 20 recall any particular actors doing any particular 21 things in any of them right now? 22 A. Nothing that I choose to speculate about.</p>	<p style="text-align: right;">81</p> <p>1 A. They -- they as individual climate 2 scientists, if they are fudging their data, then I 3 would say, yes, that would be investigation worthy. 4 But I wouldn't think that that would be 5 investigation worthy by the Federal Government. I 6 would think it would be investigation worthy by their 7 funders or by the journals that had published their 8 work. 9 MR. MONCURE: You've already made it clear 10 that you're not an expert on RICO. 11 A. Correct. 12 MR. HORNER: But he is an expert on what 13 he wrote. He's the world's leading expert on what he 14 wrote. And he wrote that, "knowingly deceiving the 15 American people about the risk of climate change 16 warrants investigation." 17 BY MR. HORNER: 18 Q. And I'm saying, it's not just -- I mean, 19 of all the people who know, it would seem to be 20 climate scientists as opposed to CEOs is my premise. 21 So as opposed to going after CEOs, how 22 about a scientist?</p>

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<p style="text-align: right;">82</p> <p>1 If they knowingly deceived the public by 2 hiding an increase in temperatures, does that also 3 warrant investigation? That's my question. 4 A. It does. 5 Q. Okay. What if they hide a decline in 6 temperatures? Does that warrant an investigation? 7 A. Any knowing deception warrants -- in 8 science warrants an investigation. 9 Q. Okay. Previously -- and this is what I 10 wanted to clarify -- you said, "it depends on who it 11 is." Please elaborate. 12 What did you mean by that, "it depends on 13 who it is"? 14 A. I don't know what I meant by that. Can 15 you give me a context? 16 MR. HORNER: Can you go back? Can you 17 word search? The question for Mr. Hardin was: 18 "would hiding an increase in temperatures warrant an 19 investigation?" 20 You said, "Yes." 21 "Would hiding a decline in temperature," 22 (sic) you said, "it depends on who it is." I want to</p>	<p style="text-align: right;">84</p> <p>1 records in response to Ms. Woodley's notification? 2 A. I did no searching. Instead I asked for 3 clarification and received -- as I told you, received 4 the letter of the law and got back to her and said: 5 "I deem these to be records associated with my 6 private activities, my personal activities." 7 Q. You did not search. You just clarified 8 the legal point? 9 A. Correct. 10 Q. Have you at any time since then searched? 11 A. No. 12 MR. HARDIN: Okay. Thank you. 13 THE WITNESS: My pleasure. 14 EXAMINATION BY COUNSEL FOR RESPONDENT 15 BY MR. MONCURE: 16 Q. You say you're on a nine-month contract; 17 is that correct? 18 A. That's correct. 19 Q. So that's academic year, correct? 20 A. Yes. 21 Q. During the academic year -- are there any 22 provisions in the faculty handbook that allow you to</p>
<p style="text-align: right;">83</p> <p>1 know what that meant. 2 A. Whatever I said I can answer the question 3 now. Any deception warrants an investigation. 4 MR. HORNER: Okay. Thank you. 5 MR. HARDIN: I'm ready to move to Ms. 6 Woodley. 7 MR. HORNER: Have you covered the search 8 process as you've hoped to? 9 MR. HARDIN: We can go over it again. We 10 sort of talked about it. 11 MR. MONCURE: I think we did. 12 MR. HORNER: I'm just asking if you have, 13 to your satisfaction, covered the search, who said 14 what to whom, who asked what -- 15 MR. HARDIN: We'll cover it again, 16 briefly. 17 BY MR. HARDIN: 18 Q. Ms. Woodley informed you that the 19 university had received a FOIA request relating to 20 records you possessed; is that correct? 21 A. She did. 22 Q. What efforts did you take to search for</p>	<p style="text-align: right;">85</p> <p>1 pursue outside activities during the academic year? 2 A. There are. 3 Q. That's the one-day-a-week provision? 4 A. Correct. 5 Q. Are you permitted to use university assets 6 for that? 7 A. I'm not sure. 8 Q. Okay. Can you use university email for 9 private communications? 10 A. Can I use Mason (sic) -- 11 Q. Yes. 12 A. Yes, to the best of my knowledge. 13 Q. As permitted? 14 A. Yes. 15 Q. Okay. You said that the center does not 16 take positions on climate change; is that correct? 17 A. That is correct. 18 Q. Does the university take positions on 19 climate change? 20 A. Not to the best of my knowledge. 21 Q. Are you familiar with Professor Edward 22 Wegman?</p>

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1 A. I know who he is. I've never met him.
2 Q. Okay. What is his take on climate change?
3 A. I don't know. I know that he has been
4 accused of producing a document that included lots of
5 plagiarism and erroneous information.
6 Q. Would that be the hockey stick graph of
7 Professor Mann ?
8 A. I'm sorry. Is that related to the
9 question about --
10 Q. Yes, Wegman.
11 A. I actually don't know.
12 Q. Okay. So is it fair to say the university
13 has taken no position on climate change?
14 A. As I said, I'm unaware that the university
15 takes positions on anything.
16 Q. Okay. So what you are suggesting in this
17 letter and all of your other documents is personal
18 advocacy on your part?
19 A. That would be fair.
20 Q. Okay.
21 MR. MONCURE: I think I'm good. Any other
22 questions?

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1 MR. HARDIN: I think I'm good.
2 MR. HORNER: I'm good.
3 THE REPORTER: Reading and signing?
4 MR. MONCURE: Yes, I would like to review.
5 I would not waive.
6 THE REPORTER: Would you like a copy, sir?
7 MR. MONCURE: Yes.
8 THE REPORTER: Mr. Horner, would you like
9 a copy?
10 MR. HORNER: I would. Thank you.
11 (Whereupon, at 11:45 a.m., the
12 deposition of EDWARD MAIBACH
13 was concluded.)
14 (Signature reserved.)
15
16
17
18
19
20
21
22

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1 CERTIFICATE OF NOTARY PUBLIC
2 I, SHERRY L. BROOKS, the officer before whom the
3 foregoing deposition was taken, do hereby certify
4 that the witness whose testimony appears in the
5 foregoing deposition was duly sworn by me; that the
6 testimony of said witness was taken by me in
7 stenotype and thereafter reduced to typewriting under
8 my direction; that said deposition is a true record
9 of the testimony given by said witness; that I am
10 neither counsel for, related to, nor employed by any
11 of the parties to the action in which this deposition
12 was taken; and, further, that I am not a relative or
13 employee of any counsel or attorney employed by the
14 parties hereto, nor financially or otherwise
15 interested in the outcome of this action.
16
17
18
19 _____
20 SHERRY L. BROOKS
21 Notary Public in and for the
22 Commonwealth of Virginia
23
24 My Commission Expires: June 30, 2016
25 Notary Registration Number - 7218425

89

1 A C K N O W L E D G E M E N T O F D E P O N E N T
2
3 I, EDWARD MAIBACH, do hereby acknowledge I have
4 read and examined the foregoing pages of testimony, and
5 the same is a true, correct and complete
6 transcription of the testimony given by me, and any
7 changes of corrections, if any, appear in the
8 attached errata sheet signed by me.
9
10
11
12
13
14
15
16 _____
17 Date EDWARD MAIBACH
18
19
20
21
22

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1 Thomas M. Moncure, Jr., Esquire
Office of University Counsel
2 4400 University Drive, MS 2A3
Fairfax, VA 22030
3
4 IN RE: Christopher Horner -V- Rector and Visitors of
George Mason University
5
6 Dear Mr. Moncure:
7
8 Enclosed please find your copy of the deposition
9 of EDWARD MAIBACH, along with the original signature
10 page. As agreed, you will be responsible for
11 contacting the witness regarding signature.
12 Within 21 days of Friday, February 19, 2016,
13 please forward errata sheet and original signed
14 signature page to counsel for PETITIONERS, MATTHEW
D.
15 HARDIN.
16 If you have any questions, please do not
17 hesitate to call. Thank you.
18 Yours,
19
20 Sherry L. Brooks, CLR
Reporter/Notary
21
22 cc: Matthew D. Hardin, Esq.

91

1 Capital Reporting Company
1821 Jefferson Place, Northwest
2 Third Floor
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3 (202) 857-DEPO
4 E R R A T A S H E E T
5 Case Name: CHRISTOPHER HORNER -V- RECTOR AND
VISITORS OF GEORGE MASON UNIVERSITY
6
7 Witness Name: EDWARD MAIBACH
8
9 Deposition Date: Friday, February 5, 2016
10
11 Page No.: Line No.: Change/Reason for Change:
12
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15
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22 Signature _____ Date _____

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