

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEVADA

3
4 CARY KATZ, an individual,)
5 Plaintiff,) CIVIL ACTION NO.
6 V.) 2:18-cv-00997-JAD-GWF
7 MARK STEYN, an individual;)
8 MARK STEYN ENTERPRISES, INC.,)
9 a New Hampshire corporation;)
10 and DOES 1-10, inclusive,)
11 Defendants.)
12 _____)

13
14 VIDEO-RECORDED DEPOSITION

15 - of -

16 MARK D.H. STEYN

17
18 taken on behalf of the Plaintiff on Tuesday,
19 January 8, 2019, at the offices of Court
20 Reporters Associates, 148 College Street,
21 Burlington, Vermont, commencing at 9:19 AM.
22

23 VIDEO TECHNICIAN: MARY DOUD

24 COURT REPORTER: JOHANNA MASSÉ, RMR, CRR

25 PAGES 1 - 94

<div>1 APPEARANCES:</div> <div>2 ON BEHALF OF THE PLAINTIFF:</div> <div>3 ERIC M. GEORGE, ESQUIRE</div> <div>4 KATHRYN STUART, ESQUIRE</div> <div>5 Browne George Ross LLP</div> <div>6 2121 Avenue of the Stars, Suite 2800</div> <div>7 Los Angeles, California 90067</div> <div>8 (310) 274-7100 egeorge@bgrfirm.com</div> <div>9 (310) 274-7100 kstuart@bgrfirm.com</div> <div>10</div> <div>11 STEPHANIE J. SMITH, ESQUIRE</div> <div>12 Moran Brandon Bendavid Moran</div> <div>13 630 South 4th Street</div> <div>14 Las Vegas, Nevada 89101</div> <div>15 (702) 384-8424 s.smith@moranlawfirm.com</div> <div>16 (Via Telephone)</div> <div>17 ON BEHALF OF THE DEFENDANTS:</div> <div>18 MICHAEL D. MURPHY, ESQUIRE</div> <div>19 Ervin Cohen & Jessup LLP</div> <div>20 9401 Wilshire Boulevard, 9th Floor</div> <div>21 Beverly Hills, California 90212</div> <div>22 (310) 273-6333 mmurphy@eiclaw.com</div> <div>23</div> <div>24 CATHERINE E. CLARK, ESQUIRE</div> <div>25 Clark, Werner & Flynn, P.C.</div> <div>192 College Street</div> <div>Burlington, Vermont 05401</div> <div>(802) 865-0088 catherineclark@cwf-pc.com</div> <div>ALSO PRESENT:</div> <div>MELISSA A. HOWES</div> <div>WHIT INGBRETSON, PRIVATE VIDEOGRAPHER</div>	<div>1 E X H I B I T S</div> <div>2 (Continued)</div> <div>3 NUMBER DESCRIPTION PAGE</div> <div>4 EXHIBIT 14 5/16/18 SteynOnline Post 64</div> <div>5 EXHIBIT 15 6/20/18 SteynOnline Post, KATZ0020-021; UCC Filings Investigator Report 64</div> <div>6 EXHIBIT 16 6/20/18 SteynOnline Post, KATZ0017-021; UCC Filings Investigator Report 66</div> <div>7 EXHIBIT 17 6/24/18 SteynOnline Post; 6/20/18 SteynOnline Post, KATZ0020-021; UCC Filings Investigator Report 66</div> <div>8 EXHIBIT 18 8/12/18 SteynOnline Post; 6/20/18 SteynOnline Post, KATZ0020-021; UCC Filings Investigator Report 67</div> <div>9 EXHIBIT 19 8/26/18 SteynOnline Post; 6/20/18 SteynOnline Post, KATZ0020-021; UCC Filings Investigator Report 68</div> <div>10 EXHIBIT 20 Binding Term Sheet, MS000175-181 12</div> <div>11 EXHIBIT 21 9/20/18 SteynOnline Post; 6/20/18 SteynOnline Post, KATZ0020-021; UCC Filings Investigator Report 69</div> <div>12 EXHIBIT 22 Transcription of Election Day Clubland Q&A 69</div> <div>13 EXHIBIT 23 11/22/18 SteynOnline Post; UCC Filings Investigator Report 71</div> <div>14 EXHIBIT 24 12/9/18 SteynOnline Post; UCC Filings Investigator Report 72</div> <div>15 EXHIBIT 25 1/7/19 SteynOnline Post 72</div> <div>16 EXHIBIT 26 5/1/18 SteynOnline Post, KATZ0023-025 86</div> <div>17 EXHIBIT 27 Defendant Mark Steyn's Responses to Plaintiff Cary Katz's Requests for Admission, Set One 86</div> <div>18 (Original exhibits included with original transcript.)</div>
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<p>1 MS. HOWES: Melissa Howes, Mark Steyn 2 Enterprises. 3 MS. CLARK: Catherine Clark. 4 MS. STUART: Kathryn Stuart, counsel for 5 plaintiff. 6 MR. GEORGE: Eric George, counsel for 7 plaintiff. 8 MS. SMITH: Stephanie Smith, counsel for 9 plaintiff. 10 THE VIDEOGRAPHER: Okay. If there are any 11 objections to proceeding, please state them at the time 12 of your appearance beginning with the noticing 13 attorney. 14 MR. GEORGE: No objections. 15 THE VIDEOGRAPHER: Okay. Will the court 16 reporter please swear in the witness. 17 MARK D.H. STEYN, 18 having been first duly sworn, testified as follows: 19 EXAMINATION 20 BY MR. GEORGE: 21 Q. Good morning, Mr. Steyn. Mr. Steyn, prior to 22 signing the binding term sheet, both individually and 23 behalf -- and on behalf of Mark Steyn Enterprises, on 24 or about May 9, 2016, what did you know about Cary 25 Katz?</p> <p style="text-align: right;">Page 6</p>	<p>1 that I didn't know anything about him, wasn't sure what 2 to expect. I think she said that I probably wouldn't 3 like his clothes, and she was correct in that. 4 Q. Okay. Good to know. Before entering -- 5 A. I still don't, by the way, so that hasn't 6 changed. 7 Q. Before entering into a business relationship 8 with him, was it important to you to know what 9 reputation he had? 10 A. I don't really deal with that side of things. 11 If you mean is his company a criminal enterprise or 12 anything like that, that's not the sort of thing I 13 would check. I don't do that kind of thing myself. 14 Q. Why not? 15 A. Because it's not -- it's something that others 16 do for me. I don't -- my -- my general view is that 17 America is a foreign place to me, so I wouldn't 18 necessarily assume that I was the best person to 19 determine whether he was running a criminal enterprise. 20 Q. Who are the others who you did rely upon to 21 determine whether Cary Katz was involved in running a 22 criminal enterprise before you entered into a business 23 relationship with him? 24 A. Well, as -- 25 MR. MURPHY: Misstates prior testimony. Vague</p> <p style="text-align: right;">Page 8</p>
<p>1 A. I believe I'd met him once in -- at The Inn at 2 Essex, and I knew very little about him except that he 3 played poker. 4 Q. Did you know anything about him by reputation? 5 A. Not -- no. Not that I recall. 6 Q. No sense of whether he had a reputation at 7 that point in time that was good, bad, indifferent? 8 A. As I said, I'd only met him once, and I knew 9 nothing about him except that he played poker. 10 Q. Prior to that time had you performed any 11 research on him, including by way of the Internet? 12 A. No. 13 Q. Anybody tell you not to do so prior to that 14 time? 15 A. No. 16 Q. Anybody who worked with you perform any such 17 research, to the best of your knowledge? 18 A. I wouldn't really know about that. I -- I 19 suppose I might assume Melissa Howes had, but I -- I 20 couldn't swear to that. 21 Q. Did you ever -- 22 A. So I wouldn't swear to it. 23 Q. Did you ever discuss it with Ms. Howes? 24 A. No. I don't think we -- in fact, my 25 recollection when we were on our way to meet him is</p> <p style="text-align: right;">Page 7</p>	<p>1 and ambiguous. 2 Q. Go ahead. 3 A. Well, as you know, because -- this is like 4 Groundhog Day, but when you were here before, you asked 5 me all about that, and I believe I testified, because 6 you read it back to me at length at trial, that it was 7 Ms. Howes and lawyers and such like who had been 8 responsible for the preparation of that contract. 9 Q. Did you indeed rely upon Ms. Howes to look 10 into the background or reputation of Cary Katz before 11 entering into any -- 12 A. I -- 13 Q. Hang on. -- before entering into a business 14 relationship with him? 15 A. You -- I would say that -- that 16 mischaracterizes what I do. I -- when I met with him 17 at The Inn at Essex, I was interested in what -- in the 18 show he wanted to do; I was interested in the sizzle 19 reel they played me. I was interested in all that. 20 I'm not -- you know, is he a guy who makes payroll? 21 I'm not the fellow who checks stuff like that, and I 22 wouldn't presume to do it. 23 Q. You stated, "I don't really deal with that 24 side of things. If you mean is his company a criminal 25 enterprise or anything like that, that's not the sort</p> <p style="text-align: right;">Page 9</p>

<p>1 of thing I would check. I don't do that kind of thing 2 myself." 3 So let me follow up by asking you this: Prior 4 to the time that you signed the binding term sheet on 5 or about May 9, 2016, were you aware of whether anybody 6 else on your behalf or on behalf of Mark Steyn 7 Enterprises had checked into whether Cary Katz or CRTV 8 was involved in any way in a criminal enterprise or 9 anything like that? 10 A. Wait a minute. Are you asking me about 11 whether CRTV is a criminal enterprise now? 12 MR. GEORGE: Let's restate my question. You 13 can repeat it. 14 (The record was read as follows: "Prior 15 to the time that you signed the binding term 16 sheet on or about May 9, 2016, were you aware 17 of whether anybody else on your behalf or on 18 behalf of Mark Steyn Enterprises had checked 19 into whether Cary Katz or CRTV was involved in 20 any way in a criminal enterprise or anything 21 like that?") 22 THE WITNESS: Well, I think I answered that 23 question, that I -- I didn't check myself. My general 24 assumption is that Melissa Howes had done some checking 25 on that but that I -- I didn't check myself. I can't</p> <p style="text-align: right;">Page 10</p>	<p>1 someone is a criminal. 2 MR. GEORGE: Move to strike. 3 Q. Was it your general assumption that Ms. Howes 4 also would have made that inquiry as to CRTV, whether 5 it was or wasn't involved in a criminal enterprise? 6 A. Well, CRTV did not in fact exist at that time. 7 I mean, I -- you know, its name had been registered in 8 the state of Delaware or whatever, but there was no -- 9 it had not yet launched or gone on the air. There was 10 no CRTV background check to do, as far as I'm aware, 11 because that's what he was proposing to me in that 12 wretched meeting to launch CRTV. 13 MR. GEORGE: Let's mark as Exhibit 20 - it's 14 going to be out of order - the following document. 15 MR. MURPHY: So we're starting with 20? 16 MR. GEORGE: Yeah. 17 MR. MURPHY: My 20 is just one page. 18 MR. GEORGE: Yeah. Do me a favor. Toss that. 19 Put it away. 20 And this is going to be 32, I think. 21 We're going to get you a copy. 22 MR. MURPHY: I do not have 32. 23 MR. GEORGE: Here we go. 24 (Deposition Exhibit No. 20 was 25 marked for identification.)</p> <p style="text-align: right;">Page 12</p>
<p>1 answer on that. I -- I can't swear to things I don't 2 know. 3 BY MR. GEORGE: 4 Q. And as far as your general assumption, do you 5 remember discussing with Ms. Howes that general 6 assumption at any point in time? 7 A. No. 8 Q. And was it your general assumption that Ms. 9 Howes would have made that inquiry as to Mr. Katz 10 himself, whether he was involved in a criminal 11 enterprise? 12 A. I couldn't say. You'd have to -- you'd have 13 to ask her. 14 Q. And -- 15 A. My view has changed, obviously, in the last 16 couple of years in that I've had the good fortune not 17 to do business with people who are involved in criminal 18 enterprises for the last several decades, and so it 19 would not occur to me to -- I mean, I understand if you 20 run a day-care facility in certain jurisdictions, 21 you're obliged to do background checks to determine 22 whether someone's a convicted pedophile, but -- but in 23 the line of work in which I'm engaged, where I'm not 24 running a day-care facility, it's not -- it hasn't been 25 necessary in my previous work to determine whether</p> <p style="text-align: right;">Page 11</p>	<p>1 BY MR. GEORGE: 2 Q. So with Exhibit 20, take whatever time you 3 need with this or any other document I'm going to mark 4 for you today, but those are your signatures -- true 5 and correct copies of your signatures on the last page 6 or two, correct? 7 A. Correct. 8 Q. Do you see the reference therein to CRTV LLC? 9 A. Where? 10 Q. First page. 11 A. Oh. Yeah. 12 Q. So prior to the time that you signed this, are 13 you aware of whether Ms. Howes or anybody else in your 14 behalf had performed any inquiry as to the reputation 15 of CRTV? 16 MR. MURPHY: Asked and answered. 17 A. No. 18 Q. Okay. Let's take a look -- 19 A. It has been asked and answered. I mean, 20 you're not going to tap dance around this for another 21 two hours, are you? It's no, no, no, no, no. 22 Q. Your answer to my question is no, correct? 23 A. I just said it's no, no, no, no, no. 24 Q. Your answer to my question is no, correct? 25 A. Correct that it's --</p> <p style="text-align: right;">Page 13</p>

<p>1 MR. MURPHY: Counsel --</p> <p>2 A. Yes -- yes, you're --</p> <p>3 Q. Thank you.</p> <p>4 A. Yes, you're correct it's no.</p> <p>5 Q. Thank you. Let's move forward.</p> <p>6 A. This didn't work for you at the last trial. I</p> <p>7 thought you might have some new schtick today.</p> <p>8 Q. Let's move forward. Let's look at Exhibit --</p> <p>9 A. Have you won anything since I last saw you, by</p> <p>10 the way?</p> <p>11 Q. Thank you. Let's look at Exhibit No. 1.</p> <p>12 A. That's not asked and answered.</p> <p>13 What exhibit are we looking at now?</p> <p>14 Q. 1.</p> <p>15 A. I don't have that.</p> <p>16 Q. Sir, did you appear on the Rush Limbaugh Show</p> <p>17 as a guest host on or about April 24, 2018?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Is, to the best of your knowledge, Exhibit 1 a</p> <p>20 transcript from same?</p> <p>21 A. Well, I don't know the provenance of this</p> <p>22 transcript. I don't know the provenance of this</p> <p>23 transcript.</p> <p>24 Q. Is Exhibit 1 a transcript of same?</p> <p>25 MR. MURPHY: Asked and answered.</p> <p style="text-align: right;">Page 14</p>	<p>1 page 1.</p> <p>2 A. Um-hum.</p> <p>3 Q. And beginning on the left --</p> <p>4 A. Yes.</p> <p>5 Q. -- there are the words "So I don't really want</p> <p>6 to talk about that." And then it states "I think</p> <p>7 conservatives in particular ought to be very careful</p> <p>8 when they get mixed up with dishonorable guys like this</p> <p>9 Cary Katz guy."</p> <p>10 Did you speak those words on the Rush Limbaugh</p> <p>11 Show on or about April 24, 2018?</p> <p>12 A. Well, I certainly spoke words to that effect,</p> <p>13 and I certainly -- if I said them in that precise</p> <p>14 formulation, I do not disagree with the sentiment.</p> <p>15 Q. So you may have said these exact words; you</p> <p>16 may not have; is that your best recollection?</p> <p>17 MR. MURPHY: Objection. Asked and answered.</p> <p>18 Q. Go ahead.</p> <p>19 A. As I've said, this isn't an official</p> <p>20 transcript, so I don't know if this is a precise -- for</p> <p>21 example, it's not the transcript we would use, because</p> <p>22 it misspells "dishonorable."</p> <p>23 Q. Do you deny making this -- this particular</p> <p>24 statement that I just read?</p> <p>25 A. No. I just said I agree with the statement.</p> <p style="text-align: right;">Page 16</p>
<p>1 A. Well, for example, it misspells my name on the</p> <p>2 last page, on the last line of the last page, so I take</p> <p>3 it this is not an official transcript, which the Rush</p> <p>4 Limbaugh Show does provide, so I take it this is a</p> <p>5 transcript you've had made?</p> <p>6 Q. So you don't know one way or the other if this</p> <p>7 is a transcript --</p> <p>8 A. Well, I'm saying it misspells my name. I've</p> <p>9 been guest hosting the Rush Limbaugh Show for a long</p> <p>10 time, and they know how to spell my name, so I don't</p> <p>11 know the provenance of this document.</p> <p>12 Q. Do you have an opinion if this is a transcript</p> <p>13 one way or the other?</p> <p>14 MR. MURPHY: Asked and answered. Let's move</p> <p>15 on.</p> <p>16 A. It's --</p> <p>17 MR. MURPHY: You're --</p> <p>18 Q. Go ahead. Go ahead.</p> <p>19 A. It's a -- it's asked and answered. It's --</p> <p>20 it's a piece of paper with -- that's got typing on it,</p> <p>21 and it misspells my name, so it's not an official</p> <p>22 transcript. I don't know what it is. I don't know</p> <p>23 what I'm asked -- being asked to identify, and you</p> <p>24 don't want to tell me what I'm being asked to identify.</p> <p>25 Q. Let's look just above the halfway point on</p> <p style="text-align: right;">Page 15</p>	<p>1 If -- even if I didn't make it, I'm happy to make it</p> <p>2 now.</p> <p>3 Q. Right. My question is whether you made the</p> <p>4 statement. So --</p> <p>5 MR. MURPHY: Asked and answered.</p> <p>6 MR. GEORGE: Let me just finish, Michael.</p> <p>7 Q. So to the best of your knowledge, you may have</p> <p>8 made it; you may not have --</p> <p>9 MR. MURPHY: Objection.</p> <p>10 Q. -- is that a fair way of putting it?</p> <p>11 MR. MURPHY: Objection. Asked and answered.</p> <p>12 A. Okay.</p> <p>13 Q. Go ahead.</p> <p>14 A. What do you mean? I have asked and answered</p> <p>15 it. I -- I said on the radio that Cary Katz is a</p> <p>16 dishonorable guy. I -- I'm happy to confess to that.</p> <p>17 Q. Okay. Just to be clear, when your counsel</p> <p>18 says "asked and answered," you still have to answer my</p> <p>19 question. Okay?</p> <p>20 A. Yeah. I don't -- I don't mind answering your</p> <p>21 questions, but I'd -- I'd like a little more variety in</p> <p>22 them. You ask everything eight or nine times. It got</p> <p>23 you nowhere at trial. I mean, why -- why stick to</p> <p>24 this?</p> <p>25 Q. Okay. Thank you. I appreciate it.</p> <p style="text-align: right;">Page 17</p>

<p>1 A. It's just a tip.</p> <p>2 Q. So let's now go -- let's now go to "And I</p> <p>3 don't really want to say anymore about it than that,</p> <p>4 but I heard him hailed on the radio the other day as a</p> <p>5 great patriot. He's not."</p> <p>6 Did you say those words as well?</p> <p>7 A. Yes, I did. I believe I said words to that</p> <p>8 effect.</p> <p>9 Q. Did you go on to say "He's not. Just as a</p> <p>10 point of law, he's actually, right at the moment, he's</p> <p>11 a great scofflaw and a great deadbeat"?</p> <p>12 Did you say those words as well on the Rush</p> <p>13 Limbaugh Show on or about April 24, 2018?</p> <p>14 A. Yes. On or about April 24th, I said words</p> <p>15 approximating to that sentiment.</p> <p>16 Q. Did anybody from the Rush Limbaugh Show speak</p> <p>17 with you afterwards and let you know that it was not</p> <p>18 welcome for you to make such comments?</p> <p>19 A. No.</p> <p>20 Q. You had no such meeting with anybody at the</p> <p>21 Rush Limbaugh Show?</p> <p>22 A. No -- nobody at the Rush Limbaugh Show</p> <p>23 objected to those comments.</p> <p>24 Q. After the fact did you --</p> <p>25 A. After the fact.</p> <p style="text-align: right;">Page 18</p>	<p>1 carrot. So he has a pompon on his bottom.</p> <p>2 (Interruption by the reporter.)</p> <p>3 MS. CLARK: That's off the record.</p> <p>4 BY MR. GEORGE:</p> <p>5 Q. Sir, what is SteynOnline?</p> <p>6 A. SteynOnline is my website.</p> <p>7 Q. And does the SteynOnline website contain a</p> <p>8 question-and-answer feature?</p> <p>9 A. We do every fortnight or so a live audio</p> <p>10 program in which I take questions from around the</p> <p>11 world.</p> <p>12 Q. And is that sometimes referred to as Clubland?</p> <p>13 A. Clubland Q&A.</p> <p>14 Q. And to the best of your knowledge, is this an</p> <p>15 official or unofficial transcript of Clubland?</p> <p>16 A. It appears to be that, although it does not</p> <p>17 appear to be entirely accurate.</p> <p>18 Q. Let's go to the second page. Second to last</p> <p>19 paragraph. Did you communicate these words - and this</p> <p>20 is about a third of the way up from the bottom of the</p> <p>21 page - "No. Katz is a bum. He's a scofflaw and a</p> <p>22 deadbeat"?</p> <p>23 A. I can't recall making them on that day, but I</p> <p>24 certainly have said those words, and I stand by those</p> <p>25 words. He is a bum and a scofflaw and a deadbeat.</p> <p style="text-align: right;">Page 20</p>
<p>1 Q. Did you have a meeting with anybody at the</p> <p>2 Rush Limbaugh Show after the fact to discuss your</p> <p>3 performance guest hosting on or about April 24, 2018?</p> <p>4 A. No, I did not.</p> <p>5 Q. And by "meeting," I mean telephone or in</p> <p>6 person.</p> <p>7 A. No.</p> <p>8 Q. Anybody from Premiere Networks have such a</p> <p>9 communication with you?</p> <p>10 A. About that I shouldn't have said those words?</p> <p>11 Q. Words -- yes. That sentiment.</p> <p>12 A. No. No.</p> <p>13 Q. Anybody from Premiere Networks have a</p> <p>14 discussion with you after the fact about your</p> <p>15 performance as guest host on Rush Limbaugh that day?</p> <p>16 A. No.</p> <p>17 Q. Let's look at Exhibit 2.</p> <p>18 A. I'd forgotten.</p> <p>19 THE WITNESS: This has got the glistening</p> <p>20 carrot here, Melissa.</p> <p>21 MS. HOWES: What? What?</p> <p>22 THE WITNESS: The bunny blogger and the</p> <p>23 glistening carrot.</p> <p>24 MS. HOWES: Oh.</p> <p>25 THE WITNESS: His microphone is a glistening</p> <p style="text-align: right;">Page 19</p>	<p>1 Q. Let's go to the next page.</p> <p>2 A. Um-hum.</p> <p>3 Q. Did you also state the words "He's a scofflaw,</p> <p>4 and the plain meaning of that term and that he's</p> <p>5 scoffing" -- or perhaps it was "in that he's scoffing</p> <p>6 at the orders of two judges now, and he's a deadbeat</p> <p>7 because these two judges have told him to pay us 4</p> <p>8 million bucks and he's told us he's never going to pay</p> <p>9 it"?</p> <p>10 A. That's right. He did tell us he's never going</p> <p>11 to pay it.</p> <p>12 Q. Did you say those words in Clubland?</p> <p>13 A. I don't know whether I said them on that</p> <p>14 particular day, but I certainly have said them, and I</p> <p>15 stand by them, because he did say those words. In</p> <p>16 fact, I think you told us as well that you were never</p> <p>17 going to pay it and then you wanted to pay \$200,000 a</p> <p>18 year for five years or something. Isn't that your</p> <p>19 genius proposal?</p> <p>20 Q. Let's go to page 8, which at the bottom is</p> <p>21 KATZ0046. At the tail end of the second to last</p> <p>22 paragraph, did you state in Clubland "He apparently</p> <p>23 thought that I was on some kind of gang rape sabbatical</p> <p>24 with Europe. That's how he kept referring to it"?</p> <p>25 A. Right.</p> <p style="text-align: right;">Page 21</p>

<p>1 Q. Did you state those words on Clubland?</p> <p>2 A. I don't know whether I said it on Clubland</p> <p>3 Q&A, but I have said those words or words approximating</p> <p>4 to that.</p> <p>5 Q. And as far as Clubland USA, you may have; you</p> <p>6 may not have; you just don't recollect?</p> <p>7 A. Clubland Q& -- I don't -- as I said, I do this</p> <p>8 thing every fortnight, so I don't -- what date is on</p> <p>9 this? What -- what one -- what actually is the date</p> <p>10 this was? I can't find it on here.</p> <p>11 Q. I believe that it's May 1st, 2018.</p> <p>12 A. Okay. Because there's no date on it.</p> <p>13 Q. I understand that.</p> <p>14 A. And this is not our transcript, because</p> <p>15 it's --</p> <p>16 Q. Does that help refresh your recollection if I</p> <p>17 represent to you that it's --</p> <p>18 A. Well, I don't know what -- I don't know</p> <p>19 what --</p> <p>20 Q. Hang on. One at a time. -- if I represent to</p> <p>21 you that it's May 1st, 2018?</p> <p>22 A. Well, I'm -- I'm thinking of the date here.</p> <p>23 So April 24th you're saying I did Rush; is that what</p> <p>24 you're saying?</p> <p>25 Q. Yes.</p> <p style="text-align: right;">Page 22</p>	<p>1 Clubland Q&A --</p> <p>2 A. Yeah.</p> <p>3 Q. -- the following words or words to the</p> <p>4 following effect?</p> <p>5 A. Yeah.</p> <p>6 Q. "He apparently thought that I was on some kind</p> <p>7 of gang rape sabbatical with Europe. That's how he</p> <p>8 kept referring to it"?</p> <p>9 A. No, no. I --</p> <p>10 MR. MURPHY: Mr. -- Mr. George, this has been</p> <p>11 asked and answered. You've asked literally the</p> <p>12 identical question, and you did get an answer, so --</p> <p>13 MR. GEORGE: Thanks, Counsel.</p> <p>14 Q. Go ahead.</p> <p>15 A. No. I didn't say "gang rape sabbatical with</p> <p>16 Europe." That's -- so you've read it wrong. Now</p> <p>17 you're reading other words. I didn't say a "gang rape</p> <p>18 sabbatical" -- what page of your transcript is this?</p> <p>19 Q. It's KATZ0046.</p> <p>20 A. 0046.</p> <p>21 Q. The end of the second to last paragraph.</p> <p>22 A. "Gang rape sabbatical with Europe." I</p> <p>23 don't --</p> <p>24 Q. Probably should be "in."</p> <p>25 A. Yeah. I don't think I would -- did I say</p> <p style="text-align: right;">Page 24</p>
<p>1 A. We didn't normally -- did we do it on Monday?</p> <p>2 We normally did it on Tuesdays, didn't we? I don't</p> <p>3 know what date. There's no date on it. What kind</p> <p>4 of -- it's not our transcript. We put -- the official</p> <p>5 transcript, if you need to know, is actually up at</p> <p>6 SteynOnline. If you take out a subscription, you can</p> <p>7 see it.</p> <p>8 Q. Regardless of the date, do you recollect</p> <p>9 stating on Clubland USA the words --</p> <p>10 A. Clubland Q&A.</p> <p>11 Q. I'm sorry. Clubland Q&A.</p> <p>12 A. Not just for Americans.</p> <p>13 Q. -- "he apparently thought I was on some kind</p> <p>14 of gang rape sabbatical with Europe"?</p> <p>15 A. Yes. I've -- I've asked and answered that.</p> <p>16 Or you've asked. I've answered.</p> <p>17 Q. Yes, meaning you did state that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. By the way, when --</p> <p>20 A. Yes, I -- wait a minute. Now --</p> <p>21 MR. MURPHY: That was -- that's --</p> <p>22 THE WITNESS: No. But he's doing this yes --</p> <p>23 A. Are you saying yes, did I say no, or no, did I</p> <p>24 say yes? What are you doing?</p> <p>25 Q. Stop. Let's make this clear. Did you say on</p> <p style="text-align: right;">Page 23</p>	<p>1 "gang rape sabbatical with Europe"? What does that</p> <p>2 even mean? I don't know. What does it mean?</p> <p>3 Q. Did you state the words "He apparently thought</p> <p>4 that I was on some kind of gang rape sabbatical in</p> <p>5 Europe"?</p> <p>6 A. I -- that's certainly a phrase I recollect</p> <p>7 making about him.</p> <p>8 Q. Okay. When, by the way, did Cary Katz say</p> <p>9 that?</p> <p>10 A. When did Cary Katz say what? This came up at</p> <p>11 trial. If you remember, it led to a showdown with us.</p> <p>12 You did your psychotic staring routine and told me to</p> <p>13 hold it down, and the judge then had to clear the</p> <p>14 courtroom for 20 minutes, so if you want to revisit</p> <p>15 that, because I made it quite plain then -- in fact, I</p> <p>16 think I began by saying that when I was at the BBC</p> <p>17 before I made the mistake of getting into business with</p> <p>18 the scofflaw deadbeat dishonorable criminal Katz, I</p> <p>19 used to get invited come Christmas to the chairman's</p> <p>20 and/or the director general's Christmas parties.</p> <p>21 You're familiar with the BBC, I take it? You</p> <p>22 know the BBC?</p> <p>23 Q. Go ahead.</p> <p>24 A. And they have -- the biggest broadcaster on</p> <p>25 the planet. They've got, like, an Afghan service,</p> <p style="text-align: right;">Page 25</p>

<p>1 which is the most-listened-to radio station in 2 Afghanistan. So when you're at the chairman's or 3 director general's party, they've got tons of hosts 4 there, and yet I was always struck by how the chairman 5 or the director general would know a little bit about 6 you and what you'd been doing. 7 Cary Katz had three hosts at the time he 8 testified at trial. He had -- or the period that's 9 relevant. He had me, Michelle Malkin, and Mark Levin, 10 and he well knew that I was in Europe talking to 11 victims of gang rape, of child rape, of child gang 12 rape. It was a fairly intense period for me. I know 13 you were playing it for laughs at trial. But it was a 14 fairly intense period for me. 15 And I was surprised that a guy with only three 16 hosts, who's not like the chairman of the BBC, who's 17 not like the director general of the BBC, a guy who's 18 just got three people he has to keep tabs on, would 19 characterize this as a sabbatical, as your colleague, 20 Miss Stuart, continues to do today. I don't know 21 whether Miss Stuart finds gang rape and child rape as 22 funny as you do. But it's a peculiar characterization 23 when you're spending your days, 18-hour days, with -- 24 talking to women whose nine-, eight-year-old daughters 25 have been sexually assaulted in public swimming baths,</p> <p style="text-align: right;">Page 26</p>	<p>1 that. 2 Q. Did you ever? 3 A. I've -- you've asked and I've answered that. 4 Q. You have not answered. Sir -- 5 A. Well, you can -- you've moved to strike two 6 answers of mine. 7 Q. Let me just -- let me just finish my question, 8 please. Have you ever heard Cary Katz refer to you as 9 being on a gang rape sabbatical? 10 MR. MURPHY: Asked and answered. 11 MR. GEORGE: It's not been, Michael. 12 A. I know what -- 13 MR. GEORGE: Michael, it has not. 14 Q. Go ahead. 15 A. I know what I heard in that trial. I know how 16 Miss Stuart, your colleague, continues to characterize 17 that time in Europe to this day, and you should be 18 ashamed of yourself making an issue over this. You 19 thought it was funny last time. 20 Q. Can you identify -- 21 A. It didn't work for you, because actually most 22 people don't find gang rape, child rape funny. You, 23 the -- the mob consigliere of a man trying to get 24 college scholarships for pedos so he can loan them 25 money for it at 10 percent interest, would find it</p> <p style="text-align: right;">Page 28</p>
<p>1 to be told by some know-nothing billionaire that that's 2 a sabbatical. Sabbatical from what? 3 MR. GEORGE: Move to strike. 4 Q. Focus on the last part of this paragraph. 5 "That's how he kept referring to it." You see that? 6 A. Yes. 7 Q. Where did Cary Katz refer to your having been 8 on a gang rape sabbatical in Europe? 9 A. I've -- I've testified at trial on that. He's 10 testified that he regarded that trip as a sabbatical. 11 I've testified that I was speaking to gang rape victims 12 all over Europe, as he knew. If he chooses to 13 characterize over two months with the victims of gang 14 rape in Sweden, Finland, Germany, Belgium, the 15 Netherlands, France, people -- victims of child sexual 16 assault, victims of rape and sexual molestation, young 17 girls who've been doused in petrol and then had gangs 18 of men dancing around them with matches, if he chooses 19 to characterize that as a sabbatical, to hell with him, 20 and he deserves everything he gets on it, and that's my 21 answer on that. 22 MR. GEORGE: Okay. Move to strike. 23 Q. Did you ever hear Cary Katz say that you were 24 on a gang rape sabbatical? 25 A. I've asked -- you've asked and I've answered</p> <p style="text-align: right;">Page 27</p>	<p>1 funny, but real people don't. 2 THE WITNESS: Move to strike. 3 Q. Sir -- 4 A. You did that last time, too, and it didn't 5 work for you. 6 Q. Sir -- 7 A. You're an old dog and need new tricks, 8 Counselor. 9 Q. Is there -- is there any instance that you can 10 identify as you sit here today where Cary Katz used the 11 phrase "gang rape sabbatical"? 12 A. I've given you my answer on that. 13 Q. So the answer is no? 14 MR. MURPHY: No. 15 A. No. The answer is -- no. You're incorrect to 16 say that's correct. 17 Q. Has Cary Katz ever used the phrase "gang 18 rape," to your knowledge? 19 A. I couldn't answer that. 20 Q. Has he ever used the phrase "gang rape 21 sabbatical"? 22 A. You've asked and I've answered, and you've 23 struck my answers. 24 Q. You've not -- you've not answered, sir. 25 A. I have.</p> <p style="text-align: right;">Page 29</p>

<p>1 Q. Has Car- -- listen to my question. Has Cary 2 Katz, to your knowledge, ever used the phrase "gang 3 rape sabbatical"? Yes or no? 4 A. I've asked -- I've answered that question. 5 Q. Okay. We'll regard that as a no unless you 6 want to volunteer. 7 A. No. 8 MR. MURPHY: No. You're not here -- you're 9 not here to testify for the -- the witness. 10 A. Do you want to testify for me? Because we can 11 take an early lunch. That didn't work for you, either, 12 last time. 13 Q. Okay. So this is your last opportunity. If 14 you'd like to, you can tell me -- 15 A. No. I forgo the last opportunity. 16 Q. You can tell me any instance right now, any -- 17 A. I'll stipulate to my forgoing of the last 18 opportunity. 19 Q. Let me speak. You can identify right now for 20 me any instance in which you believe that Cary Katz 21 referred to either a gang rape or gang rape sabbatical 22 at this moment if you wish. 23 A. I -- I've given you my answer. 24 Q. Fair enough. The record -- 25 A. I don't know why --</p> <p style="text-align: right;">Page 30</p>	<p>1 A. Yes, I did. 2 Q. A page or two later, there are reader 3 comments. You see at the top of our copy it states "67 4 Reader Comments"? 5 A. Um-hum. 6 Q. Do you see that? 7 A. Um-hum. 8 Q. Yes? 9 A. Yes. Yes. 10 Q. And what are the reader comments, sir? 11 A. They're comments by readers. 12 Q. Of CRTV -- excuse me, of Mark Steyn 13 Enterprises? 14 A. They're -- they're actually -- 15 MR. MURPHY: Objection. Calls for 16 speculation. 17 Q. Go ahead. 18 A. Well, to comment at SteynOnline, you have to 19 be a Mark Steyn Club member, so these are comments by 20 Mark Steyn Club members. 21 Q. And you regard these comments as true and 22 correct comments by Mark Steyn Club members? 23 MR. MURPHY: Objection. Calls for 24 speculation. 25 Q. Go ahead.</p> <p style="text-align: right;">Page 32</p>
<p>1 Q. The record is clear. Let's go to Exhibit 3. 2 A. Okay. What is Exhibit 3? 3 Q. This document. So I'm going to focus you, 4 sir, on page 4. 5 A. Wait a minute. This is a multiple document. 6 What is it? Oh, page 4. Okay. 7 THE WITNESS: This is our -- this is after the 8 Ethan Allen -- 9 Q. There's no question pending. 10 THE WITNESS: -- thing, Catherine. 11 Q. Page 4, paragraph toward the bottom: "In 12 between New York and Toronto, I'll be in Las Vegas." 13 You see that? 14 A. Yes. 15 Q. You continue: "Not to pick up the Wayne 16 Newton Award, alas, but to intervene in sleazebag 17 scofflaw Cary Katz and CRTV's brazen attempt to evade 18 their obligation to pay me (per my tremendous court 19 victory) by suing themselves into pseudo-bankruptcy." 20 Did you write those words? 21 A. Yes, I did. That's signed all over. 22 Q. Did you on the following page write the words 23 "Judge Kishner will hear our motion against deadbeat 24 Katz's phoney-baloney bullsh*t self-suing suit on May 25 29th"?</p> <p style="text-align: right;">Page 31</p>	<p>1 A. I couldn't -- people express their opinions. 2 I couldn't -- I mean, for example, today we had a lot 3 of comments from some fellow talking about his 4 experience with indentured Chinese workers in Africa. 5 I couldn't swear to the truth of that at all. 6 Q. I'm not asking -- 7 A. I don't know anything about indentured Chinese 8 workers in Africa. 9 Q. I'm not asking you about the truth of the 10 comments. 11 Are the comments that are posted in the nature 12 of a bulletin board where you will host on the 13 MarkSteynOnline site comments by the individuals who 14 are subscribers? 15 A. I don't -- I don't understand the question. 16 Q. Well, let's break it down. The first one at 17 the top of this page is somebody Paul Courtney. 18 A. Yes. 19 Q. How did that appear on the reader comments? 20 MR. MURPHY: Calls for speculation. 21 Q. Go ahead. 22 A. The way I believe it works, although I'm 23 talking about something I basically know bugger all 24 about here, but I'm happy to give you my understanding 25 of it.</p> <p style="text-align: right;">Page 33</p>

<p>1 Q. Go ahead.</p> <p>2 A. Because it's actually something done by the</p> <p>3 persons who run the website, including the webmaster.</p> <p>4 Q. Go ahead.</p> <p>5 A. And I don't -- I'm not involved in that, but I</p> <p>6 understand that Paul Courtney or Denyse O'Leary would</p> <p>7 log in under their passwords to the Mark Steyn Club,</p> <p>8 put a comment identifying the column or audio program</p> <p>9 or video that it's responding to, and then they write</p> <p>10 their comment and at a certain point their comment is</p> <p>11 approved for publication and appears at the site.</p> <p>12 Q. Thank you. And it would be your understanding</p> <p>13 that all of the names, for example, at the remainder of</p> <p>14 this particular Exhibit 3 appear the same way?</p> <p>15 MR. MURPHY: Objection. Calls for</p> <p>16 speculation.</p> <p>17 A. What do you mean by that? I don't even</p> <p>18 understand that.</p> <p>19 Q. So you said that about Paul Courtney and</p> <p>20 Denyse O'Leary, yes?</p> <p>21 MR. MURPHY: Objection. Calls for</p> <p>22 speculation. Misstates prior testimony.</p> <p>23 Q. Okay.</p> <p>24 A. Well --</p> <p>25 Q. And then -- hang on. And then there's one</p> <p style="text-align: right;">Page 34</p>	<p>1 them at that point.</p> <p>2 MR. MURPHY: Okay. Well, you're not</p> <p>3 testifying here today, though, so, you know --</p> <p>4 MR. GEORGE: Well, I don't have a problem</p> <p>5 answering the witness' question on this.</p> <p>6 A. Well, I'm --</p> <p>7 Q. Is this -- sir, is this --</p> <p>8 A. Well, look, I'm saying that this -- I'm saying</p> <p>9 that this appears to be a printout from SteynOnline</p> <p>10 with the comments attached. Is it that for the</p> <p>11 purposes of the rules of evidence in some American</p> <p>12 courthouse, I don't know, but it's -- it appears to be</p> <p>13 a printout of what I wrote on April 28th with 67 reader</p> <p>14 comments attached. I don't know whether it would have</p> <p>15 67 reader comments there now, but assuming that you're</p> <p>16 not as loathsome and unethical as you often appear to</p> <p>17 be, I'm happy to take it -- your word for it that these</p> <p>18 were the 67 comments at the time you printed it out.</p> <p>19 Q. Thank you for the compliment.</p> <p>20 A. Although that actually is far too generous</p> <p>21 than you deserve.</p> <p>22 Q. Let's go to Exhibit -- let's go to Exhibit 4.</p> <p>23 Is Exhibit 4 a true and correct -- I'm sorry.</p> <p>24 Is Exhibit 4 a true and correct copy of an</p> <p>25 article or post that you published on SteynOnline?</p> <p style="text-align: right;">Page 36</p>
<p>1 underneath that, QET. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And your assumption is that that would appear</p> <p>4 the same way?</p> <p>5 MR. MURPHY: Calls for speculation.</p> <p>6 Q. You can speculate. Go ahead.</p> <p>7 A. Well, QET is not that gentleman or lady's</p> <p>8 name, so in that case someone is publishing under a</p> <p>9 pseudonym. Most of these people appear to be</p> <p>10 publishing under their own names. But I assume at some</p> <p>11 point -- I assume that somewhere on the form that</p> <p>12 someone is allowed to choose the name under which the</p> <p>13 comment appears.</p> <p>14 Q. And all of these individuals in this exhibit</p> <p>15 are ones whose comments obviously made their way on to</p> <p>16 SteynOnline, correct?</p> <p>17 MR. MURPHY: Calls for speculation.</p> <p>18 Q. You can answer.</p> <p>19 A. Well, in the sense that I don't know who -- I</p> <p>20 don't -- in the sense -- I have no idea what this is,</p> <p>21 first of all. Is it a printout of -- what is it a</p> <p>22 printout of? What are you representing this thing to</p> <p>23 be that you put in front of me?</p> <p>24 Q. Well, this is a printout as of April 30th,</p> <p>25 2018, of SteynOnline reader comments. There were 67 of</p> <p style="text-align: right;">Page 35</p>	<p>1 A. Well, again, I'm not entirely sure I can</p> <p>2 testify that this is true and correct. It doesn't have</p> <p>3 the SteynOnline logo; the -- it displays differently.</p> <p>4 It appears to be multiple pieces. There's -- it's got</p> <p>5 "Life Belongs Only to the Strong" attached to the back</p> <p>6 of it, so I don't even know what -- that appears to be</p> <p>7 multiple things combined into a single exhibit.</p> <p>8 Q. Okay. Let's go to Exhibit 5.</p> <p>9 A. Is this all Exhibit 5?</p> <p>10 Q. No. Just the one on top.</p> <p>11 A. Okay.</p> <p>12 Q. Did you post this photo on the top third of</p> <p>13 the first page of Exhibit 5?</p> <p>14 A. I don't run my Twitter feed.</p> <p>15 Q. Did you authorize the posting of this photo?</p> <p>16 A. No.</p> <p>17 Q. Did you see this photo prior to the time that</p> <p>18 it was posted?</p> <p>19 A. Yes, I did.</p> <p>20 Q. Did you approve of it?</p> <p>21 A. Well, if you mean did it give me a big laugh</p> <p>22 to see Cary Katz in a pussy hat after he called me</p> <p>23 Pussy Steyn, yes, I did approve of it. He looks good</p> <p>24 in his pussy hat. It's better than the crappy baseball</p> <p>25 cap he usually wears.</p> <p style="text-align: right;">Page 37</p>

<p>1 Q. Did you authorize it to be posted online?</p> <p>2 A. I believe this -- what you are identifying</p> <p>3 here is a Tweet that links to a column I wrote, and in</p> <p>4 Twitter style, the accompanying illustration of the</p> <p>5 column is often embedded in the Tweet. So my</p> <p>6 recollection of this is that Katz in his pussy hat,</p> <p>7 which was done by a lady called the Evil Blogger Lady,</p> <p>8 who is a delightful blogger with great visual wit --</p> <p>9 she did a fantastic thing just the other day, actually,</p> <p>10 of Mark Levin and Glenn Beck as the Odd Couple.</p> <p>11 Hilarious. Glenn Beck doing the Cheetos face.</p> <p>12 And in this case she'd done the picture of</p> <p>13 Cary Katz in his pussy hat, and -- and we -- we put it</p> <p>14 together with Mark Levin, I think. I'm not sure</p> <p>15 whether she'd put it together with Mark Levin or we put</p> <p>16 it together with Mark Levin, but he does look good in</p> <p>17 his pussy hat.</p> <p>18 Q. And then -- so you put it together with a</p> <p>19 picture of Mark Levin and --</p> <p>20 A. I didn't -- I can't recall that. But I know</p> <p>21 that she created the pussy hat. Mark Levin hasn't got</p> <p>22 a pussy hat. He might have a cockwomble hat one day,</p> <p>23 but he hasn't got a pussy hat.</p> <p>24 I think he looks good in his pussy hat. I</p> <p>25 think we should have had a full-color printout here,</p> <p style="text-align: right;">Page 38</p>	<p>1 That's very kind of you. Ultimately, in the ledger of</p> <p>2 life, the victory and vindication by two judges is far</p> <p>3 more important than whether dishonorable men comply</p> <p>4 with the court's order." Did you write those words?</p> <p>5 A. I don't -- as I said, I don't do my Twitter</p> <p>6 feed, but I would assume I approved those words.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know, by the way, what -- what is it</p> <p>9 replying to? What is this about, this thing? What are</p> <p>10 you representing it to be?</p> <p>11 Q. I'm representing it to be the document that it</p> <p>12 is. I don't have anything more on this.</p> <p>13 So who does your Twitter feed?</p> <p>14 A. Various persons do it. Miss Howes does it,</p> <p>15 and -- and various other people do it. We are not --</p> <p>16 we're not Tweeters in the -- I'm not a Tweeter in the</p> <p>17 sense that the President of the United States is, so</p> <p>18 our Twitter feed is mostly just links to my columns or</p> <p>19 broadcasts or other content elsewhere, but I'm not a</p> <p>20 Tweety Tweety Tweety person.</p> <p>21 Q. When you say "I would assume I approved these</p> <p>22 words," why do you assume that?</p> <p>23 A. Well, because I -- I agree that ultimately in</p> <p>24 the ledger of life the victory and vindication by two</p> <p>25 judges is far more important than whether dishonorable</p> <p style="text-align: right;">Page 40</p>
<p>1 because he looks -- it loses something by appearing</p> <p>2 dark, because he just looks like some guy on May Day</p> <p>3 parade in the politburo with an ill-fitting Russian</p> <p>4 hat, but when you see it in the pink, Cary Katz in his</p> <p>5 pussy hat after calling me Pussy Steyn, he looks</p> <p>6 delightful in it.</p> <p>7 Q. So you republished this picture?</p> <p>8 A. We published that picture at SteynOnline, and</p> <p>9 the piece -- you see at the top here -- this is like</p> <p>10 Twitter style. SteynOnline.com/8607 slash and then</p> <p>11 some words. I believe on the Tweet that's a link, and</p> <p>12 it would come out -- if you clicked on it on your</p> <p>13 phone, it would come out to a picture -- to the column</p> <p>14 that shows Cary Katz in his pussy hat as created by the</p> <p>15 Evil Blogger Lady, who's a fine visual wit.</p> <p>16 Q. Let's go to Katz 32, a few pages in.</p> <p>17 A. What's that? Katz 32. Um-hum.</p> <p>18 MR. MURPHY: I don't have 32.</p> <p>19 THE REPORTER: Bates 32.</p> <p>20 MR. MURPHY: Oh, Bates.</p> <p>21 MR. GEORGE: Bottom.</p> <p>22 MR. MURPHY: Thank you.</p> <p>23 Q. About at the halfway point --</p> <p>24 A. Um-hum.</p> <p>25 Q. -- there's a statement "Thank you, Marilyn.</p> <p style="text-align: right;">Page 39</p>	<p>1 men comply with the Court's order. I do agree with</p> <p>2 that. I like Judge Gordon's decision.</p> <p>3 Q. Were you --</p> <p>4 A. And the fact that Katz doesn't want to comply</p> <p>5 with it is less important to me than what Judge Gordon</p> <p>6 says.</p> <p>7 Q. Were you implying that Cary Katz was</p> <p>8 dishonorable?</p> <p>9 A. Well, I'm not actually sure what it is I'm</p> <p>10 replying to there. If you notice, you -- you -- as I</p> <p>11 understand your -- what passes for your judicial</p> <p>12 system, you -- you have to demonstrate that this is of</p> <p>13 and concerning Katz and CRTV, because it doesn't</p> <p>14 mention him, except in the two little Tweety Tweet</p> <p>15 replies, at all, so I will take it that I'm -- that</p> <p>16 Marilyn -- the -- the assumption I would make, although</p> <p>17 I have no recollection of this, so I'm just, like --</p> <p>18 I'm just riffing now, so take it for what probative</p> <p>19 value it has, this -- this Marilyn presumably has</p> <p>20 Tweeted me something that appears to be congratulatory,</p> <p>21 so I'm saying "Thank you, Marilyn. That's very kind of</p> <p>22 you." So I am assuming Marilyn has said something nice</p> <p>23 about me.</p> <p>24 This is more like Hercule Poirot stuff now</p> <p>25 we're doing. It's -- it's pre -- it's pre-court, this.</p> <p style="text-align: right;">Page 41</p>

<p>1 So if I'm looking at it as Monsieur Poirot, I would 2 deduce that Marilyn had said something that was 3 obviously flattering to me because I've said "thank 4 you" and "that's very kind," and because the CRTV and 5 Cary Katz Twitter handles appear in it, I suppose -- I 6 would presume that she is saying something kind to me 7 with respect to the CRTV and Cary Katz case. 8 Now, I have no idea what it was she was 9 saying, but I do agree with my broad philosophical 10 point that judicial vindication is far more important 11 than whether some scumbag complies with the judge's 12 decision. 13 Q. And by "dishonorable," are you referring to 14 Cary Katz? 15 MR. MURPHY: Objection. Asked and answered. 16 Q. Go ahead. 17 A. No. Cary Katz is dishonorable. 18 Q. My question is, In this -- in these words that 19 purport to be from you, were you referring to the 20 dishonorable men as including Cary Katz? 21 MR. MURPHY: Objection. Asked and answered. 22 A. Well, I've just told you that you -- you 23 haven't represented to me what this -- I mean, if you 24 want to make this Tweet something, what you have to do 25 is publish it so that it shows what I'm referring -- it</p> <p style="text-align: right;">Page 42</p>	<p>1 me what this is. You've only included the latter half 2 of the conversation. It's like me putting a piece of 3 paper in front of you and say -- that says I agree with 4 everything you said, Katie, and not knowing what Katie 5 said to you beforehand. 6 Q. Do you remember when you wrote these words 7 whether you were referring to Cary Katz? 8 MR. MURPHY: Objection. This assumes facts 9 not in evidence. 10 A. God almighty, there's no argument about this. 11 I believe he's dishonorable. I've said he's 12 dishonorable in multiple fora. I've said he's 13 dishonorable on Twitter. I've said he's dishonorable 14 at SteynOnline. I've probably said he's dishonorable 15 at Facebook. I take it. If I haven't, I'll make a 16 point of going away right now and doing it on the lunch 17 break. 18 Q. Just answer my question. Just answer my 19 question. 20 A. I've answered your question. This isn't a 21 thing. It's crap. 22 Q. Do you remember when you wrote -- 23 A. You do this all the time. This is like -- 24 this -- you can't represent to me what this is. It's 25 half a conversation. And the half that's here doesn't</p> <p style="text-align: right;">Page 44</p>
<p>1 has to show the conversation. As I said, you -- you -- 2 it's not -- those words are not of and concerning Katz 3 or CRTV as they appear. Presumably the -- the Tweet 4 from Marilyn, whoever Marilyn is, makes clear that this 5 is a reference to Cary Katz. 6 Q. When you wrote -- 7 A. But if it's not a reference to Cary Katz, I'm 8 happy to say that I would like it to be retrospectively 9 credited as a Tweet about the dishonorable behavior of 10 your scumbag client. 11 Q. When you wrote those words, did you intend 12 them to be of and concerning Cary Katz? 13 MR. MURPHY: Objection. Asked and answered. 14 A. Well, we've gone through all this -- you know, 15 we've gone through this a thousand times. If it -- if 16 it turns out that Marilyn in fact is congratulating me 17 on a victory that I won in the Court of Queen's Bench 18 in New Zealand instead that some hapless Kiwi is not 19 complying with and by "dishonorable men" I'm -- I'm 20 referring to Gordy McScummy in Wellington, New Zealand, 21 so be it, but in -- in that event I'm still happy to 22 have the characterization of Cary Katz as a 23 dishonorable man applied to him. 24 But what I'm saying is you're asking -- I -- 25 this is not in any sense -- you haven't represented to</p> <p style="text-align: right;">Page 43</p>	<p>1 mention Katz or CRTV. 2 Q. It's a simple yes-or-no question. 3 A. What do you mean it's a simple -- it's not a 4 simple yes or no. You've given me a piece of garbage 5 here. 6 Q. Let me ask my question yet again. Do you 7 remember when you wrote these words whether you were 8 referring to Cary Katz? 9 A. I -- 10 MR. MURPHY: Hold on. Objection. Misstates 11 prior testimony. Asked and answered. 12 Q. Go ahead. 13 MR. MURPHY: And we're now badgering and 14 harassing the witness. 15 A. I have -- 16 MR. GEORGE: We have the video record, 17 Counsel. I don't think we have to worry about that. 18 Q. Go ahead. 19 MR. MURPHY: You may not like the answer -- 20 Q. Go ahead. 21 MR. MURPHY: -- to the questions you're 22 getting -- 23 MR. GEORGE: Please, Counsel. 24 MR. MURPHY: -- but -- but he'll keep 25 answering it.</p> <p style="text-align: right;">Page 45</p>

<p>1 MR. GEORGE: Stop. You don't believe that any 2 more than I do. 3 Q. Go ahead. 4 MR. MURPHY: Actually, yes, I do. 5 MR. GEORGE: Nice try. 6 MR. MURPHY: You've asked that question, and 7 you don't like the answer. 8 MR. GEORGE: Counsel. 9 A. You're doing -- taking this for another round. 10 Q. Do you remember -- 11 MR. MURPHY: Hold on. Really quick, I would 12 like a meet and confer on this, because I did make an 13 objection that you misrepresented his testimony. You 14 said "when you wrote these words" when that is not what 15 his testimony was. So if you want to have a meet and 16 confer on your questions and my objections, I'm happy 17 to do so, but -- 18 Q. Did you not write these words? 19 A. I told you, and you can check on your little 20 scrolly thing, that I believe I approved these words. 21 I don't have access to Twitter. 22 Q. Sir, fair enough. Good point. When you -- 23 A. Melissa took -- I Tweeted once and Melissa 24 changed the Twitter code so I couldn't do it again. 25 Q. Sir, when you approved these words, did you</p> <p style="text-align: right;">Page 46</p>	<p>1 Q. Let's go to Exhibit 6, right here. 2 A. Ah, Justin Trudeau. Happy days. 3 Q. Let's go to the third page in. The first full 4 paragraph starts "I know Seth from his days." 5 A. Yes. 6 Q. Did you write that paragraph? 7 A. Yes. 8 Q. You caused it to be published on SteynOnline? 9 A. I believe so. 10 Q. Several paragraphs down, there's one "Even 11 more disturbingly," comma -- 12 A. Yes. 13 Q. -- "CRTV's local enforcers"? 14 A. Yes. 15 Q. Did you write those words and cause them to be 16 published online? 17 A. Yes. 18 Q. The comments section from SteynOnline that 19 follows, is this also your view of an instance that 20 appears to be a printout of reader comments? 21 A. Well, I'm actually -- this looks different, 22 because it doesn't have the header "67 Reader 23 Comments." I mean, I don't know. You -- you guys -- 24 do you have rules of evidence in whatever court this 25 thing is in? Because I don't know what this is, but it</p> <p style="text-align: right;">Page 48</p>
<p>1 have Cary Katz in mind? 2 A. I said that's a reasonable assumption from the 3 context when I did my Hercule Poirot routine, but you 4 haven't demonstrated that. I'm happy to say -- if I 5 didn't say -- what date is this? If I didn't say he 6 was dishonorable on April the 25th, I wish I had, 7 because he is dishonorable. I certainly called him 8 dishonorable. I believe this is the day after the Rush 9 Limbaugh Show when I called him dishonorable on over 10 600 American radio stations to an audience in the tens 11 of millions. 12 Q. Okay. Let's go down to the last part of the 13 page. 14 A. There's no argument. 15 Q. At -- 16 A. He's dishonorable. I said he's dishonorable, 17 and -- 18 Q. Sir -- 19 A. -- and you don't actually dispute that -- 20 Q. Let's move on. Let's move on. 21 A. -- do you? 22 Q. At the very end of that page, did you write or 23 approve the words "@CRTV is 'conservative' only if you 24 think 'conservative' is a synonym for 'criminal'"? 25 A. Yes, I did.</p> <p style="text-align: right;">Page 47</p>	<p>1 is -- it appears to have a different format from the 2 last thing you said. 3 So I'll tell you what the difference would 4 strike me. I'm not an Internet expert or anything. 5 But the one that had the header "67 Reader Comments" 6 could plausibly have been a printout of -- in one piece 7 of the column and the attached comments, whereas here 8 someone appears to have broken it up, printed out the 9 column, and then cut and pasted, possibly, the -- the 10 comments separately. So this isn't a single exhibit, 11 and I don't really know what it's meant to be. Is this 12 the first comment? I don't know. 13 THE WITNESS: Did you do this, Miss Stuart? 14 Q. Let's move on to Exhibit 7. True and correct 15 copy of the April 23rd, 2018, article on SteynOnline 16 called "Mark Levin and His 'Great'" -- "His 'Great 17 Patriot'"? 18 A. Well, again, this has a third format now, 19 because you've got the "Reader Comments" header, but 20 you've also got some words that you've put on top of 21 it. 22 MS. HOWES: You're not looking at the right 23 thing. 24 THE WITNESS: Am I not looking at -- 25 MR. MURPHY: I'm sorry. Really quick. He's</p> <p style="text-align: right;">Page 49</p>

<p>1 asking about the first page, Mr. Steyn. 2 A. Oh, you're looking at the first page. 3 MR. MURPHY: Yeah. So yeah. 4 A. What are you asking me if this is? What are 5 you asking me if it is again? I thought you asked me 6 if this is a true and correct copy. 7 Q. I did. 8 A. Well, the whole -- it's -- it's a multipart 9 exhibit, that this appears to be -- this front part 10 appears to be a copy of the -- of the column I wrote on 11 April 23rd. 12 Q. Are the first four pages the column that you 13 wrote that was published on April 23rd, 2018, on 14 SteynOnline? 15 A. Yup. 16 Q. That's a yes? 17 A. Yes, it appears to be -- 18 Q. Okay. 19 A. -- a printout of that column. 20 Q. And on the last of those four pages -- 21 A. Um-hum. 22 Q. -- you write the words three lines down from 23 the top about Cary Katz "he's a great scofflaw and a 24 great deadbeat." Correct? 25 A. Correct.</p> <p style="text-align: right;">Page 50</p>	<p>1 general chitchat that these appear to be comments 2 appended to that column at SteynOnline. 3 But given that, for example, Miss Stuart in 4 her latest filing in the re-arbitration has a -- has a 5 different claimant listed on the cover sheet than on 6 page 1 of the substantive pleading, there's no real 7 reason I should trust you for -- and given, actually, 8 that we're now in a protracted appeal over the 9 inconsistency between your -- your wanting legal fees 10 in the substantive pleading and not checking the box on 11 the cover sheet, there's no reason why I should trust a 12 single thing you say, but as I say, for the purposes of 13 chitchat, I'm happy to entertain the proposition. 14 Q. Thank you. Let's look at Exhibit 8. Can you 15 identify Exhibit 8? 16 A. It appears to be half or part -- it appears to 17 be part -- oh. Well, it appears to be a 18 black-and-white printout and a color printout of part 19 of -- part of the SteynOnline home page. 20 Q. And what is the column on the right, to the 21 best of your knowledge? 22 A. What do you mean, "the column on the right"? 23 Q. The "Steyn at Sea" over -- 24 A. That's -- I think that's what's generally 25 known as the sidebar.</p> <p style="text-align: right;">Page 52</p>
<p>1 Q. And a little bit below the halfway part of the 2 page, you write the words "Unless 'conservative' is a 3 synonym for 'criminal', this man and his associates 4 should have no place on the American right." Correct? 5 A. That's absolutely correct, yes. Indeed. 6 Amen. Preach it, brother. 7 Q. Any opinion one way or the other whether the 8 113 reader comments that follow the four pages that is 9 your column in Exhibit 7 are what appear to be to you a 10 printout of reader comments? 11 A. Well, I don't -- you know, obviously 12 someone -- and Miss Stuart declined to answer, but 13 obviously someone has typed something at the top of it, 14 so I don't know what -- what this is, but if you say to 15 me do these appear to be comment -- do these appear to 16 be comments posted at SteynOnline, then they appear to 17 be comments posted at SteynOnline. I wouldn't -- I -- 18 you know, I won't -- if you seem to think, you know, 19 this is all getting unnecessarily adversarial and 20 you're asking me to trust you not to have, you know, 21 rearranged comments or -- or, as you're cutting and 22 pasting, deleted certain comments, as Miss Stuart has 23 done with references to Mark Levin in her statements at 24 issue, for example, no, I wouldn't trust you to do 25 that, but I'm happy to stipulate for the purposes of</p> <p style="text-align: right;">Page 51</p>	<p>1 Q. Okay. 2 A. Which has a different meaning than you lawyers 3 use it in. 4 Q. Fair enough. And then "CRTV scofflaws & 5 deadbeats debt clock." 6 A. Correct. 7 Q. Okay. Let's look at Exhibit 9, please. Is 8 this a Tweet that you approved? And let me be more 9 specific. The one that's above the halfway part that 10 states "@crtv's scofflaw deadbeat owner @carykatz has 11 told us," et cetera? 12 A. "He will NEVER pay what" -- well, as I said, I 13 certainly approve that now, which means I take it I 14 approved it then. 15 Q. Okay. 16 A. [Reading] Apparently CRTV's definition of 17 constitutional conservative doesn't include outmoded 18 concepts like the rule of law. 19 I certainly agree with that one. 20 Q. Okay. Let's look at Exhibit 10, please. 21 Right here. 22 MR. MURPHY: Here. Let me get this out of 23 your way. 24 Counsel, are you going to need these anymore 25 that you've already marked?</p> <p style="text-align: right;">Page 53</p>

<p>1 MR. GEORGE: No. Thank you.</p> <p>2 MR. MURPHY: I'll just give these to the</p> <p>3 reporter.</p> <p>4 MR. GEORGE: Here. Let's get -- let's take a</p> <p>5 break and get those out of the way.</p> <p>6 Needless to say, gentlemen, if you want a</p> <p>7 break at any point --</p> <p>8 MR. MURPHY: Yeah. It's been an hour.</p> <p>9 MR. GEORGE: Want to do it?</p> <p>10 MR. MURPHY: Yeah.</p> <p>11 MR. GEORGE: Okay.</p> <p>12 MR. MURPHY: Thank you.</p> <p>13 THE VIDEOGRAPHER: Going off the record at</p> <p>14 10:18.</p> <p>15 (A recess was taken.)</p> <p>16 THE VIDEOGRAPHER: Back on the record at</p> <p>17 10:39.</p> <p>18 MR. GEORGE: Maybe I'm clueless. We have two</p> <p>19 videos here?</p> <p>20 MR. MURPHY: Yes.</p> <p>21 MR. GEORGE: You've been recording me?</p> <p>22 MR. MURPHY: Yeah. We have a video -- our guy</p> <p>23 videotaping, yes.</p> <p>24 MR. GEORGE: Just me?</p> <p>25 MR. MURPHY: No. Videoing the whole -- the</p> <p style="text-align: right;">Page 54</p>	<p>1 being taped on to -- on to an electronic media, so it</p> <p>2 is not --</p> <p>3 MR. GEORGE: Can you represent to me that this</p> <p>4 video will be used solely for purposes of this court</p> <p>5 proceeding?</p> <p>6 MR. MURPHY: No.</p> <p>7 MR. GEORGE: Let's you and I discuss this off</p> <p>8 record.</p> <p>9 MR. MURPHY: Sure.</p> <p>10 THE VIDEOGRAPHER: Going off the record at</p> <p>11 10:41.</p> <p>12 (A recess was taken.)</p> <p>13 THE VIDEOGRAPHER: We're back on the record at</p> <p>14 11:12.</p> <p>15 MR. GEORGE: Okay. I'm going to propose a</p> <p>16 stipulation that deals with the fact that I was unaware</p> <p>17 that there was a separate videographer here just</p> <p>18 dealing with a -- an assignment given by the defendants</p> <p>19 to videotape the room, not just the deponent; no notice</p> <p>20 was given to me prior to the deposition. So I've met</p> <p>21 and conferred with counsel, and what we've agreed to do</p> <p>22 is I've accepted his word that Mr. Murphy will retain</p> <p>23 custody of the videotape -- of the defendants'</p> <p>24 videographer's videotape; and until such time as we</p> <p>25 have a ruling by the Court in the federal district</p> <p style="text-align: right;">Page 56</p>
<p>1 whole --</p> <p>2 THE WITNESS: Both cameras are on me.</p> <p>3 MR. MURPHY: Yeah.</p> <p>4 THE VIDEOGRAPHER: We're on the record.</p> <p>5 MR. GEORGE: That's okay.</p> <p>6 Why do we have two cameras?</p> <p>7 MR. MURPHY: It's -- because we wanted a video</p> <p>8 of this as well. You noticed for a video.</p> <p>9 MR. GEORGE: I've never heard of this. You</p> <p>10 don't want to just share one and eliminate the expense?</p> <p>11 MR. MURPHY: Well, ours is not connected,</p> <p>12 actually, to a court reporter, so I don't know if I</p> <p>13 could even use this in a -- you know, connected with</p> <p>14 the transcript. So yours is actually connected to the</p> <p>15 transcript. So yours is the official.</p> <p>16 MR. GEORGE: I'm missing something. Why are</p> <p>17 we doing -- why are we doing this?</p> <p>18 MR. MURPHY: There's no -- there's no secret</p> <p>19 to miss. It's just we have a video going ourselves of</p> <p>20 this process. It's no -- there's no magic, no secret,</p> <p>21 no --</p> <p>22 MR. GEORGE: Is this video being utilized for</p> <p>23 anything other than the court proceeding?</p> <p>24 MR. MURPHY: I don't know what it is used --</p> <p>25 right now it is not -- there's no feed. It's just</p> <p style="text-align: right;">Page 55</p>	<p>1 court in Nevada, the video will not be shared with</p> <p>2 defendants themselves or anybody else; and that I will</p> <p>3 have a set period of time to seek relief from the Court</p> <p>4 on that, which I will say will be - we haven't</p> <p>5 discussed this part - two weeks' time from today. Fair</p> <p>6 enough?</p> <p>7 MR. MURPHY: Fourteen days. So stipulated.</p> <p>8 MR. GEORGE: Thank you, Counsel.</p> <p>9 BY MR. GEORGE:</p> <p>10 Q. Okay. So I think we had before us Exhibit</p> <p>11 No. 10. Sir, are the first four and a half pages a</p> <p>12 copy of an article that you wrote and posted on</p> <p>13 SteynOnline?</p> <p>14 A. That -- that seems to be the case, yes.</p> <p>15 Q. And, sir, are the following comments ones</p> <p>16 that, just like the others, you would assume, though</p> <p>17 you don't have personal knowledge, to be from readers</p> <p>18 who posted their comments to SteynOnline?</p> <p>19 MR. MURPHY: Calls for speculation.</p> <p>20 A. Well, as I've said previously to you, I make</p> <p>21 no assumptions. You've given them -- me these pieces</p> <p>22 in multiple formats, some of which are clearly</p> <p>23 composite and contain text that is -- did not come from</p> <p>24 SteynOnline, so what it is as an overall thing I'm not</p> <p>25 prepared to stipulate to.</p> <p style="text-align: right;">Page 57</p>

<p>1 But the -- the first piece appears to be 2 something I wrote. The first five pages. And then 3 there's what appear to be 15 extra pages printed out 4 separately. So again, this is a composite document. 5 Q. Do the latter 15 pages appear to you to be 6 part of a printout of reader comments? 7 A. Yes. As I've just said to you, though, they 8 are not a -- it's not -- if you'd just printed this out 9 at SteynOnline, it would be a single document, and it's 10 instead a composite document, so -- 11 Q. Let's take a look at the very last page. 12 A. When you say the "last page," which page do 13 you mean? 14 Q. Last page of Exhibit 10. 15 A. Yeah, but do you mean the last page -- page 5 16 of 5 or page 15 of 15? As I said, it's a composite 17 document. 18 Q. The very last page of the entire exhibit. 19 A. Okay. 20 Q. At the top states -- or just beneath the top, 21 it states "Mark replies" and then "By coincidence," 22 et cetera. Are those words that you wrote? 23 A. Let me -- 24 Q. Take whatever time you need. 25 A. Let me just see the thing it's responding to.</p> <p style="text-align: right;">Page 58</p>	<p>1 there are -- 2 MR. GEORGE: That's attached to what the 3 witness is looking at. 4 MR. MURPHY: Okay. And then the page after 5 that is the exact same page. That's the page that's 6 before the comment. 7 A. Yeah. No. There's -- no. There's a 8 duplication. 9 MR. MURPHY: So I -- 10 A. Yeah. That's true. I withdraw that. Because 11 there's a page printed in black and white that is again 12 printed in color. These are very -- 13 MR. GEORGE: Counsel -- 14 A. -- shoddy exhibits. 15 MR. GEORGE: -- let me take a look. 16 Q. Okay. 17 A. And I think they'd be inadmissible. 18 Q. Page -- page 2 appears to be in this exhibit 19 twice. I'm going to remove it so it continues page 1 20 and then 2 and then 3 all the way through 8. 21 A. I think you've removed the wrong -- I think 22 you should have left in the color one. 23 Q. Here. This is the final exhibit you now have. 24 Okay? So is this a true and correct -- 25 A. No, no. This is now -- you've -- you've torn</p> <p style="text-align: right;">Page 60</p>
<p>1 Oh, yeah. "By coincidence" -- yes. I do remember 2 writing this. 3 Q. And you authorized the posting of those 4 comments? 5 A. I didn't -- I didn't authorize this. I wrote 6 it and posted it myself. 7 Q. Very good. Let's go to Exhibit 11, please. 8 It's right here in front of you. Is this a true and 9 correct copy of an article that you wrote that appeared 10 on SteynOnline? 11 A. Yes, it does. 12 Q. The first two pages. 13 A. No. This actually appears to be the first one 14 that is actually a single -- is it a single -- a single 15 document, yeah. Because all -- this is now the fourth 16 format you've presented me these things in, but this is 17 the first one that appears to be a noncomposite 18 document created by some means unknown to me. 19 Q. Well, look at the pages following -- 20 A. No, no. That's what I'm saying. I'm saying 21 I'm -- I'm cool with this. What's -- oh. 22 MR. MURPHY: So we're -- 23 A. What are you -- 24 MR. MURPHY: Just so we're clear, the binder I 25 have has a tab that says "Comment." Is -- and then</p> <p style="text-align: right;">Page 59</p>	<p>1 out the wrong page. You should have torn out the 2 black -- the black -- 3 Q. Sir -- 4 A. -- and-white page. 5 Q. -- that is the final exhibit. Okay? 6 Are the first two pages, the entirety of the 7 first page and the top of the second page, a copy of a 8 piece that you wrote and published on SteynOnline? 9 A. Yeah. I wrote -- I wrote that piece. 10 Q. Very good. Now, as far as the remaining part 11 after the top of page 2 all the way through the end of 12 page 8, do those appear to you to be reader comments? 13 MR. MURPHY: Calls for speculation. 14 A. As -- as I've just said -- I mean, I don't 15 understand why this is so difficult. You could have 16 just printed out the same thing -- just pressed once 17 print and got all these things as a single document 18 with all the comments. Why you have chosen to create 19 composite documents is between you and Miss Stuart. I 20 have no idea. But it's a composite document. 21 I will say that I wrote this column and that 22 what follows, for whatever that's worth, appears to -- 23 appears to be a composite of some comments printed in 24 color and some in black and white. Why you did that, I 25 have no idea.</p> <p style="text-align: right;">Page 61</p>

<p>1 Q. And when you say "appears to be a composite of 2 some comments," does it appear -- does it appear to you 3 to be comments by readers or viewers of Mark Steyn, to 4 the best of your knowledge? 5 MR. MURPHY: Calls for speculation. 6 A. Well, I didn't think I would be coming all the 7 way here just to, you know, deal with speculative 8 comments on your poorly assembled exhibits. I 9 recognize the names of some commenters from 10 SteynOnline, so -- Mr. Payne and Mr. Branstetter, and 11 as I've already identified, I believe I did -- on the 12 previous page I believe I testified that I had replied 13 to Mr. Branstetter. I know the name of Ray Winchester, 14 who is one of our readers in the United Kingdom, and I 15 know the name of Sol Cranfill, who was on the Mark 16 Steyn Club Cruise, so I'm -- I'm happy to testify 17 that -- that these appear to be the names of Mark Steyn 18 commenters and presumably authentic comments from 19 however -- howsoever you have assembled them. 20 Q. Thank you. Let's take a look at the next 21 exhibit, Exhibit 12. 22 A. You see, this is, again, Counsel -- I mean, 23 this is -- 24 Q. There's no question pending. 25 A. Look. Look. Look. Look at this. This is</p> <p style="text-align: right;">Page 62</p>	<p>1 written, published, authorized, or all three, by me, 2 and I -- 3 Q. Thank you. 4 A. -- stand by the words therein. 5 Q. Thank you. Let's take a look at the next 6 exhibit. That's 14. Is 14 a true and correct copy of 7 something that you authored and posted on SteynOnline? 8 A. Well, again, it's like this -- this big white 9 space in the thing. It's missing the Mark Steyn Club 10 first birthday logo. I don't quite -- I honestly don't 11 under- -- and I'm -- I'm making a good-faith effort 12 here, Mr. George, but I don't honestly see why you 13 print things -- your printer seems -- seems constructed 14 to print in incomplete and inconsistent ways. If 15 you're asking me whether I wrote these words, I'm 16 prepared to testify that I wrote these words, but I 17 do -- I do object to these inconsistent and, frankly, 18 amateurish printouts. 19 Q. So you wrote the words. Did you also cause 20 the words to be posted on SteynOnline? 21 A. I'm the writer and editor and publisher of 22 SteynOnline, so what appears there appears with my 23 imprimatur. 24 Q. Thank you, sir. Let's take a look at Exhibit 25 15. Same question with respect to the first two pages</p> <p style="text-align: right;">Page 64</p>
<p>1 black and white, and then you've got it in color 2 underneath. What kind of cockamamy exhibit is this? 3 Q. I'm sorry that's so upsetting to you. Let's 4 take a look at the first page. 5 A. Yeah. The black-and-white page. 6 Q. That would be the black-and-white page. 7 A. Yeah. Yeah. Yeah. 8 Q. Is this a true and correct copy of something 9 you authored for SteynOnline? 10 A. Yeah. It's a true and -- it appears to be a 11 true and correct black-and-white copy of something I 12 did for SteynOnline. 13 Q. And therein you referred in the third 14 paragraph to Cary Katz as the "CRTV deadbeat scofflaw," 15 correct? 16 A. Yes. Yes. Because your position is that even 17 if he's a deadbeat scofflaw, he's nothing to do with 18 CRTV; is that correct? 19 Q. Okay. Let's move on. Have a look, please, at 20 Exhibit 13. Middle of the page, is this a Tweet that 21 you either wrote or authorized, the one that states 22 "It's pretty simple, Joan. Per the New York Supreme 23 Court," et cetera, et cetera? 24 A. Yeah. I stipulate that I -- this is a Tweet 25 published on my Twitter feed and therefore is either</p> <p style="text-align: right;">Page 63</p>	<p>1 of Exhibit 15. 2 A. Um-hum. 3 Q. Are these words that you wrote and caused to 4 be posted on SteynOnline? 5 A. Yes. This is from our regularly updated page 6 on which we track developments in your client's various 7 suits and various guises against me. So if you say 8 this is how it stood on June the 20th, then that is 9 what it appears to say. I think we've added it to put 10 Judge Branstetter's word to your sad friend Mr. Mitchell 11 that it's litigated, it's done, it's over from the -- 12 from the recent court hearing. 13 Q. Take a look with me, please, on page 2, the 14 second full paragraph. You wrote specifically the 15 words "Katz and his latest sock-puppet entity 'Galaxy 16 Media,'" and I'm eliminating the parenthetical -- 17 A. Why? 18 Q. -- "have filed multiple fraudulent UCC claims 19 against CRTV in jurisdictions from Virginia to 20 California." Did you write those words? 21 A. Yes, I did. 22 Q. And you caused them to be posted online, 23 correct? 24 A. Yes, I did. Why haven't you got the bit about 25 Elizabeth Wood in there?</p> <p style="text-align: right;">Page 65</p>

<p>1 Q. Let's go to Exhibit 16, please. Is Exhibit 16 2 a true and correct copy, the first two pages, at 3 least --</p> <p>4 A. Well, again, here you've got, like, the 5 Katz --</p> <p>6 Q. Sir, don't -- don't interrupt me. Sir, my 7 question is, Is -- are the first three pages --</p> <p>8 A. Well, don't ask me a question and then say 9 don't interrupt me. I was answering your question.</p> <p>10 Q. I wasn't done with my question, sir.</p> <p>11 A. Okay.</p> <p>12 Q. The first three pages, are those words that 13 you authored and posted on SteynOnline?</p> <p>14 A. They appear to be, yes.</p> <p>15 Q. Thank you.</p> <p>16 A. I don't quite get this, because you're not 17 asking me any --</p> <p>18 Q. There's no question pending. 19 Let's go to Exhibit 17, please.</p> <p>20 A. Well -- well, I'd like to get on the record --</p> <p>21 Q. Right here.</p> <p>22 A. -- that you're -- that you're asking me to -- 23 you appear to be just asking me to authenticate 24 exhibits, and I'm not authenticating exhibits because, 25 as I said, they're composite and erratic.</p> <p style="text-align: right;">Page 66</p>	<p>1 are not authenticatable.</p> <p>2 Q. Your counsel's perfectly capable of objecting 3 for you.</p> <p>4 Let's take a look at the first four pages.</p> <p>5 Are these words that you authored and caused to be 6 posted to SteynOnline?</p> <p>7 A. I don't actually think I authored these, but 8 they are words that I authorized to be published at 9 SteynOnline.</p> <p>10 Q. Let's look at Exhibit 19, please.</p> <p>11 A. Ah, there's me with the Australian Prime 12 Minister. Happy days.</p> <p>13 Q. Are these first three pages a document that 14 you authored and caused to be posted online?</p> <p>15 A. Well, again, I'm declining to recognize this 16 as an exhibit or a document, but the first three pages 17 appear to be a weekly Se'nnight of Steyn review that I 18 authorized to be published every Sunday morning.</p> <p>19 Q. Very good. Let's look at Exhibit 20, please.</p> <p>20 MR. MURPHY: I do not have an Exhibit 20.</p> <p>21 MR. GEORGE: That's 21. 20 is this one, 22 Michael --</p> <p>23 MR. MURPHY: The term sheet.</p> <p>24 MR. GEORGE: -- that we marked earlier.</p> <p>25 MR. MURPHY: Got it. Thank you.</p> <p style="text-align: right;">Page 68</p>
<p>1 MR. GEORGE: Move to strike.</p> <p>2 Q. Take a look at Exhibit 17, please.</p> <p>3 A. Again, you've got, like, the Katz --</p> <p>4 Q. There's no question pending.</p> <p>5 A. Well --</p> <p>6 Q. Sir, are the first three pages of Exhibit 17 a 7 document that you wrote and caused to be posted online?</p> <p>8 A. Well, I -- I appear to have written these 9 words, but I deny this is an exhibit because you've got 10 this Katz Cut-Out'n'Keep Guide stuck to the back of it. 11 You seem to have -- you've had it stuck to the last 12 three exhibits. I mean, this is amateur hour. That's 13 not admissible as an exhibit of anything. Why it's got 14 a sticker on it saying "Exhibit," I don't know how it 15 works here.</p> <p>16 Q. Let's go to Exhibit 18, please.</p> <p>17 A. You couldn't get it into -- into a Canadian 18 court like that.</p> <p>19 Q. Sir, take a look at Exhibit 18, please.</p> <p>20 A. Now, you see, you've got the Cut-Out'n'Keep 21 Guide stuck to the back of this as well.</p> <p>22 Q. There's no question pending. 23 Sir, are the first four pages --</p> <p>24 A. No, it's not -- it's not a question. I'm 25 objecting to being asked to authenticate things that</p> <p style="text-align: right;">Page 67</p>	<p>1 A. Well, do I have a copy of that? No. That's 2 Exhibit 21. I thought it was Exhibit 20.</p> <p>3 Q. 21 is what we're on.</p> <p>4 A. We're on 21.</p> <p>5 Q. Yes.</p> <p>6 A. So we're doing 21.</p> <p>7 Q. That's right.</p> <p>8 A. Okay.</p> <p>9 Q. Are the first two pages of Exhibit 21 a 10 document that you authored and caused to be posted 11 online?</p> <p>12 A. Yes. As I testified before, this seems to be 13 the September 20th version of our Cut-Out'n'Keep Guide. 14 Although -- although -- I'm trying to see what's 15 changed. Something must have changed. Oh, yeah. 16 Okay.</p> <p>17 Q. Let's go to Exhibit 22, please. Do you 18 recollect on or about November 6, 2018, conducting a 19 Clubland Q&A?</p> <p>20 A. Well, we do them every fortnight, more or 21 less. I couldn't tell you whether this was necessarily 22 the November 6 one or not. I don't --</p> <p>23 Q. Okay.</p> <p>24 A. -- specify -- break them out like that in my 25 mind.</p> <p style="text-align: right;">Page 69</p>

<p>1 Q. Let's take a look --</p> <p>2 A. The date on it appears to be November 27th,</p> <p>3 but --</p> <p>4 Q. I believe that's the date of the completion of</p> <p>5 the transcript.</p> <p>6 A. Okay.</p> <p>7 Q. My understanding is that this is November 6,</p> <p>8 but regardless --</p> <p>9 A. Well, it --</p> <p>10 Q. -- take a look --</p> <p>11 A. -- actually says -- at the top it says "That</p> <p>12 means it's Election Day in the United States," so I</p> <p>13 assume -- was Election Day November 6?</p> <p>14 MR. MURPHY: Um-hum.</p> <p>15 Q. Let's go to page 6, please. The very top</p> <p>16 entry, "I'm always interested because of." Is that an</p> <p>17 entry that you stated or wrote for purposes of Clubland</p> <p>18 Q&A?</p> <p>19 A. When -- when I said that you guys were always</p> <p>20 listening if I mentioned Cary Katz's name, "so I'm</p> <p>21 going to call him the Right Dishonorable Sir Scofflaw</p> <p>22 McDeadbeat," that's -- that's correct. This is an</p> <p>23 inaccurate transcript in that in Canadian style the</p> <p>24 "Right Dishonourable" should have initial caps on them,</p> <p>25 and "dishonorable" should be spelt with a U. So I</p> <p style="text-align: right;">Page 70</p>	<p>1 oh, yeah. Here's -- it is the November 22nd version of</p> <p>2 the Katz Cut-Out'n'Keep Guide, because it's got Judge</p> <p>3 Bransten's fine words to your co-counsel, "You know,</p> <p>4 you're trying to relitigate something that has passed,</p> <p>5 gone, finished," which we've added as a pull quote to</p> <p>6 the top of that piece because we find her words</p> <p>7 especially pertinent there.</p> <p>8 MR. GEORGE: Move to strike.</p> <p>9 Q. My question is, Let's take a look at Exhibit</p> <p>10 23. The first three pages of Exhibit 23, are they</p> <p>11 something that you authored and posted online?</p> <p>12 A. Yeah. I think I've confirmed that. I was</p> <p>13 just saying how much I like --</p> <p>14 Q. Okay.</p> <p>15 A. -- Judge Bransten's words.</p> <p>16 Q. Let's go to Exhibit 24. Are the first four</p> <p>17 pages of Exhibit 24 a document that you authored and</p> <p>18 posted online?</p> <p>19 A. Yes, they appear to be.</p> <p>20 Q. Exhibit 25. Is Exhibit 25 a true and correct</p> <p>21 copy of a document that you authored and posted online?</p> <p>22 A. Well, again, I'm slightly puzzled why there's</p> <p>23 inconsistent formatting, but these do appear to be my</p> <p>24 words.</p> <p>25 Q. Thank you. Other than the exhibits that we've</p> <p style="text-align: right;">Page 72</p>
<p>1 object on that, but it should have capital R and</p> <p>2 capital D, the Right Dishonourable Sir Scofflaw</p> <p>3 McDeadbeat.</p> <p>4 Q. And other than that --</p> <p>5 A. Cary Katz. That's my --</p> <p>6 Q. -- are these words that you spoke on or about</p> <p>7 November 6th for purposes of --</p> <p>8 A. Yes. I've called him the Right</p> <p>9 Dishonourable --</p> <p>10 Q. Let me just finish my question. -- for</p> <p>11 purposes of Clubland Q&A?</p> <p>12 Go ahead.</p> <p>13 A. What? What was the question? I've forgotten</p> <p>14 it now.</p> <p>15 Q. Are these words that you spoke for Clubland</p> <p>16 Q&A on or about November 6, 2018?</p> <p>17 A. Yes. I've called him the Right Dishonourable</p> <p>18 Sir Scofflaw McDeadbeat. I believe I've called him</p> <p>19 that both on the air and in one of our pleadings in</p> <p>20 the -- in the re-arbitration being arbitrated by</p> <p>21 whoever your client in that is.</p> <p>22 Q. Let's take a look at Exhibit 23, please. Are</p> <p>23 the first three pages of Exhibit 23 something that you</p> <p>24 authored and posted online?</p> <p>25 A. Well, this appears to be the November 22nd --</p> <p style="text-align: right;">Page 71</p>	<p>1 looked at today, are you aware of any other article</p> <p>2 that exists online or in print that contains any</p> <p>3 negative sentiment, any pejorative wording, about Cary</p> <p>4 Katz?</p> <p>5 MR. MURPHY: Objection. Vague and ambiguous.</p> <p>6 Are you talking about by Mark or by anybody?</p> <p>7 MR. GEORGE: By anybody.</p> <p>8 A. So you're asking whether I know of any other</p> <p>9 publication with any negative reference to Cary Katz of</p> <p>10 any kind anywhere.</p> <p>11 Q. That's right.</p> <p>12 A. In the world.</p> <p>13 Q. In the world, the known universe.</p> <p>14 A. Yeah. Poker -- poker -- the poker guys seem</p> <p>15 to -- what was that one thing, the poker -- the</p> <p>16 poker -- poker commentary, the poker Tweet where they</p> <p>17 said he was a "dick."</p> <p>18 Q. Okay.</p> <p>19 A. I take it that's generally a negative term in</p> <p>20 American English.</p> <p>21 Q. Anything else?</p> <p>22 A. Yeah. I've seen multiple -- I mentioned, you</p> <p>23 know, the Evil Blogger Lady's original post with --</p> <p>24 with Katz in her pussy hat. There's, you know, all</p> <p>25 kinds of negative things about him out there.</p> <p style="text-align: right;">Page 73</p>

<p>1 Q. Anybody else? Anything else?</p> <p>2 A. Yeah.</p> <p>3 MR. MURPHY: Well, calls for speculation. If</p> <p>4 you're asking if there is --</p> <p>5 MR. GEORGE: I'm asking about what he's aware</p> <p>6 of.</p> <p>7 Q. Is there anything else that you are aware of</p> <p>8 that would appear online or is in print that is</p> <p>9 negative in any fashion about Cary Katz?</p> <p>10 A. Well --</p> <p>11 Q. You've identified a poker comment.</p> <p>12 A. Yeah. The --</p> <p>13 MR. MURPHY: No. Misstates prior testimony.</p> <p>14 He said he's seen a lot, and he gave you an example,</p> <p>15 so --</p> <p>16 MR. GEORGE: Okay.</p> <p>17 MR. MURPHY: -- I want to make sure we're</p> <p>18 clear.</p> <p>19 Q. Is there anything you can identify other than</p> <p>20 what you've already testified to?</p> <p>21 A. Well, I -- again, I'm a little bit concerned</p> <p>22 about these terms, because negative, for example, is a</p> <p>23 coloring you put on it. For example, if one were to --</p> <p>24 a judicial notice of, say, Judge Bransten's</p> <p>25 confirmation of Judge Gordon's order is simply a notice</p> <p style="text-align: right;">Page 74</p>	<p>1 million people or whatever bollocks he was spouting the</p> <p>2 other day and for a man who is the second biggest</p> <p>3 political donor in Nevada, he has a deliberately low</p> <p>4 public profile that he has consciously chosen to keep</p> <p>5 artificially low by hiding behind others, and that's my</p> <p>6 answer on that.</p> <p>7 Q. Are you aware of any other articles that</p> <p>8 address Cary Katz other than ones that we have</p> <p>9 discussed today?</p> <p>10 A. Yes. I've answered that.</p> <p>11 Q. What? What are they?</p> <p>12 A. I've told -- I've given you a couple of</p> <p>13 examples of ones I recall. I've given examples of --</p> <p>14 for example, a report in the San Diego newspaper which</p> <p>15 dealt with College Loan Corporation being found guilty</p> <p>16 of breaching New York laws in its predatory lending</p> <p>17 practices in which Katz had some phony front -- classic</p> <p>18 Katz phony front operation that purports to be an</p> <p>19 industry watchdog provides some comment on that.</p> <p>20 There's all kinds of -- there's all kinds of things</p> <p>21 like that I've seen, yeah.</p> <p>22 Q. Anything else you can identify as you sit here</p> <p>23 today?</p> <p>24 A. No. I've -- I've given -- I've given you a</p> <p>25 random example of them. I've -- I've seen, for</p> <p style="text-align: right;">Page 76</p>
<p>1 of a judicial decision. You might regard it as</p> <p>2 negative in the same way that if a man is convicted of</p> <p>3 sex crimes and you link to the Vermont Superior Court</p> <p>4 docket, that might be cast as being negative of the</p> <p>5 convicted person, but it's -- that's a coloration</p> <p>6 you're putting on it.</p> <p>7 Q. Can you answer my question?</p> <p>8 A. I've just answered your question.</p> <p>9 Q. Do you have anything more to add?</p> <p>10 A. Well, why don't you ask it in a form that</p> <p>11 doesn't require me to assent to your coloration.</p> <p>12 Q. You started to answer it just fine beforehand.</p> <p>13 A. I don't know what you mean by that.</p> <p>14 Q. I think you do.</p> <p>15 Are you aware of anything that's been written</p> <p>16 at all about Cary Katz other than what we've addressed</p> <p>17 in the exhibits and what you just answered my prior</p> <p>18 question?</p> <p>19 A. Oh, yes. I've -- I've -- I have answered</p> <p>20 that, and I am aware of other things. I'm also aware</p> <p>21 that by conscious choice your scumbag of a client hides</p> <p>22 behind false fronts, including in this most recent</p> <p>23 merger of his, so that Katz's complete strategy has</p> <p>24 been, in effect, to remove himself from general</p> <p>25 coverage. For a man who claims his network reaches 165</p> <p style="text-align: right;">Page 75</p>	<p>1 example, pieces in Mother Jones, I believe it was, the</p> <p>2 left-wing magazine, about this racket of his where he</p> <p>3 set up this so-called -- again, a classic American</p> <p>4 scam, alas, where he sets up some baloney so-called</p> <p>5 pseudo charity nonprofit thing, Stop Child Predators,</p> <p>6 and as Mother Jones, I believe it was -- although I</p> <p>7 wouldn't swear to that, but some publication examined</p> <p>8 that in fact part of their proposals were to get --</p> <p>9 were to send pedos to college on the grounds that</p> <p>10 having -- having a pedophile population with college</p> <p>11 degrees would somehow benefit the United States, and so</p> <p>12 I've read -- you know, I've read -- almost every one of</p> <p>13 his activities that he engages in I've read negative</p> <p>14 things about, what you would call -- what you would</p> <p>15 color as negative, I suppose.</p> <p>16 Q. Anything else other than what you've testified</p> <p>17 to --</p> <p>18 A. We --</p> <p>19 Q. Please let me finish. Is there anything else</p> <p>20 other than what you've testified to that you can</p> <p>21 identify as an article that's been published in print</p> <p>22 or online about Cary Katz?</p> <p>23 A. Well, I've given you some typical examples</p> <p>24 from his predatory college loan activities to his</p> <p>25 college-degrees-for-pedos scam to people calling him a</p> <p style="text-align: right;">Page 77</p>

<p>1 dick at poker to the wife of an eminent jurist stating 2 that -- that CRTV can't be trusted because of this 3 activity. I mean, I've given you a random selection of 4 things I recall.</p> <p>5 Q. Are you aware of any instance in which Cary 6 Katz wrote any article for publication in print or 7 online?</p> <p>8 A. I have no evidence that Cary Katz can write or 9 read, frankly.</p> <p>10 MR. GEORGE: Move to strike.</p> <p>11 Q. Are you aware of any instance in which Cary 12 Katz wrote any article for publication in print or 13 online?</p> <p>14 A. Are you asking me whether I've read anything 15 by Cary Katz?</p> <p>16 Q. Let's start with that.</p> <p>17 A. I can't -- I can't recall ever reading 18 anything by -- you mean -- by "published" do you 19 mean -- oh, I tell you what. I have -- before he -- he 20 took himself off -- he made himself concealed on 21 Twitter, I did -- I do believe I read -- looked at his 22 Twitter feed at one point.</p> <p>23 Q. Do you remember anything on it?</p> <p>24 A. I don't remember anything on it, no.</p> <p>25 Q. In the arbitration proceedings that you've</p> <p style="text-align: right;">Page 78</p>	<p>1 A. Well, we -- Mark Steyn, Mark Steyn 2 Enterprises, and Oak Hill Media counterclaimed -- I 3 believe that is the word. Forgive me if it's not. 4 It's all this rubbish designations you have here. It's 5 very hard to keep track of. But we counterclaimed 6 against both Cary Katz and -- and CRTV.</p> <p>7 Q. Was any award or amount of money issued in 8 favor of you or Mark Steyn Enterprises against Cary 9 Katz individually?</p> <p>10 A. Well, again, I -- you -- you attempted to 11 argue this in your absurd response to Judge Gordon's 12 interim award where you asked for legal fees because 13 Cary Katz was a prevailing party, and Judge Gordon, 14 bless her, explained in words a third grader could 15 understand that Cary Katz wasn't a prevailing party and 16 that he didn't prevail, and I stand -- I'm not a lawyer 17 and I'm not a judge, so I'll stand on the words Judge 18 Gordon put in her decision. It is what it is. Judge 19 Bransten says that with respect to Cary Katz it is what 20 it is, and "you're trying to relitigate something that 21 has passed, gone, finished," as she said to your 22 co-counsel.</p> <p>23 MR. GEORGE: Move to strike.</p> <p>24 Q. Try to focus on my question. Sir --</p> <p>25 A. I focused on your question.</p> <p style="text-align: right;">Page 80</p>
<p>1 been discussing, are you aware of whether an award was 2 entered against Cary Katz individually?</p> <p>3 A. Which arbitration? You're talking -- are you 4 talking about the first -- the original arbitration or 5 the re-arbitration?</p> <p>6 Q. How many arbitration awards are you aware of?</p> <p>7 A. Well, we had -- an award was made in -- in 8 favor of Mark Steyn, Mark Steyn Enterprises, and Oak 9 Hill Media, and that was the only award made.</p> <p>10 Q. Yes. Now, in that arbitration proceeding, was 11 any award made against Cary Katz?</p> <p>12 A. Again, you're just using just total bollocks 13 now. You don't make awards against people. You make 14 awards in favor of, and if you read Judge Gordon's 15 decision, you will find that she made an award. Again, 16 this goes back to what Judge Bransten was saying: 17 "You're trying to relitigate something that has passed, 18 gone, finished." There's no award for or against Cary 19 Katz in Judge Gordon's award.</p> <p>20 Q. Was relief sought against Cary Katz 21 individually in the arbitration?</p> <p>22 A. That's a legal term. I'm not sure. You're 23 going to have to explain that in layman's terms to me.</p> <p>24 Q. Did you seek any sort of award against Cary 25 Katz in the arbitration proceedings?</p> <p style="text-align: right;">Page 79</p>	<p>1 Q. Was there --</p> <p>2 A. And this is it. Judge Gordon's award is what 3 it says, and you are not going to get me to do award 4 interpretation, interpretive dance of Judge Gordon's 5 award, because the plain language of what it says about 6 Katz has been upheld by Judge Bransten.</p> <p>7 Q. Focus on my question.</p> <p>8 A. I've focused on your question, Counselor.</p> <p>9 Q. Do you need a break to calm down?</p> <p>10 A. No, I don't need a break to calm down.</p> <p>11 Q. Okay. Try --</p> <p>12 A. I'm happy being --</p> <p>13 Q. Try to focus on my question.</p> <p>14 A. No, no. I'm focusing on your question.</p> <p>15 MR. GEORGE: Counsel.</p> <p>16 A. I'm focusing on your question. I am not 17 here --</p> <p>18 Q. Let me ask the question.</p> <p>19 A. I do not presume, unlike you --</p> <p>20 Q. Let me ask the question.</p> <p>21 A. -- unlike you, to reinterpret Judge Gordon's 22 award from something it does not say.</p> <p>23 Q. You're going to drive our court reporter nuts. 24 Focus on my question, please, okay? Let's just take a 25 breath.</p> <p style="text-align: right;">Page 81</p>

<p>1 MR. MURPHY: Counsel, you don't need to 2 interlineate a witness. 3 MR. GEORGE: I think I do. 4 A. Oh, drop the condescension. You went nowhere 5 with this last time. 6 Q. Was as much as one -- was as much as one 7 dollar awarded against Cary Katz individually in the 8 arbitration? 9 A. Well, for a start, I -- the award is what it 10 says. I love that award. I love reading it. I love 11 the way Judge Gordon provides a clear narrative of what 12 your scumbag client and you did, and I am happy to 13 enter as evidence of my answer Judge Gordon's award. 14 If you wish me to do an interpretive dance divining 15 what you and Scheibe and Miss Stuart think is in that 16 award and which Judge Bransten has told you isn't in 17 that award, then you're wasting all our time. 18 Q. In your answer to my following question, can 19 you identify a single dollar or form of relief that was 20 entered against Cary Katz in the arbitration? 21 A. Well, for a start -- 22 Q. If you can answer yes or no, great. And if 23 you can't, please explain. 24 A. Please explain what? 25 Q. Any relief that you believe was actually</p> <p style="text-align: right;">Page 82</p>	<p>1 A. Actually, there are rather a lot of those. 2 Q. Can you identify anyone as you sit here today? 3 A. Well, I -- let me put it generally, because 4 one of the disturbing elements of this has been your 5 attempt at intimidation of witnesses, which, again, got 6 you nowhere in the last trial, but there are many 7 people who provided services for Katz whom he did not 8 pay. It's one reason he's a deadbeat. He's a 9 billionaire who steals from Vermont cleaning ladies. 10 Q. Are you aware of a single promissory note, 11 let's say, to which Cary Katz is a party that he has 12 not honored? 13 A. Now you're -- now you're just -- generally 14 speaking, a Vermont cleaning lady doing business with a 15 billionaire doesn't require a promissory note. 16 Q. Just focus on my question. Focus -- 17 A. These are -- these are half-witted questions. 18 Q. Separate question, sir. Focus on my question. 19 Are you aware of a single promissory note to which Cary 20 Katz is a party that he has not honored? 21 A. I'm -- I'm -- I can't recall myself ever 22 seeing a promissory note. I'm not sure I'd know a 23 promissory note if it fell on my head. 24 Q. Are you aware of anyone who personally works 25 for Cary Katz who was not timely paid?</p> <p style="text-align: right;">Page 84</p>
<p>1 entered against Cary Katz in the arbitration. 2 A. I stand on what Judge Gordon's award says 3 where she rebuked your preposterous colleagues from 4 arguing that Cary Katz is a prevailing party. Judge 5 Bransten rebuked your friend Jeffery Mitchell from 6 arguing that Katz is a prevailing party. You're not 7 going to get me to overrule Judge Gordon and Judge 8 Bransten. I'm not Lord Chief Justice of whatever 9 cockamamy jurisdiction you're running. 10 Q. Are you aware of whether any judgment was 11 entered against Cary Katz in relation to the 12 arbitration proceedings? 13 A. I don't believe I've actually read any 14 judgment. 15 Q. Specifically any judgment against Cary Katz? 16 A. I haven't read any judgment. It all took so 17 long, as it does in your sclerotic system, that I lost 18 interest in it. 19 Q. So is it fair to say you're not aware of any 20 judgment having been entered against Cary Katz? 21 A. I'm -- I'm not -- I'm not aware of the 22 judgment in that I have not read it. 23 Q. Outside of Mark Steyn or Mark Steyn 24 Enterprises, are you aware of anybody who claims that 25 Cary Katz owes money to them?</p> <p style="text-align: right;">Page 83</p>	<p>1 A. Yes. I've just -- I've just named people who 2 provided services for Katz -- 3 Q. Focus -- 4 A. -- who remain unpaid by him two years later. 5 Q. You're changing it to provided services for 6 Katz. Are you aware of anybody for whom Cary Katz was 7 the employer who was not paid? 8 A. Now, this is part of your thing Katz is not 9 CRTV and CRTV is not Katz. Katz made the decision not 10 to pay the Vermont cleaning lady. You can argue this 11 bullshit before a judge, Counselor. 12 Q. Okay. 13 A. But I'm not going to play these games, because 14 honorable men who own and control their companies do 15 not attempt to create false distinctions between the 16 actions they take when they're sitting in the office 17 from 9:00 to 5:00 and whether or not they pay their 18 golf caddy at 7 o'clock in the evening. 19 Q. Thank you. Your answer speaks for itself. 20 MR. GEORGE: Why don't we take a five-minute 21 break. 22 MR. MURPHY: Um-hum. 23 THE VIDEOGRAPHER: Going off the record at 24 11:52. 25 (A recess was taken.)</p> <p style="text-align: right;">Page 85</p>

<p>1 (Deposition Exhibit Nos. 26-27 2 were marked for identification.) 3 THE VIDEOGRAPHER: Back on the record at 4 12:05. 5 BY MR. GEORGE: 6 Q. Exhibit 26 should be right there. Is this a 7 true and correct copy of an article that you authored 8 and posted online? 9 A. Yeah. This appears to be one taken somewhere 10 between 15 and one minute before we go live at 4:00 PM 11 North American Eastern Time on Tuesday, May the 1st. 12 Q. And the next document. Take a look with me, 13 please, at -- it should be about the second or third to 14 last page. Okay. I've got it here. Second to last 15 page. Is this your signature? 16 A. Yes, it is. Or a very good forgery if not. 17 Q. Well, take a quick look at the document that 18 precedes it. Did you review this document prior to 19 executing this verification? 20 A. Yes, I did. And I believe I executed it at 21 Grafton County, New Hampshire. 22 Q. Very good. Are you aware with respect to Cary 23 Katz whether at any point in time he's been arrested? 24 A. I'm not aware. 25 Q. Are you aware of whether he's been indicted?</p> <p style="text-align: right;">Page 86</p>	<p>1 ran into Mr. Katz? 2 A. We were at a -- an uplink studio live on the 3 Tucker Carlson Tonight show on Fox, so I was live on 4 the telly, which -- what time zone is Nevada in? 5 Q. Pacific. 6 A. Pacific. So I was live on telly between 8:00 7 and 9:00 PM Eastern, so that would be between 5:00 and 8 6:00 PM Pacific Time, at this cutout studio, which is 9 on Dean Martin Drive, I believe, which doesn't look 10 anything like a boulevard bearing that name should 11 look, and we left the cutout studio, the uplink studio, 12 and we were on our way back to the hotel, at which 13 point I believe it was Ms. Howes suggested to our 14 driver that if he could take us by the ARIA Hotel, 15 where I believe the scofflaw deadbeat criminal 16 plaintiff maintains his PokerGO? Is that the correct 17 name? PokerGO? PokerGO Studio? Poker Central? 18 Whatever it is. PokerGO? Whichever one it is. 19 The driver pulled up there and we got out to 20 take a look at the -- the PokerGO setup, and there was 21 a rather interesting sign saying "Grand" -- words to 22 the effect of "Grand Opening Tonight." 23 Q. Okay. And then you proceeded to enter? 24 A. No. We didn't enter, actually. We never went 25 inside. They had its -- they had that sort of Vegas</p> <p style="text-align: right;">Page 88</p>
<p>1 A. I'm not aware of whether he's been -- 2 Q. Are you aware of whether he's ever been 3 charged by law enforcement with the commission of a 4 crime? 5 A. I don't know whether he's been charged with 6 commission of a crime or not. 7 Q. Now, you and Ms. Howes went to Las Vegas in 8 the middle of May 2018, correct? 9 A. I don't remember whether it was the middle of 10 May. Do you know the date specifically? It was 11 certainly around that time. 12 Q. My understanding is May -- 13 A. I believe he filed the self-suing thing the 14 day after Judge Bransten's confirmation of the award, 15 which was April 19th, so the self-serving stunt was 16 filed in Nevada on April the 20th, was it, and we 17 certainly went to Nevada -- Nevada in the weeks 18 thereafter. 19 Can I withdraw my pronunciation of Nevada? 20 Q. Yes. Glad to let you do that. 21 A. Thank you. So stipulated. 22 Q. And did you intend to meet with Mr. Katz in 23 person on that date? 24 A. No, we did not. 25 Q. How did it come about that you and Ms. Howes</p> <p style="text-align: right;">Page 87</p>	<p>1 thing where there's, like, heavies on the door and that 2 sort of thing, so we walked out -- we walked -- if 3 you're interested in telling this, I'm happy to 4 chitchat about it. 5 It was -- we were perambulating outside. I 6 believe Ms. Howes took a photograph of me on her mobile 7 telephone by the whatever it is, PokerGO, Poker Central 8 grand opening, and we strolled along the exterior of 9 the building, and at -- as we were strolling back, I 10 believe Melissa nudged me and said, Hey, look, it's 11 Katz. And we were some yards distant from him, and I 12 called out, Hey, Cary. And he turned around and he 13 sort of peered and recognized it was me, because as I 14 said, we were some yards' distance, and then he came 15 and we had a good old chin wag for some considerable 16 time such that our driver had to call back to his 17 office and explain that we were still having a good old 18 chin wag with this guy on the pavement outside the 19 PokerGO Studio. 20 Q. So it was not your intention as you came to 21 the ARIA -- 22 A. No. 23 Q. -- to try to find Cary Katz? 24 A. No. 25 Q. Had you contemplated that he might be present?</p> <p style="text-align: right;">Page 89</p>

<p>1 A. No. I had no idea it was his so-called grand 2 opening. Didn't seem that grand, but then, you know, 3 I'm like a Broadway and West End guy, so, you know -- 4 and -- so I had no idea that was happening, and we -- 5 and I just called out, Hey, Cary. He turned around and 6 came over. 7 Q. And you were served with a copy of the lawsuit 8 that brings us here today at that time, correct? 9 A. As we were chitty chatting, yeah, I was served 10 with a lawsuit. 11 Q. Do you remember the conversation that you had 12 with Cary Katz at that time? 13 A. I remember -- yeah, I remember it. 14 Q. Did you or Ms. Howes record any part of that 15 conversation? 16 A. I don't -- have no recording capacity, as far 17 as I'm aware, so I don't record. 18 Q. Do you know whether Ms. Howes did? 19 A. I do not. 20 Q. Do you know whether she attempted to? 21 A. I do not. 22 Q. Do you know if anybody else recorded it? 23 A. I do not. I'm not in the recording -- well, 24 I'm in the recording business, actually. That's not 25 true. But I'm usually in the studio. I'm not one of</p> <p style="text-align: right;">Page 90</p>	<p>1 wife -- it was like -- kind of like an original 2 arbitration reunion party. It was rather -- all we 3 needed was Paul Kullman to come and give a perjurious 4 reunion speech and the whole thing would have been 5 complete. 6 Q. Okay. Let's take a short break. I may not -- 7 A. We just had a short break. 8 Q. I think you're going to appreciate this one. 9 A. Really? 10 Q. I may have nothing more to ask, Mr. Steyn. I 11 may. But let me just go through my notes and we'll 12 see. If I do, it will be fairly short, and then what I 13 recommend is we take a lunch break and then proceed 14 with Ms. Howes if you're good for that. Okay? 15 A. Cool. 16 Q. All right. Thank you so much. 17 THE VIDEOGRAPHER: We're going off the record 18 at 12:16. 19 (A recess was taken.) 20 THE VIDEOGRAPHER: We're back on the record at 21 12:25. 22 MR. GEORGE: No further questions. 23 Counsel, I take it you don't want to ask 24 anything? 25 MR. MURPHY: No.</p> <p style="text-align: right;">Page 92</p>
<p>1 these people who takes pictures with mobile phones or 2 anything, so I wouldn't know about that. 3 Q. Do you remember using the word "defamation" in 4 the course of your conversation with Mr. Katz? 5 A. Well, I believe he used the word "defamation." 6 He -- he was very upset about -- he appeared to be 7 upset about what he regarded as defamation. 8 Q. And did you respond to his comments using the 9 word "defamation" yourself? 10 A. I can't -- I can't recall that. I do recall 11 responding to an observation he made about being called 12 a deadbeat. 13 Q. Do you recollect stating to him the following 14 words: If you want the defamation to stop, it will 15 take a big wire transfer? 16 A. I don't -- I couldn't honestly say I do recall 17 saying that. 18 Q. You may have said it; you may not have; you 19 just don't recollect? 20 A. I don't -- it was a long -- we -- we spoke I 21 think for something like an hour and a half, was -- and 22 we had, like, fellows -- you know, that sleazy wingman 23 guy you hang out with, the Joe Kakaty guy who's got 24 "Wingman" on his card, that guy, he came up at one 25 point; Cary shooed him away. Mike Young and his</p> <p style="text-align: right;">Page 91</p>	<p>1 MR. GEORGE: Okay. Good. I've been surprised 2 before. 3 THE VIDEOGRAPHER: This concludes the 4 deposition, and we're going off the record at 12:25. 5 (The deposition concluded at 12:25 PM.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 93</p>

1 CERTIFICATE
2
3 I, Johanna Massé, RMR, CRR, Court Reporter and
4 Notary Public, do hereby certify that the foregoing
5 pages, numbered 5 through 93, inclusive, are a true and
6 accurate transcription of my stenographic notes of the
7 Deposition of Mark D.H. Steyn, who was first duly sworn
8 by me, taken before me on Tuesday, January 8, 2019,
9 commencing at 9:19 AM, in the matter of Cary Katz, an
10 individual v. Mark Steyn, an individual, et al., Civil
11 Action No. 2:18-cv-00997-JAD-GWF, as to which a
12 transcript was duly ordered. Review of the transcript
13 was not requested.
14 I further certify that I am neither attorney
15 nor counsel for, nor related to or employed by any of
16 the parties to the action in which this transcript was
17 produced, and further that I am not a relative or
18 employee of any attorney or counsel employed in this
19 case, nor am I financially interested in this action.
20 DATED: January 16, 2019
21
22 
23 JOHANNA MASSE, RMR, CRR
24
25 Comm. expires: 1/31/21

Shanna Massé, RMR, CRR, Court Reporter and Public, do hereby certify that the foregoing numbered 5 through 93, inclusive, are a true and transcription of my stenographic notes of the deposition of Mark D.H. Steyn, who was first duly sworn and taken before me on Tuesday, January 8, 2019, beginning at 9:19 AM, in the matter of Cary Katz, an individual v. Mark Steyn, an individual, et al., Civil Case No. 2:18-cv-00997-JAD-GWF, as to which a subpoena was duly ordered. Review of the transcript is requested.

I further certify that I am neither attorney
counsel for, nor related to or employed by any of
the parties to the action in which this transcript was
produced, and further that I am not a relative or
employee of any attorney or counsel employed in this
action. I am financially interested in this action.

ATED: January 16, 2019

Johna Masse

JOHANNA MASSE, RMR, CRR

Comm. expires: 1/31/21

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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