

1 Rick Richmond (SBN 194962)
 rrichmond@larsonllp.com
 2 Matthew S. Manacek (SBN 312834)
 mmanacek@larsonllp.com
 3 Timothy C. Tanner (SBN 318081)
 ttanner@larsonllp.com
 4 Troy S. Tessem (SBN 329967)
 ttessem@larsonllp.com
 5 **LARSON LLP**
 555 South Flower Street, Suite 4400
 6 Los Angeles, California 90071
 Telephone:(213) 436-4888
 7 Facsimile: (213) 623-2000

8 Attorneys for Defendant
 THE CHURCH OF JESUS CHRIST
 9 OF LATTER-DAY SAINTS

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
 12

13 JAMES HUNTSMAN,
 14 Plaintiff,
 15 vs.
 16 CORPORATION OF THE
 17 PRESIDENT OF THE CHURCH OF
 JESUS CHRIST OF LATTER-DAY
 18 SAINTS; and Does 1-10,
 19 Defendants.

Case No. 2:21-cv-02504 SVW (SK)
 Assigned to the Hon. Stephen V. Wilson,
 Ctrm. 10A

**DECLARATION OF RICK
 RICHMOND IN SUPPORT OF
 DEFENDANT’S MOTION FOR
 SUMMARY JUDGMENT**

[Filed concurrently with Motion for
 Summary Judgment; Separate
 Statement; Declaration of Paul Rytting;
 (Proposed) Order; and (Proposed)
 Judgment)]

Date: August 30, 2021
 Time: 1:30 p.m.
 Ctrm.: 10A

Trial Date: None Set

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DECLARATION OF RICK RICHMOND

I, Rick Richmond declare and state as follows:

1. I am a partner with Larson LLP, attorneys of record for THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Defendant’s Motion for Summary Judgment.

2. On July 16, 2021, I took the deposition of Plaintiff James Huntsman. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of Huntsman’s deposition, plus the Errata Sheet signed by Mr. Huntsman on July 28, 2021.

3. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff’s Initial Disclosures, dated June 23, 2021. As set forth in his Initial Disclosures, Plaintiff seeks to obtain discovery

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of August, 2021, at Los Angeles, California.

/s/ Rick Richmond
RICK RICHMOND

EXHIBIT A

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES HUNTSMAN,)
)
 Plaintiff,)
)
 vs.) Case No.
) 2:21-cv-02504
 CORPORATION OF THE PRESIDENT) SVW (SKx)
 OF THE CHURCH OF JESUS CHRIST)
 OF LATTER-DAY SAINTS; and)
 DOES 1-10,)
)
 Defendants.)

VIDEO-RECORDED DEPOSITION OF JAMES H. HUNTSMAN
VIA REMOTE COUNSEL
Buffalo, New York
Friday, July 16, 2021
Volume I

Reported by:
LORI SCINTA, RPR
CSR No. 4811
Job No. 4700665

PAGES 1 - 280

1 A Yes.

2 Q And at some point in time your father
3 assumed complete control of the company; is that
4 correct?

5 A Yes. 08:17:42

6 Q As you were growing up in Salt Lake City,
7 you and your family were members of the Church,
8 correct?

9 A Yes.

10 Q Your family would have been considered a 08:17:57
11 devout family in the Church, I take it?

12 MR. JONELIS: Objection. Calls for
13 speculation and lacks foundation.

14 You can answer, James.

15 THE WITNESS: Yes. 08:18:12

16 BY MR. RICHMOND:

17 Q As an adult, in fact, you considered
18 yourself to be one of the Church's most devout
19 members. Am I right?

20 A Yes. 08:18:23

21 Q As a boy growing up, you prayed together as
22 a family in your home, I suppose?

23 MR. JONELIS: Objection. Calls for
24 speculation, lacks foundation, and irrelevant.

25 You can answer. 08:18:41

1 Q And you know what I'm talking about when I
2 say "seminary," right?

3 A Yes.

4 Q Seminary is a religious class that high
5 school students go to, generally speaking, every day 08:20:50
6 school is in session, right?

7 A Yes.

8 Q Did you attend seminary when you were a
9 teenager?

10 A Sporadically. 08:21:01

11 Q Was your seminary held in a building close
12 to the high schools that you attended?

13 A Not all the time.

14 Q While you were growing up, your father
15 served in various leadership positions in the 08:21:23
16 Church, correct?

17 A Yes, he did.

18 Q As a boy and as a teenager, you learned
19 about tithing, correct?

20 A Yes. 08:21:34

21 Q You learned about tithing from meetings you
22 attended at Church, correct?

23 A Yes.

24 Q You learned about tithing from your parents
25 to some degree. Am I right? 08:21:49

1 A Yes.

2 Q You understood as a boy and a teenager that
3 tithing is a commandment of God or at least that's
4 how it was taught, correct?

5 A Correct -- 08:22:00

6 MR. JONELIS: Objection, compound.

7 Sorry, James.

8 BY MR. RICHMOND:

9 Q You understood that tithing meant a tenth,
10 right? 08:22:06

11 A Yes.

12 Q You were aware as a boy and a teenager that
13 the principle of tithing had its origins in the
14 Bible, correct?

15 A Yes. 08:22:22

16 Q Do you remember learning the story of
17 Abraham paying tithing to the great High Priest
18 Melchizedek?

19 A I do recall that.

20 Q Do you remember that Melchizedek gave 08:22:40
21 Abraham a blessing from God for making his tithing
22 contribution?

23 A I do remember that reference.

24 Q Did you ever wonder what the Priest
25 Melchizedek actually did with the tithing money or 08:22:57

1 bishop of your congregation once toward the end of
2 each year to participate in a tithing settlement?

3 MR. JONELIS: Objection. Vague and
4 ambiguous.

5 You can answer. 08:24:26

6 THE WITNESS: Can you -- can you restate
7 the question? It's a very broad --

8 BY MR. RICHMOND:

9 Q Sure.

10 A -- period of time. 08:24:35

11 Q Sure.

12 If I say the term "tithing settlement," you
13 know what I'm talking about, don't you?

14 A I know exactly what that is.

15 Q And that's a meeting toward the end of each 08:24:42
16 year where a person comes in and talks to the bishop
17 of the congregation to settle up the tithing
18 account, correct? .

19 A Yes. I'm aware of the meetings.

20 Q Did you participate in tithing settlements 08:24:58
21 as a boy and as a teenager, to your memory?

22 A I don't recall.

23 Q Did you participate in tithing settlements
24 as an adult?

25 A Once. 08:25:09

1 had made to the Church headquarters in Salt Lake
2 City?

3 MR. JONELIS: Calls for speculation, vague
4 and ambiguous, lacks foundation.

5 You can answer. 08:26:27

6 THE WITNESS: Yes.

7 BY MR. RICHMOND:

8 Q When you were a teenager living in Utah,
9 you were aware of the department chain in Salt Lake
10 City called ZCMI, correct? 08:26:38

11 A Yes.

12 Q One of the biggest shopping malls in Salt
13 Lake City when you were growing up was called the
14 ZCMI Center Mall, right?

15 A Yes. 08:26:52

16 Q As a teenager, you went to the ZCMI Center
17 Mall, didn't you?

18 A Yes.

19 Q Would you agree that the ZCMI Center Mall
20 along with the Crossroads Mall was the biggest mall 08:27:08
21 in Salt Lake City when you were a teenager?

22 MR. JONELIS: Objection. Compound, calls
23 for speculation.

24 You can answer.

25 THE WITNESS: No. 08:27:18

1 Q Was there some point in your life when you
2 realized that ZCMI was owned by the Church?

3 MR. JONELIS: Same objections.

4 You can answer.

5 THE WITNESS: Yes. 08:28:37

6 BY MR. RICHMOND:

7 Q When you were a teenager, were you aware of
8 the Deseret Gym?

9 A Yes.

10 Q You knew that Deseret Gym was a popular gym 08:28:48
11 in downtown Salt Lake City, correct?

12 A Yes.

13 Q You knew Deseret Gym was owned by the
14 Church. Am I right?

15 A I don't recall. 08:29:04

16 Q At some point, you learned that Deseret Gym
17 was owned by the Church. Am I right?

18 A Yes.

19 Q When you were a teenager, you were aware of
20 the Hotel Utah, weren't you? 08:29:16

21 A Yes.

22 Q When you were a teenager, the Hotel Utah
23 was a well-known hotel in downtown Salt Lake City,
24 correct?

25 MR. JONELIS: Calls for speculation, vague 08:29:29

1 and ambiguous.

2 You can answer.

3 THE WITNESS: What was the question?

4 BY MR. RICHMOND:

5 Q You knew that the Hotel Utah was a 08:29:35
6 well-known hotel in downtown Salt Lake City when you
7 were a teenager, correct?

8 MR. JONELIS: Same objections.

9 THE WITNESS: Yes.

10 BY MR. RICHMOND: 08:29:44

11 Q You learned at some point that the
12 Hotel Utah was owned by the Church, correct?

13 A Yes.

14 Q When you were a teenager, you were aware of
15 a chain of bookstores called Deseret Book, right? 08:29:58

16 A Yes.

17 Q Deseret Book published books and other
18 materials written by a variety of authors, correct?

19 A Yes.

20 Q You knew at some point that Deseret Book 08:30:14
21 was owned by the Church, correct?

22 A Yes.

23 Q When you were a teenager, there were two
24 major newspapers in Salt Lake City, weren't there?

25 A Yes. 08:30:31

1 Q One of those newspapers was called the
2 Deseret News. Am I right?

3 A Yes.

4 Q And, at some point, you learned that the
5 Deseret News was owned by the Church, correct? 08:30:42

6 A Yes.

7 Q Would it be fair to say that at least by
8 your 20s and 30s, you knew that the Church owned
9 several commercial ventures including a department
10 store chain, a large shopping mall, a hotel, a 08:31:04
11 downtown gym, a bookstore chain and a major
12 newspaper?

13 A I don't have specifics on this -- the
14 particular assets that the Church had in its
15 portfolio. 08:31:21

16 Q Of those items that we've already covered,
17 how old were you, would you say, when you realized
18 those were owned by the Church?

19 MR. JONELIS: Lacks foundation, calls for
20 speculation. 08:31:36

21 THE WITNESS: I don't recall.

22 BY MR. RICHMOND:

23 Q Have you ever wondered where the money came
24 from that allowed the Church to start and fund the
25 various commercial enterprises I've just discussed 08:31:50

1 with you?

2 MR. JONELIS: Same objections.

3 THE WITNESS: Yes.

4 BY MR. RICHMOND:

5 Q Did you ever ask any Church leaders where 08:32:01
6 that money came from?

7 A No.

8 Q As a teenager and young adult, did you ever
9 wonder about how the Church's leaders were spending
10 and investing your tithing contributions? 08:32:20

11 MR. JONELIS: Compound, vague and
12 ambiguous, and lacks foundation.

13 You can answer.

14 THE WITNESS: Can you repeat the question,
15 please. 08:32:33

16 BY MR. RICHMOND:

17 Q Sure.

18 As a teenager and young adult, did you ever
19 wonder about how the Church leaders were spending
20 and investing your tithing contributions? 08:32:41

21 MR. JONELIS: Same objections.

22 THE WITNESS: Can you define "young adult"?

23 BY MR. RICHMOND:

24 Q Well, let me just ask it differently.

25 In your 20s and 30s, did you ever wonder 08:32:51

1 about how the Church's highest lead- -- I'm sorry.

2 I'll ask it differently.

3 In your 20s and 30s, did you ever wonder
4 how the Church leaders were spending and investing
5 your tithing contributions? 08:33:05

6 A Yes.

7 Q Did you ever ask any Church leaders how
8 your tithing contributions were being spent and
9 invested?

10 A No. 08:33:18

11 Q Is there a reason why you did not ask?

12 A Yes.

13 Q What was that reason?

14 A Because the answer at the time was provided
15 in Church manuals, priesthood manuals, General 08:33:35
16 Conference, Church magazines, and Sunday school.

17 So there's no need to ask the question.

18 Q After high school, you decided to serve a
19 two-year mission for the Church, correct?

20 A Yes. 08:33:56

21 Q In early 1990, you had the Melchizedek
22 priesthood conferred on you before your missionary
23 service began, correct?

24 A Yes.

25 Q Was the Melchizedek priesthood conferred on 08:34:09

1 you by your father?

2 A Yes.

3 Q Your father ordained you to the office of
4 an elder in the Church, correct?

5 A Yes. 08:34:20

6 Q You submitted your papers and received a
7 call to serve in Germany as a missionary, correct?

8 A Yes.

9 Q In early 1990, you spend several weeks in
10 Provo, Utah at the missionary training center,
11 correct? 08:34:35

12 A Yes.

13 Q While you were in the missionary training
14 center, you began the process of learning how to
15 speak, read and write German, correct? 08:34:48

16 A Yes.

17 Q While you were in the missionary training
18 center, you learned the six missionary lessons that
19 would be used to teach people who were learning
20 about the Church when you were a missionary,
21 correct? 08:35:03

22 MR. JONELIS: Vague and ambiguous.

23 You can answer.

24 THE WITNESS: I did.

25 BY MR. RICHMOND: 08:35:11

1 THE WITNESS: I did.

2 BY MR. RICHMOND:

3 Q If you turn to the third page of Tab 4,
4 there was a page devoted to the "Law of Tithing." I
5 know it's super small text but I have typed it out 09:01:30
6 for myself. I can read it to you.

7 But do you see the heading, "The Law of
8 Tithing"?

9 A Yes.

10 Q Do you remember as a missionary teaching 09:01:38
11 people in Germany that tithing was a sacred law of
12 God?

13 A I do.

14 Q Do you remember teaching people in Germany
15 as a missionary that tithing meant one-tenth of our 09:01:54
16 income?

17 A I do.

18 Q Do you remember encouraging people who
19 decided they might want to become members of the
20 Church that they should plan to begin paying tithing 09:02:13
21 when they became a member of the Church?

22 A I did.

23 Q Do you remember teaching people in Germany
24 when you were a missionary that if they would pay
25 their tithing, God would open the windows of heaven 09:02:29

1 and pour out on them a blessing that there shall not
2 be room enough to receive it?

3 A That was the text in the document, yes.

4 Q And do you remember that that particular
5 teaching, that is, that the windows of heaven would 09:02:47
6 be opened and a blessing would be poured out, that
7 comes from the Book of Malachi in the Old Testament?

8 Do you remember that?

9 MR. JONELIS: Lacks foundation, assumes
10 facts not in evidence. 09:03:03

11 You can answer.

12 THE WITNESS: I'm aware of that scripture.

13 BY MR. RICHMOND:

14 Q After you completed your two-year mission
15 in Germany, you returned to Utah in early 1992; is 09:03:10
16 that correct?

17 A Yes.

18 Q And very shortly thereafter, you began
19 working for your father's company while you were in
20 Utah, correct? 09:03:24

21 A Continued working.

22 Q You had worked there before your mission,
23 also, I take it.

24 A Correct.

25 Q So when you returned from your mission, you 09:03:35

1 request that I received as I understood it was to
2 provide records of the tithings at issue in the
3 complaint filed by my client which pursuant to the
4 complaint start in 2003, is when the alleged fraud
5 begins, until there was no more tithing donations. 09:10:54
6 So those are the records that were provided.

7 So just to be clear as to whether there's
8 other records that, Rick, you may have or that my
9 client may have, the scope of what was provided was
10 within the purview of the time frame in the 09:11:12
11 complaint. That's why that was provided.

12 BY MR. RICHMOND:

13 Q Mr. Huntsman, did you pay tithing from 1993
14 to 2005, to your best memory or understanding?

15 A Yes. 09:11:28

16 Q Beginning in 2005, as a public company, the
17 Huntsman Corporation was required to make public
18 disclosures about the compensation of Huntsman
19 family members, correct?

20 A Yes. 09:11:49

21 Q And those public disclosures by the
22 Huntsman Corporation about the compensation of
23 Huntsman family members were made in filings to the
24 Securities and Exchange Commission, to your
25 understanding? 09:12:02

1 a variety of subjects, correct?

2 A I did.

3 Q Did you pay any tithing to the Church in
4 2002, to your memory?

5 MR. JONELIS: Asked and answered. 09:22:15

6 You can answer.

7 THE WITNESS: I believe yes.

8 BY MR. RICHMOND:

9 Q You believe you paid other kinds of
10 contributions to the Church in 2002? 09:22:23

11 MR. JONELIS: Vague and ambiguous.

12 You can answer.

13 THE WITNESS: I need to check my specific
14 documents, tax returns and donations for that year,
15 to give you an exact amount of what was given to the 09:22:35
16 Church in what specific areas.

17 BY MR. RICHMOND:

18 Q So just to set the stage for the rest of
19 the deposition, there are different categories of
20 contributions I want to ask you questions about with 09:22:50
21 respect to the Church.

22 So one kind of contribution to the Church
23 is generally known as tithing, correct?

24 A That's correct.

25 Q And we've discussed that one already. 09:23:01

1 Q And that's you and your wife, correct?

2 A That is correct.

3 Q That 500 Huntsman Way in Salt Lake City is
4 the Huntsman Corporation headquarters address,
5 correct? 09:28:22

6 A That is correct.

7 Q Did your wife, Marianne, work outside of
8 the home in 2003?

9 MR. JONELIS: Vague and ambiguous.

10 You can answer. 09:28:39

11 THE WITNESS: She did not.

12 BY MR. RICHMOND:

13 Q Did your wife, Marianne, work outside of
14 the home at any time from 2003 to 2020?

15 A She did not. 09:28:50

16 Q Did your wife, Marianne, receive any income
17 herself apart from your income from any source
18 between 2003 and 2020?

19 A She did not.

20 Q From 2003 to 2020, did you or your wife, 09:29:12
21 Marianne, ever make any tithing or other
22 contributions to the Church through a family
23 foundation, an LLC, or other entities that you
24 remember?

25 MR. JONELIS: Compound, vague and 09:29:27

1 ambiguous.

2 You can answer.

3 THE WITNESS: Yes.

4 BY MR. RICHMOND:

5 Q What were those other entities? 09:29:40

6 A The family LLC that my wife and I owned.

7 Q So some of your contributions came from
8 that LLC between 2003 and 2020?

9 A I believe so.

10 Q What is the name of that LLC? 09:30:01

11 A Brownie Capital.

12 Q Are there any other entities that would
13 have been the vehicle to make contributions to the
14 Church for your wife or yourself other than
15 Brownie Capital? 09:30:23

16 A Not that I'm aware of.

17 Q Going back to Tab 7 -- I will have this
18 marked in a moment -- but just looking at the first
19 page of 2000- -- I'm sorry. I'll say it
20 differently, Mr. Huntsman. 09:30:41

21 Looking at the first page of Tab 7 for the
22 year 2003, it shows a contribution for you and your
23 wife of \$50,000 in cash.

24 Do you see that?

25 A I do. 09:30:53

1 Q When you made this \$50,000 cash
2 contribution to the Church, the donation was
3 voluntary.

4 Am I correct?

5 A It was. 09:31:07

6 Q In 2003 when you made your \$50,000 cash
7 contribution to the Church, you attached no strings
8 to the contribution and placed no restrictions on
9 it, correct?

10 MR. JONELIS: Compound, vague and 09:31:20
11 ambiguous.

12 You can answer.

13 THE WITNESS: I didn't need to.

14 BY MR. RICHMOND:

15 Q So the answer to my question is -- let me 09:31:27
16 ask it again.

17 In 2003 when you made your \$50,000 cash
18 contribution to the Church, you attached no strings
19 to the contribution, correct?

20 MR. JONELIS: Vague and ambiguous, 09:31:40
21 argumentative.

22 You can answer.

23 And lacks foundation. Sorry.

24 You can answer.

25 THE WITNESS: I did not. 09:31:50

1 BY MR. RICHMOND:

2 Q And in 2003 when you made your \$50,000 cash
3 contribution to the Church, you placed no
4 restrictions on how it would be used, correct?

5 MR. JONELIS: Vague and -- 09:32:02

6 THE WITNESS: I didn't --

7 MR. JONELIS: -- calls for speculation,
8 lacks foundation, and argumentative.

9 You can answer.

10 THE WITNESS: I didn't need to. 09:32:11

11 BY MR. RICHMOND:

12 Q Let me just ask it again, Mr. Huntsman. I
13 know you may have reasons that you'll be free to
14 explain in the litigation.

15 But in 2003 -- so here's my question -- in 09:32:21

16 2003 when you made your \$50,000 cash contribution to
17 the Church, did you place any restrictions on how
18 that contribution would be used?

19 MR. JONELIS: Vague and ambiguous, calls
20 for speculation, lacks foundation, argumentative. 09:32:37

21 You can answer, James.

22 THE WITNESS: I did not.

23 BY MR. RICHMOND:

24 Q All of your contributions to the Church
25 from 2003 to 2020 were voluntary contributions, 09:32:52

1 correct?

2 A I'm sorry. Those years are incorrect.

3 Q Okay. I understand what you're saying.

4 All of your contributions to the Church
5 from 2003 to 2015 were voluntary contributions, 09:33:11
6 correct?

7 A That is correct.

8 Q You did not attach -- I'm sorry. Let me
9 ask it differently.

10 You did not place any restrictions on how 09:33:25
11 your contributions would be used by the Church from
12 2003 to 2015, correct?

13 MR. JONELIS: Lacks foundation, vague and
14 ambiguous, assumes facts not in evidence, calls for
15 speculation and argumentative. 09:33:41

16 You can answer.

17 THE WITNESS: No.

18 BY MR. RICHMOND:

19 Q I'm sorry. Either I asked it wrong or you
20 answered wrong, so let me ask it again. 09:33:52

21 Did you place any restrictions on the
22 contributions you made to the Church between 2003
23 and 2015 in terms of how those contributions could
24 be used by the Church?

25 MR. JONELIS: Same objections. 09:34:10

1 You can answer.

2 THE WITNESS: No.

3 BY MR. RICHMOND:

4 Q In 1995, your father made a \$100 million
5 donation to the University of Utah. 09:34:21

6 Do you remember that?

7 MR. JONELIS: Lacks foundation.

8 You can answer.

9 THE WITNESS: I do. I don't have the exact
10 year of that donation -- (not understandable). 09:34:33

11 THE REPORTER: I'm sorry. What was the end
12 of the answer?

13 THE WITNESS: I don't have the exact year
14 of that donation.

15 BY MR. RICHMOND: 09:34:45

16 Q At some point in the mid-'90s, your father
17 donated \$100 million to the University of Utah to
18 build a world-class cancer institute, correct?

19 MR. JONELIS: Lacks foundation and calls
20 for speculation. 09:35:00

21 You can answer.

22 THE WITNESS: He did.

23 BY MR. RICHMOND:

24 Q And that donation was restricted in the
25 sense that the University of Utah could not use the 09:35:07

1 Q Well, I'll just take some general time
2 frames.

3 Between the time you were, say, two years
4 old and nine years old, you lived in Utah, correct?

5 A Correct. 09:47:46

6 Q And then you were in Washington, D.C. for
7 three years while your father served as a mission
8 president. And you came back when you were 12, and
9 you were there throughout your teenage years until
10 your mission, correct? 09:48:00

11 A That is correct.

12 Q And then after your mission, you came back
13 when you were 21 years old. And in 2003, you were
14 32 years old. So that time frame, as well, correct?

15 A No. 09:48:13

16 Q Did you live somewhere else as an adult
17 between age 21 and 32?

18 A I did.

19 Q Where was that?

20 A Texas. 09:48:24

21 Q How many years were you in Texas?

22 A Approximately 15 years.

23 Q In -- we're going to go back to what is
24 Tab 7, Mr. Huntsman. We were looking at that before
25 break. We had been looking at the first page, and I 09:48:47

1 now want to look at the second page.

2 Do you see that?

3 A I do.

4 Q And that is a letter from you and your wife

5 to a Lori P. Timothy at UBS PaineWebber, correct? 09:49:09

6 A Correct.

7 Q And the letter is signed by you and your

8 wife and dated late December 2003.

9 Do you see that at the bottom?

10 A Correct. 09:49:24

11 Q And this refers to the \$50,000 cash

12 contribution you made to the Church in 2003,

13 correct?

14 A I'm just looking for this specific date on

15 this document. Oh, there it is at the bottom. 09:49:43

16 Yep, 2003. Yes.

17 Q In 2003, you designated \$45,000 of your

18 \$50,000 contribution to be paid as a tithing to the

19 Church, correct?

20 A Yes, I did. 09:50:00

21 Q In 2003, you designated \$5,000 of your

22 \$50,000 contribution to be paid as fast offerings to

23 the Church, correct?

24 A That is correct.

25 Q In 2003, at that time, did you believe you 09:50:13

1 were obeying one of God's commandments by paying
2 tithing?

3 MR. JONELIS: Objection. Vague and
4 ambiguous, lacks foundation, argumentative.

5 THE WITNESS: I was. I did. 09:50:26

6 MR. JONELIS: I'm sorry, Rick. Did my -- I
7 got a notification on my screen. It says my --
8 (audio distortion) -- has changed.

9 I'm not doing anything. I'm just talking.
10 Can you hear me? 09:50:48

11 MR. RICHMOND: Yes.

12 MR. JONELIS: And it says, "Cannot start
13 video."

14 But you can hear me okay?

15 MR. RICHMOND: Yes, I can hear you 09:50:55

16 although, weirdly, it looks like your mute button --
17 oh, yeah. There you are.

18 MR. JONELIS: Strange. Okay. I apologize.
19 Just want to make sure I was heard.

20 MR. RICHMOND: That's okay. 09:51:06

21 Q In 2003, at that time when you paid your
22 tithing, did you believe you would receive blessings
23 from God?

24 MR. JONELIS: Same objections.

25 THE WITNESS: I did. 09:51:16

1 Q So let me --

2 A I don't know if -- I'm sorry. I still
3 don't know of you're referencing to a specific line
4 in the document, if you're quizzing me on certain
5 quotes given in 2003. 10:00:51

6 I don't mean to be argumentative. I just
7 want to be sure I answer the question correctly.

8 Q Got it. And I am just trying to figure out
9 whether you -- because I just want it to be clear.

10 So I'm trying to make sure so there's no 10:01:06
11 misunderstanding that it is your claim in this case
12 that Church leaders repeatedly assured Church
13 members and the general public that tithing funds
14 would not be used to fund any commercial profit
15 ventures. 10:01:25

16 Is that your claim in this case?

17 MR. JONELIS: The document speaks for
18 itself.

19 You can answer.

20 THE WITNESS: I think the claim is 10:01:41
21 specifically involving the City Creek Mall and
22 Beneficial Life.

23 Now, whether or not the Church had other
24 interests or investments at the time, I do not know.

25 They very well could have. I just don't know. 10:01:53

1 vague and ambiguous.

2 You can answer.

3 THE WITNESS: Yes.

4 BY MR. RICHMOND:

5 Q Did you watch the April conference in 2003? 10:03:03

6 A I don't recall.

7 Q Do you remember hearing President Hinckley
8 give any talk in April of 2003?

9 A My practice at the time was to read the
10 complete conference sessions in the Ensign Special 10:03:26
11 Edition, which was printed two months after
12 conference.

13 Q In mid-2003, did you, in fact, read
14 President Hinckley's talks from the April conference
15 of that year? 10:03:44

16 A I did.

17 Q And when you read President Hinckley's
18 discussion of City -- well, let me back up.

19 Did you read the talk in which President
20 Hinckley talked about City Creek? 10:03:59

21 A I did. I would have read all of
22 President Hinckley's addresses in 2003.

23 MR. RICHMOND: All right. Let's turn to
24 Tab 8.

25 Well, let me go back. Let's mark your 10:04:09

1 complaint as an exhibit. What are we up to? 3?

2 MR. JONELIS: 3.

3 MR. RICHMOND: We'll mark Tab 1 as
4 Exhibit 3.

5 (Exhibit 3 was marked for 10:04:19
6 identification by the court reporter
7 and is attached hereto.)

8 MR. RICHMOND: All right. Let's turn to
9 Tab 8.

10 Q Do you have that, Mr. Huntsman? 10:04:30

11 A I do.

12 Q And you see at the bottom this is taken
13 from the Church's website and it's from General
14 Conference 2003 for the meeting in the month of
15 April. 10:04:50

16 Do you see that?

17 A I do.

18 Q All right. This talk is given by Gordon B.
19 Hinckley, who was president of the Church in 2003.

20 Do you see that? 10:04:58

21 A I do.

22 Q All right. Now turn to the second page of
23 the talk and, about halfway down the page, there are
24 three paragraphs.

25 They say, "I call attention to that 10:05:12

1 which has received much notice in the
2 local press. This is our decision to
3 purchase the shopping mall property
4 immediately to the south of Temple
5 Square. 10:05:25

6 "We feel we have a compelling
7 responsibility to protect the
8 environment of the Salt Lake Temple.

9 The Church owns most of the ground on
10 which this mall stands. The owners of 10:05:35
11 the buildings have expressed a desire
12 to sell. The property needs very
13 extensive and expensive renovations.

14 We have felt it imperative to do
15 something to revitalize this area. 10:05:49

16 But I wish to give the entire Church
17 the assurance that tithing funds have
18 not and will not be used to acquire
19 this property. Nor will they be used
20 in developing it for commercial 10:05:59
21 purpose.

22 "Funds for this have come and will
23 come from those commercial entities
24 owned by the Church. These resources,
25 together with the earnings of invested 10:06:08

1 reserve funds, will accommodate this
2 program."

3 Do you see that language?

4 A I do see it.

5 Q Did you read that language in mid-2003? 10:06:18

6 A Yes, I did.

7 Q When you read that language, did you say
8 anything to anybody like, "Phew, I'm sure glad
9 President Hinckley confirmed that earnings on
10 reserve funds and funds from commercial ventures 10:06:35
11 will be used for City Creek and not tithing funds
12 themselves"?

13 MR. JONELIS: Vague and ambiguous,
14 compound, argumentative.

15 You can answer. 10:06:45

16 THE WITNESS: I don't recall.

17 BY MR. RICHMOND:

18 Q When you read that statement in mid-2003,
19 did you say, "Oh, good" -- to yourself, did you say,
20 "I'm so glad to know that. I guess I'll pay my 10:06:56
21 tithings this year"?

22 MR. JONELIS: Same objections.

23 THE WITNESS: I don't recall what I would
24 have said to myself in 2003.

25 BY MR. RICHMOND: 10:07:07

1 Q In 2003 when you read those words from
2 President Hinckley, did it have any effect on you at
3 all as to whether you were or were not going to pay
4 tithing that year?

5 MR. JONELIS: Vague and ambiguous, 10:07:19
6 compound.

7 You can answer.

8 THE WITNESS: It was a reassurance that
9 tithing would be used in the way that the Church
10 taught that it would be used. 10:07:34

11 BY MR. RICHMOND:

12 Q And, on that basis, you decided to pay your
13 tithing that year?

14 A It would have influenced my decision to pay
15 tithing. 10:07:45

16 Q Were there other -- you say, "It would
17 have."

18 Did it or did it not?

19 A It did.

20 MR. RICHMOND: Now, in -- let's go ahead 10:07:50
21 and mark that Tab 8 as Exhibit 4.

22 (Exhibit 4 was marked for
23 identification by the court reporter
24 and is attached hereto.)

25 BY MR. RICHMOND: 10:08:03

1 tithing funds were used to acquire the City Creek
2 property?

3 MR. JONELIS: Misstates prior testimony,
4 lacks foundation, vague and ambiguous.

5 You can answer. 10:11:45

6 THE WITNESS: Can you repeat the question?

7 BY MR. RICHMOND:

8 Q Sure.

9 What is your -- what is the basis for your
10 belief that tithing funds were used to acquire 10:11:54
11 City Creek property?

12 A The whistleblower complaint.

13 Q Any other basis for your belief that -- let
14 me ask it differently.

15 Is the whistleblower complaint your sole 10:12:12
16 basis for believing that tithing funds were used to
17 acquire the City Creek property?

18 MR. JONELIS: Vague and ambiguous, lacks
19 foundation.

20 You can answer. 10:12:25

21 THE WITNESS: Are you -- can you repeat the
22 question?

23 BY MR. RICHMOND:

24 Q Sure.

25 Before I repeat the question, I'll just say 10:12:37

1 as the preface, you have told me that you believe a
2 certain portion of President Hinckley's statements
3 were outright lies. I'm focused on the first
4 sentence which is when he says, "I wish to give the
5 entire Church the assurance that tithing funds have 10:12:54
6 not and will not be used to acquire this property,"
7 referencing City Creek.

8 You have told me you believe that's an
9 outright lie. I've asked you the basis for your
10 belief on why you believe tithing was used to 10:13:06
11 acquire the City Creek property.

12 So far you have identified something you've
13 called the whistleblower report.

14 So here's my question. Apart from the
15 whistleblower report, is there any other basis for 10:13:19
16 your belief that tithing funds were used to acquire
17 the City Creek property?

18 MR. JONELIS: Misstates prior testimony.

19 You can answer.

20 THE WITNESS: No. 10:13:30

21 BY MR. RICHMOND:

22 Q Let's go to the next sentence, which was,
23 "Nor will they be used in developing it for
24 commercial purposes."

25 What is the basis for your belief that 10:13:42

1 tithing money was used to develop City Creek for
2 commercial purposes?

3 A The whistleblower complaint.

4 Q Apart from the whistleblower complaint, is
5 there any other basis for your belief that tithing 10:13:59
6 was used to develop City Creek for commercial
7 purposes?

8 A No.

9 Q Moving to the next sentence, "Funds from
10 this have come and will come from those commercial 10:14:12
11 entities owned by the Church."

12 My question for you is: What is the basis
13 for your belief that the funds that were used to
14 acquire and develop City Creek did not come from
15 commercial entities owned by the Church? 10:14:27

16 A I refer to the whistleblower complaint.
17 Technically, I don't believe it's a complaint. I'd
18 just like to state for the record that I'm just
19 going to refer to it as the whistleblower documents.

20 Q Okay. That's fine. Let's -- 10:14:47

21 MR. JONELIS: And that's, Rick, why I
22 objected. I mean, you haven't laid foundation for
23 what that is. There is a bunch of, as you know,
24 documents, including evidence that was attached,
25 testimony, all of those things. 10:15:00

1 Can we just lay some foundation as to when
2 we talk about what you said is the whistleblower
3 report and what my client said is the whistleblower
4 complaint, that we're not like talking about a
5 single piece of paper or a million pieces of paper. 10:15:13

6 I'd like to establish that universe so
7 we're not locking in either you or my client into
8 something inaccurate.

9 BY MR. RICHMOND:

10 Q When you say "whistleblower complaint" or 10:15:24
11 "whistleblower" -- let me -- when you talk about
12 "whistleblower," what are you talking about,
13 Mr. Huntsman?

14 MR. JONELIS: Thank you.

15 THE WITNESS: I'm referring to the 10:15:36
16 documents that were submitted to the IRS by a former
17 employee of Ensign Peak Advisors.

18 BY MR. RICHMOND:

19 Q Do you know that employee?

20 MR. JONELIS: Vague and ambiguous. 10:15:49

21 You can answer.

22 THE WITNESS: Not personally.

23 BY MR. RICHMOND:

24 Q I'm sorry. I didn't hear your answer.

25 A Not personally. 10:15:55

1 Q Do you know who David Nielsen is?

2 A I know of him.

3 Q And what do you know of him?

4 A Not very much.

5 Q Do you know anything? 10:16:09

6 A Well, yes.

7 Q What do you know?

8 A That he was a former employee of Ensign
9 Peak Advisors.

10 Q Do you have any idea whether David Nielsen 10:16:22
11 is an honest man?

12 MR. JONELIS: Vague and ambiguous, calls
13 for speculation, and argumentative.

14 THE WITNESS: I don't know.

15 BY MR. RICHMOND: 10:16:32

16 Q Do you know who Lars Nielsen is?

17 A I do.

18 Q Who is he?

19 A His twin brother.

20 Q That is to say, Lars Nielsen is the twin 10:16:42
21 brother of David Nielsen; is that correct?

22 A I believe so.

23 Q Do you know anything else about

24 Lars Nielsen other than that he's the twin brother
25 of David Nielsen? 10:16:55

1 MR. JONELIS: Vague and ambiguous, calls
2 for a narrative.

3 You can answer.

4 THE WITNESS: I think he graduated from
5 UCLA Business School. 10:17:03

6 BY MR. RICHMOND:

7 Q Do you know anything else about
8 Lars Nielsen?

9 A No --

10 MR. JONELIS: Same objections. 10:17:09

11 THE WITNESS: Not really.

12 BY MR. RICHMOND:

13 Q Do you know whether Lars Nielsen is an
14 honest man?

15 MR. JONELIS: Vague and ambiguous, calls 10:17:15
16 for speculation and argumentative.

17 THE WITNESS: I don't know.

18 BY MR. RICHMOND:

19 Q I'm going to come back to Tab 8, but let's
20 turn to Tab 44, please. 10:17:29

21 Do you have Tab 44 opened up there,
22 Mr. Huntsman?

23 A I do.

24 Q The first page says a "Letter to an IRS
25 Director," and on the bottom it's copyrighted 2019 10:17:59

1 by Lars Nielsen.

2 Do you see that?

3 A I do.

4 Q This particular document print is -- at the
5 bottom of the pages, you'll see that that Lars 10:18:12
6 Nielsen reference runs throughout the document at
7 least up until the exhibits.

8 Do you see that?

9 A I do.

10 Q And there are a lot of exhibits attached 10:18:29
11 running from A through S, and some of those exhibits
12 have multiple subparts like E.1, .2, .3; F.1, .2;
13 H.1, .2, things like that.

14 Do you see that?

15 A I do. 10:18:43

16 Q So you've said the basis for your -- at
17 least some of your claims of the Church telling
18 outright lies in this case are something that you
19 called the whistleblower complaint, and then you
20 said whistleblower documents. 10:19:01

21 Is Exhibit 44 what you mean when you make
22 that reference?

23 THE REPORTER: "Exhibit 44"?

24 MR. RICHMOND: I am sorry. Tab 44.

25 THE WITNESS: It appears to be. 10:19:11

1 And then he just showed you that document.

2 We are just trying to -- so for consistency
3 sake, what are we going to call that? When you say
4 "whistleblower complaint," is it that document, just
5 so we're consistent in what we're talking about? 10:20:47

6 THE WITNESS: Right. And I think I said
7 "whistleblower document" is how I would refer to it.

8 BY MR. RICHMOND:

9 Q So going forward, are we referring to
10 Exhibit 5, which is under Tab 44, as "whistleblower 10:20:59
11 document"?

12 A Under 44? I believe -- yes, I believe
13 that's the right one.

14 Q So back to Exhibit 8 [sic], in -- with the
15 first sentence we have already asked several 10:21:17
16 questions about that, so I'll just give the wrap-up
17 question to make sure there is no confusion.

18 Other than the whistleblower document which
19 we've now marked as Exhibit 5, do you have any other
20 basis for your belief that tithing funds were used 10:21:33
21 to acquire the City Creek property?

22 A Not at this time.

23 Q And now on to the next sentence, we had
24 asked a number of questions, and so I want to be
25 clear for the wrap-up. 10:21:48

1 Again, the question is: Other than the
2 whistleblower document marked as Exhibit 5, do you
3 have any other basis for your belief that tithing
4 funds were used to develop City Creek for commercial
5 purposes? 10:22:04

6 A Not at this time.

7 Q All right. Next sentence, said, "Funds for
8 this have come and will come from those commercial
9 entities owned by the Church."

10 And I may have asked you this. If I did, I 10:22:18
11 apologize. But what is the basis for your belief
12 that the funds to acquire and develop City Creek did
13 not come from commercial entities owned by the
14 Church?

15 A The whistleblower document. 10:22:37

16 Q Other than the whistleblower document, is
17 there any other basis for your belief that the funds
18 for the acquisition and development of City Creek
19 did not come from commercial entities owned by the
20 Church? 10:22:53

21 A Can you repeat the question?

22 Q Sure.

23 Other than the whistleblower document that
24 we've identified as Exhibit 5, do you have any other
25 basis for your belief that the funds used to acquire 10:23:05

1 and develop City Creek did not come from commercial
2 entities owned by the Church?

3 A Not at this time.

4 Q Last sentence, "These resources, together
5 with the earnings of invested reserve funds, will 10:23:19
6 accommodate this program."

7 What is the basis for your belief that the
8 resources necessary to acquire and develop City
9 Creek did not come from earnings on invested reserve
10 funds at the Church? 10:23:36

11 MR. JONELIS: Misstates the document,
12 but -- vague and ambiguous.

13 You can answer if you understand it.

14 THE WITNESS: The whistleblower document.

15 BY MR. RICHMOND: 10:23:48

16 Q Other than the whistleblower document, is
17 there any other basis for your belief that earnings
18 from invested reserve funds of the Church were not
19 used to acquire and develop the City Creek
20 property -- the City Creek? 10:24:04

21 A Not at this time.

22 Q Have you personally read the whistleblower
23 document marked as Exhibit 5?

24 A Yes.

25 Q What does the whistleblower document 10:24:25

1 President Hinckley made these outright lies.

2 Your middle name, Haight, is a family name,
3 correct?

4 A Correct.

5 Q Your mother's maiden name was Haight, 10:33:43
6 right?

7 A Correct.

8 Q Your mother's father was named David B.
9 Haight, correct?

10 A That is correct. 10:33:53

11 Q That means David B. Haight was your
12 grandfather, correct?

13 A Correct.

14 Q You remember your Grandfather Haight very
15 well, don't you? 10:34:02

16 A I do.

17 Q Would you agree that your Grandfather
18 Haight was a kind man with a gentle spirit?

19 MR. JONELIS: Vague and ambiguous.

20 THE WITNESS: I would agree with that 10:34:16
21 assessment.

22 BY MR. RICHMOND:

23 Q You would agree that your Grandfather
24 Haight was an honest man, wouldn't you?

25 MR. JONELIS: Calls for speculation, vague 10:34:24

1 and ambiguous.

2 THE WITNESS: As far as I know.

3 BY MR. RICHMOND:

4 Q In fact, your Grandfather Haight believed
5 that honesty is not only the best policy, it's the 10:34:33
6 only policy, right?

7 MR. JONELIS: Vague and ambiguous,
8 argumentative, calls for speculation.

9 THE WITNESS: Is that his quote? I don't
10 know what -- 10:34:50

11 BY MR. RICHMOND:

12 Q Okay. Let's turn to Tab 9 if you would,
13 please.

14 Are you there at Tab 9?

15 A I am. 10:35:11

16 Q Are you aware that your Grandfather Haight
17 wrote a book called, "A Light Unto the World"?

18 A I am not aware of this book.

19 Q Were you aware that your Grandfather Haight
20 wrote a book called "A Light Unto the World"? 10:35:23

21 MR. JONELIS: Asked and answered.

22 THE WITNESS: I don't recall this book.
23 I've never read it.

24 BY MR. RICHMOND:

25 Q Your Grandfather Haight in your view was a 10:35:37

1 devout member of the Church, wasn't he?

2 MR. JONELIS: Vague and ambiguous, calls
3 for speculation.

4 You can answer.

5 THE WITNESS: For certain parts of his 10:35:48
6 life, yes.

7 BY MR. RICHMOND:

8 Q Certainly in the later years of his life,
9 he was a devout member, correct?

10 MR. JONELIS: Vague and ambiguous, 10:35:58
11 argumentative, and calls for speculation.

12 THE WITNESS: I assume he was, yes.

13 BY MR. RICHMOND:

14 Q In your understanding, the Church is led at
15 the very top by a first presidency consisting of a 10:36:12
16 president and two counselors, correct?

17 A That is my understanding, yes.

18 Q When you were a teenager, the president of
19 the Church was Spencer W. Kimball. And then, after
20 he died, Ezra Taft Benson, correct? 10:36:29

21 A Correct.

22 Q And the counselors that served these two
23 presidents had been serving in the Quorum of the
24 Twelve Apostles prior to being counselors, correct?

25 A I believe that is correct. 10:36:45

1 Q And do you remember that apostles who
2 served as counselors in the first presidency when
3 you were a teenager included N. Elden Tanner,
4 Marion G. Romney, and Gordon B. Hinckley?

5 A I'd have to look back at the specifics of 10:37:05
6 Church leadership at that period of time. I don't
7 know off the top of my head who the first presidency
8 was when I was a teenager.

9 Q You knew at some point in time before he
10 became president of the Church Gordon B. Hinckley 10:37:15
11 had been a counselor to other presidents, correct?

12 A Yes.

13 Q When you were about five years old, your
14 Grandfather Haight was called to serve as an apostle
15 of the Quorum of the Twelve Apostles, correct? 10:37:29

16 MR. JONELIS: Lacks foundation, calls for
17 speculation.

18 THE WITNESS: I don't recall the specifics
19 of that event when I was five.

20 BY MR. RICHMOND: 10:37:39

21 Q You know that when you were a young boy,
22 your Grandfather Haight was called to be an apostle
23 and a member of the Quorum of the Twelve Apostles,
24 correct?

25 MR. JONELIS: Same objections. 10:37:50

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THE WITNESS: Yes.

BY MR. RICHMOND:

Q In 2003 when you claim President Hinckley told these outright lies, your Grandfather Haight was serving as one of the Twelve Apostles of the Church, correct? 10:37:59

A In 2003, he was one of the Twelve Apostles, yes.

Q And, to your understanding, in the Church hierarchy, the Quorum of the Twelve Apostles is equal in authority and power to the first presidency, correct? 10:38:10

MR. JONELIS: Calls for an expert opinion, vague and ambiguous, calls for speculation.

THE WITNESS: That's the policy of the Church. 10:38:21

BY MR. RICHMOND:

Q And as a member of the Quorum of the Twelve Apostles, your Grandfather Haight served right alongside Gordon B. Hinckley, correct? 10:38:33

MR. JONELIS: Same objections.

THE WITNESS: They served together, yes.

BY MR. RICHMOND:

Q Did you ever hear your Grandfather Haight accuse Gordon B. Hinckley of being a dishonest man? 10:38:45

1 Q Do you blame your Grandfather Haight in any
2 way for the Church in how it used funds to develop
3 City Creek?

4 MR. JONELIS: Argumentative, calls for
5 speculation, vague and ambiguous. 10:43:09

6 THE WITNESS: I don't believe he's part of
7 this process.

8 BY MR. RICHMOND:

9 Q What makes you say that?

10 MR. JONELIS: Calls for speculation, lacks 10:43:20
11 foundation.

12 You can answer.

13 THE WITNESS: Because I'm not relying on
14 any of his specific comments on the issue.

15 BY MR. RICHMOND: 10:43:26

16 Q Your father's name was Jon Huntsman, Sr.,
17 correct?

18 A Yes.

19 Q Your father was a Church leader, correct?

20 A He was. 10:43:42

21 Q For a time, your father served as a member
22 of the Quorum of the Seven in the Church, correct?

23 A In the Fifth Quorum, yes.

24 Q When you say the Fifth Quorum, you mean
25 that your father for a time served in the Fifth 10:43:55

1 Quorum of the Seventy of the Church, correct?

2 A I believe it was the Fifth Quorum, yes.

3 Q In the Church hierarchy, the Quorums of the
4 Seventy are equal in authority to the Quorum of the
5 Twelve Apostles, according to your understanding, 10:44:12
6 correct?

7 MR. JONELIS: Lacks foundation, calls for
8 expert testimony.

9 You can answer.

10 THE WITNESS: I don't know how that applies 10:44:19
11 in operating the Church.

12 BY MR. RICHMOND:

13 Q Let me just ask you, just as a general
14 matter, is it your understanding that the Quorums of
15 Seventy are equal in authority to the Quorum of the 10:44:32
16 Twelve Apostles in the -- in the Church?

17 MR. JONELIS: Same objections.

18 THE WITNESS: I never saw that in practice.

19 BY MR. RICHMOND:

20 Q Let me just ask you again. 10:44:44

21 Well, let me do this differently. If
22 you'll turn to Tab 10, please.

23 Do you have Tab 10 in front of you,
24 Mr. Huntsman?

25 A I do. 10:45:08

1 Q Yeah.

2 Paragraph 19 talks about a press conference
3 on October 8th, 2003?

4 Do you see that?

5 A Yes. 10:52:10

6 Q Did you watch that press conference?

7 A I don't believe so.

8 Q How was it that you know what was said at
9 the press conference?

10 A I would have read about it after. 10:52:28

11 Q And where would you have read that?

12 A I don't recall.

13 Q And what is it that you remember reading
14 about that press conference?

15 A Further reliance that tithing funds would 10:52:45
16 not be used for commercial and non-charitable
17 efforts.

18 Q Now, Paragraph 19 of your complaint says,
19 "Shortly thereafter, at a press conference
20 on October 8th, 2003 concerning the 10:53:13
21 development of the City Creek Mall,
22 Presiding bishop H. David Burton
23 doubled down on the LDS Corporation's
24 misrepresentations, stating: 'None of
25 this money comes from the tithing of 10:53:30

1 our faithful members. That is not how
2 we use tithing funds.'" "

3 Do you see that?

4 A I do.

5 Q Other than the whistleblower document, do 10:53:39
6 you have any basis for believing that what Presiding
7 bishop David Burton said was not true?

8 A Not at this time.

9 Q Now, just generally -- well, I'll ask it
10 specifically and then generally. 10:54:01

11 Specifically in 2003, did you pay a full
12 tithing?

13 MR. JONELIS: Vague and ambiguous.

14 THE WITNESS: Yes, I did.

15 BY MR. RICHMOND: 10:54:11

16 Q And what is your understanding of what a
17 full tithing consists of?

18 A 10 percent of one's increase.

19 Q And when you paid tithing during the years
20 you paid it, did you include the gross amount of 10:54:29
21 your compensation from the Huntsman Corp. or just
22 the net when you paid tithing?

23 MR. JONELIS: Vague and ambiguous.

24 THE WITNESS: I paid 10 percent of my
25 increase. 10:54:43

1 A Right.

2 Q Is it your claim in this case -- well, let
3 me ask it differently.

4 Do you believe that tithing was used --
5 improperly used as a loan or other source of funding 10:59:42
6 for the Beneficial Life Insurance Company?

7 MR. JONELIS: Calls for a legal conclusion,
8 vague and ambiguous.

9 You can answer.

10 THE WITNESS: I do. 10:59:50

11 BY MR. RICHMOND:

12 Q Can you point to any statements by Church
13 leaders that tithing funds would not be used as a
14 loan or other source of funding for the Beneficial
15 Life Insurance Company? 11:00:03

16 A I didn't have to. I relied on Sunday
17 school manuals, Conference addresses.

18 MR. RICHMOND: Move to strike as
19 nonresponsive, Mr. Huntsman. Let me ask you again.

20 Q Can you point to any statements by Church 11:00:18
21 leaders that tithing funds would not be used as a
22 loan or other source of funding for the Beneficial
23 Life Insurance Company?

24 MR. JONELIS: Same objections.

25 THE WITNESS: No, because I relied on their 11:00:33

1 statements as to what tithing would be used for.

2 MR. RICHMOND: Okay. Move to strike
3 everything after the word, "No."

4 Let me ask the question again.

5 Q And the preface to this is you pointed to 11:00:45
6 specific statements by President Hinckley and others
7 that are specifically about City Creek and that
8 tithing funds would not be used for City Creek.

9 I'm trying to ask you the same question
10 about Beneficial Life Insurance. 11:00:57

11 So here's my question. Can you point to
12 any statements by Church leaders that tithing funds
13 would not be used as a loan or other source of
14 funding for the Beneficial Life Insurance Company?

15 MR. JONELIS: Asked and answered, 11:01:09
16 argumentative.

17 You can answer.

18 THE WITNESS: I cannot.

19 BY MR. RICHMOND:

20 Q Do you believe that fast offerings were 11:01:15
21 improperly used as a loan or other source of funding
22 for the Beneficial Life Insurance Company?

23 A Yes.

24 Q Can you point to any statements by Church
25 leaders that fast offerings would not be used as a 11:01:28

1 loan or other source of funding for the Beneficial
2 Life Insurance Company?

3 A No.

4 Q Do you believe that missionary
5 contributions were improperly used as a loan or 11:01:41
6 other source of funding for the Beneficial Life
7 Insurance Company?

8 A I cannot.

9 Q I asked if you believe, so let me ask you
10 the question again. 11:01:56

11 Do you believe that missionary
12 contributions were improperly used as a loan or
13 other source of funding for the Beneficial Life
14 Insurance Company?

15 A I believe, yes. 11:02:07

16 Q Can you point to any statements by Church
17 leaders that missionary contributions would not be
18 used as a loan or other source of funding for the
19 Beneficial Life Insurance Company?

20 A I cannot. I relied on Church leaders. 11:02:23

21 MR. RICHMOND: Move to strike everything
22 after, "I relied on Church" -- after the words, "I
23 cannot."

24 Q So let me ask you the question again. Can
25 you point to any statements by Church leaders that 11:02:36

1 missionary contributions would not be used as a loan
2 or other source of funding for the Beneficial Life
3 Insurance Company?

4 MR. JONELIS: Asked and answered,
5 argumentative. 11:02:46

6 You can answer.

7 THE WITNESS: I cannot.

8 BY MR. RICHMOND:

9 Q Do you believe that humanitarian aid funds
10 were improperly used as a loan or other source of 11:02:54
11 funding for the Beneficial Life Insurance Company?

12 A Yes.

13 Q Can you point to any statements by Church
14 leaders that humanitarian aid funds would not be
15 used as a loan or other source of funding for the 11:03:08
16 Beneficial Life Insurance Company?

17 A I relied on Church leaders for specific
18 directions on humanitarian funds.

19 MR. RICHMOND: Move to strike as
20 nonresponsive. 11:03:21

21 Q Can you point to any statements by Church
22 leaders that humanitarian aid funds would not be
23 used as a loan or other funding for the Beneficial
24 Life Insurance Company?

25 MR. JONELIS: Asked and answered. 11:03:31

1 THE WITNESS: I cannot.

2 MR. RICHMOND: All right. Let's move on to
3 2004.

4 THE REPORTER: Would this be a good --

5 MR. JONELIS: If we're -- I'm sorry. 11:03:41

6 THE REPORTER: Go ahead.

7 MR. JONELIS: I was going to say I'd
8 request another bathroom break. We've gone about
9 another hour, 15 since we broke last.

10 MR. RICHMOND: Sounds good. 11:03:53

11 THE VIDEOGRAPHER: We're going off the
12 record. The time is 11:03 Pacific Daylight Time,
13 and this is the end of media unit No. 4.

14 (Recess taken.)

15 THE VIDEOGRAPHER: Okay. We're going back 11:17:03

16 on the record. The time is 11:16 A.M. Pacific
17 Daylight Time, and this is the start of media unit
18 No. 5.

19 BY MR. RICHMOND:

20 Q Mr. Huntsman, before our break, we had 11:17:27
21 finished up with the year 2003. I now want to turn
22 to the year 2004.

23 And to do that, let's turn back to Tab 6
24 which we've marked as exhibit No. 1.

25 Are you there, Mr. Huntsman? 11:17:57

1 remember at this point, or not?

2 A I would need to go check specifically what
3 those years were in terms of my income.

4 Q Other than your stock portfolio, were there
5 any other sources that you remember having that 11:19:44
6 might have produced income for you in 2004?

7 A I don't recall at this time.

8 Q Let's turn to -- let me just -- let's turn
9 to Tab 13, please.

10 Are you there, Mr. Huntsman? 11:20:28

11 A I am.

12 Q Tab 13 is titled, "Annual Charitable Cash
13 Contributions."

14 Do you see that, Mr. Huntsman?

15 A I do. 11:20:38

16 Q It says, "This statement contains a
17 record of voluntary contributions to
18 The Church of Jesus Christ of
19 Latter-day Saints by the named
20 donor(s) during the year 2004." 11:20:49

21 Do you see that in the box?

22 A Yes.

23 Q And donors are listed as you and your wife,
24 Marianne, correct?

25 A Correct. 11:20:59

1 Q And your total contributions to the Church
2 in 2004 were \$45,000, correct?

3 A Yes.

4 Q Do you know how much of your \$45,000 cash
5 contribution to the Church in 2004 was designated 11:21:10
6 for tithing as opposed to any others -- funds?

7 A I don't recall. I believe it was all
8 tithing, but I'd have to verify for sure.

9 MR. RICHMOND: Let's mark Tab 13 as
10 Exhibit 6. 11:21:34

11 (Exhibit 6 was marked for
12 identification by the court reporter
13 and is attached hereto.)

14 BY MR. RICHMOND:

15 Q All right. Let's turn to 2005. 11:21:38

16 So we've finished with 2002, 2003, 2004,
17 and now we're on 2005.

18 In early 2005, your father's company went
19 public and was listed on the New York Stock
20 Exchange, correct? 11:21:55

21 A Yes.

22 Q Your father's company going public was an
23 exciting time for the extended Huntsman family, I
24 take it --

25 MR. JONELIS: Calls for speculation. 11:22:05

1 those investments, so I just don't recall exactly
2 what that looked like.

3 Q From 2005 to the present, do you -- have
4 you periodically received distributions of cash or
5 stock or other payments from the Huntsman family 11:31:44
6 office?

7 A No.

8 Q In 2005, did you receive income from any
9 sources other than the Huntsman Corporation?

10 A I'd have to check my financial records. 11:31:58

11 Q Let's move to Tab 16, please.

12 Are you there at Tab 16, Mr. Huntsman?

13 It glitched for just a second,

14 Mr. Huntsman. Are you there at Tab 16?

15 A Yes, I am. 11:32:35

16 Q You'll see the top of Tab 16, it says,

17 "Annual Charitable Cash Contributions."

18 Do you see that?

19 A I do.

20 Q In the box, it says, "This statement 11:32:48

21 contains a record of voluntary

22 contributions to The Church of Jesus

23 Christ of Latter-day Saints made by

24 the named donor(s) during the year

25 2005." 11:33:01

1 Do you see that?

2 A Yes.

3 Q And the named donors are you and your wife,
4 Marianne, correct?

5 A Yes. 11:33:07

6 Q And the total contributions to the Church
7 listed for 2005 is \$325,000, correct?

8 A Yes.

9 Q Of your \$325,000 in cash contributions to
10 the Church in 2005, how much of that represented 11:33:23
11 tithing as opposed to other funds?

12 A I believe all of it was tithing.

13 Q So if you extrapolated out \$325,000, it
14 would suggest that you had \$3.25 million of income
15 in 2005. 11:33:45

16 Is that correct?

17 A Not necessarily.

18 Q So can you tell me why you paid \$325,000 in
19 tithing in 2005?

20 MR. JONELIS: Calls for speculation. 11:34:00

21 You can answer.

22 THE WITNESS: Because it would have
23 represented 10 percent of my increase --

24 BY MR. RICHMOND:

25 Q And -- I'm sorry. Go ahead. 11:34:08

1 magazine found its way to my house on a regular
2 basis. Whether it was through the mail or through
3 some other means, I don't recall.

4 BY MR. RICHMOND:

5 Q Let's turn back to your complaint again, 11:53:14
6 which is Exhibit 3 under Tab 1.

7 A I'm there.

8 Q Okay. Do you see Paragraph 20 on Page 7?
9 That's at the top of Page 7.

10 A I do. 11:53:54

11 Q Paragraph 20 says, "Unfortunately
12 the LDS Corporation's lies did not
13 stop there. In fact, in the Church's
14 own official magazine dated
15 December 2006, the LDS Corporation 11:54:11
16 tripled down on its
17 misrepresentations, writing, 'The
18 Church first announced three years ago
19 it was planning to redevelop the
20 downtown area to energize the economy 11:54:22
21 of the city that houses its
22 headquarters and to bolster the area
23 near Temple Square. No tithing funds
24 will be used in the redevelopment.'"
25 Do you see that? 11:54:37

1 A I do.

2 Q And the official magazine you're referring
3 to there is the Ensign, I take it. Is that right?

4 A I believe so, yes.

5 Q And the quote that we've read, did you 11:54:48
6 actually read that in the Ensign magazine in 2006?

7 A Yes.

8 Q And was -- do you remember reading that
9 particular part of the statement in 2006?

10 A I remember reading it. I don't remember 11:55:04
11 when I read it.

12 Q In 2006, do you believe the December issue
13 of the Ensign magazine was in your home?

14 A I believe so --

15 MR. JONELIS: Asked and answered. 11:55:20

16 BY MR. RICHMOND:

17 Q Do you believe that you read the phrase,
18 "No tithing funds will be used in the redevelopment"
19 in 2006?

20 MR. JONELIS: Asked and answered. 11:55:27

21 THE WITNESS: I believe I read that
22 statement. I'm not sure exactly when I did.

23 BY MR. RICHMOND:

24 Q When you say you're not sure when, do you
25 mean within a couple of months of December 2006, or 11:55:39

1 do you mean much more recently than that?

2 MR. JONELIS: Asked and answered.

3 THE WITNESS: It means I don't remember.

4 It could have been both.

5 BY MR. RICHMOND: 11:55:51

6 Q Apart from the whistleblower document that
7 we've marked as Exhibit 5, do you have any reason to
8 believe that the statement, "No tithing funds will
9 be used in the redevelopment" was a lie?

10 MR. JONELIS: Argumentative, vague and 11:56:11
11 ambiguous.

12 You can answer.

13 THE WITNESS: No, I do not.

14 BY MR. RICHMOND:

15 Q Let's turn to Tab 20, if you would, please. 11:56:31

16 Are you there at Tab 20, Mr. Huntsman?

17 A I am.

18 Q At the top of Tab 20, you'll see it says,
19 "Annual Charitable Cash Contributions."

20 Do you see that? 11:56:55

21 A I do.

22 Q And then in the box, it says, "This
23 statement contains a record of
24 voluntary contributions to the Church
25 of Jesus Christ of Latter-day Saints 11:57:03

1 by the named donor(s) in the year

2 2006."

3 Do you see that?

4 A I do.

5 Q And the named donors are you and your wife, 11:57:11

6 Marianne, correct?

7 A That is correct.

8 Q And the total contributions to the Church

9 in 2006 was \$171,600, correct?

10 A Correct. 11:57:31

11 Q Of your \$171,600 in contributions to the

12 Church in 2006, how much of that represented

13 tithing?

14 A I believe all of it.

15 MR. RICHMOND: All right. That's it for 11:57:57

16 2006. We're going to move -- oh, wait.

17 Let me mark as -- Tab 21 as Exhibit 11.

18 (Exhibit 11 was marked for

19 identification by the court reporter

20 and is attached hereto.) 11:58:10

21 THE REPORTER: "Tab 21"? I heard that

22 correctly?

23 MR. RICHMOND: No. I said it wrong. Thank

24 you for catching that, Madam Court Reporter.

25 MR. JONELIS: We're at 11, Rick. 11:58:23

1 contribution first.

2 And that's with the page titled, "Annual
3 Charitable Cash Contributions" at the top.

4 Do you see that?

5 A I do. 12:01:27

6 Q There is a document that says, "This
7 statement contains a record of
8 voluntary contributions to the Church
9 of Jesus Christ of Latter-day Saints
10 made by the named donor(s) during the 12:01:36
11 year 2007."

12 Do you see that?

13 A I do.

14 Q And the named donors are you and your wife,
15 Marianne, correct? 12:01:46

16 A Yes.

17 Q And the total amount of cash contributions
18 to the Church in 2007 was \$405,135, correct?

19 MR. JONELIS: Objection. Vague and
20 ambiguous, misstates the document. 12:02:02

21 You can answer.

22 THE WITNESS: Yes.

23 BY MR. RICHMOND:

24 Q Now, again, using 10 percent, \$405,000
25 would suggest you had an increase in 2007 of over 12:02:14

1 \$4 million.

2 Would you agree?

3 A Sounds about right.

4 Q Can you say today even generally what
5 accounts for that 4. -- or \$4 million increase to 12:02:31
6 you in 2007?

7 A I cannot.

8 Q All right. In addition to your cash
9 contribution, you also made two donations of
10 Sigma Designs stock: One was on December 7th, and 12:02:56
11 one was on December 21st.

12 Do you see the two pieces of paper that
13 indicate --

14 A Yes.

15 Q -- that? 12:03:07

16 Okay. We'll start with the earlier date,
17 December 7th, 2007.

18 Do you see a page under Tab 21 called,
19 "Donations-in-Kind Receipt" at the top?

20 A I do. 12:03:25

21 Q And the receipt is made out to you and your
22 wife, Marianne, correct?

23 A Yes.

24 Q The date of the donation is December 7th,
25 2007, correct? 12:03:41

1 Q All right. So the number -- I think it's a
2 unique number, 270409. Do you see that?

3 Okay. On the third page under
4 "Donations-in-Kind Receipt" on the top right, there
5 is information called "Account Name, Date Prepared," 12:05:12
6 and "Number."

7 Do you see that?

8 A "Number." Got it. Got it. I was higher
9 up.

10 Q No. Got it. All right. It's sort of 12:05:20
11 hidden.

12 All right. So we'll refer to this page as
13 270409.

14 And then going over to the left under the
15 receipt with your name and your wife's name, there 12:05:32
16 is a date of donation of December 7th, 2007,
17 correct?

18 A Correct.

19 Q And on that day, you gave 1500 shares of
20 Sigma Designs stock to the Church, correct? 12:05:45

21 A Yes.

22 Q And you designated 1,357 of those shares to
23 tithing, correct?

24 A Yes.

25 Q And you designated the remainder of 143 12:05:57

1 shares to be for fast offerings, correct?

2 A Yes.

3 Q All right. Now, turning to the previous
4 page, at least in the binder of Tab 21 which would

5 be the second page of Tab 21, it also says 12:06:14

6 "Donations-in-Kind Receipt" at the top.

7 Do you see that?

8 A Yep.

9 Q And the number of this one which I believe
10 to be a unique number on the top right-hand portion 12:06:28
11 is 274418.

12 Do you see that?

13 A Correct.

14 Q All right. And the receipt here for a
15 donation-in-kind is made out to you and your wife, 12:06:40
16 Marianne, correct?

17 A Yes.

18 Q And this donation was made on
19 December 21st, 2007, correct?

20 A Correct. 12:06:54

21 Q And you donated 500 shares of Sigma Designs
22 stock on December 21st, 2007, right?

23 A Yes.

24 Q And all 500 of those shares were designated
25 as tithing, correct? 12:07:08

1 A Yes.

2 MR. RICHMOND: Okay. Let's mark Tab 21 as
3 Exhibit 12.

4 (Exhibit 12 was marked for
5 identification by the court reporter 12:07:19
6 and is attached hereto.)

7 BY MR. RICHMOND:

8 Q Now if you flip back to Exhibit 20,
9 Mr. Huntsman, the previous -- I'm sorry.

10 MR. JONELIS: You mean Exhibit 12 or 11? 12:07:35

11 MR. RICHMOND: It doesn't have the paper I
12 was looking for. Give me one second. Sorry.

13 Actually, flip back to Exhibit 10, which is
14 under Tab 18, Mr. Huntsman.

15 Q Are you there at Exhibit 10, which is 12:08:05
16 Tab 18?

17 A I am.

18 Q There is some handwriting on the UBS
19 letters, the two UBS letters that deal with this
20 Sigma Designs stock that was donated. 12:08:20

21 Is that your handwriting or someone else's?

22 A I don't know.

23 Q It appears that UBS provided you with stock
24 price information on the day that you made each of
25 these two donations. 12:08:42

1 Q All right. Page 7 contains Paragraph 21.

2 Are you there?

3 A I am.

4 Q Okay. I'll just read Paragraph 21.

5 "Continuing its fraudulent scheme, 12:12:05

6 in a 2007 statement to DeseretNews,

7 the LDS Corporation once again lied to

8 the public concerning the source of

9 funding for the City Creek Mall:

10 'Money for the project is not coming 12:12:19

11 from LDS Church members' tithing

12 donations. City Creek Center is being

13 developed by Property Reserve Inc.,

14 the Church's real-estate development

15 arm, and its money comes from other 12:12:31

16 real-estate ventures.'" "

17 Do you see that?

18 A I do.

19 Q In 2007, did you actually read that

20 statement in the Deseret News? 12:12:43

21 A I don't recall when I first read that

22 statement.

23 Q When you say that, is that because you read

24 it only recently?

25 A No -- 12:12:51

1 MR. JONELIS: Objection. Leading,
2 argumentative, calls for speculation, and lacks
3 foundation.

4 You can answer.

5 THE WITNESS: No, that would not assume 12:13:01
6 that I read it recently.

7 BY MR. RICHMOND:

8 Q You think you read it at or about the time
9 it was published in 2007?

10 A I really don't recall. 12:13:10

11 Q Other than the whistleblower document which
12 we've marked as Exhibit 5, do you have any other
13 basis for believing that it was a lie when the
14 Deseret News reported that money for the City Creek
15 project was not coming from tithing donations? 12:13:33

16 A No.

17 MR. RICHMOND: All right. That's all for
18 2007, so assuming everybody is voting for a break,
19 this would be a good breaking point.

20 THE VIDEOGRAPHER: Okay. We are going off 12:13:52
21 the record at 12:13 P.M. Pacific Daylight Time, and
22 this is the end of media unit No. 5.

23
24 ///

25 ///

1 together, it's the second page of Tab 23.

2 Do you see that?

3 A Yes.

4 Q And those are your signatures of you and

5 your wife at the bottom there -- 01:10:12

6 A Yes.

7 Q -- correct? Yeah.

8 And you and your wife are telling UBS to

9 mail a check to Church headquarters in the amount of

10 \$32,000, correct? 01:10:30

11 A That's what it says here, yes.

12 Q And 30,000 of that would be for tithing and

13 2,000 for fast offering, correct?

14 A Looks like it, yes.

15 Q And then if you'd flip back to the previous 01:10:46

16 page, same kind of letter, same kind of date, but

17 this one is signed only by you.

18 Do you see that?

19 A Yes.

20 Q And this is the same kind of letter in 01:10:57

21 terms of you were asking UBS to mail a check for

22 \$32,000 as a contribution to the Church, correct?

23 A Yes.

24 Q \$30,000 for tithing and 20,000 for -- I'm

25 sorry. 01:11:20

1 30,000 for tithing and 20- -- 2,000 for
2 fast offering, correct?

3 A Yes.

4 Q And this source of funds for this
5 contribution is not coming from you personally but 01:11:34
6 through Brownie Capital, correct?

7 MR. JONELIS: Calls for a legal conclusion,
8 and the document speaks for itself.

9 You can answer.

10 THE WITNESS: That was the name of my 01:11:44
11 investment account --

12 BY MR. RICHMOND:

13 Q And so --

14 A -- income from that.

15 Q Yeah. So half of your contributions -- I'm 01:11:51
16 sorry.

17 \$32,000 of the contributions in 2008 was
18 coming from you and your wife in a personal
19 capacity, correct?

20 A My wife signed that page because she was 01:12:02
21 a -- a "joint" on the account, so it required her
22 signature.

23 Q Right.

24 A But the funds, as we've stated earlier, all
25 came from me because she had no income. 01:12:18

1 A More than likely, yes.

2 MR. RICHMOND: All right. Let's mark as
3 Exhibit 14 the papers behind Tab 24.

4 (Exhibit 14 was marked for
5 identification by the court reporter 01:20:04
6 and is attached hereto.)

7 BY MR. RICHMOND:

8 Q And then let's turn to Tab 25, if you
9 would, please.

10 Are you there at Tab 25, Mr. Huntsman? 01:20:24

11 A I am.

12 Q Okay. Tab 25, do you see at the top it
13 says this document is from the Finance and Records
14 Department of the Church?

15 A I see that, yes. 01:20:40

16 Q And it's to you and your wife, Marianne,
17 correct?

18 A That is correct.

19 Q And it shows that at least for you and your
20 wife, Marianne, a donation was received and recorded 01:20:52
21 in January 2009 for tithing.

22 Do you see that?

23 A Yes.

24 Q And the amount was \$32,000.

25 Do you also see that? 01:21:09

1 A Yes.

2 Q Is that \$32,000 the same \$32,000 you asked
3 UBS to send Church headquarters a few days earlier
4 on December 30th?

5 MR. JONELIS: Calls for speculation, and 01:21:27
6 misstates prior documents, and vague and ambiguous.

7 THE WITNESS: I don't know.

8 BY MR. RICHMOND:

9 Q Do you know if -- let me ask it
10 differently. 01:21:44

11 Is it your best estimate that the UBS
12 people who were asked to give 30,000 in tithing in
13 2000 (phonetic) and fast offerings from you and your
14 wife, Marianne, on December 30th, 2008, goofed up
15 and sent it in late and designated it all 01:22:03

16 accidentally for tithing instead of splitting some
17 of it off to fast offerings?

18 Would that be your best estimate as to what
19 happened?

20 MR. JONELIS: Compound, vague and 01:22:15
21 ambiguous, calls for speculation, and lacks
22 foundation.

23 THE WITNESS: I don't know. It could have
24 been a goof on the Church's part.

25 BY MR. RICHMOND: 01:22:28

1 that information behind Tab 27.

2 (Exhibit 17 was marked for
3 identification by the court reporter
4 and is attached hereto.)

5 BY MR. RICHMOND: 01:44:53

6 Q And now let's turn to Tab 28, if you would,
7 please.

8 Are you there at Tab 28?

9 A I am.

10 Q There's two pages behind Tab 28. One says, 01:45:08
11 "Donations in Kind Receipt" from the Church.

12 Do you see that?

13 A I do.

14 Q And this is a reflection of donations in
15 kind and the receipts made out to you and your wife, 01:45:23
16 Marianne, correct?

17 A That is correct.

18 Q And just to make sure, because I think it's
19 a unique number, we get it right. Over on that
20 right-hand side, there is a number associated with 01:45:36
21 this donation, which is 339643.

22 Do you see that?

23 A Yes.

24 Q Okay. Just to make sure we've got the
25 right page, the date of this donation was 01:46:00

1 December 14th, 2010, correct?

2 A Yes.

3 Q You donated 6,310 shares of Huntsman
4 Corporation stock to the Church on December 14th,
5 2010, correct? 01:46:17

6 A Correct.

7 Q And of those 6,310 shares of Huntsman
8 Corporation stock, 5,679 were allocated toward
9 tithing and 631 were allocated toward fast
10 offerings, correct? 01:46:36

11 A Correct.

12 Q The other page behind Tab 28 is a one-page
13 document on the Church letterhead made out to you
14 and your wife.

15 Do you see that? 01:46:51

16 A I do.

17 Q And it's signed by a Robert Woods.

18 Do you see that?

19 A I do.

20 Q Do you know who he is? 01:47:05

21 A No idea.

22 Q And it shows that you made contributions in
23 January of 2010 for humanitarian aid specifically
24 with respect to an emergency response in Haiti.

25 Do you see that? 01:47:28

1 A I do.

2 Q And am I correct that the Huntsman
3 Corporation stock of 6,310 shares and \$600 in
4 humanitarian aid were your contributions to the
5 Church in 2010? 01:47:49

6 A It appears so.

7 MR. RICHMOND: All right. We'll have those
8 two documents behind Tab 28 marked as Exhibit 18.

9 (Exhibit 18 was marked for
10 identification by the court reporter 01:48:03
11 and is attached hereto.)

12 BY MR. RICHMOND:

13 Q All right. We'll move on to 2011,
14 Mr. Huntsman, and we'll do that by turning to
15 Tab 29. 01:48:16

16 Do you have that?

17 A I do.

18 Q All right. At the bottom of the first page
19 of Tab 29, you'll see this is a Huntsman Corporation
20 14A filing to the SEC on March 23, 2012. 01:48:35

21 Do you see that?

22 A I do.

23 Q And this is from the SEC Page 71.

24 Do you see that?

25 A I do. 01:48:51

1 Q Do you believe in 2011 the Huntsman
2 Corporation granted you 9- -- I'm sorry, 4,974
3 restricted stock awards?

4 A I believe.

5 MR. RICHMOND: We'll mark as Exhibit 19 01:50:25
6 that information behind Tab 29.

7 (Exhibit 19 was marked for
8 identification by the court reporter
9 and is attached hereto.)

10 BY MR. RICHMOND: 01:50:34

11 Q And now if you'll turn to Tab 30, please.
12 Do you have Tab 30, Mr. Huntsman?

13 A I do.

14 Q All right. The top of that page, it says
15 "Annual Charitable Cash Contributions Official Tax 01:50:56
16 Summary Statement" from the Church.

17 Do you see that?

18 A I do.

19 Q And it's made out to you.

20 Do you see that? 01:51:09

21 A Yes.

22 Q And it says that your total contributions
23 to the Church were \$100,000.

24 Do you see that?

25 A I do. 01:51:24

1 Q And your contributions were paid such that
2 \$95,000 of that was allocated to tithing and 5,000
3 was allocated to fast offerings, correct?

4 A Correct.

5 Q And then it also shows that the total 01:51:41
6 amount of money, \$100,000, was donated in two
7 separate times: Once on March 29th and another time
8 on December 30th.

9 Do you see that?

10 A I do. 01:51:57

11 Q And \$100,000 in cash was your contribution
12 to the Church in 2010 -- 2011, as best you know?

13 A It appears so.

14 MR. RICHMOND: Okay. And let's -- if I
15 have not already said it, let's mark Tab 30 01:52:19
16 materials as Exhibit 20.

17 (Exhibit 20 was marked for
18 identification by the court reporter
19 and is attached hereto.)

20 BY MR. RICHMOND: 01:52:29

21 Q And we'll move on to 2012, if you would
22 turn to Tab 31, please.

23 Do you have Tab 31 in front of you?

24 A I do.

25 Q Do you see at the bottom of the first page, 01:52:45

1 A Couple years ago.

2 Q Is that when your brother became the chair
3 of the Salt Lake Tribune?

4 A It's when my father purchased the paper.

5 Q And do you know what year that was, 01:56:46
6 offhand?

7 A I do not.

8 Q Let's turn back to Exhibit 3, which is
9 under Tab 1. It's your complaint in this case.

10 Do you have that in front of you, 01:57:15
11 Mr. Huntsman?

12 A I do.

13 Q If you'll go to Page 7, I want to focus on
14 Paragraph 22.

15 Do you have that in front of you, 01:57:38
16 Mr. Huntsman?

17 A I do.

18 Q All right. I'll read Paragraph 22. It
19 says, "And yet again, in 2012, the LDS

20 Corporation for the fifth time lied 01:57:49
21 about its intentions concerning

22 tithing donations. Keith B. McMullin,
23 who for 37 years served within the

24 Church's leadership and headed a

25 Church-owned holding company, Deseret 01:58:03

1 Management Corp., unequivocally
2 misrepresented to the public (via
3 a quote in The Salt Lake Tribune) that
4 tithing funds had not been and would
5 not be used for commercial purposes. 01:58:16
6 "'McMullin said not one penny of
7 tithing goes to the Church's
8 for-profit endeavors. Specifically,
9 the Church has said no tithing went
10 towards City Creek Center.'" 01:58:27
11 Do you see that?

12 A I do.

13 Q In or around 2012, did you read what you've
14 quoted there from the Salt Lake Tribune?

15 A I don't recall exactly when I read that 01:58:43
16 quote.

17 Q Would it have been more recently that
18 you're referring to when you say you don't remember
19 when?

20 A Unlikely. It was probably closer to 2012. 01:58:54

21 Q You think you read that part of the Salt
22 Lake Tribune at that time?

23 A At what time?

24 Q 2012.

25 A I said closer to 2012. I don't know -- I 01:59:11

1 don't recall when I exactly read that quote, but it
2 was likely closer to 2012 than recent.

3 Q Why do you say that?

4 A Because that's my recollection.

5 Q If you didn't read it in the paper at the 01:59:35
6 time, how else would you have read it?

7 A Online.

8 Q And what was it that you were looking at
9 online that would show that quote from the Salt Lake
10 Tribune in 2012? 01:59:51

11 A I don't recall the website. Perhaps the
12 Salt Lake Tribune's website.

13 Q And so you were just looking at the Salt
14 Lake Tribune website years later and happened upon
15 that quote from 2012? Is that what you think? 02:00:06

16 MR. JONELIS: Misstates prior testimony,
17 argumentative, and leading.

18 THE WITNESS: I always followed local news.
19 I spent a lot of time growing up in Utah, so looking
20 at the Salt Lake Tribune, the Deseret News and other 02:00:20
21 news sources in the neighbor- -- in the valley were
22 not uncommon for me.

23 BY MR. RICHMOND:

24 Q Other than the whistleblower document which
25 we've marked as Exhibit 5, do you have any basis -- 02:00:35

1 any other basis for saying that the comment no
2 tithing went toward City Creek Center is a lie?

3 A Not at this time.

4 MR. RICHMOND: I did say to mark the Tab 31
5 as Exhibit 21? Did I say that, Chris? 02:01:13

6 Okay.

7 Q Let's turn to Tab 33, Mr. Huntsman.

8 Do you have Tab 33 there, Mr. Huntsman?

9 A I do.

10 Q The first page of Tab 33 says, 02:01:30
11 "Donations-in-Kind Receipt."

12 Do you see that?

13 A I do.

14 Q And the receipt is made out to you and your
15 wife, Marianne? 02:01:42

16 A Correct.

17 Q And it shows that in late December 2012,
18 you made a donation of 5,472 shares of Huntsman
19 Corporation stock to the Church, correct?

20 A Correct. 02:02:04

21 Q And you allocated 4,843 of those shares to
22 tithing and 629 of those shares to fast offerings,
23 correct?

24 A Correct.

25 Q And just so we keep clear in the same way 02:02:18

1 we have before, the unique number associated with
2 this receipt is towards the top right hand, and the
3 number is 394695, correct?

4 A Correct.

5 Q All right. Then the second page behind 02:02:35
6 Tab 33 is a letter from UBS to you a couple of weeks
7 after this donation on January 15, 2013.

8 Do you see that?

9 A I do.

10 Q And here, again, do you see UBS is 02:02:55
11 providing you with high and low share-price figures
12 for the day you donated those Huntsman shares to the
13 Church?

14 A I do see that.

15 Q And they were doing that so your 02:03:15
16 accountants could figure out how to value the
17 donation for charitable purposes for your taxes,
18 correct?

19 A I don't know why they were giving a high
20 and low. 02:03:28

21 Q If you'll turn to the third page of the
22 Tab 33, you'll see another acknowledgement or
23 receipt from the same Robert Woods from the Church.

24 Do you see that?

25 A I do. 02:03:50

1 Q And it shows that you made a \$1,000
2 donation to humanitarian aid in November of 2012.

3 Do you see that?

4 A I do.

5 Q And do you remember what prompted that 02:04:02
6 particular donation? We saw one earlier that was
7 directed toward a particular purpose. But do you
8 remember why you made this one?

9 A I do not recall.

10 Q At some point, your father was very moved 02:04:20
11 by a tragedy that happened in Armenia and provided a
12 lot of money there.

13 Were you part of that effort yourself in
14 any way?

15 MR. JONELIS: Objection. Lacks foundation. 02:04:39
16 The attorney's testifying.

17 You may answer.

18 MR. RICHMOND: Oh, well, I'll just -- you
19 know, there have been a lot of these objections
20 today. 02:04:47

21 Q Mr. Huntsman, do you know what I'm talking
22 about? You know when your dad gave a lot of money
23 in the wake of an Armenian tragedy. You know that,
24 don't you?

25 A I do know that. 02:04:58

1 Q That's okay. I won't tattle to your wife
2 or your kids on this one. I know how it is.

3 A Oh, they -- believe me, they already know.

4 Q And do you call him "Michael" or "Charles,"
5 or what should I call him? 02:09:55

6 A Michael.

7 Q Michael.
8 When your son Michael went on his mission,
9 am I correct that he and your family were expected
10 to provide the basic funds necessary to fund his 02:10:06
11 missionary efforts?

12 A That was the expectation.

13 Q So now turn to Tab 35, if you would,
14 please.

15 Tab 35 is several pieces of paper, the 02:10:29
16 first one of which I want to focus on has a heading
17 of "Annual Charitable Cash Contributions."

18 Do you see that?

19 A Yes.

20 Q And the donor is named as you. 02:10:49
21 Do you see that?

22 A Correct.

23 Q All right. And it says, "This
24 statement contains a record of
25 voluntary contributions to The Church 02:11:01

1 of Jesus Christ of Latter-day Saints

2 made by the above named donor...during

3 the year 2013."

4 Do you see that?

5 A I do. 02:11:13

6 Q There were three donations made in cash

7 throughout the course of 2013 that added up to

8 \$6,800.

9 Do you see that?

10 A I do. 02:11:33

11 Q And this particular receipt is signed by

12 somebody new that we haven't seen before, and it

13 says it is the bishop or branch president of your

14 "Woodlands 1st Ward."

15 Do you see that? 02:11:48

16 A I do.

17 Q Do you believe that that \$6,800 cash

18 contribution was made to the missionary fund in

19 light of the fact that your son Michael had begun to

20 serve a two-year mission in Chile? 02:12:00

21 MR. JONELIS: Calls for speculation, vague

22 and ambiguous.

23 THE WITNESS: I would need to verify where

24 those funds were specifically intended.

25 BY MR. RICHMOND: 02:12:14

1 Q But -- let me ask it differently, then.

2 Do you have a general recollection that in
3 the 2013-to-'15 time frame you did make some amount
4 of contribution to the missionary fund in light of
5 your son Michael being on mission in Chile? 02:12:31

6 A I believe that to be the case. But, again,
7 whether it went to the missionary fund or general
8 fund, as we can see in my documentation,
9 humanitarian fund, fast offering, tithing, I gave to
10 many different categories within the Church. 02:12:47

11 So as to where this specifically went, it
12 probably was tied to a missionary fund. But, again,
13 I would have to just go back and verify to come --
14 you know, so I don't give any type of false
15 misrepresentation. 02:13:02

16 Q Got it.

17 All right. Let's turn to the second page
18 of what's behind Tab 35, and this is titled,
19 "Donations-in-Kind Receipt."
20 Do you see that? 02:13:14

21 A Yes.

22 Q And this has a receipt number like the
23 others we've seen over on sort of the top right
24 hand, and this receipt is 14593.
25 Do you see that? 02:13:31

1 A I do.

2 Q Okay. This receipt is made out to you and
3 your wife, correct?

4 A It appears so, yes.

5 Q The receipt reflects that you made a 02:13:43
6 donation of 10,200 shares of Huntsman Corporation
7 stock to the Church on December 18, 2013, correct?

8 A Correct.

9 Q Of that donation, 10,000 shares were
10 attributed to tithing and 200 shares were attributed 02:14:06
11 to fast offerings, correct?

12 A Correct.

13 Q Let's turn to the third page of Tab 35.
14 You see a UBS letter to you dated February 12th,
15 2014, which was three or four weeks after your 02:14:30
16 contribution of Huntsman Corporation stock.

17 Do you see that?

18 A I do.

19 Q And, here again, UBS is providing you with
20 the high and low stock price amounts for Huntsman 02:14:44
21 Corporation stock on the day of your contribution of
22 December 18th, 2013?

23 Do you see that?

24 A I do.

25 Q Here again, do you have any idea why UBS 02:14:59

1 was providing you with this information?

2 A I don't know why they -- you'd have to ask
3 them.

4 Q All right. The fourth page behind Tab 35
5 is a one-page acknowledgement from the Church to you 02:15:15
6 and your wife.

7 Do you see that?

8 A Yes.

9 Q This one is to the Humanitarian Aid Fund in
10 the amount of \$2,000. 02:15:31

11 Do you see that?

12 A I do.

13 Q Do you have any idea sitting here today
14 what prompted you to make that specific Humanitarian
15 Aid Fund contribution in 2013? 02:15:44

16 A Likely a hurricane.

17 Q Why do you say that?

18 A In -- well, I believe in 2013 it was a
19 hurricane year for Texas when I lived down there.

20 Q You were living in Texas so you were aware 02:16:05
21 of the hurricanes coming up through the Gulf of
22 Mexico, I take it.

23 A And there would have been requests --
24 multiple requests over the pulpit for such funds.

25 Q Do you believe that the materials we've 02:16:20

1 looked at behind Tab 34 [sic] reflect your
2 contributions to the Church in 2013?

3 A I do.

4 MR. RICHMOND: Let's mark the materials
5 behind Tab 34 [sic] as Exhibit 24. 02:16:36

6 (Exhibit 24 was marked for
7 identification by the court reporter
8 and is attached hereto.)

9 MR. RICHMOND: Now we're on to 2014, so if
10 you would turn to Tab 36, please. 02:16:48

11 THE REPORTER: Before we go there, might we
12 take a short break?

13 MR. RICHMOND: Absolutely. And any time
14 the court reporter wants a break, she gets one.

15 MR. JONELIS: Okay. 02:16:58

16 MR. RICHMOND: Is 10 minutes sufficient,
17 Madam Court Reporter?

18 THE REPORTER: Sure.

19 MR. RICHMOND: Okay.

20 THE VIDEOGRAPHER: Okay. We're going off 02:17:08
21 the record. The time is 2:16 P.M. Pacific Daylight
22 Time, and this is the end of media unit No. 6.

23 (Recess taken.)

24 THE VIDEOGRAPHER: Okay. We're going back
25 on the record. The time is 2:31 P.M. Pacific 02:31:51

1 Q And as with your son Michael, your son
2 Joshua and his family were expected to provide the
3 funds necessary for him to do that missionary
4 service in Uruguay, correct?

5 A That is the expectation. 02:36:28

6 Q Let me have you turn to Tab 38, please.

7 Tab 38 is a one-page document called,
8 "Annual Charitable Cash Contributions" from the
9 Church.

10 Do you see that? 02:36:57

11 A I do.

12 Q And it says, "This statement contains
13 a record of voluntary contributions to
14 the Church of Jesus Christ of
15 Latter-day Saints made by the above
16 donor(s) during the year 2014."

02:37:09

17 Do you see that?

18 A I do.

19 Q And the donor is you, correct?

20 A Correct. 02:37:18

21 Q There were two donations made in this year
22 of cash that totaled up to \$6,400.

23 Do you see that?

24 A I do.

25 Q And do you believe the \$6,400 was 02:37:32

1 contributed in 2014 to the missionary fund in light
2 of the fact that your son Joshua had been called to
3 the two-year mission in Uruguay?

4 A I'll need to verify my documents.

5 MR. RICHMOND: All right. Why don't we 02:37:56
6 have what's behind Tab 38 marked as Exhibit 26.

7 (Exhibit 26 was marked for
8 identification by the court reporter
9 and is attached hereto.)

10 BY MR. RICHMOND: 02:38:05

11 Q And I accidentally skipped a tab,
12 Mr. Huntsman.

13 But, in addition to the salary, stock
14 awards, option awards and non-equity incentive plan
15 compensation in 2014, I needed to direct your 02:38:20
16 attention to one other thing and that's found behind
17 Tab 37, if you could turn there.

18 Do you have that Tab 37?

19 A I do.

20 Q Do you see at the bottom, it says that it's 02:38:42
21 from the Huntsman Corporation SEC 14a filing on
22 March 28, 2014.

23 Do you see that?

24 A I do.

25 Q All right. At the top, the explanation -- 02:38:54

1 donations-in-kind, in stock or other things?

2 A I don't believe so.

3 Q And was there a particular reason, or did
4 you -- let me ask it a different way.

5 Let's turn to Tab 39, if you would, please. 02:41:47

6 Are you at Tab 39, Mr. Huntsman?

7 A I am.

8 Q All right. If you'll look at Tab 39, this
9 is a "Donations-in-Kind Receipt." And just to keep
10 it clear, this has a unique number toward the top of 02:42:09
11 the right-hand side of 65598.

12 Do you see that?

13 A Yes.

14 Q All right. This is a receipt made out to
15 you and your wife, Marianne, correct? 02:42:21

16 A Correct.

17 Q It's for 1,550 shares of the Huntsman
18 Corporation stock.

19 Do you see that?

20 A I do. 02:42:30

21 Q And all 100 percent of those 1,550 shares
22 were attributed to tithing, correct?

23 A Yes.

24 Q The date of the donation is January 9th,
25 2015. 02:42:46

1 Do you see that?

2 A I do.

3 Q It made me wonder if this donation was
4 actually intended for 2014 and somehow just slipped
5 over into the new year of 2015. 02:42:59

6 So with just that observation in mind, do
7 you know why you did not make a larger contribution
8 in 2014 but then you made a very large donation in
9 early 2015?

10 A I don't recall. 02:43:18

11 MR. RICHMOND: Let's have, then, what was
12 behind Tab 39 marked as Exhibit 28.

13 (Exhibit 28 was marked for
14 identification by the court reporter
15 and is attached hereto.) 02:43:31

16 BY MR. RICHMOND:

17 Q Let's move on now to 2015 and go to Tab 40,
18 if you would, please.

19 Are you there at 2000 -- I'm sorry. Are
20 you there at Tab 40? 02:43:52

21 A I am.

22 Q The first page of Tab 40, you'll see at the
23 bottom it says it's from a Huntsman Corporation 14A
24 SEC filing on March 25th, 2016.

25 Do you see that? 02:44:07

1 Houston's a pretty flat market. There
2 might have been a two-point appreciation or flat.
3 I'd have to check my financial records.

4 Q After your contribution to the Church of
5 Huntsman Corporation stock on January 9th, 2015, you 02:55:09
6 never made another contribution to the Church of any
7 kind at any time, correct?

8 MR. JONELIS: Misstates prior testimony,
9 vague and ambiguous, lacks foundation.

10 THE WITNESS: That appears to be correct. 02:55:21

11 BY MR. RICHMOND:

12 Q Your decision to stop making tithing and
13 other contributions to the Church had nothing to do
14 with how City Creek was funded, correct?

15 MR. JONELIS: Argumentative, leading, lacks 02:55:35
16 foundation.

17 THE WITNESS: That's probably a fair
18 assumption at that time.

19 BY MR. RICHMOND:

20 Q Something else happened late in the year of 02:55:49
21 2015 that caused you and your family enough concern
22 that you quit making contributions, correct?

23 MR. JONELIS: Lacks foundation, vague and
24 ambiguous, leading, and assumes facts not in
25 evidence. 02:56:04

1 THE WITNESS: That is a fair assumption.

2 BY MR. RICHMOND:

3 Q And the thing that happened in late 2015
4 was the Church's handling of an issue related to gay
5 marriage and the children within gay marriages, 02:56:16
6 correct?

7 MR. JONELIS: Same objections.

8 THE WITNESS: No.

9 BY MR. RICHMOND:

10 Q Do you remember in 2015 in the fall there 02:56:29
11 was a media storm over the Church's policy or new
12 position with respect to the children of gay
13 marriages?

14 MR. JONELIS: Same objection.

15 THE WITNESS: I do remember that policy 02:56:43
16 that was leaked to the public, yes.

17 BY MR. RICHMOND:

18 Q For example, your niece, Mary Anne Huntsman
19 was very vocal on social media about her
20 disagreement with the new Church policy, correct? 02:56:57

21 A I don't -- I don't recall.

22 Q Let's turn to tab 41.

23 Do you have tab 41 there?

24 A Yes.

25 Q And when you mentioned a moment ago that 02:57:23

1 MR. JONELIS: Leading, vague and ambiguous,
2 argumentative.

3 THE WITNESS: I don't believe so.

4 BY MR. RICHMOND:

5 Q When you say you "don't believe so," I want 03:01:06
6 to make sure we're clear here.

7 Did your decision not to pay tithing in
8 2015 have anything to do with the funding of City
9 Creek?

10 A I don't think so. 03:01:20

11 Q Let's move on to 2016.

12 In 2016, you quit working for the family
13 company for a second time, correct?

14 A That is correct.

15 Q You resigned from the Huntsman Corporation 03:01:37
16 effective June 1st, 2016?

17 A Sounds about right.

18 Q Let's turn to Tab 42.

19 MR. JONELIS: Rick, can we go off for
20 another five-minute bathroom break, if that's all 03:01:58
21 right with you?

22 MR. RICHMOND: Sure. Absolutely.

23 THE VIDEOGRAPHER: Okay. We're going off
24 the record. The time is 3:01 P.M. Pacific Daylight
25 Time, and this is the end of media unit No. 7. 03:02:09

1 Q You don't know?

2 A I probably did.

3 Q But you really don't know one way or the
4 other whether you have pioneer ancestors?

5 A I probably do. If I -- I don't know their 03:18:17
6 specific names but more than likely, they were.

7 Q On your father's side of the family or your
8 mother's, or both?

9 A Probably both.

10 Q Why did you and your wife decide to resign 03:18:36
11 your memberships in the Church in 2020?

12 MR. JONELIS: Calls for speculation.

13 THE WITNESS: I can answer it for me.

14 Because I stopped believing certain
15 doctrines unique to Mormonism. 03:18:51

16 BY MR. RICHMOND:

17 Q Which doctrines were those?

18 A A polygamous heaven and polygamy,
19 generally.

20 Q Any others? 03:19:02

21 A That's -- that's probably the key one.

22 Q And since your wife resigned her membership
23 on the same day, I assume you and your wife talked
24 about doing that at the same time and it was not
25 just a coincidence. Correct? 03:19:28

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1 A Correct.

2 Q So do you have some understanding of why
3 your wife decided to resign her membership in the
4 Church?

5 A I think she stopped believing certain 03:19:39
6 doctrines unique to Mormonism.

7 Q Do you know which doctrines those were?

8 A Probably the marginalizations of women,
9 blacks, gays, nonmembers and other peoples targeted
10 by the doctrine of the Church. 03:20:04

11 Q Any others?

12 A That's probably the foundation of her
13 resignation.

14 Q Where did you live in 2020?

15 A Salt Lake City, Utah. 03:20:16

16 Q All right. Let's go now to 2021.

17 Where did you live in January 2021?

18 A That's this year, right? 20- -- so I would
19 have lived in California.

20 Q When did you start living in California? 03:20:41

21 A October 31st, 2020.

22 Q Was there a reason you left Utah in 2020
23 and came to California?

24 A Yes.

25 Q What was the reason? 03:20:58

1 A Primarily work.

2 Q And when you say "primarily work," do you
3 mean with your employment with Blue Fox
4 Entertainment?

5 A Correct. 03:21:12

6 Q And apart from Blue Fox Entertainment
7 employment, were there other reasons you moved to
8 California?

9 A That was the primary reason, and to be
10 closer to the ocean. 03:21:24

11 Q Are you a surfer?

12 A No.

13 Q Do -- so you sold your house in
14 Beverly Hills.

15 Do you live somewhere else now in 03:21:37
16 California?

17 A I do.

18 Q Do you live in your home in Coronado
19 Island?

20 A Correct. 03:21:44

21 Q And have you lived there the whole time in
22 2021?

23 A Yes.

24 Q Do you know who Michelle Boorstein is?

25 A I do. 03:21:54

1 Q Who is she?

2 A She is a religion reporter for the
3 Washington Post.

4 Q And how do you know Ms. Boorstein?

5 A I don't know her personally. I know of 03:22:06
6 her. She was the one that broke --
7 (Speaking simultaneously.)

8 Q Go ahead. Sorry.

9 A Pardon?

10 Q Let's start over. I'm sorry. I keep 03:22:19
11 interrupting you.

12 So how do you know Ms. Boorstein?

13 MR. JONELIS: Again, misstates prior
14 testimony, assumes facts not in evidence, vague and
15 ambiguous, and lacks foundation. 03:22:32
16 You can answer.

17 THE WITNESS: So I first came across her
18 name during the -- after the article that she wrote
19 during the initial whistleblower documents being
20 released to the public. 03:22:52

21 BY MR. RICHMOND:

22 Q And did you read her reports or her
23 article, or how did you become aware of her?

24 A I read the article.

25 Q Are you a subscriber to the Washington 03:23:04

1 Post?

2 A No.

3 Q Have you ever talked with Ms. Boorstein?

4 A Not directly.

5 Q Have you ever communicated with her in some 03:23:19
6 other way than talking?

7 A I have.

8 Q How's that?

9 A Email.

10 Q And what was the nature of your 03:23:27
11 communications with Ms. Boorstein by email?

12 A That I was not inclined to speak with her
13 when I filed the initial complaint and that at some
14 point in the future maybe we could have a
15 conversation. 03:23:52

16 Q Your understanding is she had a copy of
17 your complaint before it was ever filed, though,
18 correct?

19 MR. JONELIS: Calls for speculation, lacks
20 foundation. 03:24:06

21 You can answer.

22 THE WITNESS: Correct.

23 BY MR. RICHMOND:

24 Q Do you know how she got that complaint?

25 A I do. 03:24:12

1 Q How did she?

2 A I believe she was given it by my attorney.

3 Q Did -- did you complain to your attorney
4 when that happened?

5 MR. JONELIS: I'm going to instruct the 03:24:28
6 witness not to answer to the extent it discloses
7 attorney-client privileged information, which I
8 believe any answer would.

9 (Instruction not to answer.)

10 BY MR. RICHMOND: 03:24:37

11 Q Mr. Huntsman, did you want Ms. Boorstein to
12 have a copy of your complaint before it was filed?

13 MR. JONELIS: Vague and ambiguous, calls
14 for speculation, argumentative.

15 THE WITNESS: I was fine either way. If 03:24:47
16 she did, great. If she didn't, great. I honestly
17 didn't think it was a huge story.

18 And my purpose in this process is more of
19 coming to a resolution and a settlement and not
20 publicity. 03:25:11

21 So whether or not she had it early on,
22 fine. If she didn't, fine. I'm probably neutral.

23 BY MR. RICHMOND:

24 Q So was it someone else who was interested
25 in publicity besides you? 03:25:25

1 A No. I'm interested in publicity. I'm just
2 saying that it wasn't a big deal one way or the
3 other.

4 What the priority was was to resolve the
5 issue, my dispute with the Mormon Church. My 03:25:39
6 priority was not publicity.

7 Q If it turns out you're wrong and no tithing
8 money was ever used for the funding of City Creek,
9 are you going to give an interview to Ms. Boorstein
10 and apologize? 03:25:57

11 MR. JONELIS: Calls for speculation,
12 argumentative, and harassing the witness.

13 THE WITNESS: I guess if the Church
14 afforded me the same luxury, perhaps we could come
15 to an agreement. 03:26:09

16 MR. RICHMOND: I don't have any further
17 questions at this time, Mr. Huntsman, but obviously
18 I reserve my right for further questioning once we
19 get into the discovery process and we're past this
20 initial stage. 03:26:23

21 But I thank you for your time today.

22 MR. JONELIS: Just before we conclude, just
23 pursuant to 30(e), I'm going to request the
24 opportunity to have the deponent review the
25 transcript in the requisite 30-day period. 03:26:33

1 MR. JONELIS: It doesn't matter to me.

2 THE REPORTER: Let's go off the record.

3 THE VIDEOGRAPHER: Okay. We are off the
4 record at 3:30 P.M. Pacific Daylight Time, and this
5 concludes today's testimony given by James Huntsman. 03:30:57

6 The total number of media units used was
7 eight and will be retained by Veritext Legal
8 Solutions.

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10 (TIME NOTED: 3:30 P.M.)

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I, JAMES H. HUNTSMAN, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this ____ day of _____,
20____, at _____, _____.
(City) (State)

JAMES H. HUNTSMAN
Volume I

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn;

8 That a record of the proceedings was made
9 by me using machine shorthand which was thereafter
10 transcribed under my direction;

11 That the foregoing transcript is a true
12 record of the testimony given;

13 That if the foregoing pertains to the
14 original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [X] was [] was not requested;

17 That if the foregoing proceedings were
18 reported stenographically remote from the witness
19 and parties, the transcript of the proceedings
20 reflects the record that I could hear and understand
21 to the best of my ability.

22 I further certify I am neither financially
23 interested in the action nor a relative or employee
24 of any attorney or party to this action.

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IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: July 20, 2021



LORI SCINTA, RPR

CSR No. 4811

1 RE: HUNTSMAN VS. CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

2 JAMES H. HUNTSMAN, JOB NO. 4700665

3 E R R A T A S H E E T

4 PAGE 185 LINE 22 CHANGE Answer should be "No" instead of "Yeah."

5
6 REASON I do not recall saying "Yeah" so this may be a clerical error. In any event, "Yeah" would be inconsistent with what actually happened as reflected by my later testimony.

7 PAGE 253 LINE 3 CHANGE Answer should be "No" instead of "I don't believe so."

8
9 REASON I was confused by the question. Consistent with the rest of my testimony, I obviously could not have known in 2015 that tithing was being used to fund the mall since that fact was not discovered by me until 2019. So that fact could not (and did not) impact my decision to pay tithing in 2015.

10 PAGE 253 LINE 10 CHANGE Answer should be "No" instead of "I don't think so."

11
12 REASON I was confused by the question. Consistent with the rest of my testimony, I obviously could not have known in 2015 that tithing was being used to fund the mall since that fact was not discovered by me until 2019. So that fact could not (and did not) impact my decision to pay tithing in 2015.

13 PAGE _____ LINE _____ CHANGE _____

14
15 REASON _____

16 PAGE _____ LINE _____ CHANGE _____

17
18 REASON _____

19 PAGE _____ LINE _____ CHANGE _____

20
21 REASON _____

22
23 

23 July 28 2021

24 WITNESS

Date

EXHIBIT B

DAVID B. JONELIS, ESQ. (BAR NO. 265235)
JAKE A. CAMARA (BAR NO. 305780)
LAVELY & SINGER PROFESSIONAL CORPORATION
2049 Century Park East, Suite 2400
Los Angeles, California 90067-2906
Telephone: (310) 556-3501
Facsimile: (310) 556-3615
djonelis@lavelysinger.com
jcamara@lavelysinger.com

Attorneys for Plaintiff
JAMES HUNTSMAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES HUNTSMAN,) CASE NO. 2:21-cv-02504 SVW (SKx)
)
Plaintiff,)
)
vs.) **PLAINTIFF'S INITIAL**
) **DISCLOSURES**
)
CORPORATION OF THE)
PRESIDENT OF THE CHURCH OF)
JESUS CHRIST OF LATTER-DAY)
SAINTS; and Does 1-10,)
)
Defendants.)
)
)
)

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD**

2 **HEREIN:**

3 Plaintiff JAMES HUNTSMAN (“Plaintiff”) hereby provides the following
4 initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil
5 Procedure.

6 These initial disclosures are based on information, documents and writings
7 presently known by and available to Plaintiff and his attorneys. Discovery in this
8 action will continue for as long as permitted by rule, statute or stipulation of the
9 parties, and the investigation of Plaintiff’s attorneys and agents will continue to
10 and through any hearing, judicial proceeding or trial in this action. Plaintiff
11 reserves the right, prior to or at the time of any hearing, judicial proceeding or trial,
12 to introduce any evidence from any source that hereafter may be discovered and
13 testimony of witnesses whose identities may hereafter be discovered.

14 Should any information or documents be omitted from these initial
15 disclosures, Plaintiff reserves the right to make such subsequent disclosures as
16 may be necessary. No incidental or implied admissions, nor waiver of any rights
17 are intended by these initial disclosures.

18 As discovery proceeds, witnesses, facts and evidence may be discovered that
19 are not set forth herein but that may have otherwise been responsive to Rule
20 26(a)(1). In addition, facts and evidence now known may be imperfectly
21 understood, or the relevance or the consequence of such facts and evidence may
22 be imperfectly understood and, accordingly, such facts and evidence may, in good
23 faith, not be included in these initial disclosures. It is anticipated that further
24 discovery, independent investigation, legal research and analysis may supply
25 additional facts, add meaning to the known facts and/or establish entirely new
26 factual conclusions and legal contentions, all of which may lead to substantial
27 additions to, changes in and variations from the initial disclosures set forth herein.

28

1 The following initial disclosures are given without prejudice to Plaintiff's right to
2 produce evidence of any subsequently discovered facts or witnesses of whom
3 Plaintiff may later learn or recall. Accordingly, Plaintiff reserves the right to
4 change, add to, or modify any of these initial disclosures as appropriate.

5 **A. Federal Rule of Civil Procedure 26(a)(1)(A)(i)**

6 Pursuant to Rule 26(a)(1)(A)(i), the following are the names and last known
7 contact information of those individuals presently known to Plaintiff who are
8 likely to have discoverable information that he may use to support his claims in
9 this action. Plaintiff reserves the right to call other witnesses at trial for the
10 purposes of impeachment.

11 1. James Huntsman, c/o Lavelly & Singer P.C., 2049 Century Park East,
12 Suite 2400, Los Angeles, California 90067, (310) 556-3501, is likely to possess
13 discoverable information concerning the allegations of fraud at issue in this case.

14 2. Lars P. Nielsen, lars.pauling.nielsen@gmail.com, is likely to possess
15 discoverable information concerning the allegations of fraud at issue in this case,
16 including with respect to the whistleblower complaint filed by his brother, David
17 A. Nielsen, which led to the discovery of the fraud herein.

18 3. David A. Nielsen, contact currently unknown, is likely to possess
19 discoverable information concerning the allegations of fraud at issue in this case,
20 including with respect to his own whistleblower complaint which led to the
21 discovery of the fraud herein.

22 4. Peter R. Huntsman, Peter_huntsman@huntsman.com, is likely to
23 possess discoverable information concerning the allegations of fraud at issue in
24 this case.

25 5. Roger Clarke, c/o Ensign Peak Advisors, (801) 715-0199, 60 East
26 South Temple Street, Suite 400, Salt Lake City, UT 84111-1040, is likely to
27 possess discoverable information concerning the allegations of fraud at issue in
28

1 this case, including with respect to the use of tithing funds by Defendant and
2 Ensign Peak Advisors.

3 6. Don Clouse, c/o Ensign Peak Advisors, (801) 715-0199, 60 East
4 South Temple Street, Suite 400, Salt Lake City, UT 84111-1040, is likely to
5 possess discoverable information concerning the allegations of fraud at issue in
6 this case, including with respect to the use of tithing funds by Defendant and
7 Ensign Peak Advisors.

8 7. H David Burton, c/o Defendant's counsel, is likely to possess
9 discoverable information concerning the allegations of fraud at issue in this case,
10 including with respect to the use of tithing funds by Defendant and Ensign Peak
11 Advisors.

12 8. Keith Brigham McMullin, c/o Defendant's counsel, is likely to
13 possess discoverable information concerning the allegations of fraud at issue in
14 this case, including with respect to the use of tithing funds by Defendant and
15 Ensign Peak Advisors.

16 9. Gary E Stevenson, c/o Defendant's counsel, is likely to possess
17 discoverable information concerning the allegations of fraud at issue in this case,
18 including with respect to the use of tithing funds by Defendant and Ensign Peak
19 Advisors.

20 10. Gerald Causse, c/o Defendant's counsel, is likely to possess
21 discoverable information concerning the allegations of fraud at issue in this case,
22 including with respect to the use of tithing funds by Defendant and Ensign Peak
23 Advisors.

24 11. Russel M. Nelson, c/o Defendant's counsel, is likely to possess
25 discoverable information concerning the allegations of fraud at issue in this case,
26 including with respect to the use of tithing funds by Defendant and Ensign Peak
27 Advisors.

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1 12. Dallin H. Oaks, c/o Defendant’s counsel, is likely to possess
2 discoverable information concerning the allegations of fraud at issue in this case,
3 including with respect to the use of tithing funds by Defendant and Ensign Peak
4 Advisors.

5 13. Henry B. Eyring, c/o Defendant’s counsel, is likely to possess
6 discoverable information concerning the allegations of fraud at issue in this case,
7 including with respect to the use of tithing funds by Defendant and Ensign Peak
8 Advisors.

9 14. Defendant’s PMK, c/o Defendant’s counsel, is likely to possess
10 discoverable information concerning the allegations of fraud at issue in this case,
11 including with respect to the use of tithing funds by Defendant and Ensign Peak
12 Advisors.

13 15. Ensign Peak Advisors’ PMK, (801) 715-0199, 60 East South Temple
14 Street, Suite 400, Salt Lake City, UT 84111-1040, is likely to possess discoverable
15 information concerning the allegations of fraud at issue in this case, including
16 with respect to the use of tithing funds by Defendant and Ensign Peak Advisors.

17 Anticipating that there may be other individuals with discoverable
18 information, Plaintiff reserves the right to supplement this list of witnesses and/or
19 otherwise provide notice of such additional witnesses.

20 **B. Federal Rule of Civil Procedure 26(a)(1)(A)(ii)**

21 Pursuant to Rule 26(a)(1)(A)(ii), the following are the categories of
22 documents, electronically stored information, and tangible things in Plaintiff’s
23 possession, custody or control, that he may use to support his claims in this action.
24 Plaintiff reserves the right to use the other documents at trial for purposes of
25 impeachment:

- 26 1. Documents evidencing Plaintiff’s charitable contributions to Defendant
27 from 2003 to the present;

1 2. Documents evidencing the misrepresentations alleged in Plaintiff’s
2 Complaint;

3 3. David A. Nielsen’s whistleblower complaint and related documents.
4 Plaintiff reserves the right to supplement this list of documents and/or
5 otherwise provide notice of additional responsive documents.

6 **C. Federal Rule of Civil Procedure 26(a)(1)(A)(iii)**

7 Plaintiff’s damages are to be determined and calculated according to proof
8 at the time of trial, but are in an amount of no less than \$1,836,470, plus accrued
9 and accruing interest, plus punitive damages, plus costs of suit. The sum of
10 \$1,836,740 constitutes the total, currently ascertainable, charitable contributions
11 that Plaintiff made to Defendant under false pretenses between 2003 and the
12 present. Plaintiff will make available for inspection and copying the
13 documentation evidencing these contributions.

14 Plaintiff reserves the right to amend this section after Plaintiff has had a
15 reasonable opportunity to conduct discovery and further investigate the facts
16 relevant to this action.

17 **D. Federal Rule of Civil Procedure 26(a)(1)(A)(iv)**

18 Not applicable to Plaintiff.

19

20 Dated: June 23, 2021

LAVELY & SINGER
PROFESSIONAL CORPORATION
DAVID B. JONELIS
JAKE A. CAMARA

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By: /s/David B. Jonelis
DAVID B. JONELIS
Attorneys for Plaintiff
JAMES HUNTSMAN

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