

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN
7050 W. Palmetto Park Rd
Boca Raton FL 33433

Plaintiff,

v.

HON. TIMOTHY J. KELLY
c/o 333 Constitution Ave NW
Washington DC 20001

and

HON. TREVOR N. MCFADDEN
c/o 333 Constitution Ave NW
Washington DC 20001

and

HON. DABNEY L. FRIEDRICH
c/o 333 Constitution Ave NW
Washington DC 20001

Defendants.

**COMPLAINT FOR INJUNCTIVE,
DECLARATORY, AND OTHER
EQUITABLE
RELIEF**

I. INTRODUCTION

Plaintiff LARRY KLAYMAN (“Mr. Klayman”) brings this action against HON. TIMOTHY J. KELLY, HON. TREVOR N. MCFADDEN and HON. DABNEY L. FRIEDRICH for injunctive, declaratory, and other equitable relief for egregious prima facie violations of his constitutional and other legal rights.

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction).

2. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) a substantial part of the events or omissions giving rise to the claims occurred in this judicial district and Defendants are subject to personal jurisdiction in this District.

III. PARTIES

Plaintiff

3. LARRY KLAYMAN is an individual, natural person, who at all material times was and is a citizen of Florida.

Defendants

4. HON. TIMOTHY J. KELLY (“Judge Kelly”) is on information and belief an individual and a citizen of the District of Columbia. He is a judge at the U.S. District Court for the District of Columbia.

5. HON. TREVOR N. MCFADDEN (“Judge McFadden”) is on information and belief an individual and a citizen of the District of Columbia. He is a judge at the U.S. District Court for the District of Columbia.

6. HON. DABNEY L. FRIEDRICH (“Judge Friedrich”) is on information and belief an individual and a citizen of the District of Columbia. She is a judge at the U.S. District Court for the District of Columbia.

IV. STANDING

7. Mr. Klayman has standing to bring this action because he has been directly affected, harmed, and victimized by the unlawful conduct complained herein. His injuries are

proximately related to the conduct of Defendants, each and every one of them, jointly and severally.

V. FACTS

8. This case centers around the unconstitutional and other illegal actions of Defendants, each and every one of them, acting in concert, in not just violating their oath of office as federal judges but worse violating Mr. Klayman's constitutional and other legal rights and discriminating and thus retaliating against him in *In re Larry Klayman*, Attorney Grievance Docket No. 21-07 (the "Federal Disciplinary Proceeding") in this Court.

9. The Federal Disciplinary Proceeding was a reciprocal discipline matter stemming from the District of Columbia Court of Appeals' ("DCCA") wholly unconstitutional and otherwise improper temporary suspension of Mr. Klayman in *In re: Klayman*, 20-BG-583 (the "State Disciplinary Proceeding").

10. In the State Disciplinary Proceeding, the DCCA issued—without any cause as the disciplinary matter had not yet been adjudicated—an order to show cause as to why Mr. Klayman should not serve an interim suspension while the matter was being decided, which would take a considerable amount of additional time if a complete and thorough review of the record should ever take place. Thus, temporary interim discipline runs counter to perhaps the most fundamental and basic tenet of our judicial system – that an individual is to be provided due process and equal protection under the law, and thus presumed innocent until proven guilty under the Constitution. Disciplinary proceedings are quasi-criminal in nature, and thus this constitutional protection is at play. However, to the contrary, the judges in the DCCA flipped fundamental constitutional rights on their head, finding Mr. Klayman guilty until he can prove

himself innocent. This is a clear violation of Mr. Klayman's due process and other sacrosanct constitutional rights.

11. Mr. Klayman therefore filed an extremely detailed response in the State Disciplinary Proceeding citing in great detail, with backup citations, substantial evidence to the order to show cause, as well as a supplement, both of which showed why interim discipline was not warranted.

12. However, the judges in the DCCA ignored Mr. Klayman's submissions and chose instead to impose an interim suspension on January 7, 2021, while providing absolutely no findings of fact and conclusions of law as to how it came to this decision, another clear due process violation.

13. This misconduct and constitutional violation by the DCCA in the State Court Proceeding gave rise to litigation in this Court in a case styled *Klayman v. Blackburne-Rigsby et al*, 21-cv-409 (D.D.C.). This is currently on appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

14. Indeed, Mr. Klayman's fears have come to fruition, as he has now been temporarily suspended by the DCCA for over eight months and counting, and this matter is still pending. If and when Mr. Klayman is found to have committed no ethical violations, he will have still served a lengthy suspension for absolutely no reason, with all attendant interim harm to him and his clients. This is of course, by design of the DCCA, a highly politicized and compromised body in the most politicized and compromised city in the United States.

15. To exacerbate things and to "add insult to injury," on April 8, 2021, this Court issued an Order to Show Cause as to why reciprocal discipline should not be imposed based on the State Disciplinary Proceeding. In response, Mr. Klayman submitted an extremely detailed

response, containing his response to the DCCA as why interim discipline was entirely unwarranted, as he had committed no ethical violations. Exhibit A is incorporated herein by reference in its entirety.

16. Despite this extremely detailed response, the three Defendants, Judge Kelly, Judge Friedrich, and Judge McFadden issued an extremely brief and cursory order on July 23, 2021, totaling just four pages in substance, imposing reciprocal discipline. Exhibit B. None of the principal arguments set forth in Mr. Klayman's response were addressed, but were instead intentionally ignored.

17. Defendants cite LCvR 83.16(c)(1) to support their decision, but this rule is clearly unconstitutional because it denies Mr. Klayman, and others, due process under the Fifth, Fourteenth, and First Amendments -- as it also extinguished Mr. Klayman's public interest free speech legal advocacy-- and it lacks a rational basis, is arbitrary and capricious, and should therefore be ruled to be invalid and unenforceable.

18. This rule, along D.C. Bar Rule XI, §9(g), which authorized temporary suspension, is clearly unconstitutional because it denies Mr. Klayman, and others, due process under the Fifth, Fourteenth, and First Amendments -- as it also extinguished Mr. Klayman's public interest free speech legal advocacy-- and it lacks a rational basis, is arbitrary and capricious, and should therefore be ruled to be invalid and unenforceable.

19. This is underscored by the fact that as recently as June 11, 2020, in another disciplinary matter, 18-BG-100, the District of Columbia Court of Appeals made the express finding that Mr. Klayman was not unfit to practice law. "Nevertheless, we are not left with '[s]erious doubt' or 'real skepticism' that Mr. Klayman can practice ethically," and thus there

exists no reasonable basis for temporary suspension in any event, as Plaintiff is not even a threat to the legal profession, much more his clients' interests.

20. Thus, it is clear that Defendants did not actually review the record before rendering its order, and instead made their decision on outside, impermissible factors, as set forth below. This is a clear violation of Mr. Klayman's due process rights because it has taken away meaningful and actual access to the attorney discipline system to defend himself. If the Defendants are not going to actually read and consider Mr. Klayman's submission, and instead are going to impose temporary discipline no matter what are the facts and the law, then Mr. Klayman's due process rights have clearly been violated.

21. On information and belief, each and every one of the Defendants have communicated and worked together in collaboration to create and cause the manifest and grave injustice that has occurred. This has resulted from their personal animus towards and dislike for Mr. Klayman, as he has been very openly critical of federal judges in this Court, and indeed these particular judges, particularly in the highly politicized and toxic environment of the District of Columbia, as he wrote in his book "It Takes A Revolution: Forget the Scandal Industry!," which was dedicated to Thomas Jefferson. This greatest of Founding Fathers and presidents opposed Article III federal judges, as unelected, life tenured and thus unaccountable to We the People, predicting that they would in effect become despots and tyrants, as they would believe and act as if they are above the law with no accountability. Mr. Klayman's highly publicized book was, not coincidentally, highly critical of each and every one of the Defendants. This book was published on October 27, 2020, before the Defendants ruled, and it was widely advertised nationally and internationally months in advance of that by Post Hill Press and other publishers and distributors.

22. Indeed, it would appear that the panel was stacked in the Federal Court Proceeding to be comprised of judges appointed by Donald Trump to create the appearance of impartiality, but in actuality, Mr. Klayman, a conservative public interest advocate and activist, has been just as highly critical of a number of judges appointed by Donald Trump, such as Defendants herein, as those appointed by his predecessors. As set forth above, he has been highly critical of each and every one of the Defendants in his book “It Takes a Revolution: Forget the Scandal Industry!,” where he critiques each of the Defendants by name, with supporting detail. Indeed, Mr. Klayman, the founder of Judicial Watch, Inc., as well as Freedom Watch, Inc., conceived of these organizations to “watch judges,” as he had experienced, as Jefferson predicted, a myriad of injustices and unethical behavior by unelected life tenured federal judges over his long career, which misconduct harmed if not extinguished the rights of his clients.

23. The Defendants’ dislike if not animus for Mr. Klayman is no secret. At a hearing in an unrelated matter where Mr. Klayman served as counsel, *Arpaio v. Zucker et al*, 18-cv-2894 (D.D.C.), the Honorable Royce Lamberth of this Court revealed to Mr. Klayman and those who were in the audience, “I haven’t had you here in a long time. It’s a pleasure to have you again. I know some judges don’t say that to you, but I will say it.” Exhibit C. This shows that even Judge Lamberth knew of the dislike if not animus that many of his colleagues in this Court had and continue to have for Mr. Klayman.

24. However, respectfully, it is not Defendants’ job to simply brush off and dismiss their duties as federal judges that for whatever reason they do not want to do, whether it be due to personal dislike of and animus toward the Appellant, Mr. Klayman, or for other reasons.

Defendants were appointed to perform their duties of applying the law to the facts, regardless of any personal biases. This is required by the oath of office for federal judges:

I do solemnly swear that I will administer justice **without regard to persons**, and do equal right to the poor and to the rich, and that I will impartially discharge and perform all the duties incumbent upon me as judge under the Constitution and laws of the United States. So help me God. 28 U.S.C. § 453 (emphasis added).

25. Respectfully, while judges can be critical of attorneys in their opinions, if attorneys dare severely criticize them, as Mr. Klayman has, they are subjected to this type of treatment, misconduct and retaliation, here in clear contravention of Mr. Klayman's constitutional and other rights.

26. Mr. Klayman has thus been severely harmed by the Defendants, as his due process rights pursuant to the Fourteenth, and the Fifth and First Amendments to the Constitution have been severely violated. On information and belief, Defendants believe that this will effectively put Mr. Klayman and his public interest advocacy, writings and other professional activities out of business, shielding them from more harsh criticism and potential litigation. Thus, in addition to his constitutional Fifth and Fourteenth Amendment due process rights, Mr. Klayman's First Amendment rights to free speech and expression have been violated.

27. Mr. Klayman therefore respectfully requests that this matter be transferred to another District Court where he is admitted, either the U.S. District Courts for the Southern or Middle Districts of Florida or the U.S. District Court for the Northern District of Texas, as this case will necessarily hinge upon members of this Court ruling on the acts of three judges on this Court, which actions were and remain in violation of Plaintiff's constitutional and other legal rights, and were also unethical in and of themselves. This creates a manifest and strong conflict of interest. Transfer to an impartial venue is therefore necessary in the interest of Mr. Klayman's due process, First Amendment and other rights, as well as the interests of justice in general.

FIRST CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
Fourteenth Amendment Due Process

28. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

29. Defendants' actions and omissions, each and every one of them acting in concert as joint tortfeasors, constituted a violation to Mr. Klayman constitutional rights secured by the Due Process clause of the Fourteenth Amendment.

30. Defendants denied Mr. Klayman due process by failing to review the record, failing in good faith to even consider Mr. Klayman's arguments, and simply "rubber stamping" the DCCA's fatally flawed and unconstitutional temporary suspension order.

31. Defendants denied Mr. Klayman due process by taking away meaningful access to the legal system, taking away his ability to meaningfully defend himself before this Court's disciplinary apparatus, and taking away his right to have his cases actually heard and considered by the judicial system.

32. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

33. Mr. Klayman prays that the imposition temporary and reciprocal discipline be rescinded pending the completion of the State Disciplinary Proceeding at the DCCA.

SECOND CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
Fifth Amendment Due Process

34. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

35. Defendants' actions and omissions constituted a violation to Mr. Klayman constitutional rights secured by the Due Process clause of the Fifth Amendment.

36. Defendants denied Mr. Klayman due process by failing to review the record, failing in good faith to even consider Mr. Klayman's arguments, and simply "rubber stamping" the DCCA's fatally flawed and unconstitutional temporary suspension order.

37. Defendants denied Mr. Klayman due process by taking away meaningful access to the legal system, taking away his ability to meaningfully defend himself before the thi Court's disciplinary apparatus, and taking away his right to have his cases actually heard and considered by the judicial system.

38. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

39. Mr. Klayman prays that the imposition temporary and reciprocal discipline be rescinded pending the completion of the State Disciplinary Proceeding at the DCCA.

THIRD CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
First Amendment Violation

40. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

41. Defendants' actions and omissions, each and every one of them acting in concert as joint tortfeasors, constituted a violation to Mr. Klayman constitutional rights secured by the First Amendment.

42. Defendants violation of Mr. Klayman's constitutional and other legal rights , as set forth above, will effectively put Mr. Klayman and his public interest advocacy, writings and

other professional activities out of business, shielding them from more harsh criticism and potential litigation.

43. Defendants' are attempting to silence Mr. Klayman, and legal advocacy on behalf his activist clients such as Sheriff Joe Arpaio and Cliven Bundy to name just a few, and this is a violation of his rights of free speech under the First Amendment.

44. Part and parcel to this, after Mr. Klayman filed another recently filed pro se complaint *Klayman v. Reo et al*, 1:21-cv-02473 (D.D.C.), this Court without notice removed Mr. Klayman's ability to file electronically in this or any other case, in a further attempt to silence and harm him, as well as to increase the cost in terms of time and expense in pursuing his constitutional and other legal rights. Under the First Amendment Mr. Klayman has the right to pursue legal remedies pro se, even if unconstitutionally and illegally suspended temporarily by this Court, any other court, or the District of Columbia Bar Disciplinary apparatus.

45. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

46. Mr. Klayman prays that the imposition temporary and reciprocal discipline be rescinded pending the completion of the State Disciplinary Proceeding at the DCCA.

FOURTH CAUSE OF ACTION

Challenge to Constitutionality of District of Columbia Local Civil Rule 83.16(c)(1) and District of Columbia Bar Rule XI §9(g)

47. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

48. LCvR 83.16(c)(1) states in full:

An attorney subject to these Rules who has been suspended for more than 30 days or disbarred by another court shall be automatically suspended from practice in this Court. The suspension shall be effective upon service of a Temporary Suspension and Show Cause Order in accordance with these Rules. An attorney

who has been suspended for 30 days or less by another court shall have the fact of that discipline noted by the Clerk on the Lawyer's Register maintained by this Court, and no further proceedings shall be had thereon, unless the Committee on Grievances shall determine that the facts underlying the discipline warrant a proceeding for the imposition of discipline by this Court. Notations on the Lawyers' Register do not constitute discipline imposed by the Court and they shall be available only to the Court and to the Committee and shall not be matters of public record.

49. D.C. Bar Rule XI, §9(g) states in full:

(g) Suspension pending final action by the Court.

(1) Upon receipt of a report from the Board recommending discipline in the form of disbarment, suspension requiring proof of fitness as a condition of reinstatement, or suspension of one year or more without a fitness requirement, the Court shall order the attorney to show cause within thirty days why the Court should not enter an order of suspension pending final action on the Board's recommendation. The attorney shall be required to show cause even if the Board recommends as discipline a partial (but not an entire) stay of the suspension in favor of probation. Unless the Court requests, Disciplinary Counsel need not reply to the attorney's response. To prevent suspension under this subsection, the attorney shall have the burden of demonstrating a substantial likelihood of success with respect to the exceptions the attorney has taken to the Board's report.

(2) If the attorney does not make the showing required by subsection (g)(1) of this section, or if the attorney has not responded to the show cause order in the time required, the Court shall impose interim discipline as follows pending final action on the Board's recommendation:

(a) If the Board has recommended disbarment or suspension requiring proof of fitness to practice law as a condition of reinstatement, the Court shall enter an order suspending the attorney from the practice of law in the District of Columbia.

(b) If the Board has recommended suspension of one year or more without requiring proof of fitness as a condition of reinstatement, the Court shall enter an order imposing the discipline recommended by the Board.

(3) Any suspension imposed under this subsection will not limit the authority of the Court to impose greater or lesser discipline than that recommended by the Board.

(4) Suspension under this subsection shall take effect as provided in subsection 14 (f), and an attorney suspended under this subsection shall comply with the requirements of section 14 of this rule.

50. These rules are unconstitutional in that they violate Mr. Klayman's, as well as others similarly situated, due process rights pursuant to the Fifth and Fourteenth Amendments, as well as right to freedom of speech and advocacy pursuant to the First Amendment.

51. These rules are unconstitutional in that they presume Mr. Klayman, as well as other similarly situated, “guilty until proven innocent.” As pled above, this contravenes one of the basic tenets of the American legal system – that persons are entitled to a presumption of innocence and are therefore innocent until proven guilty. This is well-settled by the Supreme Court as early as 1895. *Coffin v. United States*, 156 U.S. 432 (1895).

52. Mr. Klayman therefore seeks declaratory relief from this Court that Local Civil Rule 83.16(c)(1) and District of Columbia Bar Rule XI §9(g) are invalid and unenforceable, as they are clearly unconstitutional.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment against each of the Defendants, jointly and severally, for declaratory and preliminarily and permanent injunctive relief, and any other further relief the Court deems just and proper, for the prejudicial, intentional, reckless, illegal, unconstitutional and malicious acts of the Defendants, each and every one of them, jointly and severally, against Mr. Klayman, which are and continue to be designed to severely harm him and his family, therefore eliminating him as a public interest advocate who has been and continues to be critical of many in the federal judiciary, including these Defendants, particularly in and on the highly politicized, toxic, vindictive, and compromised District of Columbia courts.

Plaintiff prays:

(1) that the imposition temporary and reciprocal discipline be rescinded pending the completion of the State Disciplinary Proceeding at the DCCA.

(2) that Local Civil Rule 83.16(c)(1) and District of Columbia Bar Rule XI §9(g) are declared and found to be unconstitutional, void, and of no force and effect.

Dated: September 27, 2021

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
7050 W. Palmetto Park Rd
Boca Raton, FL, 33433
Email: leklayman@gmail.com

Plaintiff Pro Se

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In Re: Larry Klayman

Attorney Grievance
AG No: 21-07

LARRY KLAYMAN'S RESPONSE TO ORDER OF APRIL 6, 2021

Respondent Larry Klayman ("Mr. Klayman") hereby submits the following response to the Disciplinary Panel's order of April 6, 2021 suspending him from the practice of law pending final disposition of *In the Matter of Larry E. Klayman*, 20-BG-583 in the District of Columbia Court of Appeals (the "DCCA Matter").

Mr. Klayman respectfully requests that the suspension be lifted immediately, as he has not been suspended in the DCCA Matter as a result of any final order. The DCCA Matter has suspended him pending final disposition, which is a violation of his due process and equal protection rights, as he is presumed innocent until proven guilty. If he is ultimately found to have committed no ethical violation by the DCCA, then he will have served a suspension for absolutely no reason. This goes against every fundamental principle of the legal system.

Furthermore, Mr. Klayman is currently challenging the DCCA Matter's temporary suspension order before this Court. *Klayman v. Blackburne-Rigsby et al*, 21-cv-409 (D.C.D.). The DCCA has no jurisdiction over a federal court like this one, and therefore Mr. Klayman respectfully cannot and should not be subject to any discipline until at least the disposition of this case, including any appeals. Mr. Klayman is attaching the Complaint filed in this instant case, which contains as an exhibit his response to the DCCA which shows exactly why reciprocal

discipline was completely unwarranted. Mr. Klayman respectfully requests that the Court thoroughly review and digest this pleading and its exhibits and defer consideration of unwarranted temporary reciprocal discipline until this matter is fully litigated, as his constitutional rights have been violated. To proceed now would compound this violation of constitutional and other rights by the judges of the DCCA.

Dated: May 6, 2021

Respectfully Submitted

/s/ Larry Klayman
Larry Klayman
7050 W. Palmetto Park Rd
Boca Raton FL 33433
561-558-5336
leklayman@gmail.com

Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LARRY KLAYMAN
7050 W. Palmetto Park Rd
Boca Raton FL 33433

Plaintiff,

v.

HON. ANNA BLACKBURNE-RIGSBY
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. CORRINE A. BECKWITH
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. JOSHUA DEAHL
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. CATHERINE F. EASTERLY
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. STEPHEN H. GLICKMAN
c/o 500 Indiana Ave NW
Washington DC 20001

And

HON. ROY W. MCLEESE
c/o 500 Indiana Ave NW
Washington DC 20001

COMPLAINT

and

HON. PHYLLIS D. THOMPSON
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. JOHN M. FERREN
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. JOHN R. FISHER
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. FRANK Q. NEBEKER
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. VANESSA RUIZ
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. JOHN M. STEADMAN
c/o 500 Indiana Ave NW
Washington DC 20001

and

HON. ERIC T. WASHINGTON
c/o 500 Indiana Ave NW
Washington DC 20001

And

HON. JULIO CASTILLO
c/o 500 Indiana Ave NW

Washington DC 20001

Defendants.

I. INTRODUCTION

Plaintiffs LARRY KLAYMAN (“Mr. Klayman”) brings this action against HON. ANNA BLACKBURN-RIGSBY, HON. CORRINE A. BECKWITH, HON. JOSHUA DEAHL, HON. CATHERINE F. EASTERLY, HON. STEPHEN H. GLICKMAN, HON. ROY W. MCLEESE, HON. PHYLLIS D. THOMPSON, HON. JOHN M. FERREN, HON. JOHN R. FISHER, HON. FRANK Q. NEBEKER, HON. VANESSA RUIZ, HON. JOHN M. STEADMAN, HON. ERIC T. WASHINGTON, and HON. JULIO CASTILLO for violations of his constitutional rights under 42 U.S.C. § 1983.

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction) and 28 U.S.C. § 1332 (Diversity Jurisdiction) because the amount in controversy exceeds \$75,000 and there is complete diversity amongst the parties.

2. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) a substantial part of the events or omissions giving rise to the claims occurred in this judicial district and Defendants are subject to personal jurisdiction in this District.

III. PARTIES

Plaintiff

3. LARRY KLAYMAN is an individual, natural person, who at all material times was and is a citizen of Florida.

Defendants

4. HON. ANNA BLACKBURNE-RIGSBY (“Judge Blackburne-Rigsby”) is on information and belief an individual and a citizen of the District of Columbia. She is the Chief Judge of the District of Columbia Court of Appeals.

5. HON. CORRINE A. BECKWITH (“Judge Beckwith”) is on information and belief an individual and a citizen of the District of Columbia. She is an Associate Judge of the District of Columbia Court of Appeals.

6. HON. JOSHUA DEAHL (“Judge Deahl”) is on information and belief an individual and a citizen of the District of Columbia. He is an Associate Judge of the District of Columbia Court of Appeals.

7. HON. CATHERINE F. EASTERLY (“Judge Easterly”) is on information and belief an individual and a citizen of the District of Columbia. She is an Associate Judge of the District of Columbia Court of Appeals.

8. HON. STEPHEN H. GLICKMAN (“Judge Glickman”) is on information and belief an individual and a citizen of the District of Columbia. He is an Associate Judge of the District of Columbia Court of Appeals.

9. HON. ROY W. MCLEESE (“Judge McLeese”) is on information and belief an individual and a citizen of the District of Columbia. He is an Associate Judge of the District of Columbia Court of Appeals.

10. HON. PHYLLIS D. THOMPSON (“Judge Thompson”) is on information and belief an individual and a citizen of the District of Columbia. She is an Associate Judge of the District of Columbia Court of Appeals.

11. HON. JOHN M. FERREN (“Judge Ferren”) is on information and belief an individual and a citizen of the District of Columbia. He is a Senior Judge of the District of Columbia Court of Appeals.

12. HON. JOHN R. FISHER (“Judge Fisher”) is on information and belief an individual and a citizen of the District of Columbia. He is a Senior Judge of the District of Columbia Court of Appeals.

13. HON. FRANK Q. NEBEKER (“Judge Nebeker”) is on information and belief an individual and a citizen of the District of Columbia. He is a Senior Judge of the District of Columbia Court of Appeals.

14. HON. VANESSA RUIZ (“Judge Ruiz”) is on information and belief an individual and a citizen of the District of Columbia. She is a Senior Judge of the District of Columbia Court of Appeals.

15. HON. JOHN M. STEADMAN (“Judge Steadman”) is on information and belief an individual and a citizen of the District of Columbia. He is a Senior Judge of the District of Columbia Court of Appeals.

16. HON. ERIC T. WASHINGTON (“Judge Washington”) is on information and belief an individual and a citizen of the District of Columbia. He is a Senior Judge of the District of Columbia Court of Appeals.

17. HON. JULIO CASTILLO (“Mr. Castillo”) is on information and belief an individual and a citizen of the District of Columbia. He is the Clerk of the District of Columbia Court of Appeals.

IV. STANDING

18. Mr. Klayman has standing to bring this action because he has been directly affected, harmed, and victimized by the unlawful conduct complained herein. Their injuries are proximately related to the conduct of Defendants, each and every one of them, jointly and severally.

V. FACTS

19. This case centers around the actions of Defendants in violating Mr. Klayman's rights and discriminating against him in a disciplinary matter styled *In re: Klayman*, 20-BG-583. (the "Disciplinary Proceeding") Mr. Klayman's initial brief and appendix are attached to his sworn affidavit, which is attached hereto as Exhibit 1. This affidavit, initial brief and appendix are incorporated herein as if they are pled in the body of this Complaint. They set forth the underlying facts of the disciplinary proceeding against Mr. Klayman. Filed contemporaneously with this Complaint is also a Motion for Preliminary Injunction, which is also incorporated herein by reference.

20. The Complainant in the Disciplinary Proceeding matter is a Muslim woman of color. Mr. Klayman is a white Jewish male. This disparity, favoritism and the discrimination as pled herein serves as the basis for Mr. Klayman claims under the Equal Protection Clause of the Fourteenth Amendment.

21. From the very outset of this proceeding coming before the District of Columbia Court of Appeals ("DCCA"), it more than appears that Defendants, furthered by the constitutional violations set forth herein, have prejudged this matter, which has severely prejudged and harmed not just Mr. Klayman but also his clients.

22. This prejudgment is manifested by prima facie violations of many of Mr. Klayman's rights, including due process under the Fourteenth and Fifth Amendments, equal

protection under the Fourteenth Amendment, rights of free speech and legal advocacy under the First Amendment, and right to counsel of choice under the Sixth Amendment to the Constitution during the temporary suspension phase of this proceeding.

23. On October 19, 2020 the DCCA, comprised of each and every Defendant, *sua sponte* issued, without cause the disciplinary matter had not been adjudicated by Defendants, an order to show cause as to why Mr. Klayman should not serve an interim suspension while this matter was being decided, which could take a considerable amount of additional time if a complete and thorough review of the record should ever take place, which it must.

24. Thus, temporary interim discipline, particularly under these egregious and extraordinary circumstances, runs counter to perhaps the most fundamental and basic tenet of our judicial system – that an individual is to be provided due process and equal protection under the law, and thus presumed innocent until proven guilty. However, to the contrary, the Defendants and their DCCA have flipped fundamental constitutional rights on their head, finding Mr. Klayman guilty until he can prove himself innocent.

25. Thus, Mr. Klayman filed an extremely detailed response citing in great detail, with backup citations, substantial evidence to the order to show cause, as well as a supplement, both of which showed why interim discipline was not warranted.

26. However, Defendants ignored Mr. Klayman's submissions and chose instead to impose an interim suspension on January 7, 2021, while providing absolutely no findings of fact and conclusions of law as to how it came to this decision. This prevents Mr. Klayman from effectively challenging this order during the final phase of this appeal, as he has no idea why the DCCA chose to impose interim discipline

27. Indeed, for this fundamental reason, Mr. Klayman filed on January 11, 2021 a Emergency Motion to Vacate Order and Issue Ruling with Factual and Legal Analysis with Established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights, but this was again summarily denied without any findings of fact and conclusions of law.

28. An order temporarily suspending Mr. Klayman is akin to a preliminary injunction, which means that Mr. Klayman should have been entitled to factual findings and conclusions of law so that he knows what he needs to address in his actual briefs. *As set forth by analogy in* District of Columbia Rule of Civil Procedure 52 (a)(1):

Unless expressly waived by all parties, in an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record or may appear in an opinion or a memorandum of decision filed by the court and are sufficient if they state the controlling factual and legal grounds of decision.

Part (a)(2) of this Rule with regard to analogous interlocutory injunctions mandates “In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action. Similarly, the Federal Rules of Civil Procedure are substantively the same as the District of Columbia Rules of Civil Procedure See Fed. R. Civ. P. 52(a)(1) – (2):

(1) In General. In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58.

(2) For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

29. Mr. Klayman then attempted to file, pursuant to DCCA Rule 35, a Petition for Rehearing En Banc. However, Mr. Klayman was not even allowed to file this Petition, as it was rejected, by Defendants comprised of the chief judge, this three judge panel and all of the

judges of the DCCA on January 25, 2021 as “invalid material” on the basis that the January 7, 2021 order was an interim suspension pending final disposition. Carrying out the unconstitutional acts of the judges of the DCCA was its Clerk, Julio Castillo, who thus also acted unconstitutionally.

30. However, nothing in DCCA Rule 35 prohibits the filing of a Petition for Rehearing En Banc to challenge an interim order. *See* DCCA Rule 35: “(a) When Hearing or Rehearing En Banc May Be Ordered. A majority of the judges who are in regular active service may order that an appeal or other proceeding be heard or reheard en banc. An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless: (1) en banc consideration is necessary to secure or maintain uniformity of the court’s decisions; or (2) the proceeding involves a question of exceptional importance.

31. Thus, Respondent Larry Klayman’s Resubmitted Emergency Petition for Rehearing En Banc to Vacate Three Judge Panel Per Curiam Order of January 7, 2021 and Reissue Order with Factual and Legal Analysis in Accordance with established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights was refiled to point out that Rule 35 did not prohibit en banc review, but it was apparently summarily rejected again.

32. It appears, once again, that the DCCA was simply looking for a reason to continue to deny Mr. Klayman his due process and equal protection rights by not providing him with any required factual findings and conclusions of law, from which he could logically base his arguments against discipline during this final phase of the proceeding.

33. Because each and every member of the DCCA, all Defendants herein including the Court Clerk, Julio Castillo, who acted at the direction of the Defendants, refused to even consider Mr. Klayman’s Petition for Rehearing En Banc, and indeed would not even allow its

filing, each and every Defendant acted upon, has condoned and ratified the constitutional violations herein.

34. To make matters even more egregious and unconstitutional, Mr. Klayman has, until recently, been denied his right to counsel under the Sixth Amendment to the Constitution. From the very outset of this case in the DCCA, Mr. Klayman made it very clear that he wished to be represented by Melissa Isaak, Esq. pro hac vice. In this regard, Ms. Isaak first filed an application for pro hac vice admission on November 11, 2020 and it was not until January 21, 2021 that the DCCA finally directed the clerk to enter Ms. Isaak's appearance. See Order of January 21, 2021 directing Clerk to enter the appearance of Melissa Isaak, Esq. This is an egregious and unconscionable over three-month delay, that is over nine (9) weeks, during which time Mr. Klayman was denied his right to counsel of choice until after the DCCA had already imposed an interim suspension on him.

35. Lastly, Mr. Klayman has informed the DCCA and Defendants on numerous occasions that he was not being served timely with orders from the court, which has caused him prejudice. As set forth in his Motion for Extension of Time of January 3, 2021, he did not learn of the briefing schedule order until sixteen (16) days after it had been issued. This is significant as he lost time to prepare for such a voluminous brief. Tellingly, the DCCA and the Defendants have even refused to address this simple matter, which can be easily fixed.

36. All of this creates much more than a strong inference that the DCCA that all of its Defendants have prejudged the issues by denying Plaintiff Klayman is constitutional rights, notwithstanding the underlying facts of this disciplinary matter which are discussed further in detail below. This total unconstitutional breakdown of the disciplinary process requires this Court to remedy this clear wrong. Mr. Klayman thus respectfully requests that the Court

immediately grant injunctive relief and order the lifting of the temporary suspension and order that Defendants thoroughly review the record to prevent a further and at this point compounded miscarriage of justice.

37. Mr. Klayman is left with no legal recourse but to file this action. Mr. Klayman has no adequate remedy at law as he has exhausted all such avenues before the Defendants. On February 9, 2021, Mr. Klayman filed an Emergency Motion of Respondent Larry Klayman to Rescind Temporary Suspension Order of January 7, 2021, but Defendants have refused to act, further evidencing that he has no adequate remedy at law. Exhibit 2.

38. Mr. Klayman has suffered irreparable harm to my reputation and ability to practice law as a public interest attorney advocate and private practitioner. His current clients and prospective clients have been harmed as well. As set forth in Exhibit 1, as just one example, the Defendants' temporary suspension order is being used against him in *Luhn v. Scott et al*, 19-7146 (D.C. Cir.), where Plaintiff Klayman represents Laura Luhn in her appeal. This has also irreparably harmed him and his clients in *Strange v. Islamic Republic of Iran et al*, 14-cv-435 (D.D.C), where one of the Plaintiffs that Mr. Klayman had been representing terminated his representation. As yet unknown in its entirety are those prospective clients who have not retained Plaintiff because of the unconstitutional temporary suspension. More continuing damage will follow if equitable relief is not granted preliminarily and permanently.

FIRST CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
42 U.S.C. § 1983 – Fourteenth Amendment Due Process

39. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

40. Defendants, at all material times, were acting under the color of state law.

41. Defendants' actions and omissions constituted a violation to Mr. Klayman constitutional rights secured by the Due Process clause of the Fourteenth Amendment.

42. Defendants denied Mr. Klayman due process by refusing to provide any legal and factual analysis, much more findings of fact and conclusions of law, in their orders temporarily suspending him while his disciplinary proceeding was taking place, and also by refusing to even consider his Petition for Rehearing En banc.

43. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

SECOND CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
42 U.S.C. § 1983 – Fifth Amendment Due Process

44. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

45. Defendants, at all material times, were acting under the color of state law.

46. Defendants' actions and omissions constituted a violation to Mr. Klayman constitutional rights secured by the Due Process clause of the Fourteenth Amendment.

47. Defendants denied Mr. Klayman due process by refusing to provide any legal and factual analysis, much more findings of fact and conclusions of law, in their orders temporarily suspending him while his disciplinary proceeding was taking place, and also by refusing to even consider his Petition for Rehearing En banc.

48. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

THIRD CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants

42 U.S.C. § 1983 – Fourteenth Amendment Equal Protection

49. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

50. Defendants, at all material times, were acting under the color of state law.

51. Defendants' actions and omissions constituted a violation to Mr. Klayman constitutional rights secured by the Equal Protection Clause of the Fourteenth Amendment.

52. Defendants engaged in discriminatory and unconstitutional behavior against Mr. Klayman due to his status as a Caucasian, white Jewish male, as opposed to the complainant who is a Muslim woman of color.

53. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

FOURTH CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
42 U.S.C. § 1983 – First Amendment

54. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

55. Defendants, at all material times, were acting under the color of state law.

56. Defendants' actions and omissions constituted a violation to Mr. Klayman's constitutional rights secured by the Free Speech clause of the First Amendment.

57. Defendants order temporarily suspending Mr. Klayman prevents him from engaging in free speech and advocacy as an attorney, both in a public interest capacity and as a private practitioner.

58. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

FIFTH CAUSE OF ACTION
Civil Action for Deprivation of Rights
Against All Named Defendants
42 U.S.C. § 1983 – Sixth Amendment Right to Counsel

59. Mr. Klayman repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

60. Defendants, at all material times, were acting under the color of state law.

61. Defendants' actions and omissions constituted a violation to Mr. Klayman constitutional rights secured by the Sixth Amendment's right to counsel of choice.

62. Mr. Klayman was deprived of his right to be represented by Melissa Isaak Esq. until after Defendants issued an order temporarily suspending him.

63. Defendants' actions were intentional, malicious, willful, wanton, and in gross and reckless disregard of Mr. Klayman's constitutional rights.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment against each of the Defendants for declaratory and preliminarily and permanent injunctive relief, and any other further relief the Court deems just and proper, for the illegal, unconstitutional and intentional and malicious acts of the Defendants, each and every one of them, against Mr. Klayman.

Dated: February 17, 2021

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman
KLAYMAN LAW GROUP, P.A.
7050 W. Palmetto Park Rd
Boca Raton, FL, 33433
Email: leklayman@gmail.com

Plaintiff Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LARRY KLAYMAN

Plaintiff

v.

HON. ANNA BLACKBURNE-RIGSBY et al

Defendants.

Case Number: 21-cv-409

SWORN AFFIDAVIT OF LARRY KLAYMAN

I, Larry Klayman, being over eighteen years of age and duly competent to testify, hereby swear and affirm as follows:

1. I have personal knowledge of the following facts and if called upon as a witness, could testify competently thereto.

2. I swear to the accuracy and veracity of Respondent's Initial Brief and Appendix, attached hereto as Exhibit A to the best of my knowledge and belief.

3. I have been irreparably harmed by the conduct of the Defendants, and will continue to suffer irreparable harm. My constitutional rights have been violated by Defendants. It has long been established that the loss of constitutional freedoms, "for even minimal periods of time, unquestionably constitutes irreparable injury." *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009).

4. I have suffered irreparable harm to my reputation and ability to practice law as a public interest attorney and advocate. and private practitioner. My current clients and prospective clients have been harmed as well. As set forth in Exhibit A, the Defendants' temporary suspension order is being used against me in *Luhn v. Scott et al*, 19-7146 (D.C. Cir.), where I

represent Laura Luhn in her appeal. This has also irreparably harmed me and my clients in *Strange v. Islamic Republic of Iran et al*, 14-cv-435 (D.D.C). More harm is continuing.

SWORN TO UNDER PENALTY OF PERJURY THIS 17th DAY OF FEBRUARY 2021



Larry Klayman

EXHIBIT A

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

In the Matter of:

LARRY E. KLAYMAN, ESQ.

Respondent.

No. 20-BG-583

Board Docket No: 17-BD-063

BDN: 2011-D028

**A Member of the Bar of the District of
Columbia Court of Appeals
(Bar Registration No. 334581)**

INITIAL BRIEF OF RESPONDENT LARRY KLAYMAN

Dated: February 8, 2021

Respectfully submitted,

/s/ Melissa Isaak

Melissa Isaak, Esq.

2815-B Zelda Road

Montgomery, AL 36106

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STATEMENT OF ISSUES

1. Should the District of Columbia Court of Appeals (“DCCA”) not impose discipline on Respondent Larry Klayman (“Mr. Klayman”) in this disciplinary proceeding?

2. Should the DCCA withdraw interim suspension on Mr. Klayman while this matter is decided, as it is in contravention of Mr. Klayman’s due process, equal protection, Sixth Amendment right to counsel and other rights?

STATEMENT OF THE CASE

From the very outset of this proceeding coming before the DCCA, it more than appears that this Court has prejudged this matter, which has severely prejudiced and harmed not just Mr. Klayman but also his clients. This prejudgment is manifested by prima facie violations of many of Mr. Klayman’s rights, including equal protection, due process, and Sixth Amendment right to counsel of choice during the temporary suspension phase of this proceeding.

First, even before this proceeding reached this Court, Mr. Klayman’s due process, equal protection and other rights were ignored and violated. This is a very old – eleven (11) years to be exact -- disciplinary proceeding with a very voluminous record, which the Board on Professional Responsibility (the “Board”) clearly never reviewed, given the numerous material errors contained in its Report and Recommendation (the “Board Report”). These material errors simply could not

have been possibly made had the record even been somewhat reviewed. This forced Mr. Klayman to file an “Emergency Motion for Reconsideration of Order of the Chair of the Board on Professional Responsibility and Motion to Stay Implementation of the Report and Recommendation of the Board of Professional Responsibility of October 2, 2020, Until the Board Conduct a Thorough and Bona Fide Review of the Entire Record in This Proceeding and Request for Internal Reviews” (the “Emergency Motion”) as well as related supplements and motions. The Chairman of the Board, Matthew Kaiser (“Kaiser”), refused to address this, and simply sidestepped taking responsibility and then passed his responsibility on for this Court to deal with. With any real substantial discussion, and just a cursory denial, Kaiser stated:

In any case before the Board, it is duty bound to ‘review the findings and recommendations of Hearing Committees submitted to the Board, and to prepare and forward its own findings and recommendations, together with the record of proceedings before the Hearing Committee and the Board, to the Court.’ D.C. Bar. R. XI, section 4(e)(7). As Respondent’s Motion plainly seeks to petition to the Board to do that which it is mandated to do – and has done in the Board’s report – it is denied as moot. App. 0123.

Furthermore, in the Emergency Motion, Mr. Klayman asked Kaiser if he and the Board had had *ex parte* communications with ODC and this Court on numerous occasions, which Kaiser refused to address. This creates the strong inference that *ex parte* communications have occurred, particularly over the temporary suspension order of January 7, 2021, as discussed below. How hard would it have

been, for instance, to simply say “no,” if indeed there were to such ex parte communications?

Then, once this matter reached this Court, on October 19, 2020 the DCCA *sua sponte* issued an order to show cause as to why Mr. Klayman should not serve an interim suspension while this matter was being decided, which could take a considerable amount of additional time if a complete and thorough review of the record should ever take place, which it must. Thus, temporary interim discipline, particularly under these egregious and extraordinary circumstances, runs counter to perhaps the most fundamental and basic tenet of our judicial system – that an individual is to be provided due process and equal protection under the law, and thus presumed innocent until proven guilty. However, to the contrary, this Court has flipped fundamental constitutional rights on their head, finding Mr. Klayman guilty until he can prove himself innocent.

This is especially outrageous given the underlying facts of this disciplinary action, which, if indeed a thorough review of the record is ever undertaken, Mr. Klayman is confident would logically result in a final order of no suspension. The failure to undertake this review of the record severely prejudices not just Mr. Klayman, but also his clients. As just one example, his client, Laura Luhn has been severely prejudiced. App. 0037 – 0038. Other clients have terminated Mr. Klayman even on matters that are not before District of Columbia courts, as a

result of reading or hearing stories about the temporary discipline on the internet and elsewhere. In short, the temporary suspension has been used strategically to harm Mr. Klayman's reputation, good will and standing with the courts before which he practices, as adversaries, "smelling blood," are using it to prejudice not just Mr. Klayman but also his clients' important interests.

In sum, the issuance of an order to show cause on January 7, 2021, shows that this Court has already prejudged this matter and essentially made up its mind about Mr. Klayman, regardless of what the underlying facts and law are.

Because of this, Mr. Klayman filed an extremely detailed response citing in great detail, with backup citations, substantial evidence to the order to show cause, as well as a supplement, both of which showed why interim discipline was not warranted. *See November 30, 2020 Response to Order to Show Cause and December 7, 2020 Supplement to Response to Order to Show Cause.* However, the Court appears to have ignored Mr. Klayman's submissions and chose instead to impose an interim suspension on January 7, 2021, while providing absolutely no legal or factual analysis as to how it came to this decision. This prevents Mr. Klayman from effectively challenging this order during the final phase of this appeal, as he has no idea why the Court chose to impose interim discipline.

Indeed, for this fundamental reason, Mr. Klayman filed on January 11, 2021 a Emergency Motion to Vacate Order and Issue Ruling with Factual and Legal

Analysis with Established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights, but this was again summarily denied without any legal or factual analysis. An order temporarily suspending Mr. Klayman is akin to a preliminary injunction, which means that Mr. Klayman should have been entitled to factual findings and conclusions of law so that he knows what he needs to address in his actual briefs. *As set forth by analogy in* District of Columbia Rule of Civil Procedure 52 (a)(1):

Unless expressly waived by all parties, in an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record or may appear in an opinion or a memorandum of decision filed by the court and are sufficient if they state the controlling factual and legal grounds of decision.

Part (a)(2) of this Rule with regard to analogous interlocutory injunctions mandates “In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action. Similarly, the Federal Rules of Civil Procedure are substantively the same as the District of Columbia Rules of Civil Procedure See Fed. R. Civ. P. 52(a)(1) – (2):

(1) In General. In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58 (2)

For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

Mr. Klayman then attempted to file, pursuant to DCCA Rule 35, a Petition for Rehearing En Banc. However, Mr. Klayman was not even allowed to file this Petition, as it was rejected, apparently by the chief judge, this three judge panel and all of the judges of this Court, on January 25, 2021 as “invalid material” on the basis that the January 7, 2021 order was an interim suspension pending final disposition. App. 0039. However, nothing in DCCA Rule 35 prohibits the filing of a Petition for Rehearing En Banc to challenge an interim order. *See* DCCA Rule 35.

Thus, Respondent Larry Klayman’s Resubmitted Emergency Petition for Rehearing En Banc to Vacate Three Judge Panel Per Curiam Order of January 7, 2021 and Reissue Order with Factual and Legal Analysis in Accordance with established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights was refiled to point out that Rule 35 did not prohibit en banc review, but it was apparently summarily rejected again. It appears, once again, that the Court was simply looking for a reason to continue to deny Mr. Klayman his due process and equal protection rights by not providing him with any required factual findings and conclusions of law, from which he could logically base his arguments against discipline during this final phase of the proceeding.

To make matters even worse, Mr. Klayman has, until recently, been denied his right to counsel under the Sixth Amendment to the Constitution. From the very

outset of this case in this Court, Mr. Klayman made it very clear that he wished to be represented by Melissa Isaak, Esq. pro hac vice. In this regard, Ms. Isaak first filed an application for *pro hac vice* admission on November 11, 2020 and it was not until January 21, 2021 that the Court finally directed the clerk to enter Ms. Isaak's appearance. *See Order of January 21, 2021 directing Clerk to enter the appearance of Melissa Isaak, Esq.* This is an egregious and unconscionable over three-month delay, that is over nine (9) weeks, during which time Mr. Klayman was denied his right to counsel of choice until after the Court had already imposed an interim suspension on him. *See Order of January 7, 2021.*

Lastly, Mr. Klayman has informed the Court on numerous occasions that he was not being served timely with orders from the Court, which has caused him prejudice. App. 0040 – 0044. As set forth in his Motion for Extension of Time of January 3, 2021, he did not learn of the briefing schedule order until sixteen (16) days after it had been issued. This is significant as he lost time to prepare for such a voluminous brief. Tellingly, the Court has even refused to address this simple matter, which can be easily fixed.

Regrettably, the numerosity and scope of these violations of Mr. Klayman's constitutional and other rights can only be seen as willful, given their frequency and magnitude.

All of this creates much more than a strong inference that the Court has prejudged the issues, notwithstanding the underlying facts of this disciplinary matter which are discussed further in detail below. This total breakdown of the disciplinary process requires this Court to remedy this clear wrong. Mr. Klayman thus respectfully requests that the Court immediately lift the temporary suspension and thoroughly review the record to prevent a further and at this point compounded miscarriage of justice.

STATEMENT OF UNDERLYING FACTS OF THE CASE IN CHIEF

Mr. Klayman is a conservative legal activist and the founder of both Judicial Watch and Freedom Watch, as well as a former federal prosecutor and, as such, he gravitated to the Iranian freedom movement and its mission to effect regime change in the Islamic Republic of Iran. PFF 45. Mr. Klayman attended a freedom rally on the front lawn of the U.S. Capital during the late fall of 2010, when it appeared that dissidents in Iran appeared to be on the verge of overthrowing of the radical Supreme Leader and thus bringing freedom to the nation. PFF 45.

It was at this rally that Mr. Klayman encountered and briefly spoke with the complainant, Elham Sataki (“Ms. Sataki”), who was covering the event for the Persian News Network Division (“PNN”) of Voice of America (“VOA”), whose headquarters was in Washington, D.C. PFF 45. After Mr. Klayman introduced himself to Ms. Sataki, who had concluded an interview, and told her about his pro-

freedom efforts, he left and descended the Capitol steps with one of his clients. PFF 45. Eventually, Mr. Klayman asked Ms. Sataki out in a personal capacity. PFF 46. On their dinner date at Clydes restaurant in Georgetown, Ms. Sataki broke down in tears sobbing, grabbing Mr. Klayman's hand from across the table. She claimed to have been sexually harassed by a co-host at VOA's PNN and then retaliated against by mostly Iranian managers who had different views about Iran's leaders, as they were pro-regime. PFF 47. Sobbing and evoking sympathy from Mr. Klayman, Ms. Sataki explained that she was destitute. PFF 106. Mr. Klayman offered to help her out of friendship as she continued to sob. PFF 47. They met again and Ms. Sataki told Mr. Klayman how her union president and representative at VOA, Mr. Tim Shamble ("Mr. Shamble") had also been trying to resolve the situation. PFF 2, 50.

Mr. Klayman had had prior experience in bringing sexual harassment and workplace retaliation cases over his long then 32 legal career in which he had continuously been a member in good standing of the District of Columbia Bar. PFF 40, 41. In addition, he had considerable experience in administrative law and litigating against the government. PFF 40. But the agreed goal, when he met with Ms. Sataki and Mr. Shamble, was to try to settle matters amicably with VOA, and to achieve Ms. Sataki's expressly stated desire to be detailed out of the DC headquarters to Ms. Sataki's home in Los Angeles, where her friends and family

were. PFF 20, 48. This would take her away from the alleged harasser, Mehdi Falahati (“Mr. Falahati”), and her managers, who had been very critical of her work performance quite apart from her sexual harassment and retaliation claims. PFF 52, 115. Mr. Shamble warned that based on his considerable experience, VOA was very difficult to deal with and was anti-employee rights. PFF 15, 50. Indeed, he stressed that VOA had been rated as the worst agency in government by the General Accounting Office (“GAO”). PFF 16.

Nonetheless, Mr. Klayman, Ms. Sataki and Mr. Shamble began efforts to settle with VOA, but they were predictably met with a hostile reception, as Mr. Shamble had predicted based on his experience as union president. As a result of this hostile reception, Mr. Klayman, Ms. Sataki, and Mr. Shamble collectively decided to use -- as is routine and acceptable strategic practice in matters such as this where there is a political and intransigent government component -- public relations and lobbying with influential Senators and Congressmen to have them intervene and coax a settlement. PFF 128, 166. Ms. Sataki agreed to this publicity, with Mr. Klayman writing positive and complimentary articles and arranging for interviews with major publications, such as the Los Angeles Times. PFF 11, 166. Indeed, a crucial piece of evidence in this proceeding is an email which Mr. Klayman sent to the LA Times, copying both Ms. Sataki and Mr. Shamble, attempting to arrange such an interview. PFF 11.

This was consistent with Ms. Sataki being provided contemporaneously with all the articles and publicity that Mr. Klayman, who along with Mr. Shamble, he had generated for her. At no time did Ms. Sataki object, and there is no contemporaneous written record of any objection. PFF 167. To the contrary, at the hearing before the Ad Hoc Hearing Committee (“AHC”) she was forced to admit on several occasions that she approved of this publicity. PFF 170. In addition, several key material witnesses also corroborated this. PFF 91, 182. In fact, Ms. Sataki personally engaged in the publicizing of her case by personally handing out copies of one the articles written by Mr. Klayman on Capitol Hill! PFF 24. Extensive efforts to lobby politicians were made, often with Ms. Sataki present, but always with her informed consent. PFF 27. However, this strategy was not successful as VOA and its Board of Governors (“BBG”) dug in their heels. PFF 53.

When these efforts proved unsuccessful, it was decided by Ms. Sataki, Mr. Klayman and Mr. Shamble that hard-hitting legal action would be required, PFF 53, with the aim of “convincing” VOA and its decision-maker governors at the BBG to settle. PFF 54. Accordingly, not only was an Office of Civil Rights (“OCR”) complaint filed, so was a *Bivens* action against all the individual governors on the BBG. It was agreed on by all three that holding the governors

personally responsible and at risk might strategically convince them to be reasonable and settle. PFF 54.

Named in the *Bivens* action, which was based on a violation of constitutional rights over sex discrimination among other grounds, was necessarily the titular head of BBG, Mrs. Hillary Clinton, who as secretary of state presided over BBG. PFF 26, 54. Putting friendship aside for the benefit of Ms. Sataki, Mr. Klayman's friend, Ms. Blanquita Collum, a prominent conservative radio talk show host and also a BBG governor, was also named, along with all of the other governors, both Democrat and Republican appointees. PFF 25. Mrs. Clinton was neither singled out nor admittedly did the *Bivens* complaint make any politically motivated attacks on her. PFF 26, 209. She was simply named as a matter of course along with the other governors. Importantly, Mr. Sataki, who knew that Mr. Klayman was conservative and an activist like herself when he offered and then agreed to legally represent her *pro bono*, expressly approved of this strategy. PFF 26.

There was considerable evidence adduced at the hearing that the singular goal was always to get Ms. Sataki transferred to Persian New Network ("PNN") Bureau at VOA in Los Angeles and not to recoup damages. PFF 54, 76, 107, For this fundamental reason, while Ms. Sataki gratuitously offered later that Mr. Klayman could take a percentage of any damage award, this was neither a consideration nor an offer important to him. PFF 54. Instead, it was out of what he

thought at the time was a deep friendship with and caring for Ms. Sataki, that he went to an enormous legal effort to get her back home to LA where she would feel secure, and not to make money. PFF 76. Indeed, Mr. Shamble testified that he never experienced any lawyer work as hard for a VOA employee than Mr. Klayman that he even recommended him to other broadcasters at VOA who had been allegedly discriminated against. PFF 6.

This was why when Ms. Sataki, having taken some leave to travel to LA for vacation, had an emotional breakdown when she was told by VOA that she would not be transferred to LA, and was instead being offered a post at the Central News Division (“Central News”) in Washington. PFF 56, 109, she told Mr. Klayman in an unhinged state that she would commit suicide if she had to go back to DC – a constant theme of Ms. Sataki, who Mr. Klayman learned much later likes to use to induce and lure people into helping her by playing the victim - even before she met Mr. Klayman. PFF 109. Ms. Sataki thus instructed Mr. Klayman to continue to do all he could to get her to LA. PFF 109.

Mr. Klayman did not seek a romantic relationship as ODC falsely and conveniently claims, but had come to deeply care for and love Ms. Sataki and sympathized with her, as he himself had been going through hard personal time and understood and related to her claimed plight. PFF 49, 79. Even though Mr. Klayman was not in good financial shape himself, he put the interests of his friend

and client before his own. PFF 73. To this day, Mr. Klayman has never asked or brought any legal action to be paid back, even after Ms. Sataki vindictively filed a bar complaint against him when she did not get what she wanted at VOA's Office of Civil Rights ("OCR") or in court. PFF 77. Importantly, there is no allegation of sexual harassment in the Specification of Charges and Ms. Sataki has never filed suit on this basis. PFF 105. Nor has there been any malpractice claim filed by her or her surrogates, who prepared a supplemental bar complaint for her. PFF 136. Importantly, and of seminal importance, this identical bar complaint was also sent simultaneously to The Florida Bar and the Pennsylvania Bar, both which found no violation of their rules of ethics, which are similar if not identical to this bar, and summarily dismissed the complaints long ago. PFF 43; Tr. 969-971, RX23, RX 30. This crucial and uncontested fact cannot and must not be overlooked!

Mr. Klayman, with Ms. Sataki's consent and knowledge - as he not only communicated orally with her and Mr. Shamble, but also routinely sent her pleadings - had also filed a motion for temporary restraining order and preliminary injunction, arguing under a landmark case styled *Wagner v. Taylor*, that the status quo should be preserved by ordering that Ms. Sataki be put back to work in the LA PNN Bureau while her administrative employment claims and the *Bivens* suit proceeded. PFF 68.

This *Bivens* case had unfortunately come to be assigned to a judge who Mr. Klayman had had great difficulty with in the past for other clients, the Honorable Colleen Kollar-Kotelly (“Judge Kotelly”), who is known to be highly partisan and to the far left. PFF 55. For this reason, with Ms. Sataki’s informed knowledge, Mr. Klayman moved to have the case transferred to another judge in the DC federal court, but this was not granted.

At the time, a retired federal judge who had sat on the federal court with Judge Kotelly, The Honorable Stanley Sporkin (“Judge Sporkin”), who Mr. Klayman had appeared before and who after the jurist’s retirement he had come to know out of the courtroom, was consulted by Mr. Klayman, who told him at the time that it was a “chip shot” to have put Ms. Sataki back to work in LA. PFF 58.

However, as Mr. Klayman had feared, Judge Kotelly callously ruled against Ms. Sataki and her order showed serious factual and legal errors – indeed, about 14 pages of which he later included in a motion to disqualify the judge. PFF 65. Later, Mr. Klayman would give his public opinion, to which he is entitled – and which is common for lawyers to do - that there was no factual or legal basis for Judge Kotelly’s rulings. PFF 59. He would also seek to disqualify Judge Kotelly on the basis of apparent bias and thus have her orders vacated so he would proceed for Ms. Sataki before another unbiased judge. PFF 65, 66.

But when learning of Judge Kotelly's decision, Ms. Sataki, perhaps showing more of her true "self-centered self," became very abusive of Mr. Klayman, despite all he had done to help her. Mr. Klayman had seen this self-centered demeanor before as the legal and personal friendship relationships had gone forward. And because he cared deeply about and came to love Ms. Sataki, he took her abuse and disrespect to heart and wrote, as a human being, sad emails to her to try to get her to understand how much he cared about her. But this notwithstanding, Mr. Klayman also zealously and diligently continued to try to get Ms. Sataki a good broadcasting job in LA, with the use of his friendship and contacts with his close friend Ted Baehr, the head of Movieguide. PFF 63.

Seeing the difficulty in his legal relationship and friendship with Ms. Sataki, Mr. Klayman recommended that she seek other legal counsel, including Gloria Allred, the famed women's rights advocate, Mr. Klayman's friend and someone who Mr. Shamle has also recommended, attorney Tim Shea, who had had many cases before VOA. PFF 145.

It also got to this point when Ms. Sataki, taking advantage of Mr. Klayman's affection for her, asked Mr. Klayman, as she had throughout, for personal favors. Ms. Sataki, who had no credit, even asked Mr. Klayman to buy her a car, as hers had been repossessed due to her non-payment of monthly fees, and she claimed to want a cheaper one, albeit and incredibly a new Mercedes convertible, to lower

monthly payments. PFF 62. Thus, it became apparent to Mr. Klayman that the time had come to part ways with Ms. Sataki, but he still did not want to hurt her or her legal interests. In addition to the over \$30,000.00 in expenses and the approximately \$250,000 dollars in time -- if he had not been representing Ms. Sataki *pro bono* – Mr. Klayman went the extra mile and used his own monies to compensate her for the loss of her former salary at VOA, and assured her that 6 months tenancy at the apartment he had rented for her was pre-paid. PFF 118, 157.

In this period, after Judge Kotelly's ruling against Ms. Sataki, Mr. Klayman and Mr. Shamble tried repeatedly to communicate with Ms. Sataki, to advise her that only the first round of her case was lost – to put her back to work in LA at VOA—but that she could now move forward not just to seek a permanent injunction in the *Bivens* case, but also file a Title VII complaint in federal court once as the OCR of VOA had ruled against her with regard to her employment claims of sexual harassment and workplace retaliation by her managers, now that administrative remedies had been exhausted. PFF 5, 32, 132. In this regard, Mr. Shamble sent communications to Ms. Sataki asking that she contact Mr. Klayman or himself, assuring her that none of her rights had been forfeited or lost. PFF 33. However, Ms. Sataki did not respond, but instead, apparently with the aid of non-lawyers who were giving her bad advice, incredulously communicated with VOA that she wanted to drop all of her civil cases. PFF 35. The letters which Ms. Sataki

claims to have sent, were either not sent to Mr. Klayman or were sent to wrong addresses and thus he did not receive them from her. PFF 69, 71,

Diligently and responsibly not wanting to see Ms. Sataki's legal rights lost while matters got sorted out, Mr. Klayman, again at his expense, filed a notice of appeal. PFF 72. And while Ms. Sataki has testified falsely that she wanted to drop the *Bivens* case, among other misleading and false testimony at the hearing, she herself, likely with the aid of her felon cousin Sam Razavi ("Mr. Razavi"), sent a notice of appeal to Judge Kotelly, which the judge placed in the case file and mailed to Mr. Klayman. PFF 67. This underscores that, as Mr. Klayman had suspected, Ms. Sataki did not want the dismissal of her cases and was getting bad advice from non-lawyers. He and Mr. Shamble had an ethical and legal duty to try to communicate directly with her and not rely on nonsensical letters obviously not written by Ms. Sataki, as they were in perfect English. PFF 70, 161.

Indeed, by way of comparison, in an email which Ms. Sataki later sent to Mr. Klayman, which falsely accused him of taking bribes to lose her case and disparaged his Judeo-Christian religious beliefs, among other outrageous and vicious insults and untruths, her lack of written English literacy comes through, as well as the other cruel and self-centered side of Ms. Sataki, which had been hidden from Mr. Klayman at the outset, but which emerged later on. BCSX 38. PFF 163.

All of this notwithstanding, the Office of Bar Disciplinary Counsel (“ODC”) belatedly, and egregiously six years after Ms. Sataki had filed and abandoned her complaint, PFF 203, sought to resurrect it for its own biased strategic reasons, to incredibly argue that Mr. Klayman should be disbarred. The thrust of ODC’s case is that Mr. Klayman should never have deeply cared for Ms. Sataki and that he never should have included Mrs. Clinton in the *Bivens* action. The fact that Mrs. Clinton was made an issue in private lawsuit that did not single her out, but who Mr. Klayman had sued on several occasions in his public interest capacity at Judicial Watch and Freedom Watch, underscores the political nature of ODC’s actions. It is no secret that ODC and the Board are managed by leftist pro-Clinton Democrats. A simple review of Federal Election Commission records of those at ODC, and the donations and writings of Chairman Kaiser, bear this out.

The highly partisan nature of this entire proceeding is thus no basis upon which to recommend the “death sentence” of disbarment, much less any suspension, for an attorney – regardless of his public interest advocacy and political beliefs -- who has continuously been a member in good standing for almost 37 years.

Indeed, ultimately, Ms. Sataki admits that is still seeing a doctor to this day and is still on anxiety medication, eight years after Mr. Klayman’s representation. This shows that her mental and other alleged problems are not the result of Mr.

Klayman, but of her own. PFF 171. As for Mr. Klayman, sadly the old adage applies that “no good deed goes unpunished,” notwithstanding that it’s not good to be a conservative pro-Trump white male in today’s environment in the nation’s capital in particular.

SUMMARY OF THE ARGUMENT

There were no legal or factual bases to find that Mr. Klayman had committed any ethical violations, and the Board’s Report, which is full of egregious errors, shows that the Board did not even review the record before issuing its Report, but instead literally “rubber-stamped” a biased Hearing Committee recommendation. Furthermore, interim discipline as set forth above is entirely unwarranted and contrary to the fundamental tenets of our judicial system.

THE LAW

Mr. Klayman’s compelling case for no discipline is three-fold. First, the temporary suspension order must be revoked immediately, as it has severely prejudiced Mr. Klayman and his clients already as it is being used against them, App. 0037 - 0038, and it contravenes the fundamental tenet that an individual is presumed “innocent until proven guilty. Second, this matter is so old that it should be dismissed on the basis of laches alone notwithstanding that was no basis for the Board to find in its Report that Mr. Klayman had committed any ethical violation.

Third, there was simply no requisite clear and convincing evidence of any misconduct period, and as such this proceed should be dismissed.¹

Furthermore, Mr. Klayman respectfully requests again that the Court thoroughly review and digest his Proposed Findings of Fact, as well as his Counter-Findings of Fact, which were filed with the Board, but apparently never reviewed along with the record prior to issuing its Report. App. 0045 – 0077.

Lastly, at a bare minimum, if the charges against Mr. Klayman are not summarily dismissed by the Court, which they should be, this matter must be remanded to another unbiased Hearing Committee so that Mr. Klayman has a chance to receive a fair adjudication. Separately, an internal review must be conducted to determine how the Hearing Committee members were chosen and

¹ With regard to the fee agreement, the record is clear that Mr. Klayman and Ms. Sataki never agreed to any type of fee agreement, where Mr. Klayman would be entitled to a certain percentage of any recovery. Indeed as set forth above the goal was to have her relocated Los Angeles, where she could do broadcasting there for VOA in its offices in the federal building on Wilshire Boulevard, where she could be away from the alleged harasser and allegedly hostile management at VOA, an also have access to her doctors and psychologists. The only agreement that was made between Ms. Sataki and Mr. Klayman was that Mr. Klayman's representations was pro bono. This is shown in the record. "And, I said, well I will try to help you, and you know, I'll do it out of friendship. We're now friends." Mr. Klayman told Ms. Sataki he would legally represent her pro bono. Tr. 326-27, 976-977. Mr. Klayman has never received any money from Ms. Sataki, and has never asked her to pay him a single dollar. PFF 75. Tr. 1057. BCX 29. Mr. Klayman testified, "So I never asked to paid back, and to this day I wish her well. I pray to God that she has a good life, but I'm not the cause of her problems." Tr. 1066.

whether there were any improper *ex parte* communications with this Court, which Kaiser refused to address. App. 0123 - 0124.

I. The Temporary Suspension Order Must Be Vacated Immediately

The Court’s October 19, 2020 order to show cause asks Mr. Klayman to show why the “court should not enter an order of suspension pending final action on the Board on Professional Responsibility’s recommendation.” Mr. Klayman filed an extremely detailed response and supplement, which showed conclusively that the Board’s Report was rife with material errors and misstatements of material facts. Based on this, as it is clear that no discipline at all was warranted as there is simply no clear and convincing evidence of any ethics violation much less an even an interim order of temporary suspension.

The interim suspension order is clearly improper and unwarranted. Not only would this potentially lead to a longer suspension than recommended by the Board, should the Court adopt the Board’s recommendation, it flies in the face of one of the basic tenets of the American legal system – that persons are entitled to a presumption of innocence and are therefore innocent until proven guilty. This is well-settled by the Supreme Court as early as 1895. *Coffin v. United States*, 156 U.S. 432 (1895). Mr. Klayman is unaware of any case or other authority that grants this Court authority to order him to show cause and impose interim discipline before the matter is even fully adjudicated with full constitutional due

process and equal protection rights, based on a simple non-final recommendation of the Board, which piggybacked on a biased, manifestly unjust and fatally flawed Hearing Committee recommendation.

To suspend Mr. Klayman now has resulted in the misuse of state action to deny him his due process, equal protection and other constitutional rights, including right to counsel. Mr. Klayman has been now been severely prejudiced by an inability to practice law in the District of Columbia before any final finding of misconduct. Not only has this already severely harmed Mr. Klayman, but worse the rights of his clients – both present and potential -- as well as his public interest, non-profit work, which requires the filing cases in the District of Columbia where public officials and government agencies reside and do business.

The Court must therefore adhere to the fundamental tenet that Mr. Klayman is innocent until proven guilty and allow this matter to run its full course before any action, even temporary, is imposed.

Lastly, and equally important, in a recent opinion dated June 11, 2020 from this Court in disciplinary proceeding 18-BG-100, this Court recently made the finding that, **“we are not left with “[s]erious doubt” or “real skepticism” that Mr. Klayman can practice ethically.... Accordingly, we decline to impose a fitness requirement.”** Nothing can change this recent finding, especially where the Board has only issued a Report and Recommendation, and it is clear that the

Board did not even take the time to review the record, much more adhere to the legal standard of clear and convincing evidence to consider and if appropriate find violations of ethics rules. Under these extraordinary circumstances as well – especially in a matter which has going for nearly eleven (11) years -- it is clear that interim discipline is simply not warranted or just.

And, importantly, since this Court’s June 11, 2020 order which found that that “ we are not left with ‘serious doubt’ or “real skepticism’ that Mr. Klayman can practice ethically -- just a few months ago -- nothing has changed. The interim temporary suspension order of January 7, 2021, must therefore be vacated immediately.

II. Numerous Due Process Violations, Including Laches, Mandate Immediate Dismissal of the Charges Against Mr. Klayman

This matter is now going on eleven (11) years, that is over complete decade, and during this time period material witnesses like Professor Ronald Rotunda sadly died. Another important material witness, Ms. Sataki's psychologist Dr. Arlene Aviera, contracted serious if not terminable cancer, preventing her from testifying at the hearing. Ms. Aviera, if she had testified, would have been sympathetic to Mr. Klayman's difficulty in representing Ms. Sataki, notwithstanding her other related testimony. Moreover, her internal notes about her treatment of Ms. Sataki, if discovery had been allowed, would have been more than crucial. Indeed, as reflected on the record, it was Mr. Klayman who found and took Ms. Sataki to Dr.

Aviera, not just because she became his client, but because he cared for her. PFF # 110.

As evidence of how important Dr. Aviera's testimony would have been at the hearing, Ms. Sataki testified that she is still seeing a doctor to this day and is still on anxiety medication – eight (8) years after Mr. Klayman's representation ended. This shows that her mental and other problems were not the result of Mr. Klayman, but her own. Tr. 201, PFF 171. Ms. Aviera's testimony would have been crucial in this regard, as she was the psychologist who treated Ms. Sataki at the time the events unfolded and would have been able to provide the Hearing Committee with the proper medical diagnosis and records to back it up. Instead, Ms. Sataki was free to simply vindictively blame all of her problems on Mr. Klayman because she did not get what she wanted, a job in the coveted LA PNN Bureau of VOA.

Early on in the case, given the extraordinary delay where memories had faded, documents been misplaced or lost and as Respondent, given the enormous delay, believed that Ms. Sataki's complaint had been dismissed by ODC as identical complaints had been dismissed by his other state bars in Florida and Pennsylvania, and where witnesses memories were likely to have faded, Mr. Klayman moved for discovery of both Ms. Sataki and Aviera based on the consequences and inherent prejudice caused by of this inordinate delay. The

motion was incredibly denied, with the Chair Mr. Fitch and Mr. Tigar, the two lawyer members of the Hearing Committee, disingenuously ruling that the issue of discovery could be raised again at the later hearing. Indeed, Mr. Klayman did so move again, after ODC, without proper notice, sandbagged Mr. Klayman by presenting on the first day of the hearing scores of new exhibits which had not been made available in the previous eight years, mostly consisting of Ms. Sataki's previously non-disclosed emails and other documents. Tr. 18. The Hearing Committee and Mr. Klayman were also informed for the first time by ODC that Dr. Aviera, who ODC had been listed as a witness, would not be present at the hearing to testify due to the terminal cancer she had contracted during the interminable intervening years. For these two compelling and extraordinary reasons, Respondent renewed his request for discovery of both Ms. Sataki and Aviera, the latter of which could have been taken by video conference. This renewed motion was quickly and tersely denied. Tr. 133-137.

In the Board's Report, the Chairman and his Board seriously erred, again evidencing that a thorough, complete and full review of the record had not taken place before issuance of the Board Report on October 2, 2020. The Board found wrongly at page 28, for instance, "(with) respect to Dr. Aviera Respondent could have sought permission to depose her on grounds that he needed to preserve her testimony due to her illness. He did not." But this is exactly what Respondent had

done, not once but twice. This error is so glaring that it impeaches the accuracy and integrity of the entire Board Report.

In addition, most jurisdictions would have thrown this proceeding out on the basis of such an enormous delay alone. As Professor Rotunda observed:

In *Florida Bar v. Rubin*, 362 So.2d 12 (Fla. Sup. Ct. 1 1978) (per curiam), the Florida supreme court threw out charges because the prosecutor because of the Bar's delay in violation of the Florida rules... One can summarize this case as the Bar delaying finalization of two cases (where the Bar was disappointed with the recommended discipline) because it was confident it would secure a conviction in a third case still in the pipeline in the hope of securing greater overall discipline. The Court said, 'Whatever other objects the rule may seek to achieve, it obviously contemplates that *the Bar should not be free to withhold a referee 's report which it finds too lenient until additional cases can be developed* against the affected attorney, in an effort to justify the more severe discipline which might be warranted by cumulative misconduct. The Bar's violation of the prompt filing requirement in this case, to allow a second grievance proceeding against Rubin to mature, is directly antithetical to the spirit and intent of the rule. In addition, it has inflicted upon Rubin the 'agonizing ordeal' of having to live under a cloud of uncertainties, suspicions, and accusations for a period in excess of that which the rules were designed to tolerate. RX 5.

Professional ethics expert Rotunda in the opinion he wrote before he died during the intervening years also convincingly cited numerous other cases that held that ODC should be subject to the principle of laches. App. 0127 - 0133. They include *The Florida Bar v. Walter*, 784 So.2d 1085 (Fla. Sup. Ct. 2001); *In re Grigsby*, 815 N.W.2d 836 (Minn. 2012); *In Matter of Joseph*, 60 V.I. 540, 558- 59 (V.I. Feb. 11, 2014); *Hayes v. Alabama State Bar*, 719 So 2d 787, 791 (Ala. 1998). RX 5. As just

a few examples, Mr. Rotunda found that in Indiana Bar expressly limits the time to complete a disciplinary investigation in its own rules: Limitation on time to complete investigation. Unless the Supreme Court permits additional time, any investigation into a grievance shall be completed and action on the grievance shall be taken within twelve (12) months from the date the grievance is received.... If the Disciplinary Commission does not file a Disciplinary Complaint within this time, the grievance shall be deemed dismissed.”

Indeed, the record is clear that Florida and Pennsylvania dismissed identical complaints very early on. PFF 43; Tr. 969-971, RX23, RX 30. The Board glaringly made no mention of this in its Report, showing that the record was definitely not reviewed and that. Mr. Kaiser and the rest of the Board just “rubber stamped” a biased and fatally flawed Hearing Committee recommendation.

III. There Was No Basis, Much Less Clear and Convincing Evidence, for the Finding that Mr. Klayman Had Committed Any Ethical Violations

Under Board Rule 11.5, charges against Mr. Klayman must be proved by “clear and convincing” evidence. *In re Vohra*, 68 A. 3d 766, 784 (D.C. 2013). As set forth below, charges against Mr. Klayman must be dismissed because there is nothing even remotely close to “clear and convincing” evidence that Mr. Klayman had engaged in ethical misconduct.

1. “Emotional Interest” is Not an Ethical Violation

The Board has come up with and manufactured out of “thin air” a novel if not bizarre non-existent ethical violation for Mr. Klayman dubbed “emotional interest.” This is not an ethical violation. If it was a violation, lawyers would be prohibited from representing friends, family members, or even spouses who they care about and love – or basically anyone that is not a complete stranger. It is clear that no such prohibition exists. Attorneys are people who have feelings and emotions. There is no ethical prohibition against this.

To the extent that the Board strangely and disingenuously couches this as a conflict of interest violation, it is clear that Mr. Klayman had informed consent. This is admitted by the Board in its Report, where Mr. Klayman “repeatedly communicated his feelings to [Ms. Sataki]” and “she asked him to continue with the representation.” App. 0010. The Board then incredulously tries to find that Mr. Klayman did not believe that he could provide adequate representation to Ms. Sataki – a claim which is belied by the actual record in this matter. Indeed, testimony shows that Mr. Klayman throughout did everything he could to diligently represent Ms. Sataki. Likewise, he did everything possible to ensure that her legal rights were protected. The Board strained and stretched to find a violation where none existed, finding that Mr. Klayman’s “emotional interest” somehow led to a lack of communication with Ms. Sataki. However, as set forth in *infra* section

II(A)(3), this is blatantly incorrect and Mr. Klayman kept Ms. Sataki apprised of everything going on in her case. Tr. 1011.” PFF 60.

For instance, Tim Shamble (“Mr. Shamble”), Ms. Sataki’s union representative and president of the union at VOA declared under oath that Mr. Klayman was “very diligent in attempting to represent Ms. Sataki, putting in many hours, and Mr. Klayman did not, to his knowledge, compromise any of Ms. Sataki’s rights.” PFF 3, RX 1, RX 5. Indeed, Mr. Shamble felt so strongly about Mr. Klayman’s representation of Ms. Sataki that he referred Mr. Klayman to other VOA employees. PFF 6, RX 1, RX 5, Tr. 902. Mr. Shamble testified:

I’ve had several employees that have hired attorneys, and they have asked for the union to cooperate with them and to, you know, help them with their cases. But, in all honesty, I’ve never seen one go as far and as dedicated as Mr. Klayman was towards Ms. Sataki. I felt like he went above and beyond.” Tr. 903-04.

Thus, the facts and the record show that despite any “emotional interest,” Mr. Klayman was undeniably able to diligently and competently represent Ms. Sataki. In fact, he worked harder for Ms. Sataki because he cared about her.

Mr. Klayman also spent a huge amount of his personal time and expense to help Ms. Sataki, including paying for her moving expenses to Los Angeles as well as medical care, over \$30,000 dollars in sum, and in fact this is to be commended. PFF 62, PFF 110, Tr. 348, Tr. 350. There is nothing wrong and unethical with doing this to try to help someone that he considered a close friend that he came to

care about at the time. Indeed, if anything it was Ms. Sataki who acted improperly due to “emotional interest,” when she tried to have Mr. Klayman buy her a car, (which was a new Mercedes convertible no less), as she admitted at the hearing. Tr. 429, 432-35. PFF 62. At that point Mr. Klayman realized that Ms. Sataki was simply trying to take advantage of their friendship, and he therefore recommended to Ms. Sataki to have another attorney step in to represent Ms. Sataki, including his friend, Gloria Allred, who testified on Mr. Klayman’s behalf at the hearing. PFF 78, Tr. 1079-1080. Mr. Klayman and Mr. Shamble also recommended attorney Tim Shea, who had worked cases against VOA before. PFF 145, Tr. 549-550. It is not Mr. Klayman’s fault that Ms. Sataki did not hire the other attorneys who Mr. Klayman had found and Mr. Shamble recommended for her. Mr. Klayman had no power over her choices.

When ultimately Ms. Sataki did not, for whatever reason, get the result she wanted, angry and unhinged, she struck back at Mr. Klayman, sending him the below offensive email which mocked and disparaged his religion and falsely accused him of taking bribes, which was entered into evidence but conspicuously never even mentioned in the Board’s Report, much like the dismissals years earlier by The Florida Bar and the Pennsylvania Bar. This email underscores the verbal and other abuse Mr. Klayman had experienced with Ms. Sataki throughout, as the victim she saw herself as she apparently caused her to believe that she had all

things coming to her, including a car, and explains the basis for many of his communications with her, since as a human being with feelings for her, he felt hurt. Ms. Sataki savagely wrote:

I do not know if you are Christian or Jewish, because whichever suits you best, you become one. But I believe in karma and what you have done with my case and losing it. Ms. Sataki also wrote: And what you have done with my case and losing it and not stopping working on it when I ordered you, one day you'll answer to God, even if you throw your life and play with people life. I am nobody, just a little girl who was retaliated and harassment by some VOA employee and you seed (sic) that you can help me. Not only did you not help me, but destroyed my life to nothing....

Mr. Klayman are you happy now that you've complete destroyed and lost my case? A case with so many evidence and witnesses. Only a very bad and clueless attorney could lose it, or lost it on purps (sic) because you made a dill (sic), with the other party. PFF #163, BCSX 38.

This shows that Mr. Klayman was simply stuck in a “heads I win, tails you lose situation” with Ms. Sataki. While he did everything he could to help her, Ms. Sataki would alternate between trying to use him to buy her a new car and to take other advantage or abusing him. Mr. Klayman still did everything he could, however, to protect Ms. Sataki's legal rights because it was the ethical thing to do. Mr. Klayman's sister, Joshua Ashley Klayman, Esq., who had interacted with Ms. Sataki socially with her boyfriend, testified that she thought Ms. Sataki was using Mr. Klayman. “I mean, I vacillated between kind of liking her and being suspicious of her, quite frankly, as your sister...she was very forward in terms of requesting different things for her personally.” Tr. 1527-28.

2. Mr. Klayman Did Not Fail to Abide By Ms. Sataki's Decisions Concerning the Objectives of Representation

The Board's finding that Mr. Klayman had violated Rule 1.2 by failing to abide by Ms. Sataki's decisions concerning the objectives of the representation is flatly unsupported by the record.

The Board makes the unsupported finding that Ms. Sataki "intended to pursue her case with minimal publicity." This flies in the face of a litany of compelling record evidence submitted by Respondent, including testimony of Ms. Sataki herself! *See* PFF 170:

Importantly, even on questioning from ODC, Ms. Sataki admits that she agreed to the use of publicity to coax a settlement so she could be detailed to the LA bureau of VOA.

Q: Did you ultimately agree with Mr. Klayman about the publicity?

A: I did. Tr. 775.

Mr. Klayman also provided testimony from numerous witnesses that shows that Ms. Sataki's belated claim was false. This included Keya Dash - *see* PFF 91 ("Mr. Dash declared under oath that he was present when the use of publicity to coax the BBG into settlement was discussed with Ms. Sataki, and that Ms. Sataki approved of its use."); This also included Joshua Ashley Klayman, Mr. Klayman's sister and herself a distinguished Wall Street lawyer - PFF 180 ("Ms. Sataki openly

discussed the VOA case with Ms. Klayman many times. [Ms. Joshua Ashley Klayman testified] “Yes, quite openly. And I met her multiple times. It wasn't that I just met her one time. Yes, she was quite open with what the circumstances of her challenges were.... an, she was very, very open, which -- I'm not a litigator. I don't really know anything about litigations, but I was surprised that she was so open.” Tr. 1524.). Furthermore, and again, she testified that she thought Ms. Sataki was using Mr. Klayman. “I mean, I vacillated between kind of liking her and being suspicious of her, quite frankly, as your sister...she was very forward in terms of requesting different things for her personally.” Tr. 1527-28.

Even further buttressing Mr. Klayman's strong argument is the compelling testimony of Mr. Shamble, who was Ms. Sataki's union representative and importantly the president of her union, as Mr. Shamble was representing Ms. Sataki along with Mr. Klayman. Mr. Shamble testified that publicity was a helpful tool in dealing with an agency as notoriously difficult and anti-labor as VOA. PFF 23. Specifically, he testified “[w]e've done it. It's something that you can use to pressure managers, if they're intractable, you know, to try to get them to come to some sort of agreement. We have our own website, so we use it, too.” Tr. 892-893, RX 5. The reason that publicity was often used, according to Mr. Shamble, was that BBG, of which VOA is a subcomponent, has been ranked the worst agency in

government, and is very difficult to negotiate any settlement with because of its management's attitude and approach to employees. RX 1, RX 5. PFF 7.

Perhaps as the final “nail in the coffin” for the Board's blatant error is the fact that Ms. Sataki personally participated in publicizing her case:

Mr. Shamble and Ms. Sataki went together on one occasion to publicize her situation. “I remember one time. The VOA was on the mall here in Washington, some kind of public -- it might have been a recruitment fair or something. But we had an article and both her and I were distributing it to people in the vicinity, tried to let people know and to let the agency know that, you know, we were going to publicize this.” Tr. 893. The article that both Mr. Shamble and Ms. Sataki distributed was called ““Government War on a Freedom Loving Beauty. Exclusive, Larry Klayman Goes to Bat for Harassed Broadcaster Fighting for a Free Iran.” Tr. 894. RX 1. PFF 24.

Furthermore, Mr. Klayman incredibly learned during the Board briefing process that Ms. Sataki had participated in making a documentary about her case against Voice of America (“VOA”), which further undercuts any possible false claim that Ms. Sataki did not agree to publicize her case.² The video, which is in Ms. Sataki's native language Farsi, was translated by one of Mr. Klayman's witnesses, Keya Dash, as well as a respected Farsi certified translator who used to work for VOA. App. 0119 – 0122. To be certain of and confirm the content, Mr. Klayman also had the documentary translated by Mohammad Moslehi, a certified translator who did translations for VOA. App. 0122. Mr. Moslehi translates this “smoking gun” as follows:

² <https://www.youtube.com/watch?v=e3g5f61muZ4>

Whenever I am at my desk and I am not paying attention, he allows himself, to touch me under variety of pretexts.

(displaying Elham [Sataki]'s photo) former broadcaster of VOA.

Mr. Falahati, Asal has written this for us, Well: let us answer the first caller (by the name of - Translator) Hossain from Kerman. Hello, go ahead please.

(displaying photo of Mehdi Falahati) broadcaster for the VOA network VOA: Voice of America

Voice of America has been recognized as the worst entity of American government. Therefore, lots of such coteries and issues exist there. Everybody says that the atmosphere is of a security one. Nobody can talk with anybody. Everybody makes insinuations against one another. The environment is very dirty.

This week is second evening of being online with the subject of presidential elections in Iran and it's outcome, with your phone calls, emails and online weblogs and websites that Elham [Sataki] will introduce to you.

Regarding Mr. Falahati: He repeatedly asked me to go out with him. I didn't want to do it. Mr. Falahati and I started the ONLINE show together and we were performing it together. Aside from other aspects, it was very unprofessional.

When two individuals appear on camera and conduct a show, going out on a date, since it can directly affect the show is not right. They may fight with each other and that will affect the show, and vice-versa. He was not the type of person that I would accept his offer, and say that, all right let's go on a date.

The problem was, he did not know how to take a no. After a while I reached to the point that I was always calling sick and did not go to work. Since I wanted to start working, and Mr. Falahati wanted to come to my desk and again ask me let's go have a coffee or have dinner. And this no, and saying no to him repeatedly had become exhausting for me, had made me very tired. I went to Suzanne who was our executive producer and told her the situation, that he (Mr. Falahati) does so. and I (Elham [Sataki]) don't know what to do at this point. Personally, I am not able to handle it.

The situation will go over the board of the status of going out for dinner, and he will come to my desk and while I am not paying attention, under various excuses touch me. Since I was afraid, I told her (Suzanne) that, can you handle it without anybody to know?? That day she told me that "Legally I cannot do it and you must formally file a complaint."

Mr. Falahati wanted to take revenge, since I complained and stated that the situation was so. As I was behind my desk, twice he came to my desk (audio censored) the dress that I had on and my bra-cord. I hollered at him (audio censored) he laughed and said "don't tell anybody." I was not feeling well. I was seeing psychiatrist. I was seeing psychologist. I was not feeling well. All the documents are available. Everything related (to this matter) exists. I was seeing doctor and the doctor was prescribing relaxing pills for me to take.

At this point, I am just saying, Mr. Falahati is a sick person that has not done so just with me, but the system of VOA has problem. Jamshid Chalangi testified for me. Look what happened? Mahmonir, another lady testified for me. She suffered a lot. Mr. Ali Sajjadi and Mr. Falahati were friends. At that time Mr. Sajjadi was very powerful there. They all got together. And even Suzanne who was my executive producer and was mad from this incident, she teamed up with them. And this caused the problem to be difficult for me, and no attorney was taking my case, because this case had become very big. And when the case became so big, then the Board of Governors had to defend itself, and defending itself caused the case to become against me. And they say that Elham left, Falahati stayed. When they fired me, I was not the only girl. There are a number of others.

Caption displaying Falahati and [Sataki] with written scripts.

The law suit against Mehdi Falahati due to the VOA influence did not get to anywhere, and El ham Sattaki was fired from this network .. After a short period of time Jamshid Chalangi and Ms. Mahmonir Rahimi were fired from this network.

Display of Mehdi Falahati laughing loud.

This video can and should be viewed on YouTube at <https://www.youtube.com/watch?v=e3g5f61muZ4>.

Chairman Kaiser and his Board disingenuously and egregiously refused to consider this critical evidence in its order of October 2, 2020, found by a paralegal to Mr. Klayman's former counsel, Barbara Nichols. during the briefing process, and refused to allow it to be supplemented onto the record, despite its compelling

and extraordinary character and circumstances, which Kaiser admitted is the test to supplement the record. *See* Order of October 2, 2020. Nor would Kaiser and his Board even consider it. This extraordinary evidence definitively shows that Ms. Sataki perjured herself when she testified, having obviously been coached prior to the hearing to do so. In short, this was consistent with her admissions on cross examination, and contradicted her belated, contrived and false testimony that she did not want to use publicity in her case against VOA. This is another example of the Board's fundamentally flawed lack of due process, which severely prejudiced Mr. Klayman.

Thus, it was, frankly, impossible for the Board to make the finding that "Ms. Sataki intended to pursue her case with minimal publicity" in good faith if it had actually reviewed the record and the hearing testimony of Mr. Shamble, Mr. Dash, Ms. Klayman, Mr. Klayman and even Ms. Sataki's own admissions, as well as taken note of this extraordinary duly discovered evidence. Such a blatant and egregious material error shows why Mr. Klayman was forced to file his Motion for Reconsideration and Notice of Record Material with the Board on Professional Responsibility.

Similarly, the Board's finding that Mr. Klayman had failed to abide by Ms. Sataki's wishes to dismiss the case in a July 30, 2010 email is unsupported by the record, much less the requisite clear and convincing evidence. Indeed, Mr.

Klayman, on July 28, 2010, filed a notice of voluntary dismissal dismissing all but two of Ms. Sataki's claims PFF 68. The only two remaining claims at that point were for a Privacy Act claim, and for *Wagner* injunctive relief. PFF 68. Consistent with what was purported to be Ms. Sataki's wishes, Mr. Klayman filed no opposition to the pending motion for summary judgment as to the Privacy Act Claim, and Judge Kotelly had at that point already ruled against Ms. Sataki with regards to the *Wagner* injunctive relief. PFF 68. Thus, the only actions that were taken in the BBG case after July 30, 2010 were to preserve Ms. Sataki's rights on appeal, whether they be exercised by Ms. Sataki herself or with the assistance of other counsel. PFF 78. In any event, Judge Kotelly ultimately dismissed the action. PFF 68.

And importantly but also overlooked was that Mr. Klayman further convincingly and credibly testified that it was highly unlikely that any correspondence that purportedly came from as Ms. Sataki actually did originate from her, given the literate English that was used. PFF 70, 161, 163. Mr. Klayman was familiar with Ms. Sataki's admittedly poor written English, which is exemplified in BCSX 38, the August 4, 2010 letter. The letter which was written to Danforth Austin and not Mr. Klayman, was tellingly and revealingly written in perfect English. Poor written English was one of the difficulties she had experienced with VOA supervisors. PFF 70, Tr. 1041, RX 21. Thus, where it was

clear that Ms. Sataki was not the one who wrote the August 4, 2010 letter, Mr. Klayman had, at a minimum, an ethical duty to speak with Ms. Sataki personally to confirm her wishes before taking actions to forego all of her legal rights, include appellate rights. In fact, as strong evidence that Ms. Sataki did not actually wish to terminate her litigation, she herself filed a notice of appeal, purportedly *pro se*, later that year. PFF 67, RSX 4, Tr. 1031.

Indeed, Mr. Shamble, who was working as Mr. Klayman's partner on behalf of Ms. Sataki, testified as well that he also tried on numerous occasions to communicate with Ms. Sataki, but was rebuffed as well:

Mr. Shamble declared under oath that communication became very difficult and nearly non-existent with Ms. Sataki. When he and Mr. Klayman would try to contact Ms. Sataki, we usually got no response, even for months. PFF 4; RX 1, RX 5.

These uncontroverted facts render the Board's finding that Mr. Klayman had failed to abide by Ms. Sataki's "wishes" to dismiss her cases blatantly incorrect and entirely unsupported by the record. Mr. Klayman simply did what any ethical lawyer would do in that situation, which is to ensure that his client did not lose her legal rights. Ms. Sataki could have still filed a civil rights complaint when the VOA Office of Civil Rights denied her administrative claims, finding in effect that she had not been truth to it. And, as set forth above, as conclusive evidence that Mr. Klayman did act pursuant to Ms. Sataki's wishes, Ms. Sataki herself filed a notice of appeal, purportedly *pro se*, later that year, which would not have been

possible without Mr. Klayman acting to protect her legal rights. PFF 67 RSX 4, Tr. 1031.

Indeed, if there was anyone who failed to abide by Ms. Sataki's wishes, it is actually ODC, who, for its own motives, literally hunted down Ms. Sataki years after she had abandoned her complaint against Mr. Klayman, contrary to ODC's own rules and policies that would render her complaint void, to get her to participate. RX 27. As shown in PFF 169:

Ms. Sataki had abandoned her complaint, but it was resurrected by ODC, despite two other bars having dismissed it many years earlier. In fact, internal correspondence of ODC reveals that it had to use private investigator Kevin O'Connell to try to hunt down Ms. Sataki. RX 27. The internal correspondence of ODC admits: I am trying to locate a complainant that has dropped off the map. Ms. Elham Sataki.... She filed a complaint vs. Larry Klayman in 2011. Her only correspondence with us was the ethical complaint that she filed. My letter to her dated 7/7/11 was not responded to, but was not returned by the USPS either. I recently tried to contact her by telephone, but her number is not in service. I'll appreciate your efforts to locate her and to provide some reliable contact information.

In sum, it was very difficult for Mr. Klayman to determine what communications were coming from Ms. Sataki or those genuinely acting on her behalf, as neither he nor Mr. Shamble could not get in contact with Ms. Sataki to confirm her real wishes. Any attorney placed in this position is simply between "a rock and a hard place," and Mr. Klayman simply thought it better to err on the side of caution to ensure that Ms. Sataki's legal rights were ultimately protected, which is any ethical lawyer's ultimate duty. In this situation, Mr. Klayman could also

have been later accused of malpractice and sued if he dismissed the actions based on a third party's communications. And, even seven (7) years later, when ODC resurrected Ms. Sataki's abandoned complaint, she still wanted to pursue her claims for alleged sexual harassment and workplace retaliation, claims which had been proven false by the Office of Civil Rights ("OCR"). PFF 155.

ODC has documents in its possession that show that when they contacted Ms. Sataki to revive her complaint against Mr. Klayman, she stated that she wanted to do so in order to have a reason to provide persons who asked why she was no longer working at VOA. Further, she implored ODC to pursue her sexual harassment claims against VOA, which further shows that she had no desire to dismiss her claims. At the hearing, Ms. Sataki confirmed and thus conclusively admitted this: "Q: That you wanted Bar Counsel to file a sexual harassment case for you. You asked them that within the last year, against VOA. A: I asked if it's doable." Tr. 489. That this was tellingly omitted in the Hearing Committee recommendation that was "rubber stamped" by the Board is shocking!

3. Mr. Klayman Did Not Fail to Communicate with Ms. Sataki

The Board makes an incredibly unsupported finding, particularly by clear and convincing evidence, that Mr. Klayman had violated Rule 1.4(b), which mandates that an attorney "shall explain a matter to the extent reasonably

necessary to permit the client to make informed decisions regarding the representation.”

What makes the Board’s finding incredibly bizarre is that there is no allegation in its Report that Mr. Klayman failed to keep Ms. Sataki informed of how her cases were going. Importantly, this claim is not in the controlling Specification of Charges, and as set forth above, in any event, Mr. Klayman kept Ms. Sataki informed of her case every step of the way.

And again, there is also no mention of this supposed violation in the controlling Specification of Charges which also simply alleges that Mr. Klayman “failed to reasonably explain a matter to his client to permit her to make an informed decision regarding the representation.” As set forth above, this itself is blatantly incorrect, but in any event, nothing in the Specification of Charges even mentions the novel “violation” that the Board created – speaking with a client outside of the scope of the professional representation as an attorney.

It is truly regrettable to say the least that Chairman Kaiser and the Board would strain to try to create an ethical violation here when one clearly does not exist. Indeed, what the record and evidence does show is that Ms. Sataki was “....kept informed of Mr. Klayman’s strategy and actions on her behalf every step of the way. Tr. 1011.” PFF 60. The Board’s finding here was in clear error, much

less even coming close to establishing the clear and convincing evidentiary factual and legal threshold for an ethics violation.

4. Mr. Klayman Did Not Disclose Any Client Secrets

Hand in hand with the Board's incredibly strange and unsupported if not inexplicable finding without clear and convincing evidence that Mr. Klayman had failed to communicate with Ms. Sataki, is its finding that Ms. Sataki did not give informed consent for disclosure of certain "secrets" contained in articles that Mr. Klayman had written on Ms. Sataki's behalf. This is conclusively rebutted by Mr. Klayman's irrefutable and accurate Proposed Finding of Fact 24:

Mr. Shamble and Ms. Sataki went together on one occasion to publicize her situation. "I remember one time. The VOA was on the mall here in Washington, some kind of public – it might have been a recruitment fair or something. But we had an article and both her and I were distributing it to people in the vicinity, tried to let people know and to let the agency know that, you know, we were going to publicize this." Tr. 893. The article that both Mr. Shamble and Ms. Sataki distributed was called "'Government War on a Freedom Loving Beauty. Exclusive, Larry Klayman Goes to Bat for Harassed Broadcaster Fighting for a Free Iran.'" Tr. 894. RX 1.

How is it even remotely possible to come to the conclusion that Ms. Sataki did not consent to disclosure of these purported "secrets" when she herself was handing out the articles in question on Capitol Hill?! The only possible explanation, tongue in cheek, is that perhaps Ms. Sataki was blind or illiterate at the time and therefore unable to comprehend what she was handing out? There is nothing that supports

this in the record, much less rises to the high level of clear and convincing evidence.

Perhaps even more off base and frankly absurd is the fact that the Board expressly recognizes that Ms. Sataki was personally handing out these “secrets” on Capitol Hill, yet simply blithely and indifferently writes “[b]ecause we conclude that Respondent here violated Rule 1.4 and did not communicate appropriately with his client, we conclude that he did not and could not have obtained her informed consent to disclose her secrets.” To put it mildly, this contrived “heads we win tails you lose” “Alice in Wonderland-like” construct, made without clear and convincing evidence, is nonsensical. Even, hypothetically, if Mr. Klayman had generally failed to communicate with Ms. Sataki (which is blatantly false and unsupported by the record), the Board has no rational basis to use this as a blanket and contrived excuse to manufacture ethical violations. In other words, it must specifically analyze whether Mr. Klayman has communicated with Ms. Sataki in this particular instance. And, the Board would be hard pressed to make the finding that Mr. Klayman had failed to do so, when Ms. Sataki was personally handing out copies of her “secrets” to strangers on Capitol Hill. This egregious error by the Board was compounded by its turning a blind eye to and making a decision to not allow onto the record the newly discovered video documentary uncovered in 2019 of Ms. Sataki herself publicizing her own case and related and underlying so called

confidential “secrets.” It is abundantly clear that if Ms. Sataki is personally making videos about her “secrets” and posting them online that they are not “secrets” at all! Importantly, that the Board would not even grant Mr. Klayman’s request to review the newly discovered video on a Persian television station which she made explaining in detail own plight in order to decide whether to supplement the record with extraordinary, compelling exculpatory newly discovered evidence puts the nail in the coffin of the phony claim that Respondent himself revealed confidences.

Lastly, it is important to point out that ODC alleged a violation of Rule 8.4 for conduct involving dishonesty and/or misrepresentation under this claim, but neither the Hearing Committee nor the Board found that Mr. Klayman had acted dishonestly.

5. Mr. Klayman Did Not Fail to Withdraw From Representation

The finding by the Board that Mr. Klayman improperly failed to withdraw from representation is, once again, completely unsupported by the record, much less clear and convincing evidence. What the record does show, as set forth previously, is Mr. Klayman did not take steps to litigate the BBG case further after July 30, 2010 and only acted to preserve Ms. Sataki’s appellate rights. PFF 68. And it was good that Mr. Klayman did so, because Ms. Sataki filed a notice of appeal *pro se* later on down the road. PFF 67. The Board simply states that Mr. Klayman “continued to file motions” without actually taking the time to look at the

substance of what was filed. And, then years later Ms. Sataki – after she was literally hunted down by ODC for ulterior reasons -- then asked ODC to prosecute her sexual harassment claims! Tr. 489. Again, case closed!

Furthermore, letters purportedly terminating Mr. Klayman’s representation were admittedly sent to the incorrect addresses, which Mr. Klayman never received from her. PFF 71. Mr. Klayman also had a duty to confirm Ms. Sataki’s purported “desires” in the August 4, 2010 letter, as it was clearly not written by her, PFF 70, Tr. 1041, RX 21, before terminating all of Ms. Sataki’s rights on appeal.

Thus, the record does show that Mr. Klayman did not substantively litigate any of Ms. Sataki’s cases after he was terminated, and acted only to preserve her rights on appeal. This is competent, zealous representation, not ethical misconduct.

6. Ms. Sataki’s Lack of Credibility Must Be Addressed

Glaringly absent from the Board’s Report is any discussion of Ms. Sataki’s - ODC’s one material witness’s - credibility, or obvious lack thereof, as she was definitively impeached numerous times at the hearing and on other occasions, not the least of which is her blatantly false testimony that she did not want publicity for her case, which is conclusively rebutted in the previous sections.

Mr. Klayman did not want to appear to be attacking Ms. Sataki personally, and even addressed this with the Hearing Committee at the hearing, who assured Mr. Klayman that he was entitled to vigorously defend himself:

Mr. Klayman: So, you know, that's where I stand. I appreciate you're going to allow me to give an aggressive defense, but I don't want to look like the bad guy. I never have. And that's the quandary I'm in as being Respondent, and my lawyer, and the witness, and I want to keep a good demeanor, but -- and stay calm, but, you know, I'm outraged by some of the things I heard and what has been done by Bar Counsel.....

Mr. Tigar: Well, I assume, Mr. Klayman, up here, the reason they have lawyers decide these cases, as well as the hearing officers is, this is not our first rodeo, and we have all been in cases in which public opinion has been against us and in which we have faced this terrible problem of cross-examining people who come on as sympathetic, such as in the capital case, victim impact witnesses. So, we understand the situation and I adopt the Chair's position. Nobody up here is opposed to the idea of a vigorous, effective cross-examination in your exercising your rights, and I think everybody up here can be trusted to disregard whatever public attitudes may be circulating around out there, that may have led to some perceptions. Tr. 231-233.

It appears, however, that he was sandbagged by Mr. Tigar and his very deferential colleague, Hearing Committee Chairman Anthony Fitch. However, now more than ever, given the extremely high stakes, Mr. Klayman must also bring to the Court's attention Ms. Sataki's lack of credibility.

The record shows a history of making false allegations, as set forth in PFF 147-150:

Ms. Sataki filed a complaint in Los Angeles Superior Court against the manager of the apartment, Dean Proper, and accused him of sexual harassment of her friend Jessica who was staying in the apartment in the second bedroom, as well as stealing Ms. Sataki's diamond ring. Tr. 506-512. RX 12. The Court ruled against her. Tr. 519.

Ms. Sataki falsely tries to justify the court's judgment against her by untruthfully claiming that the complaint was only meant to escape the payment of rent for the apartment. Tr. 520.

In fact, the truth is that the court documents show “Judgment was entered, as stated below, on Day: 8/23/2011. Defendant does not owe plaintiff any money on plaintiffs’ claim. And below it says contested. Tr. 521. RX 12.

Indeed, her claims of sexual harassment and workplace retaliation were also found by the OCR to be outright false. *See* PFF 155 (“The final determination finds that Ms. Sataki’s factual claims of sexual harassment and workplace retaliation were not meritorious and thus false, as OCR had interviewed a number of witnesses. Tr. 635-640. RX 18.”).

Ms. Sataki’s claim that Mr. Klayman had “followed” her into the women’s bathroom at the Luxe Hotel was also false. The record shows the following testimony:

Q. The sentence here, "By the way, the Luxe Hotel, Hotel Luxe, renamed the women's restroom in my honor. It's now called the Klayman Room. I could now use it for client meetings." Is that a joke?

A. That was a joke, yes.

Q. Is that a joke because you had chased Ms. Sataki into the women's room?

A. No, it's because she had ran into the women's room. I never went into the women's room. I was trying to see that she was alright. And you know, she was very emotional. She's been emotional before, and she's been emotional here, and she was emotional with others. And I was concerned about her. But I didn't go into the women's room. That was just a joke. Tr. 1467-1468.

Unsurprisingly, the Hearing Committee and Board failed to mention much less lend credence to Mr. Klayman’s testimony and simply again adopted Ms. Sataki’s

false statements. This is an egregious error that shows, once again, at a minimum, the record was not reviewed. Perhaps even more egregious is the possibility that the record here was reviewed but simply ignored in order to strain to find ethical violations, when no clear and convincing evidence was apparent and thus forthcoming.

Ultimately, it would appear that Ms. Sataki had become influenced by her felon cousin, Sam Razavi, who was convicted of gambling fraud in Las Vegas, Nevada, BCSX 36, 37; Tr. 737-39. PFF 162, and was pressured into making a non-meritorious complaint against Ms. Klayman. As set forth in Respondent's PFF 136:

The idea of the supplemental complaint, BCX 23, came from Ms. Staunton and her cousin Sam Razavi ("Mr. Razavi"). Tr. 468-469. Neither of them are lawyers. Ms. Sataki admits that Ms. Staunton and Mr. Razavi prepared the supplemental complaint. Tr. 469. Tr. 301, 307, 317, 468-72, 474-75, 544.

Mr. Razavi was the person who threatened Mr. Klayman and it was discovered that he had pled guilty to and was convicted by the 2nd District Court of the State of Nevada, Washoe County, for conspiracy to commit fraudulent acts involving gaming. BCSX 36, 37; Tr. 737-39. PFF 162.

Further instances of Ms. Sataki making false statements on the record include, but are not limited to:

(1) Lying about the involvement of Kathleen Staunton in the preparation of the bar complaint against Mr. Klayman. At the hearing, she claimed under oath that Ms. Staunton helped her prepare the complaint, along with Mr. Razavi. Tr. 469. Tr. 301, 307, 317, 468-72,

474-75, 544. However, after the hearing, Mr. Klayman contacted Congressman Dana Rohrabacher's office, where Ms. Staunton worked, and was told by the congressman's chief of staff, Rick Dykema that Ms. Staunton had no involvement in the preparation of the bar complaint, and did not have any knowledge of it. App. 0125 - 0126.

(2) Lying about having her life ruined by Mr. Klayman, and everything being "on hold" due to Mr. Klayman, when in fact, she has been gainfully employed as a Persian broadcaster in Los Angeles making \$62,000 per year at Andisheh Television. Tr.565-589.

(3) Dishonesty and infidelity with and toward one of Ms. Sataki's four ex-husbands, who had filed a sworn affidavit in his divorce case for having caught her having sex with another man in their apartment just weeks after they were married. Tr. 377-382, PFF 123.

(4) Ms. Sataki also filed a complaint in Los Angeles Superior Court against the wife of Zia Atabay, Attaby's wife having accused Ms. Sataki of having an affair with her husband who is the head of a prominent Persian television network where Ms. Sataki then worked. As a result, Mrs. Atabay was alleged to have keyed Ms. Sataki's car. However, Ms. Sataki also falsely testified that the court ruling proved she was not having an affair with Zia Atabay, the owner of NITV. Tr. 525-526. The Chair, Mr. Fitch, acknowledged that Mr. Klayman's elicited testimony goes to Ms. Sataki's overall credibility. Tr. 527-528. PFF 150. Mr. Keya Dash testified under oath that there was such an affair and it was widely known in the close knit Iranian community. PFF 96-97. Tr.1342.

These examples all go strongly toward a finding that Ms. Sataki lacked credibility, was prone to filing retaliatory and meritless complaints – including the bar complaint against Mr. Klayman -- and was receiving bad advice from her felon cousin, who had even threatened Mr. Klayman. PFF 162, Tr. 737-39. These should have been considered by the Board in its Report, and its failure to do so was an egregious error.

Lastly, Mr. Klayman reiterates that he was always hesitant, as an accused white male, about aggressively questioning Ms. Sataki, but was reassured by Mr. Tigar and Mr. Fitch that it would not be held against him. However, as shown in the Hearing Committee's Report, Mr. Klayman was sandbagged by Messrs. Tigar and Fitch over his strong cross examination of Ms. Sataki which destroyed her credibility.

7. The Hearing Committee and Board Exhibited Extreme Bias and Prejudice Towards Mr. Klayman, Which Must Be Remedied

Incredibly, one of the members of the Hearing Committee was Michael Tigar, an avowed and proud communist, and someone who is the ideological foe of Mr. Klayman, a staunch conservative and supporter of former President Trump. App. 0078 - 0104. To make matters worse, the Chair Anthony Fitch, while leftist but perhaps not a communist, appeared to be highly collegial with if not in awe of Mr. Tiger and acted in a manner that was overly deferential to him throughout the disciplinary process, looking to him repeatedly for "guidance." To be perfectly clear, Mr. Klayman's Proposed Findings of Fact and Counter Findings of Fact, App. 0045 - 0077, underscore the fact that the Board and the Hearing Committee never thoroughly reviewed the record, although Mr. Klayman literally begged them to do so.

As set forth in detail below, the Board's Report contained numerous egregious errors that evidence a lack of attention and review of the record. To try to set the record straight and prevent a manifest injustice, Mr. Klayman was forced to file a Notice and Motion to Review Record Material Which Will Aid Disposition, which was summarily denied – and a Motion for Reconsideration of the Order of the Chair of the Board on Professional Responsibility and Motion to Stay (the “Motion for Reconsideration”) with the Board, which included a rational and legitimate request that the Board thoroughly conduct a bona fide review of the entire record, which they tellingly refused to do. The Chairman Kaiser was notably disingenuous in denying the motions with no real analysis, finding only “after the fact” that Mr. Klayman's motion was “moot” because he had filed his Notice of Exceptions. Mr. Klayman had previously filed his Motion for Reconsideration under an emergency basis and has asked the Board to stay proceedings until the Motion for Reconsideration had been decided, but then Chairman Kaiser and the Board did not act—and when it did passed the ball to this honorable Court, shirking and ignoring its duties and responsibilities to correct a multitude of material errors by undertaking a bona fide review process. Notably, Chairman Kaiser waited until after the deadline for Mr. Klayman to file his Notice of Exceptions to deny Respondent's legitimate request, rather than issuing a stay as would have been just.

Given this refusal and failure to address the obvious clear errors, much less lack of clear and convincing evidence, in the Board Report, Mr. Klayman is forced to wonder if Chairman Kaiser and his Board, in addition to the Hearing Committee, was biased against him due to their conflicting political beliefs and advocacy.³ Regrettably, this type of prejudice is not unusual and is frequently reality in today's world of Washington, D.C., where extreme political polarization has reached a critical mass. Mr. Klayman is a prominent conservative activist, a pro-Trump supporter and public interest attorney, whereas, for instance, a prominent member of the Hearing Committee Michael Tigar, and the Chair Anthony Fitch to a slightly lesser extent, are the polar opposites who obviously detest all that Mr. Klayman stands for and advocates in his public interest and private legal capacity as founder of both Judicial Watch, Inc. and Freedom Watch, Inc.

³ There is also a very apparent sentiment and approach of the D.C. Bar disciplinary apparatus that the mere act of a Respondent defending himself and not throwing him or herself on the "mercy of the Court" subjects the attorney to a greater likelihood of being found "guilty" with heightened sanctions. This flies in the face of the basic tenets of the American judicial system, and the Board's own rules which state that it is ODC's duty to prove a violation by clear and convincing evidence. The mere filing of a specification of charges by ODC is not in any way evidence of ethical misconduct and a respondent who believes he did not act unethically should not be punished for defending himself to the fullest extent of the law. In short, if a respondent feels and can support with facts and the law, as is true here, that he has done nothing unethical, he should not feel compelled to admit guilt and in effect throw himself on the mercy of the Court.

As for Mr. Tigar -- who a review of various transcripts during this proceeding will show that he was held in awe and accorded great deference by Hearing Committee Chair Anthony Fitch -- he remains a proud communist to this day, as he recently penned renewed allegiance to Karl Marx in his latest book “Mythologies of State and Monopoly Power, which is endorsed by none other fellow renowned communist Angela Davis and convicted domestic terrorist Bernadine Dorhn, to name just a few radical leftists. App. 0078 - 0104. As a young lawyer, it is not in dispute that he was fired by former Justice William Brennan as his clerk over this, as reported in the landmark book by famed Washington Post investigative reporter and editor Bob Woodward. App. 0078 - 0104.

As for Chairman Kaiser, he is also an ideological foe⁴ of Mr. Klayman, himself having written and had published articles in defense of Hillary Clinton's "honesty," but to the contrary vilified President Donald Trump,⁵ who Mr. Klayman has strongly supported. App. 0105 - 0118. Mr. Klayman's associate also uncovered numerous political contributions on the Federal Election Commission website by

⁴ The Hearing Committee exhibited great vitriol towards Mr. Klayman based simply on the fact that he had sued the Clintons in the past, but then disingenuously reduced the 36 recommended suspension based on Mr. Klayman's public interest advocacy, which shows their incredible bias and attempt to make themselves look “fair” when they were not. One at best can call this shameless “chutzpah” of the highest magnitude.

⁵ <https://abovethelaw.com/2016/08/hillary-clinton-truthfulness-and-bias-in-white-collar-cases/>; <https://abovethelaw.com/2016/07/trump-and-tyranny/>

Chairman Kaiser to Hillary Clinton and Barack Obama – who Mr. Klayman had sued in his public interest capacity at Judicial Watch and now Freedom Watch -- and most recently presidential candidate Joe Biden who Chairman Kaiser also contributed to, and a host of other leftist politicians.

While political contributions do not in and of themselves demonstrate bias, they can be cumulative circumstantial evidence of it, along with other indicia. It is clear that political beliefs should never influence Hearing Committee and Board in matters of attorney discipline, but here it appears that they likely did -- given that a deluge irrefutable facts on the record favor the “acquittal” of Mr. Klayman, but were simply ignored and not even mentioned in the Hearing Committee recommendation and Board Report. Interestingly, the highly leftist publication that Chairman Kaiser writes for, in which he vilified President Trump but ran interference for Hillary Clinton, “Above the Law,” recently wrote and published another article about Mr. Klayman, referring to him as a “nutbag” and suggested that he be disbarred.⁶ The article asks and strongly suggest incredibly, “can we quarantine [Mr. Klayman’s] law license?”, suggesting that Mr. Klayman be

⁶ Elizabeth Dye, *Nutbag Lawyer Larry Klayman Files \$20 Trillion Suit Against China For Coronavirus ‘Bioweapon’*, Above the Law, Mar. 19, 2020, available at: <https://abovethelaw.com/2020/03/nutbag-lawyer-larry-klayman-files-20-trillion-suit-against-china-for-coronavirus-bioweapon/>

removed from the practice of law, as has been the mission of ODC and apparently Mr. Tigar and the Hearing Committee.

In short, to ignore these indicia of bias and prejudice is simply not reality in today's world.

II. The Board's Report Evidences the Fact that it Did Not Take the Time to Review the Record

Upon reading the Board's Report, it was immediately evident to Mr. Klayman that the Board had failed to review and digest the record before issuing its Report, and accordingly Mr. Klayman respectfully requests that this Court now do so. In response, Kaiser disingenuously wrote:

In any case before the Board, it is duty bound to 'review the findings and recommendations of Hearing Committees submitted to the Board, and to prepare and forward its own findings and recommendations, together with the record of proceedings before the Hearing Committee and the Board, to the Court.' D.C. Bar. R. XI, section 4(e)(7). As Respondent's Motion plainly seeks to petition to the Board to do that which it is mandated to do – and has done in the Board's Report – it is denied as moot. App. 0123 - 0124.

This statement by Kaiser evades a direct response to Mr. Klayman's legitimate request in two respects. First, he simply states that the Board did what "it is mandated to do," and then second says that this is reflected in the Board's Report. However, the problem with this non-response is that it the Board Report itself ignores Respondent's post hearing briefs and proposed findings which cite the actual record, and thus crucial and material uncontroverted facts, and reflects

that it simply adopted wholesale what was contained in the politically tainted and biased Committee recommendation. In short, the Board Report shows no evidence that the Board did as “it is mandated to do.”

Conspicuously, the Board Report does not refer to a single witness’s hearing testimony and related exhibits, seven (7) of whom testified for Mr. Klayman, refuting Ms. Sataki’s allegations. Nor does it reflect her many admissions and impeached testimony.

To be absolutely clear, the hearing testimony of Ms. Sataki herself, if it had been reviewed, shows that she made many admissions in Mr. Klayman’s favor and was impeached on numerous occasions on the truthfulness of her testimony, as set forth above. This too is detailed with great specificity in Respondent’s proposed findings, all backed up with record cites to hearing testimony and supporting exhibits. App. 0045 – 0066. To be frank, it is as if the Board’s Report was written with a “do no evil, hear no evil and see no evil” predetermined mindset.

For example, at page 2 of the Board’s Report which it appears was penned in whole or in large part by Chairman Kaiser since it dovetails and comports with his denial of Respondent’s motions - which he gave short shrift and punted to this Court - he states:

The Hearing Committee issued a lengthy, detailed and thoughtful report that determined that Respondent had violated a number of Rules of Professional Conduct by failing to effectively communicate with his client and to follow her instructions about the objectives of

the representation, representing her under a conflict of interest, and breaching his duties of confidentiality to her, among other Rule violations. But consent requires effective communication; here because Respondent was unable to effectively communicate with his client, he was unable to effectively obtain her consent.

For that reason, and as set out below, we agree that Respondent violated Rules 1.2(a), 1.4(b), 1.5(c), 1.6(a)(1), 1.6 (a)(3), 1.7(b)(4), and 1.16 (a)(3). We recommend a sanction of an 18-month suspension with a requirement that he demonstrate a fitness to practice law before he is reinstated.

In adopting the virtually the entire Committee recommendation, with effusive and gushing praise for their “thoughtfulness,” save for a brief mention of Professor Ronald Rotunda, a respected and renowned legal ethics expert, who had found that Mr. Klayman had not violated any of the above listed ethical rules but could not testify at the hearing since he had died during the unconscionable eight (8) year interim period after Ms. Sataki had filed her bar complaint, the Board’s Report makes no mention of any of Mr. Klayman’s material witnesses. App 0001 - 0034. These witnesses who refute Ms. Sataki’s testimony and show her to be untruthful as a result of likely being coached by a hostile ODC whose admitted mission is to remove Mr. Klayman, no holds barred, from the practice of law, include Timothy Shamble, Keya Dash, Gloria Allred, the Honorable Stanley Sporkin (who also gave Mr. Klayman a strong character reference, Ashley Klayman and importantly, Mr. Klayman himself.

The testimony and documentary exhibits that relate to Timothy Shamble, Ms. Sataki's union president, who was intimately involved as in effect Mr. Klayman's partner in representing her, are particularly material and probative of the fact that there was full disclosure and informed consent for Mr. Klayman's and Mr. Shamble's recommended course of action in first attempting to settle Ms. Sataki's sexual harassment and workplace retaliation claims with Voice of America ("VOA") and then Mr. Klayman undertaking litigation on her behalf. PFF #20, Tr. 890. Mr. Shamble's testimony and related documentary evidence is set forth in detail in Respondent's proposed findings as identified above, yet no mention at all is made of him in the Board's Report, underscoring that the Board took the Committee's recommendation, which hinged solely on Ms. Sataki's contrived, false and vindictive testimony, hook, line and sinker, without doing a thorough and complete review of the record. It is this incorrectly claimed lack of communication and consent by Ms. Sataki, which Mr. Shamble and other witness testimony and related exhibits convincingly refute, upon which the Board's Report primarily hinges, itself misleadingly results in the Board "finding" a cavalcade of alleged rule violations by Mr. Klayman.

Mr. Shamble, as his testimony and documentary exhibits also establish and prove, was privy to the inability of even he, Ms. Sataki's union representative as head of the union at VOA, being able to communicate with Ms. Sataki over her

erratic and incomprehensible communications, made by persons who appeared not to be her, to no longer pursue her claims versus VOA. PFF #4, RX 1, RX 5. Like Mr. Klayman Mr. Shamble sought to keep Ms. Sataki's claims alive until he and Mr. Klayman could personally communicate with her and confirm what she desired to do.

In addition, as just one other example of the obvious fact that a thorough and complete review of the record was not conducted, was the testimony of Gloria Allred, the premier litigator of sexual harassment claims by abused women. The testimony of Ms. Allred, supporting Mr. Klayman's testimony, showed that when Mr. Klayman saw that there was a potential conflict of interest over his feelings for Ms. Sataki and her manipulative "diva request" that he buy her a car, as she was attempting to take advantage of these feelings, that he sought to refer her to Ms. Allred. But Ms. Sataki herself wanted Mr. Klayman to remain as her counsel. PFF# 172 – 177.

When ultimately Ms. Sataki did not, for whatever reason, get the result she wanted, she struck back at Mr. Klayman, sending him the below email, which was entered into evidence but never even mentioned in the Board's Report. This email underscores the verbal and other abuse Mr. Klayman had experienced with Ms. Sataki throughout and explains the basis for many of his communications with her, since as a human being with feelings for her, he felt hurt. Ms. Sataki wrote:

I do not know if you are Christian or Jewish, because whichever suits you best, you become one. But I believe in karma and what you have done with my case and losing it.” Ms. Sataki also wrote: “And what you have done with my case and losing it and not stopping working on it when I ordered you, one day you’ll answer to God, even if you throw your life and play with people life. I am nobody, just a little girl who was retaliated and harassment by some VOA employee and you seed (sic) that you can help me. Not only did you not help me, but destroyed my life to nothing....

Mr. Klayman are you happy now that you’ve completely destroyed and lost my case? A case with so many evidence and witnesses. Only a very bad and clueless attorney could lose it, or lost it on purps (sic) because you made a dill (sic), with the other party. PFF #163, BCSX 38.

If the Board had conducted a thorough and complete review of the record, with the aid of Respondent’s proposed findings of fact and post-hearing brief – which in great detail provided records cites for verification -- they would have seen that the alleged communication problems were not his primary doing. But in any event, when he saw that continued representation had become virtually impossible, he referred Ms. Sataki to Ms. Allred and another lawyer who handles VOA cases, Mr. Tim Shea. PFF # 36.

Despite this, it is Mr. Klayman who is vilified by both the Committee and now the Board’s Report, with a career ending recommended sanction, since Mr. Klayman is now almost 70 years old, as the Board has recommended a reinstatement requirement which is tantamount to disbarment given the time it takes to litigate this.

Under these extraordinary circumstances, Chairman Kaiser and his Board were required, as is inherent and part and parcel to their own “professional responsibility,” to undertake a thorough and complete review of the record, particularly given the inherent bias and prejudice of the Hearing Committee.

CONCLUSION

As shown conclusively above, the bias and prejudice against Mr. Klayman, the due process, equal protection and Sixth Amendment violations, and the simple lack of clear and convincing evidence of any misconduct can support only one course of action by this Court – dismissal of this complaint in its entirety against Mr. Klayman. However, in the alternative, at a minimum, this matter must be remanded to a hearing before another Ad Hoc Hearing Committee not led by Messrs. Fitch and Tigar, Esq., so that Mr. Klayman will have a chance at a fair and unbiased proceeding. Furthermore, the Court must order an internal review to determine why and how a communist and another deferential ultra-leftist came to sit on the Hearing Committee charged with judging Mr. Klayman, a conservative public interest and pro-Trump advocate, as well as why the Board did not take any time to digest and review the record before issuing its Report, which it is mandated to do as part of its duties and professional responsibility. The Board cannot simply be allowed to ignore the record in order to create whatever finding and sanction which, for whatever reason, it desires.

Mr. Klayman had been a member continuously in good standing for several decades, and the hard work which gave rise to his undergraduate and juris doctor degrees and later law license, as well as subsequently his distinguished and successful legal career for now almost forty-four (44) years as a public interest advocate and private practitioner, should not and cannot be cavalierly taken away for political reasons, with regard to a bogus bar complaint and proceeding that are now about eleven (11) years old, and counting, App. 0677 (Klayman Biography). This is most particularly so when identical complaints had already been dismissed by two respected state bars, Florida and Pennsylvania, about nine (9) years ago.

Dated: February 8, 2021

Respectfully submitted,

/s/ Melissa Isaak
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Counsel for Respondent

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

In the Matter of:

LARRY E. KLAYMAN, ESQ.

Respondent.

No. 20-BG-583

Board Docket No: 17-BD-063

BDN: 2011-D028

**A Member of the Bar of the District of
Columbia Court of Appeals
(Bar Registration No. 334581)**

APPENDIX

Dated: February 8, 2021

Respectfully submitted,

/s/ Melissa Isaak

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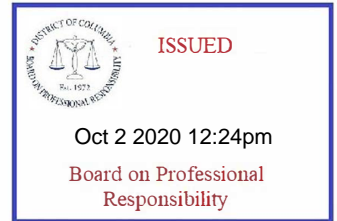
1. The Board on Professional Responsibility should have transmitted the entire record before the hearing Committee and itself to this Court. If this has not occurred, Respondent Larry Klayman and counsel respectfully request that they be so notified immediately

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THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



In the Matter of: :
: :
LARRY E. KLAYMAN, :
: :
Respondent. : Board Docket No. 17-BD-063
: Disciplinary Docket No. 2011-D028
: :
A Suspended Member of the Bar of the :
District of Columbia Court of Appeals :
(Bar Registration No. 334581)¹ :

REPORT AND RECOMMENDATION OF THE
BOARD ON PROFESSIONAL RESPONSIBILITY

A lawyer's ability to communicate with her client is at the heart of the attorney-client relationship. Not only does a lawyer have a duty to communicate with her client under Rule 1.4, but effective communication undergirds an attorney's ability to ethically represent her client in many other ways. If a lawyer cannot effectively communicate with her client, the client cannot agree to a strategy, consent to have confidential information shared, or waive a conflict of interest. In most representations, an inability to communicate with the client is, in many ways, an inability to ethically represent that client.

This case shows the challenges that arise when that communication breaks down. Here, after agreeing to an attorney-client relationship at a restaurant, over dinner, Respondent developed romantic feelings towards his client. This caused a

¹ During the pendency of this matter before the Board, the Court entered an order suspending Respondent for 90 days. *See In re Klayman*, 228 A.3d 713, 720 (D.C. 2020) (*Klayman I*).

* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any prior or subsequent decisions in this case.

breakdown in his ability to effectively communicate with his client. As his client described it:

He would nonstop text or email, or [make] phone calls, and talked to me that I talk [sic] about respect, that I'm not respecting him, and why I'm not taking him to the gatherings.

Then he explained his feelings to me and told me that he loves me and then he told me that he never loved anyone the way he loved me ever in his life and that nobody is going to love me the way he loved me, no other man can ever love me the way he loves me.

FF 31.

In Respondent's own words, his "emotions had rendered [him] non-functional even as a lawyer." FF 44. As a result of his emotional attachment to his client, he lost the ability to effectively communicate with her. For example, at one point, while driving, Respondent berated his client so much she leapt from his car and ran into a hotel lobby and hid in the women's bathroom; Respondent followed her in. Respondent wanted to talk to his client about his feelings. His client wanted to talk about her case.

The Hearing Committee issued a lengthy, detailed, and thoughtful report that determined that Respondent violated a number of Rules of Professional Conduct by failing to effectively communicate with his client and to follow her instructions about the objectives of the representation, representing her under a conflict of interest, and breaching his duties of confidentiality to her, among other Rule violations. Respondent's defense to many of these findings is that he had his client's consent. But consent requires effective communication; here, because Respondent

was unable to effectively communicate with his client, he was unable to effectively obtain her consent.

For that reason, and as set out below, we agree that Respondent violated Rules 1.2(a), 1.4(b), 1.5(c), 1.6(a)(1), 1.6(a)(3), 1.7(b)(4), and 1.16(a)(3). We recommend a sanction of an 18-month suspension with a requirement that he demonstrate a fitness to practice law before he is reinstated.

I. PROCEDURAL BACKGROUND

Respondent was charged with failing to abide by his client's objectives for a representation in violation of Rule 1.2(a), failing to communicate with his client in violation of Rule 1.4(b), failing to enter into a written engagement agreement in violation of Rule 1.5(b), failing to have a written fee agreement for a contingent fee case in violation of 1.5(c), revealing client confidences in violation of Rules 1.6(a)(1) and 1.6(a)(3), representing a client with a conflict of interest in violation of Rule 1.7(b)(4), representing a client after he was fired in violation of Rule 1.16(a)(3), and engaging in dishonesty and/or misrepresentation in violation of Rule 8.4(c). The Hearing Committee unanimously recommended that the Board conclude that Disciplinary Counsel established by clear and convincing evidence that Respondent violated Rules 1.2(a), 1.4(b), 1.5(b), 1.5(c), 1.6(a)(1), 1.6(a)(3), 1.7(b)(4), and 1.16(a)(3). The Hearing Committee recommended that the Board find that Disciplinary Counsel did not prove by clear and convincing evidence that

Respondent violated Rule 8.4(c). Disciplinary Counsel disagrees with this determination but does not take exception to it.²

The Hearing Committee recommended that Respondent be suspended for 33 months and that he be required to prove his fitness to practice law prior to reinstatement. Disciplinary Counsel asks that the Board adopt both the Hearing Committee's findings of fact and conclusions of law but takes exception to the recommended sanction, arguing that Respondent should be disbarred instead.

In addition, Respondent asks that the Board dismiss the pending charges due to the delay in prosecution. In the alternative, he asks that the Board reject the Hearing Committee's findings of fact, on grounds that they are not supported by the record, and that the Board reject the Hearing Committee's conclusions of law.³ He further argues that the proposed 33-month suspension with a fitness requirement is not consistent with discipline in similar cases.

Unless otherwise specified, we adopt the detailed and careful factual findings of the Hearing Committee. As set out in more detail below, we conclude that

² Given the absence of a substantive objection to the Hearing Committee's recommendation, we see no reason on the face of the record to disturb its conclusion that Disciplinary Counsel did not prove by clear and convincing evidence that Respondent violated Rule 8.4(c).

³ Respondent appears to concede the Rule 1.5(b) violation in stating that he failed to provide a written fee agreement because he "suffered from a not uncommon misunderstanding of the Rules believing that because he did not intend to charge a fee, he did not need a fee letter or other writing." Resp. Br. to Board at 32. As discussed below, we conclude that Respondent violated Rule 1.5(c) by not providing a contingent fee agreement in writing.

Disciplinary Counsel has proven violations of Rules 1.2(a), 1.4(b), 1.5(c), 1.6(a)(1), 1.6(a)(3), 1.7(b)(4), and 1.16(a)(3). We recommend that Respondent be suspended from the practice of law for 18 months and that he be required to prove his fitness to practice law before he is reinstated.

II. STANDARD OF REVIEW

The Board must accept Hearing Committee findings of fact where there is substantial evidence to support them “even where evidence may support a contrary view as well.” *In re Robbins*, 192 A.3d 558, 564 (D.C. 2018) (per curiam) “[T]he Hearing Committee is not required to enumerate every fact that has possible relevance to an issue in its report.” *Id.*; see also *In re Szymkowicz*, 124 A.3d 1078, 1084 (D.C. 2015) (per curiam) (the Court will not disregard the findings of the hearing committee even where there is substantial evidence pointing in the opposite direction); *In re Godette*, 919 A.2d 1157, 1163 (D.C. 2007) (“This court must accept a finding that is supported by substantial evidence in the record as a whole, ‘even though there may also be substantial evidence in the record to support a contrary finding.’”). When making its own findings of fact, the Board employs a “clear and convincing evidence” standard. Board Rule 13.7. The Board reviews *de novo* the Hearing Committee’s legal conclusions and its determinations of ultimate fact. *In re Bradley*, 70 A.3d 1189, 1194 (D.C. 2013) (per curiam).

III. FACTUAL BACKGROUND

Respondent met E.S.⁴ at a speech on the steps of the United States Capitol in November 2009. E.S. was a reporter for Voice of America (VOA); she was there covering a press conference that Respondent was also attending. They exchanged business cards, and he called her a number of times in the days that followed. When she learned that he was a lawyer, E.S. asked him for help with a legal problem: she had made a sexual harassment allegation against a coworker and was not satisfied with her employer's response. Respondent asked E.S. to dinner. Respondent agreed to represent E.S. with her sexual harassment case over dinner. *See* FF 8. Respondent and E.S. verbally agreed that he would represent her on a contingent fee basis, but no written agreement was ever executed between them. FF 9.

In February 2010, Respondent began negotiating with VOA on E.S.'s behalf and advising her about her case. E.S. was stationed in Washington, D.C. She wanted to move to Los Angeles, to be away from the man she had brought a sexual harassment claim against. This request was denied because E.S. was an on-air reporter; VOA did not have a television studio in Los Angeles where she could do her job. Respondent was, at the time, living in Los Angeles. He advised E.S. to move to Los Angeles despite VOA's position that she could not work from California. Respondent insisted that E.S. stay in Los Angeles – and not show up at work in Washington, D.C. He paid the rent on an apartment to facilitate her relocation to Los

⁴ We refer to Respondent's client by her initials because her name is not material to the resolution of any issues before the Board.

Angeles. In May 2010, when E.S. was deemed Absent Without Leave for not coming to work after she followed Respondent's advice, Respondent provided her with funds equivalent to her salary, claiming that he would simply take the amounts out of whatever recovery he eventually secured. *See* FF 51-52.

During this time, while working on her case, Respondent began to share with E.S. the intense romantic feelings he had for her. In a May 8, 2010 email, he told her that she ought to find a new lawyer because his feelings for her were so strong. *See* FF 42-43. She pleaded with him to stay involved in her case. He wrote to the therapist that he had hired to develop portions of E.S.'s claim for damages that his "own emotions had rendered [him] non-functional even as a lawyer." FF 44. Yet Respondent continued to represent E.S.

His emotional interest in E.S. infected his ability to communicate with her. He brought her to an event in Los Angeles but became jealous when she did not speak to him as much as he would have liked. As he drove her home, he berated her so much that she ran out of his car when it was stopped at a traffic light and into a nearby hotel, then into the women's bathroom in the hotel lobby. Respondent followed her into the bathroom to continue to yell at her. A hotel receptionist intervened and helped E.S. flee the hotel – and Respondent – by the back door.

He brought her to meet with members of Congress to attempt to get Congressional pressure on her case. At one point, the Chief of Staff for Congressman Rohrbacher approached E.S., after watching Respondent and E.S.'s body language during a meeting, to ask if E.S. was afraid of Respondent. FF 48.

Beyond his personal feelings for E.S., Disciplinary Counsel alleged – and the Hearing Committee found – that Respondent’s litigation strategy was driven by a desire to harm then Secretary of State Hillary Clinton and by a desire for publicity for himself.⁵ He filed suit on behalf of E.S. against VOA and named the members of the Broadcasting Board of Governors individually – the Board is chaired *ex officio* by the Secretary of State, who, at the time, was Hillary Clinton.

Over E.S.’s initial objection, Respondent engineered a public relations campaign that he said would help her case. Each article on the case also promoted Respondent’s interests and notoriety as an attorney. The public statements Respondent either made or caused someone else to make also revealed information that E.S. had asked him to keep nonpublic and that was embarrassing to her or otherwise damaging to her professional standing – particularly her political views, which could harm her reputation as a journalist.

After months of Respondent’s conduct, E.S. told him she wanted to end her lawsuit against VOA. She sent an email to VOA saying that she had instructed Respondent to dismiss her claims. Instead of withdrawing from the case, Respondent sent a number of intemperate emails to E.S. over the next several months and continued to file pleadings in her case.

⁵ Respondent has previously engaged in extensive litigation relating to Secretary Clinton and her husband.

IV. DISCUSSION

Rule 1.7(b)(4)

Disciplinary Counsel alleged, and the Hearing Committee found, that Respondent had a personal interest conflict of interest under Rule 1.7(b)(4) in his representation of E.S.

Rule 1.7(b)(4) provides that “a lawyer shall not represent a client with respect to a matter if . . . [t]he lawyer’s professional judgment on behalf of the client will be or reasonably may be adversely affected by the lawyer’s responsibilities to or interests in a third party or the lawyer’s own financial, business, property, or personal interests.”

However, a lawyer can represent a client when there is a personal interest conflict if Rule 1.7(c)’s requirements are met. Rule 1.7(c) provides that a lawyer may represent a client despite a personal interest conflict if:

- (1) “[e]ach potentially affected client provides informed consent to such representation after full disclosure of the existence and nature of the possible conflict and the possible adverse consequences of such representation” and
- (2) “[t]he lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client.”

Disciplinary Counsel charged that Respondent violated Rule 1.7(b)(4) in three ways: by representing E.S. despite his strong personal feelings for her; by turning

her case into a vehicle to attack Hillary Clinton to further an alleged personal vendetta; and by using E.S.’s case to promote himself at her expense.

We consider each in turn.

Emotional Conflict

Respondent concedes that he had a strong emotional interest in E.S. He argues, however, that he disclosed his feelings for her and that she elected to continue with the representation so, as a result, he had informed consent to continue with the representation under Rule 1.7(c).

While it is true that Respondent repeatedly communicated his feelings to E.S., and that she asked him to continue with the representation, that is not sufficient to satisfy Rule 1.7(c). Assuming E.S. effectively consented to the conflicted representation, Respondent could not have “reasonably believe[d] that [he could] provide competent and diligent representation to [her].” Rule 1.7(c)(2).

In light of Respondent’s own statement at the time that he was “non-functional . . . as a lawyer” because of his romantic interests in E.S., we have little trouble concluding that Respondent could not reasonably believe that he could have provided competent and diligent representation to her. In light of this statement to E.S.’s therapist – and his conduct at the time – he both did not believe he could provide appropriate representation to her and even if he thought he could represent her despite his feelings, that belief would not have been reasonable.

As a result, regardless of whether E.S. provided informed consent to the representation – a proposition we are skeptical of but do not resolve – Respondent’s representation of her was not permissible under Rule 1.7(c).⁶

As a result, we agree with the Hearing Committee that Respondent violated Rule 1.7(b)(4) by representing E.S. in light of his emotional interest in her.

Hillary Clinton and Publicity Conflict

We do not reach the same conclusion with the alleged conflicts of interest involving Respondent’s interest in suing Hillary Clinton or seeking publicity.

There is little doubt that Respondent has a history of bringing litigation against Secretary Clinton and her husband. And, clearly, Respondent is able to get attention in the media and uses that as a strategy in his legal work; he benefits from media attention. We, therefore, assume without deciding that Respondent has a personal interest both in bringing litigation against the Clintons and in publicizing his work.

We are concerned, however, about the effect of a rule that treats these personal dispositions as the same as the kind of interests that clearly generate a personal interest conflict under Rule 1.7(b)(4). The kinds of conflicts described in the Rule, the commentary, and relevant ethics opinions are concrete: a financial interest that would be adversely affected; a property interest that would be impacted; or a lawyer’s interest in securing employment. *See* D.C. Ethics Opinions 210 and 367

⁶ Respondent argues that this conflict is overstated because his feelings were unreciprocated and he did not have a physical relationship with E.S. As discussed above, we do not find that precludes a conflict of interest based on his intense romantic interest in her.

(dealing with lawyers seeking employment from an adverse party). In contrast, Respondent's two purported conflicts – his desire for publicity and his predisposition towards the Clintons – are more amorphous. These are less an “interest” of Respondent than a predisposition. We are troubled by a rule that requires lawyers to disclose these less obvious philosophical approaches to clients. *See, e.g.*, D.C. Ethics Opinion 367 (discussing D.C. Ethics Opinion 210 and advising a criminal defense lawyer that she does not need to disclose an application with a prosecutor's office that is not adverse to her client because “[a]lthough a client in a criminal matter may prefer that his lawyer be completely ‘defense oriented’ and not consider becoming a prosecutor with any employer while defending him, this preference does not mean that a potential or actual conflict of interest exists”).

Lawyers have varied philosophical or habitual approaches to the practice of law. In the exercise of their professional judgment, some criminal defense lawyers may encourage their clients to cooperate with prosecutors more frequently than others. Some lawyers starting their practices may want publicity for their cases both to boost the lawyer's practice and the client's cause.⁷ Some lawyers may prefer to bring cases against a particular defendant, or industry, motivated by a political or other ideological opposition to that industry's practices. If Disciplinary Counsel's expansive reading about Rule 1.7(b)(4) were adopted, it would create additional disclosure obligations for lawyers that go well beyond what attorneys are normally

⁷ Of course, if the lawyer harms her client's case in the pursuit of publicity, that is a different problem and a different rule violation, depending on the nature of the harm.

required or expected to disclose. And we have seen no authority from Disciplinary Counsel for the proposition that a “personal interest” in Rule 1.7(b)(4) should be read so broadly.

Accordingly, we do not find that Respondent violated Rule 1.7(b)(4) based on a conflict of interest arising from a desire for publicity or litigation against the Clintons.

This is not to say, however, that a lawyer should let her desire for publicity or philosophical views ride roughshod over the interests of her client. But that restriction is found in Rule 1.2, not Rule 1.7.

Rule 1.2(a)

Rule 1.2(a) obligates a lawyer to “abide by a client’s decisions concerning the objectives of the representation . . . and . . . consult with the client as to the means by which they are to be pursued.” Comment [1] to Rule 1.2 states that “[t]he client has ultimate authority to determine the purposes to be served by legal representation”

The Hearing Committee determined that Respondent failed to abide by E.S.’s objectives or consult with her about the means of the litigation, violating Rule 1.2(a), in five different ways: (i) he filed a motion to disqualify the judge in E.S.’s case because the judge was appointed by Secretary Clinton’s husband; (ii) he named Secretary Clinton as a defendant in an action against VOA when she was not involved in any decision relating to E.S.; (iii) he filed a motion to have E.S.’s case re-assigned after he lost the motion to disqualify, based on the same arguments about

the judge's bias; (iv) he did not dismiss the entire case when directed by E.S. to do so; and (v) he wrote and/or facilitated a string of articles about E.S.'s case. HC Rpt. at 115.

Respondent argues that Rule 1.2 does not require the client's informed consent to a course of action. According to Respondent, if a client does not like the strategy employed by a lawyer, the client is free to discharge the lawyer, but may not exercise his or her own judgment as to the best legal strategy. Moreover, Respondent argues that he did consult with his client and that she was aware of the approach he took.⁸

As a factual matter, we agree with the Hearing Committee's findings of fact, which are supported by substantial evidence. E.S. made clear to Respondent from the outset of the representation that she intended to pursue her case with minimal

⁸ As evidence that he consulted with his client, Respondent points to five declarations that she allegedly drafted and filed. However, only two of the five declarations are admitted into evidence – RX 3 (RRDE 0652-668) and DX 11 (11-58 to 11-64). Respondent points to a docket sheet (DX 3) as evidence that she filed the other declarations, but the actual declarations were not offered into evidence, and a docket sheet merely showing that they were filed is insufficient to demonstrate the content of the declarations.

Additionally, Respondent attaches, as Appendix 1, to his brief a letter addressed to Judge Kollar-Kotelly purportedly written by E.S. Respondent asserts that the letter evidences the fact that E.S. was aware of all filings in the case. Resp. Br. to Board at 28. We construe this language in Respondent's brief as a motion to supplement the record and admit this letter into evidence. However, because it is uncross-examined hearsay, we accord it no weight in our consideration of this matter. *See* Board Rules 11.3, 13.7. E.S. testified during the hearing and could presumptively have been cross-examined to provide an evidentiary foundation for the letter but was not.

publicity. Respondent's litigation strategy substantially ignored this clear – and reasonable – desire of the client. Respondent's decisions to name Secretary Clinton, distribute news stories about the case, and file a motion to disqualify the judge because she is biased against Respondent based on the President who appointed her, conflicted with the express desires of the client. It does not matter that Respondent may have later advised his client that he took these actions since he did not consult her before doing so.

We also disagree with Respondent's application of Rule 1.2 to these facts. While it is true that lawyers do not need informed consent to each aspect of the means of pursuing a client's objectives, here, E.S. told Respondent what mattered to her. Respondent simply went his own way. When a lawyer has notice that a client does not want her to use a particular means to achieve a result, the lawyer must respect that desire.

Similarly, by refusing to dismiss the case after having been directed to, Respondent violated Rule 1.2. E.S. wanted her case dismissed; Respondent ignored that lawful objective of the client.

On the other hand, we do not agree that Respondent violated Rule 1.2 when he filed the re-assignment motion. Such motions are reasonably ministerial and would not cause the matter to become more high profile than it was prior to the filing of the motion.

Rule 1.4(b)

Rule 1.4(b) requires that a lawyer communicate with her client; an attorney “shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.” This Rule provides that the attorney “must be particularly careful to ensure that decisions of the client are made only after the client has been informed of all relevant considerations.” Rule 1.4, cmt. [2]. The Rule places the burden on the attorney to “initiate and maintain the consultative and decision-making process if the client does not do so and [to] ensure that the ongoing process is thorough and complete.” *Id.*

A lawyer is obligated to communicate with his or her client in such a way as to allow the client to make decisions about the representation and to be informed about what is happening in the case. Normally, this Rule is applied to require a lawyer to disclose information; it does not often address the manner in which the lawyer relates the information.

Here, by contrast, Respondent engaged in a lengthy and emotional series of communications with E.S. not to keep her abreast of developments in her case, but because of his feelings for her. By April 2010, Respondent had begun sending “nonstop” text and email messages or phone calls explaining his feelings to E.S., insisting that she was “not respecting him” or “taking him to the gatherings.” FF 31; *see* FF 35 (April 9, 2010 email from Respondent discussing that a “friend” may be perceived as a “girlfriend, boyfriend, wife, husband or whatever”); FF 36 (April 23, 2010 message from Respondent stating “I am very sad because I really do love u . .

. .”); FF 38 (April 23, 2019 email from Respondent discussing his love for E.S.); FF 39 (email from Respondent to E.S. complaining that he was a “low priority” in her life).

While this is not the typical Rule 1.4 violation, there is simply no conclusion one can reach but that E.S. did not have the kind of communication with Respondent that a client ought to receive from her lawyer. In light of Respondent’s frequent and highly inappropriate communications about his emotional states, and his intimidating and berating manner of speaking with her, any communications about E.S.’s case were drowned out by his other interests. We find, therefore, that Respondent failed to comply with Rule 1.4.

Rule 1.5(c)

Respondent is alleged to have violated two provisions of Rule 1.5. First, Rule 1.5(b) requires that a client receive a written agreement that describes the basic financial relationship for the representation absent an exception not present here. Second, Rule 1.5(c) requires a written fee agreement in every contingent fee case.

The Hearing Committee found that from the initial dinner when Respondent agreed to represent E.S., this representation was a contingent fee representation. FF 10. That finding is supported by substantial evidence – the testimony of E.S. As a result, we adopt the Hearing Committee’s finding that this was a contingent fee representation. Because a contingent fee agreement must be in writing, and this agreement was not, Respondent violated Rule 1.5(c).

Rule 1.6

Disciplinary Counsel alleged, and the Hearing Committee found, that Respondent disclosed client secrets – confidential information about E.S.’s work experiences, alleged political views, personal appearance, physical health, mental health and/or financial condition – without E.S.’s consent and, therefore, violated Rule 1.6(a)(1).⁹ Further, the Hearing Committee found that Respondent did so for his own advantage in violation of Rule 1.6(a)(3).

Respondent acknowledges that he shared this information on the internet. However, he contends that all of the information that was posted on the internet was already contained in information that had been filed in E.S.’s lawsuit in the United States District Court for the District of Columbia. As a result, he contends that his disclosures were not confidences or secrets or, if they were, they were “clearly protected free speech” under the First Amendment. Resp. Br. to Board at 35. Moreover, Respondent contends that E.S. consented to have this information made public. We consider each in turn.

⁹ Specifically, the Hearing Committee found that “Respondent disclosed client secrets without his client’s consent in violation of Rules 1.6(a)(1) and 1.6(e)(1).” HC Rpt. at 128. We first note that Respondent was not charged with a violation of Rule 1.6(e)(1). Nor could he have been; Rule 1.6(e) provides an enumerated list of instances when “[a] lawyer may use or reveal client confidences or secrets,” including “with the informed consent of the client,” Rule 1.6(e)(1). Because Rule 1.6(e) operates as an exception to Rule 1.6(a), if Rule 1.6(e) doesn’t allow a lawyer’s conduct, she violates Rule 1.6(a), not Rule 1.6(e).

The Record Before the Hearing Committee

At the start, we acknowledge some frustration with Respondent's argument that his internet disclosures either did not involve secrets or were protected by the First Amendment if they did. These arguments were not raised before the Hearing Committee; they appeared for the first time in Respondent's brief before the Board. Respondent has done little to show that each statement of embarrassing information Respondent put on the internet was contained in the public materials available on the federal court's docket. In short, the state of the record is poor and the arguments before us are not fully developed.

However, the Court of Appeals has not licensed a waiver doctrine in this situation; a party does not forfeit his or her ability to raise an argument before the Board by failing to raise it before a Hearing Committee. And such a rule – while convenient at times – may not be consistent with the Court's Rules and its requirements for our review of a Hearing Committee's Report. In light of our obligation to make a determination that the Hearing Committee's Report is supported by substantial evidence, as well as the Board's express authority to make its own findings of fact employing a "clear and convincing" standard, it is not clear how the waiver doctrine would function when, as here, Respondent makes arguments to the Board. *See* Board Rule 13.7. Thus, absent further guidance from the Court, we decline to conclude that a respondent's arguments to the Board are limited to those made to a hearing committee. Accordingly, we believe that we are obligated to address this issue to the extent we can on the record before us.

Were These Secrets?

In his press campaign, Respondent disclosed a number of sensitive and embarrassing details about E.S. which then were posted on the internet. The Hearing Committee found that E.S. clearly expressed to Respondent that she did not want many of her personal details to get publicity, specifically her political views, personal appearance, health, and finances. This finding was supported by substantial evidence and, therefore, we adopt it. Indeed, E.S. testified that she told Respondent not to write the stories he was publishing. Tr. 400; FF 57.

Respondent argues that this sensitive information was not a confidence or secret within the meaning of Rule 1.6(b) because it was contained in documents filed in the United States District Court. Respondent asserts that the confidences and secrets which were revealed had all been included in those filings, but does not address where, specifically, those statements were contained. For purposes of resolving this issue, we assume that the sensitive information was contained in the filings on the federal court's docket. But, to be perfectly clear, we do not make such a finding.

Respondent contends that because this information was some place on the federal court's docket, Rule 1.6 no longer prohibits its disclosure. We disagree. Rule 1.6(b) describes what counts as a client secret: "'secret' refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be

detrimental, to the client.” There is no “prior disclosure” exception to the definition of “secret” in the plain language of Rule 1.6(b).

Comment [8] to Rule 1.6 is highly relevant to this question, and is inconsistent with Respondent’s position: “This ethical precept [that a lawyer must maintain client confidences and secrets], unlike the evidentiary privilege, exists without regard to the nature or source of the information or the fact that others share the knowledge. It reflects not only the principles underlying the attorney-client privilege, but the lawyer’s duty of loyalty to the client.”

Thus, under the plain language of Comment [8], the mere fact that public filings in a court docket contain the statements later publicized on the internet does not mean that the information is no longer subject to the requirements of Rule 1.6.

The embarrassing information here was nominally public. A person with detailed knowledge of where to look, how to search on a federal court’s docket, and a PACER account, could have found the information. Importantly, information that is in the federal courts’ CM/ECF system does not appear in an internet search. For all but a very few people, the information was effectively “secret.” Respondent took that nominally public information and made it easily retrievable by any person in the world who knows the client’s name and has internet access. We believe this is precisely the kind of conduct meant to be covered by Comment [8] to Rule 1.6. *Cf.* ABA Ethics Opinion 479 at 2 (“A number of courts and other authorities conclude that information is not generally known merely because it is publicly available or might qualify as a public record or as a matter of public record.”).

The information that Respondent broadcast would have been difficult to find but for his actions. He made it easily accessible to billions. This violates Rule 1.6.

The First Amendment

Separately, Respondent argues that his disclosure of this information was protected by the First Amendment. Respondent points to the Virginia Supreme Court's decision in *Hunter v. State Bar of Virginia*, 744 S.E.2d 611 (Va. 2013). There, the Virginia Supreme Court concluded that a restriction on a lawyer's First Amendment right to free expression cannot be limited by a rule of professional conduct that prohibits the disclosure of a fact that has already been publicly disclosed. Specifically, the *Hunter* court determined that there is no compelling government interest in regulating such speech. *Id.* at 619-620.

Importantly, *Hunter* examined Virginia law. Virginia's version of Rule 1.6 does not have a corollary of Comment [8]; the duty of confidentiality in Virginia is not grounded – in part – in the duty of loyalty as it is in the District of Columbia. Thus, *Hunter* is of limited value in resolving the question here.

Regardless of the Rule in Virginia, in the District of Columbia clients reasonably expect – and should expect – that a lawyer will not share their secrets, even those which had to be disclosed in a court proceeding or in a court filing, to the wider world. There is, in short, a compelling government interest in requiring lawyers to be loyal to their clients.

Above, we concluded that Respondent violated Rule 1.6 by converting nominally public but difficult to find information into information easily found on

the internet with a search engine, because to do so would violate Respondent's duty of loyalty to keep embarrassing information learned in a representation from public disclosure. Respondent asserts that to so conclude would violate the First Amendment. We disagree; there is a compelling government interest in requiring that lawyers are loyal to their clients.

There are other cases of lawyers sharing client information that may be harder. Under the rationale set forth here, one could argue, perhaps, a lawyer who shares at lunch with a colleague, or with her spouse, information that is in a public filing but is not known to anyone outside of the case violates Rule 1.6. Similarly, a lawyer who shares a proposition of law from a reported case that contains embarrassing information about her client may run afoul of one particularly aggressive reading of this decision.

We do not think such readings would be well founded, however. The core question in resolving whether a disclosure of public but difficult to find information is whether the lawyer acted disloyally by sharing her client's information. When determining whether a lawyer acted loyally, the reason for the disclosure by the lawyer matters. A lawyer who reveals information in the client's interests is very likely acting loyally. A lawyer revealing client secrets for self-aggrandizement, however, is more likely to run afoul of Comment [8] to Rule 1.6. While there may be hard cases of routine lawyer behavior that suggest *de minimis* violations of an aggressive reading of this decision, those issues are not before us now.

Informed Consent

Finally, Respondent argues that E.S. gave her informed consent to these disclosures and, as a result, they were therefore authorized by Rule 1.6(e)(1). Indeed, at one point, E.S. was handing out articles with this information in them to members of the public. FF 47.

At the heart of Rule 1.6(e)(1)'s requirement of informed consent is that the lawyer communicate with his client. Because we conclude that Respondent here violated Rule 1.4 and did not communicate appropriately with his client, we conclude that he did not and could not have obtained her informed consent to disclose her secrets.¹⁰

As a result, we conclude that Respondent violated Rule 1.6 by sharing his client's sensitive information on the internet.

Rule 1.16(a)(3)

Rule 1.16(a)(3) provides that “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if . . . [t]he lawyer is discharged.”

The Hearing Committee found that Respondent violated this Rule when, following his client's termination of his representation, he failed to withdraw and made at least six post-termination filings. HC Rpt. at 120-23. Respondent argues that

¹⁰ Informed consent is defined as “the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.” Rule 1.0(e)

he had the obligation to communicate with his client concerning the “basic mechanics of his termination” and that, under the circumstances, he could not simply withdraw from the representation. Resp. Br. to Board at 52-53.

Had Respondent taken a few weeks or a month to accomplish the mechanics of termination, without continuing to file motions in the case, perhaps this conclusion would be different. But Respondent continued as E.S.’s counsel for over five months, continuing to file motions that did far more than preserve the status quo while he divined whether his client truly wanted him out of the case. As a result, we agree with the Hearing Committee’s conclusion that Respondent violated Rule 1.16.

Delay

Respondent argues that the lengthy delay in bringing this case should require dismissal of the charged Rule violations or, at a minimum, mitigation of the recommended sanction.

The Court of Appeals has never dismissed a disciplinary case on the basis of delay. *See In re Ponds*, 888 A.2d 234, 243 (D.C. 2005). In order for undue delay to amount to a violation of due process and serve as the basis for such a dismissal, the delay must be coupled with actual prejudice to the respondent, such that the respondent’s defense to the charges was sufficiently impaired. *In re Williams*, 513 A.2d 793, 796-97 (D.C. 1986). As the Court explained:

A disciplinary sanction differs from a criminal conviction. Although both protect the public, they do so in different ways. Most importantly, an attorney is in a continuing position of trust toward clients, the courts, and society in general. A member of the bar has accepted the onerous responsibility of participating in the administration of justice. We grant the license to practice law as a privilege, not as a right, and we do so

only on the strict condition that the attorney aspire to the highest standards of ethical conduct. Consequently, “[t]he purpose of a disciplinary proceeding is to question the continued fitness of a lawyer to practice his [or her] profession.” *District of Columbia Bar v. Kleindienst*, [345 A.2d 146, 147 (D.C. 1975) (en banc) (per curiam)]

....

Any betrayal of the trust which the attorney is sworn to keep demands appropriate discipline; a delay in prosecution, without more, cannot override this necessity. The contrary conclusion would mean that, when licensing applicants, we would engage in a form of deceit: our endorsement of an unqualified attorney would belie our simultaneous assertion that attorneys possess the integrity and competence which they must constantly demonstrate in order to earn the privilege of practicing law in the District of Columbia. Speedy trial principles, which in criminal cases are a constitutionally required curb on the abuse of government power, in the disciplinary system take second place to other societal interests. We conclude, for these reasons, that an undue delay in prosecution is not in itself a proper ground for dismissal of charges of attorney misconduct.

We might hold differently if respondent had shown that the undue delay impaired his defense. **A delay coupled with actual prejudice could result in a due process violation, in which case we would be unable to agree with a finding that misconduct had actually been shown.**

Id. (emphasis added) (internal citations omitted).

On the other hand, mitigation of a sanction for undue delay is warranted when “the circumstances of the individual case [are] sufficiently unique and compelling to justify lessening what would otherwise be the sanction necessary to protect the public interest.” *In re Fowler*, 642 A.2d 1327, 1331 (D.C. 1994); see *In re Howes*, 39 A.3d 1, 19 n.24 (D.C. 2012) (the gravity of the respondent’s misconduct outweighed any mitigation of even a lengthy twelve-year delay). Determining whether “unique and compelling circumstances” exist requires consideration of

whether the respondent suffered prejudice as a result of the delay, such as impairment of the defense (lost witnesses, dimmed memory, etc.); anxiety caused to the respondent; and whether the respondent was suspended during the course of the proceedings. *In re Brown*, Bar Docket No. 88-97, at 26 (BPR Dec. 10, 2003), *recommendation adopted*, 851 A.2d 1278 (D.C. 2004) (per curiam) (sanction mitigated due to six and a half year undue delay where the respondent had been suspended from the Bar during that time and had no hand in causing the delay).

Here, roughly seven years elapsed between the events underlying this matter and the filing of the Specification of Charges. Respondent makes four main arguments in support of his claim that the delay deprived him of the opportunity to fairly defend himself in this matter. Prior to the hearing date, Respondent's expert witness (Professor Ronald Rotunda) passed away and E.S.'s psychiatrist (Dr. Aviera) became unavailable to testify because she was suffering from the effects of cancer. Respondent also points to both his and E.S.'s faded memories concerning events that occurred during the course of the representation and files that he lost or discarded during the pendency of the matter.

Respondent's arguments fail to demonstrate sufficient prejudice to dismiss the pending charges or to warrant mitigation of the recommended sanction. First, Professor Rotunda offered an expert report which was admitted into evidence and considered by the Hearing Committee. Moreover, any testimony that he may have offered as a "professional ethics expert" would have been exceedingly limited in scope. *See Steele v. D.C. Tiger Market*, 854 A.2d 175, 181 (D.C. 2004) ("[E]xpert

testimony is not permitted if it will usurp either the role of the trial judge in instructing the jury as to the applicable law or the role of the jury in applying that law to the facts before it.” (internal quotations omitted)). With respect to Dr. Aviera, Respondent could have sought permission to depose her on grounds that he needed to preserve her testimony due to her illness. He did not. Finally, Respondent’s general arguments that his and E.S.’s memories had faded and that he lost or destroyed his client files by the date of the hearing are also unpersuasive. Respondent fails to point to any hearing testimony demonstrating that either he or E.S. had faded memories concerning a material issue that would have impacted the fairness of the proceeding. Additionally, Respondent received notice of the disciplinary complaint close in time to the underlying events. *See* DX 2 (Respondent’s response to disciplinary complaint filed by E.S.). He should have acted to preserve his file and other case-related materials.¹¹

Because Respondent suffered no actual prejudice in this matter and we do not find that there are sufficiently unique and compelling circumstances here, we determine that neither dismissal of the disciplinary charges nor mitigation would be appropriate.

¹¹ Respondent complains that he was denied discovery of his email communications between himself and E.S. and that he was “forced to defend himself without the full record of his communications with his client.” Resp. Br. to Board at 19. But E.S. produced, and Respondent reviewed, all email correspondence in her possession between herself and Respondent. *See* Tr. 20, 271. Also, Respondent had notice of this investigation. He could have simply not deleted his emails.

V. SANCTION

In determining the appropriate sanction for a disciplinary Rule violation, the factors we are to consider include (1) the nature and seriousness of the misconduct, (2) the prejudice to the client, (3) whether the conduct involved dishonesty or misrepresentation, (4) violation of other disciplinary rules, (5) Respondent's prior disciplinary history, (6) Respondent's attitude toward the underlying conduct, and (7) mitigating or aggravating circumstances. *See In re Martin*, 67 A.3d 1032, 1053 (D.C. 2013) (citation omitted); *In re Hutchinson*, 534 A.2d 919, 924 (D.C. 1987) (en banc). The disciplinary system does not seek to punish lawyers; rather, its purposes are to maintain the integrity of the legal profession, protect the public and the courts, and deter future or similar misconduct by the respondents and others. *Hutchinson*, 534 A.2d at 924; *In re Reback*, 513 A.2d 226, 231 (D.C. 1986) (en banc). In addition, sanctions imposed must not “foster a tendency toward inconsistent dispositions for comparable conduct or . . . otherwise be unwarranted.” D.C. Bar Rule XI, § 9(h)(1).

The Hearing Committee painstakingly analyzed the appropriate sanction for each of Respondent's Rule violations, considering mitigating and aggravating factors. The Hearing Committee reasoned

a suspension of some duration would be appropriate for each of Respondent's most serious Rule violations or groups of Rule violations, including approximately 15 months solely for the Rule 1.2(a) and 1.4(b) violations . . . and 12-18 months for the Rule 1.7(b)(4) violations . . . six months solely for the Rule 1.15 [sic] (b) & (c) violations, as well as perhaps an informal admonition for the Rule 1.16(a)(3) violation. We have also determined that there is only one arguably mitigating factor – substantial litigation and related work on matters in the public, non-commercial realm. Finally, we have identified numerous, mostly very

serious, and mostly very troubling aggravating factors, including (i) Respondent's recalcitrant refusal to acknowledge any of his missteps, (ii) Respondent's indisputable lack of remorse, (iii) the numerous and pervasive violations, (iv) Respondent's dismissive, self-pitying but groundless attitude toward this proceeding and abusive conduct herein and (v) the grave impact upon and prejudice to the client that resulted from Respondent's Rules violations. Thus we are convinced that strong deterrent, preventive and remedial measures are necessary in this matter and conclude that a suspension of 36 months would be appropriate, would be consistent with prior dispositions in this jurisdiction for comparable overall misconduct, and would serve as a meaningful deterrent to others who might share Respondent's disregard for the Rules that govern the basic elements of the attorney-client relationship. However, in light of the significant weight which the Court of Appeals accorded in [*In re*] *Hager*[, 812 A.2d 904 (D.C. 2002)] and [*In re*] *Wemhoff*[, Board Docket No. 14-BD-056 (BPR Nov. 20, 2015), appended Hearing Committee Report at 19, *recommendation adopted where no exceptions filed*, 142 A.3d 573 (D.C. 2016) (per curiam)] to substantial pro bono work throughout an attorney's career that is perhaps similar to Respondent's record of advocacy on public matters, we recommend a suspension of 33 months instead of 36 months.

HC Rpt. at 160-61.¹²

We concur with the Hearing Committee's careful analysis of the factors applicable to the sanction. Yet, we agree with Respondent that the recommended 33-

¹² During the pendency of this matter before the Board, the Court issued *Klayman I*, suspending Respondent from the practice of law for 90 days for engaging in misconduct in violation of Rule 1.9 (conflict of interest). In accordance with the Court's recent guidance in *In re Askew*, 225 A.3d 388, 399 (D.C. 2020) (per curiam), we do not treat this decision as an aggravating factor, but consider Respondent's violations in this case as if they were before the Board simultaneously with the violations sanctioned in the aforementioned matter. Thus, the sanction recommendation herein is inclusive of the misconduct at issue in *Klayman I*.

month suspensory sanction is not consistent with prior disciplinary cases involving comparable misconduct, as required by D.C. Bar Rule XI, § 9(h)(1).¹³

“[T]he choice of sanction is not an exact science but may depend on the facts and circumstances of each particular proceeding Indeed, each of these decisions emerges from a forest of varying considerations, many of which may be unique to the given case.” *In re Edwards*, 870 A.2d 90, 94 (D.C. 2005) (internal quotations and citations omitted). Here, Respondent failed to effectively communicate with his client, follow her instructions about the objectives of the representation, provide a representation free of conflict of interest, or protect her confidences and secrets. The latter two instances of misconduct are the most concerning, coupled with Respondent’s lack of remorse.

In re Hager, 812 A.2d 904 (D.C. 2002), and *In re Koeck*, 178 A.3d 463 (D.C. 2018) (per curiam), are instructive. In *In re Hager*, the respondent was suspended for one year for violations of, *inter alia*, Rules 1.2(a) (abiding by client’s decisions); 1.4(a) (communication); 1.7(b)(4) (conflict of interest); 1.16(d) (failure to protect client interests upon termination of representation); 5.6(b) (agreement restricting right to practice); and 8.4(c) (dishonesty). 812 A.2d at 913-15, 917, 919-920. In *In re Koeck*, the respondent was suspended for 60 days for violating Rule 1.6(a)

¹³ Disciplinary Counsel has argued that disbarment is the appropriate sanction. We simply do not see this case as equivalent to the other cases where the Court of Appeals has imposed disbarment for a crime of moral turpitude, flagrant dishonesty, or intentional or reckless misappropriation.

(revealing a client confidence or secret without authorization or other justification). 178 A.3d at 463-64.

Considering the factors as discussed by the Hearing Committee and taking into account the 90-day sanction recommendation imposed in *Klayman I*, we recommend that Respondent be suspended from the practice of law for 18 months.

In addition, we agree with the Hearing Committee that a fitness requirement is appropriate in accordance with the *Roundtree* factors. “[T]o justify requiring a suspended attorney to prove fitness as a condition of reinstatement, the record in the disciplinary proceeding must contain clear and convincing evidence that casts a serious doubt upon the attorney’s continuing fitness to practice law.” *In re Cater*, 887 A.2d 1, 6 (D.C. 2005). “To determine whether the requisite serious doubt has been substantiated, it may be ‘useful’ to consider the criteria we evaluate to determine if an attorney should be reinstated to the bar under *In re Roundtree*, 503 A.2d 1215, 1217 (D.C. 1985).” *In re Lattimer*, 223 A.3d 437, 453 (D.C. 2020) (per curiam).

Respondent engaged in numerous serious Rule violations that strike at the heart of the attorney-client relationship. He appears not to appreciate the seriousness of that misconduct. Further, his treatment of E.S. during the representation itself and following its termination was deeply troubling. Indeed, the Hearing Committee found that, in response to his client’s complaint about his misconduct, he “denied that he sought a romantic relationship with [her,] . . . suggested that ‘she imagines that people are sexually coming on to her,’ ‘often claims sexual harassment’ or

‘perhaps, she is just lying.’” HC Rpt. at 23 n.15. To the contrary, the Hearing Committee found, in part based on emails from Respondent, that Respondent was pursuing his client romantically and that his client was not lying on this front. While a respondent has every right to vigorously defend herself in a disciplinary matter, disparaging one’s client to avoid taking responsibility for her misconduct is simply a bridge too far.

In sum, we find clear and convincing evidence that casts a serious doubt upon Respondent’s continuing fitness to practice law.¹⁴

VI. CONCLUSION

For the reasons set forth above, the Board finds that Respondent violated Rules 1.2(a), 1.4(b), 1.5(c), 1.6(a)(1), 1.6(a)(3), 1.7(b)(4), and 1.16(a)(3). With respect to the misconduct at issue in the instant matter, as well as that in *Klayman I*, the Board recommends that Respondent be suspended for a period of 18 months and be required to demonstrate his fitness to practice as a condition of reinstatement. The Board further recommends that the Court direct Respondent’s attention to the

¹⁴ Before the Board, Respondent argues that a fitness requirement is not necessary because he has voluntarily undertaken a number of CLE requirements and he offers to take additional CLE courses “to stay current and heighten his awareness of ethical issues in his practice of law.” Resp. Br. to Board at 63. Additionally, he volunteers to advise any future client of his litigation history with United States District Court Judge Kollar-Kotelly and to withdraw from any representation that would require him to appear before her. *Id.* Finally, he argues that he was suffering from financial and medical stress during the period in which the misconduct occurred. Resp. Br. to Board at 62 n.15. While these may all be worthwhile steps, the Board is not convinced these measures are adequate to prevent future harm to clients and views these issues as matters that would appropriately be raised during the reinstatement process. *See* Board Rule 9.1(c).

requirements of D.C. Bar R. XI, § 14, and their effect on eligibility for reinstatement.
See D.C. Bar R. XI, § 16(c).

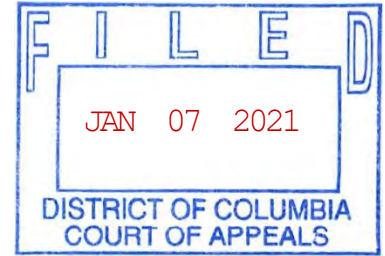
BOARD ON PROFESSIONAL RESPONSIBILITY

By: 

Matthew G. Kaiser

All members of the Board concur in this Report and Recommendation except Ms. Larkin, who is recused.

**District of Columbia
Court of Appeals**



No. 20-BG-583

IN THE MATTER OF
LARRY E. KLAYMAN

**2017 BDN 63
2011 DDN 28**

A Member of the Bar of the
District of Columbia Court of Appeals

Bar Reg. No. 334581

BEFORE: Thompson and Deahl, Associate Judges, and Ferren, Senior Judge.

O R D E R

On consideration of the Board on Professional Responsibility's Report and Recommendation, this court's October 19, 2020, order directing respondent to show cause why he should not be suspended pending final action on the Board's report, and the response and supplemental response thereto, it is

ORDERED that Larry E. Klayman is hereby suspended from the practice of law in the District of Columbia pending final disposition of this proceeding. See D.C. Bar R. XI, § 9(g). It is

FURTHER ORDERED that respondent's attention is directed to D.C. Bar R. XI, § 14, which sets forth various notice requirements and procedures pertaining to suspended attorneys, and D.C. Bar R. XI, § 16(c), which addresses the timing of eligibility for reinstatement and the necessary compliance with R. XI, § 14, including filing the required affidavit.

PER CURIAM

Copies e-mailed to:

Larry Klayman

James T. Phalen, Esquire
Executive Attorney, Board on Professional Responsibility

Matthew Kaiser, Esquire
Chair, Board on Professional Responsibility

Hamilton P. Fox, Esquire
Disciplinary Counsel

Henry Clay Smith, III, Esquire
Assistant Disciplinary Counsel

oio



Oliver Peer <oliver.peerfw@gmail.com>

Re: Luhn v. Scott, No. 19-7146 (D.C. Cir.)

Larry Klayman <klaymanlaw@gmail.com>

Wed, Feb 3, 2021 at 11:12 AM

To: "Dick, Anthony J." <ajdick@jonesday.com>

Cc: Larry Klayman <klaymanlaw@gmail.com>, "Carvin, Michael A." <macarvin@jonesday.com>, Oliver Peer <oliverpeerfw@gmail.com>

This does not apply to federal court which must decide on reciprocal discipline if the temporary suspension becomes final. The federal court is not a District of Columbia court.

Thus filing what you suggest with the DC Circuit to prejudice Ms.. Luhn at this time would be an ethical violation on your part for which you will be held to account. Couple this with the harassment of Ms..Luhn by sending an unidentified process server to her home in the dead of night -- vindictively and maliciously harming her more emotionally -- in retaliation over her sworn testimony in the McHenry sexual harassment case implicating your clients in a pattern and practice of sexual abuse, cover-up and defamation -- harm compounded by her four prior suicide attempts which you and your clients caused.

Your threats against me are part of this pattern and practice of Fox News and it co-defendant Suzanne Scott.

Govern yourselves accordingly.

Larry Klayman

On Wed, Feb 3, 2021, 10:55 AM Dick, Anthony J. <ajdick@jonesday.com> wrote:

Mr. Klayman,

It is our understanding that the D.C. Court of Appeals issued an interim order suspending your license to practice law on January 7. Based on that understanding, we believe that your continued representation of a client in the D.C. Circuit is a violation of the rules against the unauthorized practice of law.

As you know, D.C. Rule of Professional Conduct 5.5 prohibits the unauthorized practice of law within the District of Columbia following a lawyer's suspension. See, e.g., *In re Soininen*, 853 A.2d 712, 716-18 (D.C. 2004) (describing attorney's unauthorized practice of law "during the period of interim suspension"). Rule 8.3 requires us to "inform the appropriate professional authority" if we are aware of a violation.

In addition, D.C. Circuit Rule 46(a)(2)(B) states that "a member of the [DC Circuit]'s bar is subject to suspension or disbarment by the [DC Circuit] if a member (A) has been suspended or disbarred from practice in any other court; or (B) is guilty of conduct unbecoming a member of the court's bar." In view of this rule, we also conclude that you cannot continue to represent a client before the D.C. Circuit.

Best regards,

Anthony

App.0037

Anthony Dick (bio)
Partner
JONES DAY® - One Firm WorldwideSM
51 Louisiana Ave NW
Washington DC 20001-2113
Office +1.202.879.7679

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: D.C. Court of Appeals E-Filing Rejection Notice - 20-BG-0583 - IN RE LARRY E. KLAYMAN, BOARD DOCKET NO. 17-BD-063, BAR REGISTRATION NO. 334581

Larry Klayman <klaymanlaw@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Fri, Jan 22, 2021 at 2:07 PM

----- Forwarded message -----

From: <noreply1@dcaappeals.gov>

Date: Fri, Jan 22, 2021 at 2:04 PM

Subject: D.C. Court of Appeals E-Filing Rejection Notice - 20-BG-0583 - IN RE LARRY E. KLAYMAN, BOARD DOCKET NO. 17-BD-063, BAR REGISTRATION NO. 334581

To: <leklayman@gmail.com>

This is a notice to inform you that the PETITION - Petition For Rehearing En Banc filed on 20-BG-0583 has been rejected by the Court Clerk for the following reason(s):

Invalid material

Clerk's Comments: Rule 35. Petition for Hearing or Rehearing En Banc; En Banc Determination. (a) When Hearing or Rehearing En Banc May Be Ordered. A majority of the judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be heard or reheard en banc. The order issued January 7, 2021, was an INTERIM suspension order pending FINAL disposition. Please see paragraph 2 of the January 7, 2021, order. You are currently ineligible to request a Petition for rehearing or rehearing en banc.

Please see Clerk's comments. If appropriate, please follow the directions below to edit and resubmit this filing to the court.

Steps to Edit and Resubmit a Rejected eFiling:

1. Click this link to login and open the rejected eFiling: <https://efile.dcaappeals.gov/filing/summary.do?eservice=true&electronicFilingID=40952>
2. Each heading of this screen ("Edit E-Filing", "Documents", and "Service List") has an "Edit" link on the far right of the screen that will allow you to make changes to each section.
3. Make the necessary change and select "Continue" to be brought back to the main "Edit E-Filing" screen.
4. Once you have completed your changes, at the bottom of the screen, click the checkbox to agree to the DCCA eFiling Terms and Conditions and click "Submit to Court" to resubmit your eFiling.

This e-mail was sent to leklayman@gmail.com by the D.C. Court of Appeals E-Filing website.

Do not respond to this system generated e-mail notification. If you have questions or need assistance contact the Clerk's office at efilehelp@dcaappeals.gov. For technical help contact efiletech@dcaappeals.gov.

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.



Oliver Peer <oliver.peerfw@gmail.com>

File request for 20-BG-583 (in re Klayman)

Oliver Peer <oliver.peerfw@gmail.com>

Wed, Dec 30, 2020 at 10:28 AM

To: File Room <fileroom@dcaappeals.gov>, "Brannon, Kevin" <kbrannon@dcaappeals.gov>

Good afternoon,

Can you please rush send the Court's December 14, 2020 briefing schedule that was filed in this matter? Mr. Klayman did not receive it. Thank you very much.

Regards,
Oliver Peer
Klayman Law Group P.A.



Oliver Peer <oliver.peerfw@gmail.com>

November 25, 2020 Order in In re Klayman (20-BG-583)

Oliver Peer <oliver.peerfw@gmail.com>

Thu, Dec 3, 2020 at 9:45 AM

To: File Room <fileroom@dcappeals.gov>, "Brannon, Kevin" <kbrannon@dcappeals.gov>, Larry Klayman <leklayman@gmail.com>

Good afternoon,

Can you please send the November 25, 2020 order granting Ms. Isaak's *pro hac vice* application in this matter? Thank you.

Regards,
Oliver Peer
Klayman Law Group P.A.



Oliver Peer <oliver.peerfw@gmail.com>

November 12, 2020 Order in 18-BG-0100

Oliver Peer <oliver.peerfw@gmail.com>

Fri, Nov 20, 2020 at 10:27 AM

To: "Brannon, Kevin" <kbrannon@dcappeals.gov>, File Room <fileroom@dcappeals.gov>

Good Afternoon,

Can you please send a copy of the Court's November 12, 2020 Order in *In Re Klayman*, 18-BG-0100? Thank you.Regards,
Oliver Peer
Klayman Law Group P.A.



Oliver Peer <oliver.peerfw@gmail.com>

Order to Show Cause Filed in In Re Klayman (20-BG-583)

Oliver Peer <oliver.peerfw@gmail.com>

Tue, Oct 20, 2020 at 9:19 AM

To: filerom@dcappeals.gov, "Brannon, Kevin" <kbrannon@dcappeals.gov>, Larry Klayman <leklayman@gmail.com>

Good afternoon,

Can you please send the October 19, 2020 order to show cause filed in In re Klayman (20-BG-583) at your earliest convenience? Thank you.

Regards,
Oliver Peer
Klayman Law Group P.A.



Oliver Peer <oliver.peerfw@gmail.com>

Document Request for In re Klayman

Oliver Peer <oliver.peerfw@gmail.com>

Mon, Aug 3, 2020 at 9:53 AM

To: "Brannon, Kevin" <KBrannon@dcappeals.gov>, filerroom@dcappeals.gov

Good afternoon,

Can you please send the 7/31 order filed in Appeal 18-BG-100? Thank you.

Regards,
Oliver Peer
Klayman Law Group P.A.

[Quoted text hidden]

APPENDIX – PROPOSED FINDINGS OF FACT

Tim Shamble

1. Mr. Shamble has been with VOA since 1996, and he is currently the local union president, AFG Local 1812, a title he has held since 2000. Tr. 881.
2. Mr. Shamble was the union representative who was consulted by Ms. Sataki and Mr. Klayman with regard to Ms. Sataki's claims of workplace sexual harassment and workplace retaliation at VOA. RX 1, RX 5.
3. Mr. Shamble declared under oath that Mr. Klayman was very diligent in attempting to represent Ms. Sataki, putting in many hours, and Mr. Klayman did not, to his knowledge, compromise any of Ms. Sataki's rights. RX 1, RX 5.
4. Mr. Shamble declared under oath that communication became very difficult and nearly non-existent with Ms. Sataki. When he and Mr. Klayman would try to contact Ms. Sataki, we usually got no response, even for months. RX 1, RX 5.
5. Mr. Shamble declared under oath that during these periods of no communication from Ms. Sataki, Mr. Klayman attempted to protect Ms. Sataki's rights so that they would not be forfeited. It is Mr. Shamble's opinion that Mr. Klayman acted professionally and ethically by trying to protect Ms. Sataki's rights even after she would not communicate with him. RX 1, RX 5. Ms. Sataki admits that she knew Mr. Klayman and Mr. Shamble tried to reach her. Tr. 539.
6. Mr. Shamble declared under oath that he had given Mr. Klayman's name and number as a reference to at least one other aggrieved VOA employees who requested the name of an aggressive attorney, as he was impressed by Mr. Klayman's willingness to doggedly defend Ms. Sataki under difficult circumstances. RX 1, RX 5. Tr. 902.

that she had hired an attorney she had met, and she brought you in to discuss the case. So I met you in my office.” Tr. 889.

Regardless, the record is replete with instances where Ms. Sataki expressly agreed to, and even participated in, the publicity of her case. Mr. Klayman testified that publicity was agreed to up front, in the very beginning. Tr. 979-80. “So that was the reason for the publicity. She agreed to it, Tim agreed to it, and there will be other witness that will testify in this proceeding that she agreed to the publicity.” Tr. 980. At the hearing before the AHC, Ms. Sataki was forced to admit on several occasions that she approved of this publicity. PFF 170. “Q: Did you ultimately agree with Mr. Klayman about the publicity?” “A: I did.” Tr. 775.” In addition, several key material witnesses also corroborated this. PFF 91, 182. In fact, Ms. Sataki personally engaged in the publicizing of her case by personally with Mr. Shamble handing out copies of one the articles written by Mr. Klayman on Capitol Hill. PFF 24.

PFF 11 – Like all emails, the date that it was sent is on the actual email. This is how emails work. Regardless, the date of the email does not affect the veracity of the contents of the email, which is the relevant part.

ODC does not oppose the finding that Ms. Sataki never responded to the email between Mr. Klayman, Ms. Sataki, and two other VOA broadcasters who Mr. Klayman was also seeking to help about an interview with the Los Angeles Times. RX 5. Tr. 906-07. The fact that she said nothing indicating that she did not want to do the interview is completely relevant, as it severely undercuts ODC’s ex post facto manufactured assertion that Ms. Sataki was not on board with publicizing her case. Whether she had an obligation to answer is the completely irrelevant query. Her failure to object to publicity, once again, strongly evidences that at the time, she was in favor of using publicity.

PFF 22 - This is a totally false and misleading response, completely unsupported by any evidence on the record. The record can only support the finding that it was Ms. Sataki who refused to accept the job offered to her at the Central News Division in Washington because she believed that she was being set up to be fired, as her English was poor and the Central News broadcast in English to other countries that she had no interest in as an Iranian. PFF 22. Ms. Sataki then instructed Mr. Klayman to continue to do all he could to get her to LA, which undercuts ODC's patently false assertion. PFF 109, Tr. 346. It was Ms. Sataki's own decision to not return to work at VOA headquarters in Central News, lest she commit suicide – a regular theme and continuing of hers. PFF 109, Tr. 981-92.

It was Ms. Sataki's idea and desire to get relocated to Los Angeles ("LA") from the very beginning. PFF 18. Ms. Sataki wanted to be in LA to be away from her alleged harasser, to be closer to her family, friends, and doctors, and to escape criticism from her managers. PFF 52, 115. Ms. Sataki testified that she was comfortable anywhere in LA, and that many Iranian broadcasters wanted to be in LA, in part due to its large Iranian population. PFF 113, 117.

PFF 24 – This is another totally false and misleading response, completely unsupported by any evidence on the record. Mr. Klayman testified that publicity was agreed to up front, in the very beginning. Tr. 979-80. "So that was the reason for the publicity. She agreed to it, Tim agreed to it, and there will be other witness that will testify in this proceeding that she agreed to the publicity." Tr. 980. At the hearing before the AHC, Ms. Sataki was forced to admit on several occasions that she approved of this publicity. PFF 170. "Q: Did you ultimately agree with Mr. Klayman about the publicity?" "A: I did." Tr. 775." In addition, several key material witnesses also corroborated this. PFF 91, 182. In fact, Ms. Sataki personally engaged in the publicizing of her case by personally handing out copies of one the articles written by Mr. Klayman on Capitol Hill. PFF 24. Ms. Sataki admits that she had shared intimate details about her situation with

everyone, including Mr. Klayman that night. "... I explained to you my problem with VOA. ... So I don't know why this conversation was so intimate to you (about her alleged harassment, workplace retaliation, and mental state), because it was definitely not intimate to me. **Everybody knew. In that case, I had an intimate conversation with everybody.**" Tr. 329 (emphasis added). PFF 104. Personally engaging the the publicity of one's case, the way that Ms. Sataki did, is not consistent with the actions of a person who was allegedly "reluctant" to use publicity, particularly since as a broadcaster, she understood the value of publicity.

PFF 26 - Ms. Sataki was kept informed of Mr. Klayman's strategy and actions on her behalf every step of the way. Tr. 1011, PFF 60. Ms. Sataki, at the time, never objected to including the BBG, which included Ms. Hillary Clinton. There is nothing on the record that supports the false assertion that she did.

Ms. Clinton was not singled out. PFF 26. She simply happened to on the BBG at the time, and was joined and sued along with every other sitting member. Indeed, had this been a decision in furtherance of Mr. Klayman's personal politics, it is clear that his and Mr. Keya Dash's personal friend and noted conservative radio talk show host, Ms. Blanquita Collum, would not have been included in the lawsuit. PFF 25, 54. However, Ms. Collum was included, which undercuts ODC's frankly ridiculous and desperate proposition that Ms. Clinton was singled out in furtherance of Mr. Klayman's personal "crusade." Even ODC's own expert, Joel Bennett ("Mr. Bennett") admits that Mr. Bennett "[i]n all of the hundreds of pages of exhibits, I do not recall any individual attack on Mrs. Clinton." PFF 209. In sum, ODC's contrived proposition fails on its face, as it is impossible for it to argue that Ms. Clinton was singled out when the fact remains that every member of the BBG was individually named in the *Bivens* suit.

PFF 27 - There is nothing on the record that supports this false assertion. Mr. Shamble and Ms. Sataki went together on occasion to publicize her situation. "I remember one time. The

VOA was on the mall here in Washington, some kind of public -- it might have been a recruitment fair or something. But we had an article and both her and I were distributing it to people in the vicinity, tried to let people know and to let the agency know that, you know, we were going to publicize this.” Tr. 893. The article that both Mr. Shamble and Ms. Sataki distributed was called “Government War on a Freedom Loving Beauty. Exclusive, Larry Klayman Goes to Bat for Harassed Broadcaster Fighting for a Free Iran.” Tr. 894. RX 1.

Ms. Sataki was aware that Mr. Klayman and Mr. Shamble lobbied congressmen and senators to try to get them to intercede on her behalf. Tr. 454. They include John Boehner, Tom Coburn of Oklahoma, who was on the Foreign Affairs Committee at VOA, and John McCain. Tr. 912-14. During meetings with these Senators, Mr. Klayman and Mr. Shamble on Ms. Sataki’s behalf took press materials to give to them and Ms. Sataki did not object to this publicizing, even though she was aware that they were taking them to those meetings. Tr. 913-14.

Mr. Keya Dash testified that he was at Morton’s with Mr. Klayman and Ms. Sataki and they noticed that John Boehner was also at the restaurant, “sitting a table over from us.” Tr. 1345-46. Mr. Dash testified that Mr. Klayman and Ms. Sataki went over to Mr. Boehner to “plead her case to him and enlist his support.” Tr. 1346. “He seemed very interested in it. In fact he seemed to side with her. And that it was a good interaction.” Tr. 1347. Mr. Dash testified that he was aware that Respondent and Ms. Sataki sought Mr. Boehner’s help to resolve the situation at VOA after that. “Yes, I am aware that that was the entire purpose.” Tr. 1347. Mr. Dash further declared under oath that he was aware that Ms. Sataki personally went with Mr. Klayman to meet with Mr. Boehner’s staff in the Capitol Building in this regard. PFF 88, RX 5.

PFF 35 - Mr. Klayman only knew of the letter because it was forwarded to him by Mr. Shamble. However, it was clear to Mr. Klayman that the letter was not written by Ms. Sataki. The August 4, 2010 ‘termination’ letter was not in Ms. Sataki’s poor written English. “That’s why

[Mr. Klayman] needed to be able to talk to her (before I dismissed cases).” Tr. 1041. RX 21. Whereas Mr. Klayman was familiar with Ms. Sataki’s poor written English, and which is exemplified in BCSX 38, the August 4, 2010 letter, which was written to Danforth Austin and not Mr. Klayman, was written in perfect English. PFF 70. In contrast, an email written by Ms. Sataki baselessly accusing him of having been bribed and mocking his religious beliefs demonstrates her poor written English. BCSX 38.

PFF 36 - It is highly disingenuous, if not flat-out dishonest to attack Respondent’s PFF for lack of date specificity after, for no legitimate reason, waiting nearly a decade to file a Specification of Charges, after records have been lost and memories have faded. ODC admits that Mr. Klayman “confirmed his recommendation of Tim Shea, Esquire to Ms. Sataki on May 8, 2010.” DCPFF 30.

Larry Klayman

PFF 43 – ODC’s assertion is patently false. The dismissed dispositions ruled upon by Florida and Pennsylvania are completely relevant as they show the lack of merit of this instant proceeding. Ms. Sataki admitted that she filed identical bar complaints in Florida and Pennsylvania. Tr. 968. BCX 23. Pennsylvania and Florida disciplinary records show that these identical complaints were dismissed by these bars many years ago, as Mr. Klayman has no disciplinary record in this regard. Tr. 969-971. RX23 (Florida); RX 30 (Pennsylvania). Put another way, if Mr. Klayman had been disciplined in these other jurisdictions, there would be some record of it. There is not.

PFF 44 – Mr. Klayman’s grounds for believing that the ODC had dismissed its investigation are that nothing was done for many years after Ms. Sataki filed her Complaint and Supplemental Complaint. Ms. Sataki abandoned her non-meritorious complaint, by ODC’s own rules and policies, when she failed to respond to Mr. Klayman’s submissions - the same ones he

had provided to The Florida Bar and Pennsylvania Bar. ODC's letter to Ms. Sataki, warning her of the consequences of not communicating with it, namely that the matter would be considered abandoned, are set forth clearly in this letter to her as early as July 7, 2011: "If we do not hear from you promptly, we may assume that you are satisfied with the attorney's explanations." RSX 6.

PFF 46 – Mr. Klayman testified that Ms. Sataki gave him a "kiss on the cheek, Persian style." Tr. 975-76. Mr. Klayman testified that "It was no sooner than about five to ten minutes before she broke down in tears and grabbed my hand..." Tr. 976. It is now clear that Ms. Sataki was trying to evoke personal sympathy to lure Mr. Klayman into representing her.

PFF 47 - There is simply no evidence on the record for this assertion. It is indeed well-established that Mr. Klayman represented Ms. Sataki on principle, and *pro bono*. PFF 47, 74. Since the goal of the representation was to have Ms. Sataki transferred to LA, and not to seek monetary damages, there was no reason to enter into a contingent fee agreement. PFF 54. Ms. Sataki admitted that Ms. Sataki she had no money to pay for a lawyer and backs off claim that she discussed offering him 40% of any recovery when the representation began. PFF 106.

Q: It's not true that that 40 percent came up at that time at that dinner. It did not come up, did it?

A. I don't remember.

Q. Then why did you just say that? Tr. 333.

At no point in time did Mr. Klayman and Ms. Sataki actually agree that Mr. Klayman would be paid 40% of any recovery. PFF 75, 199. Ms. Sataki's gratuitous offer of a contingent fee was just that: an offer. PFF 54. There is no documentary or other evidence that Mr. Klayman or Ms. Sataki agreed on any type of fee structure, other than Mr. Klayman's *pro bono* representation. Indeed, Mr. Klayman only raised the speculative issue of a possible contingent fee going forward toward the end of his legal representation, as the professional relationship and friendship became

untenable for both he and Ms. Sataki, as any damage award would be years down the line and also speculative at best. PFF 75. ODC would be hard pressed to assert that it is an ethical violation to discuss a potential fee agreement, which is at most what occurred in this case.

PFF 50 – This is another blatantly false and misleading claim by ODC. The record is replete with instances where Ms. Sataki expressly agreed to, and even participated in, the publicity of her case. Mr. Klayman testified that publicity was agreed to up front, in the very beginning. Tr. 979-80. “So that was the reason for the publicity. She agreed to it, Tim agreed to it, and there will be other witness(es) that will testify in this proceeding that she agreed to the publicity.” Tr. 980. At the hearing before the AHC, Ms. Sataki was forced to admit on several occasions that she approved of this publicity. PFF 170. “Q: Did you ultimately agree with Mr. Klayman about the publicity?” “A: I did.” Tr. 775.” In addition, several key material witnesses also corroborated this. PFF 91, 182. In fact, Ms. Sataki personally engaged in the publicizing of her case by personally handing out copies of one the articles written by Mr. Klayman on Capitol Hill. PFF 24.

PFF 52 – This is another blatantly false and misleading assertion by ODC that entirely unsupported by the record. It was Ms. Sataki’s idea to get relocated to LA from the very beginning. PFF 18, Ms. Sataki wanted to be in LA to be away from her alleged harasser, to be closer to her family, friends, and physicians and to escape criticism from her managers. PFF 52, 115. Ms. Sataki testified that she was comfortable anywhere in LA, and that many Iranian broadcasters wanted to be in LA, in part due to its large Iranian population. PFF 113, 117. Ms. Sataki herself testified that she wanted to be transferred to LA. “I said that I have written a proposal, yes, I’m trying to transfer myself to Los Angeles.” Tr. 334.

PFF 54 – Mr. Klayman never expected to be compensated for his work. It is indeed well-established that Mr. Klayman represented Ms. Sataki on principle, and *pro bono*. PFF 47, 74. Since the goal of the representation was to have Ms. Sataki transferred to LA, and not to seek

monetary damages, which were highly speculative and years down the line at best, there was no reason to enter into a contingent fee agreement. PFF 54. An email from Mr. Klayman to Ms. Sataki dated May 19, 2010 said, “You don’t owe me money and I did what I did from my heart.” Tr. 665-666, BCSX 10, PFF 158. This dispels any notion that Mr. Klayman expected to be reimbursed.

PFF 57 – Mr. Klayman’s PFF is totally relevant as to why Ms. Sataki needed to leave Washington D.C., and is supported by the evidentiary record. Mr. Dash testified that:

Well, her reputation was something of an opportunist who advances herself, and when she reaches the point of no return, alleges sexual discrimination, sexual harassment. This was something I had told [Mr. Klayman] at the time.” Tr. 1348.

The record also shows that it was Ms. Sataki who wanted to leave Washington and get relocated to Los Angeles. Ms. Sataki herself refused to accept the job offered to her at the Central News Division in Washington because she believed that she was being set up to be fired, as her English was poor and the Central News broadcast in English to other countries that she had no interest in as an Iranian. PFF 22. It was Ms. Sataki’s idea to be in, and try to get relocated to Los Angeles from the very beginning. PFF 18, Ms. Sataki wanted to be in LA to be away from her alleged harasser, to be closer to her family and friends, and to escape criticism from her managers. PFF 52, 115. Ms. Sataki testified that she was comfortable anywhere in LA, and that many Iranian broadcasters wanted to be in LA, in part due to its large Iranian population. PFF 113, 117.

PFF 58 – This is another patently false and unsupported assertion by ODC. Mr. Klayman put on the record his Motion to Disqualify Jude Kotelly, which contained 14 pages of her factual errors as proof of her bias towards Ms. Sataki and Mr. Klayman. Tr. 1034. RX 3.

Mr. Klayman’s testified that, at the time, the Honorable Stanley Sporkin (“Judge Sporkin”) described the relief to have Ms. Sataki put back to work in LA as a “chip shot.” PFF 58. Tr. 1009-1010. The fact that Judge Sporkin did not use the same words, after nine years of inexcusable

delay from ODC in bringing this case, does not render his testimony contradictory. Judge Sporkin is now in extremely poor health, and was in a wheelchair, but still felt compelled to testify on Mr. Klayman's behalf. ODC admits that Judge Sporkin would have granted an evidentiary hearing, which Judge Kotelly refused to do. Tr. 1171-77.

PFF 59 – Mr. Klayman's "opinion" is not being set forth to prove the truth of the matter asserted, but simply to show why a motion for reconsideration of Judge Kotelly's decision to deny preliminary relief was filed. It is therefore relevant.

PFF 60 – The facts and testimony clearly show that Ms. Sataki was informed every step of the way. "Ms. Sataki was kept informed of Mr. Klayman's strategy and actions on her behalf every step of the way." PFF 60, Tr. 1011.

PFF 62 – Ms. Sataki's false, ex post facto claim that she did not ask Mr. Klayman to buy her a car is undercut by her own testimony. Ms. Sataki admits that she was "incapable of buying the car [her]self because [she] had no credit...." Tr. 433. Ms. Sataki admits that she and Mr. Klayman went to a Mercedes dealership in Van Nuys, California together. Tr. 434. Ms. Sataki admits that her car had been repossessed. Tr. 434. Ms. Sataki admits that she wanted a car with a lower monthly payment. "was trying to make my payment go lower. That's why I was looking at cars. If I could trade my car in and make the payments lower as I had money issues. That was why I was looking at cars." Tr. 435. Added together, it is clear that Mr. Klayman's reason for being present at the dealership was that Ms. Sataki wanted him to buy her a car.

This was part and parcel to Ms. Sataki's pattern of trying to get Mr. Klayman to do personal favors for her. Ms. Sataki also asked Mr. Klayman to find her friend, Kaveh, a bankruptcy attorney and then berated him over who he found. Tr. 1021-22.

PFF 64 – Mr. Sam Razavi's felonious history is especially relevant, given that it shows his character for dishonesty, as he was **convicted of gambling fraud**. This is pertinent because the

idea of the supplemental complaint, BCX 23, came from, at least in part, Mr. Razavi. Tr. 468-469.. Ms. Sataki claimed under oath that Ms. Kathleen Staunton (“Ms. Staunton”) and Mr. Razavi prepared the supplemental complaint. Tr. 469. Tr. 301, 307, 317, 468-72, 474-75, 544. Neither of them are lawyers.

ODC’s assertion that there is no reliable evidence to support the allegations about Mr. Razavi is another outright falsehood. BCSX 36 is a January 26, 2011 email from Matt Garrison, a California licensed private investigator who uncovered Mr. Razavi’s felonious history. Tr. 737. BCSX 36.

PFF 66 – This is another twisted recitation of the record. There is testimony that Ms. Sataki knew about the Motion to Disqualify Judge Kotelly. Tr. 1166, 1170. Ms. Sataki was kept informed of Mr. Klayman’s strategy and actions on her behalf every step of the way. Tr. 1011. Mr. Klayman told both Ms. Sataki and Mr. Shamble that Judge Kotelly could be a problem early on. PFF 39.

PFF 67 – ODC again seeks to mislead the AHC regarding the timeline of events. Ms. Sataki never terminated Mr. Klayman in July of 2010 via email. The email at issue simply says to dismiss the pending cases, and Mr. Klayman obeyed her directive. PFF 68. In fact, the July 30, 2010 email tells Mr. Klayman to continue the case against her alleged harasser, Mr. Falahati and others, which conclusively disproves ODC’s false assertion that she sought to terminate Mr. Klayman’s representation at that time. PFF 68. The August 4, 2010 ‘termination’ letter was not in Ms. Sataki’s otherwise poor written English. “That’s why [Mr. Klayman] needed to be able to talk to her (before I dismissed cases).” Tr. 1041. RX 21. Another “termination” letter of November 15, 2010 was incorrectly sent to the wrong address at 2000 Pennsylvania Ave, which Mr. Klayman never received from her. RX 8. Tr. 1042-43. Ms. Sataki admits this. “So that was a mistake.” Tr. 540. RX 8. ODC admits that Ms. Sataki filed a notice of appeal, *pro se* and designated it pro per as

is the designation under California law. This shows that she had legal help if not representation but failed to inform either Mr. Shamble or Mr. Klayman about it, while failing to communicate with either of them.

PFF 69 - Mr. Klayman knew of the letter only because it was forwarded to him by Mr. Shamble. However, it was clear to Mr. Klayman that the letter was not written by Ms. Sataki. The August 4, 2010 ‘termination’ letter was not in Ms. Sataki’s poor written English. “That’s why [Mr. Klayman] needed to be able to talk to her (before I dismissed cases).” Tr. 1041. RX 21. Whereas Mr. Klayman was familiar with Ms. Sataki’s poor written English, and which is exemplified in BCSX 38, the August 4, 2010 letter, which was written to Danforth Austin and not Mr. Klayman, was written in perfect English. PFF 70.

PFF 72 – Not ethically wanting to see Ms. Sataki’s legal rights lost while matters got sorted out, Mr. Klayman, again at his expense, filed a notice of appeal. PFF 72. And while Ms. Sataki has testified falsely that she wanted to drop the *Bivens* case, she herself admittedly sent a notice of appeal to Judge Kotelly, which the judge placed in the case file and mailed to Mr. Klayman. PFF 67. This underscores that, as Mr. Klayman had suspected, Ms. Sataki did not want the dismissal of her cases and was getting bad and negligent advice likely from non-lawyers. He and Mr. Shamble had an ethical and legal duty to try to communicate directly with her and not rely on counterproductive and nonsensical letters obviously not written by Ms. Sataki, as they were in perfect English. PFF 70, 161.

To the extent that ODC still maintains its conclusively disproven theory that Ms. Sataki terminated Mr. Klayman as her attorney in July of 2010, it must be pointed out that in that same email, she asks Mr. Klayman to continue representation on her behalf. Thus, the actions that were taken in the BBG case after July 30, 2010 were to preserve Ms. Sataki’s rights on appeal, whether

they be exercised by Ms. Sataki herself or with the assistance of other counsel. PFF 78. In any event, Judge Kotelly ultimately dismissed the action. PFF 68.

PFF 74-75 – There is absolutely nothing in the record that supports ODC’s false and fabricated allegation that any fee agreement was ever reached between Mr. Klayman and Ms. Sataki. It is indeed well-established that Mr. Klayman represented Ms. Sataki on principle, and *pro bono*. PFF 47, 74. Since the goal of the representation was to have Ms. Sataki transferred to LA, and not to seek monetary damages, there was no reason to enter into a contingent fee agreement. PFF 54. Ms. Sataki admitted that Ms. Sataki she had no money to pay for a lawyer and backs off claim that she discussed offering him 40% of any recovery when the representation began. PFF 106. At no point in time did Mr. Klayman and Ms. Sataki agree that Mr. Klayman would be paid 40% of any recovery. PFF 75, 199. Ms. Sataki’s gratuitous offer of a contingent fee was just that: an offer. PFF 54. There is no documentary or other evidence that Mr. Klayman or Ms. Sataki agreed on any type of fee structure, other than Mr. Klayman’s *pro bono* representation. Indeed, Mr. Klayman only raised the speculative issue of a possible contingent fee going forward toward the end of his legal representation, as the professional relationship and friendship became untenable for both he and Ms. Sataki. PFF 75

PFF 76 – Mr. Klayman was simply trying to get Ms. Gloria Allred to accept Ms. Sataki’s case. Nothing changes the fact that the goal of Mr. Klayman and Ms. Sataki’s representation was to have Ms. Sataki transferred to LA, and not to seek monetary damages, which were pled for tactical purposes to coax a settlement by making the Defendants feel at personal risk. PFF 54.

PFF 78 – Mr. Klayman wanted to, and recommended and also actively sought other counsel for Ms. Sataki. This included Tim Shea and Gloria Allred. PFF 36, Tr. 929; PFF 78; 1079-80. Ms. Sataki took no action, so Mr. Klayman, as the attorney of record, still had an ethical duty to protect Ms. Sataki’s legal rights in the interim. ODC cannot possibly, but apparently is,

asserting that merely recommending and then trying to find another attorney absolves the current attorney of his duties, where no formal withdrawal has been entered.

PFF 83 – The articles at issue did not reveal any confidential information, given the fact that Ms. Sataki was personally going around telling everyone about her intimate issues. “... I explained to you my problem with VOA. ... So I don’t know why this conversation was so intimate to you (about her alleged harassment, workplace retaliation, and mental state), because it was definitely not intimate to me. **Everybody knew. In that case, I had an intimate conversation with everybody.**” Tr. 329 (emphasis added). PFF 104. This is all an ex post facto “issue” fabricated by ODC to give their Specification of Charges the appearance of merit.

Mr. Klayman received no compensation for the articles. The ad which www.wnd.com inserted into the articles was for WND to sell books it had purchased. Mr. Klayman made no money on the articles which he wrote to help Ms. Sataki. PFF 83. Tr. 1199-1230.

Keva Dash

PFF 86-91 – There is absolutely nothing on the record that supports the assertion that Mr. Dash’s affidavit is not totally credible. If seeking outside help to draft something renders something not credible, it must be noted that Ms. Sataki admits that she did not write the Initial Complaint, Tr. 538, or the Supplemental Complaint. Tr. 469. Tr. 301, 307, 317, 468-72, 474-75, 544. By ODC’s own ridiculous logic, Ms. Sataki’s credibility must also be destroyed. Furthermore, Mr. Dash testified: And also I’ve been thinking about this while I’ve been testifying on other things. I think I showed this to an attorney, as well, my own attorney, as well. And it could be that he originated [the affidavit]” Tr. 1376.

PFF 90 – Mr. Dash testified under oath and swore to that he was unaware of any romantic communications that Respondent sent to Ms. Sataki. “Mr. Klayman and I are friends, and I think I

would have come to know if there was some sort of over-romantic desire on his behalf. I would have known about that. He never expressed it to me.” Tr. 1375-76.

PFF 95 – Mr. Dash was not assisting in the “prosecuting” of her case, as he is not a lawyer. Mr. Dash was only trying to help Mr. Klayman as a friend. Mr. Dash decided to help Ms. Sataki, for the most part due to Mr. Klayman’s urging him to do so. Tr. 1349-50. PFF 98. Mr. Dash simply attempted to enlist the help of Ms. Cullum, a member of the BBG at VOA, and who employed his brother at VOA. Tr. 1350-51.

Regardless, the record is replete with instances of Ms. Sataki approving of, not objecting to, and personally publicizing her case to just about anyone who would listen, as set forth in detail above.

PFF 96 – Mr. Dash’s opinions and observations are totally relevant because it demonstrates Ms. Sataki’s propensity and reputation in the Iranian community as someone who alleges sexual discrimination and sexual harassment as a means to advance herself. Ms. Sataki’s reputation comes into even clearer focus later on, with regard to her fabricated and failed lawsuit against Dean Proper, PFF 147-148, where she falsely accused him of stealing her diamond ring that she had lost, and which was only admittedly filed to avoid paying rent. Then there is Ms. Sataki’s complaint against the wife of Zia Atabay, who she was accused of having an affair with. This Complaint was against Mrs. Atabay for having allegedly keyed her car. In short, Ms. Sataki falsely testified that the Court’s ruling proved that she had not committed adultery with a married man, when the case only dealt with her car having been keyed. PFF 150.

Elham Sataki

PFF 107 – ODC repeats this false and unsubstantiated assertion, which is contravened by the actual facts and testimony on the record, which clearly shows that it was Ms. Sataki’s idea, and continued goal, to be relocated to Los Angeles in order to (1) be away from her alleged harasser,

(2) because she thought she was being set to to be fired in Central News, and (3) she was very comfortable in Los Angeles, where her family, friends, and over 1 million other Iranians live. *See Resp. to PFF 22.*

PFF 108 – Ms. Sataki’s testimony here is, once again, belied by the actual facts and testimony on the record, including her own. Ms. Sataki threatened to commit suicide if she had to return to work at VOA headquarters in Central News. PFF 109, Tr. 981-92. *See Resp. to PFF 22.* Indeed, if Ms. Sataki wanted so badly to return to her job in Washington, she could always have done so, even after the termination of Mr. Klayman’s representation. There is nothing on the record to suggest that she made any such effort, as this is just another ex post facto meritless assertion likely conjured up with the complicity of ODC.

PFF 109 – This is another recycled version of the same unsubstantiated and false assertion by ODC. *See Resp. to PFF 108.* The record can only support the finding that Ms. Sataki wanted to be relocated to Los Angeles. This is admitted by Ms. Sataki and conceded by ODC here. Tr. 346. Her false testimony that she wanted alternatively to go back to Washington is completely disproved by overwhelming testimony, including her threat to commit suicide if she had to return to work at VOA headquarters in Central News. PFF 109, Tr. 981-92. *See also Resp. to PFF 22.*

PFF 115, 122-23 – Ms. Sataki’s reputation is totally relevant, as it shows her character for making false and unsubstantiated claims, as well as alleging sexual harassment, which was not even alleged by Ms. Sataki in her bar complaint or resulting Specification of Charges, but on the eve of trial manufactured after the fact nine years later by ODC. These traits speak directly to Ms. Sataki’s credibility, or lack thereof. *See Resp. to PFF 96,*

PFF 128 – This is the same recycled, flat out false assertion made by ODC. The record clearly and unequivocally shows that Ms. Sataki approved of, and even personally participated in the publicizing of her case. Ms. Sataki admitted that she was publicizing her case to everyone.

“... I explained to you my problem with VOA. ... So I don’t know why this conversation was so intimate to you (about her alleged harassment, workplace retaliation, and mental state), because it was definitely not intimate to me. **Everybody knew. In that case, I had an intimate conversation with everybody.**” Tr. 329 (emphasis added). PFF 104. *See also* Resp. to PFF 24.

PFF 135 – Mr. Klayman has only recently discovered that Ms. Sataki lied under oath and committed perjury at the hearing when she said that Ms. Kathleen Staunton (“Ms. Staunton”) helped her prepare the Supplemental Complaint. Attached hereto as Exhibit 2 is an email from Mr. Richard Dykema, the Chief of Staff/Legislative Director for Rep. Dana Rohrabacher that says:

Kathleen Staunton says she had no involvement in the preparation of the complaint against you, and in fact had no knowledge of the complaint until she saw the information that you provided.

This again underscores the manifest injustice done to Mr. Klayman throughout these proceedings by ODC opposing the compelling need for discovery and then strategically choosing to only call Ms. Sataki as its lone material witness, and then apparently suborning perjurious hearsay from Ms. Sataki. Had Mr. Klayman been allowed discovery he would have discovered this blatant lie by Ms. Sataki, under oath, that Ms. Staunton had helped her prepare the Supplemental Bar Complaint. This is further, conclusive proof of Ms. Sataki’s character for dishonesty, which ODC has gladly capitalized on in its quest to disbar Mr. Klayman, regardless of how little actual merit their assertions have.

PFF 146 – 150 – This is another patently false assertion that is contravened by the established record. Ms. Sataki flat out admits that she fabricated a lawsuit against Dean Proper, accusing him of stealing her diamond ring and sexually harassing her friend, simply in order to get out of paying rent on her apartment:

It was about the rent. It wasn't because of I accused -- we accused him for the ring or we wanted the money for the ring or anything like that. It was about the rent, because we wanted to terminate the rent right there and then and move out, and they said "You have

to stay until the end of the agreement." It was about that. Because of this incident, I just wanted to terminate it and move out, but I lost the case, so I had to pay and stay until the end of the contract. It was only about the rent. It wasn't about this. Tr. 519-20.

See also Resp. to PFF 96.

PFF 153 – In what has emerged as a disturbing trend, Ms. Sataki's testimony is again squarely contravened by the actual facts. Ms. Sataki admits to being gainfully employed and continuing with her broadcasting career since she and Mr. Klayman parted ways. Tr. 561-568. Ms. Sataki makes \$62,000 per year plus health insurance benefits. Tr. 620-21. Ms. Sataki apparently blames Mr. Klayman for not becoming a broadcasting megastar and international icon, which was clearly not a realistic goal for her career, particularly given the fact only a very select few achieve that status. This is especially true given Ms. Sataki's lack of comfort working strictly in English.

See Resp. to PFF 22.

Furthermore, Ms. Sataki has testified that she is still seeing a doctor to this day and is still on anxiety medication, nine years after Mr. Klayman's representation. "**And I have a new doctor too that is working with me, and I actually had to increase the dose of my anxiety medication....**" Tr. 201. This shows that her mental and other problems are not the result of Mr. Klayman, but of her own. Tr. 201. PFF 171.

PFF 155 - A review of OCR's decision shows that a thorough investigation was done and it shows that her claims were not only non-meritorious, but also simply false. OCR interviewed a myriad of witnesses in order to reach this factual determination. Crucially, Ms. Sataki chose not to appeal OCR's decision or file a Title VII civil action, even after being advised by both Mr. Klayman and Mr. Shamble that she had that right, which means that she, in effect, accepted the veracity of OCR's ruling. PFF 33.

PFF 158 - An email from Mr. Klayman to Ms. Sataki dated May 19, 2010 said, "You don't owe me money and I did what I did from my heart." Tr. 665-666, BCSX 10, PFF 158. This

dispels any notion that Mr. Klayman expected to be reimbursed. Any talk of reimbursement was only in the very unlikely situation that they actually received any type of money settlement, which again, was not the goal of the representation. Mr. Klayman testified:

This was very, very expensive AND that it's unlikely that this will ever be remunerated in any final judgment. ... to get a judgment against the government, you know, we'll all be close to expiring by the time that happens, and that was not what we were trying to do. We were trying to put her back to work in Los Angeles. But I was getting to the point where I didn't feel that I was being respected, as I said. It was a difficult relationship, and if I continued on, I'm suggesting 50 percent of any recovery of what's fair. But we never agreed either 40 percent or 50 percent, previously.... So it was not that I was demanding 50 percent, because I was trying to get out of the case at that point. I was trying to make a point that I put in a a lot of time and expense, and to this day, after the representation ended, for whatever reason. I've never asked her to pay me back. I've never asked anyone to pay me back" Tr. 1056-1057

PFF 170 – This is again the same recycled misleading assertion by ODC that has been conclusively disproven by the evidence and the record. *See Resp. to PFF 10*. Tellingly, ODC here even admits that Ms. Sataki “stopped protesting” publicizing her case, which means that Ms. Sataki agreed to publicity. Thus, there can be no ethical violation in this regard. To the extent that ODC is trying to portray an attorney giving advice to his client to pursue a course of action and legal strategy (in this case, agreed publicity) as an ethical violation, it is clear that none exists. This is the function of a lawyer, and what Mr. Klayman was retained to do – to advise on the best legal strategy.

Gloria Allred

PFF 173 – ODC copies and pastes its objection to PFF 76 here, so for the sake of brevity, *see Resp. to PFF 76*.

Joshua Ashley Klayman

PFF 180-84 – ODC conveniently omits that Ms. Sataki was discussing her case not only in front of Ms. Klayman, but also her boyfriend at the time, who was clearly not family. Ms. Klayman testified, “She certainly was publicizing everything **to my then boyfriend** and me, but I

don't recall her explicitly saying, like, "Yes, I," you know -- however she was actively publicizing it to me. And she seemed very onboard with whatever the strategy was." Tr. 1525-26 (emphasis added).

ODC's meritless and false assertion is further contravened by its only material witness's own testimony: "I explained to you my problem with VOA. ... So I don't know why this conversation was so intimate to you (about her alleged harassment, workplace retaliation, and mental state), because it was definitely not intimate to me. **Everybody knew. In that case, I had an intimate conversation with everybody.**" Tr. 329 (emphasis added). PFF 104.

The Honorable Stanley Sporkin

PFF 190-91 – Much greater weight must be given to Mr. Klayman's testimony given the inexcusable and unjustified delay by ODC in bringing the Specification of Charges. Mr. Klayman testified that, at the time, Judge Sporkin described the relief to put Ms. Sataki back to work in LA as a "chip shot." And that he would have put Ms. Sataki to to work in Los Angeles. PFF 58, 190-91. Tr. 1009-1010, 1174-75. The fact that Judge Sporkin did not use the same words, after years of inexcusable delay from ODC in bringing this case, does not render his testimony contradictory. Judge Sporkin is now in extremely poor health, and was in a wheelchair, but still felt duty bound and compelled to testify on Mr. Klayman's behalf. ODC admits that Judge Sporkin would have granted an evidentiary hearing, which Judge Kotelly refused to do. Tr. 1171-77. Importantly, Judge Sporkin testified that "Yes, I found [Mr. Klayman] to be an ethical lawyer and a good lawyer." Tr. 1172.

Legal Ethics Expert Professor Ronald Rotunda

PFF 192-203 – Mr. Rotunda was one of the leading experts on professional ethics in the United States before his death, which given the passage of nine years of delay also prevented him from testifying live. PFF 192. Mr. Rotunda's opinion was based on evidence which was

consistent with what was adduced at hearing. His opinions, at a minimum, are relevant and should serve as guide to the AHC. Indeed, he had actually reviewed the evidence and the facts and had a lot to say.

ODC's assertion the Mr. Rotunda's legal opinion is irrelevant is belied by the fact that they called their own "expert" to provide his legal opinion. ODC is talking out of both sides of its mouth here.

Joel Bennett

PFF 204-212 – ODC's mischaracterization of Mr. Bennett's testimony is alarmingly off base and easily disproven by even a quick glance at the record. Mr. Bennett was actually forced to admit, on questioning from AHC member Mr. Tigar, that it is reasonable judgment in a *Bivens*-type action to name agency employees or officials as defendants. Tr. 820. PFF 207.

Q: MR. TIGAR: Alright. Would that be a reasonable judgment of a lawyer? Not necessarily you?

A: Right. Tr. 820.

Q: MR. TIGAR: No, I'm talking about the individual harasser. I'm talking about individuals connected with the decision-making process?

A: Oh, I've never seen that done. You could always sue the head of the agency.

Mr. Bennett further admits that when the head of an agency receives notice of misconduct and fails to take action, that one would be able to name that individual in a *Bivens* claim. He testifies, "I would think you'd have to show notice and failure to take action...." Tr. 825-826. PFF 208. It is, frankly, disturbing that ODC would claim that Mr. Bennett testified that it was unreasonable to name Ms. Clinton in the *Bivens* suit, when even a cursory review of the actual testimony shows that he testified that it was within the reasonable judgment of the attorney. **THIS IS THE POLAR OPPOSITE OF WHAT ODC FALSELY CLAIMS THAT MR. BENNETT TESTIFIED.**

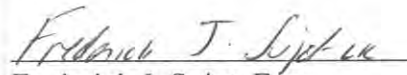
Further disproving ODC's politically-motivated theories that Ms. Clinton was "unfairly" targeted is Mr. Bennett's testimony that Mr. Klayman did not attack Mrs. Clinton in naming her in the *Bivens* action. Mr. Bennett testifies, "[i]n all of the hundreds of pages of exhibits, I do not recall any individual attack on Mrs. Clinton."

Kevin O'Connell

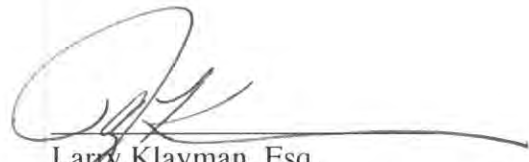
PFF 213 - On cross examination by Mr. Klayman, Kevin O'Connell is forced to admit that he is not an expert in the internet and that something which is placed on the internet, "really it never gets off of the internet." Tr. 445.

Dated: November 19, 2018

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served by mail and email this 19th day of November, 2018, on H. Clay Smith, III, Assistant Bar Disciplinary Counsel at 515 5th Street, N.W., Building A, Room 117, Washington, D.C. 20001 and filed with the Board of

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE**

In the Matter of:
LARRY E. KLAYMAN, ESQ.

Respondent.

**Board Docket No. 17- BD-063
Bar Docket No. 2011-D028**

**A Member of the Bar of the District of
Columbia Court of Appeals**

(Bar Registration No. 334581)

**MOTION FOR LEAVE TO FILE SUPPLEMENT TO RESPONDENT LARRY
KLAYMAN’S POST-HEARING BRIEF AND PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Respondent Larry Klayman (“Mr. Klayman”) hereby moves for leave and submits the following supplement to his post hearing brief, given the Ad Hoc Hearing Committee (“AHC”) order of October 29, 2018 where Mr. Klayman it asked him to “admit or deny, with explanation, with each of [ODC’s] PFF’s....” In conjunction with this, Respondent Larry Klayman respectfully requests that the AHC also carefully review the findings of fact included in Respondent’s post hearing brief and findings of fact and conclusions of law as they accurately set forth the hearing testimony and exhibits which show that there is “no clear and convincing” evidence to warrant a finding of an ethics violation and sanctions.

This supplement was prepared as suggested by the AHC’s order of October 29, 2018, to aid the AHC in its analysis of the evidence.

Any proposed finding of fact by ODC which is not otherwise listed below is not subject to being admitted by Respondent.

RESPONSE TO ODC’S PROPOSED FINDINGS OF FACT

OPF #6 – Respondent introduced himself as a lawyer, and proposed that she cover another story involving Iran...They exchanged business cards **OPPOSED**.

Respondent's Fact - After Mr. Klayman introduced himself, Ms. Sataki ran over to him and gave him her card with her personal cell phone number on it and asked him to call her. PPF 45.

OPF #8 – Respondent invited Ms. Sataki to dinner to further discuss her problems at work. There, he also offered to help her career in the media and suggested she consider hiring Gloria Allred to represent her in connection with the VOA matter. **OPPOSED**.

Respondent's Fact - Mr. Klayman had asked Ms. Sataki to dinner in a personal capacity. Tr. 325, 976. PPF 46. About five to ten minutes of getting personally acquainted, Mr. Sataki “broke down in tears and grabbed my hand and said, ‘Larry, I really have big problems. I’ve been sexually harassed by my co-anchor, ... she described it, Mehdi Falahati and before that I was unfairly criticized for my abilities and I need help. And, I said, well I will try to help you, and you know, I’ll do it out of friendship. We’re now friends.’” Mr. Klayman told Ms. Sataki he would legally represent her *pro bono*. Tr. 326-27, 332-33, 976-977. PPF 47.

OPF #9 – They agreed that Respondent would receive 40 percent of any recovery. **OPPOSED**

Respondent's Fact - Mr. Klayman told Ms. Sataki he would legally represent her *pro bono*. Tr. 326-27, 332-33, 976-977. PPF 47, 74. Ms. Sataki told Mr. Klayman that she had no money to pay for a lawyer and backs off a claim that she discussed offering him 40% of any recovery. Tr. 332-33. PPF 106.

OPF #9 - They later agreed that Respondent would pay Ms. Sataki 's expenses in connection with her move to Los Angeles, for which he would be reimbursed from any recovery over and above his contingency fee.... Respondent did not provide Ms. Sataki a written retainer agreement or any other document setting forth the basis of his fee, the expenses for which she would be responsible, or the scope of his representation. **OPPOSED**.

Respondent's Fact - Mr. Klayman reiterated that Ms. Sataki did not owe him anything going into the future. Tr. 1075; BCX 29. "So I never asked to paid back, and to this day I wish her well. I pray to God that she has a good life, but I'm not the cause of her problems." Tr. 1066." PPF 77. An email from Mr. Klayman to Ms. Sataki dated May 19, 2010 said, "You don't owe me money and I did what I did from my heart." Tr. 665-666. BCSX 10." PPF 158. Mr. Klayman only asked for 50% if the matter proceeded any further after realizing that he was getting used by Ms. Sataki, but no agreement was ever reached, and has to this day never asked Ms. Sataki to pay him back a single dollar. Tr. 1057. PPF 75.

OPF # 10 - Ms. Sataki told Respondent that she wanted her case to be handled very quietly because she did not want anyone to know about the sexual harassment.... Respondent initially agreed to respect his client's wishes. **OPPOSED**.

Respondent's Fact – Ms. Sataki admits agreed to the use of publicity and even engaged in garnering and distributing publicity for her cases herself, along with Mr. Shamble. This is corroborated by numerous witnesses, including but not limited to Tim Shamble, Keya Dash, and Joshua Ashley Klayman. PPF 9- 11, 24, 91, 170, 182.

OPF # 13 - Without a place to live or any income, Ms. Sataki was not prepared to move. Id. at 361. Nevertheless, she agreed to pursue Respondent's legal strategy of attempting to force the VOA to transfer her to Los Angeles. because Respondent assured her that it would be easy and could be accomplished within two weeks. **OPPOSED**.

Respondent' Fact - Ms. Sataki was the one who wanted to move to LA, her home town, and where her friends, family and physicians were located. It was mutually agreed that the goal of the representation was to have Ms. Sataki detailed to work in LA. PPF 18, 48, 54, 76, 107.

OPF #14 - Respondent thereafter discussed with Ms. Sataki a strategy for publicizing her case. Tr. 772 (Sataki). Ms. Sataki told him she did not favor publicizing her case. Tr. 397 - 405. Respondent did not discuss the specific type of publicity he contemplated. **OPPOSED**,

Respondent's Fact - Ms. Sataki admits to having agreed to the use of publicity and even engaged in garnering and distributing publicity for her case herself, along with Mr. Shamble. This is corroborated by numerous witnesses, including but not limited to Tim Shamble, Keya Dash, and Joshua Ashley Klayman. PPF 9- 11, 24, 91, 170, 182. Ms. Sataki was kept informed of Mr. Klayman's strategy and actions on her behalf every step of the way. Tr. 1011. PPF 60.

OPF # 18 - Ms. Sataki resisted adding Ms. Clinton and other defendants because she believed it would "hurt [her] case "and she told Respondent the case was "getting too big." **OPPOSED**.

Respondent's Fact – Then Secretary of State Hillary Clinton was on the BBG at the time that Mr. Klayman and Mr. Shamble were trying to reach a settlement. Tr. 912, 388. Ms. Sataki admits that she was aware that Secretary of State Hillary Clinton was included as a defendant in the BBG *Bivens* action because Mrs. Clinton was at the time “the number one governor sitting over that board.” Tr. 479, 481. PPF 26.

OPF # 18 – Proceeding against the PNS and VOA on behalf of Ms. Sataki did not require suing Ms. Clinton and the other members of the BBG. **OPPOSED**.

Respondent's Fact – ODC's own “expert” admits that it was within the reasonable judgment of the attorney to sue agency officials as defendants. PPF 207.

OPF # 19 – In April 20 10, Ms. Sataki became aware that Respondent was pursuing a romantic relations hip with her. **OPPOSED**.

Respondent's Fact – Respondent did not pursue a romantic relationship with Ms. Sataki. For instance, there is no evidence that Mr. Klayman claimed to be anything more than close friends with Ms. Sataki. Mr. Klayman has offered testimony by Mr. Dash that states that Mr. Klayman

never sought a romantic relationship with Ms. Sataki, and he did not seek a sexual relationship! RFF 90. Indeed, the testimony clearly supports this, as Mr. Klayman told Ms. Sataki, “I’m not your boyfriend. I don’t want to be your boyfriend.” RFF 79. This is corroborated by numerous material witnesses. PFF 79, 90, 186. Documents submitted by ODC where Mr. Klayman purportedly professes his “love” for Ms. Sataki could just as easily show platonic love. For instance, as set forth in ODC’s FF 24, Mr. Klayman listed seven attributes of friendship, not romantic relationships. Bar Counsel Supplemental Exhibit (“BCSX”) 1.

OPF #32 - The article quoted Respondent discussing his client’ s sexual harassment case and disclosing that she "suffers serious health problems" because of the stress created by the conflict. The article also promoted Respondent's autobiography '·WHORES: Why and How I Came to Fight the Establishment.'" DX 23 at 23-36. **OPPOSED**.

Respondent’s Fact - The articles as Ms. Sataki agreed were intended to coax settlement and influence Senators to lobby for her and Mr. Klayman did not use them to promote himself or to sell books. Tr. 455-56. The ad which www.wnd.com inserted into the articles was for WND to sell books it had purchased. Tr. 1202. Mr. Klayman made no money on the articles which he wrote to help Ms. Sataki with her consent. Tr. 1199-1230. BCX 23-12, 23-14, 23-19, 23-22, 23-25, 23-27, 23-30, 23-33, 23-36, 23-41. PFF 83.

OPF# 33 – Respondent recommended Ms. Sataki not accept the government’s offer of accommodation. **OPPOSED**.

Respondent’s Fact – Ms. Sataki herself admits that she would not accept employment at Central News. Ms. Sataki threatened to commit suicide if she had to stay in Washington. Tr. 981-92. Ms. Sataki instructed Mr. Klayman to “get [her] back to LA.” Tr. 346. PFF 108. In addition, Ms. Sataki believed that she was being set up to be fired, as her English was poor and the Central News Division broadcast in English to other countries that she had no interest in as an Iranian.

PFF 22.

OPF# 41 – It also included a promotion for Respondent’s autobiography. **OPPOSED.**

Respondent’s Fact - The articles as Ms. Sataki agreed were intended to coax settlement and influence Senators to lobby for her and Mr. Klayman did not use them to promote himself or to sell books. Tr. 455-56. The ad which www.wnd.com inserted into the articles was for WND to sell books it had purchased. Tr. 1202. Mr. Klayman made no money on the articles which he wrote to help Ms. Sataki. Tr. 1199-1230. PFF 83.

OPF # 42-43. Ms. Sataki also reminded Respondent, “PLEASE always remember YOU WILL GET 40% WHEN YOU FINISH THE CASE....” Respondent wrote back to Ms. Sataki the next day, describing the time and expenses he had put into the representation and then escalating his demand for compensation: "So at this point I think 50 percent of any recovery is fair and that is what I require. " He also promised to send her a written retainer agreement. **OPPOSED.**

Respondent’s Fact: Ms. Sataki gratuitously “offered” 40% to Mr. Klayman via email on May 30, 2010, but this was never agreed to, and in any event not important to Mr. Klayman. BCSX 11. Mr. Klayman only asked for 50% if the matter proceeded any further after realizing that he was getting used by Ms. Sataki, but no agreement was ever reached, and has to this day never asked Ms. Sataki to pay him back a single dollar. Tr. 1057. PFF 75.

OPF # 44 – Despite his previous promise to continue with financial support, on June 1, 2010, Respondent wrote Ms. Sataki that he would have no further financial involvement in leasing her apartment.... **OPPOSED.**

Respondent’s Fact - Mr. Klayman assured Ms. Sataki in email of November 21, 2010, that her rent was paid for as they both moved on. Mr. Klayman reiterated that Ms. Sataki did not owe him anything going into the future. Tr. 1075; BCX 29. “So I never asked to paid back, and to this day I

wish her well. I pray to God that she has a good life, but I'm not the cause of her problems." Tr. 1066. PFF 77.

OPF # 48 – Respondent's autobiography was promoted within the article. **OPPOSED.**

Respondent's Fact - The articles as Ms. Sataki agreed were intended to coax settlement and influence Senators to lobby for her and Mr. Klayman did not use them to promote himself or to sell books. Tr. 455-56. The ad which www.wnd.com inserted into the articles was for WND to sell books it had purchased. Tr. 1202. Mr. Klayman made no money on the articles which he wrote to help Ms. Sataki. Tr. 1199-1230. PFF 83.

OPF # 53 - Ms. Stanton asked Ms. Sataki if s he was "o.k. with [Respondent] because we get the vibe that you re afraid of him." Tr. 115. Ms. Sataki explained to Ms. Stanton that she was not o.k. because "by then [she] was completely mentally destroyed because of the rollercoaster [Respondent] was putting [her] through." **OPPOSED.**

Respondent's Fact - Ms. Sataki's speaking falsely that she never wanted to do anything in court and implied that she did not want to be in LA and that was all Mr. Klayman's idea is likely what caused Kathleen Staunton to prepare the supplemental bar complaint, not that Ms. Staunton perceived that Ms. Sataki was scared of Mr. Klayman, as Ms. Sataki stated through rank uncorroborated and unreliable hearsay testimony. Tr. 1086-88; BCSX 20. PFF 81.

OPF # 57 - The next day, Respondent again wrote Ms. Sataki, reporting that he had followed her instructions by dismissing all cases against VOA, but that he did not dismiss the case before Judge Koller-Kotelly involving her relocation to work in Los Angeles. **OPPOSED.**

Respondent's Fact - Mr. Klayman, on July 28, 2018 filed a notice of voluntary dismissal

dismissing all but two of Ms. Sataki's claims.¹ The only two remaining claims at that point were for a Privacy Act claim, and for *Wagner* injunctive relief. This occurred before Ms. Sataki's purported July 30 email which only asked Mr. Klayman to "withdraw all the pending lawsuits that are on my behalf and/or in my name." BCSX 21. Ms. Sataki asks Mr. Klayman to continue to pursue the "sexual harassment case against Medhi Falahati...and Ali Sajjadi and Susan Jackson..." BCSX 21. This email does not discuss publicity. Consistent with what was purported to be Ms. Sataki's wishes, Mr. Klayman filed no opposition to the pending motion for summary judgment as to the Privacy Act Claim, and Judge Kotelly had at that point already ruled against Ms. Sataki with regards to the *Wagner* injunctive relief, and therefore dismissed the action entirely. PFF 68.

OPF # 59 – The next day, Respondent wrote Ms. Sataki, acknowledging he had received a copy of her August 4, 2010 letter to Mr. Austin. **OPPOSED.**

Respondent's Fact – The August 4, 2010 letter to Mr. Austin was written in perfect English, in contrast to Ms. Sataki's poor written English. "The August 4, 2010 'termination' letter was not in Ms. Sataki's English. "That's why [Mr. Klayman] needed to be able to talk to her (before I dismissed cases)." Tr. 1041. RX 21. PFF 70.

OPF # 62 - Rather than answering Respondent's messages, Ms. Sataki filed a disciplinary complaint, reporting that she had terminated him as her attorney and wanted him to stop attempting to communicate with her. **OPPOSED,**

Respondent's Fact - Ms. Sataki admits that the handwriting on the original ODC complaint is not hers and thus does not appear to have come from her. Tr. 538. PFF 151.

OPF # 63 - Throughout October, 20 10, WND published further articles written by Respondent

¹ *Sataki v. BBG*, 1:10-cv-00534, ECF No. 67. For clarification, the notice of voluntary dismissal filed on July 28, 2010 dismissed all but one of Ms. Sataki's claims, but that was done in error, which was corrected on August 6, 2010. ECF No. 68.

that described his representation of Ms. Sataki, linked to his previous articles, and promoted his autobiography. **OPPOSED.**

Respondent's Fact - The articles as Ms. Sataki agreed were intended to coax settlement and influence Senators to lobby for her and Mr. Klayman did not use them to promote himself or to sell books. Tr. 455-56. The ad which www.wnd.com inserted into the articles was for WND to sell books it had purchased. Tr. 1202. Mr. Klayman made no money on the articles which he wrote to help Ms. Sataki. Tr. 1199-1230. PFF 83.

OPF # 65 – Despite having been terminated by Ms. Sataki and directed to voluntarily dismiss the *Sataki v. BBG* civil action.... **OPPOSED.**

Respondent's Fact - Ms. Sataki's purported "termination" letter of August 4, 2010 was sent to VOA's Dan Austin and Mr. Shamble, but not to Mr. Klayman. Tr. 1038-39. RX 21. PFF 69. The August 4, 2010 "termination" letter was not in Ms. Sataki's English. "That's why [Mr. Klayman] needed to be able to talk to her (before I dismissed cases)." Tr. 1041. RX 21. PFF 70. Another "termination" letter of November 15, 2010 was incorrectly sent to the wrong addresses at 2000 Pennsylvania Ave, and another incorrect location, 2001 Massachusetts Ave, which Mr. Klayman never received from her. RX 8. Tr. 1042-43, 1046. Ms. Sataki admits this. "So that was a mistake." Tr. 540. RX 8. PFF 71.

OPF # 68 - On December 25, 2010, WND published Respondent's article, which discussed his representation of his former client, Ms. Sataki, and falsely claimed, "[a]n ultra-leftist, pro-Clinton and ethically corrupt federal judge - Colleen Kollar-Kotelly - had just dishonestly denied, without factual or legal bases, my request for Elham to be put back to work at the Los Angeles office of VOA." DX 23 at 23 - 12. **OPPOSED.**

Respondent's Fact - Mr. Klayman providing his opinion about a jurist that he as counsel actually appeared before, was supported by about 14 pages of her factual errors. PFF 65. That Judge

Kotelly would simply ignore her grave errors, despite the fact that they were meticulously laid out for her in detail, clearly evidences the extrajudicial bias and prejudice against Mr. Klayman (and Ms. Sataki) that he had experienced from Judge Kotelly again and again. Mr. Klayman, upon being assigned Judge Kotelly, warned both Mr. Shamble and Ms. Sataki that the assignment could raise serious problems. PFF 39, 130 Furthermore, Judge Sporkin told Mr. Klayman that it would have been a “chip shot” to grant the relief sought by Ms. Sataki in order to preserve the status quo, and that he personally would have ruled to put Ms. Sataki to work in LA. PFF 191.

OPF # 69 –He filed a Notice of Appeal on January 19, 2011, despite having been terminated by his client. **OPPOSED.**

Respondent’s Fact - Ms. Sataki’s purported “termination” letter of August 4, 2010 was sent to VOA’s Dan Austin and Mr. Shamble, but not to Mr. Klayman. Tr. 1038. RX 21. PFF 69. The August 4, 2010 ‘termination’ letter was not in Ms. Sataki’s English. “That’s why [Mr. Klayman] needed to be able to talk to her (before I dismissed cases).” Tr. 1041. RX 21. PFF 70. Another “termination” letter of November 15, 2010 was incorrectly sent to the wrong addresses at 2000 Pennsylvania Ave, and another incorrect location, 2001 Massachusetts Ave, which Mr. Klayman never received from her. RX 8. Tr. 1042-43, 1046. Ms. Sataki admits this. “So that was a mistake.” Tr. 540. RX 8. PFF 71. Mr. Klayman filed a notice of appeal in the BBG case in the meantime to ensure that Ms. Sataki’s legal rights were preserved. Tr. 1043-1044. PFF 72. Ms. Sataki herself filed a notice of appeal, mooting out the false claim that she wanted the case dismissed. RSX 4. Tr. 1031. Tr. 1031.

OPF # 70 – Ms. Sataki continued to suffer harm from the publicity Respondent inflicted on her through his legal strategy and public pronouncements. **OPPOSED.**

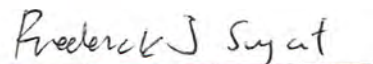
Respondent’s Facts - Ms. Sataki admits to being gainfully employed and continuing with her broadcasting career since she and Mr. Klayman parted ways. Tr. 561-568. Ms. Sataki makes

\$62,000 per year plus health insurance benefits. Tr. 620-21. PFF 153. Ms. Sataki is still seeing a doctor to this day and is still on anxiety medication, eight years after Mr. Klayman's representation. This shows that her mental and other problems are not the result of Mr. Klayman, but of her own. Tr. 201. PFF 171.

Dated: October 31, 2018

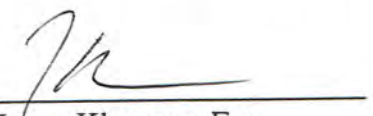
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served by email and Federal Express on October 31, 2018, on H. Clay Smith, III, Assistant Bar Disciplinary Counsel at 515 5th Street, N.W., Building A, Room 117, Washington, D.C. 20001 and filed with the Board of Professional Responsibility on that same date.


Larry Klayman, Esq.

'Free speech' advocate works to silence Larry Klayman

Exclusive: Jack Cashill exposes radical ideology of lawyer pushing punishment



By Jack Cashill

Published January 1, 2020 at 5:38pm

In July of 2019, a hearing committee of the District of Columbia Bar Board of Professional Responsibility made a recommendation that Judicial Watch founder Larry Klayman be suspended, a recommendation now under appeal, from the practice of law in the district for 33 months.

The three-person committee strangely and inexplicably included only two attorneys, both of whom are of the left, and one of whom, Michael Tigar, is proudly far left.

How far left? Consider the following review on the jacket of Tigar's most recent book: "An incisive, unsparing, creative, brilliant critique of capitalist law and its dire human consequences." – BERNARDINE DOHRN, co-editor with Bill Ayers, *Race Discourse: Against White Supremacy*.

In the book, "Mythologies of State and Monopoly Power," Tigar emphasizes the Marxist notion that "the law is not what it says but what it does." Not liking the "dire human consequences" of the law as it exists, Tigar is not above twisting the law to his own ends.

Klayman suspects that Tigar, something of a superstar in Marxist circles, was recruited by the committee chairman, Anthony Fitch to sit on the committee with him. The two appeared chummy throughout the proceeding, and Fitch seemed downright deferential.

Throughout the proceeding, Tigar could barely conceal his disdain for the conservative, pro-capitalist, pro-Israel, pro-Trump activist Klayman.

In testifying as to why he founded Judicial Watch, Klayman explained his objections to the fact that federal judges were often chosen on the basis of political contributions by their law firms, labor unions or corporations.

As a result, said Klayman, "the best and the brightest" do not always make their way onto the bench. At this, Tigar grew visibly angry and shot back that his son, Jon Tigar, also a graduate of Berkeley Law School, was a federal judge.

President Barack Obama had appointed young Tigar to the federal bench in San Francisco. Klayman said he did not mean to impugn Tigar's son, but Judge Tigar deserved impugning. Tigar is the same federal judge who willy-nilly enjoined President Trump's asylum policy for illegal immigrants.

In its [article on Klayman's recommended suspension](#), the Washington Post observed, that the "conservative" Klayman "is a notably combative litigant whose no-holds-barred tactics and robust use of the Freedom of Information Act have made him a dreaded – and sometimes loathed – inquisitor."

The Post also noted that Klayman writes for "WorldNetDaily, a right-wing news aggregator site." As to the left-wing politics of Fitch and Tigar, the Post predictably made no mention at all and failed to take seriously Klayman's claim that "It was a very politicized hearing committee."

The case itself has little to do with politics. It involves Klayman's pro-bono defense of a female Persian broadcaster at Voice of America. When she did not get the result she wanted, she turned on Klayman.

Both the Florida and Pennsylvania Bars dismissed identical complaints six years earlier. Following Trump's election, the head of the D.C. Bar Disciplinary Counsel resurrected the complaint six years after the woman had abandoned it.

Klayman believes that it was his high-profile legal advocacy on Trump's behalf that awakened legal radicals to the political potential of what is now a 10-year-old case.

"For Tigar, I am a conservative scalp," says Klayman, who is still able to practice law in D.C. during the appeal, "and one that he obviously harbors an animus toward, particularly given my support of Trump."

The 78-year-old Tigar has been an unapologetic disciple of the hard left from his student days. In his memoir, he boasts of his fond feelings for the brothers Castro and his attendance at the notorious Soviet-sponsored World Festival of Youth and Students in Helsinki in 1962.

Tigar's radicalism alarmed even liberal Supreme Court Chief Justice Earl Warren. According to Tigar, in 1965 Warren ordered Justice William Brennan to fire Tigar, then clerking for Brennan, and Brennan did just that.



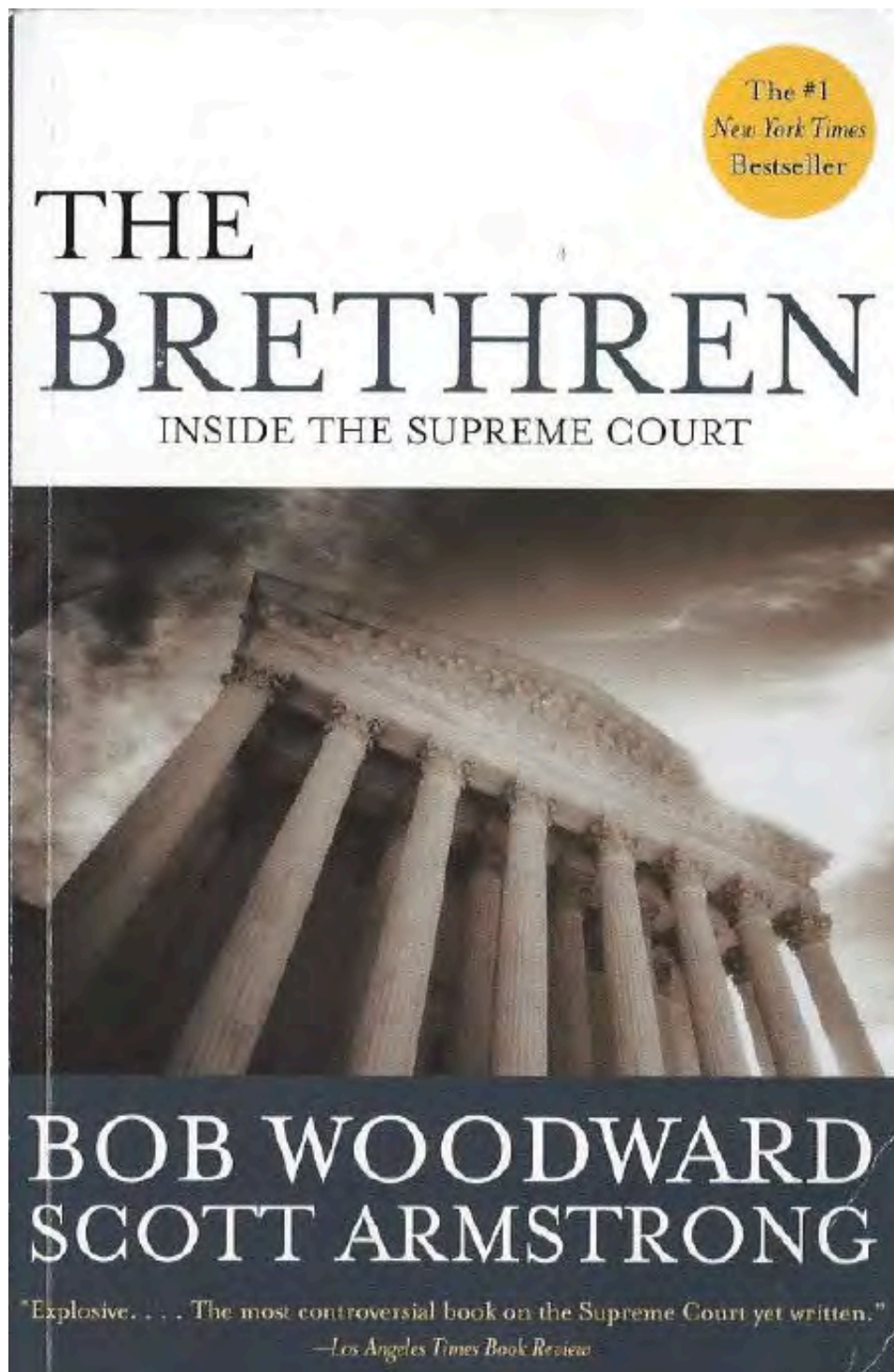
Michael Tigar with Ramon Castro, the oldest of the Castro brothers, in 1978.

Tigar has not mellowed as he has grown older. In fact, he has turned as the larger progressive movement has from defending free speech to suppressing it.

"Of all the remarkable developments of the past decade," argues British author Frank Furedi, "none has been more sinister than the West's gradual surrender of mankind's most important values: the twin ideals of freedom of speech and expression."

In Washington, that "surrender" has been imposed almost exclusively on the political right. Enforcing it are attorneys like Tigar and Fitch, the Democrats in Congress, federal judges of the Jon Tigar mold, and the intel agencies, all with the indispensable support of an increasingly leftist media.

The same Michael Tigar who supported the free speech movement while a law student at Berkeley in the 1960s is now working actively to silence Larry Klayman. It is hard to interpret Tigar's behavior otherwise.



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documentation for a rebuttal, Douglas called his close friend, Clark Clifford, a former Secretary of Defense under President Johnson. "They have stuck his gorillas on me," he told him. It was the work of Nixon and Mitchell, and Ford was the front man. Douglas knew the administration was willing to play politics with the Court and that it had used "friendly persuasion" to get Fortas off the bench. He asked Clifford to lead the defense. Clifford declined. He reasoned that he was too closely identified with the Democratic Party; the whole thing would look too much like a political brawl. Douglas finally engaged Simon Rifkind, a onetime classmate at Columbia Law School. Rifkind was also a Democrat, but had served as a federal judge for years.

The attacks and investigations preoccupied Douglas. He was determined to outlast the Nixon presidency. But since there was no forum for him as a Supreme Court Justice to defend himself, he declined public comment. He turned inward and brooded, calling friends late at night. If they succeeded in impeaching and convicting him, what would be left of all the values and freedoms he had fought for all his life? How could the Court remain independent? His "side," already damaged by the departure of Warren and Fortas, would be irreparably weakened. The liberals were in trouble. Black, old and slowing up, had good and bad days. His memory problems cropped up at unpredictable times. Even worse, as Black aged he was becoming more conservative. He was no longer a certain liberal vote.

Marshall was weak—a correct vote, a follower, but no leader, no fighter. He was not one to speak up articulately or forcefully. That left Brennan. "Bill's not a troublemaker," Douglas told an associate. Brennan was indeed a true friend, another correct vote, but really a man of the center, an organizer for the moderate-liberal position. Brennan was too willing to compromise. When things got tough, Douglas felt, Brennan did not stand up for his principles. In 1966, Brennan hired a University of California at Berkeley law graduate, Michael Tigar, as a clerk. Tigar had been a leading radical activist. When conservative columnists attacked Brennan, it became a political issue. Brennan fired Tigar the week he arrived to start work. As Douglas saw it, Brennan sacrificed the clerk to protect his

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personal position and his relationships with the moderate and conservative Justices. Douglas called it "scandalous," a "shocking cave-in."

During the impeachment investigation, friends and advisers from the old days would come to have lunch with Douglas, to help develop strategy and to offer suggestions. Douglas was often near tears of outrage. He felt powerless. Always suspicious, he was sure that the investigators would resort to any tactic, no matter how low or even illegal. He was more than ever convinced that his phone was tapped, that his office and perhaps even the conference room were bugged. (Even before Nixon's arrival, he had persuaded Earl Warren to have the conference room checked for listening devices. None was found.)

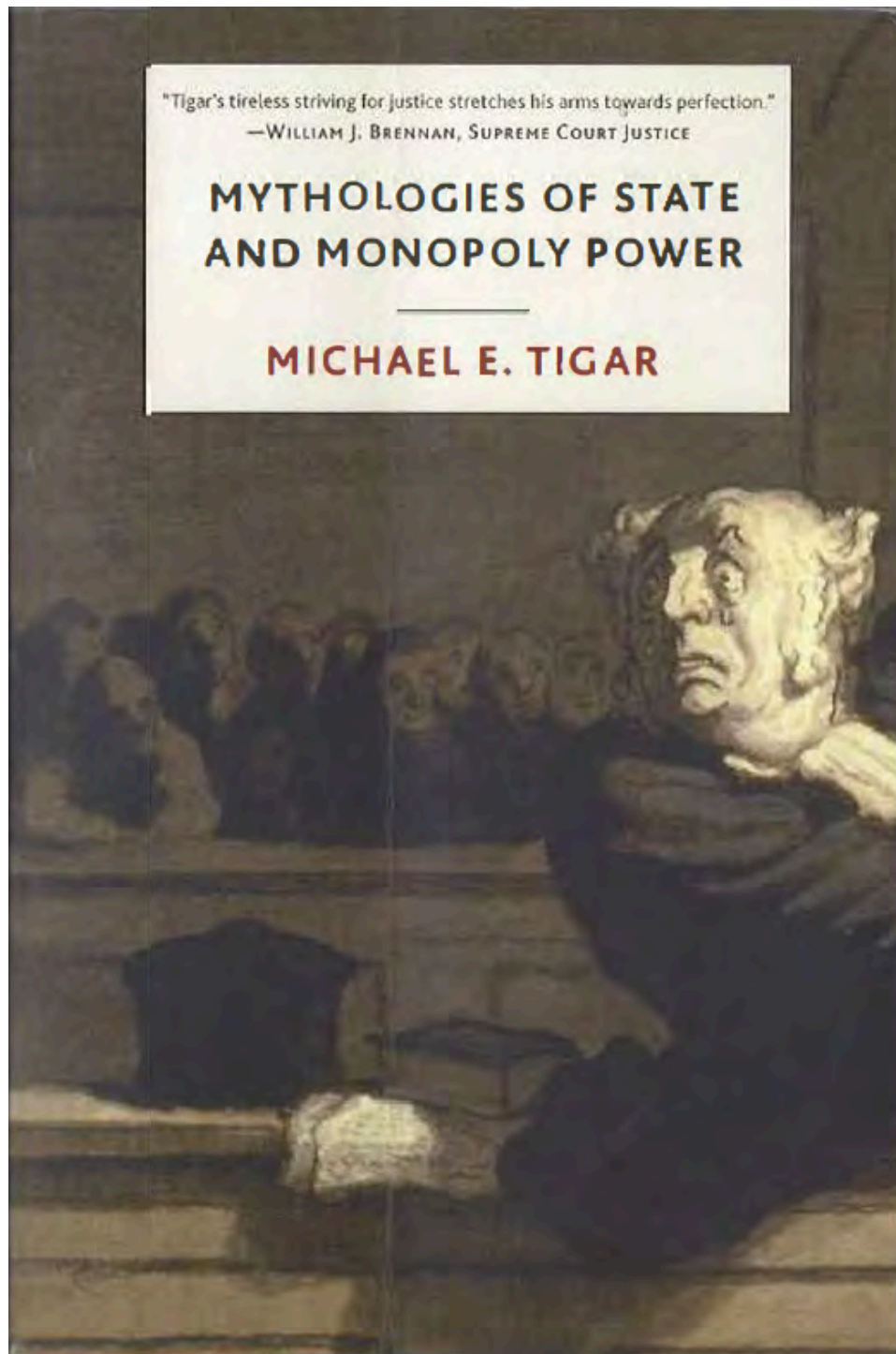
"Let's take a walk in the hall," Douglas told a friend who had come to discuss strategy. Many times during that year, Douglas came to Brennan's chambers and asked him to walk in the halls to discuss something privately. "I've got to go meet Bill out in the hall," Brennan would say to his clerks, his eyes twinkling. None of the other Justices seemed to take the investigation seriously enough, Douglas thought. Everyone seemed unconcerned.

Nixon wasn't sure that impeachment of Douglas was a very good idea. The evidence was thin, and Burger had signaled him that the attack was not good for the Court. Also, the President was more concerned with foreign affairs, particularly with the military escalation in Southeast Asia.

Later, when Nixon called Mitchell and said Ford should be told to "turn it off," Mitchell indicated that it would be difficult, since he himself had supplied Ford with some ammunition.* But he could put some distance between the administration and the impeachment move in a speech he was about to give to the Bar Association of the District of Columbia.

Mitchell's draft, condemning "irresponsible and malicious" criticism of the Court, was sent to Nixon, who forwarded it to Burger. Burger found it perfectly appropriate. When Burger tried to tell

* See William Safire: *Before the Fall: An Inside View of the Pre-Watergate White House*.



MICHAEL E. TIGAR HAS WORKED FOR OVER FIFTY years with movements for social change as a human rights lawyer, law professor, and writer. As an attorney, Tigar argued seven cases before the U.S. Supreme Court, worked in opposition to the death penalty, and participated in international human rights cases. In 1980, with co-counsel Samuel Buffone, Tigar successfully represented the families of former Chilean Ambassador Orlando Letelier and Ronni Karpen Moffitt, who were killed by agents of Augusto Pinochet's military junta. His clients, over the years, have included H. Rap Brown (Jamil Abdullah Al-Amin), Angela Y. Davis, Leonard Peltier, and Lynne Stewart. As a professor, Tigar has taught at law schools in the United States, France, South Africa, and Japan. He is Emeritus Professor at Duke Law School and American University Washington College of Law. Tigar's literary career encompasses fifteen books, three plays, and scores of articles and essays. His book, *Law and the Rise of Capitalism*, first published by Monthly Review Press, has been translated into Spanish, Portuguese, Greek, Turkish, and Chinese. His memoir, published in 2002, is *Fighting Injustice*.

Mythologies of State and Monopoly Power

MICHAEL E. TIGAR



MONTHLY REVIEW PRESS
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INTRODUCTION

Mythologies, Mental Shortcuts,
Impressions

THIS BOOK IS A COLLECTION of essays. Some of them focus on how mythologies mask state repression of democratic rights in the fields of racism, criminal justice, free expression, worker rights, and international human rights. Others deal with the ways that ordinary private law categories of property, contract, and tort perform the same social function.

Mythologies are structures of words and images that portray people, institutions, and events in ways that mask an underlying reality. In the days when France used the guillotine, the executioner cried, just after the blade dropped, "*Au nom du peuple français, justice est faite.*" In the name of the French people, justice is done. This cry had no rational relation to discourse about what is fair, right, decent, or in accord with evidence about conduct. "Justice" was a name given to an event, to elevate the act of killing into an acceptable and rational process.

To proclaim "Justice" committed two solecisms. First, it appropriated justice as the exclusive property of the state. Second, it assigned a fictitious value to the word, invoking a mythology of the universality of language.

In the United States, there is a department that calls itself Justice. Colloquially, we use the term "criminal justice

scene, for example, the Rouen Cathedral, over and over. Each of those paintings gives us a different impression of the same scene.

All of these terms, which I often use interchangeably, refer to ways of seeing and interpreting the world around us. As I say, most of them are harmless and even useful ways of getting through the day. Some, however, are ways we fool ourselves, or permit ourselves to be fooled, about what is really going on. William James said, "A great many people think they are thinking when they are merely rearranging their prejudices."

In human rights litigation, and indeed in all law practice, we must deconstruct the myths that have grown up around our clients, the groups to which they belong, and the conduct attributed to them. Based on our client's race, social class, sexual orientation, or some other characteristic, the state rationalizes its treating our client especially harshly.

When we litigate cases, we confront not only the evidence adduced and the legal principles being argued, but also the socially, culturally, and historically determined attitudes of judges and jurors. In a jury trial, we use *voir dire* to uncover those. We look up the biographies and prior decisions of judges.

I am a human rights lawyer. My most important task is to expose, analyze, and combat the mythologies that dominate legal ideology. These mythologies form a systematic justification for the way that state power and private economic power is wielded. The essays in this book focus on how mythologies may be understood and exposed. This "myth-busting" lies at the heart of the lawyer's work. We undertake to represent clients who are marginalized. To borrow a phrase from artist and art critic John Berger, we mediate between what is given and what is desired.

INTRODUCTION

11

The essays in this collection address five groups of mythologies that help to rationalize the present system of social relations: racism, criminal justice, free expression, worker rights, and human rights. They deconstruct what the state and the wielders of monopoly power tell us, in order to seek out what is really going on.

Throughout these essays, I repeat a theme: the law is not what it says, but what it does. What "it does" is so often based on assumptions that time and the tide of events have shown to be false. Karl Marx wrote, "The law shows its *a posteriori* to the people, as God to his servant Moses."³ As Anatole France famously wrote: "The majestic equality of the laws, which forbid the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread."

The "law" is itself an ideology, constructed to define, defend, and enforce a system of social relations. Its mythologies are enshrined as precedents. Jonathan Swift wrote in *Gulliver's Travels*:

It is a maxim among these lawyers, that whatever hath been done before may legally be done again: and therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities, to justify the most iniquitous opinions; and the judges never fail of decreeing accordingly.

If we focus only on what "the law" says, we catch ourselves saying that "the law has evolved," which is like saying that "the market has crashed," or "the bank has failed," or "the car did not stop at the red light." This formulation reifies and mystifies legal rules, and if accepted leads to alienation

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The Michael Tigar Papers: Amazing New Public Resource, much appreciated by Jeremy Corbyn

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Michael E. Tigar, author of the forthcoming *Mythologies of State and Monopoly Power*, is an eminent international human rights attorney as well as a teacher, scholar, journalist, playwright, and comrade. Recently School of Law at the University of Texas, Austin, created an online resource, offering documents, photos, and interviews reflecting years of Tigar's life and work. **The Michael Tigar Papers** website provides a glimpse of Tigar's career and life. It is organized around a digital collection of papers that Tigar donated to the Bernard and Audre Rapoport Center for Human Rights and Justice and the Dolph Briscoe Center for American History. It also includes excerpts from an oral history that the Rapoport Center conducted with him.

Visit **The Michael Tigar Papers archive** to see records from the well-lived life of **Michael Tigar**. And find out what UK Labour Party Leader and MP **Jeremy Corbyn** thinks of this:

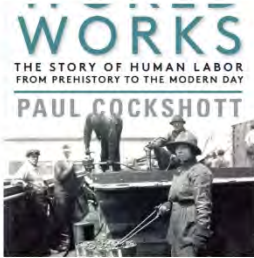


FROM THE MICHAEL TIGAR PAPERS: Tigar (right) with Ramon Castro, 1978

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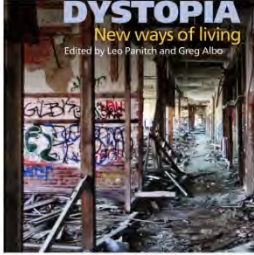
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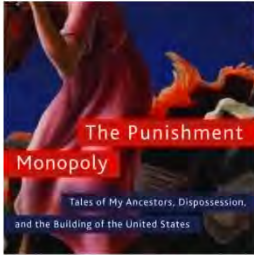
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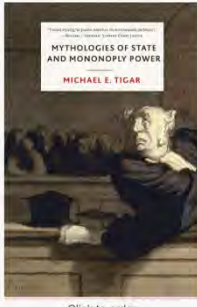
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Attorney Michael Tigar: The Mythologies of State and Monopoly Power

The American criminal justice system is buttressed, sustained and perpetuated by various myths. These myths dominate legal ideology. The most important of these myths concern racism, criminal justice, free expression, workers rights, and international human rights. Ordinary private law categories of property, contract, and tort perform the same social function, Michael Tigar writes in his important new book Mythologies of State and Monopoly Power.

Michael Tigar has worked for more than 50 years with movements for social change as a human rights lawyer, law professor, and writer. He believes that busting these myths is the work of movement lawyers.

Noam Chomsky has written that for anyone concerned with the rule of law, or more generally with the real significance of freedom and justice, Michael Tigars book is a highly informed and carefully argued study that should be essential reading.

liberties, privacy, right to dissent and the horrendous practices of torture exercised by the US government.

The book is beautifully written, learned, and profoundly insightful. In a better world Michael Tigar would be a justice of the United States Supreme Court.

<http://tigarbytes.blogspot.com/>

Guest ” Michael Tigar,emeritus professor of law at Duke University and at Washington College of Law. He has been a lawyer working on social change issues since the 1960s. He has argued numerous cases in United States Supreme Court and many Circuit Courts of Appeal. His books include Law and the Rise of Capitalism, Fighting Injustice , and the forthcoming Mythologist of State and Monopoly Power.

Law & Disorder host Michael Steven Smith, Michael Tiger and guest host attorney Jim Lafferty



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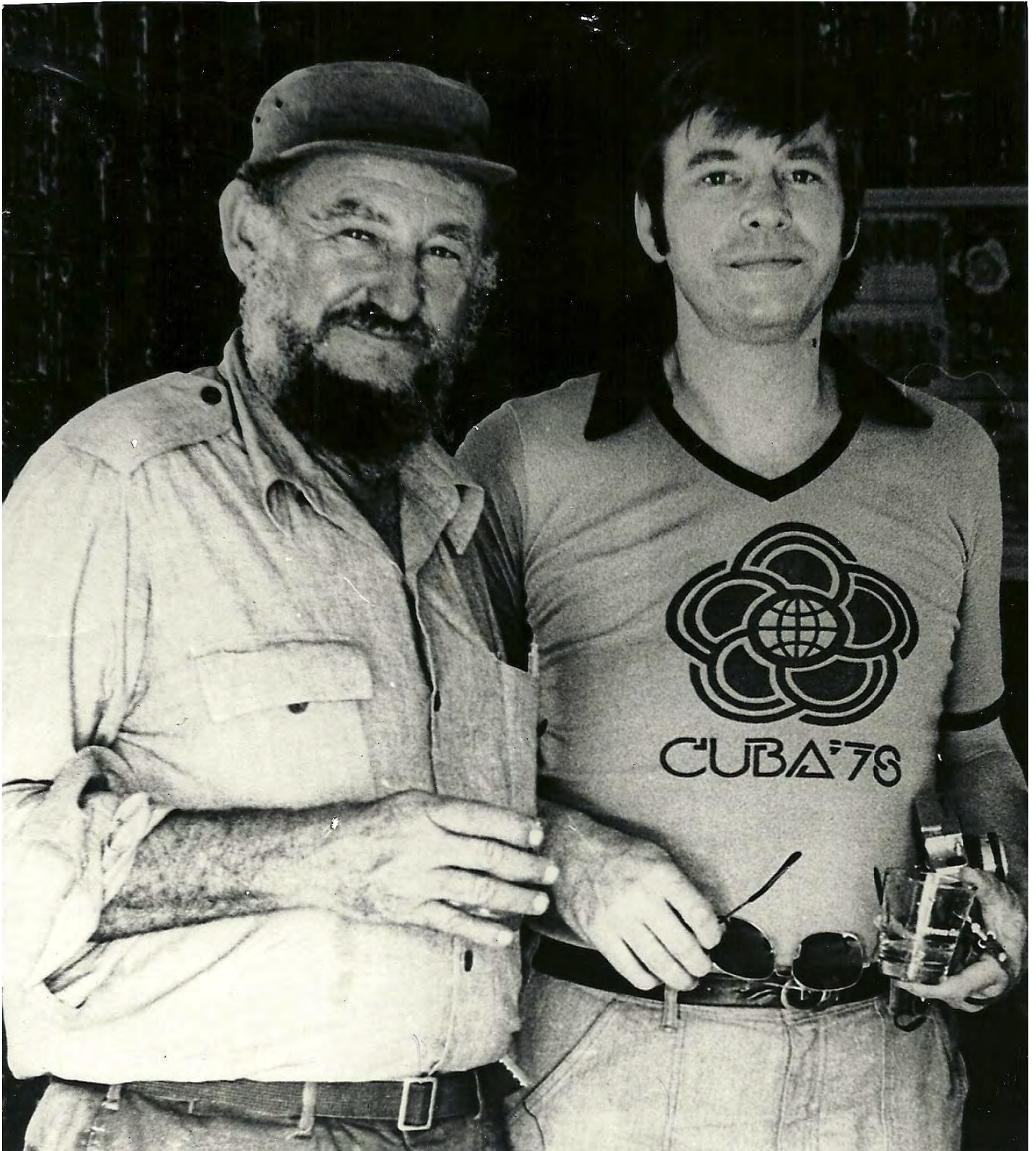
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REPÚBLICA DE CUBA
PRESIDENTE DEL CONSEJO DE ESTADO Y DEL GOBIERNO

Sr. Michel Tigar
Esq. 1308 18 St. N.W.
Washington, D.C.
EE.UU.

my friend Tigar,
 I am truly sorry with you. I would have liked to write to you immediately to express my utmost confidence in thanks for. His
 committed or and sincere to send to our country a magnificent example. Saint Gertrude I can assure you that multiple
 lions and responsibilities have occupied my attention and all my time during these months, which prevented me from
 fully expressing my greatest recognition. Did you still ask for the generosity to excuse us for this involuntary delay?
 I will know, the "Phoenix bull ", which he sent us, arrived in Cuba in good condition, after several long and inevitable
 of quarantine. His state of health is satisfactory, he adapts reliably, and we think he will soon be, in conditions of enter
 tion, I think it will be a valuable contribution to the development of our mass of Santa Gertrudis, which we take care of
 re, and the father of high quality animals, I am informed of all the effort and concerns caused by bringing our country to
 llion so select. That is why, although your gift is very valuable, even more valuable and more important for us is your
 of friendship and sympathy. Believe me that I feel in a debt of deep and sincere gratitude towards you.
 I have liked to greet you personally, along with other distinguished friends, on my recent visit to New York, but, as you
 the circumstances were not the most favorable. I confess that we will find the opportunity to hold this meeting, It may be
 own country. Why not in Cuba?
 I am crying cordial greetings from your friend,
 Astro Ruz

mi estimado amigo ligar:

*siento verdaderamente apenado con usted. Hubiere deseado escribirle de inmediato para expresarle mi más pro fiando
 xdecimiento por. su gesto omitios o y sincero de enviar a nuestro pais un magnifiieo ejemplar. Santa Gertrudis. Puedo
 zurarle que múltiples obligaciones y responsabilidades kan ocupado mi atención y todo mi tiempo durante estos meses, lo
 impidió expresarle de manera personal mi mayor reconocimiento ¿PocLró pedirle aun la generosidad de que nos
 ulpe por esta demora involuntaria?*

*no ya conocerá, el toro "Phoenix", que nos envió, llegó a Cuba con buenas condiciones, después de varios largos e
 ritables periodos de cuarentena. Su estado de salud es satisfiactorio, se adapta fiavorablemente, y pensamos que pronto
 rá, en condiciones de entrar en producción. Creo que será un aporte de gran valor al desarrollo de nuestra masa de
 ta Gertrudis, que cuidamos con esmero, y padre de animales de gran calidad. Estoy infirmado de todo el esfiuerzo y las
 ocupaciones que le ocasionó el hacer llegar a nuestro pais a este semental tan selecto. Por eso, aunque su obsequio es
 osísimo, todavía más valioso y más importante es para nosotros su gesto de amistad y de simpatía. Créeme que me siento
 una deuda de profiunda y sincera gratitud hacia usted.*

*oría deseado saludarle personalmente, junto a otros distinguidos amigos, en mi reciente visita a Nueva Vork, pero, como
 2, las circunstancias no fueron entonces las más propicias. Confilo en que hallaremos la oportunidad para sostener este
 uentro, Quizás sea en su propio pais. ¿V por qué no en Cuba?*

iba dñs cordial saludo de su amigo,

2 married couples on bomb case

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1 pair works for Nichols,
the other for McVeigh

By Karen Abbott

Rocky Mountain News Staff Writer

Both Oklahoma bombing defendants now have married couples on their legal defense teams.

"What about this case is not unusual?" a spokeswoman for one of the attorneys said.

Jane Tigar, who married Michael Tigar of Austin, Texas on Oct. 22, last week filed court documents officially adding her to the defense team for Terry Nichols. Michael Tigar is Nichols' chief defense attorney.

A spokeswoman in the Nichols team's Denver office said Jane Tigar joined the Nichols team in the summer of 1995, while she still was a law student at Columbia University. She was admitted to the Colorado bar in October.

The defense team for bombing suspect Timothy McVeigh, meanwhile, includes husband-and-wife lawyers Richard Burr and Mandy Welch of Houston. Both are specialists in defending against the death penalty.

Asked about the coincidence of two married couples being involved in the case as defense lawyers, lawyer Rob Nigh of the McVeigh team said from Enid, Okla., "The case is such that you call upon every available resource."

"Dick Burr knew that one of the best people to help him was Mandy Welch," Nigh said.

McVeigh and Nichols could face death sentences if they are convicted of the April 19, 1995, bombing of Oklahoma City's Alfred P. Murrah Federal Building. The blast killed 168 people and injured more than 500.

The two men will be tried in Denver's federal courthouse — McVeigh first, starting March 31. No trial date has been set for Nichols.

Each defendant has a court-appointed, taxpayer-funded defense team of about five lawyers. About 10 federal prosecutors, also paid by taxpayers, are working on the case. No side has been willing to disclose exactly how many lawyers are at work on the case, and expense records are sealed by court order until the case is over.

REPUBLICA DE CUBA

PRESIDENTE DEL CONSEJO DE ESTADO Y DEL GOBIERNO

Ciudad de la Habana,
6 de diciembre de 1979

Sr. Michael Tigar
Washington, D.C.

Muy estimado amigo Tigar:

Me siento verdaderamente apenado con usted. Hubiese deseado escribirle de inmediato para expresarle mi más profundo agradecimiento por su gesto amistoso y sincero de enviar a nuestro país un magnífico ejemplar Santa Gertrudis. Puedo asegurarle que múltiples obligaciones y responsabilidades han ocupado mi atención y todo mi tiempo durante estos meses, lo que impidió expresarle de manera personal mi mayor reconocimiento. ¿Podré pedirle aún la generosidad de que nos disculpe por esta demora involuntaria?

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Habría deseado saludarle personalmente, junto a otros distinguidos amigos, en mi reciente visita a Nueva York, pero, como sabe, las circunstancias no fueron entonces las más propicias. Confío en que hallaremos la oportunidad para sostener este encuentro. Quizás sea en su propio país. ¿Y por qué no en Cuba?

Reciba el más cordial saludo de su amigo,


Fidel Castro Ruz

Michael Tigar

Michael Edward Tigar (born January 18, 1941 in Glendale, California)^[1] is an American criminal defense attorney known for representing controversial clients. He is also an emeritus (retired) member of the Duke Law School and American University, Washington College of Law faculties.

Michael Tigar	
Born	January 18, 1941
Nationality	United States
Alma mater	University of California, Berkeley (B.A., J.D)
Occupation	Lawyer

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Early life and education

Tigar earned his Bachelor of Arts from the University of California, Berkeley in 1962 and his J.D. from the University of California, Berkeley School of Law in 1966. As an undergraduate, he was elected to the ASUC (Associated Students of the University of California) Senate as a SLATE candidate. He also ran unsuccessfully for Student Body President. He interviewed Bertrand Russell during the 1962 Cuban Missile Crisis for Pacifica Radio. In law school he was a member of Order of the Coif and served as editor-in-chief of the California Law Review.

Career in law

In 1966, he was hired as a law clerk by Justice William J. Brennan of the United States Supreme Court. Brennan, however, fired him the week he began his job, following complaints made by conservative columnists and FBI director J. Edgar Hoover, because of Tigar's activist background.^{[2][3]} Tigar taught at the UCLA School of Law during the period 1968-1972. He taught evidence courses and a course in Selective Service Law. In 1967, he became the first Editor-in-Chief of the *Selective Service Law Reporter* (Public Law Education Institute, 1968–1973).^[4] Tigar was a partner in the firm of Williams & Connolly of Washington, DC (1975–'78), where he worked closely with legendary trial attorney Edward Bennett Williams. He then formed his own firm with partner Samuel J. Buffone.^[5] Tigar was a professor of law at the University of Texas School of Law from 1983 to 1998, holding the Joseph D. Jamail Centennial Chair in Law from '87-'98.^[6] With a grant from

Texas plaintiffs' lawyers he and Jane B. Tigar founded the UNROW Human Rights Impact Litigation Clinic, where he served as the Clinic's first Executive Director and Supervising Attorney. He was then a professor at American University's Washington College of Law starting in 1998,^[7] and later also at Duke Law School.

In his teaching, Tigar has worked with law students in clinical programs where students are counsel or law clerks in significant human rights litigation. He has made several trips to South Africa, working with organizations of African lawyers engaged in the struggle to end apartheid, and after the release of Nelson Mandela from prison, to lecture on human rights issues and to advise the African National Congress on issues in drafting a new constitution. He has been actively involved in efforts to bring to justice members of the Chilean junta, including former President Pinochet. Of Tigar's career, Justice William J. Brennan has written that his "tireless striving for justice stretches his arms towards perfection."

In 1999, the California Attorneys for Criminal Justice held a ballot for "Lawyer of the Century." Tigar was third in the balloting, behind Clarence Darrow and Thurgood Marshall. In 2003, the Texas Civil Rights Project named its new building in Austin, Texas, (purchased with a gift from attorney Wayne Reaud) the "Michael Tigar Human Rights Center."

In retirement, Tigar is professor of the practice of law emeritus at Duke Law School,^[8] and research professor emeritus at the American University, Washington College of Law.^[9] He has been visiting professor at the law faculty of the Paul Cézanne University, Aix-en-Provence, and has lectured at law schools in several countries.

In 2016, Tigar donated his papers to the University of Texas Law School Library, which held a symposium to launch the collection in 2018.^[10]

Notable cases and clients

- Fernando Chavez, Cesar Chavez's son, who refused induction into the military based on his pacifist beliefs.
- Lynne Stewart, who was charged with conspiracy and providing material support to terrorists
- Terry Nichols, of the Oklahoma City bombing
- Angela Davis, activist charged with murder, kidnapping, and conspiracy for her alleged involvement in the death of Judge Harold Haley^[11]
- Kiko Martinez, Chicano activist
- John Demjanjuk, a Ukrainian-born immigrant accused of having been "Ivan the Terrible," a notorious Nazi concentration camp guard, whose conviction by courts in Israel was overturned but was stripped of U.S. citizenship on other grounds. He was retried by the U.S. Justice department and was convicted. Tiger represented Demjanjuk at the trial and appeal. Demjanjuk was deported to Germany where he died in prison.
- Scott McClellan, former press secretary to President George W. Bush, who testified before Congress regarding the role of the Bush Administration in the leak regarding the identity of former CIA agent Valerie Plame.

Tigar has argued seven cases before the United States Supreme Court,^[12] and over 100 federal appellate cases. He has tried cases in all parts of the United States. In addition to activist clients, he has represented Sen. Kay Bailey Hutchison, Rep. Ronald Dellums, Rep. John M. Murphy (during the Abscam scandal), former Gov. John Connally, Fantasy Films and Mobil Oil.

Personal life

Tigar has been married four times. He has been married to journalist-turned-attorney Jane Blanksteen Tigar since 1996.^[3] He has three children by previous marriages,^[13] including United States Federal Judge Jon S. Tigar.^[14], addiction medicine specialist and capital case mitigation expert Katherine McQueen, M.D., and business consultant Elizabeth Torrey Tigar.

Books

- *A Practice Manual of Selective Service Law* (1968)
- *Law Against the People* (1971) (co-author)
- *Law and the Rise of Capitalism* (1978) (co-author) [review \(https://www.jstor.org/pss/1340351\)](https://www.jstor.org/pss/1340351)
- *The ministry of culture: Connections among art, money and politics* (1980) (contributor)
- *Federal Appeals: Jurisdiction and Practice* (1993)
- *Persuasion: the Litigator's Art* (1999, 2003)
- *Fighting Injustice* (2002)
- *Examining Witnesses* (2d ed., 2003). ISBN 1-59031-256-2
- *Thinking about Terrorism: The Threat to Civil Liberties in Times of National Emergency* (2007)
- *Trial Stories* (2008) (with Davis, ed.)
- *Nine Principles of Litigation and Life* (2009)
- *Mythologies of State and Monopoly Power* (2018) ISBN 978-1-58367-743-8

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- The Professional Education Group <https://www.proedgroup.com/michael-tigar>

External links

- Books by Michael Tigar (https://books.google.com/books?as_auth=Michael+E+Tigar&ots=brvvr9tUS1&sa=X&oi=print&ct=title&cad=author-navigational)
- Washington College of Law, American Univ., faculty page (<http://www.wcl.american.edu/faculty/tigar>)
- Duke Law School faculty page (<http://law.duke.edu/fac/tigar>)
- TigarBytes (blog) (<http://tigarbytes.blogspot.com>)

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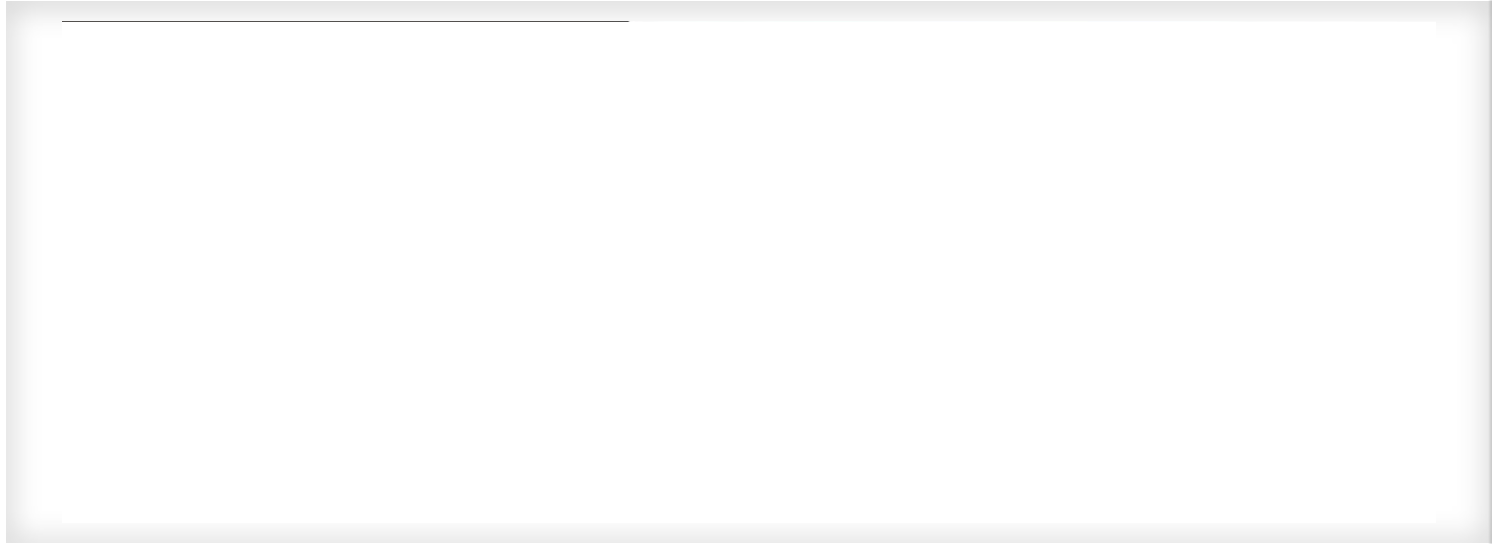
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POLITICS, WHITE-COLLAR CRIME

Hillary Clinton, Truthfulness, And Bias In White-Collar Cases

Hillary's issues are no different than those facing defendants every day.

By MATT KAISER

Aug 4, 2016 at 10:36 AM

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Here's something that happens in just about every criminal investigation — some notion settles in the prosecutor's mind that is wrong, but that organizes how the prosecutor views every bad fact in the case.

To have an example to make this concrete, let's say that your client has applied for a series of bank loans, and the prosecutor thinks that each one contains a false statement. The question is whether your client knew those false statements were false when they were made.

Suppose there are no emails or contemporaneous writings. The only things we have to go on are the nature of the false statements and whatever else we know about your client. Suppose, further, that the false statements don't decide the issue. It's not like the guy is reporting \$8 million of income on a loan application when he only made \$80,000, but it's also not the case that he said he owed \$325,000 on his mortgage when he, in fact, owed \$326,872. The false statements are frequent enough and serious enough to draw attention, but not so serious and frequent that they, on their own, push things over the edge into being indicted.

Most importantly, assume that the prosecutor thinks your client is worth spending her time investigating because she believes that he is shady. Not in any specific way — there's no one thing that she can run to ground that shows that the client is shady — its more just that the client has been around things that have been shady. Maybe he worked for a mortgage broker with a bad reputation for a while. Perhaps he was sued for fraud, but the case was dropped before the allegations were really addressed. Little things like that build up; and in a word, [give your guy the benefit of the doubt](#) keep the government digging until it

This happens all the time in white-collar cases — through the lens of a dirty window —

I once had a magistrate judge at a detention hearing say that a defendant was likely to be a danger to the community.

The judge said, "I know what roller-skating rinks are all about." I didn't. I still don't. I thought

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feet. I suspect that's not where the judge was coming from.

The hearing didn't work out well for my client.

This is a recurring and maddening problem with white-collar cases; people who are flawed, to be sure, but often one flaw is mistaken for another. The client who is an idiot who doesn't know how to fill out a form is taken as a liar who is defrauding the bank. Or, to take a real-life example, [the woman whose husband can't fill out a financial aid form is seen as structuring](#).

The same thing happens in political campaigns, which is one reason why election season can be tremendously interesting for lawyers of all stripes.

Clinton is widely believed to be a frequent liar and untrustworthy. Something like 40% of the population thinks she's untrustworthy.

But is that accurate?

Happily, PolitiFact rates politicians for truthfulness, putting politicians' statements on a six-point scale ranging from true to pants on fire. As of June 26, [for the 2016 campaign for both Democrats and Republicans](#), Hillary Clinton had one "pants on fire" statement — the same as Chris Christie, Jeb Bush, and Rand Paul. And fewer than Marco Rubio or Ted Cruz. Ben Carson had four. Donald Trump had 30.

Compare the false statements made by Hillary Clinton with, say, John Kasich. When you combine the three categories of false

The same three categories for Hillary

Five percent of Kasich's were rated pants on fire. None of Clinton's were.

(To be fair, far more of Clinton's statements were about her race in a high-profile way for much longer.

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an untrustworthy liar.

Much of this comes from a bias in how we interpret data. When you've just bought a red Honda, you notice there are a lot more red Hondas on the road. When you think Hillary Clinton is a liar, you jump on each untruth. We forget McCain — or John Glenn — [were part of the Keating Five](#) because we don't think of them as generally corrupt. Yet an investigation where Hillary Clinton is cleared of wrongdoing becomes a reason she's not trustworthy.

And part of it is, as [Jill Abramson](#) said recently, that Hillary Clinton is a really closed-off person who is distrustful of the media. Like many good lawyers, "her instinct is to withhold." From refusing to release documents about Whitewater to refusing to release the transcripts of her speeches to investment banks, Clinton's gut reaction is to see more disclosure as the enemy.

This looks a lot like what I see happen with clients. We take a flaw that's regrettable but benign and reinterpret it as evidence of corruption.

Every new "pants on fire" rating for Clinton reinforces the idea that she's a liar — while the same pants on fire statement from another candidate won't. Every new thing that has to be explained to a prosecutor reinforces the prior belief that the prosecutor is right that your client is shady.

The best response, I think, is a counter-narrative. It's to replace one organizing principle for the data with another. It can be a delicate client relations issue, but if your client keeps making false statements because they're an idiot. Merely batting away facts — simply doesn't shake the perception that

And, of course, just because something someone, doesn't mean it isn't true.

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MENU



investigations and indicted cases. His twitter handle is @mattkaiser. His email is mkaiser@kaiserdillon.com He'd love to hear from you if you're inclined to say something nice.

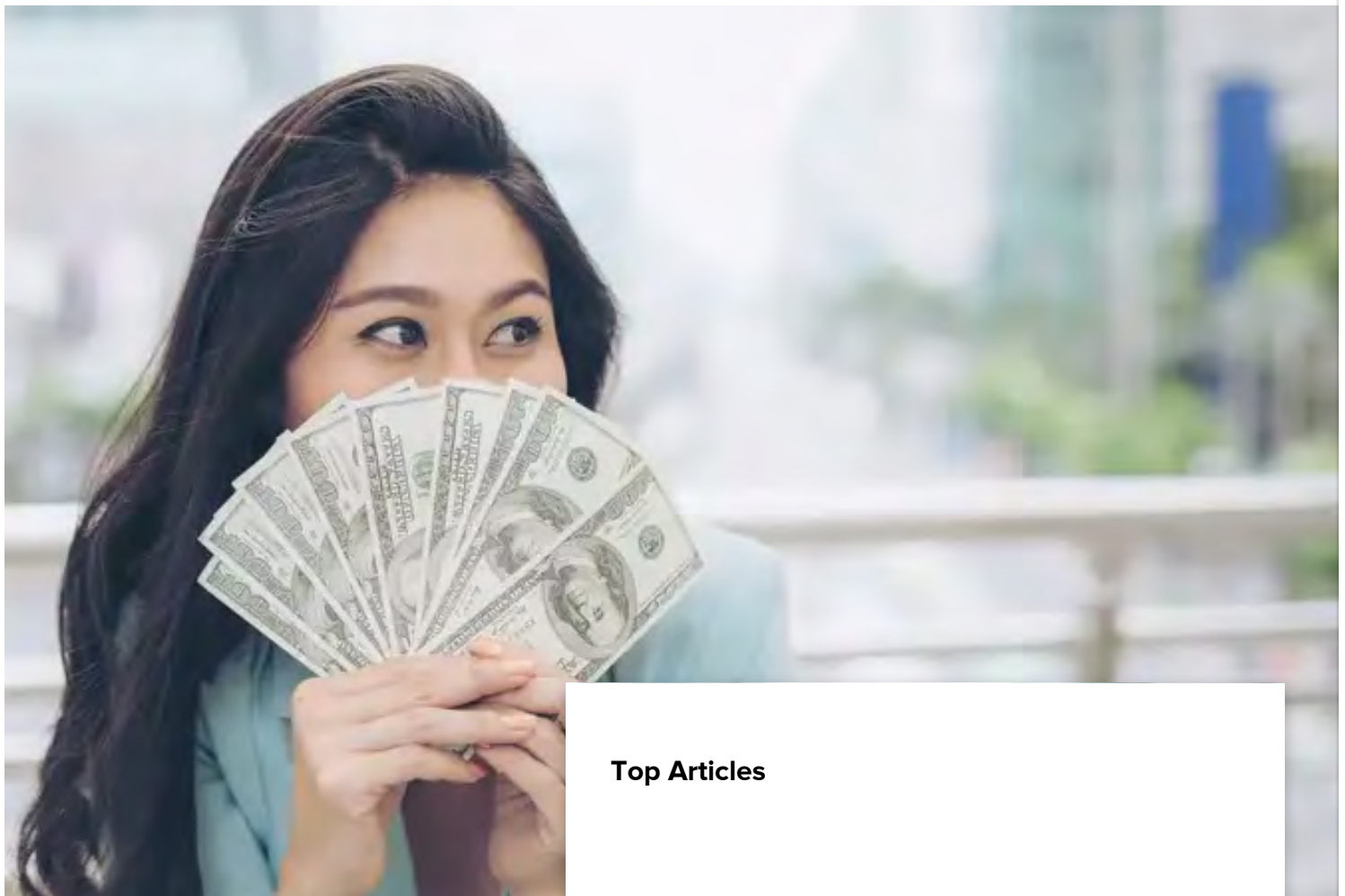
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WHITE-COLLAR CRIME

Trump And Tyranny

All those expansions of executive power could come back to haunt us...

By MATT KAISER

Jul 28, 2016 at 2:49 PM

48
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Many folks are saying that Donald Trump is a unique threat to American democracy. The [Washington Post](#) ran a [unique editorial](#) calling Donald Trump just that. As it summed up:

“

[Trump] doesn't seem to care
power. He has [threatened](#) that



independent press. He [went](#) and
exacerbating his contempt for
the judge should be disqualified





encouraged and celebrated violence at his rallies. The U.S. democratic system is strong and has proved resilient when it has been tested before. We have faith in it. But to elect Mr. Trump would be to knowingly subject it to threat.

[Orin Kerr has a piece in the Post about what the Department of Justice would look like under Trump](#); it's chilling. Here's Kerr's punchline:

“

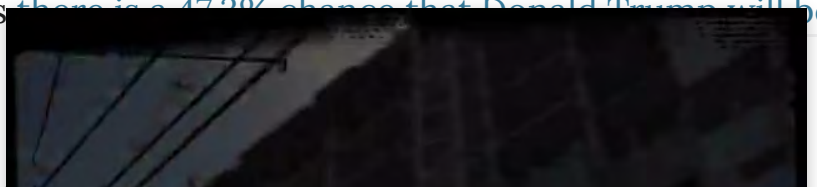
What would a Trump Justice Department look like?

It would be pretty damn frightening, I think. Trump has two long-standing passions when it comes to law and law enforcement. His first passion is the suppression of protest and dissent. And his second passion is bringing lots of legal actions against his critics and threatening many more to get his way.

And, perhaps most dramatically, John Kasich — a man from Trump's own party who is no longer running for President — released [a new ad against Donald Trump](#), of a former POW basically calling Trump Hitler. Paraphrasing — and name checking — Martin Niemöller, the Kasich ad walks through each of the groups Trump has attacked, Mexicans, Muslims, black people, journalists, and ends by telling viewers that if Donald Trump comes after you, you'd better hope there's someone left to defend you.

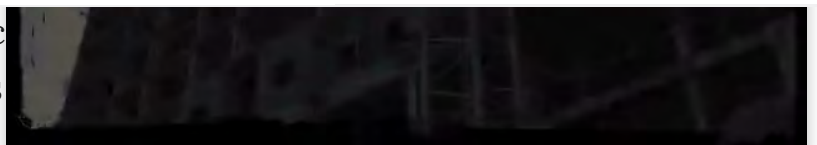
I've talked to at least one person — an educated person who generally believes in the rule of law — who wonders if maybe we're in a version of that hypothetical about whether someone should kill Hitler if they time travel back to Germany in 1939.

Despite all of that, 538 currently says [there is a 47.3% chance that Donald Trump will be our next President](#).



Apparently Orin Kerr is not as influen

American democracy is built on check and balance. Trump could not be as bad as





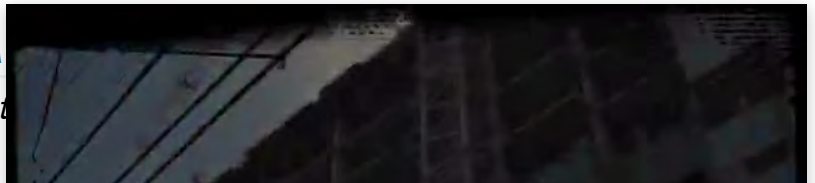
years ago, the Atlantic had a piece that may undermine that confidence. The titled “[All the Infrastructure a Tyrant Would Need, Courtesy of Bush and Obama](#),” notes — “More and more, we’re counting on having angels in office and making ourselves vulnerable to devils.”

Here’s the key bit:

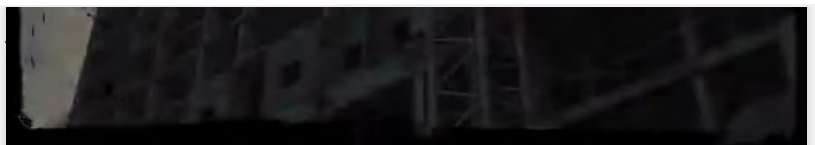
“

Behold the items on an aspiring tyrant’s checklist that [Bush and Obama] have provided their successors:

- *A precedent that allows the president to kill citizens in secret without prior judicial or legislative review*
- *The power to detain prisoners indefinitely without charges or trial*
- *Ongoing warrantless surveillance on millions of Americans accused of no wrongdoing, converted into a permanent database so that data of innocents spied upon in 2007 can be accessed in 2027*
- *Using ethnic profiling to choose the targets of secret spying, as the NYPD did with John Brennan’s blessing*
- *Normalizing situations in which the law itself is secret — and whatever mischief is hiding in those secret interpretations*
- *The permissibility of droning to death people whose identities are [not even known to those doing the killing](#)*
- *The ability to [collect DNA](#) from anyone they haven’t been convicted of*



responsibly, what makes you





, of course, exactly why government power should be restrained. The mantra of government is “Trust us. We have the interests of the country at heart.” That may be right, today. But weakening the checks on government power to make one bad person — a terrorist, or a drug dealer, or a murderer — go to prison, makes tyranny easier when the next enemy of the state is just a Muslim, a Mexican, or a journalist.

But you shouldn’t create a system of laws for the best case scenario; you should create one to make sure the worst case scenario doesn’t happen.

And it looks like we may have put too much trust in the right people in office, just as exactly the wrong guy may be about to waltz in there.

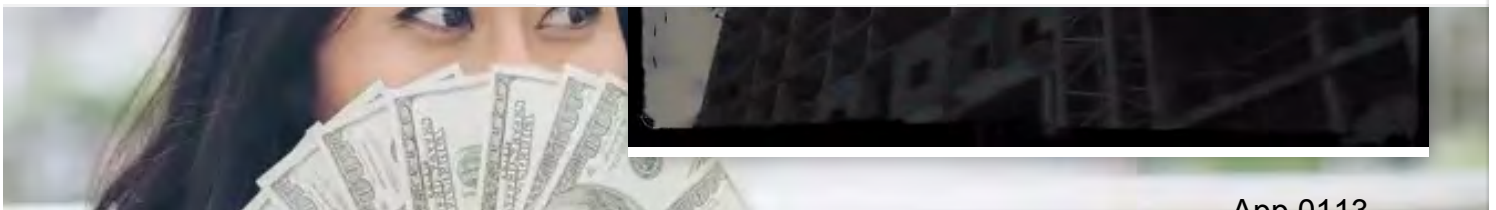
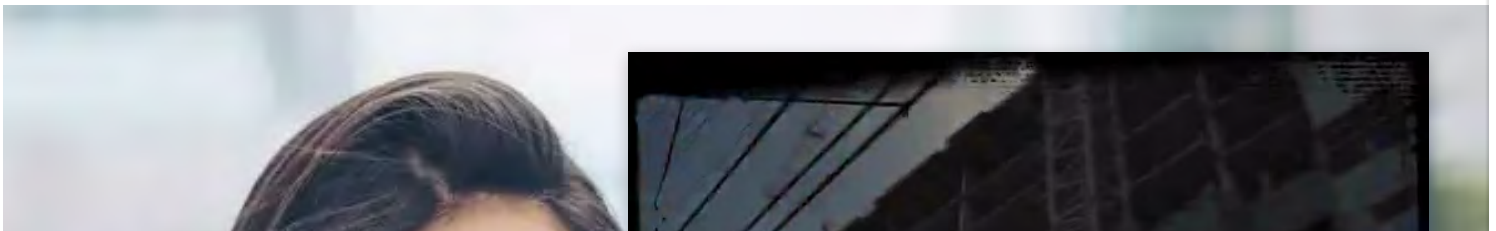
Matt Kaiser is a white-collar defense attorney at KaiserDillon. He’s represented stockbrokers, tax preparers, doctors, drug dealers, and political appointees in federal investigations and indicted cases. His twitter handle is @mattkaiser. His email is mkaiser@kaiserdillon.com He’d love to hear from you if you’re inclined to say something nice.

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KAISER, MATTHEW	<u>OBAMA FOR AMERICA</u>	MD	ZUCKERMAN SPAEDER LLP	10/16/2008	\$200.00	

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Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Sataki Documentary

Larry Klayman <klaymanlaw@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Mon, Oct 12, 2020 at 9:35 AM

----- Forwarded message -----

From: **Keya Dash** <keyadash@gmail.com>
Date: Sat, Aug 24, 2019 at 6:20 AM
Subject: Re: Sataki Documentary
To: Larry Klayman <lklayman@gmail.com>

Hi Larry,

It jumps right into some clips in Ellie's voice referring to VOA. They are kind of disjointed. The format is like an interview but you don't hear the questions, you only hear the answers. She never names you or refers to you. The only time she talks about lawyers she says no lawyer would take her case. It could be there are more parts that aren't included in this edit. Clearly this is heavily edited. I think the intended audience is the general Iranian public.

Following are the things she says.

She says when she's behind her desk and not paying attention she's getting harassed. She says VOA is known to be the worst American government agencies, that the people there protect each other and they are in a dirty setting.

She says that the show on VOA that she shared with Falahati was created by both of them but he often tried to make her go out with him which she didn't want to do. To go out with him would have been unprofessional because they were doing the show together and the relationship would affect the show. What if they'd argued one day and it was obvious to viewers they were going out?

The problem is that he didn't know how to accept no for an answer. She says she stopped showing up to work because each time he'd say tonight let's have coffee or tonight let's have dinner. She was exhausted for having to say no to him.

She says she complained to Susan, their executive producer, she told Susan that she doesn't know what more to do at this point, that he's taking liberties with her when she's behind the desk not paying attention. She asked Susan to privately handle the issue and Susan said that she couldn't, that Ellie needed to file a public complaint.

Two times, Fallahati came to her when she was behind the desk not paying attention and, she says the clothes that she was wearing and her bra strap--and then everything is bleeped out. She says she yelled at him--and it's bleeped again. She then says "unfortunately..."--and an echo effect is used before the sentence can be continued.

After a clip of her holding her head in her hand with music playing, she then resumes talking, dug that she laughed that no one saw, that she was seeing a psychiatrist, that she was not feeling good, and that that is all documented. She was going to a doctor and taking mood stabilizers.

Fallahati is a sick man and he didn't only harass Ellie. The system in VOA has problems. James d Chalangi supported her story, and he bore witness as to what happened. Another lady named Mahmunir also bore witness in her favor and incurred problems. Mr. Sajadi and Mr. Falahati were friends and at the time Sajadi had a lot of authority there. They were holding each other's hands (a Persian expression meaning helping each other, conspiring, working together in an effort) and Susan fell into their team.

No attorney would accept her case because her case had gotten very big. When the case got very big, when the issue became the board of governors, the board had to cover for itself. In defending themselves, they said Elham left and Fallahati stayed. As for Fallahati, she wasn't the only girl and there are a number of others.

I'm sorry for the delay. I've been traveling and didn't see the email.

Best,


App.0119


Keya

Thank you,

Keya Dash

 +1 (703) 963-7531

 +1 (703) 962-1707

 +1 (703) 962-1726

 keyadash@gmail.com

Sent from my iPhone

On Aug 21, 2019, at 1:40 PM, Larry Klayman <leklayman@gmail.com> wrote:

This is the video. Thanks Keya

----- Forwarded message -----

From: **Barbara Nichols** <ban@bogoradrichards.com>

Date: Wed, Aug 21, 2019 at 10:25 AM

Subject: Sataki Documentary

To: Larry Klayman <leklayman@gmail.com>

Larry,

The YouTube video at the link below is some kind of documentary about Ms. Sataki's case which was uploaded 11/5/2016, around the time you were gathering files and providing them to Bar Counsel. From the comments, I can see that she is discussing her case and from what I can tell she never mentions you but who knows. We were just wondering if you had a friend who could watch this and let us know what this is saying and if anything she said might be a "smoking gun" since the video is not in English.

<https://www.youtube.com/watch?v=e3g5f61muZ4>

<image002.png>

[Quoted text hidden]

Whenever I am at my desk and I am not paying attention, he allows himself, to touch me under variety of pretexts.

(displaying Elham Sattaki's photo)
former broadcaster of VOA

Mr. Falahati, Asal has written this for us,
Well: let us answer the first caller (by the name of - Translator) Hossein from Kerman.
Hello, go ahead please.

(displaying photo of Mehdi Falahati)
broadcaster for the VOA network
VOA: Voice of America

Voice of America has been recognized as the worst entity of American government. Therefore, lots of such coteries and issues exist there. Everybody says that the atmosphere is of a security one. Nobody can talk with anybody. Everybody makes insinuations against one another. The environment is very dirty. This week is second evening of being online with the subject of presidential elections in Iran and it's outcome, with your phone calls, emails and online weblogs and websites that Elham Sattaki will introduce to you.

Regarding Mr. Falahati: He repeatedly asked me to go out with him. I didn't want to do it. Mr. Falahati and I started the ONLINE show together and we were performing it together. Aside from other aspects, it was very unprofessional.

When two individuals appear on camera and conduct a show, going out on a date, since it can directly affect the show is not right. They may fight with each other and that will affect the show, and vice-versa. He was not the type of person that I would accept his offer, and say that, all right let's go on a date.

The problem was, he did not know how to take a no. After a while I reached to the point that I was always calling sick and did not go to work. Since I wanted to start working, and Mr. Falahati wanted to come to my desk and again ask me let's go have a coffee or have dinner. And this no, and saying no to him repeatedly had become exhausting for me, had made me very tired. I went to Suzanne who was our executive producer and told her the situation, that he (Mr. Falahati) does so. and I (Elham Sattaki) don't know what to do at this point. Personally, I am not able to handle it.

The situation will go over the board of the status of going out for dinner, and he will come to my desk and while I am not paying attention, under various excuses touch me. Since I was afraid, I told her (Suzanne) that, can you handle it without anybody to know?? That day she told me that "Legally I cannot do it and you must formally file a complaint."

Mr. Falahati wanted to take revenge, since I complained and stated that the situation was so. As I was behind my desk, twice he came to my desk (audio censored) the dress that I had on and my bra-cord. I hollered at him (audio censored) he laughed and said "don't tell anybody." I was not feeling well. I was seeing psychiatrist. I was seeing psychologist. I was not feeling well. All the documents are available. Everything related (to this matter) exists. I was seeing doctor and the doctor was prescribing relaxing pills for me to take.


At this point, I am just saying, Mr. Falahati is a sick person that has not done so just with me, but the system of VOA has problem. Jamshid Chalangi testified for me. Look what happened? Mahmonir, another lady testified for me. She suffered a lot. Mr. Ali Sajjadi and Mr. Falahati were friends. At that time Mr. Sajjadi was very powerful there. They all got together. And even Suzanne who was my executive producer and was mad from this incident, she teamed up with them. And this caused the problem to be difficult for me, and no attorney was taking my case, because this case had become very big. And when the case became so big, then the Board of Governors had to defend itself, and defending itself caused the case to become against me. And they say that Elham left, Falahati stayed. When they fired me, I was not the only girl. There are a number of others.

Caption displaying Falahati and Sattaki with written scripts.

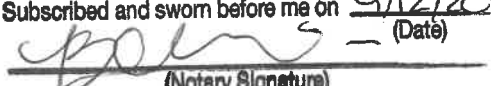
The law suit against Mehdi Falahati due to the VOA influence did not get to anywhere, and Elham Sattaki was fired from this network.. After a short period of time Jamshid Chalangi and Ms. Mahmonir Rahimi were fired from this network.

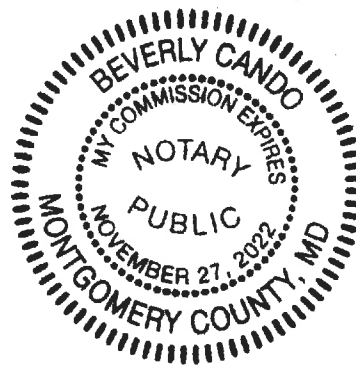
Display of Mehdi Falahati laughing loud.

Certified to be a true translation from the Farsi video and audio original



Mohammad T Moslehi

State of MD County of Montgomery
 Subscribed and sworn before me on 9/12/2021
 (Date)

 (Notary Signature)



DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



In the Matter of:

LARRY E. KLAYMAN,

Respondent.

A Suspended Member of the Bar of the
District of Columbia Court of Appeals
(Bar Registration No. 334581)

:
:
:
:
: Board Docket No.17-BD-063
: Disciplinary Docket No. 2011-D028
:
:
:
:

ORDER

Upon consideration of Respondent’s Emergency Motion for Reconsideration of Order of the Chair of the Board of Professional Responsibility and Motion to Stay Implementation of the Report and Recommendation of the Board of Professional Responsibility of October 2, 2020, Until the Board Conducts a Thorough and Bona Fide Review of the Entire Record in this Proceeding and Request for Internal Reviews, Disciplinary Counsel’s Response thereto, and Respondent’s Reply to Disciplinary Counsel’s Response, and it appearing that this matter is now pending in the Court of Appeals,¹ and is no longer pending before the Board, it is hereby

ORDERED that Respondent’s Emergency Motion for Reconsideration of Order of the Chair of the Board of Professional Responsibility and Motion to Stay Implementation of the Report and Recommendation of the Board of Professional Responsibility of October 2, 2020,

¹ The Board’s Report and Recommendation was filed with the Court of Appeals on October 2, 2020, and the Court has begun proceedings in this matter (*see* Order, *In re Klayman*, D.C. App. No. 20-BG-583 (Oct. 19, 2020) (directing Respondent to show cause “why the court should not enter an order of suspension pending final action on the Board on Professional Responsibility’s recommendation.”)).

Until the Board Conducts A Thorough and Bona Fide Review of the Entire Record in this Proceeding and Request for Internal Reviews is denied as moot.

BOARD ON PROFESSIONAL RESPONSIBILITY

By:



Matthew G. Kaiser
Chair

cc:

Larry E. Klayman, Esquire
leklayman@gmail.com

And to:

Henry Clay Smith, III, Esquire
Assistant Disciplinary Counsel
Office of Disciplinary Counsel
smithc@dcdc.org



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: DC Bar complaint

Larry Klayman <leklayman@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Fri, Nov 16, 2018 at 7:52 AM

----- Forwarded message -----

From: **Dykema, Rick** <Rick.Dykema@mail.house.gov>
Date: Mon, Oct 22, 2018 at 1:35 PM
Subject: RE: DC Bar complaint
To: Larry Klayman <leklayman@gmail.com>

Mr. Klayman—

Kathleen Staunton says she had no involvement in the preparation of the complaint against you, and in fact had no knowledge of the complaint until she saw the information that you provided.

--Rick

Richard T. (Rick) Dykema

Chief of Staff/Legislative Director

Rep. Dana Rohrabacher

From: Larry Klayman <leklayman@gmail.com>
Sent: Monday, October 22, 2018 1:48 PM
To: Dykema, Rick <Rick.Dykema@mail.house.gov>
Subject: Fwd: Transcript

Sworn testimony from Sataki showing that Kathleen Staunton and her cousin Sam Razavi (a convicted felon) prepared the bar complaint for her.

There is much more testimony in this regard.

Pl call me asap as I need to speak with the congressman and obtain a sworn declaration as my initial brief is due this Friday.

Thank you,

App.0125

Larry Klayman, Esq.

310 595 0800

----- Forwarded message -----

From: **Oliver Peer** <oliver.peerfw@gmail.com>

Date: Mon, Oct 22, 2018 at 10:44 AM

Subject: Transcript

To: Larry Klayman <leklayman@gmail.com>



CHAPMAN
UNIVERSITY

FOWLER SCHOOL OF LAW

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Ronald D. Rotunda
*The Day & Dee Henley Chair and
Distinguished Professor of Jurisprudence*
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19 December 2016

Larry Klayman, Esq.
Klayman Law Firm
c/o 2020 Pennsylvania Ave., N.W.
#800
Washington, D.C. 20006

RE: Bar Complaint of Oct. 20, 2011
VIA: Email, leklayman@gmail.com

Dear Mr. Klayman:

You have asked me to evaluate the Office of Bar Counsel Complaint dated October 20, 2011. Despite the fact that it is dated about six years ago, you received it only recently. Perhaps that is because the Office of Bar Counsel (OBC) sent it to the wrong address. OBC may have sent it to 2000 Pennsylvania Ave. N.W., Suite 345, while your office is at 2020 Pennsylvania Ave, NW, Suite 345.

I have evaluated the OBC Complaint of Oct. 20, 2011, and discussed the matter with you. You should feel free to show this letter to the OBC if you wish.

A very surprising item about this complaint is that it was filed over five years ago about alleged events that occurred in December 2009 and shortly thereafter. The complainant, Elham Sataki, made similar complaints to the Pennsylvania Bar and the Florida Bar, both of which dismissed the complaint years ago. For some reason, the OBC sat on this complaint for years and now is resurrecting it.

Because of the passage of time — the reasons for this delay are unknown — relevant evidence cannot be found and memories fade.

For example, you told me that you recall a phone voice mail from someone speaking in a belligerent tone who claimed to be speaking for Ms. Sataki. This person said that you should not contact her. You had been trying, unsuccessfully, to contact Ms. Sataki to see if she wanted to appeal, and you filed a notice of appeal

- 2 -

to protect her rights. The union representative, who was representing Ms. Sataki in her employment dispute, also was unsuccessful in contacting her. Shortly after that, Ms. Sataki did so and you and her Union Representative, Mr. Shamble, did not pursue the appeal. You have moved since then and you are unable to find this voice mail. The tone and substance of this voice mail is very relevant to the complaint, but it no longer exists (or, you cannot find it) because of the passage of time.

The caselaw shows that OBC is subject to laches. In *Florida Bar v. Rubin*, 362 So.2d 12 (Fla. Sup. Ct. 1978)(per curiam), the Florida supreme court threw out charges because the prosecutor because of the Bar's delay in violation of the Florida rules.¹ One can summarize this case as the Bar delaying finalization of two cases (where the Bar was disappointed with the recommended discipline) because it was confident it would secure a conviction in a third case still in the pipeline in the hope of securing greater overall discipline. The Court said,

Whatever other objects the rule may seek to achieve, it obviously contemplates that *the Bar should not be free to withhold a referee's report which it finds too lenient until additional cases can be developed* against the affected attorney, in an effort to justify the more severe discipline which might be warranted by cumulative misconduct. The Bar's violation of the prompt filing requirement in this case, to allow a second grievance proceeding against Rubin to mature, is directly antithetical to the spirit and intent of the rule. In addition, it has inflicted upon Rubin the "agonizing ordeal" of having to live under a cloud of uncertainties, suspicions, and accusations for a period in excess of that which the rules were designed to tolerate.

The Florida Bar v. Rubin, 362 So. 2d 12, 15 (footnotes omitted)(emphasis added). As *Rubin* concluded, "The Bar has consistently demanded that attorneys turn 'square corners' in the conduct of their affairs. An accused attorney has a right to demand no less of the Bar when it musters its resources to prosecute for attorney misconduct." 362 So. 2d 12, 16.

Rubin is no judicial orphan. Later, *The Florida Bar v. Walter*, 784 So. 2d 1085, 1087 (Fla. Sup. Ct. 2001) ruled that a *seven-year interim* between the lawyer's alleged misconduct and the filing of the Bar's complaint, makes "it 'unjust or unfair' to require Walter [the lawyer] now to answer the Bar's charges in this matter. That the Bar may have diligently pursued Chesnoff's statement does not render this seven-year interim a 'reasonable time,' especially considering that

¹ "On January 6, 1978 fourteen months after the Bar received referee White's report and eight months after it had received referee Carey's the Bar filed both referees' reports with the Court." "Referee White's report, which recommended a public reprimand, was not filed with us until fourteen months after its receipt by the Bar. Rubin contends that this filing clearly was not prompt, and that the Bar's violation of the rule denies him due process" *The Florida Bar v. Rubin*, 362 So. 2d 12, 14 (Fla. 1978)(footnote omitted).

the delay is not attributable to Walter.” The court ruled that the lawyer does not have “to defend against the Bar’s charges after so many years have passed.”²

See also, *In re Grigsby*, 815 N.W.2d 836 (Minn. 2012), concluding that a discipline prosecutor’s failure to charge out a matter for an unreasonably long time violates the ethics rules. *Grigsby* involved a case where the lawyer did not even dispute the facts, and the lawyer’s violations were “obvious,” yet the court rejected the disciplinary hearing:

Finally, it is also worth noting the procedural irregularities in this discipline matter. Grigsby was suspended for 60 days on April 16, 2009. Grigsby’s single instance of misconduct resulting in this disciplinary proceeding took place sometime during April and May 2009, and the Assistant County Attorney informed the Director of it on June 3, 2009. *The facts of this case are simple and undisputed, Grigsby’s violations are obvious*, and Grigsby complied with the Director’s investigation. The Director *did not file a petition for disciplinary action until May 31, 2011, 727 days after notice of the misconduct*. Because Grigsby, understandably, did not seek readmission while under investigation for practicing law while suspended, he has effectively been suspended from the practice of law since April 16, 2009, or for over 3 years. The purpose of any disciplinary proceeding, as noted earlier, is to protect the public; *the delay here tends to weaken the Director’s argument that protection of the public requires a reinstatement hearing* and we decline to do so notwithstanding the legitimate concerns discussed earlier.

In re Disciplinary Action against Grigsby, 815 N.W.2d 836, 846–47, 2012 WL 2814088 (Minn.), *reinstatement granted sub nom. In re Disciplinary Action Against Grigsby*, 822 N.W.2d 291, 2012 WL 5355573 (Minn. 2012)(emphasis added).

In evaluating Minnesota cases, William J. Wernz, *Minnesota Legal Ethics: A Treatise* (6th ed. 2016) reviews the cases concludes that the Office of Bar Counsel is subject to a “Special Promptness Requirement?” Rule 3.2 of the Rules of Professional Conduct applies to Bar Counsel and that “general delay in investigation” could violate Rule 3.2.³

² Cited and quoted with approval in, *The Florida Bar v. Kane*, 202 So.3d 11, 19 (Fla. Sup. Ct. 2016):

The Court has made clear that the Bar has an obligation to process disciplinary cases in a fair and just manner. *See Fla. Bar v. Rubin*, 362 So.2d 12, 16 (Fla.1978) (“The Bar has consistently demanded that attorneys turn ‘square corners’ in the conduct of their affairs. An accused attorney has a right to demand no less of the Bar when it musters its resources to prosecute for attorney misconduct.”).

³ Wernz, *Minnesota Legal Ethics: A Treatise* 779-80, § II(D) (2016).

Rule 3.2 (“Expediting Litigation”), Model Rules of Professional Conduct, corresponds to Rule 3.2 of the D.C. Rules of Professional Conduct. As Comment 1 to the D.C. Rules asks, “The question is whether a competent lawyer acting in good-faith would regard the course of action as having some substantial purpose other than delay.”⁴

In this case, OBC should explain why any competent Bar Counsel, acting in good faith, would regard the delay of 6 years since the complaint was filed and 7 years since the alleged violation occurred would this delay “as having some substantial purpose other than delay.” Why has OBC waited so long?

In Indiana, when the Bar Counsel did not act with reasonable promptness, the Court imposed a new rule making clear what states like Minnesota and Florida thought were already clear. Rule 23, Disciplinary Commission and Proceedings now provides, Section 10(h):

Limitation on time to complete investigation. Unless the Supreme Court permits additional time, any investigation into a grievance *shall be completed and action on the grievance shall be taken within twelve (12) months from the date the grievance is received* (or the date a response is demanded to a Disciplinary Commission grievance). The purpose of the deadline is to enable the Supreme Court to promote a fair and efficient process and not to create substantive or procedural rights. Requests for additional time shall be submitted to the Supreme Court and shall briefly describe the circumstances necessitating the request. No response or objection shall be allowed. Delays caused by a respondent’s noncooperation or requests for extensions of time, and periods during which the respondent is suspended from practice, shall not be counted toward the 12-month period. *If the Disciplinary Commission does not file a Disciplinary Complaint within this time, the grievance shall be deemed dismissed.*⁵

The Virgin Islands also recognizes laches applied to Bar Counsel. No “legal authority precludes this Court or the EGC from applying the common law doctrine of laches to a grievance. ‘Laches, an equitable defense, is distinct from the statute of limitations, a creature of law,’ and precludes an action if ‘an omission to assert a right for an unreasonable and unexplained length of time and under circumstances prejudicial to the adverse party.’ Thus, “[l]aches ... may be found even if the applicable statute of limitations has not yet run.” *In Matter of Joseph*, 60 V.I. 540, 558–59, 2014 WL 547513, at *7 (V.I. Feb. 11, 2014)(internal citations omitted). Thus, the “laches defense may apply to attorney discipline proceedings in certain very narrowly defined circumstances, such as when the delay in instituting the disciplinary proceedings results in prejudice to the respondent.” *Id.*

⁴ <http://www.dcbar.org/bar-resources/legal-ethics/amended-rules/rule3-02.cfm>

⁵ <http://www.in.gov/judiciary/files/order-rules-2016-1103-adm-disc.pdf> (last two emphases added).

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That is what is occurring here because memories have faded and some evidence cannot be found. The evidence collected by the Pennsylvania and Florida Bars — both of which dismissed the complaint — no longer exists. Perhaps the D.C. Bar has some evidence, but it has not given it to Mr. Klayman. One of the papers in the files the D.C. Bar refers to a draft complaint and an opinion from a lawyer who practices in the employment area, but neither the Bar Counsel nor the expert have reviewed all of the relevant files and documents of Ms. Sataki's case. Mr. Klayman has sent you a copy.

The Virgin Islands Supreme Court sets out a test that *presumes* prejudice in a case like this: “we shall only presume prejudice with respect to the laches defense when there is a substantial delay in the initiation of disciplinary proceedings.” *In Matter of Joseph*, 60 V.I. 540, 559, 2014 WL 547513, at *7 (V.I. Feb. 11, 2014). Here there is a substantial delay.

See also, *id.*, *Joseph, id.*, citing, *In re Wade*, 814 P.2d 753, 764 (Ariz. 1991); *In re Siegel*, 708 N.E.2d 869, 871 (Ind. 1999) (“There may be factual situations in which the expiration of time destroys the fundamental fairness of the entire proceeding.”); *Anne Arundel County Bar Ass'n, Inc. v. Collins*, 325 A.2d 724, 728 (Md. 1974) (laches applicable to attorney discipline proceedings if “prejudice or circumstances making it inequitable to grant the relief sought”). *Tennessee Bar Ass'n v. Berke*, 344 S.W.2d 567, 571–72 (Tenn. 1961) (dismissing disciplinary proceedings for laches when grievance filed nine years after alleged misconduct occurred with no explanation for the delay and respondent was not responsible for the delay). *In Matter of Joseph*, 60 V.I. 540, 559, 2014 WL 547513, at *7 (V.I. Feb. 11, 2014).

Similarly, in *Hayes v. Alabama State Bar*, 719 So. 2d 787, 791 (Ala. 1998), the State Bar suspended lawyers convicted of misdemeanors for “serious crimes” and charged them with additional rules infractions. The Supreme Court held, *inter alia*, that the State Bar's delay in pursuing remaining formal charges following resolution of criminal proceedings warranted dismissal.⁶

⁶ *Hayes v. Alabama State Bar*, 719 So. 2d 787, 791, 1998 WL 321956 (Ala. 1998)(footnote omitted)(emphasis added):

In *Noojin* [*Noojin v. Alabama State Bar*, 577 So.2d 420 (Ala.1990)], this Court examined an attorney's contentions that the Alabama State Bar had erred in delaying disciplinary proceedings against him. It held that the culmination of a federal criminal matter was not “good cause” for *delaying disciplinary proceedings for nearly a year*, and it barred the Alabama State Bar from proceeding on the charges pending against the attorney. As in *Noojin*, we consider in the present case whether the Bar had “good cause” to defer or delay the disciplinary proceedings against the attorneys. Rule 14, Ala.R.Disc.P. The Bar asserts that it “stayed” the proceedings on the formal charges based on the attorneys' alleged attempts to obtain discovery for their criminal cases. Aside from this assertion, the Bar has not attempted to provide a reason for its continued delay in regard to the formal charges against the attorneys.⁵ Therefore, if we accept the Bar's only explanation of “good

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Let me now leave the subject of laches and turn to the actual complaint, filed in 2011. Ms. Sataki makes several complaints.

FIRST, she claims that Mr. Klayman was not competent to handle her case and thus violated RULE 1.1. Pennsylvania and Florida have already rejected that claim. In addition, Ms. Sataki has never filed any lawsuit claiming that there was malpractice or sexual harassment by Mr. Klayman. She also claims that he used incorrect procedures and failed to make deadlines. She does not indicate what deadlines he missed. He did tell me that he filed a notice of appeal to protect her rights when she did not bother to respond to his requests asking her if she wanted to appeal. Her union representative also could not get in contact with her. Eventually, she bothered to respond and ordered him and Mr. Shamble (her Union Representative) not to pursue appeals, so they complied. If an error was made below, the normal way we correct it is by appeal.

The OBC says that it has an opinion by a lawyer as to the alleged malpractice, but OBC has not disclosed it to Mr. Klayman so neither he nor anyone else could answer it. OBC also says that it has a complaint, which suggests OBC has prejudged the matter, by showing its complaint to someone who is not part of the Office of Bar Counsel.

SECOND, she claims Mr. Klayman violated RULE 1.3 by revealing information to the public that was not secret client information and not confidential client information. Mr. Klayman told me that when he wrote to talked about the case it was only after his client's prior permission. She and Mr. Shamble thought that publicity would help her case by encouraging the Voice of America to settle rather than suffer bad publicity.

THIRD, she claims that Mr. Klayman did not disclose the fee until several months after the case began, and thus violated RULE 1.5. Mr. Klayman tells me that he did disclose the fee when they first talked about the case. The fee was zero — he did it as a pro bono matter. Several months later, when the case got more difficult than either of them expected, he told the client that he would have charge a fee. Or, of course, she would retain another lawyer and he could transfer the files to that other lawyer. She chose not to hire a new lawyer and he proposed a contingent fee. She never signed a fee agreement because she was hard to contact and the case ended at her request. He never charged her any fee.

FOURTH, she claims a violation of RULE 1.6, by disclosing client confidences. Mr. Klayman has told me that he had her permission before he disclosed anything. She and her Union

cause” for delay, there remains a period of over a year, from February 14, 1997, to now, during which the Bar has taken no action to proceed on the merits of the formal charges. Under our *Noojin* analysis, we find that this delay in proceeding on the remaining formal charges is excessive. Therefore, because of the inordinate delay on the part of the Bar in pursuing the remaining formal charges against the attorneys, those charges are dismissed.

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Representative, Mr. Shamble, thought that publicity would help her case, and she was probably right — although not pursuing an appeal undercut her case.

FIFTH, she claims that Mr. Klayman violated RULE 1.7 because he used her case for his purposes. Leaving aside the rather vague nature of those charges, Mr. Klayman says that his only motivation was to help her as a friend because she was in trouble and had other problems. He would be willing to disclose these other problems to you if Ms. Sataki waives her attorney-client privilege. After all, we do not want a situation where the OBC seeks to discipline Mr. Klayman in this case because he used what the OBC later claims is information protected by Rule 1.6. Since Mr. Klayman will not be talking to Ms. Sataki about this case, the OBC should ask for this waiver.

SIXTH, Ms. Sataki says Mr. Klayman violated RULE 3.3 because he was dishonest in telling people he was her lawyer when he was not her lawyer. Mr. Klayman has told me that he never told people he was her lawyer after she discharged him. He (and her union representative) tried to contact her unsuccessfully to ask her if he wanted to appeal. Her complaint⁷ says that her brother told Mr. Klayman to terminate the representation, but the caller did not identify himself as her brother, Mr. Klayman would not recognize the brother's voice, and her brother did not represent that he was her agent with authority.⁸

I am troubled that the OBC has sat on this case for nearly six years and another one involving Mr. Klayman for nearly eight years. In my view, the complaint of Oct. 20, 2011 should be dismissed, particularly under these circumstances. The OBC has not even asserted that it learned something in the intervening years to justify reopening this old complaint.

Sincerely,

Ronald D. Rotunda
Doy & Dee Henley Chair and Distinguished Professor of Law

⁷ I refer to the complaint as “her complaint” but I do not mean to imply that she wrote it. Mr. Klayman tells me that when he knew her, her English was not good enough to draft a complaint like this one.

⁸ Mr. Klayman has met her brother once, but does not know him well enough to recognize her voice, and he has met her mother once. Both times, he met them at the residence of Ms. Sataki, because the mother and the brother invited him — they wanted to meet the lawyer who was representing their sister/daughter. Ms. Sataki claims that he showed up “unannounced.” If she is telling the truth it is only because she did not talk to her brother or mother on this matter.



Date: May 30, 2018

Case: In The Matter Of: Larry E. Klayman



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In The Matter Of: Larry E. Klayman
May 30, 2018

Page 1

DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. :

- - - - - X

Wednesday, May 30, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

In The Matter Of: Larry E. Klayman
May 30, 2018

Page 2	Page 4
1 Hearing, taken at the Board on Professional	1 I N D E X
2 Responsibility, 430 E Street, NW, Washington, DC,	2 OPENING STATEMENTS: PAGE:
3 commencing at 9:28 a.m., before the Ad Hoc Hearing	3 By Mr. Smith 36
4 Committee, and before Kim M. Brantley, C.S.R., a	4 By Mr Sujat 42
5 Court Reporter and Notary Public in and for the	5 By Mr. Klayman 49
6 District of Columbia, when were present on behalf	6
7 of the respective parties:	7 WITNESS: DIRECT:
8	8 Ms. Elham Sataki 69
9 APPEARANCES:	9
10 AD HOC HEARING COMMITTEE:	10
11 WARREN ANTHONY FITCH, ESQUIRE	11
12 Chair	12
13 MS. MARY LARKIN	13
14 Public Member	14
15 MICHAEL TIGAR, ESQUIRE	15
16 Attorney Member	16
17	17
18 On behalf of the DC Attorney Disciplinary	18
19 System:	19
20 H. CLAY SMITH, III, ESQUIRE	20
21	21
22	22
Page 3	Page 5
1 APPEARANCES CONTINUED:	1 P R O C E E D I N G S
2 On behalf of Respondent:	2 (In the Matter of Larry E. Klayman, Bar
3 FREDERICK J. SUJAT, ESQUIRE	3 Docket No. 2011-D028.)
4 Law Office of Frederick J. Sujat	4 CHAIRMAN FITCH: This matter is before
5 1525 Windjammer Way	5 a hearing committee pursuant to Rule XI of the DC
6 Hollywood, Florida 33019	6 Court of Appeals governing attorney practice in
7 (954) 815-5221	7 the District of Columbia.
8 Email: fsujat@yahoo.com	8 I'm Tony Fitch. I'm the Chair of this
9 ALSO PRESENT:	9 ad hoc hearing committee.
10 LARRY E. KLAYMAN, ESQUIRE	10 I'd like to swear the court reporter at
11 Respondent	11 this time, if I may.
12	12 (Court Reporter sworn.)
13	13 CHAIRMAN FITCH: Let me ask the
14	14 members, other members of the hearing committee,
15	15 to introduce themselves, please.
16	16 MS. LARKIN: Hi, I'm Mary Larkin.
17	17 MR. TIGAR: Good morning. I'm Michael
18	18 Tigar.
19	19 CHAIRMAN FITCH: This hearing will be
20	20 an adversary proceeding to determine whether
21	21 discipline should be imposed on the Respondent.
22	22 All proceedings before the hearing

In The Matter Of: Larry E. Klayman
May 30, 2018

<p style="text-align: right;">Page 6</p> <p>1 committee are, by rule, open to the public. 2 In this proceeding the witnesses will 3 be examined under oath or affirmation. 4 May I have those present at counsel 5 table introduce themselves, please. 6 MR. SMITH: Clay Smith, on behalf of 7 the Office of Disciplinary Counsel. 8 MR. SUJAT: Good morning, your Honor. 9 My name is Frederick Sujat. 10 CHAIRMAN FITCH: Counsel for -- 11 MR. SUJAT: Counsel for Mr. Klayman, 12 the Respondent. 13 CHAIRMAN FITCH: We haven't previously 14 met. It's nice to meet you. 15 MR. KLAYMAN: And I'm Larry Klayman, 16 the Respondent, and currently serving in 17 transition to Mr. Sujat as co-counsel. As your 18 Honor has noted on one of his orders, it's 19 perfectly ok. 20 CHAIRMAN FITCH: We'll turn to 21 preliminary matters, if we may. Putting aside for 22 just a moment any supplicant matters, I anticipate</p>	<p style="text-align: right;">Page 8</p> <p>1 perfectly ok on counsels' table. 2 I imagine this morning we'll take one 3 break. But again, any time anybody wants to have 4 a break for one reason or another, stretch one's 5 legs for three minutes, or deal with some pressing 6 matter for a few minutes, just speak up. It's 7 really not a problem whatsoever. 8 Even though I hope to take only one 9 break this morning, I myself tend toward a bit of 10 a late lunch, like shooting toward 1:00 o'clock. 11 It just makes the afternoon a little bit easier. 12 But again, it doesn't make any 13 difference to me whether we break at noon or break 14 at 12:30 or break at 1:00 or anything else. I'm 15 open to hearing suggestions from anybody at the 16 appropriate time for any reason. 17 Mr. Smith, do you have any preliminary 18 matters? 19 MR. SMITH: No, no preliminary matters 20 from Disciplinary Counsel. 21 CHAIRMAN FITCH: Respondent's team, 22 preliminary matters?</p>
<p style="text-align: right;">Page 7</p> <p>1 and hope that we'll go pretty close to 5:00 2 o'clock today, if that's of any help in people's 3 planning, and I could be tempted to go even 4 somewhat later. 5 If anyone has any problems with that, 6 one should not hesitate to speak up, and that will 7 simply be the end of that possibility. 8 Tomorrow I may need to leave a bit 9 early, and so that consideration is what underlies 10 my thought that I might want to go a little bit 11 later this evening, depending upon how the 12 evidence is flowing and how schedules are looking. 13 It's pleasantly cool in here right now. 14 It's a little muggy outside, I couldn't help but 15 notice. I'm happy for things to be fairly 16 informal. This room has at times gotten a bit 17 warm, and if counsel want to doff their coats, 18 that's perfectly all right. We may do the same. 19 In fact I have no problem whatsoever 20 with business casual as well as business dress. 21 It's entirely up to the individuals. 22 Coffee and water and so on are</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. KLAYMAN: Yes, your Honor. 2 I'm introducing Mr. Sujat, but, because 3 we're in transition, I just met with Mr. Sujat for 4 the first time yesterday. He lives in Florida. 5 I'm spending most of my time in California these 6 days, and consequently, because your Honor and the 7 hearing committee wanted to proceed this week with 8 Ms. Sasaki, we would ask, you know, once the 9 petitioner presents its case, that there be time 10 for Mr. Sujat to be able to prepare with me to go 11 through all the different exhibits, which he 12 hasn't had a chance to do yet. 13 He has gone through the Specification 14 of Charges and preliminary matters, but we would 15 need time, and I would propose that this hearing 16 be reconvened at the time that we talked about in 17 July, July 2nd, to give him time. 18 I need time also to get Mr. Sporkin up 19 to speed, Judge Sporkin. I have met with him, but 20 he needs time to digest all the documents. 21 There are allegations, based upon the 22 expert here, that, you know, I didn't have a</p>

In The Matter Of: Larry E. Klayman
May 30, 2018

<p style="text-align: right;">Page 10</p> <p>1 reasonable chance of winning this case, and also</p> <p>2 dealing with other issues that we've gone through</p> <p>3 before. I'm not going to belabor that, but</p> <p>4 consequently we need time, respectfully, for Mr.</p> <p>5 Sujat to get up to speed, and consequently, for</p> <p>6 that reason, we would ask that the hearing be</p> <p>7 adjourned after they present their case and then</p> <p>8 reconvened at a point that's mutually agreeable to</p> <p>9 the different parties.</p> <p>10 CHAIRMAN FITCH: I think that</p> <p>11 adjourning for a few days at the end of</p> <p>12 Disciplinary Counsel's case is at least</p> <p>13 tentatively anticipated probably by everybody, and</p> <p>14 tentatively and implicitly -- maybe explicitly</p> <p>15 anticipated as a possibility in the hearing</p> <p>16 committee's order last week.</p> <p>17 So, we will address that. I think it's</p> <p>18 probably best addressed say at the beginning, as I</p> <p>19 mentioned in the order, at the beginning of Friday</p> <p>20 afternoon's session where you will have had a</p> <p>21 couple, two and a half days of proceedings.</p> <p>22 We will have some idea where we are if</p>	<p style="text-align: right;">Page 12</p> <p>1 involves some issues of an allegation that I</p> <p>2 sought a romantic relationship with the</p> <p>3 complainant.</p> <p>4 If I am compelled to do</p> <p>5 cross-examination, I want to make it clear that</p> <p>6 I'm serving as both a lawyer and as a Respondent</p> <p>7 and as a witness.</p> <p>8 I don't want to seem like I'm being</p> <p>9 heavy handed, you know, in a case like this where</p> <p>10 that issue is out there with a woman, which I</p> <p>11 respect. As I said, Gloria Allred is a friend of</p> <p>12 mine.</p> <p>13 So consequently, that's why we need the</p> <p>14 additional time, in part, because I've got to get</p> <p>15 Mr. Sujat up to speed, and I don't think, even</p> <p>16 though this is a judge-trying case in a way, that</p> <p>17 it puts me at a disadvantage in having to be very</p> <p>18 assertive with Ms. Sataki, because I'm looking --</p> <p>19 in terms of demeanor and everything else, and it</p> <p>20 gets melded together.</p> <p>21 So I would hope that we'd have more</p> <p>22 time than just a few days after this case ends.</p>
<p style="text-align: right;">Page 11</p> <p>1 we address it at the beginning of Friday</p> <p>2 afternoon's session and then have -- by then</p> <p>3 Disciplinary Counsel's case might be over with. I</p> <p>4 don't know.</p> <p>5 But even if we proceed on Friday</p> <p>6 afternoon addressing that issue, at the beginning</p> <p>7 of Friday afternoon we will give everybody a</p> <p>8 little time to have some noodling time over that,</p> <p>9 even though other work will be going on as well.</p> <p>10 So that's the way we're going to</p> <p>11 proceed.</p> <p>12 There probably won't be any need for</p> <p>13 it, but there will be a rule on witnesses in this</p> <p>14 matter, and it is entirely the obligation of</p> <p>15 counsel to check and be sure that the rule on</p> <p>16 witnesses is being complied with.</p> <p>17 Mr. Smith, do you want to do an opening</p> <p>18 statement?</p> <p>19 MR. KLAYMAN: Your Honor, may I raise a</p> <p>20 few other things?</p> <p>21 CHAIRMAN FITCH: Oh, sure.</p> <p>22 MR. KLAYMAN: Ok. This is a case which</p>	<p style="text-align: right;">Page 13</p> <p>1 If you can't do it until early July, you know,</p> <p>2 when initially you were all free, then at least a</p> <p>3 couple of weeks to regroup so I can go through</p> <p>4 everything with him and get Mr. Sporkin up to</p> <p>5 speed, Judge Sporkin up to speed, too.</p> <p>6 As you know, regrettably, Professor</p> <p>7 Rotunda died recently. There is expert testimony</p> <p>8 being provided by the petitioner here, and it's</p> <p>9 important that I have my expert, as well. It's</p> <p>10 just a matter of fairness and due process.</p> <p>11 Then there is another issue here is</p> <p>12 that, the witness that's listed by Mr. Smith, the</p> <p>13 petitioner, the investigator, Kevin O'Connor, I</p> <p>14 have no idea what he's going to say, and all it</p> <p>15 says is he's testifying with regard to publicity.</p> <p>16 Any of his testimony is most likely</p> <p>17 hearsay, rank hearsay. He wasn't involved in this</p> <p>18 matter. What he allegedly learned he learned in</p> <p>19 talking to people.</p> <p>20 So I would request an opportunity to be</p> <p>21 able to depose Mr. O'Connor to see where he's</p> <p>22 going to testify to prevent unfair surprise,</p>

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<p style="text-align: right;">Page 14</p> <p>1 because I just don't know where he's going on 2 this.</p> <p>3 So, those are some issues up front and 4 the hiatus would give me an opportunity to learn 5 more about what he's going to say so I can prepare 6 and Mr. Sujat can prepare. Because we have no 7 idea what he's going to say.</p> <p>8 The statement on the witness list says, 9 "Mr. O'Connell, an investigator employed by the 10 Office of Disciplinary Counsel, will testify about 11 his investigation and Respondent's published 12 articles concerning his representation of Ms. 13 Sataki." I mean, that's all going to be hearsay 14 testimony, your Honor, and we don't know anything 15 about that testimony. It just doesn't seem to 16 make sense that he'd be testifying about that.</p> <p>17 So, we need that time, and it's 18 important, because, as I said, I retained Mr. 19 Sujat recently and I had been looking for counsel 20 and we had interim cases. It wasn't that it was 21 delayed because I was looking for counsel, but I 22 needed to find somebody who, at low cost, could</p>	<p style="text-align: right;">Page 16</p> <p>1 CHAIRMAN FITCH: If I may address these 2 points: with respect to your point about 3 cross-examination, I've determined, with a 4 reasonable degree of assurance, that there's no 5 one sitting behind this table with me who is a 6 shrinking violet, and I think we know that 7 cross-examination needs to be very explorative 8 many, many times.</p> <p>9 Any kind of cross-examination, and I 10 speak as a former witness, can be unpleasant, and 11 some cross-examinations are more difficult for the 12 witness and for counsel than others.</p> <p>13 So, you can rest assured that your 14 proper cross-examination, even if intensive, is 15 not going to be curtailed so long as it is 16 reasonable in length, and we certainly expect that 17 a good deal of latitude will be provided in that 18 regard.</p> <p>19 With respect to the expert witness, I 20 think I've addressed that already. We'll be able 21 to revisit that on Friday afternoon, or before, if 22 people want to. Again, it's perfectly all right.</p>
<p style="text-align: right;">Page 15</p> <p>1 represent me, because I can't afford, you know, 2 \$2- \$350,000 in legal fees here.</p> <p>3 So, that's very, very important. I 4 wanted to stress that.</p> <p>5 And then, of course, we'll have to, 6 based on the testimony, you know, schedule our 7 witnesses and such.</p> <p>8 Your Honor has given us until Friday 9 with regard to remote testimony, and we'll comply 10 with that order and give you a motion on that.</p> <p>11 So I just ask for flexibility here on 12 fairness and due process, and equal protection.</p> <p>13 So, that's my suggestion, and it's 14 difficult -- as you know, I've been a lawyer for 15 40 years, been in good standing with the Bar for 16 that period of time, and other bars. It's hard to 17 be co-counsel and a Respondent at the same time. 18 It creates an inherent conflict and, you know, I'm 19 appearing in two different roles, which can be 20 misinterpreted --</p> <p>21 CHAIRMAN FITCH: If I may -- 22 MR. KLAYMAN: If you know what I mean.</p>	<p style="text-align: right;">Page 17</p> <p>1 With respect to the investigator's 2 testimony, we'll have to see what the investigator 3 has to say. If it's hearsay, we'll have to take 4 that into consideration under the rules, but the 5 rules in large part prohibit me from excluding 6 hearsay testimony.</p> <p>7 I didn't write the rules, I may not 8 like the rules, but that is the rule, broadly, 9 broadly speaking, and with possible exception of, 10 in some circumstances, what's provided for in 11 another rule, and I'm referring in particular to 12 Rule XI.3 and the possible effect of Rule XI.3, of 13 Rule VII.16(a).</p> <p>14 With respect to remote testimony, we'll 15 get there when we get there on Friday.</p> <p>16 It would be preferable to receive that 17 motion, if it is to be filed, before we adjourn on 18 Friday. I'm not sure I can force you to do that, 19 given my order. I should have thought about that 20 at the time, but in addition to receiving the 21 motion, all of us might want to hear more argument 22 on that motion, and you might want to comment on</p>

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<p style="text-align: right;">Page 18</p> <p>1 that motion.</p> <p>2 If we don't get that motion until after</p> <p>3 we adjourn, we either come back on Monday, or we</p> <p>4 have more argument. So I have to leave that to</p> <p>5 you.</p> <p>6 I should have thought that out a little</p> <p>7 bit more beforehand. I apologize.</p> <p>8 Mr. Smith, opening statement.</p> <p>9 MR. SMITH: Yes, but before I do that,</p> <p>10 there was one preliminary matter I wanted to bring</p> <p>11 to the hearing committee's attention.</p> <p>12 Last Thursday afternoon I received from</p> <p>13 my witness, Ms. Sataki, a compendium of emails</p> <p>14 that I had not previously been given from her</p> <p>15 which reflect what was taking place during the</p> <p>16 course of the period in issue before us. These</p> <p>17 are emails that were exchanged between herself and</p> <p>18 Mr. Klayman.</p> <p>19 After my secretary had prepared them</p> <p>20 and put them in one package Friday morning, I</p> <p>21 emailed them to Respondent's counsel. And, out of</p> <p>22 a spirit of cooperation -- and certainly I'm sure</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. SMITH: I have taken the liberty of</p> <p>2 putting them together and we have selected 38 that</p> <p>3 we would like to have introduced at some point.</p> <p>4 Again these documents are email</p> <p>5 exchanges between Respondent and Ms. Sataki, so he</p> <p>6 presumably is aware of them as he authored many of</p> <p>7 them.</p> <p>8 Some of the documents that we received</p> <p>9 were duplicative and, you know, were already part</p> <p>10 of our exhibits, but there were others that were</p> <p>11 clear copies of things that we had and others that</p> <p>12 showed email exchange in place of some of the</p> <p>13 conversations in context.</p> <p>14 MR. KLAYMAN: If I may respond.</p> <p>15 CHAIRMAN FITCH: You may of course.</p> <p>16 But give me one minute.</p> <p>17 (Brief pause.)</p> <p>18 CHAIRMAN FITCH: I'll hear from the</p> <p>19 Respondent's team.</p> <p>20 MR. KLAYMAN: Your Honor, as we set</p> <p>21 forth previously, we believed that we hadn't been</p> <p>22 provided all of the documentation that Bar Counsel</p>
<p style="text-align: right;">Page 19</p> <p>1 that the Respondent and his counsel were</p> <p>2 surprised, as I was, to receive these emails.</p> <p>3 They are relevant to these proceedings, and I</p> <p>4 guess I should ask the hearing committee for some</p> <p>5 guidance with respect to whether or not these</p> <p>6 documents may be received during our case in chief</p> <p>7 or whether it's something that the committee wants</p> <p>8 to think about.</p> <p>9 But I have with me the emails that I</p> <p>10 received, the cover letter at least, and our</p> <p>11 transmittal of the documents to Respondent and his</p> <p>12 counsel, forwarded to Respondent's counsel on</p> <p>13 Friday. I have taken copies and given them</p> <p>14 supplemental exhibit numbers, and I'm sure that</p> <p>15 Respondent has something to say about all that,</p> <p>16 and, you know, I'd be happy to respond, but at</p> <p>17 this point I do have copies of the cover email to</p> <p>18 let him know if --</p> <p>19 Do you need to see these?</p> <p>20 CHAIRMAN FITCH: Well, one thing</p> <p>21 Respondent knows that I don't know is what</p> <p>22 quantity of material we're talking about.</p>	<p style="text-align: right;">Page 21</p> <p>1 had or had access to timely, and this confirms it.</p> <p>2 I'll get to what Mr. Smith is talking about now,</p> <p>3 but before that he also sent to Mr. Sujat, late</p> <p>4 last week, a thumb drive that contains</p> <p>5 correspondence between me and Bar Counsel.</p> <p>6 Now this case is eight years old. As</p> <p>7 I've said before a lot of information was</p> <p>8 discarded or lost. A lot of evidence was</p> <p>9 discarded or lost. And that's why I asked for all</p> <p>10 these communications. I thought the case had been</p> <p>11 dismissed because both Florida and Pennsylvania</p> <p>12 had dismissed it eight years ago, and didn't keep</p> <p>13 that stuff.</p> <p>14 We didn't get a thumb drive until last</p> <p>15 Friday. And then, knowing that I was in</p> <p>16 California and I'm the one who is knowledgeable</p> <p>17 about this case, not Mr. Sujat -- he hadn't been</p> <p>18 even brought up to partial speed at that time --</p> <p>19 it was sent to him. So I didn't get it until</p> <p>20 Saturday morning, and I haven't had a chance to</p> <p>21 look at all of that stuff yet.</p> <p>22 But these emails, to come in at the</p>

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<p style="text-align: right;">Page 22</p> <p>1 last minute. And in fact Bar Counsel claims that 2 they got it on the 24th. They could have filed a 3 motion last week in terms of having this material 4 used. It catches us by surprise and I would ask 5 that it be excluded, because the witness lists 6 have been provided, the exhibit lists were 7 provided, the disks were provided.</p> <p>8 To come in at this point with that 9 information, and particularly to try to use it 10 today, would be totally unfair and improper.</p> <p>11 They never even filed a motion last 12 week with regard to it, to put you on notice, 13 rather than just coming in here and trying to 14 create a fait accompli that we've got all this 15 stuff.</p> <p>16 Some of this stuff is highly 17 prejudicial, and some of it needs to be -- I need 18 to be able to object in advance, as we do with 19 exhibits as to whether it comes in.</p> <p>20 So I would ask that it not be provided 21 to the hearing committee, but give me an 22 opportunity to go through it.</p>	<p style="text-align: right;">Page 24</p> <p>1 committee now would be highly prejudicial.</p> <p>2 And that's why I've also advocated 3 that, after they finish their case, based upon the 4 evidence that's before us now, that we take a 5 break and figure out what to do generally about 6 getting Mr. Sujat up to speed, about dealing with 7 this other stuff and how to proceed. We need a 8 reasonable period of time to prepare. And that's 9 only just.</p> <p>10 You know, and again, I respect this 11 committee. I respect the DC Bar. I've been a 12 member in good standing continuously for 13 thirtysomething years, 38 years or so, but I need 14 an opportunity to defend myself, because these are 15 very heavy allegations that are not true. I need 16 to be able to at least present my case with proper 17 preparation.</p> <p>18 It's not right to spring this on at the 19 last minute like this, right before the hearing. 20 It also violates the rules, and it violates your 21 order, your Honor.</p> <p>22 CHAIRMAN FITCH: Mr. Smith, let me turn</p>
<p style="text-align: right;">Page 23</p> <p>1 We didn't get it until Friday of last 2 week. This isn't fair. And particularly in light 3 of the fact that we're now eight years into this 4 case, the evidence will show that, even after Ms. 5 Sataki filed her complaint in 2010, she didn't 6 communicate with Bar Counsel for three and a half, 7 four years, and in fact there are internal 8 policies in the letter that was given to her that 9 said that, "If we don't hear from you, we will 10 assume you're not proceeding with the case."</p> <p>11 All of a sudden the case gets 12 resurrected from the dead in 2016 for what I've 13 maintained were improper reasons, generally to get 14 into here.</p> <p>15 But this whole proceeding, the way it's 16 been handled by Bar Counsel, is just 17 inappropriate, and to spring this on everybody now 18 is inappropriate, and I would ask that this 19 information be excluded. There were time periods 20 to present evidence and there were time periods to 21 be able to object. I haven't had a chance to do 22 that. And to just give it to the hearing</p>	<p style="text-align: right;">Page 25</p> <p>1 to the thumb drive issue first.</p> <p>2 Was there anything in the thumb drive 3 that was not previously in your files?</p> <p>4 MR. SMITH: No, sir.</p> <p>5 CHAIRMAN FITCH: Mr. Klayman, I share 6 your concern about new group of documents, and I 7 certainly am not going to rule right now that they 8 are going to be admitted or heard.</p> <p>9 As Mr. Tigar pointed out to me in Rule 10 VII.19 is applicable here, and whether to allow 11 the admission of or testimony about the group of 12 emails that we're now discussing is in the 13 discretion of the hearing committee chair, and, in 14 eventually exercising that discretion, this 15 hearing committee chair is going to consult with 16 the other two members of the hearing committee, as 17 well.</p> <p>18 So, Mr. Smith, when you get to the 19 point where those documents might in your view 20 come into play in the natural course of things, 21 you need to give us a heads up and we'll discuss 22 it further. For example, it might be that all</p>

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<p style="text-align: right;">Page 26</p> <p>1 those emails pertain to one or two areas of</p> <p>2 concern. You could sort of, if that's the case,</p> <p>3 identify for yourself when those areas of concern</p> <p>4 are being reached.</p> <p>5 Speaking of areas of concern, I think I</p> <p>6 did not address the investigator's testimony issue</p> <p>7 that you raised, and there we'll have to see what</p> <p>8 the investigator is going to testify about. It</p> <p>9 might be hearsay, it might not be hearsay. We'll</p> <p>10 just have to see.</p> <p>11 MR. TIGAR: May I add something, Mr.</p> <p>12 Chair?</p> <p>13 CHAIRMAN FITCH: Yes.</p> <p>14 MR. TIGAR: With respect to the</p> <p>15 investigator's testimony, some of those hearsay</p> <p>16 issues of course are resolved, if we were using</p> <p>17 the federal rules of evidence, by Rule 803,</p> <p>18 Subdivision 8, and of course you'll have the</p> <p>19 opportunity to test the credibility of any</p> <p>20 declarants upon which you would rely in Rule 806,</p> <p>21 if you were in federal court.</p> <p>22 But I share with the Chair this concern</p>	<p style="text-align: right;">Page 28</p> <p>1 potential witness?</p> <p>2 Someone wanted to make a comment.</p> <p>3 Mr. Klayman?</p> <p>4 MR. KLAYMAN: Yes. This points to an</p> <p>5 issue, to the gist of unfair surprise, but as Mr.</p> <p>6 Tigar said, following accepted norms with respect</p> <p>7 to pretrial procedure and discovery.</p> <p>8 Now some of this material may actually</p> <p>9 be helpful to me. I haven't had a chance to take</p> <p>10 a look at it. But, on the other side of the coin,</p> <p>11 you can't just come in on the day of trial and try</p> <p>12 to jam this stuff forward. And that's why I asked</p> <p>13 that the hearing committee not look at it until I</p> <p>14 have an opportunity to look at it --</p> <p>15 CHAIRMAN FITCH: No, we're not going</p> <p>16 to.</p> <p>17 MR. KLAYMAN: -- and see what it is.</p> <p>18 CHAIRMAN FITCH: We're not going to.</p> <p>19 We have not seen it.</p> <p>20 MR. KLAYMAN: And I don't understand</p> <p>21 why, given the fact that we were doing this</p> <p>22 transition, it was clear that Mr. Sujat was not</p>
<p style="text-align: right;">Page 27</p> <p>1 that nobody at this proceeding should get</p> <p>2 confronted with testimony that they can't</p> <p>3 effectively challenge with cross-examination.</p> <p>4 And Mr. Chair, with respect to the</p> <p>5 belated production here, for whatever my vote is</p> <p>6 going to be worth here, I'll be looking to the</p> <p>7 balancing test under Federal Rule of Civil</p> <p>8 Procedure 37, which deals with the obligation of a</p> <p>9 party to make discovery and with the question of</p> <p>10 the circumstances under which the sanction of</p> <p>11 exclusion can be used, because the federal courts</p> <p>12 take seriously the failure to make discovery in a</p> <p>13 timely way.</p> <p>14 CHAIRMAN FITCH: And if I may add here,</p> <p>15 that is usual guidance. The dynamic here is</p> <p>16 somewhat different because of the difference in</p> <p>17 the evidentiary rules between the federal system</p> <p>18 and this system.</p> <p>19 MR. TIGAR: Oh, yes, I understand that.</p> <p>20 I mean, this is guidance, not control.</p> <p>21 CHAIRMAN FITCH: May I assume that the</p> <p>22 gentleman who entered the room just now is not a</p>	<p style="text-align: right;">Page 29</p> <p>1 going to be up to speed, why even the thumb drive</p> <p>2 was sent to Florida rather than to me, at which</p> <p>3 point I had to get it Saturday morning as I was</p> <p>4 leaving to come here.</p> <p>5 CHAIRMAN FITCH: Well, he did enter an</p> <p>6 appearance of counsel.</p> <p>7 MR. KLAYMAN: Yes.</p> <p>8 CHAIRMAN FITCH: But there's been --</p> <p>9 MR. KLAYMAN: That's the equity that</p> <p>10 I'm talking about, the fairness.</p> <p>11 CHAIRMAN FITCH: The Respondent's team</p> <p>12 has also made some observations this morning and</p> <p>13 previously about the length of time in which this</p> <p>14 case has been pending.</p> <p>15 This committee has no jurisdiction over</p> <p>16 why the case has taken as long as it has or the</p> <p>17 reasons, if any, why it was brought. That's a</p> <p>18 matter purely for the Board.</p> <p>19 This committee is obligated to</p> <p>20 consider, as the evidence comes in, whether a</p> <p>21 passage of length of time is affecting the</p> <p>22 presentation of testimony because of lost memories</p>

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<p style="text-align: right;">Page 30</p> <p>1 or otherwise. We're not allowed to rule upon 2 that, but we are obligated, required to report on 3 any observations that we have in that regard. 4 This is a legal question that, for us, 5 as in all the legal questions here, we make only 6 recommendations. The Board makes the 7 determination. 8 But the Respondent's team absolutely is 9 entitled in its closing argument and/or in its 10 briefing to point out the ways, if any, in which 11 the passage of time or other circumstances have 12 affected the presentation of testimony. 13 I suppose, if those points are made, 14 Mr. Smith will do rebuttal on them. We'll take it 15 under consideration and we'll make our report. 16 MR. KLAYMAN: One other point here... 17 Your Honor is aware of my position that 18 this case was brought for an improper purpose. 19 I'm not going to belabor that. It's not what I'm 20 talking about now. But we have, sitting in the 21 room here today, Mr. James Peterson, who is from 22 my former group, Judicial Watch, who I've had a</p>	<p style="text-align: right;">Page 32</p> <p>1 this troubles me, and I'm concerned that they 2 could try to use things that Ms. Sataki said and 3 others say to try to harm me. 4 Mr. Peterson shows up at nearly every 5 case that I'm involved in for Freedom Watch, and I 6 believe it's an intimidation tactic, too. 7 I'm a big boy and I can defend myself. 8 And I believe in myself and what I do, being 9 ethical, but that's part of the problem I have 10 here with regard to the things that are going on 11 with Bar Counsel, including this last-minute 12 document thing. And it confirms what I've said, 13 that I wasn't given all the documents. It 14 confirms that. Ok? 15 So I just raise these issues here. You 16 know, I'm prepared to defend this on the merits, 17 but there are other things swirling around here 18 that I don't think completely meet your eye yet. 19 CHAIRMAN FITCH: Well, with respect to 20 the -- if I may so call them, the "new emails," 21 Mr. Smith will have to provide further explanation 22 than he has so far, either through the</p>
<p style="text-align: right;">Page 31</p> <p>1 lot of contentious relationship with over the last 2 14 years. And, you know, I wonder how he learned 3 of this case going forward today. It wasn't 4 something out there in the public domain. How 5 Judicial Watch learned it, I have been very 6 contentious with them. 7 So that's another reason why 8 documentation which they may seek to use against 9 me in some way and other things that are being 10 said, there's an issue here. And because we have 11 been at loggerheads. 12 I got a judgment against them in Miami 13 back in 2014, which is my home, in South Florida, 14 against them for malicious defamation, for 15 defaming me; \$181,000, plus punitive -- including 16 punitive damages. 17 It's very hard to get that kind of a 18 judgment with a public figure. I'm a public 19 figure. 20 So, this is -- you know, was Mr. 21 Peterson tipped off by Bar Counsel? I mean, it's 22 not something which is generally out there, and</p>	<p style="text-align: right;">Page 33</p> <p>1 presentation of some evidence or through some 2 representations. 3 As to your question about this 4 gentleman -- I apologize. I've forgotten his name 5 already -- 6 MR. KLAYMAN: Peterson. 7 CHAIRMAN FITCH: That's beyond the ken 8 of this committee and I leave it to Mr. Smith -- I 9 have to leave it to Mr. Smith to deal with, 10 address, or not address the point that you raise. 11 If there's nothing further, how about 12 opening statements? 13 MR. SMITH: And if I may comment on the 14 gentleman in the back, if I've met him before I 15 have no recollection of meeting him before, and if 16 the hearing committee sees fit and Respondent 17 insists upon it -- I mean, how he learned about 18 this hearing I would imagine is because these are 19 matters of public record. But I have never spoken 20 to him about this matter and, if they want 21 something on the record about that, you know, 22 that's up to the hearing committee.</p>

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<p style="text-align: right;">Page 34</p> <p>1 But I just have to say, I don't -- I've 2 never met this gentleman before, at least I don't 3 recall ever having met this gentleman before, and 4 I certainly didn't notify him or Judicial Watch 5 that a hearing was taking place today. 6 MR. KLAYMAN: And if I might add in 7 there, just briefly, there are other people in Bar 8 Counsel's office that may have: Deputy Bar 9 Counsel, Bar Counsel. 10 CHAIRMAN FITCH: As I said, I have no 11 choice but to leave it to Mr. Smith and the Board. 12 MR KLAYMAN: Let me add just one other 13 thing, just briefly, is that Bar Counsel, Hamilton 14 Fox, when I was going through severance 15 negotiations with Judicial Watch, was with 16 Sutherland, Asbill and Brennan, and Sutherland 17 Asbill and Brennan negotiated my severance 18 agreement. Their partner, Herb Beller -- you may 19 know Mr. Beller -- and Mr. Hamilton Fox actually 20 defended a deposition that Judicial Watch had 21 noticed with regard to my dispute on breaching the 22 severance agreement. I brought a case over that.</p>	<p style="text-align: right;">Page 36</p> <p>1 two and two equals four, and that's what I'm 2 saying here. 3 I don't know if you read some of the 4 pleadings, but I've made -- it's been my 5 position -- 6 CHAIRMAN FITCH: It must be nice to be 7 a whipper snapper of 67. I envy you. 8 MR. KLAYMAN: Thanks, I know. But it's 9 not that young. I've been around a long time. As 10 my grandmother used to say, "I wasn't born 11 yesterday." 12 OPENING STATEMENT BY DISCIPLINARY COUNSEL: 13 BY MR. SMITH: 14 MR. SMITH: Good morning, members of 15 the committee. 16 You all have the read the Specification 17 of Charges in this case and you've also seen the 18 Bar exhibits that have been previously submitted, 19 so I think you have a pretty good idea of what 20 this case is about. 21 Ms. Sataki will testify that she 22 retained Respondent to represent her in an</p>
<p style="text-align: right;">Page 35</p> <p>1 So, you know, there is an involvement 2 here with Judicial Watch that unfortunately seems 3 to now be infecting this proceeding, which it 4 shouldn't, and it's not just Mr. Smith, whether he 5 talked to somebody, but did Bar Disciplinary 6 Counsel, Deputy Bar Disciplinary Counsel, 7 Elizabeth Herman, who signed the Specification of 8 Charges, who has shown hostility to me, or other 9 Deputy Bar Counsel Julia Porter has shown 10 hostility to me, doesn't mean that this wasn't 11 orchestrated in some way. 12 CHAIRMAN FITCH: Again, that's the 13 business of the Board. There's nothing I can do 14 about it one way or the other. 15 MR. TIGAR: I would add that the 16 pendency of this proceeding and the date and place 17 where it's to be held is on the Bar website. 18 Anybody could find it. It says "In Re: Larry 19 Klayman." 20 MR. KLAYMAN: If you're looking for it, 21 yes. I'm just saying -- I'm old enough, I'm 66, 22 I'm going to be 67 in July, that I -- sometimes</p>	<p style="text-align: right;">Page 37</p> <p>1 employment-related matter with her job at the 2 Voice of America. She had wanted this case to be 3 prosecuted simply and quietly because of her 4 concerns that people in her community would take 5 allegations of sexual harassment a little stronger 6 than they might be perceived in other communities. 7 Respondent undertook this case and 8 attempted to kill a fly with a shotgun. As you 9 have seen in some of the pleadings that have been 10 filed, this became a rather large and 11 unnecessarily complex litigation. 12 There were aspects of the case that had 13 nothing to do with Ms. Sataki's claim. The 14 addition of Hillary Clinton was not a necessary 15 witness in this case, and, as I think it would 16 become obvious, the reason that Hillary Clinton 17 was identified as a witness was to give this case 18 a little more juice, to play into a narrative that 19 was unnecessary for the prosecution of this case 20 and that did not benefit Ms. Sataki at all. 21 During the course of the 22 representation, through no fault of her own, the</p>

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<p style="text-align: right;">Page 38</p> <p>1 Respondent began to have romantic feelings towards 2 her. These feelings were not reciprocated. But 3 during the course of the representation, the 4 desires of Mr. Klayman to have a personal 5 relationship with Ms. Sataki became more and more 6 obvious, more and more frustrating for Ms. Sataki, 7 more and more unbearable for Ms. Sataki. 8 She will testify about specific 9 instances where Mr. Klayman exhibited bouts of 10 jealousy, where Mr. Klayman berated her and where 11 Mr. Klayman humiliated her because of her 12 relationships that did not involve him. 13 The evidence will show that Ms. Sataki 14 became so frustrated with the continued pursuit of 15 her, a pursuit, by the way, which included Mr. 16 Klayman's attempt to recruit a psychologist who 17 was treating Ms. Sataki for the sexual harassment 18 she had suffered while at the Voice of America to 19 advocate on his behalf, to understand his emotions 20 towards her and his frustrations with her refusal 21 to have a more intimate relationship with him. 22 Ultimately Ms. Sataki grew tired of the</p>	<p style="text-align: right;">Page 40</p> <p>1 publications in a periodical known as the World 2 Daily Net. And in these articles, Mr. Klayman not 3 only talked about Ms. Sataki's case, but he talked 4 about it in the context of his professional 5 prowess and also in the context of his efforts to 6 sell a book that he had written. 7 One of the articles characterizes the 8 judge who had handled the Sataki matter, Colleen 9 Kollar-Kotelly, as being dishonest and having 10 ulterior motives in the disposition of his 11 prosecution of her claim. He said that there were 12 no facts, no evidence or legal analysis which 13 supported the judge's decision. 14 The evidence will show that that was a 15 false statement, and we believe that that false 16 statement, which calls into question the integrity 17 of the judicial process, was dishonest and should 18 be viewed as such under the rules which prohibit 19 dishonesty in the District of Columbia. 20 That is what Disciplinary Counsel 21 intends to show during its case in chief. If the 22 hearing committee has any questions, I'd be happy</p>
<p style="text-align: right;">Page 39</p> <p>1 courtship and wanted only to focus on her case. 2 When it became clear to her that the conflict 3 between Mr. Klayman's desires to have a courtship 4 with her and the objectives of proceeding with her 5 case were not working, she terminated the 6 representation. 7 Notwithstanding the termination of the 8 representation, Mr. Klayman continued to contact 9 Ms. Sataki, and I think the evidence will show 10 that those communications became darker. They 11 became darker after it became clear that a 12 relationship between Respondent and Ms. Sataki was 13 not going to happen, was never going to happen, 14 and again, I think the evidence will show that the 15 relationship -- that the level of communications 16 became much darker and much more frustrating and 17 much more troubling to Ms. Sataki. 18 Also, after the representation had 19 ended, in addition to the continued communications 20 over her objections, Mr. Klayman continued to make 21 reference to a case that she had initially wanted 22 to be kept quiet. This was manifested in</p>	<p style="text-align: right;">Page 41</p> <p>1 to entertain them. 2 CHAIRMAN FITCH: I think there are no 3 questions. 4 I will venture an observation, that the 5 relevance of some of the anticipated evidence that 6 you listed doesn't leap right out at me. 7 MR. SMITH: I'm sorry, I didn't hear 8 you. 9 CHAIRMAN FITCH: It does not leap right 10 out at me. I'll leave that for you to address. 11 MR. SMITH: In what way? 12 CHAIRMAN FITCH: But I think we want to 13 be careful in of course deducing in the 14 complaining witness' testimony that there's not an 15 undue emphasis on alleged improprieties by the 16 Respondent. 17 We'll get there as we go along. 18 MR. SMITH: All right. Thank you, your 19 Honor. 20 CHAIRMAN FITCH: I don't want a soap 21 opera over the next few days. 22 Respondent's team, do you care to make</p>

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<p style="text-align: right;">Page 42</p> <p>1 an opening statement?</p> <p>2 OPENING STATEMENT BY COUNSEL FOR RESPONDENT:</p> <p>3 BY MR. SUJAT:</p> <p>4 MR. SUJAT: Good morning, your Honor,</p> <p>5 and members of the committee.</p> <p>6 CHAIRMAN FITCH: Good morning again.</p> <p>7 MR. SUJAT: My name is Frederick John</p> <p>8 Sujat. I am appearing before the Board as counsel</p> <p>9 for Mr. Larry Klayman, the Respondent in this</p> <p>10 proceeding.</p> <p>11 I do want to point out, I don't want to</p> <p>12 be too repetitive, but I didn't have a lot of time</p> <p>13 to prepare. I was just brought into this within</p> <p>14 the past week or so, and there's just voluminous</p> <p>15 material that I have been going through and still</p> <p>16 need to take a close look at that.</p> <p>17 But I am doing the best I can.</p> <p>18 MR. TIGAR: Well, you were a military</p> <p>19 JAG officer.</p> <p>20 MR. SUJAT: That's right.</p> <p>21 MR. TIGAR: It's been a lot of years</p> <p>22 since I've tried a general court martial, but I</p>	<p style="text-align: right;">Page 44</p> <p>1 Mr. Klayman was respected by U.S. regulators,</p> <p>2 foreign governments, and the many clients he</p> <p>3 successfully represented in antidumping and</p> <p>4 countervailing duty proceedings.</p> <p>5 Mr. Klayman believes very strongly in</p> <p>6 issues and he believes in his clients, and he</p> <p>7 represents them zealously, from everything I can</p> <p>8 see.</p> <p>9 Now, in this matter the complainant</p> <p>10 filed a complaint making various allegations</p> <p>11 without any objective independent of the issues.</p> <p>12 I think that's one of the basic issues here. And</p> <p>13 by the way, Mr. Klayman, after I'm done, will</p> <p>14 spend a little bit of time, you know, backing up</p> <p>15 what I'm saying here.</p> <p>16 But from everything that I have been</p> <p>17 able to see, Mr. Klayman provided zealous</p> <p>18 representations of the complainant in her sexual</p> <p>19 harassment claims against the Voice of America.</p> <p>20 This was a very difficult entity I could see to</p> <p>21 deal with.</p> <p>22 Mr. Klayman did not receive any</p>
<p style="text-align: right;">Page 43</p> <p>1 think you'll do just fine.</p> <p>2 MR. SUJAT: Ok. Thank you, sir.</p> <p>3 Yes, in fact, I have been a member of</p> <p>4 the Bar for many years. I retired after 30 years</p> <p>5 with the DC National Guard. I've been with the DC</p> <p>6 Bar since 1975. And, you know, during my time in</p> <p>7 the National Guard, I was a staff judge advocate</p> <p>8 general. That was basically like a general</p> <p>9 counsel for the National Guard and I reported</p> <p>10 directly to the commanding general. In the</p> <p>11 District of Columbia they call the head general</p> <p>12 the commanding general. All of the other</p> <p>13 jurisdictions they are the adjutant general.</p> <p>14 So, in any case, I've retired as a full</p> <p>15 colonel, and, you know, I continue to practice</p> <p>16 law.</p> <p>17 I have known Mr. Klayman for some time</p> <p>18 during my practice of law on international trade</p> <p>19 matters, and I find him to be passionate about</p> <p>20 free trade and promoting a level playing field for</p> <p>21 all participants.</p> <p>22 From my experience with Mr. Klayman,</p>	<p style="text-align: right;">Page 45</p> <p>1 payments from Ms. Sataki and he provided</p> <p>2 representation pro bono. If there was any mention</p> <p>3 or discussion of contingency fees in any of the</p> <p>4 record, that was only perspective and was not</p> <p>5 reduced to writing.</p> <p>6 The key point here is that Mr. Klayman</p> <p>7 was trying to get Ms. Sataki back to work. I</p> <p>8 mean, that was the basic objective and, again, Mr.</p> <p>9 Klayman was passionate in his representation, and</p> <p>10 he supported her claims and he just never left a</p> <p>11 stone unturned. I mean, he really worked very</p> <p>12 hard at this as an attorney should.</p> <p>13 Mr. Klayman even provided her with</p> <p>14 financial assistance, but he steered clear of any</p> <p>15 romantic involvement. He certainly cared deeply</p> <p>16 about her as a close friend, and, you know, I can</p> <p>17 say Mr. Klayman is, you know, very, very strong</p> <p>18 and supportive of his clients and unfortunately I</p> <p>19 guess it got to a point where Ms. Sataki did not</p> <p>20 appreciate his efforts and time on her behalf and</p> <p>21 she was recommended to seek other counsel. In</p> <p>22 fact, Mr. Klayman provided names of counsel for</p>

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<p style="text-align: right;">Page 46</p> <p>1 her to go to, but apparently she took no action.</p> <p>2 When she asked Mr. Klayman and Mr.</p> <p>3 Klayman became aware that she didn't want him to</p> <p>4 represent her, he stopped the representation</p> <p>5 immediately.</p> <p>6 There was another issue that came up:</p> <p>7 the use of the media. Well, I mean, use of media</p> <p>8 to pursue one's case has become the norm these</p> <p>9 days. I mean, you just turn on the nightly news</p> <p>10 programs and the commentaries and you see this.</p> <p>11 It was, you know, a strategy to use the</p> <p>12 media to prod the Voice of America to settle this</p> <p>13 case, and Ms. Sataki was supportive of these</p> <p>14 efforts.</p> <p>15 If you take a look at any of the</p> <p>16 communications at issue, you could see that Mr.</p> <p>17 Klayman said nothing harmful about her case, nor</p> <p>18 anything harmful about her, in fact quite to the</p> <p>19 contrary. He was very supportive of her and</p> <p>20 complimentary of her.</p> <p>21 And this is corroborated by witnesses</p> <p>22 of Respondent. And I think this is really</p>	<p style="text-align: right;">Page 48</p> <p>1 personal interests and the actions that he took in</p> <p>2 her best interest. And that was the key thing.</p> <p>3 He was working in her best interest, not in his</p> <p>4 interest at all, in getting the result that he was</p> <p>5 seeking, and that is, you know, basically to get</p> <p>6 her back to work and to right certain wrongs that</p> <p>7 were done.</p> <p>8 So, in my opinion, Larry did an</p> <p>9 excellent job in representing her and he did it in</p> <p>10 the best way he knew, the most effective way, and</p> <p>11 it was clear that, you know, Ms. Sataki, as time</p> <p>12 proceeded, as you can see from the evidence Ms.</p> <p>13 Sataki became uncooperative and unresponsive.</p> <p>14 This is shown by witnesses who were alive at the</p> <p>15 time. Her dissatisfaction and blame were not</p> <p>16 supported by the facts and really should not be</p> <p>17 given any weight.</p> <p>18 In fact, you know, she, from what we</p> <p>19 can see, continues to pursue her career as a</p> <p>20 newscaster.</p> <p>21 So, I just wanted to say that we ask</p> <p>22 that this matter be dismissed, as it was promptly</p>
<p style="text-align: right;">Page 47</p> <p>1 critical in this case, because there are a lot of</p> <p>2 allegations that are unsupported and self-serving</p> <p>3 from complainant. But complainant has offer no,</p> <p>4 that I've seen, contemporaneous witnesses the</p> <p>5 activity and the actions involved, whereas Mr.</p> <p>6 Klayman has those -- even eight years after this</p> <p>7 happened, he has people that were actually</p> <p>8 involved, you know, live witnesses, as to what was</p> <p>9 going on.</p> <p>10 So I think that really means a lot</p> <p>11 here, when someone brings an action, you know,</p> <p>12 like this, based upon, you know, basically just</p> <p>13 self-serving statements.</p> <p>14 You know, I don't want to get</p> <p>15 religious, but, you know, I believe in the wisdom</p> <p>16 of the Bible, and I know in the Bible you have to</p> <p>17 have two witnesses to support allegations that she</p> <p>18 made, and I don't see any such witnesses here for</p> <p>19 Ms. Sataki.</p> <p>20 And also this issue of conflict of, you</p> <p>21 know, there just is so support for that. Never</p> <p>22 was there a conflict between Mr. Klayman's</p>	<p style="text-align: right;">Page 49</p> <p>1 dismissed by the Pennsylvania and Florida bars.</p> <p>2 Thank you.</p> <p>3 Mr. Klayman.</p> <p>4 OPENING STATEMENT ON BEHALF OF RESPONDENT:</p> <p>5 BY MR. KLAYMAN:</p> <p>6 MR. KLAYMAN: Thank you, members of the</p> <p>7 committee.</p> <p>8 I'll be relatively brief because I'll</p> <p>9 be testifying in this case, and of course I'm</p> <p>10 wearing a lot of different hats here, which is</p> <p>11 regrettable.</p> <p>12 But I just want to give you an overview</p> <p>13 here, and that is that I met Ms. Sataki because I</p> <p>14 was representing many interests in the Iranian</p> <p>15 community. I believe in the Iranian freedom</p> <p>16 movement. Back in 2009 I had actually brought a</p> <p>17 lawsuit against the regime for murdering Akbar</p> <p>18 Mohammadi and torturing his brother, Manuchehr.</p> <p>19 They were the leaders of the student movement to</p> <p>20 try to overturn the regime and they were killed</p> <p>21 and then tortured in an Iran prison.</p> <p>22 I got to know others in the community</p>

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<p style="text-align: right;">Page 50</p> <p>1 and went to a demonstration on Capitol Hill where 2 we were protesting for Iranian freedom. It looked 3 like Iran could possibly change the regime at that 4 time, and Voice of America was going to be 5 possibly instrumental in that soon. 6 While I was there, there was a 7 newscaster, Ms. Sataki, who I learned was doing an 8 interview. I went over to her, I told her a 9 little bit about the case, asked if VOA was 10 interested in covering it, and left. 11 As I was leaving, she ran over to me 12 and gave me her card with her personal phone 13 number on it, not Voice of America, but her cell 14 phone number, and said, "Please call me." 15 Later I called her and the relationship 16 began in a personal way. We had invited her to 17 dinner at Clyde's in Georgetown, and during that 18 dinner she grabbed my hand and said, "Larry, I 19 have no money. Can you help me? I've been 20 sexually harassed." 21 And my heart went out to her. 22 The evidence will show that over the</p>	<p style="text-align: right;">Page 52</p> <p>1 million Iranians. People joke about it, they call 2 it "Tehrangeles," and so there that was the 3 logical place to try to get her to be situated. 4 At the beginning of the case, and 5 you're going to hear testimony, and this is what 6 Mr. Sujat is saying, is that we have actually 7 witnesses here, not just, you know, statements by 8 the litigants here, but we have actually 9 independent witnesses. The union representative 10 and president of the AFL-CIO, Tim Shamble, will be 11 testifying. And I immediately began working with 12 him, and he told me, he said, "This is a very 13 hostile agency. It's been ranked the worst in 14 government." He says, "They mistreat their 15 employees," and we became very close, Mr. Shamble 16 and I, and Ms. Sataki. We had various meetings to 17 conduct strategy. 18 I tried to settle the case. I didn't 19 want it to get into litigation, because I cared 20 about Ms. Sataki. I didn't want there to be undue 21 litigation here for litigation's sake. And it was 22 clear I was helping her as a friend. I never</p>
<p style="text-align: right;">Page 51</p> <p>1 course of time I was going through a difficult 2 period in my life, too, and I sympathized with 3 that. My heart went out to her. And I started to 4 care about her later deeply. And I did everything 5 I could to try to get her in a place where she 6 wouldn't feel like she was harassed. 7 And so, here's kind of the bottom line 8 here, which I'll testify to in depth, is that my 9 objective, because she didn't feel like she could 10 be in VOA headquarters over here with the alleged 11 harasser, was to get her back to work in the field 12 office of the Persian News Network at Voice of 13 America in Los Angeles. On Wilshire Boulevard 14 there is a federal building. They have an office 15 there. 16 Ms. Sataki had come from Los Angeles, 17 she -- although her English was not that good -- 18 and I don't mean that in a negative way, but she 19 had actually escaped Iran with her family and went 20 to Sweden. She's fluent in Swedish and Farci, not 21 as much in English. 22 So Los Angeles is the home of over a</p>	<p style="text-align: right;">Page 53</p> <p>1 asked for money. This only came up at the end 2 when she proposed that I get 40 percent. And I 3 said -- at that point we kind of cut it off, and 4 because -- then I recommended other counsel, 5 because I realized it was getting too personal. 6 I recommended to her Gloria Allred, who 7 is a friend of mine, and a lawyer named Tim Shea. 8 She didn't even ask me -- because I was 9 defraying some of the expenses. She was bankrupt. 10 She had no money. So to get her out of the 11 vicinity of DC, I actually used my own money and 12 rented an apartment for her -- she had the keys -- 13 paid for moving expenses and tried to help her as 14 best I could. 15 I've never asked for anything in 16 exchange, to this day. I've put out at least 17 \$15,000 in my own money, and I've never, ever 18 asked for that back. And testimony will bear that 19 out. 20 But here's what happened, and then I'll 21 move on. We tried to negotiate a solution. Voice 22 of America wouldn't put her back to work in Los</p>

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<p style="text-align: right;">Page 54</p> <p>1 Angeles. She was out in Los Angeles on leave at 2 the time. She had what appeared to be a nervous 3 breakdown, because she couldn't bear going back 4 there. She was offered an opportunity to go to 5 the Central News Bureau, which is mostly dealing 6 with Arabic countries. As you know Iranians are 7 Persians, generally, Kurds, Persians and others. 8 They're not Arabic. She didn't want to go back to 9 work there.</p> <p>10 The agency said, "Look, we'll make sure 11 that you're not in the same vicinity and that 12 you'll report to other people, not to this 13 newscaster that harassed you, you claimed." She 14 didn't want to do that. She had that opportunity. 15 She wanted to be in Los Angeles.</p> <p>16 And that's where her physicians were. 17 So I found a psychologist for her, two of them. I 18 got an apartment. I rented it for her. I paid 19 her moving costs. And we then sought to litigate. 20 And the litigation that occurred until the 21 relationship ended was all equitable. It was not 22 really going after damages. My goal was just to</p>	<p style="text-align: right;">Page 56</p> <p>1 different than me. I've been out there and made 2 contributions to former presidents and 3 presidential candidates, and I am a figure who's a 4 public figure who has advocated for conservative 5 and Libertarian principals and other things like 6 that. "I don't understand why Hillary Clinton is 7 even part of this." She was head of the Board of 8 Governors. Who else are you going to sue? And 9 there are cases that say you can sue the Board of 10 Governors and name individuals. There was a case 11 before Judge Huvelle in the federal court that 12 allowed a case to proceed in that regard. I 13 researched that.</p> <p>14 And I was trying by bringing the 15 so-called Bivens Act initially to say, "Hey, look, 16 this is what I've learned over the course of my 17 time." Mr. Sujat knows that, because we were 18 working together on international trade matters. 19 We worked together in my law firm. We had to make 20 it clear that if you made an illegal decision 21 against a client -- she was one of our clients -- 22 that there was personal accountability.</p>
<p style="text-align: right;">Page 55</p> <p>1 get her out there. I was representing her pro 2 bono.</p> <p>3 And a lot of the cases that I 4 brought -- or the cases I brought were strategic 5 and to try to get a settlement, and so, too, were 6 the articles that I wrote. And Mr. Shamble was 7 there. He knows that she approved the publicity. 8 She's a newscaster. She understands, you know, 9 the value of publicity. And as we all live in 10 Washington, D.C., we know that positive publicity 11 can drive a case and can influence decision 12 makers. It's an integral part of legal practice 13 these days. So that's what that was about.</p> <p>14 Now as far as Hillary Clinton -- and 15 this is why I say this case is being brought for a 16 purpose which is not transparent to this 17 committee -- Hillary Clinton happened to be the 18 head of the Board of Governors, the Secretary of 19 State. There were no personal allegations with 20 regard to Hillary Clinton...</p> <p>21 But there are those in Bar Counsel's 22 office, perhaps not Mr. Smith, who are politically</p>	<p style="text-align: right;">Page 57</p> <p>1 So I was trying to say to the Board of 2 Governors, "You have a personal responsibility 3 here in trying to get a settlement here."</p> <p>4 Now that's important. I'm not going to 5 belabor it further.</p> <p>6 The evidence will show -- I've got 7 witnesses, including Mr. Shamble, Mr. Key Dash, 8 whose brother worked for Voice of America in the 9 accounting department, from a prominent Iranian 10 family here. He will testify that he was present 11 and he saw that she approved the publicity.</p> <p>12 Mr. Shamble with testify to that. He 13 will prove that I acted properly towards her at 14 all times.</p> <p>15 We even tried to lobby senators on 16 Capitol Hill: Senator McCain, Speaker of the House 17 Boehner, Senator Coburn. Mr. Shamble was with me. 18 Ms. Sataki was aware of that. We tried every way 19 to settle it. Litigation was the last 20 alternative.</p> <p>21 And the fact that this agency is the 22 worst in government and doesn't want to treat its</p>

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<p style="text-align: right;">Page 58</p> <p>1 employees fairly is not my fault. I should not be 2 made the scapegoat because Ms. Sataki may be 3 unhappy that she's no longer with Voice of 4 America. 5 As far as Judge Kotelly is concerned, 6 I'm entitled to my viewpoint on whether there was 7 adequate evidence. And you'll see from the 8 pleadings, and this is why Mr. Sujat needs to 9 review them, and Mr. Sporkin, too, in a deeper 10 way. 11 I asked Mr. Sporkin at the time, Judge 12 Sporkin, who had been retired, I said, "What would 13 you do, your Honor?" And he said "Easy. I'd put 14 her back to work in LA. It's a chip shot." 15 There's a case called Wagner v. Taylor 16 where you want to preserve the status quo. He can 17 bring a case in federal court while the EEO 18 complaint is pending, and we had filed an Equal 19 Opportunity Commission complaint to ask the 20 federal judge to preserve the status quo so 21 nobody's hurt. 22 In this case Ms. Sataki was not asking</p>	<p style="text-align: right;">Page 60</p> <p>1 not sure I ever even saw the supplement at the 2 time, but on that supplement it says that 3 simultaneous complaints were being filed with my 4 other two bars, Florida and Pennsylvania. I 5 responded to all three at the same time. Florida 6 and Pennsylvania ultimately were dismissed. They 7 didn't find anything. 8 After those initial complaints, this 9 case sat for three, three and a half, maybe four 10 years in Bar Counsel's office. Ms. Sataki hadn't 11 contacted anybody. There are documents that are 12 part of my exhibits where Bar Counsel goes out to 13 try to find her. But there's also a letter that 14 was sent that said, "If we don't hear from you, we 15 assume that you are abandoning the case, after, 16 you know, the initial complaint, if you don't 17 respond to what Mr. Klayman provides." 18 She abandoned it. They brought it -- 19 they resurrected this for their purposes, not for 20 hers. 21 The supplemental complaint is written 22 by someone who appears to have, not just a great</p>
<p style="text-align: right;">Page 59</p> <p>1 for the harasser to be removed from Voice of 2 America. She was saying, "I'm willing to go to 3 Los Angeles. That's how we'll solve this." 4 Judge Sporkin told me, "Larry, that's 5 an easy question." 6 Judge Kotelly, without giving us a 7 hearing, a preliminary injunction hearing on the 8 evidence, accepted everything the government had 9 written, meaning Voice of America, and dismissed 10 everything that -- we had affidavits from 11 psychologists, from Mr. Shamble, from others at 12 Voice of America. Because I represented others at 13 Voice of America, too. They were having problems 14 there, other broadcasters in the Persian News 15 Network. And I had 17 pages when I moved for 16 reconsideration of Judge Kotelly of her factual 17 errors in the case. So I was on firm ground with 18 that, and you'll see that in the evidence. 19 But here's the bottom line -- you'll 20 hear my testimony in depth, and Mr. Sujat needs to 21 get up to speed on that -- but when this case was 22 filed, back in 2010, and later supplemented, I'm</p>	<p style="text-align: right;">Page 61</p> <p>1 command of English, if you look at the first 2 complaint and the supplemental complaint, it's 3 somebody who has some kind of legal knowledge. 4 It's not her. 5 And consequently, over the course of 6 time, when Judge Kotelly denied putting her back 7 to work when the EEO complaint was continuing 8 forward, it hadn't ripened into whether you could 9 file a Title VII action yet for sexual harassment, 10 we tried to contact Ms. Sataki, Mr. Shamble and I. 11 She was not communicative. That's why I was 12 calling, was to say, "Hey, you still have rights. 13 Even though Kotelly didn't put you back to work, 14 Judge Kotelly, you have rights once the 15 administrative complaint is over to proceed." 16 The documentation showing alleged 17 termination earlier was sent to the wrong address, 18 assuming they were sent at all. It wasn't my 19 address. The address was wrong. So I never got 20 that. And even an email communication that will 21 be in the record didn't appear to come from Ms. 22 Sataki. It wasn't in her way of talking and</p>

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<p style="text-align: right;">Page 62</p> <p>1 writing. So Mr. Shamble and I had to confirm 2 whether she wanted to proceed or not. 3 And during that time period, the 4 evidence will show that I couldn't let her rights 5 lapse. I would be committing malpractice. So I 6 had to protect her and move forward. 7 I even filed a Notice of Appeal with 8 regard to Ms. Sataki's order, because even though 9 she was denied a preliminary injunction, there was 10 still a prayer to get permanent injunctive relief 11 under Wagner. Taylor to put her back to work in 12 Los Angeles. 13 So I did everything I could diligently. 14 Did I care about Ms. Sataki? Yes. Mr. Sujat said 15 I feel passionate about all my clients. But yes, 16 I cared about her. 17 And I realized that when that became 18 too great when she actually asked me to go out and 19 buy her a car, I said, "This can't go forward," 20 and I said, "You've got to go out and find another 21 lawyer." And I gave her two names. 22 And that's where we are today. And I</p>	<p style="text-align: right;">Page 64</p> <p>1 claimed. 2 I asked, "Does it matter that two bars 3 dismissed it," and she said, "I can care less." 4 So that's why this case, and I don't 5 need to belabor it now, is very troubling to me. 6 And Mr. Smith was telling me, and I'll 7 testify to this, "Mr. Klayman, it's out of my 8 hands. I'm not really in control here." 9 And there are other things that went 10 on. I won't get into it now. 11 But I think what's really telling here 12 is that, when the complaints were filed, Ms. 13 Sataki wasn't communicative with them for three 14 and a half years, maybe four, between 2010, 2014, 15 when they went out to find her. And then this 16 case languishes for now going on eight years, and 17 Professor Rotunda, who is going to be an expert, 18 too, he pointed out how there's authority that, 19 when cases are that old, if you revive them for 20 some strategic purpose, if you hang back, that 21 they're dismissed. In fact Florida dismisses them 22 and other states dismissed them, too. I realize</p>
<p style="text-align: right;">Page 63</p> <p>1 don't understand why we're here, given all that's 2 going on and given the fact that the two bars have 3 dismissed this. 4 One of the things that isn't apparent, 5 and it deals with the other things I'm saying, and 6 I'm going to testify about this, and I hope to get 7 testimony from people in the Bar Counsel office, 8 there were statements made to me in the course of 9 this proceeding by Ms. Herman, "I don't like the 10 way you practice law." This is not about how 11 Larry Klayman practices law. It's about whether I 12 violated the Code of Professional Responsibility. 13 Maybe they do it differently, but there are other 14 ways to do it. 15 And Ms. Herman just happens to have 16 given to President Obama and other people, and 17 I've filed cases, against all presidents, 18 including the Bushes, and I don't know where that 19 motivation is. 20 I asked, "Did you ever meet with Ms. 21 Sataki," and she told me, in effect, "None of your 22 business." She was the supervisor here, so it was</p>	<p style="text-align: right;">Page 65</p> <p>1 that the Board has not reached that issue in its 2 existence. 3 But all the equities and the law and 4 the witnesses, as Mr. Sujat points out, bear out 5 what I'm saying. 6 We thank you for your time. Thank you 7 for listening to me. I wish that I didn't have to 8 get up here and do this opening statement and be a 9 witness at the same time, but this is the 10 situation we find ourselves in right now. 11 Thank you. 12 CHAIRMAN FITCH: What do you anticipate 13 the evidence will show about the date of the 14 demonstration that you mentioned? It must have 15 been 2009? 16 MR. KLAYMAN: Around 2009, yeah. 17 CHAIRMAN FITCH: Right. 18 MR. KLAYMAN: And you know another -- I 19 represented other broadcasters, because there was 20 a division in that office, you'll hear my 21 testimony, in the Persian News Network, that was 22 being run by the son of an ayatollah in Tehran who</p>

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<p style="text-align: right;">Page 66</p> <p>1 was an advisor to Supreme Leader, and Ms. Sataki's 2 family was in the government of the Shah and other 3 broadcasters were pro-Shah. So there was no 4 division there. And what was being broadcast out 5 of Voice of America was viewed by these 6 broadcasters to be favorable towards the regime, 7 not towards the United States.</p> <p>8 It was a very controversial situation, 9 and Ms. Sataki felt that she was being 10 discriminated against because her family was in 11 the government of the Shah. That's why they fled 12 to Sweden.</p> <p>13 So, it was part and parcel to my trying 14 to help the Iranian community, which I believed 15 in. I believe in freedom, and I felt a number of 16 broadcasters there and other Iranians too tried to 17 win their freedom and to try to get justice for 18 what's been done to them if they protested.</p> <p>19 So that's me. That's who Larry Klayman 20 is. I'm sure you know that I am a public interest 21 advocate as well as a private lawyer. Thank you.</p> <p>22 CHAIRMAN FITCH: Mr. Smith, do you</p>	<p style="text-align: right;">Page 68</p> <p>1 the truth?</p> <p>2 THE WITNESS: Yes.</p> <p>3 CHAIRMAN FITCH: Please be seated.</p> <p>4 And say something like "testing, one 5 two three, four, five."</p> <p>6 THE WITNESS: "Testing, one, two, 7 three, four, five."</p> <p>8 CHAIRMAN FITCH: You're going to need 9 to be very careful to stay close to the 10 microphones. You can adjust them.</p> <p>11 THE WITNESS: Both of them or just one?</p> <p>12 CHAIRMAN FITCH: I think both of them.</p> <p>13 THE WITNESS: Ok.</p> <p>14 CHAIRMAN FITCH: And don't get offended 15 if I say, you know, or do like that (raise your 16 voice). Ok?</p> <p>17 Go ahead, Mr. Smith.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 67</p> <p>1 want to call your first witness now, or do you 2 want to take our morning break now?</p> <p>3 MR. SMITH: That is totally up to the 4 committee. I'm prepared to bring my witness on 5 now. If you guys would like a break, then I have 6 no problem with that.</p> <p>7 CHAIRMAN FITCH: Let's proceed for 8 maybe 20, 30 minutes, 'till you reach a transition 9 point.</p> <p>10 (Brief pause.) 11 (Ms. Sataki on the witness stand.)</p> <p>12 CHAIRMAN FITCH: Good morning.</p> <p>13 THE WITNESS: Good morning.</p> <p>14 CHAIRMAN FITCH: Remain standing for 15 just one minute, please.</p> <p>16 What is your full name.</p> <p>17 THE WITNESS: Elham Sataki.</p> <p>18 CHAIRMAN FITCH: I need to swear you in 19 as a witness.</p> <p>20 Do you solemnly swear or affirm the 21 testimony you are about to give in this proceeding 22 will be the truth, the whole truth and nothing but</p>	<p style="text-align: right;">Page 69</p> <p>1 Whereupon,</p> <p>2 ELHAM SATAKI, 3 called as a witness by Disciplinary Counsel, and, 4 after having been first duly sworn, was examined 5 and testified as follows:</p> <p>6 DIRECT EXAMINATION BY DISCIPLINARY COUNSEL 7 BY MR. SMITH:</p> <p>8 Q. Good morning, Ms. Sataki.</p> <p>9 A. Good morning.</p> <p>10 Q. Ms. Sataki, how old are you?</p> <p>11 A. Forty-seven.</p> <p>12 Q. Where do you currently reside? Where 13 do you live?</p> <p>14 A. In Los Angeles.</p> <p>15 Q. Where are you from originally?</p> <p>16 A. From Iran.</p> <p>17 Q. How long did you live in Iran?</p> <p>18 A. Twelve years.</p> <p>19 Q. When you left Iran, where did you live?</p> <p>20 A. Sweden.</p> <p>21 Q. How long did you live in Sweden?</p> <p>22 A. Around 20, 15 years.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Did you work while you were in Sweden?</p> <p>2 Did you have a job while you were in Sweden?</p> <p>3 A. Most of the time I was in school, but,</p> <p>4 yes, I worked, too, worked summer jobs and after</p> <p>5 school I worked, yes.</p> <p>6 Q. What level of schooling did you finish</p> <p>7 while you were in Sweden?</p> <p>8 A. College.</p> <p>9 Q. What college did you go to?</p> <p>10 A. The University of Stockholm.</p> <p>11 Q. What was your major?</p> <p>12 A. Psychology.</p> <p>13 Q. After you left Sweden, where did you</p> <p>14 move?</p> <p>15 A. To the United States.</p> <p>16 CHAIRMAN FITCH: I didn't hear that.</p> <p>17 THE WITNESS: To United States.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. Once you arrived in the United States,</p> <p>20 where did you live?</p> <p>21 A. I lived in different places, and</p> <p>22 finally I settled down in Los Angeles first, but</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Co-hosting or anchoring what?</p> <p>2 A. Co-hosting programs, TV programs. I</p> <p>3 started with entertainment, then I went and</p> <p>4 started doing more news and politics.</p> <p>5 Q. How long were you doing the</p> <p>6 broadcasting work in Los Angeles?</p> <p>7 A. In Los Angeles about six years.</p> <p>8 Q. There came a time that you moved to the</p> <p>9 District of Columbia?</p> <p>10 A. Yes.</p> <p>11 Q. When was that?</p> <p>12 A. 2007.</p> <p>13 Q. Did you have a job when you moved here?</p> <p>14 A. Yes.</p> <p>15 Q. Where were you working?</p> <p>16 A. Voice of America.</p> <p>17 Q. What were you doing at Voice of</p> <p>18 America?</p> <p>19 A. I was working as an international</p> <p>20 reporter, that was -- so I was either anchoring</p> <p>21 for them or covering stories. I would go out with</p> <p>22 my producer and cameraman and cover stories.</p>
<p style="text-align: right;">Page 71</p> <p>1 then I moved to Washington, D.C.</p> <p>2 Q. Did you attend school once you moved to</p> <p>3 the United States?</p> <p>4 A. I went to a beauty school, yes, in</p> <p>5 Texas.</p> <p>6 Q. What part of Texas?</p> <p>7 A. Houston.</p> <p>8 Q. What kind of training did you get</p> <p>9 there?</p> <p>10 A. Cosmetology.</p> <p>11 Q. Now you said you moved to Los Angeles.</p> <p>12 Were you employed while you were in Los Angeles?</p> <p>13 A. Yes.</p> <p>14 Q. What kind of jobs did you have there?</p> <p>15 A. I had both cosmetology job and I was</p> <p>16 working for different TV channels.</p> <p>17 Q. What TV channels were you working for?</p> <p>18 A. I was working for Iran TV and also Jame</p> <p>19 Jam TV.</p> <p>20 Q. What kind of work were you doing at</p> <p>21 those TV stations?</p> <p>22 A. Co-hosting or anchoring.</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. These are programs that were aired on</p> <p>2 television?</p> <p>3 A. Yes.</p> <p>4 Q. Again what kind of stories did you</p> <p>5 cover?</p> <p>6 A. Political issues, human rights,</p> <p>7 students' rights, women's rights.</p> <p>8 Q. Did there come a time when you met Mr.</p> <p>9 Klayman?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recognize him in the courtroom</p> <p>12 here today?</p> <p>13 A. Yes.</p> <p>14 Q. Can you point to him please?</p> <p>15 A. He's sitting right there (pointing).</p> <p>16 Q. Could you tell the committee how it was</p> <p>17 that you came to meet Mr. Klayman?</p> <p>18 A. I was outside the Capitol covering the</p> <p>19 story. I was there with my cameraman.</p> <p>20 Q. Do you remember what the story was?</p> <p>21 A. It was a Persian congressman from Iran</p> <p>22 that was there and didn't want to go back to Iran</p>

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<p style="text-align: right;">Page 74</p> <p>1 and he was speaking, yes. So I went there to see 2 if I can get an interview with him. 3 Q. Do you remember about when that was? 4 A. End of 2009, sometime in November 5 maybe. 6 Q. Could you describe your interaction 7 with Mr. Klayman when you first met him. 8 A. He came up to me and started talking to 9 me, and he said that he's doing something. He's 10 involved with some story about Iran and something 11 with the flag. I don't remember exactly what it 12 was. And he gave me his business card, he took my 13 business card, and he wanted me to cover that 14 story. 15 Q. Did you cover that story? 16 A. No, I didn't. 17 Q. Why not? 18 A. Because I explained to him that my 19 executive producer would choose who is going to be 20 covering it. I'm going to pass it on, his 21 business card, and explain to my executive 22 producer, then she is going to have to contact him</p>	<p style="text-align: right;">Page 76</p> <p>1 an update regarding that. But then he just was 2 started talking about other things, too. 3 Q. Now, you were having trouble at your 4 job, correct? 5 A. Yes. 6 Q. But you -- 7 MR. SUJAT: Your Honor, I object. 8 That's a leading question. 9 CHAIRMAN FITCH: It is a leading 10 question. I think it's a proper transition 11 question. 12 BY MR. SMITH: 13 Q. What were the working conditions like 14 at your job for you at that time? 15 A. I was going through a sexual harassment 16 that I had trouble at work. 17 Q. Can you tell the committee about that 18 sexual harassment that you were experiencing. 19 A. My co-anchor wanted to -- my co-host 20 wanted to date me or go out with me. He kept 21 asking me out on coffee or drink, or dinner. He 22 kept saying that -- and I wouldn't go. And he</p>
<p style="text-align: right;">Page 75</p> <p>1 and she sends out the reporters. It's not my 2 choice. 3 Q. When you had that conversation, was 4 that when you met him on the steps of the Capitol, 5 or did you have that conversation at another time, 6 about your supervisor having to approve the story? 7 A. Well, he called me at my desk at work 8 and he asked me, "Do you know who is going to be 9 covering it? What's going on? I want you to 10 cover it." 11 He wanted me to cover it because he 12 said that he saw me working, the first time he saw 13 me, and he likes the way I work and he wants me to 14 cover the story. 15 Q. Did you have any other conversations 16 with him after that call that he made -- that came 17 to your desk? 18 A. I did have -- I mean, we talked -- I 19 can't exactly remember what was the second 20 conversation. I mean, the second or third 21 conversation I want to say was about this. I 22 mean, that was the reason he would call me and get</p>	<p style="text-align: right;">Page 77</p> <p>1 would say to me things like, "You're behind. You 2 can't catch up. When we get together with other 3 people and talk over drinks about the program, you 4 are not there. So that affects our program." Or 5 he wanted to match his clothes with me. And it 6 was constant him calling and asking me out, 7 constantly, constantly, on a daily basis, or he 8 would call or text me at home. And it was going 9 on for months. 10 And finally he did something that 11 bothered me really bad, and I realized that, 12 because I'm not going out with him, he's trying to 13 get me in trouble with work. 14 So I went to my executive producer and 15 I told her that, "This is what's going on. Could 16 you please help me, because I'm afraid that I'm 17 going to lose -- he's going to make -- just 18 because I'm not going out with him, he's going to 19 make trouble and I'm going to lose my position." 20 Q. Did you seek legal counsel in 21 connection with that matter? 22 A. No. At that point it was just my</p>

20 (Pages 74 to 77)

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<p style="text-align: right;">Page 78</p> <p>1 executive producer, and it was between me and her 2 and then Delia Johnson, someone else that she took 3 me to. 4 So it was within VOA, and they were 5 trying to resolve the situation, but it ended up 6 surprising -- I mean, I was surprised one day. I 7 went to work and they asked me to meet them, and I 8 was meeting with them, Alex, the chief, and 9 everybody was sitting there and they told me 10 they're going to remove me from co-hosting and 11 they're -- not that I'm doing a bad job or 12 anything, but they just think that it's better for 13 me to move to this other program. 14 So they moved me to this other program, 15 and the chief of the union, when he found out, he 16 got -- he told me, "From now on do not attend any 17 meeting without me, because they retaliated 18 against you, just because you talked about this 19 and told them that" -- because the guy that I had 20 problem with, he one day did something to me that 21 I was -- it was very, very upsetting to me, and 22 that was made -- that I went to them.</p>	<p style="text-align: right;">Page 80</p> <p>1 the story," I explained to him that I can't do 2 that, because I'm in a tough situation right now 3 with my bosses. 4 Q. Ok. 5 A. And when he asked me, I explained more 6 what's going on. And plus that I guess he's an 7 attorney, so I explained to him and then -- and 8 see if I can somehow get some help. 9 Q. Do you remember where you were when you 10 discussed the case with Mr. Klayman? 11 A. I know we had dinner. I don't remember 12 if the first time I talked to him regarding this 13 case was over the phone or the dinner. I want to 14 say I think it was over the phone -- well, it was 15 over the phone, because I explained to him -- the 16 conversations was phone conversations, and that's 17 how he found out that I have trouble with work. 18 Q. So what was the purpose of the dinner 19 that you were having with Mr. Klayman? 20 A. We talked about my problem and then 21 also he told me about what he wanted to do and 22 also about that he can help me with other things</p>
<p style="text-align: right;">Page 79</p> <p>1 So they basically separated us, but I 2 was the one who lost my position and he stayed at 3 his position. 4 Q. Did there come a time that you did -- 5 MR. TIGAR: Excuse me... 6 What is the name of the union person 7 that you mentioned? 8 THE WITNESS: Tim Shamble. 9 MR. TIGAR: That's Mr. Shamble? 10 THE WITNESS: Yes. 11 MR. TIGAR: All right, thank you. 12 BY MR. SMITH: 13 Q. Did there come a time that you did 14 consult with a lawyer about this problem that you 15 were having at work? 16 A. Yes. It was with Mr. Klayman. 17 Q. Do you recall when it was that you had 18 the conversation with Mr. Klayman about this case? 19 A. When he asked me why I can't cover the 20 story, why can't I go to the executive producer 21 and say that "Mr. Klayman, the person who has the 22 event, is requesting you and wants you to cover</p>	<p style="text-align: right;">Page 81</p> <p>1 like stories or documentaries or movies or stuff 2 like that. 3 Q. And you said other things that he 4 wanted to do. What were the other things that he 5 wanted to do? 6 A. Like outside VOA work he can help me to 7 do other TV work, like we can make a documentary 8 and he can help me with the writing, and so on the 9 side I can start working with other TV work, or 10 like -- or a movie and that he was writing 11 something and I can help him with that, things 12 like that, that we can help each other as working 13 on television. 14 Q. Did you have a conversation with him 15 about him representing you in this case? 16 A. We first talked and he said that he 17 knows -- I'm trying to remember -- this attorney 18 in LA. He said maybe she can help you. And then 19 we decided that he can represent me. 20 Q. Did you ever contact the attorney in 21 Los Angeles? 22 A. We sent him an email. Mr. Klayman</p>

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<p style="text-align: right;">Page 82</p> <p>1 helped me to send -- to send her an email. I'm</p> <p>2 trying to remember her name now. She's always on</p> <p>3 TV with this kind of cases.</p> <p>4 I can't remember her name now.</p> <p>5 Q. Ok. So, at this dinner that you --</p> <p>6 A. Gloria Allred.</p> <p>7 Q. Ok. So at this dinner that you had</p> <p>8 with Mr. Klayman, you discussed your case but you</p> <p>9 did not hire him at that time?</p> <p>10 A. Right.</p> <p>11 MR. KLAYMAN: Leading, objection,</p> <p>12 leading. You gave her testimony.</p> <p>13 CHAIRMAN FITCH: I would be careful of</p> <p>14 that, Mr. Smith.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. Did there come a time that you did hire</p> <p>17 Mr. Klayman to be your lawyer in this matter?</p> <p>18 A. I think it was sometime in the</p> <p>19 beginning of 2010, I want to say in January that</p> <p>20 we talked about this and I started seriously</p> <p>21 working on, yes, me hiring him.</p> <p>22 In February I sent an email to Mr.</p>	<p style="text-align: right;">Page 84</p> <p>1 because I told him that I can't afford moving to</p> <p>2 LA, and he said he's going to pay for everything,</p> <p>3 but then he gets his money back when he gets his</p> <p>4 40 percent. All that's going to be included</p> <p>5 there, on top of that.</p> <p>6 Q. Did you ever have a writing from Mr.</p> <p>7 Klayman reflecting the terms of this</p> <p>8 attorney/client relationship?</p> <p>9 A. I don't understand the question.</p> <p>10 Q. Did Mr. Klayman give you a written</p> <p>11 agreement, representation agreement?</p> <p>12 A. I don't believe so. I don't know. I</p> <p>13 really don't know.</p> <p>14 I know we had emails going back and</p> <p>15 forth later regarding this, but I don't remember</p> <p>16 that now. I don't know.</p> <p>17 In my mind I don't remember.</p> <p>18 Q. Let me ask you to look at what has been</p> <p>19 marked in Bar Counsel's book of exhibits as</p> <p>20 Exhibit Number 1. It is the blue book before you.</p> <p>21 I'll come over.</p> <p>22</p>
<p style="text-align: right;">Page 83</p> <p>1 Shamble with information about Mr. Klayman, that</p> <p>2 he's going to be representing me.</p> <p>3 Q. Did you have a fee agreement with Mr.</p> <p>4 Klayman?</p> <p>5 A. I'm sorry?</p> <p>6 Q. Did you have a fee agreement or</p> <p>7 arrangement with Mr. Klayman?</p> <p>8 A. Well, we talked about that, at the end,</p> <p>9 whatever it is, that it's going to be 40 percent</p> <p>10 goes to him.</p> <p>11 Q. Ok, were --</p> <p>12 A. Which he later changed it to 50</p> <p>13 percent.</p> <p>14 Q. Were there any other arrangements you</p> <p>15 had with respect to the representation, financial</p> <p>16 arrangements?</p> <p>17 A. Well, in the beginning when he -- when</p> <p>18 I moved -- he moved me to Los Angeles and he paid</p> <p>19 for everything.</p> <p>20 Q. Ok. Was that part of the</p> <p>21 representation agreement?</p> <p>22 A. Well, that's what he said, that he --</p>	<p style="text-align: right;">Page 85</p> <p>1 CHAIRMAN FITCH: What exhibit number?</p> <p>2 MR. SMITH: Bar Exhibit Number 1. For</p> <p>3 the record it is an Office of Bar Counsel</p> <p>4 complaint form dated November 2nd, 2010.</p> <p>5 (Witness peruses document.)</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Have you had a chance to look at this?</p> <p>8 A. Yes.</p> <p>9 Q. Did you mail this correspondence to the</p> <p>10 Office of Disciplinary Counsel at or about --</p> <p>11 MR. SUJAT: A leading question. I</p> <p>12 object, your Honor.</p> <p>13 MR. SMITH: I'm laying a foundation to</p> <p>14 introduce the document.</p> <p>15 CHAIRMAN FITCH: Overruled.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. Did you mail this letter to the Office</p> <p>18 of Bar Counsel on or about November 2nd, 2010?</p> <p>19 A. Yes.</p> <p>20 Q. Was this your handwriting on the second</p> <p>21 page of this document?</p> <p>22 A. No.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Whose handwriting is that?</p> <p>2 A. The person who helped me writing this.</p> <p>3 Q. Who is that person?</p> <p>4 A. I don't remember now.</p> <p>5 Q. Before you sent this letter in --</p> <p>6 CHAIRMAN FITCH: What was the answer of</p> <p>7 that question?</p> <p>8 MR. SMITH: She does not remember.</p> <p>9 THE WITNESS: I don't remember who</p> <p>10 helped me writing it.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. Before you mailed this letter in, did</p> <p>13 you read what was written here?</p> <p>14 A. Yes.</p> <p>15 Q. Did you talk to the person who was</p> <p>16 writing this to tell them what was going on in</p> <p>17 your case?</p> <p>18 A. Yes.</p> <p>19 Q. And you agree with everything that's</p> <p>20 written down in here?</p> <p>21 A. Yes.</p> <p>22 Q. In the first sentence of the letter it</p>	<p style="text-align: right;">Page 88</p> <p>1 talk to this person and talk to that person," and,</p> <p>2 you know, it was letters that he was sending in.</p> <p>3 Q. Have you ever had any legal training?</p> <p>4 Have you ever had any legal training in the law?</p> <p>5 A. No.</p> <p>6 Q. Did you understand any of the legal</p> <p>7 terms or conversations that Mr. Klayman was</p> <p>8 telling you about how he was proceeding with your</p> <p>9 case?</p> <p>10 CHAIRMAN FITCH: I'm going to strike</p> <p>11 that question. No foundation yet for that.</p> <p>12 There is no foundation for -- there</p> <p>13 hadn't been a discussion.</p> <p>14 MR. SMITH: Ok.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. What did you tell Mr. Klayman about how</p> <p>17 you wanted to proceed in this case?</p> <p>18 A. Well, because it was a sexual</p> <p>19 harassment case, and because of the community and</p> <p>20 my background, I wanted it to be very quietly</p> <p>21 handled. I even, the first time when I went to my</p> <p>22 executive producer and I told my executive</p>
<p style="text-align: right;">Page 87</p> <p>1 says, "He does not represent me and he keeps</p> <p>2 calling me and texting me."</p> <p>3 Would you tell the hearing committee</p> <p>4 briefly what you're referring to there.</p> <p>5 A. Well, I asked him, I told him that I</p> <p>6 don't want to -- I don't want him to represent me</p> <p>7 any more, but after I -- after I asked him not to</p> <p>8 represent me any more, I don't want him to</p> <p>9 represent me any more, he wouldn't stop calling,</p> <p>10 texting and emailing me. He would still calling,</p> <p>11 texting, emailing me regarding the case, or</p> <p>12 regarding other things.</p> <p>13 Q. I'd like to go back to the</p> <p>14 representation when you first hired Mr. Klayman to</p> <p>15 represent you in the matter.</p> <p>16 What discussions did you have with Mr.</p> <p>17 Klayman about how he was going to pursue your case</p> <p>18 against Voice of America?</p> <p>19 A. Well, there was -- he told me that he's</p> <p>20 going to try to settle with them and talk to them.</p> <p>21 You know, I mean, it was so much legal</p> <p>22 stuff that he would tell me that "I'm going to</p>	<p style="text-align: right;">Page 89</p> <p>1 producer what my co-host did to me, I asked him to</p> <p>2 keep it off the record, because I didn't want</p> <p>3 anybody to know. I just needed help.</p> <p>4 Because just -- the way it is, the</p> <p>5 sexual harassment is just something that it's not</p> <p>6 fun to be out there and everybody find out about</p> <p>7 it, so.</p> <p>8 Q. Tell me about your community and how</p> <p>9 they perceive, in the context of what you were</p> <p>10 saying -- what is the --</p> <p>11 A. Well, regarding the sexual harassment</p> <p>12 case, to this day they're still asking me "Was I</p> <p>13 raped by Mr. Falahati?" "How was I raped by Mr.</p> <p>14 Falahati?" "Where was I raped by Mr. Falahati?"</p> <p>15 "What did he do?"</p> <p>16 So sexual harassment, in the Persian</p> <p>17 community, is rape. It's the actual act of</p> <p>18 intercourse and rape.</p> <p>19 So to this day I have to answer all</p> <p>20 those questions.</p> <p>21 Q. So describe for the committee the</p> <p>22 conversation you had with Mr. Klayman about these</p>

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<p style="text-align: right;">Page 90</p> <p>1 concerns.</p> <p>2 A. That I want this to be handled as quiet</p> <p>3 as possible, so nobody finds out. And I did this</p> <p>4 complaint because I -- I still wanted to keep my</p> <p>5 image. My image was just this person that -- I</p> <p>6 didn't want it to change and I didn't want too</p> <p>7 much talk regarding about my personal life. I</p> <p>8 wanted people to look at the Sataki that is</p> <p>9 covering the stories and not know about my private</p> <p>10 life.</p> <p>11 Because I was not open about my private</p> <p>12 life in front of the camera. People would ask me,</p> <p>13 I would never answer. I would always leave it</p> <p>14 without answer when they asked me about my private</p> <p>15 life.</p> <p>16 Q. Did Mr. Klayman respond to you when you</p> <p>17 said that you wanted to proceed with the case</p> <p>18 quietly?</p> <p>19 A. Yes. He did. I mean, that's what he</p> <p>20 was supposed to do in the beginning, yes.</p> <p>21 Q. He --</p> <p>22 A. But then it changed later.</p>	<p style="text-align: right;">Page 92</p> <p>1 everybody, and the case got so big that all this</p> <p>2 he said that it's just in my benefit.</p> <p>3 So, I started listening to him.</p> <p>4 May I add something?</p> <p>5 Q. Please.</p> <p>6 CHAIRMAN FITCH: Wait a minute. With</p> <p>7 respect to what?</p> <p>8 MR. SMITH: To the last question I</p> <p>9 would imagine.</p> <p>10 CHAIRMAN FITCH: Do you have something</p> <p>11 to add to your last answer?</p> <p>12 THE WITNESS: Yes.</p> <p>13 CHAIRMAN FITCH: That relates to that</p> <p>14 question?</p> <p>15 THE WITNESS: Yes.</p> <p>16 CHAIRMAN FITCH: Go ahead.</p> <p>17 THE WITNESS: That the reason that I</p> <p>18 didn't want this to get so huge and so public is</p> <p>19 just the Persian community and how they react to</p> <p>20 it.</p> <p>21 Just to give you an example, after that</p> <p>22 it got so public and everybody found out, they</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. How did it change?</p> <p>2 A. He started writing articles, and so it</p> <p>3 came out in the internet regarding the case.</p> <p>4 Q. Did you ever have conversations with</p> <p>5 Mr. Klayman about publicizing your case?</p> <p>6 A. I did. I asked him not to do it, but</p> <p>7 then later I -- when he explained to me how much</p> <p>8 it's going to help my case -- because he was going</p> <p>9 back and forth with the people, the VOA management</p> <p>10 and the stuff that he said that, "It's going to</p> <p>11 take, say, no-brainer. It's very easy. It's only</p> <p>12 going to take two weeks," or whatever, and it's</p> <p>13 going to be easy, a task, like you said to me, he</p> <p>14 said how easy it's going to be to transfer me from</p> <p>15 DC to LA and work out of the LA office.</p> <p>16 All of those stuff that I listen to him</p> <p>17 because he's the attorney, he knows best, and none</p> <p>18 of that happened.</p> <p>19 So then he -- I mean, the complaint</p> <p>20 from the person, the person -- the sexual</p> <p>21 harassment person, my boss, his boss and all that,</p> <p>22 it went up to Board of Governors and suing</p>	<p style="text-align: right;">Page 93</p> <p>1 opened Facebook pages, fake Facebook pages under</p> <p>2 my name with pornographic pictures in it, which,</p> <p>3 together, with Mr. Klayman, we went to FBI to shut</p> <p>4 it down. But in there they were threatening me,</p> <p>5 threatening my life and all that.</p> <p>6 So that was one of the reasons that I</p> <p>7 didn't -- I wanted to keep this case so private,</p> <p>8 because I didn't want all this to get so huge and</p> <p>9 so big and hit everywhere.</p> <p>10 MR. KLAYMAN: Objection, your Honor. A</p> <p>11 lot of that was hearsay. No foundation.</p> <p>12 MR. SMITH: So, just --</p> <p>13 CHAIRMAN FITCH: Wait a minute. Mr.</p> <p>14 Klayman raises a perfectly good question. I'm</p> <p>15 trying to decide how to deal with this.</p> <p>16 Give us a moment.</p> <p>17 (Off-the-record discussion amongst</p> <p>18 hearing committee members.)</p> <p>19 CHAIRMAN FITCH: I think that we are</p> <p>20 going to strike that answer as hearsay. That's</p> <p>21 too far removed.</p> <p>22 If you want to ask a different question</p>

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<p style="text-align: right;">Page 94</p> <p>1 about -- and maybe this is what she was saying, 2 about the effect on her, you may, if you want, if 3 any, you may if you want ask that question if I 4 think the possible effect on her has some 5 relevance potentially to something in this case, 6 some aspect of this case. 7 So I think that's where we stand on 8 this. 9 MR. SMITH: If I might just make the 10 observation, with respect to hearsay, the Board's 11 rule does permit hearsay, that the testimony that 12 is elicited that may contain hearsay generally 13 goes to the weight but not admissibility. 14 I would also like to point out that Ms. 15 Sataki was speaking from her personal experience 16 and events that she actually participated in and 17 so I don't know that what she was saying was 18 necessarily hearsay. 19 But in any event, just to I guess 20 clarify it, as we move forward, that the Board's 21 rule permits hearsay. 22 CHAIRMAN FITCH: Well, I understand</p>	<p style="text-align: right;">Page 96</p> <p>1 BY MR. SMITH: 2 Q. What is the effect of the publicity 3 that you feared going into this case? 4 MR. SUJAT: I object, your Honor. 5 CHAIRMAN FITCH: Yeah, I think that's 6 not an accurate foundation. 7 Did there come a time when you 8 observed -- did you see the articles, some or all 9 of the articles that Mr. Klayman is alleged to 10 have written and published? 11 Did you see those articles. 12 THE WITNESS: I did, yes. I saw the 13 articles. 14 CHAIRMAN FITCH: How did that come 15 about that you saw the articles? 16 THE WITNESS: He sent me the link. 17 CHAIRMAN FITCH: "He"? 18 THE WITNESS: Mr. Klayman sent me the 19 link of the articles. 20 CHAIRMAN FITCH: Did there come a time 21 when you saw other written material referring to 22 or otherwise relating to those articles?</p>
<p style="text-align: right;">Page 95</p> <p>1 that. But there is also the other rule I referred 2 to, there's some discretion with respect to 3 hearsay. 4 But this is so removed. I certainly 5 will accept testimony as to what she saw in this 6 regard, or what she heard -- and maybe what she 7 heard, not for the truth of it, but how it 8 affected her. 9 So why don't we march along that way. 10 MR. SMITH: All right, thank you. 11 So at this point I would ask that the 12 committee not strike the testimony that she just 13 gave. Just consider it and give it whatever 14 weight you feel is appropriate at the time that 15 you all are making your factual findings in this 16 case. 17 CHAIRMAN FITCH: I'm inclined to strike 18 it as just too far afield. 19 MR. SMITH: All right. 20 CHAIRMAN FITCH: But I think that you 21 should continue, if you wish, to adduce the points 22 properly.</p>	<p style="text-align: right;">Page 97</p> <p>1 THE WITNESS: Yes. It was other 2 internet articles or some -- 3 CHAIRMAN FITCH: Other what? 4 THE WITNESS: Some Persian sites, they 5 translated the article and so they published it, 6 or some of the people published it on their 7 Facebooks and stuff like that. 8 CHAIRMAN FITCH: What if anything was 9 your reaction to seeing, first of all, the 10 articles that Mr. Klayman is alleged to have 11 published? 12 THE WITNESS: My reaction was just -- I 13 was thinking how that's going to all affect me, in 14 the big picture. Now everybody knows and how it's 15 going to affect me. 16 CHAIRMAN FITCH: What if anything was 17 your reaction to seeing other articles about the 18 alleged articles that you had referred to? 19 THE WITNESS: My reaction? 20 CHAIRMAN FITCH: Mm-hmm. 21 THE WITNESS: It was just -- at that 22 point my concentration, everything, was just being</p>

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<p style="text-align: right;">Page 98</p> <p>1 able to win the case and go back to work. So I</p> <p>2 was just thinking how all these are going to be</p> <p>3 affected. Is it going to be positive, like Mr.</p> <p>4 Klayman told me, or is it going to backfire?</p> <p>5 CHAIRMAN FITCH: Did you see all of the</p> <p>6 articles that Mr. Klayman is alleged to have</p> <p>7 written and published at the same time, or did you</p> <p>8 see them one by one or two by two over a period?</p> <p>9 THE WITNESS: I believe that as they</p> <p>10 were coming out he would send me the link.</p> <p>11 CHAIRMAN FITCH: And did you have any</p> <p>12 communications with Mr. Klayman about the articles</p> <p>13 that you had seen in any given point in time?</p> <p>14 THE WITNESS: Yes.</p> <p>15 CHAIRMAN FITCH: What do you remember</p> <p>16 about those communications?</p> <p>17 THE WITNESS: Well, in the beginning I</p> <p>18 was completely against it. But then when he</p> <p>19 explained to me how it's going to help my case, I</p> <p>20 said, "Ok. We'll go forward."</p> <p>21 Because he believed that that's going</p> <p>22 to affect my case positively. It's going to help</p>	<p style="text-align: right;">Page 100</p> <p>1 CHAIRMAN FITCH: Ok. And finally,</p> <p>2 after the time that you filed this complaint, did</p> <p>3 you have any communications with Mr. Klayman about</p> <p>4 his alleged publication of these articles?</p> <p>5 THE WITNESS: No.</p> <p>6 MR. TIGAR: You mentioned Facebook</p> <p>7 posts?</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. TIGAR: Did you see posts on</p> <p>10 Facebook?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. TIGAR: Were they posts that said</p> <p>13 that you were posting it, or were there other</p> <p>14 people that posted it?</p> <p>15 THE WITNESS: Well, it was a Facebook</p> <p>16 under my name, my -- looked like it's my account,</p> <p>17 but it wasn't. So it made to look to public that</p> <p>18 it's me.</p> <p>19 MR. TIGAR: On one or more of these</p> <p>20 Facebook accounts -- let's call them the phony</p> <p>21 Facebook accounts, alright, on one or more of</p> <p>22 those there were pornographic pictures?</p>
<p style="text-align: right;">Page 99</p> <p>1 my case.</p> <p>2 CHAIRMAN FITCH: Let me direct your</p> <p>3 attention to the complaint. The complaint is</p> <p>4 dated -- it's Exhibit Number 1, which you probably</p> <p>5 have still in front of you. It's dated 11/2/10,</p> <p>6 but there's a date above which may be a file stamp</p> <p>7 of December 3, '10.</p> <p>8 Do you recall with any more specificity</p> <p>9 when you sent this to Mr. Smith's office?</p> <p>10 THE WITNESS: Exact date?</p> <p>11 CHAIRMAN FITCH: Do you think it was</p> <p>12 before Thanksgiving or after Thanksgiving of that</p> <p>13 year, for example?</p> <p>14 If you don't know, you don't know.</p> <p>15 THE WITNESS: I don't remember.</p> <p>16 CHAIRMAN FITCH: There was an</p> <p>17 assumption in my question. Let me ask you a</p> <p>18 question: did you, yourself, mail this complaint</p> <p>19 to Disciplinary Counsel, or did someone else do so</p> <p>20 on your behalf?</p> <p>21 If you don't remember, just tell me.</p> <p>22 THE WITNESS: I don't remember.</p>	<p style="text-align: right;">Page 101</p> <p>1 THE WITNESS: Yes.</p> <p>2 MR. TIGAR: What was the effect of that</p> <p>3 on you? What did that make you feel like?</p> <p>4 THE WITNESS: At first it scared -- I</p> <p>5 mean, I know that there is no pornographic</p> <p>6 pictures or videos of me, but at first it scared</p> <p>7 me so much because I thought maybe they took my</p> <p>8 face and put it on other body or so. So that</p> <p>9 scared me.</p> <p>10 But when I actually looked at it and</p> <p>11 saw that it was other people's pictures with my</p> <p>12 name, but it was terrifying. It was really bad.</p> <p>13 It was bad, and then the messages I was getting</p> <p>14 was really, really bad.</p> <p>15 It was saying in details exactly how --</p> <p>16 what they're going to do, piece by piece, with my</p> <p>17 body.</p> <p>18 So, the threatening part of it was very</p> <p>19 scary.</p> <p>20 MR. TIGAR: Understood, ok. Thank you</p> <p>21 very much. Take your time.</p> <p>22 CHAIRMAN FITCH: Mr. Smith?</p>

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<p style="text-align: right;">Page 102</p> <p>1 BY MR. SMITH:</p> <p>2 Q. I'd like to go back where I was trying</p> <p>3 to go with my questions about the timeframe that</p> <p>4 you were having discussions with Mr. Klayman about</p> <p>5 publicity in the case.</p> <p>6 CHAIRMAN FITCH: About what?</p> <p>7 MR. SMITH: The timeframe when Mr.</p> <p>8 Klayman and she were first having discussions</p> <p>9 about publicity in her case.</p> <p>10 CHAIRMAN FITCH: First having</p> <p>11 discussions about publicity in the case, ok.</p> <p>12 BY MR. SMITH:</p> <p>13 Q. And you testified that there were</p> <p>14 concerns that you had?</p> <p>15 A. Yes.</p> <p>16 Q. Would you please explain to the hearing</p> <p>17 committee what those concerns were at that time</p> <p>18 that you had when you were discussing publicity?</p> <p>19 CHAIRMAN FITCH: Now, "at that time,"</p> <p>20 is this the time as the case, as the word was</p> <p>21 getting underway and they were talking about</p> <p>22 bringing the case, or is this at some other time</p>	<p style="text-align: right;">Page 104</p> <p>1 statement, that idea to Mr. Klayman? When did you</p> <p>2 first make that idea to Mr. Klayman?</p> <p>3 THE WITNESS: When he first told me</p> <p>4 about let's -- he's going to write an article.</p> <p>5 MR. TIGAR: Now were these in the first</p> <p>6 couple of meetings that you had that you described</p> <p>7 that he called you at your office?</p> <p>8 THE WITNESS: No, this was later on in</p> <p>9 the case after he communicated with the management</p> <p>10 and we didn't get what we wanted and as the case</p> <p>11 was going forward.</p> <p>12 MR. TIGAR: Can you put a date, an</p> <p>13 approximate date on it? Was it before or after</p> <p>14 you talked to Mr. Shamble?</p> <p>15 THE WITNESS: After I talked to Mr.</p> <p>16 Shamble.</p> <p>17 MR. TIGAR: Was it still in 2010 do you</p> <p>18 think?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. TIGAR: Alright.</p> <p>21 THE WITNESS: It was in the beginning</p> <p>22 of 2010.</p>
<p style="text-align: right;">Page 103</p> <p>1 later on?</p> <p>2 MR. SMITH: When they first had</p> <p>3 discussions about publicity in the case.</p> <p>4 CHAIRMAN FITCH: Oh, ok. Alright.</p> <p>5 Because I just want the witness to be</p> <p>6 clear that I was asking questions about later in</p> <p>7 2010, and now Mr. Smith, quite properly, is asking</p> <p>8 you about an earlier period, as the possibility of</p> <p>9 doing something about the situation was being</p> <p>10 discussed.</p> <p>11 If I have ruined your memory of the</p> <p>12 question, he'll ask it again.</p> <p>13 THE WITNESS: My concern was just</p> <p>14 people -- everybody find out about this. I</p> <p>15 want -- I didn't want people to know that I have a</p> <p>16 sexual harassment case going, that I complained</p> <p>17 about my coworker, and what people is going to</p> <p>18 say, how people are going to look at me.</p> <p>19 And I just -- I didn't want people to</p> <p>20 find out.</p> <p>21 MR. TIGAR: May I ask, when did you</p> <p>22 first say that, or when did you first make that</p>	<p style="text-align: right;">Page 105</p> <p>1 MR. TIGAR: Thank you.</p> <p>2 THE WITNESS: Sometime in the</p> <p>3 beginning, sometime maybe -- maybe March. I don't</p> <p>4 know.</p> <p>5 MR. TIGAR: Ok.</p> <p>6 THE WITNESS: Or April, I don't know.</p> <p>7 But the first six months.</p> <p>8 MR. TIGAR: Mm-hmm.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Ms. Sataki, there came a time that you</p> <p>11 stopped going to work at Voice of America?</p> <p>12 A. Yes.</p> <p>13 Q. Where were you living at the time?</p> <p>14 A. In DC.</p> <p>15 Q. There came a time that you moved from</p> <p>16 DC to Los Angeles?</p> <p>17 A. Yes.</p> <p>18 Q. Could you tell the hearing committee</p> <p>19 the circumstances of that move.</p> <p>20 A. Well, Mr. Klayman helped me with that</p> <p>21 move. He paid for my car and my -- to be moved to</p> <p>22 California and also all my stuff to be moved, my</p>

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<p style="text-align: right;">Page 106</p> <p>1 furniture, everything, to be moved to California.</p> <p>2 Q. Whose decision was it that you should</p> <p>3 move to California?</p> <p>4 MR. KLAYMAN: Objection, leading.</p> <p>5 CHAIRMAN FITCH: Overruled.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. You can answer the question.</p> <p>8 A. I asked him -- well, we talked about it</p> <p>9 that the fact that there is an office, VOA has an</p> <p>10 office in LA, and it would be great, and I told</p> <p>11 him that I had written a proposal to VOA for them</p> <p>12 to transfer me to LA and work from there. And he</p> <p>13 said, "Under the circumstances and everything</p> <p>14 that's going on I can get you that transfer."</p> <p>15 Q. What were your financial</p> <p>16 circumstances --</p> <p>17 CHAIRMAN FITCH: Now when in 2010 did</p> <p>18 you move to Los Angeles?</p> <p>19 THE WITNESS: I think it was sometime</p> <p>20 in April maybe. I think.</p> <p>21 CHAIRMAN FITCH: No.</p> <p>22 THE WITNESS: Sometime there, end of</p>	<p style="text-align: right;">Page 108</p> <p>1 certainly is. There's evidence. I might believe</p> <p>2 it, I might not believe it. But there's certainly</p> <p>3 a foundation.</p> <p>4 So that objection is overruled. The</p> <p>5 question stands.</p> <p>6 So you may answer the question.</p> <p>7 THE WITNESS: I thought the -- well, I</p> <p>8 thought that I'm going to get my paychecks from</p> <p>9 VOA during that time, and I didn't -- I thought</p> <p>10 that -- I mean, I believed that Mr. Klayman was</p> <p>11 going to help me and in a very short time I'm</p> <p>12 going to be transferred to the LA office and just</p> <p>13 work from there while the sexual harassment case</p> <p>14 is being enrolled and resolved.</p> <p>15 So I thought that I'm going to have my</p> <p>16 paychecks from VOA.</p> <p>17 BY MR. SMITH:</p> <p>18 Q. So Mr. Klayman was assisting you</p> <p>19 financially when you moved to California?</p> <p>20 A. Yes, he was.</p> <p>21 CHAIRMAN FITCH: That's struck.</p> <p>22</p>
<p style="text-align: right;">Page 107</p> <p>1 April maybe.</p> <p>2 BY MR. SMITH:</p> <p>3 Q. What were your financial circumstances</p> <p>4 at the time that you moved?</p> <p>5 A. Paycheck to paycheck. I was living</p> <p>6 paycheck to paycheck to paycheck.</p> <p>7 So if I missed one paycheck from VOA, I</p> <p>8 do not have my car payment or rent or food.</p> <p>9 Q. So, how were you going to survive</p> <p>10 financially under those circumstances?</p> <p>11 A. Well, I --</p> <p>12 MR. SUJAT: Your Honor, objection, a</p> <p>13 leading question.</p> <p>14 MR. SMITH: What leading question? I'm</p> <p>15 not putting words in her mouth. I just asked a</p> <p>16 simple question.</p> <p>17 BY MR. SMITH:</p> <p>18 Q. How were you going to survive?</p> <p>19 MR. KLAYMAN: Your Honor, there is no</p> <p>20 foundation. She said she was living paycheck to</p> <p>21 paycheck --</p> <p>22 CHAIRMAN FITCH: Well, no, there most</p>	<p style="text-align: right;">Page 109</p> <p>1 BY MR. SMITH:</p> <p>2 Q. And can you describe what that</p> <p>3 financial arrangement was, again, please?</p> <p>4 A. He paid for my car and all my stuff,</p> <p>5 moved it to LA.</p> <p>6 And also my credit was ruined. I</p> <p>7 didn't have credit, so I couldn't rent an</p> <p>8 apartment, and he helped me rent an apartment and</p> <p>9 he paid the apartment for me.</p> <p>10 Q. How much per month was that apartment?</p> <p>11 A. How much what?</p> <p>12 Q. How much money per month did the</p> <p>13 apartment cost?</p> <p>14 A. I think it was 2,000 something, 2,000</p> <p>15 something, I think. I don't remember. Or maybe</p> <p>16 3,000. Maybe it was 3,000, because you probably</p> <p>17 remember much better than I do now.</p> <p>18 Q. Let me ask you to look at what has been</p> <p>19 marked as Bar Exhibit Number 23.</p> <p>20 CHAIRMAN FITCH: Mr. Smith, why don't</p> <p>21 we take a short break?</p> <p>22 MR. SMITH: Alright.</p>

28 (Pages 106 to 109)

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<p style="text-align: right;">Page 110</p> <p>1 CHAIRMAN FITCH: Would that be alright 2 with you? 3 MR. SMITH: Yes. 4 CHAIRMAN FITCH: Is about ten minutes 5 sensible? Let's stand in recess for ten minutes, 6 which will be approximately 11:45. 7 (Recess taken.) 8 CHAIRMAN FITCH: Mr. Smith, I think you 9 may resume. 10 MR. SMITH: Thank you. 11 BY MR. SMITH: 12 Q. Before I get into Bar Exhibit Number 13 23, Ms. Sataki, I'd like to -- and this question 14 may have already been answered, but out of an 15 abundance of caution and to protect the record, 16 I'd just like to ask the question. 17 With respect to the monies that Mr. 18 Klayman had paid for your -- given to you while 19 you were in Los Angeles -- that's the context of 20 the question -- did you have an understanding 21 about whether or not Mr. Klayman was going to be 22 reimbursed for that money that he was giving you</p>	<p style="text-align: right;">Page 112</p> <p>1 Now have you had a chance to look at 2 what's been marked as Bar Exhibit Number 23? 3 A. Yes. 4 Q. That's your signature on the second 5 page, for the record, 23-3? 6 A. Yes. 7 Q. On the pages that have been marked 23-4 8 through 23-6, you've had a chance to look at 9 those? 10 A. Yes. 11 Q. Now, did you write this part of the 12 ethical complaint? 13 A. Yes. 14 Q. Was that your writing or did somebody 15 help you write that? 16 A. I -- with the English I always need 17 help. 18 Q. Ok. 19 A. Someone to help me write it, yes. 20 Q. So who helped you with this? 21 A. I had -- I had my cousin and I had this 22 other lady that helped me.</p>
<p style="text-align: right;">Page 111</p> <p>1 in connection with your rent and other things? 2 MR. SUJAT: Your Honor, I object. It's 3 a very vague question. 4 CHAIRMAN FITCH: I'm sorry, counsel, I 5 didn't hear the basis of your objection. 6 MR. SUJAT: It's vague, not germane. 7 CHAIRMAN FITCH: What? 8 MR. SUJAT: It's a vague question, and 9 it needs more detail, more foundation. 10 CHAIRMAN FITCH: Let's go with it and 11 we'll see what happens. Overruled. 12 THE WITNESS: Yes, the money was going 13 to be paid back to Mr. Klayman once we win the 14 case and he takes that money together with his 40 15 then later 50 percent that he said he was going to 16 take. 17 BY MR. SMITH: 18 Q. Thank you. 19 A. So that money was going to be -- so he 20 would take the money from that amount once we win 21 the case. 22 Q. Thank you.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Who was the other lady that helped you? 2 A. Katherine. 3 Q. How did you come to know Katherine? 4 A. I had met her one time when me and Mr. 5 Klayman, we went to her boss's office regarding my 6 case. He wanted to meet with -- because he wanted 7 me to meet with him to help my case. 8 Q. So how did Katherine come to help you 9 with writing this complaint? 10 A. When we were in that office he -- she 11 later contacted -- well, once I was by myself in 12 the office for a moment, she talked to me and she 13 gave me her phone number. She told me that -- she 14 asked me to call her, she wants to talk to me, and 15 she asked me if I'm ok. I said, yes, and she said 16 that I -- "I have to talk to you. You don't seem 17 ok." So I called her. 18 Q. And what did you all discuss? 19 A. Mr. Klayman. 20 Q. Tell the committee -- 21 MR. KLAYMAN: Your Honor, this is all 22 hearsay.</p>

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<p style="text-align: right;">Page 114</p> <p>1 CHAIRMAN FITCH: She can recount --</p> <p>2 MR. KLAYMAN: We're getting into</p> <p>3 hearsay.</p> <p>4 CHAIRMAN FITCH: No, we're not. She's</p> <p>5 going to recount what she said to Katherine and</p> <p>6 what she remembers Katherine saying to her.</p> <p>7 MR. KLAYMAN: Well, that would be</p> <p>8 hearsay what Katherine said to her.</p> <p>9 CHAIRMAN FITCH: Well, we'll see.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. Please.</p> <p>12 A. I --</p> <p>13 Q. What did you tell Katherine?</p> <p>14 A. Well, she told me that -- she was in</p> <p>15 the office with Mr. Klayman and me and her boss.</p> <p>16 I don't remember her boss's name right now. And</p> <p>17 what Katherine told me was that her secretary --</p> <p>18 CHAIRMAN FITCH: No, no --</p> <p>19 THE WITNESS: What I --</p> <p>20 CHAIRMAN FITCH: Right now he has asked</p> <p>21 you what you said to her.</p> <p>22 THE WITNESS: What I said to her.</p>	<p style="text-align: right;">Page 116</p> <p>1 CHAIRMAN FITCH: Of?</p> <p>2 THE WITNESS: 2010. And I don't</p> <p>3 remember exactly, 2010. Sometimes I can't</p> <p>4 remember.</p> <p>5 CHAIRMAN FITCH: I can't remember what</p> <p>6 I had for dinner last night, but just do your</p> <p>7 best.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. In looking at Page 23-2 of the</p> <p>10 complaint, down at the bottom, go back to 23-2.</p> <p>11 A. Yes.</p> <p>12 Q. The date on this is October 20th, 2011.</p> <p>13 Is that about the time that you submitted this</p> <p>14 complaint to the Office of Disciplinary Counsel?</p> <p>15 A. Yes.</p> <p>16 Q. Ok. Now this complaint is different</p> <p>17 from the first complaint that you filed, is it</p> <p>18 not? It's a little more detailed?</p> <p>19 A. It's more detailed.</p> <p>20 Q. Before this complaint was filed, did</p> <p>21 you participate in what was going to be in this</p> <p>22 letter?</p>
<p style="text-align: right;">Page 115</p> <p>1 She asked me if I'm ok, and I don't</p> <p>2 seem ok, and "Is everything ok with Mr. Klayman,</p> <p>3 because we get the vibe that you're afraid of</p> <p>4 him."</p> <p>5 And I explained to her why I'm not ok,</p> <p>6 and I told her what's going on.</p> <p>7 BY MR. SMITH:</p> <p>8 Q. And what was going on? Very briefly,</p> <p>9 what was going on?</p> <p>10 A. At that time he -- Mr. Klayman wanted</p> <p>11 to have more than a client/attorney relationship</p> <p>12 with me, and it was -- by then I was completely</p> <p>13 mentally destroyed because of the roller coaster</p> <p>14 he was putting me through, because it was for</p> <p>15 months that he wanted to have a relationship with</p> <p>16 me and me saying no, and it was ongoing and</p> <p>17 ongoing and it wouldn't stop, and it was -- and so</p> <p>18 many different ways that it was very, very, very</p> <p>19 uncomfortable.</p> <p>20 CHAIRMAN FITCH: Now, when was this</p> <p>21 telephone conversation with Katherine.</p> <p>22 THE WITNESS: Maybe sometime in June.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. It's everything that I experienced.</p> <p>2 Q. And you explained this to Katherine?</p> <p>3 A. Yes.</p> <p>4 Q. Before it was submitted did you read it</p> <p>5 to make sure that it reflected what was happening?</p> <p>6 A. Yes.</p> <p>7 Q. On 23-5, if you could look there, you</p> <p>8 mention in the third paragraph that begins with</p> <p>9 "adding insult to injury."</p> <p>10 A. Yes.</p> <p>11 Q. Read that to yourself, please.</p> <p>12 (Witness reads document.)</p> <p>13 A. Yes.</p> <p>14 Q. When did you first notice that Mr.</p> <p>15 Klayman was using the professional relationship as</p> <p>16 an opportunity to pursue a personal relationship</p> <p>17 with you?</p> <p>18 MR. SUJAT: Objection, your Honor.</p> <p>19 This is a leading question.</p> <p>20 CHAIRMAN FITCH: I think I have to</p> <p>21 sustain that objection.</p> <p>22</p>

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<p>1 BY MR. SMITH:</p> <p>2 Q. Did there come a time when Mr. Klayman</p> <p>3 attempted to pursue a personal relationship with</p> <p>4 you?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall when that was?</p> <p>7 A. It was sometime in April.</p> <p>8 Q. April of?</p> <p>9 A. April, 2010.</p> <p>10 Q. Can you tell the hearing committee how</p> <p>11 you became aware of that.</p> <p>12 A. It started with that he started getting</p> <p>13 upset why I'm not inviting him to the gatherings</p> <p>14 or to places that I go and I don't take him with</p> <p>15 me. That made him upset. And so I had arguments</p> <p>16 with him. He would nonstop text or email, or</p> <p>17 phone calls, and talked to me that I talk about</p> <p>18 respect, that I'm not respecting him, and why I'm</p> <p>19 not taking him to the gatherings.</p> <p>20 Then he explained his feelings to me</p> <p>21 and told me that he loves me and then he told me</p> <p>22 that he never loved anyone the way he loved me</p>	<p>1 people are going to say that, "Oh, she's in a</p> <p>2 sexual harassment case, now she's having a" --</p> <p>3 "look what kind of body language or how -- she has</p> <p>4 something going on with her attorney?"</p> <p>5 So that would be -- so therefore I</p> <p>6 didn't want him anywhere with me. And we</p> <p>7 actually -- can I give an example?</p> <p>8 Q. Yes.</p> <p>9 A. He -- there was a gathering, award</p> <p>10 evening, and I -- we went -- we went together, we</p> <p>11 went to that evening place. The whole time he</p> <p>12 wanted me to meet with people that helps my case</p> <p>13 or helps me find a new job, and we went to that</p> <p>14 award evening, and the table that we sat, the way</p> <p>15 I sat, I sat with my face toward the stage and he</p> <p>16 was sitting next to me. So basically I was turned</p> <p>17 toward the stage, and my back kind of toward him.</p> <p>18 And during the evening I talked to other people</p> <p>19 and all that, and that upset him very much.</p> <p>20 So, when we left the place and we were</p> <p>21 outside waiting on the valet parking for the car,</p> <p>22 he got very upset. He got very, very upset. He</p>
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<p>1 ever in his life and that nobody is going to love</p> <p>2 me the way he loved me, no other man can ever love</p> <p>3 me the way he loves me.</p> <p>4 And so this was going on, and he -- and</p> <p>5 I through the whole time asked him to be my</p> <p>6 friend, but the most I can -- he's my attorney and</p> <p>7 the most I can do is a friendship, nothing more</p> <p>8 than friendship. Then he would lecture me on a</p> <p>9 friendship, what a friendship is, and then he</p> <p>10 would put lines of emails that a friend wouldn't</p> <p>11 do this or a friend wouldn't do that, meaning that</p> <p>12 I would -- if I was a friend I would invite him to</p> <p>13 places that I go, or I would I would care more</p> <p>14 about what happens to him or what's going on with</p> <p>15 him in his life, so I'm not even acting as a</p> <p>16 friend.</p> <p>17 So, I -- the reason I couldn't, even as</p> <p>18 a friend, take him anywhere was because of his</p> <p>19 body language or the way he would look at me.</p> <p>20 I was in a sexual harassment case and I</p> <p>21 couldn't have my attorney in public acting in the</p> <p>22 body language and the eye contact the way that</p>	<p>1 got -- there was no control on him. He couldn't</p> <p>2 control himself. He was arguing with me, arguing,</p> <p>3 arguing, and his body language. He was making a</p> <p>4 scene that everybody could see. And I did my best</p> <p>5 to control him, to calm him down, so people don't</p> <p>6 see, and wondering, "What's going on with Sataki</p> <p>7 and her attorney? Why her attorney's acting like</p> <p>8 that and why is this body language? What are they</p> <p>9 fighting about?"</p> <p>10 So finally to calm him down, I said,</p> <p>11 "You either calm down and be quiet right now or</p> <p>12 I'm walking away." And he got quiet. So at that</p> <p>13 point the car came, the valet person brought the</p> <p>14 car, and we got into the car. And in the car it</p> <p>15 was no stopping. He was going on and on and on,</p> <p>16 talking, talking, talking, about all the different</p> <p>17 occasions that I didn't invite him or I don't care</p> <p>18 about him. He cares about me so much, he gives me</p> <p>19 so much love, everything, I don't even give him</p> <p>20 friendship, and my back was toward him during the</p> <p>21 time that -- during the event that we were</p> <p>22 there -- and it was nonstop. It was too that --</p>

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<p style="text-align: right;">Page 122</p> <p>1 "Why you were talking to that person?" "Why 2 didn't you look at me?" "Why didn't you talk to 3 me?" "Why you're ashamed of me?" "Why you're 4 ashamed of" -- "Why you so afraid that people are 5 going to think that I'm your boyfriend?" "Why you 6 so scared of that?" "You don't even treat me as 7 a friend." 8 So it was just going on so much, and 9 the next red light -- I knew the area. The next 10 red light I opened the door and I ran out of the 11 car. And I ran across the street because the car 12 was going this way, and I ran across the street. 13 I ran into the hotel. It was a hotel, the Luxe 14 Hotel, and he turned around. He parked the car. 15 He followed me into the hotel, and when I saw him 16 coming in, I ran into the ladies' bathroom. 17 He followed me to the ladies' bathroom 18 and the person, the receptionist came to the 19 ladies' bathroom, asked him to step out, because 20 he can't be in the ladies' bathroom. 21 She asked me if I'm ok. I said yes. 22 She brought me -- she said, "Stay here. I'm going</p>	<p style="text-align: right;">Page 124</p> <p>1 But I may ask another question, of 2 course. 3 MR. SUJAT: Your Honor, I'd also like 4 to object if I could to the hearsay of what this 5 lady was -- she was reporting what the lady was 6 saying about the incident. That was before this 7 point that you're making. 8 CHAIRMAN FITCH: You're referring to -- 9 to Katherine? 10 MR. SUJAT: No, there was a lady that 11 came out with the glass of water. Maybe the court 12 reporter can read it back. 13 THE WITNESS: That was in the hotel. 14 CHAIRMAN FITCH: In the hotel. 15 Overruled. 16 BY MR. SMITH: 17 Q. Now, this incident at this movie event, 18 would you tell the hearing committee when that 19 was, approximately. 20 A. Sometime in May. 21 Q. Now, were you under a doctor's care 22 during the time that Mr. Klayman was representing</p>
<p style="text-align: right;">Page 123</p> <p>1 to bring you some water." She brought me some 2 water and she asked me if she should call the 3 police. I said, "No, just please call me a taxi 4 and I want to go home and I want to stay here 5 until he's gone, then call me a taxi and I leave." 6 And she said, ok. 7 So, he -- then she helped me and she 8 called a taxi, and the taxi came to the back of 9 the building and I left from the back door and 10 took the taxi home. 11 And this was just one example of so 12 many different occasions that, the roller coaster 13 that I had to go through with him all the time, 14 whether he was complaining why I'm not spending 15 time with my mom and him, whether I want him -- 16 CHAIRMAN FITCH: If I may interrupt, 17 beginning with the words, "this was just one 18 example," that becomes nonresponsive to this 19 particular question and that will be struck. 20 From, beginning with, "this is just one 21 example," for about three sentences or whatever it 22 will be.</p>	<p style="text-align: right;">Page 125</p> <p>1 you in the case? 2 A. Yes. 3 Q. Who were you seeing? 4 A. Dr. Aviera and Dr. Long. 5 Q. What was the purpose of these doctors? 6 A. Mr. Klayman set me up with those 7 doctors to help me out with my -- for the sexual 8 harassment and the stage of what was going on. 9 Q. What kind of medicine did Dr. Aviera 10 practice? 11 A. It was actually -- oh, Dr. Aviera is a 12 psychologist. 13 Q. How did she know? 14 A. We had sessions. We had twice or three 15 times a week sessions that she would help me. It 16 started with the sexual harassment on my coworker, 17 but it went to Mr. Klayman and everything that I 18 had to deal with him on a daily basis. She 19 started helping me with that. 20 Q. Were you under medication at that time? 21 A. Yes. 22 Q. What kind of medication?</p>

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<p style="text-align: right;">Page 126</p> <p>1 A. I was taking sleeping pills and I was 2 taking antianxiety and anti-depression. 3 Q. Were these prescribed by your doctors? 4 A. Yes. 5 Q. Let me ask about Dr. Aviera. Have you 6 spoken with her recently? 7 A. A few months ago, yes. 8 Q. Can you tell the hearing committee 9 anything that was going on in Dr. Aviera's life? 10 A. Yes. Unfortunately she's sick and -- 11 stage four cancer, so she can't see patients any 12 more. She told me -- 13 MR. SUJAT: Your Honor, I object. This 14 is hearsay. 15 CHAIRMAN FITCH: That's sustained. 16 BY MR. SMITH: 17 Q. When was the last time you met with Mr. 18 Aviera? 19 A. A few months ago. 20 Q. Ok. 21 A. A few months ago. I don't remember 22 when.</p>	<p style="text-align: right;">Page 128</p> <p>1 session, it took a few months, then I texted her 2 and she answered me. She explained to me that 3 she's very sick, but she only sees certain 4 patients over the phone from home. 5 And the last time I asked -- 6 MR. SUJAT: Your Honor, I'm object. 7 This is hearsay. 8 CHAIRMAN FITCH: Overruled. 9 MR. SUJAT: She's going into repeating 10 what she heard -- 11 CHAIRMAN FITCH: Overruled. Go ahead. 12 THE WITNESS: So, basically she's -- 13 and the last time I texted her, unfortunately, I 14 haven't heard from her, and I hope she's ok. 15 BY MR. SMITH: 16 Q. Let me ask you to look at what has been 17 marked as Bar Exhibit Number 24. 18 MR. TIGAR: Did you say 24? 19 MR. SMITH: Twenty-four. 20 MR. TIGAR: Could I ask a question 21 about 23? 22 You had that in front of you just a</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Was that a part of your treatment? 2 A. Yes. 3 Q. Did there come a time when she stopped 4 treating you? 5 A. Yes. 6 Q. When was that? 7 A. As she got sicker and as she wouldn't 8 see patients, she couldn't see patients in her 9 office anymore. 10 Q. So when was the last time that you saw 11 her? 12 A. So the last time I didn't actually see 13 her. I text messaged, text messaged her, and she 14 said that -- 15 MR. SUJAT: Your Honor, this would be 16 hearsay about text messages. 17 MR. SMITH: It's not for the truth of 18 the assertion, but certainly for the fact of what 19 Dr. Aviera told her. 20 CHAIRMAN FITCH: I think that's right. 21 Go ahead. 22 THE WITNESS: After I saw her in a</p>	<p style="text-align: right;">Page 129</p> <p>1 moment ago. 2 THE WITNESS: Yes. 3 MR. TIGAR: Do you remember, there are 4 a number of things in there that are emails. Now 5 do you remember receiving those at or about the 6 time of the various dates that they bear? 7 Was that question clear? 8 THE WITNESS: The emails? 9 MR. TIGAR: In other words, you 10 attached some emails that you say are from Mr. 11 Klayman? Do you remember getting those from him? 12 THE WITNESS: Yes. 13 MR. TIGAR: Alright. 14 15 MR. TIGAR: And 24 the witness has in 16 front of her now? 17 MR. SMITH: Yes. 18 MR. TIGAR: Did you receive that from 19 Mr. Klayman? 20 MR. SMITH: Excuse me, I was going to 21 go into it. 22 MR. TIGAR: You're going to do it ?</p>

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<p style="text-align: right;">Page 130</p> <p>1 Alright, that's probably better.</p> <p>2 MR. SMITH: Ok.</p> <p>3 MR. TIGAR: Sorry.</p> <p>4 MR. SMITH: And we will get back to the</p> <p>5 emails in 23 as well, but thank you for that.</p> <p>6 MR. TIGAR: Mm-hmm.</p> <p>7 BY MR. SMITH:</p> <p>8 Q. For the record, Bar Exhibit 24 is a</p> <p>9 letter addressed to Arlene, and it is CC'd to</p> <p>10 "Ellie" and it's dated April 7, 2010.</p> <p>11 Have you seen this document prior to</p> <p>12 today?</p> <p>13 A. Yes.</p> <p>14 Q. When did you first see this document,</p> <p>15 if you recall?</p> <p>16 A. It was about the same time that he</p> <p>17 emailed it to Dr. Aviera.</p> <p>18 Q. Who showed you a copy of this letter?</p> <p>19 A. Dr. Aviera.</p> <p>20 Q. Look at Bar Exhibit Number 25.</p> <p>21 For the record it is a letter dated May</p> <p>22 9th, 2010, and again addressed to "Arlene."</p>	<p style="text-align: right;">Page 132</p> <p>1 Aviera might have said.</p> <p>2 CHAIRMAN FITCH: Well, we have to take</p> <p>3 it step by step I think.</p> <p>4 I guess the pending question is --</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Did you have a conversation with Dr.</p> <p>7 Aviera?</p> <p>8 CHAIRMAN FITCH: About? The April</p> <p>9 letter.</p> <p>10 MR. SMITH: About the April letter.</p> <p>11 CHAIRMAN FITCH: Or the letter that has</p> <p>12 an April date at the top. Ok.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. SMITH:</p> <p>15 Q. Can you tell the hearing committee</p> <p>16 about that conversation.</p> <p>17 MR. KLAYMAN: Your Honor, objection,</p> <p>18 hearsay.</p> <p>19 She can testify what she said, but she</p> <p>20 can't testify what Dr. Aviera said. That would be</p> <p>21 hearsay.</p> <p>22 CHAIRMAN FITCH: Well, given the</p>
<p style="text-align: right;">Page 131</p> <p>1 Have you had a chance to look at that?</p> <p>2 A. Yes.</p> <p>3 Q. Other than today, do you recall the</p> <p>4 first time you saw this letter?</p> <p>5 A. Probably about the same time, but I</p> <p>6 didn't pay much attention because I knew about all</p> <p>7 this.</p> <p>8 But Dr. Aviera showed me the letter.</p> <p>9 Q. Ok, Dr. Aviera showed you the letter.</p> <p>10 Did you have a conversation with Dr.</p> <p>11 Aviera about either of the two letters, the April</p> <p>12 letter or the May letter?</p> <p>13 A. I had conversation -- yes.</p> <p>14 Q. Ok.</p> <p>15 A. And emails.</p> <p>16 Q. With respect to the April letter, Bar</p> <p>17 Exhibit Number 24 --</p> <p>18 MR. KLAYMAN: Your Honor I would object</p> <p>19 to any testimony that gets into about what Dr.</p> <p>20 Aviera said.</p> <p>21 CHAIRMAN FITCH: That gets into what?</p> <p>22 MR. KLAYMAN: That gets into what Dr.</p>	<p style="text-align: right;">Page 133</p> <p>1 relaxed rules of evidence, and because at least</p> <p>2 she is here to be cross-examined, let's go down</p> <p>3 that road and see what happens.</p> <p>4 Overruled --</p> <p>5 MR. KLAYMAN: At this point, for the</p> <p>6 record, as your Honor may recall, I had requested</p> <p>7 to be able to depose Dr. Aviera. That would have</p> <p>8 alleviated this issue, and I was denied.</p> <p>9 That's why I also needed her file,</p> <p>10 because this is just selective things that are</p> <p>11 being produced by Bar Counsel from her file, not</p> <p>12 the whole file.</p> <p>13 So this is a highly prejudicial area of</p> <p>14 testimony for her to be testifying, A, without my</p> <p>15 having discovery, which I requested early on, and</p> <p>16 B without Dr. Aviera to testify.</p> <p>17 MR. SMITH: Disciplinary Counsel does</p> <p>18 not have Dr. Aviera's file. What we have is what</p> <p>19 we have produced.</p> <p>20 We have established that Dr. Aviera is</p> <p>21 unavailable because of serious health concerns and</p> <p>22 that's why she's not testifying here today, even</p>

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<p style="text-align: right;">Page 134</p> <p>1 remotely.</p> <p>2 And the document does speak for itself.</p> <p>3 Ms. Sataki, certainly who was a party to any</p> <p>4 conversation she had with Dr. Aviera. She recall</p> <p>5 and can describe what it was that she was feeling</p> <p>6 at the time, certainly, and what Dr. Aviera may</p> <p>7 have said.</p> <p>8 Again, because of the relaxed rules</p> <p>9 here, everything that Ms. Sataki may say about Dr.</p> <p>10 Aviera are statements that go to weight, not</p> <p>11 admissibility.</p> <p>12 MR. KLAYMAN: First of all, if I may</p> <p>13 respond to that, Mr. Smith is in part testifying</p> <p>14 for himself on that. It's clear that I wanted</p> <p>15 discovery up front.</p> <p>16 Relaxed rules does not mean that you</p> <p>17 bring in testimony that can't be corroborated,</p> <p>18 that can't be refuted in any way.</p> <p>19 I as Respondent am being put in a Catch</p> <p>20 22 situation: heads I win, tails I lose, not being</p> <p>21 able to refute that.</p> <p>22 So, again, this is much like the</p>	<p style="text-align: right;">Page 136</p> <p>1 I'm getting sandbagged and ambushed, as I was</p> <p>2 going to be early on in this case.</p> <p>3 It's not right, it's not proper and</p> <p>4 it's not even ethical.</p> <p>5 THE WITNESS: I'm so sorry.</p> <p>6 Katherine is not from VOA.</p> <p>7 CHAIRMAN FITCH: I think that argument</p> <p>8 contains a number of elements, some of which are</p> <p>9 apples, some of which are oranges.</p> <p>10 We've done our best to apply the rules</p> <p>11 of the Board, rules that do not favor depositions</p> <p>12 and set up a compelling-need standard.</p> <p>13 The other observation is that this</p> <p>14 document, Number 24, has been in the exhibits from</p> <p>15 the time that they were initially due in</p> <p>16 preliminary form.</p> <p>17 Mr. Smith, why don't you -- I'm not</p> <p>18 convinced of what the relevance is of Dr. Aviera's</p> <p>19 views. I'm certainly going to hear what the</p> <p>20 complaining witness, Ms. Sataki, said to Dr.</p> <p>21 Aviera, and maybe what Ms. Sataki's reactions were</p> <p>22 to Dr. Aviera's comments, if any.</p>
<p style="text-align: right;">Page 135</p> <p>1 documents that were just produced after it was</p> <p>2 told to me by Bar Counsel that they had produced</p> <p>3 everything. This is unfair surprise, and it's</p> <p>4 completely contrary to any norms of litigation</p> <p>5 practice, even before a hearing tribunal or even a</p> <p>6 court. It just doesn't work. It doesn't fly.</p> <p>7 It's not proper.</p> <p>8 So relaxed rules does not mean that you</p> <p>9 get to do whatever you want, and you get to do a</p> <p>10 number on the Respondent and he doesn't get the</p> <p>11 opportunity to know what the testimony is when he</p> <p>12 reasonably requested discovery.</p> <p>13 And the same thing with the</p> <p>14 investigator, and the same thing with Ms. Sataki,</p> <p>15 herself, because we're first learning today that</p> <p>16 there is this person named Katherine from the VOA</p> <p>17 who was preparing these ethics complaints.</p> <p>18 Well, I was at odds with VOA, for her,</p> <p>19 in making very strong statements about what VOA</p> <p>20 had not done properly.</p> <p>21 So all of this stuff, I should have had</p> <p>22 the opportunity to take some discovery here, and</p>	<p style="text-align: right;">Page 137</p> <p>1 So why don't you proceed along those</p> <p>2 lines, if you would.</p> <p>3 MR. SMITH: Thank you.</p> <p>4 BY MR. SMITH:</p> <p>5 Q. So the question, Ms. Sataki, was, did</p> <p>6 you have a conversation with Dr. Aviera concerning</p> <p>7 this letter?</p> <p>8 A. Yes.</p> <p>9 Q. Can you share with the hearing</p> <p>10 committee what that conversation was?</p> <p>11 MR. KLAYMAN: Your Honor, hearsay, ok?</p> <p>12 She can say what she said, but she</p> <p>13 can't testify to what Dr. Aviera said.</p> <p>14 CHAIRMAN FITCH: Yes, let's start off</p> <p>15 with that, Mr. Smith.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. Alright. What did you say to Dr.</p> <p>18 Aviera once you became aware of this letter?</p> <p>19 A. I mean, I can't exactly remember. It</p> <p>20 was such along time, exact that day. But I can</p> <p>21 say that what I told Dr. Aviera was exactly what a</p> <p>22 patient says to the psychologist, and everything</p>

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<p style="text-align: right;">Page 138</p> <p>1 that Mr. Klayman was doing to me and all and the</p> <p>2 fact that he's explaining his love to me and all</p> <p>3 that.</p> <p>4 And I asked Dr. Aviera to have a</p> <p>5 session with Mr. Klayman, together, and she</p> <p>6 agreed, and I asked Mr. Klayman to come to the</p> <p>7 office so the three of us can have -- can speak.</p> <p>8 I don't remember exact, but I think</p> <p>9 these are during that time, these letters are</p> <p>10 during that time. I do remember that before he</p> <p>11 attended to that meeting at the Lincoln Center</p> <p>12 that Dr. Aviera sent a letter about what he wants</p> <p>13 to talk about and how he feels about the whole</p> <p>14 thing, but we did have a session, the three of us</p> <p>15 together, with Dr. Aviera.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. What was the purpose of that session?</p> <p>18 A. I wanted to explain to Mr. Klayman in</p> <p>19 front of Dr. Aviera that he is only my attorney</p> <p>20 and nothing but attorney, and he will never, ever</p> <p>21 be anything but attorney, not even a friend.</p> <p>22 And he was asking me, "Is it because</p>	<p style="text-align: right;">Page 140</p> <p>1 CHAIRMAN FITCH: Madam witness, we had</p> <p>2 a discussion earlier this morning that you were</p> <p>3 not privy to, and it was about the all important</p> <p>4 matter of scheduling and lunch.</p> <p>5 We are inclined to go to about 1:00</p> <p>6 p.m. if that's alright with you. But if you're</p> <p>7 getting bushed or anything, like anyone else here,</p> <p>8 speak up.</p> <p>9 THE WITNESS: Thanks.</p> <p>10 MR. TIGAR: It's okay?</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. SMITH:</p> <p>13 Q. If you could refer to Bar Exhibit</p> <p>14 Number 25.</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall whether this letter was</p> <p>17 written before or after the meeting that you had</p> <p>18 amongst you, Mr. Klayman and Dr. Aviera?</p> <p>19 MR. KLAYMAN: Your Honor, lacks</p> <p>20 foundation. There's no showing she ever saw the</p> <p>21 letter, whatever it is.</p> <p>22 CHAIRMAN FITCH: Right now it's just a</p>
<p style="text-align: right;">Page 139</p> <p>1 I'm not Persian that I can't be your boyfriend?"</p> <p>2 And I said, "If you were the last man on Earth you</p> <p>3 can't be my boyfriend. You are only my attorney</p> <p>4 and handling my case."</p> <p>5 I wanted to do that in front of Dr.</p> <p>6 Aviera so I have a witness.</p> <p>7 Q. At your meeting with Dr. Aviera, did</p> <p>8 you say those things?</p> <p>9 A. Yes, I did.</p> <p>10 Q. How were your remarks received by Mr.</p> <p>11 Klayman?</p> <p>12 A. Mr. Klayman left the meeting halfway.</p> <p>13 He left the meeting. He kind of got upset and he</p> <p>14 left and me and Dr. Aviera continued the session.</p> <p>15 CHAIRMAN FITCH: Am I correct in</p> <p>16 understanding that there was in fact a meeting</p> <p>17 among Dr. Aviera, Ms. Sataki and Mr. Klayman?</p> <p>18 THE WITNESS: Yes.</p> <p>19 CHAIRMAN FITCH: Thank you.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. So looking back at Bar Exhibit Number</p> <p>22 25 --</p>	<p style="text-align: right;">Page 141</p> <p>1 reference point of a date.</p> <p>2 Overruled.</p> <p>3 THE WITNESS: What was the question?</p> <p>4 I'm sorry. Can I ask?</p> <p>5 BY MR. SMITH:</p> <p>6 Q. My question to you was, this letter,</p> <p>7 was it written before or after the meeting amongst</p> <p>8 you, Mr. Klayman and Dr. Aviera?</p> <p>9 A. I can guess that it is more, but --</p> <p>10 MR. KLAYMAN: Your Honor, it calls for</p> <p>11 speculation.</p> <p>12 CHAIRMAN FITCH: We're not going to</p> <p>13 allow it.</p> <p>14 THE WITNESS: I don't, I don't -- I</p> <p>15 can't remember.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. Let me ask you to look at Bar Exhibit</p> <p>18 Number 26. For the record, it is an email</p> <p>19 correspondence dated Saturday the 8th of May,</p> <p>20 2010, from Larry Klayman to Ellie Sataki.</p> <p>21 (Witness peruses document.)</p> <p>22 Q. Do you remember getting this letter?</p>

36 (Pages 138 to 141)

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<p style="text-align: right;">Page 142</p> <p>1 A. Yes.</p> <p>2 Q. What was your reaction when you got</p> <p>3 this letter?</p> <p>4 A. At this point my reaction is the same</p> <p>5 as all the other times that I -- I'm just upset,</p> <p>6 hurt and angry that he can't concentrate on my</p> <p>7 case and instead of concentrating on my case and</p> <p>8 the fact that I'm jobless, career-less, and he's</p> <p>9 still concentrating on his feelings for me, and</p> <p>10 that was my reaction.</p> <p>11 I begged him, I plead to him, I</p> <p>12 screamed, I cried, begging him, "Please, please,</p> <p>13 stay my attorney and focus on my case, not on me."</p> <p>14 Q. Did you ever have any romantic</p> <p>15 interactions with Mr. Klayman?</p> <p>16 A. Absolutely not.</p> <p>17 Q. Did you ever have any physical contact</p> <p>18 with Mr. Klayman, other than like a handshake?</p> <p>19 A. No.</p> <p>20 Q. Did Mr. Klayman ever attempt to kiss</p> <p>21 you?</p> <p>22 A. One time when he -- they gave Mr.</p>	<p style="text-align: right;">Page 144</p> <p>1 26.</p> <p>2 Let me ask you to look at Bar Exhibit</p> <p>3 Number 27. For the record, it is a letter dated</p> <p>4 July 30th, 2010, from Elham Sataki to Larry</p> <p>5 Klayman.</p> <p>6 CHAIRMAN FITCH: You've moved in number</p> <p>7 27.</p> <p>8 MR. SMITH: I'm making reference -- I</p> <p>9 was asking -- I should move all these exhibits.</p> <p>10 CHAIRMAN FITCH: No, no, I wasn't</p> <p>11 asking you to move that. You'll be fine, don't</p> <p>12 worry about it.</p> <p>13 You were about to go to Exhibit 27?</p> <p>14 MR. SMITH: Yes.</p> <p>15 CHAIRMAN FITCH: May I ask a question</p> <p>16 about Exhibit 26?</p> <p>17 MR. SMITH: Yes.</p> <p>18 CHAIRMAN FITCH: On Page 2 of that</p> <p>19 exhibit, do you see how way down the page there</p> <p>20 purports to be an email from Mr. Klayman to you,</p> <p>21 Saturday, 8, May, 14:16.</p> <p>22 THE WITNESS: Yes, where he says that</p>
<p style="text-align: right;">Page 143</p> <p>1 Falahati a disciplinary -- they asked him to stay</p> <p>2 home for two weeks, and he had to stay home until</p> <p>3 they resolved the case and see what's going on,</p> <p>4 and investigate the case, my sexual harassment</p> <p>5 case. Mr. Klayman called me and he said, "We're</p> <p>6 going to go celebrate. We're winning. You will</p> <p>7 win the case. This looks great."</p> <p>8 So he took me out and he explained the</p> <p>9 whole case to me, what happened, that now he's</p> <p>10 going to be put at home and not come to the</p> <p>11 office. And he ordered champagne to celebrate</p> <p>12 that, and we had dinner, and that is the time that</p> <p>13 he got a little bit -- he got too close and he</p> <p>14 tried to kiss me.</p> <p>15 Q. Can you describe what happened?</p> <p>16 A. Nothing happened, because nothing was</p> <p>17 supposed to have happened.</p> <p>18 I pushed him away and then I asked him</p> <p>19 to, "Please let's stay on this case and continue</p> <p>20 the way it is. This is a good step. I'm hoping</p> <p>21 that it's going to continue this way."</p> <p>22 Q. Referring back to Bar Exhibit Number</p>	<p style="text-align: right;">Page 145</p> <p>1 he wants someone else to take over the case, that</p> <p>2 email?</p> <p>3 MR. TIGAR: Yes.</p> <p>4 CHAIRMAN FITCH: That's what I'm</p> <p>5 referring to. I'm not sure I asked you what he</p> <p>6 was saying.</p> <p>7 THE WITNESS: Oh, I'm sorry.</p> <p>8 CHAIRMAN FITCH: But he does refer a</p> <p>9 Tim Shea as someone who can take over the legal</p> <p>10 representation, correct.</p> <p>11 THE WITNESS: Yes.</p> <p>12 CHAIRMAN FITCH: Did Mr. Shea call you</p> <p>13 on Monday or Tuesday or Wednesday or whatever?</p> <p>14 THE WITNESS: I don't remember.</p> <p>15 CHAIRMAN FITCH: And did you make any</p> <p>16 effort to contact Mr. Shea.</p> <p>17 THE WITNESS: I don't remember.</p> <p>18 CHAIRMAN FITCH: Ok. Go ahead, Mr.</p> <p>19 Smith.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. Ok, looking at Bar Exhibit Number 27,</p> <p>22 please. Did anyone help you write this letter?</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. Yes.</p> <p>2 Q. Who was that?</p> <p>3 A. Katherine.</p> <p>4 Q. What is Katherine's last name, if you</p> <p>5 recall?</p> <p>6 A. I have it there. I can't remember.</p> <p>7 Styles -- she -- I don't remember her last name.</p> <p>8 Q. And --</p> <p>9 A. I have it in my notes.</p> <p>10 Q. With whom did Katherine work?</p> <p>11 A. She worked for a congressman that I met</p> <p>12 through Mr. Klayman. Mr. Klayman took me to that</p> <p>13 congressman's office in California. That's where</p> <p>14 I met Katherine.</p> <p>15 Q. It was in California?</p> <p>16 A. Yes.</p> <p>17 Q. And you became friends with Katherine?</p> <p>18 A. Yes.</p> <p>19 Q. Before this letter was written to Mr.</p> <p>20 Klayman, did you help prepare it?</p> <p>21 A. Yes.</p> <p>22 Q. Did you agree with everything that was</p>	<p style="text-align: right;">Page 148</p> <p>1 what that leading question suggests and elicits.</p> <p>2 So I move to strike the question and</p> <p>3 the answer.</p> <p>4 CHAIRMAN FITCH: I need the question</p> <p>5 repeated.</p> <p>6 THE COURT REPORTER: "At that point did</p> <p>7 you expect Mr. Klayman to no longer be working on</p> <p>8 your cases?"</p> <p>9 CHAIRMAN FITCH: Overruled.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. Would you please look at the last</p> <p>12 sentence on the second page of the letter. If you</p> <p>13 would read that for the hearing committee.</p> <p>14 A. "I know that you want the best for me,</p> <p>15 but I also believe that my case has become a more</p> <p>16 personal/political fight that you have with VOA or</p> <p>17 that system in general."</p> <p>18 Q. Would you tell the hearing committee</p> <p>19 what you meant by that.</p> <p>20 A. Mr. Klayman, during those months, he</p> <p>21 had two concentrations: one, his love for me and</p> <p>22 him pursuing me; two, this case became more --</p>
<p style="text-align: right;">Page 147</p> <p>1 in there?</p> <p>2 A. Of course, yes, absolutely.</p> <p>3 Q. Alright. Take a look at paragraph</p> <p>4 three of the letter.</p> <p>5 A. Yes.</p> <p>6 Q. Could you just read that to the hearing</p> <p>7 committee?</p> <p>8 A. "I want to withdraw all the pending</p> <p>9 lawsuits that are on my behalf and/or in my name.</p> <p>10 I want only to follow a sexual harassment case</p> <p>11 against Mr. Falahati as the main harasser and only</p> <p>12 Alusat Jaffee (phon) and Susan Jackson as</p> <p>13 Falahati's supporters. They did so by not</p> <p>14 pursuing my complaint and retaliating against me</p> <p>15 in the work place."</p> <p>16 Q. At that point did you expect Mr.</p> <p>17 Klayman to no longer be working on your cases?</p> <p>18 A. Yes. I even asked him to let --</p> <p>19 MR. KLAYMAN: Objection, I'm sorry.</p> <p>20 Several points of objection on it:</p> <p>21 NUMBER one, that was a totally leading question;</p> <p>22 number two, the document, itself, doesn't even say</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. KLAYMAN: Objection, your Honor.</p> <p>2 She can't -- she's speculating as to my frame of</p> <p>3 mind, and that's an improper response and I ask</p> <p>4 that it be stricken and for her not to testify for</p> <p>5 me what's in my head.</p> <p>6 CHAIRMAN FITCH: I think on the first</p> <p>7 point there's been adequate foundation laid for</p> <p>8 her to tell us what her conclusion is.</p> <p>9 On the second point, I think there has</p> <p>10 not been an adequate foundation. Her first point</p> <p>11 being the emotional one and the second point being</p> <p>12 other asserted purposes.</p> <p>13 MR. SMITH: Well, I think that the</p> <p>14 foundation is set forth in the plain language of</p> <p>15 her sentence, and I wanted her to explain to you</p> <p>16 and for the record what she meant by, this became</p> <p>17 more than a political/personal -- excuse me, that</p> <p>18 "it became more of a personal/political fight,"</p> <p>19 and from her perspective --</p> <p>20 CHAIRMAN FITCH: She can point to</p> <p>21 tangible --</p> <p>22 MR. SMITH: Yes, as you --</p>

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<p style="text-align: right;">Page 150</p> <p>1 CHAIRMAN FITCH: --indications.</p> <p>2 MR. SMITH: Yes, she was in the process</p> <p>3 of doing that before the objection.</p> <p>4 CHAIRMAN FITCH: Well, I'm not so sure</p> <p>5 of that. But, at any rate, we all know where we</p> <p>6 stand now.</p> <p>7 MR. SMITH: Alright.</p> <p>8 THE WITNESS: Well, my -- it became</p> <p>9 more of a political fight for Mr. Klayman --</p> <p>10 MR. KLAYMAN: Same objection, your</p> <p>11 Honor.</p> <p>12 CHAIRMAN FITCH: You said that in your</p> <p>13 letter, in your email. What was the basis for</p> <p>14 saying that?</p> <p>15 THE WITNESS: Because he was talking</p> <p>16 all the time about the different politicians that</p> <p>17 he's meeting regarding my case and different</p> <p>18 congressmen and the fact that he made the cases so</p> <p>19 big and I'm suing everybody up to Hillary Clinton,</p> <p>20 when I felt that -- I felt that this is me, little</p> <p>21 Elham Sataki, here on this side and her attorney,</p> <p>22 and everybody else on the other side together,</p>	<p style="text-align: right;">Page 152</p> <p>1 THE WITNESS: Yes.</p> <p>2 CHAIRMAN FITCH: And you wrote, "Why</p> <p>3 don't you work with a lawyer that Tim introduced</p> <p>4 to you and let him do the negotiations?"</p> <p>5 Who was that lawyer?</p> <p>6 THE WITNESS: The lawyer that Tim</p> <p>7 Shamble introduced -- and also Mr. Klayman told me</p> <p>8 that Tim Shamble introduced this lawyer, his name</p> <p>9 was Tim, too, Tim Shea.</p> <p>10 CHAIRMAN FITCH: What was the name?</p> <p>11 THE WITNESS: Tim Shea, I believe.</p> <p>12 CHAIRMAN FITCH: Oh, it was Tim Shea.</p> <p>13 I thought you told me --</p> <p>14 THE WITNESS: Tim Shea, S-h-e-a.</p> <p>15 CHAIRMAN FITCH: Oh, I thought you told</p> <p>16 me a few minutes ago that you didn't remember.</p> <p>17 THE WITNESS: I didn't remember if I</p> <p>18 contacted him or not, but I asked Mr. Klayman and</p> <p>19 Tim Shamble to.</p> <p>20 CHAIRMAN FITCH: Ok, so did there come</p> <p>21 a time when you met with Mr. Shea?</p> <p>22 THE WITNESS: I didn't meet with him,</p>
<p style="text-align: right;">Page 151</p> <p>1 because he put the whole VOA and everybody against</p> <p>2 me, together, because he sued everybody.</p> <p>3 So, the case became too big and too</p> <p>4 huge and it didn't have to be that way. I just</p> <p>5 wanted it to be against the person who sexually</p> <p>6 harassed me and the two supervisors.</p> <p>7 CHAIRMAN FITCH: Ok, Mr. Smith. You</p> <p>8 have her reasons for making that observation, and</p> <p>9 Mr. Klayman can do with them what he wants to on</p> <p>10 cross-examination and the committee members will</p> <p>11 be convinced or not be convinced.</p> <p>12 MR. SMITH: Thank you.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. Please take a look at Bar Exhibit</p> <p>15 Number 28.</p> <p>16 CHAIRMAN FITCH: May I ask a question,</p> <p>17 Mr. Smith, of number 27, please?</p> <p>18 MR. SMITH: Yes.</p> <p>19 CHAIRMAN FITCH: Down the first page,</p> <p>20 down at the bottom of 27-1, you wrote, "Why don't</p> <p>21 you work" -- this is an email from you to Mr.</p> <p>22 Klayman, correct?</p>	<p style="text-align: right;">Page 153</p> <p>1 no.</p> <p>2 CHAIRMAN FITCH: Ok.</p> <p>3 THE WITNESS: I didn't meet with him.</p> <p>4 CHAIRMAN FITCH: How did you know that</p> <p>5 Tim Shamble introduced Tim Shea to Mr. Klayman?</p> <p>6 THE WITNESS: Mr. Klayman told me.</p> <p>7 CHAIRMAN FITCH: Ok. In the preceding</p> <p>8 paragraph you wrote, "I want to withdraw all the</p> <p>9 pending lawsuits that are on my behalf and/or in</p> <p>10 my name. I want only to follow a sexual</p> <p>11 harassment case against Mehdi Falahati" -- close</p> <p>12 enough.</p> <p>13 THE WITNESS: Yes.</p> <p>14 CHAIRMAN FITCH: What did you have in</p> <p>15 mind when you said, "I want only to follow a</p> <p>16 sexual harassment case"? Did you have in mind</p> <p>17 something that was already pending or some other</p> <p>18 measure or step?</p> <p>19 THE WITNESS: I meant that I -- I don't</p> <p>20 want, because he sued the Board of Governors and</p> <p>21 all the others, and I meant that I don't want to</p> <p>22 sue all these people. I only want it limited to</p>

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<p style="text-align: right;">Page 154</p> <p>1 these three people.</p> <p>2 CHAIRMAN FITCH: And when you wrote</p> <p>3 that second sentence, "I want only to follow a</p> <p>4 sexual harassment case," I suggest to you there</p> <p>5 are two possibilities: you had in mind some</p> <p>6 specific case -- or three possibilities: you had</p> <p>7 in mind some specific already pending case, or you</p> <p>8 had in mind some possible other case, or you</p> <p>9 didn't have any of that in mind, or you don't</p> <p>10 remember.</p> <p>11 THE WITNESS: I don't remember. I</p> <p>12 don't think I have anything in mind.</p> <p>13 CHAIRMAN FITCH: Ok.</p> <p>14 THE WITNESS: It was just maybe the way</p> <p>15 I -- the sentence, the way I wrote it.</p> <p>16 CHAIRMAN FITCH: I'm sorry, Mr. Smith.</p> <p>17 Go ahead.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. Take a look at Bar Exhibit Number 28.</p> <p>20 CHAIRMAN FITCH: Well, let me go back,</p> <p>21 I'm sorry.</p> <p>22 You testified that Mr. Klayman had told</p>	<p style="text-align: right;">Page 156</p> <p>1 with Mr. Shea?</p> <p>2 THE WITNESS: No.</p> <p>3 CHAIRMAN FITCH: Try it again, Mr.</p> <p>4 Smith. Maybe I won't interrupt you this time.</p> <p>5 MR. SMITH: Oh, ok.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Bar Exhibit Number 28. For the record</p> <p>8 this is a letter dated August 4th, 2010 addressed</p> <p>9 to a Mr. Danforth Austin from Elham Sataki.</p> <p>10 (Witness reads document.)</p> <p>11 Q. Did someone help you write this</p> <p>12 particular letter?</p> <p>13 A. Yes.</p> <p>14 Q. Who is that?</p> <p>15 A. Kathleen.</p> <p>16 Q. And looking on Page 28.2, the paragraph</p> <p>17 with the sentence that's kind of sitting there in</p> <p>18 the middle that begins with, "I wish also"...</p> <p>19 A. Twenty-eight one?</p> <p>20 Q. Yeah -- no, 28-2.</p> <p>21 A. Twenty-eight dash two. "I wish</p> <p>22 also" --</p>
<p style="text-align: right;">Page 155</p> <p>1 you that he had met or had communications with Mr.</p> <p>2 Shea.</p> <p>3 Is that right? Is that what he told</p> <p>4 you, or not?</p> <p>5 THE WITNESS: He told me that, yes.</p> <p>6 CHAIRMAN FITCH: Ok. Did he say that</p> <p>7 he had met in person with Mr. Shea or telephone</p> <p>8 conversation with Mr. Shea or emails, pigeons or</p> <p>9 whatever?</p> <p>10 THE WITNESS: I don't know.</p> <p>11 CHAIRMAN FITCH: Ok. Do you remember</p> <p>12 whether he told you anything about the substance</p> <p>13 of a Shea/Klayman communication?</p> <p>14 THE WITNESS: I just remember that he</p> <p>15 said that he's not a good option to handle this</p> <p>16 case.</p> <p>17 MR. KLAYMAN: Did he, Mr. Klayman,</p> <p>18 tell you why he thought Mr. Shea was not a good</p> <p>19 option?</p> <p>20 THE WITNESS: I don't remember.</p> <p>21 CHAIRMAN FITCH: Did Mr. Klayman ever</p> <p>22 say anything to you about any other communications</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. If you could read into the record from</p> <p>2 where it begins "I wish also."</p> <p>3 A. "I wish also to inform you that I have</p> <p>4 instructed Larry Klayman to withdraw any and all</p> <p>5 civil action that he may have filed in my name and</p> <p>6 that he's no longer representing me."</p> <p>7 Q. Let me ask you to back up. Who is</p> <p>8 Danforth Austin?</p> <p>9 A. He was at that point the, I don't know,</p> <p>10 higher decision for VOA, Voice of America, like</p> <p>11 higher than the Persian News Network. Yes, I</p> <p>12 believe he was the chief of VOA at that time.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. And I guess to state the obvious, but</p> <p>15 why did you send him this letter?</p> <p>16 A. Well, what exactly what it says here,</p> <p>17 to inform them that I don't want the lawsuit</p> <p>18 against everybody, the whole VOA, and also that</p> <p>19 Mr. Klayman is not representing me any more.</p> <p>20 MR. TIGAR: Excuse my, may I ask you,</p> <p>21 would you take a look at the letter. It says at</p> <p>22 the top, "A very important letter to Mr. Austin."</p>

40 (Pages 154 to 157)

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<p>1 Now did you send a copy of this letter</p> <p>2 to anyone, other than to Mr. Austin and to Mr.</p> <p>3 THE WITNESS: No, it could be that I</p> <p>4 sent it to myself for my own record that I know</p> <p>5 that what this is.</p> <p>6 MR. TIGAR: So you sent the letter --</p> <p>7 as I understand, you sent the letter to Mr. Austin</p> <p>8 by regular mail?</p> <p>9 THE WITNESS: I emailed it, plus I</p> <p>10 mailed it, too. I put it in the mail, in an</p> <p>11 envelope and mailed it to him.</p> <p>12 MR. TIGAR: Did you send a copy to Mr.</p> <p>13 Klayman?</p> <p>14 THE WITNESS: I don't remember.</p> <p>15 MR. TIGAR: Thank you.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. Let me ask you to take a look at Bar</p> <p>18 Exhibit Number 29.</p> <p>19 CHAIRMAN FITCH: Here I go again, Mr.</p> <p>20 Smith.</p> <p>21 In Exhibit 28, where you said that you</p> <p>22 instructed Mr. Klayman to "withdraw any and all</p>	<p>1 such an email to Mr. Klayman?</p> <p>2 (Witness peruses document.)</p> <p>3 THE WITNESS: I don't remember exactly</p> <p>4 what day. I probably could go back to the emails</p> <p>5 and check.</p> <p>6 CHAIRMAN FITCH: Well, we see something</p> <p>7 about that, as Mr. Tigar reminded me in 27, which</p> <p>8 was five days before your letter to Austin, and I</p> <p>9 am curious as to whether there's anything else</p> <p>10 that you have in mind when you said that?</p> <p>11 THE WITNESS: No.</p> <p>12 CHAIRMAN FITCH: Ok. Now you also</p> <p>13 said, on Page 28-2, "I have instructed Larry</p> <p>14 Klayman that he is no longer representing me."</p> <p>15 What are you referring to in the way of</p> <p>16 an instruction or a statement there?</p> <p>17 THE WITNESS: I told Mr. Klayman, I told</p> <p>18 him that I don't want him to represent me any</p> <p>19 more.</p> <p>20 CHAIRMAN FITCH: Do you recall whether</p> <p>21 you expressly, specifically, as you seem to be</p> <p>22 indicating, did that on one occasion or more than</p>
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<p>1 civil actions that you may have found in my name,</p> <p>2 what were you referring to there?</p> <p>3 THE WITNESS: Because at that point Mr.</p> <p>4 Klayman had a lawsuit against everybody in VOA,</p> <p>5 and the Board of Governors and up to Hillary</p> <p>6 Clinton, and that's what I wanted. I wanted to</p> <p>7 withdraw all that.</p> <p>8 CHAIRMAN FITCH: That's a fair answer.</p> <p>9 Let me ask a better question.</p> <p>10 When you used the word "instructed," "I</p> <p>11 have instructed Larry Klayman," what were you</p> <p>12 referring to there?</p> <p>13 THE WITNESS: I asked him to do that.</p> <p>14 CHAIRMAN FITCH: Ok. And did you ask</p> <p>15 him verbally or in writing or both?</p> <p>16 What exactly are you referring to</p> <p>17 there, if you remember?</p> <p>18 THE WITNESS: I emailed to Mr. Klayman</p> <p>19 and verbally asked him to do that.</p> <p>20 CHAIRMAN FITCH: Do you recall,</p> <p>21 vis-a-vis the August 5th date on this letter --</p> <p>22 the August 4th date on this letter, when you sent</p>	<p>1 one occasion?</p> <p>2 THE WITNESS: I'm sorry, I don't --</p> <p>3 CHAIRMAN FITCH: When you say in this</p> <p>4 he letter that you instructed him -- that "he is</p> <p>5 no longer representing me," do you recall when you</p> <p>6 said that?</p> <p>7 THE WITNESS: It must be sometime in</p> <p>8 July, end of July. Sometime end of July.</p> <p>9 CHAIRMAN FITCH: Mr. Smith?</p> <p>10 BY MR. SMITH:</p> <p>11 Q. Let me ask you to take a look at Bar</p> <p>12 Exhibit Number 1 again, at Page 1-3.</p> <p>13 MR. TIGAR: I'm sorry, counsel, what's</p> <p>14 the exhibit?</p> <p>15 MR. SMITH: Exhibit Number 1 at Page</p> <p>16 1-3.</p> <p>17 BY MR. SMITH:</p> <p>18 Q. Did someone help you write this letter?</p> <p>19 A. Yes.</p> <p>20 Q. Who was that?</p> <p>21 A. Katherine.</p> <p>22 Q. Can you read the first sentence in this</p>

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<p style="text-align: right;">Page 162</p> <p>1 letter, if you would, into the record.</p> <p>2 CHAIRMAN FITCH: Tell me again what</p> <p>3 exhibit you have.</p> <p>4 MR. SMITH: One at Page 1-3.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Can you read that first sentence into</p> <p>7 the record, please.</p> <p>8 A. "Please be advised that effective</p> <p>9 immediately your services are terminated</p> <p>10 forthwith. You are to provide no further legal</p> <p>11 service on my behalf in any case whatsoever.</p> <p>12 "Please provide me with a complete copy</p> <p>13 of my file and complete all service rendered via</p> <p>14 certified mail to my address above."</p> <p>15 Q. Now you had already sent him letters,</p> <p>16 correspondence in July, terminating him?</p> <p>17 A. Yes.</p> <p>18 Q. Why did you send this letter --</p> <p>19 CHAIRMAN FITCH: That question is</p> <p>20 struck. I think that's an inaccurate</p> <p>21 representation of what we've just heard about two</p> <p>22 parts of that sentence.</p>	<p style="text-align: right;">Page 164</p> <p>1 resume after we return. There are no Ping-Pong</p> <p>2 tables here we are suggesting with taking</p> <p>3 evidence.</p> <p>4 It's 12:58. Is that enough time? We</p> <p>5 stand in adjournment until 1:45.</p> <p>6 MR. KLAYMAN: I didn't hear when we</p> <p>7 were going to resume.</p> <p>8 CHAIRMAN FITCH: 1:45.</p> <p>9 (Whereupon at 12:58 p.m. a luncheon</p> <p>10 recess was taken.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. SMITH: Ok.</p> <p>2 CHAIRMAN FITCH: Just ask a question.</p> <p>3 BY MR. SMITH:</p> <p>4 Q. Prior to this letter, had you</p> <p>5 previously terminated Mr. Klayman from</p> <p>6 representation?</p> <p>7 A. Yes.</p> <p>8 Q. When was that?</p> <p>9 A. Sometime end of July, 2010.</p> <p>10 Q. Why did you send him this letter, which</p> <p>11 is, for the record, dated November 15th, 2010</p> <p>12 terminating his services?</p> <p>13 A. Because he was still sending me emails</p> <p>14 and text messages or phone calls about the case,</p> <p>15 and he was acting like he is still representing</p> <p>16 me.</p> <p>17 MR. SMITH: I have no further questions</p> <p>18 along these lines.</p> <p>19 I think this would be a good time for</p> <p>20 us to take our 1:00 o'clock lunch, and then I can</p> <p>21 resume after we return.</p> <p>22 CHAIRMAN FITCH: We certainly will</p>	<p style="text-align: right;">Page 165</p> <p>1 A F T E R N O O N S E S S I O N</p> <p>2 (Whereupon at 2:04 p.m. the hearing resumed.)</p> <p>3 MR. KLAYMAN: Your Honor, may I put</p> <p>4 something on the record outside of the hearing of</p> <p>5 the witness.</p> <p>6 CHAIRMAN FITCH: We are now back on the</p> <p>7 record at approximately 2:03, more or less by</p> <p>8 general compromise among counsel and others.</p> <p>9 Mr. Klayman, do you have one or more</p> <p>10 preliminary matters?</p> <p>11 MR. KLAYMAN: Some administrative</p> <p>12 matters.</p> <p>13 Your Honor, I apologize. I have post</p> <p>14 nasal drip and I didn't get, I forget what they</p> <p>15 call it, that clears out your throat this morning.</p> <p>16 CHAIRMAN FITCH: Life will go on.</p> <p>17 MR. KLAYMAN: So I will --</p> <p>18 CHAIRMAN FITCH: Not a problem. Life</p> <p>19 will go on.</p> <p>20 MR. KLAYMAN: Just, in terms of</p> <p>21 administration and how to proceed, is that last</p> <p>22 week your Honor ordered that I file exhibits, my</p>

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<p style="text-align: right;">Page 166</p> <p>1 exhibits by 4:00 o'clock on Friday, which I did.</p> <p>2 It was a big rush, not your fault, but I hadn't</p> <p>3 gotten a lot of the documents back from Mr. Smith</p> <p>4 until just a few days before that.</p> <p>5 I had given to him when, I first</p> <p>6 learned that this thing was still there, still</p> <p>7 alive, all the pleadings that I had filed and the</p> <p>8 file of Tim Shamble, and I gave him two boxes, ok,</p> <p>9 of the stuff, about that high. And you can see my</p> <p>10 exhibit binders are pretty deep, because I wanted</p> <p>11 the hearing committee to know how much work I had</p> <p>12 done and how hard I had tried for Ms. Sataki, as</p> <p>13 well as for the expert to say that what I filed</p> <p>14 was viable and professional.</p> <p>15 CHAIRMAN FITCH: I do note, Mr.</p> <p>16 Klayman, there's no charge here about lack of</p> <p>17 zealotness. There's no charge of lack of</p> <p>18 competency.</p> <p>19 MR. KLAYMAN: I understand that. There</p> <p>20 was, actually. In the beginning, when I first</p> <p>21 talked to Mr. Smith, he said that's the only issue</p> <p>22 in this case as to whether you abandoned the</p>	<p style="text-align: right;">Page 168</p> <p>1 So what I'm basically getting at is</p> <p>2 that there's some questions I want to ask Ms.</p> <p>3 Sataki, based upon my exhibits. I don't have</p> <p>4 another binder. I just have one set. But I would</p> <p>5 respectfully ask, particularly in light of the</p> <p>6 fact that Mr. Sujat is new to this case, and that</p> <p>7 we have these administrative things, that after</p> <p>8 the direct testimony concludes today, that I go</p> <p>9 back to the hotel and get those binders and then</p> <p>10 prepare with Mr. Sujat for the cross tomorrow,</p> <p>11 that we take a break before I cross Ms. Sataki.</p> <p>12 That would be more efficient, because</p> <p>13 we will be able to go through the testimony in a</p> <p>14 more orderly and correct way, and I'll have the</p> <p>15 exhibit books that I don't have right now to use.</p> <p>16 I just have one set.</p> <p>17 So, that is my suggestion, and I ask</p> <p>18 you to consider that, that once we stop with the</p> <p>19 direct today, that we begin with the cross</p> <p>20 tomorrow and then everything will be more</p> <p>21 organized when I have the books.</p> <p>22 Your Honor might remember, and again I</p>
<p style="text-align: right;">Page 167</p> <p>1 client and were not competent and zealous. And</p> <p>2 then when I satisfied him with that, then it</p> <p>3 became something else, it became the publicity.</p> <p>4 It became other things, like naming Hillary</p> <p>5 Clinton. I mean, it's like pulling a rabbit out</p> <p>6 of a hat.</p> <p>7 But the point I'm getting to is that --</p> <p>8 and then I'll get to that in my testimony, is that</p> <p>9 I put this together. It was so quick to put it</p> <p>10 together that we had FedEx put it together and</p> <p>11 they shipped it out to Meghan Borrazas and the</p> <p>12 clerk and it was filed.</p> <p>13 But we had two copies that were made,</p> <p>14 one for me to use and one for potentially the</p> <p>15 witness. You have copies. And the one for the</p> <p>16 witness got all jumbled, and when I went to pick</p> <p>17 it up last Saturday, I saw that Federal Express</p> <p>18 had really just made a -- shuffled it. So I had</p> <p>19 to have my only associate fix it yesterday, and he</p> <p>20 was to FedEx it to me early today. But it didn't</p> <p>21 arrive in time for me to leave the hotel and come</p> <p>22 here.</p>	<p style="text-align: right;">Page 169</p> <p>1 don't fault you for this, but I had asked for</p> <p>2 Friday to have more time to, you know, check it</p> <p>3 and put it together.</p> <p>4 CHAIRMAN FITCH: You did.</p> <p>5 MR. KLAYMAN: Thank you.</p> <p>6 CHAIRMAN FITCH: Thoughts, Mr. Smith?</p> <p>7 MR. SMITH: I have no objection.</p> <p>8 CHAIRMAN FITCH: Have you finished your</p> <p>9 direct with Ms. Sataki?</p> <p>10 MR. SMITH: No, I have not.</p> <p>11 MR. TIGAR: I'm sorry, I didn't hear</p> <p>12 him. He said he's not finished?</p> <p>13 CHAIRMAN FITCH: No, he's not finished.</p> <p>14 MR. SMITH: No, I'm not finished.</p> <p>15 CHAIRMAN FITCH: Well, then you should</p> <p>16 resume your direct.</p> <p>17 And we will take under advisement Mr.</p> <p>18 Klayman's uncontested request.</p> <p>19 (Witness Ms. Sataki resumes the stand.)</p> <p>20 CHAIRMAN FITCH: Ms. Sataki has</p> <p>21 rejoined us.</p> <p>22 And Ms. Sataki, as I'm required to do</p>

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<p style="text-align: right;">Page 170</p> <p>1 for every witness after every substantial break, 2 even one of just an hour or so, you are reminded 3 that you remain under oath. 4 THE WITNESS: Yes, sir. 5 CHAIRMAN FITCH: Mr. Smith. 6 MR. SMITH: Thank you. 7 CHAIRMAN FITCH: Mr. Smith is resuming 8 his direct examination. 9 CONTINUED DIRECT EXAMINATION 10 BY DISCIPLINARY COUNSEL 11 BY MR. SMITH: 12 Q. Ms. Sataki, I wanted to refer you again 13 to your testimony in connection with Bar Exhibit 14 27. For purposes of speeding things along, that 15 was the letter where you had asked Mr. Klayman to 16 withdraw all pending lawsuits on your behalf. 17 A. Yes. 18 Q. Could you tell the hearing committee 19 why it is that you decided to ask Mr. Klayman to 20 do that at that time. 21 A. You mean that November 15? 22 Q. No, no, no, no.</p>	<p style="text-align: right;">Page 172</p> <p>1 sorry. July 30th, 27-1. 2 THE WITNESS: Well, I wanted him to 3 stop -- one, like I said, he included some people 4 in the lawsuit that it made the lawsuit too big 5 and made all those people that were governors, 6 everybody, that came against -- in front of me and 7 me by myself. I didn't think that that's good. 8 I didn't want that. I just wanted the 9 person and the two people, supervisors, only that. 10 BY MR. SMITH: 11 Q. Was there anything else? Was there 12 another reason why you didn't want him involved in 13 your case? 14 A. All together not involved in my case? 15 Yes, it was because he couldn't stay 16 professional. He couldn't stay only as my 17 attorney, and he -- from end of April until this 18 time, I was in a roller coaster with him. He 19 would represent me and then he would say that he 20 can't represent me. 21 I mean, as a matter of fact it was 22 himself the first time when he said that he cannot</p>
<p style="text-align: right;">Page 171</p> <p>1 A. No, I'm sorry. 2 Q. In July. What was that July or May. 3 A. Oh, the first time. 4 Q. The May 30? 5 CHAIRMAN FITCH: You're perfectly 6 welcome to take a minute to back and look at 27. 7 THE WITNESS: Yes, sorry, I had the 8 November 15th in front of me. That's why. 9 BY MR. SMITH: 10 Q. Ok. 11 A. Would you please repeat the question. 12 Q. Could you explain to the hearing 13 committee, why was it that you decided at that 14 time to ask Mr. Klayman to withdraw from those 15 matters? 16 A. It was in October, right? 17 Q. No, May. 18 A. It's in May? 19 Q. May 30th? 20 CHAIRMAN FITCH: No, no, no, no. If 21 we're talking about Exhibit 27 -- 22 MR. SMITH: Yes. July 30th -- I'm</p>	<p style="text-align: right;">Page 173</p> <p>1 represent me any more because he is too 2 emotionally involved with me; he is in love with 3 me and I'm slamming the doors on his face, and 4 he's running on empty fuel, and he can't represent 5 me any more, and he's going to get a colleague, 6 somebody that works with him to work with me, or 7 even us not talk to each other and get a third 8 person in between us to go in between the two of 9 us. 10 So, all this stuff that I was going, 11 because it wasn't a -- I kept asking him, "Please, 12 stay professional." But he couldn't. He couldn't 13 cope with. As soon as he would see or hear that 14 I'm talking to someone, that would be a problem 15 with him, and then he had to go investigate that 16 person or ask his FBI person to investigate that 17 person, whoever I'm talking to, why I'm talking to 18 that person. 19 So it was the whole time a roller 20 coaster, emotional roller coaster, and 21 psychologically I couldn't do it any more. 22 I couldn't -- at that point, the fact</p>

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<p style="text-align: right;">Page 174</p> <p>1 that I'm becoming homeless, I'm losing my career, 2 my job, everything, my case, everything, it came 3 secondary. Because I had to -- what was first was 4 that I had to rescue myself from Mr. Klayman that 5 is -- that is mentally abusing me by the words 6 that he is saying about me or the people around me 7 and constantly texting me, calling me, messaging 8 me. Or when I'm supposed to meet with him, he 9 would get -- when I asked him that, "I meet with 10 you at the restaurant across the street," he would 11 get upset, why he's not allowed in my apartment? 12 I couldn't allow him in my apartment. He would 13 show up on my doorstep, downstairs. 14 And I just had to set a stop at one 15 point that, even though that I was taking the 16 risk -- well, obviously 100 percent I took the 17 risk and I lost everything, but I had to -- 18 (Witness breaks down emotionally.) 19 THE WITNESS: I had to put a stop on 20 his abusive relationship, the weight of -- 21 constantly the things he was saying, accusations 22 that, or putting me down, or when he asked me to</p>	<p style="text-align: right;">Page 176</p> <p>1 (Witness exits courtroom.) 2 (Brief pause.) 3 (Ms. Sataki returns to the witness 4 stand.) 5 CHAIRMAN FITCH: Go ahead, Mr. Smith. 6 BY MR. SMITH: 7 Q. If you could look at Bar Exhibit Number 8 23. 9 CHAIRMAN FITCH: You got away from the 10 microphone there, Mr. Smith. We're looking at 11 what number? 12 MR. SMITH: Bar Exhibit 23. 13 CHAIRMAN FITCH: Twenty-three. 14 BY MR. SMITH: 15 Q. Could you tell me, if you would look at 16 what's marked at the bottom Pages 23-50 through 17 23-54, four pages, five pages. 18 Ms. Sataki, what are these documents 19 that we're looking at now? 20 A. Text messages. 21 Q. And who are involved in these text 22 messages?</p>
<p style="text-align: right;">Page 175</p> <p>1 go find a job and I find a job, "Oh, that person 2 wants to sleep with you. That's why he gives you 3 a job." 4 I mean, that's so unprofessional, and 5 I -- I couldn't. I had to stop it. 6 I knew at that point that I'm losing 7 everything. But I had to stop -- I have to stop 8 it. 9 (Witness breaks down emotionally.) 10 MR. SMITH: Could I -- 11 CHAIRMAN FITCH: Absolutely. Have the 12 witness take a deep breath and we'll proceed. 13 MR. SMITH: Could we take just a few 14 minutes? 15 CHAIRMAN FITCH: If the witness wants 16 to step outside, that's fine. I think now is not 17 the time for a witness examining an attorney to 18 consult. 19 MR. SMITH: I'm not going to consult. 20 I just want to give her some time alone, if that's 21 alright with you. 22 CHAIRMAN FITCH: It is.</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Mr. Klayman. 2 Q. And? Mr. Klayman and who else? 3 A. And me. 4 MR. KLAYMAN: Excuse me, what exhibit 5 is this? I thought you said 24. 6 MR. SMITH: Twenty-three. 7 CHAIRMAN FITCH: It's Exhibit 23, 8 towards the end of the exhibit, starting Page 50 9 to about 70. 10 BY MR. SMITH: 11 Q. How did you acquire copies of these 12 text messages? 13 A. I'm sorry? 14 Q. How did you get copies of these text 15 messages? 16 MR. KLAYMAN: Your Honor, I'm going to 17 object to this. We have an objection on 18 authentication. These are not actual text 19 messages. They seem to be reprints of things 20 which -- I'm not even clear what they are, but I 21 have an objection on authenticity of this. 22 CHAIRMAN FITCH: Well, she's gotten</p>

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<p style="text-align: right;">Page 178</p> <p>1 pretty down that rule of authenticity by saying</p> <p>2 they were text messages and they were text</p> <p>3 messages between her and Mr. Klayman.</p> <p>4 We may decide at some point that's</p> <p>5 inaccurate, but right now it's perfect</p> <p>6 authentication, as far as it goes.</p> <p>7 MR. KLAYMAN: Well, your Honor, in that</p> <p>8 regard there's no linkage between this document</p> <p>9 and text messages that were sent, nor was there</p> <p>10 any testimony as to how these alleged messages</p> <p>11 were taken off of a phone and put on a piece of</p> <p>12 paper.</p> <p>13 We don't know whether or not they</p> <p>14 were -- they're genuine or whether they were not</p> <p>15 genuine.</p> <p>16 CHAIRMAN FITCH: We're trying to</p> <p>17 determine that. I'll bet you a lot of money that</p> <p>18 Mr. Smith is going to ask that question right now,</p> <p>19 because either he was planning to do or you</p> <p>20 reminded him to.</p> <p>21 But one way or the other, so far so</p> <p>22 good. The objection as to authentication is</p>	<p style="text-align: right;">Page 180</p> <p>1 from a 2010 period.</p> <p>2 When did you ask Verizon approximately?</p> <p>3 2011, 2012, 2014, 2017?</p> <p>4 THE WITNESS: About maybe 2010 or</p> <p>5 '11 -- I mean 2011 or so. Around that time.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. If you look at Bar Exhibit 23-2 --</p> <p>8 A. 23-2?</p> <p>9 Q. Yeah. What is the date that you filed</p> <p>10 this with the Office of Disciplinary Counsel, or</p> <p>11 submitted it?</p> <p>12 MR. KLAYMAN: What exhibit is that?</p> <p>13 MR. SMITH: 23-2.</p> <p>14 THE WITNESS: It's October 20th, 2011.</p> <p>15 Is that that date?</p> <p>16 BY MR. SMITH:</p> <p>17 Q. So does that refresh your recollection</p> <p>18 at all as to when you may have asked Verizon to</p> <p>19 assist you with getting copies of those text</p> <p>20 messages?</p> <p>21 A. So it's about that time. It's</p> <p>22 around -- that's why 2010, 2011. So it must be</p>
<p style="text-align: right;">Page 179</p> <p>1 overruled.</p> <p>2 BY MR. SMITH:</p> <p>3 Q. Ms. Sataki --</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell us how copies of these</p> <p>6 text messages were made?</p> <p>7 A. When I asked how I can make a copy of</p> <p>8 it, of that phone, and that -- the place I don't</p> <p>9 remember at that time. I think I was with</p> <p>10 Verizon, and they helped me with it.</p> <p>11 Q. Mm-hmm.</p> <p>12 A. How to make copies of the text messages</p> <p>13 from the phone.</p> <p>14 Q. And do you recall about when it was</p> <p>15 that you asked Verizon to give you this</p> <p>16 assistance?</p> <p>17 A. I don't remember exact date, no. It</p> <p>18 was that I still have that phone, so I could do</p> <p>19 it.</p> <p>20 Q. And do these messages reflect --</p> <p>21 CHAIRMAN FITCH: Well, before you ask</p> <p>22 that question, these messages may purport to be</p>	<p style="text-align: right;">Page 181</p> <p>1 2011.</p> <p>2 Q. Do these messages, do they appear in</p> <p>3 this document to accurately reflect text</p> <p>4 conversations you were having with Mr. Klayman at</p> <p>5 that time?</p> <p>6 A. Yes.</p> <p>7 MR. KLAYMAN: Objection, your Honor.</p> <p>8 There are a number of purported communications,</p> <p>9 and to ask the question which encompasses all of</p> <p>10 them is overly broad and vague and not</p> <p>11 sufficiently specific.</p> <p>12 MR. SMITH: I can certainly ask that</p> <p>13 question --</p> <p>14 CHAIRMAN FITCH: After you had these</p> <p>15 copies made, Ms. Sataki, did you review the</p> <p>16 entries on the document?</p> <p>17 THE WITNESS: I'm sorry, I didn't</p> <p>18 understand the question.</p> <p>19 CHAIRMAN FITCH: There are a bunch of</p> <p>20 entries here. By "entries," I mean the lines that</p> <p>21 say something --</p> <p>22 THE WITNESS: The lines, ok.</p>

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<p style="text-align: right;">Page 182</p> <p>1 CHAIRMAN FITCH: Did you review these</p> <p>2 words after you had Verizon make this for you?</p> <p>3 THE WITNESS: Yes.</p> <p>4 CHAIRMAN FITCH: Did you find any</p> <p>5 errors or anything that was inconsistent with your</p> <p>6 memory while you reviewed these entries?</p> <p>7 THE WITNESS: I'm sorry, I don't</p> <p>8 understand the question. I apologize. You</p> <p>9 mean --</p> <p>10 CHAIRMAN FITCH: You told me that you</p> <p>11 reviewed these entries.</p> <p>12 THE WITNESS: Uh-huh.</p> <p>13 CHAIRMAN FITCH: Speaking generally,</p> <p>14 were there any instances in which, as you reviewed</p> <p>15 these entries, do you recall now, did you spot any</p> <p>16 errors that conflicted or anything that conflicted</p> <p>17 with your recollection about these matters?</p> <p>18 THE WITNESS: You mean something that I</p> <p>19 don't recognize?</p> <p>20 CHAIRMAN FITCH: Did you see any</p> <p>21 mistakes here or anything that seemed to be wrong?</p> <p>22 THE WITNESS: No.</p>	<p style="text-align: right;">Page 184</p> <p>1 wanted me to answer her phone and read her text</p> <p>2 message. So forgive me."</p> <p>3 These are just to show with my</p> <p>4 complaint -- I just wanted to show how it was a</p> <p>5 constant, nonstop text messaging, and constant,</p> <p>6 nonstop phone calls, and constant, nonstop emails</p> <p>7 to me.</p> <p>8 And it was not -- even if it's not</p> <p>9 about the case, I didn't want any contact with him</p> <p>10 if it wasn't about the case. Or at some point I</p> <p>11 didn't want to have any contact with him at all,</p> <p>12 even about the case. I didn't want that.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. Why is that?</p> <p>15 A. Because to him the whole thing was a</p> <p>16 joke, and I mean, I was a toy for him. But to me</p> <p>17 this was my life that he was playing with. He was</p> <p>18 just -- he was making a joke out of that, "The</p> <p>19 Hotel Luxe bathroom is going to be renamed to</p> <p>20 Larry Klayman office from now on and he's going to</p> <p>21 have his client meetings there."</p> <p>22 That evening was very nerve-racking for</p>
<p style="text-align: right;">Page 183</p> <p>1 CHAIRMAN FITCH: Mr. Smith?</p> <p>2 BY MR. SMITH:</p> <p>3 Q. Why did you include these emails with</p> <p>4 your complaint, your ethical complaint?</p> <p>5 MR. KLAYMAN: Objection. They're not</p> <p>6 emails. They're purported text messages.</p> <p>7 MR. SMITH: Excuse me, text messages.</p> <p>8 Thank you.</p> <p>9 THE WITNESS: Because I wanted to show</p> <p>10 how much text messages he sent me. And also some</p> <p>11 of them are from the time that I didn't want to</p> <p>12 hear from him and he was still texting me, and</p> <p>13 some of them I would even give the phone to my</p> <p>14 friend to respond to him and say that, Ellie's --</p> <p>15 "Ellie's sleeping" or "She's not feeling good" or</p> <p>16 "She can't answer," so he would quit texting me.</p> <p>17 So I would give my phone to my friend</p> <p>18 to text him back and answer him, but still be</p> <p>19 polite, because I didn't want to make him mad.</p> <p>20 On 23-53, at the end of the page, you</p> <p>21 can see my friend says, "Hi, Larry. This is</p> <p>22 Lollie (phon). Ellie is with me and sick. She</p>	<p style="text-align: right;">Page 185</p> <p>1 me. Unfortunately Dr. Aviera is not here to</p> <p>2 testify to that. But I had a session with Dr.</p> <p>3 Aviera after that evening. And for someone to</p> <p>4 make a joke out of an incident like that, that it</p> <p>5 got to point that I had to get out of his car and</p> <p>6 run away. That was big for me. That was huge.</p> <p>7 And there was a lot of other things,</p> <p>8 too, that he would get upset. As soon as he would</p> <p>9 get upset, he would become another Larry Klayman.</p> <p>10 He wasn't an attorney that I hired. He was</p> <p>11 another person.</p> <p>12 Q. What would upset him?</p> <p>13 MR. KLAYMAN: Objection, that puts</p> <p>14 herself into my mental state.</p> <p>15 CHAIRMAN FITCH: Well, let's see if she</p> <p>16 speculates or points to some circumstances.</p> <p>17 Overruled.</p> <p>18 THE WITNESS: If I wouldn't answer his</p> <p>19 feelings, his love, that would upset him.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. Are there any other examples?</p> <p>22 A. Yes.</p>

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Page 186	<p>1 My brother was in town from Sweden with</p> <p>2 his family and friends, and I didn't introduce Mr.</p> <p>3 Klayman to my brother first when he got there, and</p> <p>4 I just went up -- he came downstairs for me to</p> <p>5 sign a paper, but I didn't have my brother stay</p> <p>6 there with me to say hi to him. That upset him.</p> <p>7 I disrespected him, according to him, but I didn't</p> <p>8 see any point in -- my attorney wants me to sign a</p> <p>9 paper, and I'm in that area with my brother and</p> <p>10 the family from Sweden. I told them to go do what</p> <p>11 their tourist stuff, and I catch up with them. He</p> <p>12 gets upset why I don't -- that upsets him.</p> <p>13 Q. Did he tell you why that upset him?</p> <p>14 A. I disrespected him and I'm not</p> <p>15 including him in my life.</p> <p>16 I'm going to a friend's house with my</p> <p>17 mom and I'm not answering his call, or I'm not</p> <p>18 calling him as he told me to call. I had left my</p> <p>19 phone at home or something. And he gets upset why</p> <p>20 I didn't somehow find his phone and call him from</p> <p>21 there, that I'm probably trying to hide him</p> <p>22 because I want to marry a rich -- I don't want the</p>	Page 188	<p>1 was a time that he wanted me to work with this TV</p> <p>2 station, TV channel, or radio, and it was a</p> <p>3 Christian TV or radio station, and he also told</p> <p>4 them that I'm a Muslim girl that just accepted</p> <p>5 Christ in my life and he wanted me --</p> <p>6 MR. KLAYMAN: Objection, hearsay,</p> <p>7 hearsay.</p> <p>8 CHAIRMAN FITCH: Objection. You were</p> <p>9 present.</p> <p>10 THE WITNESS: So he wanted me to work</p> <p>11 for them.</p> <p>12 CHAIRMAN FITCH: First things first, I</p> <p>13 asked you what CBN were. I thought CBN was a</p> <p>14 broadcast network.</p> <p>15 Does that stand for Christian --</p> <p>16 THE WITNESS: Christian Broadcast</p> <p>17 Network.</p> <p>18 CHAIRMAN FITCH: Do you know why Mr.</p> <p>19 Klayman wanted you to contact Mr. Mark Woodland?</p> <p>20 THE WITNESS: To work for them.</p> <p>21 CHAIRMAN FITCH: You see about one,</p> <p>22 two, three, four, five, six, seven, eight, nine</p>
Page 187	<p>1 rich Persian people know that maybe I have a</p> <p>2 relationship, any kind of relationship with him.</p> <p>3 MR. KLAYMAN: Objection.</p> <p>4 THE WITNESS: These are stuff that</p> <p>5 would make him mad, angry, and it would put me on</p> <p>6 roller coaster: want to represent me; cannot</p> <p>7 represent me; is going to represent me; cannot</p> <p>8 represent me.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Ms. Sataki, I'm going to ask you to</p> <p>11 look at, still within Bar Exhibit 23, 23-45.</p> <p>12 CHAIRMAN FITCH: Are you finished with</p> <p>13 this particular --</p> <p>14 MR. SMITH: Yes.</p> <p>15 CHAIRMAN FITCH: -- set of entries?</p> <p>16 MR. SMITH: Yes.</p> <p>17 CHAIRMAN FITCH: Look at please,</p> <p>18 ma'am, 23-50. "Please call today, Mark Woodland,</p> <p>19 of CBN.</p> <p>20 It's about the fifth line from the top.</p> <p>21 Do you know what CBN is?</p> <p>22 THE WITNESS: 23-59. It was a -- there</p>	Page 189	<p>1 lines from the bottom, "Meeting with Senator</p> <p>2 McCain at 10:30 a.m. this morning."</p> <p>3 Do you see that down there?</p> <p>4 THE WITNESS: Where it says --</p> <p>5 CHAIRMAN FITCH: Count up from the</p> <p>6 bottom of this page.</p> <p>7 THE WITNESS: Ok.</p> <p>8 CHAIRMAN FITCH: One, two, three, four,</p> <p>9 five, six, seven, eight -- nine lines up. It</p> <p>10 says, "Meeting with Senator McCain at 10:30 a.m.</p> <p>11 this morning."</p> <p>12 THE WITNESS: Yes.</p> <p>13 CHAIRMAN FITCH: In addition to that</p> <p>14 item, did Mr. Klayman tell you any other times</p> <p>15 that he was meeting with Senator McCain or his</p> <p>16 office people about your case?</p> <p>17 THE WITNESS: I don't remember.</p> <p>18 CHAIRMAN FITCH: And do you see only</p> <p>19 four lines up he has written, "Seeing Gloria</p> <p>20 Allred."</p> <p>21 Do you see that?</p> <p>22 THE WITNESS: Yes, I do.</p>

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<p style="text-align: right;">Page 190</p> <p>1 CHAIRMAN FITCH: Did you at any time 2 confer with Ms. Allred? 3 THE WITNESS: No, I didn't. 4 CHAIRMAN FITCH: Did Mr. Klayman tell 5 you anything more in addition to this that he was 6 going to discuss your case with Gloria Allred. 7 THE WITNESS: Yes, he did. 8 CHAIRMAN FITCH: Ok, so he told you on 9 at least one more occasion, other than this 10 occasion. 11 THE WITNESS: In an email. 12 CHAIRMAN FITCH: Ok. 13 THE WITNESS: And he said she didn't 14 accept my case. 15 CHAIRMAN FITCH: Look at the very top 16 of the next page. Do you see a reference to Tony 17 Guido (phon)? 18 THE WITNESS: Yes. 19 CHAIRMAN FITCH: Do you know who "Tony 20 Guido, who has no legal identity," is? 21 THE WITNESS: I do. It's my friend. 22 CHAIRMAN FITCH: Ok. Look at the next</p>	<p style="text-align: right;">Page 192</p> <p>1 A. On 23-2? 2 Q. No, no. I'm asking you during the 3 break, during the lunch period -- 4 A. Uh-huh. 5 Q. -- did you have an opportunity to 6 consult with some of your notes about this case? 7 Do you recall looking at some notes 8 that you had made? 9 A. Yes. 10 Q. Ok. In those notes were you able to 11 get the full name for Kathleen? Do you recall the 12 full name for Kathleen? 13 A. Yes. 14 Q. And what is her full name or last name? 15 A. I have it in my notes. It's Stasio, 16 S-t- -- 17 CHAIRMAN FITCH: I think it's not so 18 terribly important. 19 Did you review your notes with respect 20 to any other information? 21 THE WITNESS: No. I was looking for 22 Kathleen's name, because Mr. Klayman said she was</p>
<p style="text-align: right;">Page 191</p> <p>1 page toward the bottom. I'm on 23-52, four lines 2 up from the bottom: "Please call Kathleen if you 3 have not as yet." 4 Is Kathleen the same person who I 5 thought had the name of Katherine? 6 THE WITNESS: Yes. 7 CHAIRMAN FITCH: Ok. And is Kathleen 8 the right spelling as far as you know or 9 pronunciation, or is it Katherine? 10 THE WITNESS: It's Kathleen. 11 CHAIRMAN FITCH: Kathleen, ok. 12 THE WITNESS: Stasio. 13 CHAIRMAN FITCH: And was it Mr. Klayman 14 who had originally put you together with Kathleen 15 and the Representatives District Office? 16 THE WITNESS: Yes. 17 CHAIRMAN FITCH: You may move on, Mr. 18 Smith. 19 BY MR. SMITH: 20 Q. During the break, did you consult with 21 some notes concerning your memories about the 22 case?</p>	<p style="text-align: right;">Page 193</p> <p>1 working for VOA, and she's not, and that's why I 2 was trying to find her email address and 3 everything. And I have it in my notes, so I can 4 provide it to proof that she was not working for 5 VOA. 6 CHAIRMAN FITCH: Well, I remember when 7 that was said in here. I understand that. 8 Did you review your notes to try to 9 remember anything else that is in your notes? 10 THE WITNESS: Not according to this, I 11 didn't exactly. I have some notes to just kind 12 of put these events together, yes. 13 BY MR. SMITH: 14 Q. Do you recall who Kathleen worked for, 15 who the congressman was? 16 A. Congressman Rober (phon). I looked at 17 it. It's there. I'm sorry. 18 CHAIRMAN FITCH: I don't care who the 19 congress-person is. 20 MR. SMITH: Alright. 21 BY MR. SMITH: 22 Q. Let me ask you to look at --</p>

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<p style="text-align: right;">Page 194</p> <p>1 A. Roper (phon) --</p> <p>2 MR. KLAYMAN: Your Honor, I can help</p> <p>3 here, if it's helpful.</p> <p>4 CHAIRMAN FITCH: Alright, go ahead, Mr.</p> <p>5 Smith. Clear it up.</p> <p>6 MR. KLAYMAN: It's Rohrabacher, Dana</p> <p>7 Rohrabacher, congressman from Orange County.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. Alright, if we could look at Bar</p> <p>10 Exhibit 23-45.</p> <p>11 MR. KLAYMAN: I'm sorry, Mr. Smith, I</p> <p>12 didn't hear that exhibit again. I'm sorry.</p> <p>13 MR. SMITH: 23-45.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. For the record, it is an email from</p> <p>17 Larry Klayman to Elham Sataki dated June 21st,</p> <p>18 2010.</p> <p>19 Do you recall when you received this</p> <p>20 email?</p> <p>21 A. Yes.</p> <p>22 Q. Can you tell the hearing committee --</p>	<p style="text-align: right;">Page 196</p> <p>1 Can you please tell the hearing</p> <p>2 committee what this email meant to you?</p> <p>3 A. Again, the roller coaster that he was</p> <p>4 putting me through, and the games that he was</p> <p>5 playing, and the whole thing, my whole life, my</p> <p>6 career, and my case was a game to him. He just</p> <p>7 felt like --</p> <p>8 Honestly I have no idea what went</p> <p>9 through his mind and why he would send this email.</p> <p>10 I don't know. But he did. And it's just -- for a</p> <p>11 person in my situation that have a no income, no</p> <p>12 job, and everything is on the line, my attorney --</p> <p>13 supposedly someone with my attorney's email</p> <p>14 address sending me an email notifying me that my</p> <p>15 attorney died last week.</p> <p>16 This is what -- it meant to me, my</p> <p>17 focus was only on my case and it was again another</p> <p>18 way to drop me from tenth or twentieth floor and</p> <p>19 think, "Oh, ok, I don't have anybody to represent</p> <p>20 me."</p> <p>21 I don't know. I don't know why he sent</p> <p>22 me this email. I don't understand.</p>
<p style="text-align: right;">Page 195</p> <p>1 CHAIRMAN FITCH: Now, wait a minute.</p> <p>2 I'm not sure that we accept that representation as</p> <p>3 a record.</p> <p>4 I don't see anything about email here.</p> <p>5 I hear posted June 11, 2010, and I see a title,</p> <p>6 and I see a "By Larry Klayman," and above all that</p> <p>7 I see a "Friday, 9/16/2011," which may or may not</p> <p>8 be a printout date by somebody for some reason.</p> <p>9 But that's all I see there.</p> <p>10 MR. SMITH: Alright.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. Ms. Sataki, looking at this document,</p> <p>13 can you tell me who sent this document?</p> <p>14 A. Mr. Klayman.</p> <p>15 Q. Ok, and who was it sent to?</p> <p>16 A. To me.</p> <p>17 Q. And how was it sent? By what medium?</p> <p>18 A. I received it as an email.</p> <p>19 Q. On what date does it appear to have</p> <p>20 been sent?</p> <p>21 A. Monday, June 21st, 2010.</p> <p>22 Q. Thank you.</p>	<p style="text-align: right;">Page 197</p> <p>1 CHAIRMAN FITCH: Is it your testimony</p> <p>2 that you have a recollection that this document</p> <p>3 was emailed to you by Mr. Klayman?</p> <p>4 THE WITNESS: Yes, sir.</p> <p>5 CHAIRMAN FITCH: Ok.</p> <p>6 THE WITNESS: It was from his email</p> <p>7 address, but in the text it says -- it's a third</p> <p>8 person that is emailing me.</p> <p>9 CHAIRMAN FITCH: Ok, excuse me, wrong</p> <p>10 page.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. Let me ask you to take a look at Bar</p> <p>13 Exhibit Number 23 --</p> <p>14 CHAIRMAN FITCH: Let me clarify the</p> <p>15 record that, in the last little exchange, I was</p> <p>16 mistaken about the document being addressed -- and</p> <p>17 Ms. Sataki I believe had before her the document</p> <p>18 that Mr. Smith actually wanted her to address,</p> <p>19 which is Exhibit 23-45, and that 23-45 has been</p> <p>20 testified to by Ms. Sataki in that my observations</p> <p>21 were erroneous with respect to this document,</p> <p>22 because I was looking at another document.</p>

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<p style="text-align: right;">Page 198</p> <p>1 So, the last few questions the record</p> <p>2 should show is that there was testimony about a</p> <p>3 document that constitutes Exhibit 23-45.</p> <p>4 THE WITNESS: I just --</p> <p>5 CHAIRMAN FITCH: I think he wants to</p> <p>6 ask you another question.</p> <p>7 BY MR. SMITH:</p> <p>8 Q. Was there something else you wanted to</p> <p>9 share about the exhibit we were just looking at?</p> <p>10 A. I just included this to show again a</p> <p>11 pattern of the games that he was playing with me</p> <p>12 during that time, the most difficult time in my</p> <p>13 life, and this is what he was putting me through.</p> <p>14 Q. Now recently you sent me a compendium</p> <p>15 of correspondence between Mr. Klayman and</p> <p>16 yourself.</p> <p>17 A. Yes.</p> <p>18 CHAIRMAN FITCH: Have we reached the</p> <p>19 point where these are the --</p> <p>20 MR. SMITH: I'm gust going to --</p> <p>21 CHAIRMAN FITCH: -- if I may say so the</p> <p>22 "new" documents?</p>	<p style="text-align: right;">Page 200</p> <p>1 so I can survive. Because otherwise there was a</p> <p>2 time that I was, I wanted to take my life and</p> <p>3 that's how I wanted to have revenge against Mr.</p> <p>4 Falahati and Mr. Klayman, because I felt that</p> <p>5 those two -- and -- and I had a Will and I had all</p> <p>6 the evidence and the papers there, and once I</p> <p>7 died, people are going to come and see what they</p> <p>8 did to me. Because I didn't have the strength to</p> <p>9 do it and go through everything. And I didn't for</p> <p>10 the past years.</p> <p>11 Then, once I decided that I'm not going</p> <p>12 to kill myself, and I'm going to try to start --</p> <p>13 live again, so I had to put this aside and work.</p> <p>14 So I was working. And for this hearing</p> <p>15 I took my two weeks vacation out from work for</p> <p>16 2018. So that's when a few days ago, last week I</p> <p>17 guess, I started going to a lot of -- at that time</p> <p>18 it's not easy to relive everything. Because I</p> <p>19 didn't want to crash again in my life, I wouldn't</p> <p>20 go through everything. I put everything aside and</p> <p>21 out of my mind.</p> <p>22 But to get prepared for this hearing,</p>
<p style="text-align: right;">Page 199</p> <p>1 MR. SMITH: Yes, I'm going to ask about</p> <p>2 the circumstances under which she came to find</p> <p>3 them.</p> <p>4 CHAIRMAN FITCH: Go ahead.</p> <p>5 MR. SMITH: Alright.</p> <p>6 CHAIRMAN FITCH: In that respect.</p> <p>7 MR. SMITH: Alright.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. Under what circumstances was it that</p> <p>10 you just got around to sending me that package of</p> <p>11 emails that you recently sent to me?</p> <p>12 A. As you can see, this whole thing</p> <p>13 happened eight years ago, and when I finally was</p> <p>14 rescued from Mr. Klayman, I at that point I was</p> <p>15 homeless, had no job, and I slept in my car two</p> <p>16 nights, later on. So my focus during the last</p> <p>17 eight years was to recover, economically and with</p> <p>18 a job.</p> <p>19 And the only way that I could survive</p> <p>20 and my doctors to help me not to take so much</p> <p>21 medication, in a way maybe I think I just brushed</p> <p>22 everything under the rug and put everything aside</p>	<p style="text-align: right;">Page 201</p> <p>1 because I forgot so much, it was such a long time</p> <p>2 ago, so I started going through emails. And I</p> <p>3 actually had a bunch of emails unopened from Mr.</p> <p>4 Klayman in the "History" of my emails, and the</p> <p>5 only way I could do it was I got the time off.</p> <p>6 Because I couldn't work and do this. I knew that</p> <p>7 I'm going to crash. And I have a new doctor too</p> <p>8 that is working with me, and I actually had to</p> <p>9 increase the dose of my anxiety medication, and</p> <p>10 that is when I went through all of those emails,</p> <p>11 and I emailed you all the stuff that I did.</p> <p>12 And I know it was late. I apologize</p> <p>13 for that. But I had to somehow have the support</p> <p>14 for not crashing and going to that dark hole again</p> <p>15 in my life, that I was seven, eight years ago.</p> <p>16 CHAIRMAN FITCH: Is this part of your</p> <p>17 examination the last subject matter of your direct</p> <p>18 examination?</p> <p>19 MR. SMITH: Well, I don't know. I</p> <p>20 guess it depends on a few things, but there are</p> <p>21 some more questions that I want to ask.</p> <p>22 I'm not ready to wrap up at this</p>

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Page 202	<p>1 moment, if that's your question.</p> <p>2 CHAIRMAN FITCH: No. Maybe I didn't</p> <p>3 make myself clear.</p> <p>4 You want to introduce this group of</p> <p>5 documents that you received in the past few days,</p> <p>6 correct?</p> <p>7 MR. SMITH: Yes, that's correct.</p> <p>8 CHAIRMAN FITCH: And you want to</p> <p>9 examine the witness, at least to authenticate the</p> <p>10 documents and maybe to explain things in the</p> <p>11 documents, correct?</p> <p>12 MR. SMITH: That's correct.</p> <p>13 CHAIRMAN FITCH: And there will come a</p> <p>14 time, if permitted, that you will have finished --</p> <p>15 MR. SMITH: Yes.</p> <p>16 CHAIRMAN FITCH: -- those documents.</p> <p>17 Ok.</p> <p>18 Do you have other lines of direct</p> <p>19 examination that you want to adduce?</p> <p>20 MR. SMITH: Well, I do want to follow</p> <p>21 up on a few things, you know, that I think may</p> <p>22 have been left unsaid. But I think in terms of a</p>	Page 204	<p>1 recommendation for disposing of the motion...</p> <p>2 Except that if the hearing committee</p> <p>3 determines that the evidence is privileged,</p> <p>4 irrelevant or merely cumulative, the Chair may</p> <p>5 exclude the evidence after allowing the opponent</p> <p>6 to make a proffer on the record.</p> <p>7 I think that one would not find this</p> <p>8 evidence to be privileged, irrelevant or merely</p> <p>9 cumulative. We're not sure, because we haven't</p> <p>10 seen the documents.</p> <p>11 So, it appears that the documents will</p> <p>12 at least get into the record.</p> <p>13 The question is, where to go from</p> <p>14 there?</p> <p>15 I think that the Respondent's team must</p> <p>16 be concerned that these documents, if admitted and</p> <p>17 heard about, would be unduly prejudicial to him.</p> <p>18 But I don't know how to address that conundrum,</p> <p>19 because we're required to include the documents in</p> <p>20 the record and give a recommendation to the Board.</p> <p>21 I think one possibility, and then maybe</p> <p>22 we'll take a break a little early, is to presume</p>
Page 203	<p>1 subject matter, yes, that would be how I would</p> <p>2 conclude my direct examination would be with</p> <p>3 walking Ms. Sataki through these documents, which</p> <p>4 I think corroborate a timeline of events which</p> <p>5 she's testified to from memory.</p> <p>6 CHAIRMAN FITCH: Well, I think we have</p> <p>7 here the interplay of Rule VII.16, and Rule XI.3.</p> <p>8 VII.16 is titled "Disposition of Motions," but it</p> <p>9 refers to all motions directly to the manner in</p> <p>10 which the hearing is to be conducted.</p> <p>11 Now, I think we're falling under that</p> <p>12 rubric, because the time for submission of</p> <p>13 exhibits has passed, and therefore you are, in</p> <p>14 affect, moving for leave to introduce exhibits,</p> <p>15 notwithstanding the passage of that deadline,</p> <p>16 correct?</p> <p>17 MR. SMITH: That's correct.</p> <p>18 CHAIRMAN FITCH: The rule instructs</p> <p>19 that the evidence, if oral, should be heard by the</p> <p>20 hearing committee, and, if documentary, shall be</p> <p>21 included in the record, and the hearing committee</p> <p>22 shall include it its report for the Board a</p>	Page 205	<p>1 they're going to be in the record if the Chair,</p> <p>2 with the advice of the other members, decides not</p> <p>3 to receive evidence on them, we would leave them</p> <p>4 in the record; we will not have seen them, at</p> <p>5 least until after the hearing is over; and Mr.</p> <p>6 Klayman will have the choice of whether to cross</p> <p>7 examine all those documents or not to do so.</p> <p>8 Because they are going to be in the record, I have</p> <p>9 no choice under Rule VII.16, and I think that we</p> <p>10 probably can't make a report without looking at</p> <p>11 them. Even if we could, the Board's going to look</p> <p>12 at them, and the Board can find that certain</p> <p>13 factual determinations, factual findings, findings</p> <p>14 of fact, are in fact erroneous, and it's possible</p> <p>15 that one or more of such instances could be</p> <p>16 affected by one or more of these documents,</p> <p>17 vis-a-vis some other documentary or verbal</p> <p>18 evidence.</p> <p>19 So that's where I'm leading right now,</p> <p>20 thinking out loud as much as anything, and that's</p> <p>21 why I really would like for you to wrap up the</p> <p>22 other portions of your case, let us think about it</p>

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<p style="text-align: right;">Page 206</p> <p>1 a little bit. You take a few minutes, Mr. Smith, 2 to think about the loose ends you want to tie up 3 with respect to the rest of your case, and the 4 committee will make a decision about whether to 5 proceed on the basis that I'm tentatively laying i 6 out and noodling it over, or some other basis. 7 Let's take a break. Ten or fifteen 8 minutes will do you, Mr. Smith? 9 MR. SMITH: Yes, I could actually like 10 to plow right ahead with -- I think I know what 11 loose ends I need to tie up. 12 CHAIRMAN FITCH: Well, let's do that, 13 and then we'll take a break, and then I will hear 14 further from both of you. 15 MS. SMITH: Ok, thank you. 16 BY MR. SMITH: 17 Q. Ms. Sataki, you mentioned that you had 18 been under medication for anxiety. 19 A. Yes. 20 Q. Are you under medication right now 21 during your testimony. 22 A. Not now, no.</p>	<p style="text-align: right;">Page 208</p> <p>1 A. I felt the same. It was again -- every 2 time I would receive an email like that, I have to 3 think and see, what is it that make him upset 4 again now? Is it the fact that I'm talking to 5 Tony Guido, or is it that -- what is it that 6 again? It was basically a -- he would be ok when 7 I'm not in touch with anyone, or if I'm not -- if 8 I'm doing something he doesn't like, then he would 9 send me an email like that again. 10 Q. Who was Tony Guido? 11 A. It was my friend. One of the people 12 that he had, his FBI friend to background check. 13 Mr. Klayman would have his FBI friend 14 background check -- 15 MR. KLAYMAN: Objection, your Honor, 16 lack of foundation. 17 CHAIRMAN FITCH: No question pending. 18 MR. KLAYMAN: I have no FBI friend. 19 There is no evidence. Lacks foundation. 20 BY MR. SMITH: 21 Q. Do you know why Mr. Guido was 22 investigated?</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. Thank you. 2 Let me ask you to take a look at Bar 3 Exhibit 23-47 and 48. 4 Can you describe for the hearing 5 committee what these -- well, first of all, who 6 authored this document? 7 A. Mr. Klayman. 8 Q. And who is it addressed to? 9 A. To me. 10 Q. What date was it delivered? 11 A. August 1st, 2010. 12 Q. By what medium did you receive this 13 document? 14 A. Email. 15 Q. Could you tell the hearing committee 16 what this document was conveying to you? 17 A. It's -- 18 CHAIRMAN FITCH: Why don't we let the 19 document speak for itself. 20 BY MR. SMITH: 21 Q. How did you feel upon receiving this 22 document?</p>	<p style="text-align: right;">Page 209</p> <p>1 A. No. 2 MR. KLAYMAN: Lacks foundation. Same 3 objection. 4 BY MR. SMITH: 5 Q. Let me ask you to take a look at Bar 6 Exhibit 23-8 and 23-9 -- 7 CHAIRMAN FITCH: Let me ask -- 8 THE WITNESS: The 23-48? 9 CHAIRMAN FITCH: I'm sorry, how do you 10 know that Mr. Guido was investigated? 11 THE WITNESS: Mr. Klayman told me that. 12 CHAIRMAN FITCH: Go ahead, Mr. Smith. 13 BY MR. SMITH: 14 Q. 23-8 and nine. 15 A. Oh, eight, I'm sorry. I was on the 16 wrong page. 17 CHAIRMAN FITCH: What number? 18 MR. SMITH: Sorry, Bar Exhibit 23-8 and 19 nine. 20 CHAIRMAN FITCH: No need to apologize. 21 It's my slowness, not yours. 22 THE WITNESS: 23-8. That's an email</p>

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<p style="text-align: right;">Page 210</p> <p>1 from Mr. Klayman to me. Legal representation</p> <p>2 agreement.</p> <p>3 BY MR. SMITH:</p> <p>4 Q. Ok. What is he proposing as his fee in</p> <p>5 this agreement?</p> <p>6 A. 250,000.</p> <p>7 Q. Well, in terms of recovery, if you look</p> <p>8 at I guess the fourth sentence down.</p> <p>9 A. Yes, he says that he -- at this point,</p> <p>10 for the time that he put down for my case, 40</p> <p>11 percent is not enough, so he wants 50 percent.</p> <p>12 Q. Ok. Your understanding about your fee</p> <p>13 agreement had been what?</p> <p>14 What was your understanding about the</p> <p>15 terms of the fee agreement?</p> <p>16 A. At forty percent.</p> <p>17 Q. Alright. And this email was sent -- I</p> <p>18 don't see a date on Bar Exhibit 23-8, but at 23-9</p> <p>19 there's a date there.</p> <p>20 A. Yes, I sent him an email, and that</p> <p>21 upset him, so he sent me that email right after.</p> <p>22 Q. Ok.</p>	<p style="text-align: right;">Page 212</p> <p>1 right?</p> <p>2 CHAIRMAN FITCH: Mm-hmm.</p> <p>3 THE WITNESS: Yes, that's when I copied</p> <p>4 it. It's --</p> <p>5 CHAIRMAN FITCH: Ok.</p> <p>6 THE WITNESS: -- from 2011, but the</p> <p>7 email is from 2010.</p> <p>8 MR. SMITH: I have no more questions of</p> <p>9 Ms. Sataki, pending the Chair's ruling on the</p> <p>10 supplemental exhibits.</p> <p>11 CHAIRMAN FITCH: Understood.</p> <p>12 In our roughly informal environment, if</p> <p>13 a bolt of lightening reminds you of some other</p> <p>14 points, we can accommodate either party.</p> <p>15 Let's stand in recess until maybe 3:25,</p> <p>16 please.</p> <p>17 Are you gentlemen going to stay here</p> <p>18 and work, or you're going to go somewhere else and</p> <p>19 work or not work?</p> <p>20 MR. KLAYMAN: Before 3:25?</p> <p>21 CHAIRMAN FITCH: Between now and 3:25.</p> <p>22 MR. KLAYMAN: I mean we're going to</p>
<p style="text-align: right;">Page 211</p> <p>1 A. So I sent him an email on May 30th,</p> <p>2 2010, and then, this, the 23-8, is his answer to</p> <p>3 my email.</p> <p>4 Q. Ok, thank you.</p> <p>5 CHAIRMAN FITCH: I note for the record</p> <p>6 that the upper right-hand corner of Page 23-8</p> <p>7 bears a date and a time, 2/23/11, 1:39 a.m.</p> <p>8 MR. SMITH: I don't know that that's</p> <p>9 necessarily --</p> <p>10 CHAIRMAN FITCH: Well, that's going to</p> <p>11 be my point. Perhaps she can tell us whether or</p> <p>12 not that's a typical format for her email</p> <p>13 provider, which appears to be Yahoo.</p> <p>14 THE WITNESS: I can provide the date of</p> <p>15 this. I have it -- I can provide date and time</p> <p>16 for 23-8 when that email was sent. I have it. I</p> <p>17 have the whole email conversation, so I can</p> <p>18 provide the date.</p> <p>19 CHAIRMAN FITCH: Is the date up there</p> <p>20 that I just referred to, is that the date you</p> <p>21 copied the document out onto paper?</p> <p>22 THE WITNESS: At the very top to the</p>	<p style="text-align: right;">Page 213</p> <p>1 walk outside I think.</p> <p>2 CHAIRMAN FITCH: Well, then we will</p> <p>3 stay here and confer. But if you want to work at</p> <p>4 your desk, we're happy to go elsewhere.</p> <p>5 MR. KLAYMAN: Yes, I would say, your</p> <p>6 Honor, again, particularly, in light of the</p> <p>7 documents, and Mr. Sujat's recent representation,</p> <p>8 we need sometime to deal with --</p> <p>9 CHAIRMAN FITCH: That's all I want to</p> <p>10 know. You're going to be able to argue.</p> <p>11 All I want to know right now is is it</p> <p>12 more convenient for you to stay there or go</p> <p>13 outside?</p> <p>14 MR. KLAYMAN: Yes, I understand.</p> <p>15 CHAIRMAN FITCH: And which is the</p> <p>16 answer? You want to stay there or you want to go</p> <p>17 outside?</p> <p>18 MR. KLAYMAN: No, we'll go outside.</p> <p>19 CHAIRMAN FITCH: We'll stay here.</p> <p>20 (Recess taken.)</p> <p>21 CHAIRMAN FITCH: If it's satisfactory</p> <p>22 to everybody, we'll return to the record at about</p>

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<p style="text-align: right;">Page 214</p> <p>1 3:26.</p> <p>2 We've thought it through, and I'm</p> <p>3 addressing the issue of the entry of the most</p> <p>4 recently produced documents, which as I recall</p> <p>5 were provided by Disciplinary Counsel to the</p> <p>6 Respondent's team this past Friday afternoon.</p> <p>7 We've thought through the issue as best</p> <p>8 we can. We have thought about the thinking out</p> <p>9 loud proposal or idea, or notion that I had</p> <p>10 surfaced. We're still going to hear from the</p> <p>11 parties, but I'll tell you ahead of time that,</p> <p>12 given the requirements of the rule, I think we</p> <p>13 have no alternative but to inspect the documents</p> <p>14 overnight and determine first thing tomorrow</p> <p>15 morning whether some or all of the documents will</p> <p>16 come into evidence in the sense -- they're all</p> <p>17 coming into the record, as we said, but coming</p> <p>18 into evidence in the sense that Disciplinary</p> <p>19 Counsel can adduce testimony if he wishes from the</p> <p>20 witness about the documents and the contents</p> <p>21 thereof.</p> <p>22 This is again of these situations where</p>	<p style="text-align: right;">Page 216</p> <p>1 afternoon, or, we could hear from another witness,</p> <p>2 Mr. Smith.</p> <p>3 MR. SMITH: Well, my expert witness</p> <p>4 needs a two-hour --</p> <p>5 CHAIRMAN FITCH: No, we thought that</p> <p>6 was the case.</p> <p>7 MR. SMITH: And Mr. O'Connell, who had</p> <p>8 been with us this morning, I'm not sure that he is</p> <p>9 still here.</p> <p>10 CHAIRMAN FITCH: Ok.</p> <p>11 MR. SMITH: Because I anticipated that</p> <p>12 we would be finishing up with Ms. Sataki today, so</p> <p>13 I don't know if my witnesses are available now.</p> <p>14 CHAIRMAN FITCH: I'm not going to push</p> <p>15 you on that.</p> <p>16 I want you to be certain that the</p> <p>17 testimony of those two witnesses is as efficient</p> <p>18 as possible. We've got tomorrow and we've got</p> <p>19 Friday. I guess we have Saturday, if need be.</p> <p>20 We've got late Friday night. But we're going to</p> <p>21 get this current witness done.</p> <p>22 MR. SMITH: I can promise you that my</p>
<p style="text-align: right;">Page 215</p> <p>1 you have to balance out things, but I think that,</p> <p>2 if we decide the documents are unduly prejudicial,</p> <p>3 we will be able not to let those documents at all</p> <p>4 affect our deliberations in the case.</p> <p>5 We think that it's possible, we'll</p> <p>6 simply find out, that the documents will cover</p> <p>7 much the same ground as has been covered before.</p> <p>8 Indeed, Mr. Smith, I certainly think</p> <p>9 it's possible that some or all of the documents</p> <p>10 may be cumulative. I mean, we've heard a good</p> <p>11 deal of testimony about certain situations and</p> <p>12 reactions and so on. So you're going to need to</p> <p>13 convince us that they're not cumulative.</p> <p>14 All of that we can cover tomorrow</p> <p>15 morning. As I said, I'll willing to hear argument</p> <p>16 this afternoon, but I'd just as soon not. I'd</p> <p>17 just as soon hear argument tomorrow morning. But</p> <p>18 if anybody wants to be heard this afternoon, we'll</p> <p>19 do it.</p> <p>20 We're inclined to adopt, go down the</p> <p>21 road I just described, and if we do that, we will</p> <p>22 either stand in recess for the rest of the</p>	<p style="text-align: right;">Page 217</p> <p>1 examination of both Mr. Bennett and Mr. O'Connell</p> <p>2 will be very short and sweet, and, to the extent</p> <p>3 that there is an extension of their testimony, it</p> <p>4 will be as a result of cross-examination or any</p> <p>5 questions that the committee may have with them.</p> <p>6 CHAIRMAN FITCH: And we're going to</p> <p>7 certainly allow a reasonable amount of extensive</p> <p>8 cross-examination by Respondent's team, if they</p> <p>9 wish.</p> <p>10 We have noted that the testimony of the</p> <p>11 complaining witness thus far amounts to less than</p> <p>12 180 minutes, which is less than three hours. I</p> <p>13 think we'd be hard pressed to be persuaded that</p> <p>14 there needs to be 15 hours. I'd be hard pressed</p> <p>15 to be persuaded that there needs to be nine hours.</p> <p>16 Other than that, we'll see, but this</p> <p>17 witness is out here this week.</p> <p>18 You want to argue or make comments</p> <p>19 right now, for the Respondent's team?</p> <p>20 MR. KLAYMAN: I will address it in the</p> <p>21 morning in light of your comments.</p> <p>22 CHAIRMAN FITCH: I think that's ideal.</p>

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<p style="text-align: right;">Page 218</p> <p>1 THE WITNESS: May I say something?</p> <p>2 CHAIRMAN FITCH: Well -- about</p> <p>3 scheduling issues?</p> <p>4 THE WITNESS: No, about the last thing</p> <p>5 that we left.</p> <p>6 CHAIRMAN FITCH: Pardon?</p> <p>7 THE WITNESS: The last item, right</p> <p>8 before recess that we have -- we were talking</p> <p>9 about 23-8.</p> <p>10 MR. TIGAR: Oh, 23-8.</p> <p>11 CHAIRMAN FITCH: Oh, 23-8, right.</p> <p>12 Does your thought --</p> <p>13 THE WITNESS: It's not thought. It's</p> <p>14 just I wanted to ask you just to read that</p> <p>15 sentence, only --</p> <p>16 CHAIRMAN FITCH: Well, I don't want to</p> <p>17 hear that. I want to hear if there is --</p> <p>18 THE WITNESS: Well, may I read it?</p> <p>19 CHAIRMAN FITCH: -- if there's some</p> <p>20 administrative aspect or date aspect or so on.</p> <p>21 But we have the document before us and --</p> <p>22 THE WITNESS: Ok.</p>	<p style="text-align: right;">Page 220</p> <p>1 THE WITNESS: Ok.</p> <p>2 MR. TIGAR: We're going to need an</p> <p>3 electronic copy exhibit of the exhibits in</p> <p>4 question for our overnight --</p> <p>5 MR. SMITH: I had actually already put</p> <p>6 together, as I had said, a copy of the exhibits</p> <p>7 that I felt were relevant.</p> <p>8 CHAIRMAN FITCH: Have they been</p> <p>9 digitized?</p> <p>10 MR. SMITH: I'll bet you that my</p> <p>11 secretary has, but I can't -- if you give me --</p> <p>12 MS. LARKIN: Do you have hard copies?</p> <p>13 CHAIRMAN FITCH: Yes, he has them.</p> <p>14 MR. TIGAR: If they have, counsel,</p> <p>15 would you please ask the Executive Attorney to</p> <p>16 email us a copy.</p> <p>17 MR. SMITH: I have not given anybody</p> <p>18 these documents, pending your ruling what to do.</p> <p>19 CHAIRMAN FITCH: You are going to give</p> <p>20 them to me right now?</p> <p>21 MR. SMITH: Now I'm going to give them</p> <p>22 to you and Respondent's counsel.</p>
<p style="text-align: right;">Page 219</p> <p>1 CHAIRMAN FITCH: And I think that,</p> <p>2 although there's no reason for you to know this,</p> <p>3 Mr. Smith and Mr. Klayman, later in the case, as</p> <p>4 they're doing their closing arguments, and as they</p> <p>5 do their legal briefs, they will be, in effect</p> <p>6 saying, "You three people need to read such and</p> <p>7 such, such and such, and such and such."</p> <p>8 So, anything that you and Mr. Smith</p> <p>9 want us to read carefully will get read, or Mr.</p> <p>10 Klayman --</p> <p>11 THE WITNESS: I'm sorry, I didn't mean</p> <p>12 to be rude or ask you to read something.</p> <p>13 CHAIRMAN FITCH: No, no.</p> <p>14 THE WITNESS: I thought maybe I can</p> <p>15 read it.</p> <p>16 CHAIRMAN FITCH: Perfectly sensible</p> <p>17 suggestion, and careful witnesses are appreciated.</p> <p>18 But I think that we don't have a question pending</p> <p>19 right now. I think the answer was complete</p> <p>20 before.</p> <p>21 So that's the way we're going to go on</p> <p>22 that.</p>	<p style="text-align: right;">Page 221</p> <p>1 MR. KLAYMAN: May I interject one point</p> <p>2 here.</p> <p>3 CHAIRMAN FITCH: Sure.</p> <p>4 MR. KLAYMAN: It appears that what Mr.</p> <p>5 Smith has done is giving to you -- because he just</p> <p>6 represented that they are only some of the</p> <p>7 documents, that there are documents in there that</p> <p>8 may be favorable -- I mean, I have taken a quick</p> <p>9 glance at them -- to Respondent's case, ok.</p> <p>10 Apparently he's pulled them out. So, therefore</p> <p>11 it's highly prejudicial if you look at them</p> <p>12 tonight.</p> <p>13 You know, I want a representation from</p> <p>14 Mr. Smith that there are documents that you</p> <p>15 removed that are not in this package.</p> <p>16 MR. SMITH: As I said, I selected the</p> <p>17 documents that I felt were relevant to our case</p> <p>18 and made copies of them and have made them</p> <p>19 available to the parties.</p> <p>20 Respondent and his counsel were given</p> <p>21 copies of everything on last Friday, one day after</p> <p>22 I had received them.</p>

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<p style="text-align: right;">Page 222</p> <p>1 If there are documents that are not in 2 this compendium that he feels he would like to use 3 as exhibits in this case in the ordinary course of 4 examination, he's certainly free to do so. 5 But what I have done, for the 6 convenience of the hearing committee and for 7 purposes of Disciplinary Counsel's case in chief, 8 is put these together in an exhibit form so that 9 we could use them as we saw fit. 10 CHAIRMAN FITCH: But you have otherwise 11 complied with the open and complete file rule? 12 MR. SMITH: He has copies of 13 everything, and again, to the extent that there 14 are exhibits which he feels we should have put in, 15 or documents that he feels we should have put in 16 that are not included in the 38 with you, he is 17 certainly free to copy and make use of those 18 documents during cross-examination regarding his 19 case in chief. 20 CHAIRMAN FITCH: If there's any 21 logistical problem there, I will impose upon Board 22 staff to assist.</p>	<p style="text-align: right;">Page 224</p> <p>1 CHAIRMAN FITCH: Have a good evening. 2 (Witness is excused.) 3 MR. KLAYMAN: Your Honor, I reserve the 4 bulk of my argument for tomorrow morning. I only 5 got a quick glance at these documents because they 6 were provided last Friday to me. 7 Mr. Smith could have certainly put the 8 Board on notice, the hearing committee on notice, 9 or even filed a motion or asked for consent to use 10 them, but he never did that, not even with Mr. 11 Sujat. We had a conversation. 12 There are documents in here which deal 13 with her past -- and that's why I asked politely 14 to not have her here -- her past history with men. 15 And one of those documents that I was able to see 16 is an affidavit from her former husband -- 17 MR. SMITH: Before we go any further, I 18 don't know where he's going with this, other than 19 to try to color your view of the witness. But, to 20 the extent that we're going to have full argument 21 about this tomorrow and about these documents and 22 whatever documents he wants or does not want in</p>
<p style="text-align: right;">Page 223</p> <p>1 MR. KLAYMAN: May I address something 2 without the presence of the witness here? 3 CHAIRMAN FITCH: Ms. Sataki, we are 4 going to adjourn in a few minutes for the day to 5 deal with these always aggravating lawyer-like 6 problems. 7 Mr. Smith will notify you as to what 8 time you should return tomorrow, but presumptively 9 you should come back at 9:30. There might be a 10 little bit of delay before you're called. I'll 11 let and you Mr. Smith juggle those logistics. But 12 I think we're going to start at 9:30. 13 And you should not discuss your 14 testimony with any other living human being 15 tonight -- 16 THE WITNESS: Yes, sir. 17 CHAIRMAN FITCH: -- before probably 18 resuming tomorrow. 19 THE WITNESS: Yes, sir. 20 CHAIRMAN FITCH: We appreciate your 21 patience. 22 THE WITNESS: Thank you.</p>	<p style="text-align: right;">Page 225</p> <p>1 there, I think that's fair. 2 But if he's going to start bad-mouthing 3 the witness, you know, at this point, I mean, it's 4 -- 5 MR. KLAYMAN: I've been very polite. 6 CHAIRMAN FITCH: Are you saying that the 7 documents -- are you, Mr. Klayman, saying that the 8 documents you just referred to are part of the 9 larger package in its entirety? 10 MR. KLAYMAN: Yes, yes. 11 CHAIRMAN FITCH: Or a part of the 12 proffered exhibits? 13 MR. KLAYMAN: I might add throughout 14 this entire -- part of the larger package. 15 They're not in there. He pulled them out. I'm a 16 hundred percent certain. 17 CHAIRMAN FITCH: Well, then why are we 18 addressing it? Why do you want to bring those to 19 my attention? 20 MR. KLAYMAN: Well, because they're 21 actually helpful to my case. 22 And, you know, I haven't in any way</p>

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<p style="text-align: right;">Page 226</p> <p>1 ever bad-mouthed Ms. Sataki. The only thing I've</p> <p>2 ever said was not in that vein throughout the</p> <p>3 pleadings or anything else.</p> <p>4 CHAIRMAN FITCH: I know that.</p> <p>5 MR. KLAYMAN: And therefore it's okay</p> <p>6 to come in here -- and let me be a little bit</p> <p>7 emotional -- this is why I prefer not to represent</p> <p>8 myself but Mr. Sujat be up to speed, and say from</p> <p>9 my heart I'd be a little emotional.</p> <p>10 But it's okay to smear me, but if I say</p> <p>11 anything in response to my own defense, then</p> <p>12 somehow I'm going to bad-mouth somebody. I'm not</p> <p>13 bad-mouthing anybody.</p> <p>14 There's a document in there --</p> <p>15 CHAIRMAN FITCH: No one's saying that.</p> <p>16 MR. KLAYMAN: There's a document in</p> <p>17 there from her husband, a sworn affidavit, that</p> <p>18 two weeks after they were married he caught her in</p> <p>19 bed with another man, in their house. Ok?</p> <p>20 She has problems with men, and it goes</p> <p>21 way back.</p> <p>22 CHAIRMAN FITCH: So what? That may</p>	<p style="text-align: right;">Page 228</p> <p>1 admissibility of any document not offered by the</p> <p>2 other side, or any portion of a document not</p> <p>3 offered by the other side that both ought in</p> <p>4 fairness to be considered with it."</p> <p>5 So, to that extent, I think you can be</p> <p>6 reassured, if I'm understanding your argument</p> <p>7 properly, that no evil will befall your situation</p> <p>8 as a result of what we're going to do.</p> <p>9 MR. KLAYMAN: I understand you.</p> <p>10 MR. TIGAR: I would like an opportunity</p> <p>11 to look at these things overnight so I can be more</p> <p>12 comfortable on that.</p> <p>13 MR. KLAYMAN: I understand.</p> <p>14 I just want to make it clear here, and</p> <p>15 I'm standing here as the Respondent, the witness</p> <p>16 and the counsel. It's a position I don't really</p> <p>17 want to be in. That's why Mr. Sujat's here and we</p> <p>18 need time for him to prepare.</p> <p>19 But the reality is that all this stuff</p> <p>20 is sprung on me at the last minute. They opposed</p> <p>21 my taking Dr. Aviera's deposition. It's clear she</p> <p>22 has some emotional issues here, to put it mildly.</p>
<p style="text-align: right;">Page 227</p> <p>1 very well adversely impact upon her credibility.</p> <p>2 MR. KLAYMAN: Well, that's what I'm</p> <p>3 saying --</p> <p>4 CHAIRMAN FITCH: That sounds like good</p> <p>5 news for you.</p> <p>6 MR. KLAYMAN: -- he removed that --</p> <p>7 MR. SMITH: You don't know what I've</p> <p>8 removed, Larry Klayman -- Mr. Klayman. I mean --</p> <p>9 MR. KLAYMAN: Did you remove it?</p> <p>10 MR. SMITH: Look, I know that I saw the</p> <p>11 document, and if I deemed it a relevant document,</p> <p>12 it's going to be in the compendium. If I didn't</p> <p>13 deem it relevant to my case, then I did not.</p> <p>14 But you have the opportunity, you have</p> <p>15 the documents. So if you feel like you can use</p> <p>16 it, you can put it in.</p> <p>17 MR. TIGAR: I think I hear what's being</p> <p>18 said, and personally I'm not being helped by this</p> <p>19 sidebar conversation.</p> <p>20 Under rule of evidence 106, which is</p> <p>21 the common-law rule of completeness, I will, and</p> <p>22 I'm sure the committee will, "entertain the</p>	<p style="text-align: right;">Page 229</p> <p>1 They opposed my taking her deposition. She</p> <p>2 herself said she didn't remember any of this stuff</p> <p>3 until recently, didn't even open emails, yet I was</p> <p>4 unable to take discovery, and they opposed that.</p> <p>5 And then pulling the rug out from under</p> <p>6 me at the last minute, they submit all this stuff</p> <p>7 to y'all, and it's not even fair. It's not only</p> <p>8 unfair, it's not due process and equal protection.</p> <p>9 I mean, we're eight years into the case. She</p> <p>10 can't remember things that she claims.</p> <p>11 So this proceeding, through no fault of</p> <p>12 your own, is out of control. And it is near total</p> <p>13 denial of due process. And I'll argue that in</p> <p>14 greater detail tomorrow, but for him to -- for Mr.</p> <p>15 Smith to sit there and say, you know, "I can do</p> <p>16 whatever I want" when he submits this stuff, on</p> <p>17 the eve of trial, didn't even bother to tell Mr.</p> <p>18 Sujat that he was going to produce them -- he</p> <p>19 could have filed a motion when he got them on</p> <p>20 Thursday, say, "I got these documents, I'm</p> <p>21 moving. Will you consent?" He didn't do that.</p> <p>22 But he sprung it on us today, and that's not right</p>

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<p style="text-align: right;">Page 230</p> <p>1 and it's not ethical. It's not professional.</p> <p>2 MR. SMITH: May I --</p> <p>3 CHAIRMAN FITCH: Our understanding is</p> <p>4 that the documents were provided last Friday. It</p> <p>5 is what it is.</p> <p>6 With respect to the concern, if any,</p> <p>7 for the complaining witness' reputation, emotional</p> <p>8 reaction or anything else, other than being sure</p> <p>9 that she or any other witness is not abused,</p> <p>10 Respondent's primary concern and interest has to</p> <p>11 be the Respondent's defense. We understand that.</p> <p>12 I once had a hearing in which the</p> <p>13 Respondent kept saying essentially, "I'm pulling</p> <p>14 my punches because I don't want to hurt so and</p> <p>15 so." And I finally told that Respondent, "Get</p> <p>16 over it."</p> <p>17 I'm only concerned about you defending</p> <p>18 yourself, period. I'll take care if need be of a</p> <p>19 witness. You take care of yourself. And I think</p> <p>20 that's where we are.</p> <p>21 I have no concern whatsoever about a</p> <p>22 good, hard hitting cross-examination.</p>	<p style="text-align: right;">Page 232</p> <p>1 aggressive defense, but I don't want to look like</p> <p>2 the bad guy. I never have. And that's the</p> <p>3 quandary I'm in as being Respondent, and my</p> <p>4 lawyer, and the witness, and I want to keep a good</p> <p>5 demeanor, but -- and stay calm, but, you know, I'm</p> <p>6 outraged by some of the things I heard and what</p> <p>7 has been done by Bar Counsel.</p> <p>8 And I'll be moving at the close of the</p> <p>9 evidence to dismiss this case on a variety of</p> <p>10 different grounds. And I know there's some gray</p> <p>11 in the area -- gray law in the area here about</p> <p>12 that, but I do believe you have that authority,</p> <p>13 you have that inherent authority. And other bars</p> <p>14 have done that. And Professor Rotunda's opinion,</p> <p>15 you have an opportunity to review it, may his soul</p> <p>16 rest in peace, finds that law available in most</p> <p>17 jurisdictions.</p> <p>18 CHAIRMAN FITCH: But he does not say</p> <p>19 that he finds it available in this jurisdiction.</p> <p>20 MR. KLAYMAN: I don't think the issue</p> <p>21 has been reached yet.</p> <p>22 CHAIRMAN FITCH: He does not say either</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. KLAYMAN: In today's environment,</p> <p>2 your Honor, you know the -- and I believe in</p> <p>3 women's rights. Gloria Allred would not be my</p> <p>4 friend. I just had lunch with her two weeks ago.</p> <p>5 The man is always at a disadvantage, nearly</p> <p>6 always, with some exceptions, and consequently we</p> <p>7 need time to prepare -- and I might add, on the</p> <p>8 record, keep in mind there has never been a</p> <p>9 lawsuit filed or any allegation of sexual</p> <p>10 harassment or malpractice or anything. And she</p> <p>11 obviously had some advice through this Kathleen</p> <p>12 Stanton, and I'll get into that in</p> <p>13 cross-examination, and in my own testimony. And</p> <p>14 it's all kind of like I'm being ambushed without</p> <p>15 even the opportunity to have --</p> <p>16 And they opposed it, to get some</p> <p>17 information after eight years, when documents were</p> <p>18 lost, witnesses were disbursed, couldn't be found,</p> <p>19 and then to do this on the eve of trial, it is</p> <p>20 unethical, in and of itself.</p> <p>21 So, you know, that's where I stand. I</p> <p>22 appreciate you're going to allow me to give an</p>	<p style="text-align: right;">Page 233</p> <p>1 way.</p> <p>2 MR. KLAYMAN: I don't think it's ever</p> <p>3 been. I may be my own advocate in a case as</p> <p>4 egregious as this.</p> <p>5 CHAIRMAN FITCH: He's entitled to his</p> <p>6 opinion.</p> <p>7 Mr. Tigar, do you have an observation?</p> <p>8 MR. TIGAR: Well, I assume, Mr.</p> <p>9 Klayman, up here, the reason they have lawyers</p> <p>10 decide these cases, as well as the hearing</p> <p>11 officers is, this is not our first rodeo, and we</p> <p>12 have all been in cases in which public opinion has</p> <p>13 been against us and in which we have faced this</p> <p>14 terrible problem of cross-examining people who</p> <p>15 come on as sympathetic, such as in the capital</p> <p>16 case, victim impact witnesses.</p> <p>17 So, we understand the situation and I</p> <p>18 adopt the Chair's position. Nobody up here is</p> <p>19 opposed to the idea of a vigorous, effective</p> <p>20 cross-examination in your exercising your rights,</p> <p>21 and I think everybody up here can be trusted to</p> <p>22 disregard whatever public attitudes may be</p>

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1 circulating around out there, that may have led to
2 some perceptions.

3 CHAIRMAN FITCH: We will stand in
4 adjournment until 9:30 tomorrow morning.

5 And, we are still on the record, I just
6 want counsel, all counsel to keep in mind of the
7 time and schedule that I mentioned earlier.

8 (Whereupon at 3:50 p.m., the hearing
9 was in recess until Thursday, June 31, at 9:30
10 a.m.)
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1 CERTIFICATE OF NOTARY PUBLIC

2 I, KIM M. BRANTLEY, the officer before whom
3 the foregoing hearing was taken, do hereby,
4 certify that the proceedings were taken by me in
5 stenotype and thereafter reduced to typewriting
6 under my direction; that said hearing is a true
7 record of the proceedings; that I am neither
8 counsel for, related to, nor employed by any of
9 the parties to the action in which this hearing
10 was taken; and, further, that I am not a relative
11 or employee of any counsel or attorney employed by
12 the parties hereto, nor financially or otherwise
13 interested in the outcome of this action.
14
15

16 KIM M. BRANTLEY, C.S.R.
17 Notary Public in and for
18 the District of Columbia
19

20 My commission expires: October 31, 2019
21
22

A				
a.m 2:3 189:2,10 211:7 234:10	189:13 190:5	affirm 67:20	Allred 12:11 53:6	anticipated 10:13
abandoned 60:18 166:22	additional 12:14	affirmation 6:3	82:6 189:20 190:2	10:15 41:5 216:11
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abusing 174:5	adduce 95:21	aggravating 223:5	ambushed 136:1	165:13 182:8
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Date: May 31, 2018

Case: In The Matter Of: Larry E. Klayman



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May 31, 2018

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DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. :

- - - - - X

Thursday, May 31, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

In The Matter Of: Larry E. Klayman
May 31, 2018

<p style="text-align: right;">Page 261</p> <p>1 Hearing, taken at the Board on Professional 2 Responsibility, 430 E Street, NW, Washington, DC, 3 commencing at 9:30 a.m., before the Ad Hoc Hearing 4 Committee, and before Kim M. Brantley, C.S.R., a 5 Court Reporter and Notary Public in and for the 6 District of Columbia, when were present on behalf 7 of the respective parties: 8 9 APPEARANCES: 10 AD HOC HEARING COMMITTEE: 11 WARREN ANTHONY FITCH, ESQUIRE 12 Chair 13 MS. MARY LARKIN 14 Public Member 15 MICHAEL TIGAR, ESQUIRE 16 Attorney Member 17 18 On behalf of the DC Attorney Disciplinary 19 System: 20 H. CLAY SMITH, III, ESQUIRE 21 22</p>	<p style="text-align: right;">Page 263</p> <p>1 I N D E X 2 WITNESS: DIRECT: CROSS: 3 Ms. Elham Sataki 292 322, 448 4 Mr. Kevin O'Connell 440 445 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 262</p> <p>1 APPEARANCES CONTINUED: 2 On behalf of Respondent: 3 FREDERICK J. SUJAT, ESQUIRE 4 Law Office of Frederick J. Sujat 5 1525 Windjammer Way 6 Hollywood, Florida 33019 7 (954) 815-5221 8 Email: fsujat@yahoo.com 9 ALSO PRESENT: 10 LARRY E. KLAYMAN, ESQUIRE 11 Respondent 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 264</p> <p>1 P R O C E E D I N G S 2 CHAIRMAN FITCH: If everybody is 3 settled in and organized, I think we can go on the 4 record. 5 Good morning, we're reconvening pretty 6 promptly at 9:30 a.m., and I observe that all 7 counsel and parties are present and that all three 8 hearing committee members are present. 9 Are there any purely routine 10 administrative matters that need to be addressed? 11 Hearing none, the hearing committee has 12 pending before it Disciplinary Counsel's motion to 13 admit exhibits SX1 through SX38, and I'll be happy 14 to hear brief argument, if anybody wishes, on that 15 motion, it being Disciplinary Counsel's motion. 16 MR. SMITH: Thank you. Good morning. 17 CHAIRMAN FITCH: Morning. 18 MR. SMITH: I'll just reiterate what I 19 had said yesterday about the circumstances under 20 which we obtained those documents. 21 You heard the testimony of Ms. Sataki, 22 and to characterize it she had essentially pushed</p>

2 (Pages 261 to 264)

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<p style="text-align: right;">Page 265</p> <p>1 this matter aside for a long time because it was 2 very painful for her to have to revisit the facts 3 and circumstances of what took place several years 4 ago between her and Mr. Klayman. 5 In preparation for the hearing, 6 however, she summoned up the courage to kind of 7 look into things and found a bunch of emails that 8 she had not even opened and started, you know, 9 digging into it and realized that there was a lot 10 more that she could share with the disciplinary 11 system I guess to corroborate her story, because 12 these are the things that she was looking at, you 13 know, to get ready for the hearing. 14 In addition to that I note that all of 15 the documents which are correspondence either 16 authored by or addressed to Mr. Klayman cannot 17 come as any sort of surprise, given that he was 18 either the author or the recipient of all of the 19 documents that we have put together as SX1 through 20 38. I believe that this information will help 21 inform the hearing committee of exactly what was 22 happening. It corroborates what Ms. Sataki was</p>	<p style="text-align: right;">Page 267</p> <p>1 This is a case by Bar Counsel, not by 2 Ms. Sataki. And although Ms. Sataki, you know, 3 has written correspondence that you'll see that 4 she needs this to validate future employment, she 5 needs this because her life's been on hold for 6 eight years. Obviously this Bar proceeding is not 7 going to change the status quo, which is not my 8 fault, in any event. I did my best and I tried 9 extremely hard for her. You're going to see that 10 later today and throughout this hearing. 11 But you can't come in under the rules 12 at the last minute. These documents weren't 13 provided until 9:30 Friday. They weren't even 14 sent to me. And they were sent to Mr. Sujat. Mr. 15 Smith knows that I was in California; he was in 16 Florida. Why wouldn't you send them to me? 17 On top of that, there was a zip drive, 18 which contained my correspondence. Because, as 19 I've been telling the committee, they didn't 20 produce everything to me. That's proven to be 21 true, but what Mr. Smith has said in the past has 22 proven not to be true. They didn't produce</p>
<p style="text-align: right;">Page 266</p> <p>1 saying, that there are other emails which post 2 dated the termination of the relationship, which I 3 think are also relevant to her ethical complaint 4 to our office and for this committee's review. 5 CHAIRMAN FITCH: And Mr. Klayman is 6 approaching the podium. 7 MR. KLAYMAN: Yes, thank you, your 8 Honors. Good morning. 9 CHAIRMAN FITCH: Hello. 10 MR. KLAYMAN: I'll keep it relatively 11 brief, too, but also to the point -- again, I 12 apologize, I have a little post nasal drip every 13 morning. 14 CHAIRMAN FITCH: Not a problem. 15 MR. KLAYMAN: This case is eight years 16 old. It's approaching a new world indoor record, 17 and for Mr. Smith to come up here, and I'm not 18 personalizing this, and say that Ms. Sataki just 19 looked for these documents is very disingenuous, 20 because he had a duty and an obligation at the 21 outset to ask her what documents you have, and to 22 look for them.</p>	<p style="text-align: right;">Page 268</p> <p>1 everything to me. 2 He then produced a zip drive that he 3 had, which he claimed apparently he tried to have 4 delivered to a mail drop on Pennsylvania Avenue, 5 and then it sat around for weeks when it came 6 back. But yet he told you they had produced 7 everything. 8 And then on top of that, you know, of 9 course he had an opportunity, even last Friday 10 with Mr. Sujat -- Mr. Sujat will testify to say, 11 "I want to have these documents moved into 12 evidence. Will you consent?" He never said that. 13 He just said, "Here are the documents." He could 14 have filed a motion. He could have sought our 15 consent. Instead he comes in at the last minute 16 and tries to jam these into the hearing. 17 In light of everything else that has 18 gone on here, the delay, eight years -- four -- 19 three and a half years Ms. Sataki, no one even 20 tried to contact her. She abandoned the case by 21 the policies of the Disciplinary Counsel, itself. 22 Because they give you a letter when they</p>

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<p style="text-align: right;">Page 269</p> <p>1 acknowledge opening an investigation. I'm going 2 to show you that letter in the course of this 3 proceeding, make it an exhibit into evidence, that 4 if you don't contact the Bar promptly after that, 5 your case is considered to be abandoned. 6 They resurrected it after six years, 7 for their own strategic reasons, and we'll get 8 into that later, too. 9 So, this is all in an effort to deny 10 me, either intentionally or in a grossly negligent 11 fashion -- I believe intentionally -- my due 12 possess rights and equal protection rights, and to 13 not give me an opportunity. 14 As you know and as I've said, it's all 15 over the record, I thought this case was 16 dismissed. Florida and Pennsylvania had dismissed 17 it. I got rid of files. I moved around. I lost 18 files. I had to recreate them. 19 So to say right now that Mr. Klayman's 20 had all this stuff, that's also very disingenuous, 21 at best. 22 Now the rules provide for at least ten</p>	<p style="text-align: right;">Page 271</p> <p>1 not the way it's supposed to be. They think 2 they're above the law. 3 So I strongly urge this committee to 4 not allow this information on the record or into 5 evidence, not just because it's totally unfair and 6 there's due process rights. It's not even a 7 question of what's in the documents, because I 8 read them. Some of it is even helpful. Most of 9 it is. 10 But this is not right and you cannot 11 have this kind of a proceeding, because it's 12 becoming an extreme example of abuse of process by 13 the Disciplinary Counsel, and therefore it should 14 all be excluded, if for no other reason than to 15 set rules that people have to live by. 16 I've had to live by them. When I 17 wanted an extension, I asked for an extension, and 18 the Chair ruled. 19 But to slip it in at the last minute, 20 that's just slick, and frankly it's unethical, and 21 these documents should be excluded and not become 22 part of the record.</p>
<p style="text-align: right;">Page 270</p> <p>1 days notice before a hearing, and that was not 2 given either. 3 So, your Honor, out of fairness and the 4 rules of this Board, which it has to live by -- 5 and sometimes I get the feeling, and again I've 6 told you how I hate being my own lawyer here, I 7 think because sometimes I have to be aggressive, 8 and it's not the proceeding I want too be 9 aggressive in... 10 But they had an obligation to protect 11 me as well as to protect the interest of the Bar, 12 and they believe that they don't have to play by 13 the same rules that respondents have to play back 14 or I have to play by. 15 And they think, and I'm not saying 16 anything with you. I have -- the hearing 17 committee and I know that you'll do a neutral and 18 fair proceeding here, at least as of right now. 19 But they think that they have you in their hip 20 pocket, that because it's so close here, it's so 21 incestuous in a way, that they can do whatever 22 they want and get away with it. And that's just</p>	<p style="text-align: right;">Page 272</p> <p>1 Thank you. 2 CHAIRMAN FITCH: Any rebuttal from the 3 movant? 4 MR. SMITH: Well, I think Mr. Klayman 5 made a few mischaracterizations of how a lot of 6 these things took place. 7 I actually have, and I can submit it 8 later, a copy of the respective flash drive. I 9 don't know that a lot of our response really goes 10 substantively to the question of whether or not 11 the documents that we have asked, the supplemental 12 exhibits be admitted or not, but because there are 13 certain representations made about Bar Counsel's 14 conduct with respect to discovery, because not 15 everything has been made available to the 16 committee. 17 I just wanted to share with you that on 18 May 24th we did send to Mr. Klayman's counsel a 19 copy of the flash drive that we had originally 20 sent to Mr. Klayman at his address on May 4th, as 21 we had represented in our motions. 22 On May 23rd we had received from the</p>

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<p style="text-align: right;">Page 273</p> <p>1 United States Postal Service the letter that we 2 had delivered to Mr. Klayman at his address on 3 Pennsylvania Avenue, and on the letter it had 4 "refused." 5 Immediately upon receiving that we sent 6 it to his counsel, because at that time he had 7 just entered his appearance. We assumed that he 8 was counsel of record, that we should not be 9 communicating with Mr. Klayman, for no other 10 reason than that. 11 So we did send that information 12 immediately to his counsel, the flash drive. We 13 sent it to him by Federal Express to make sure 14 that he would get it in a timely manner. 15 And so the same is true with respect to 16 our receiving the documents from Ms. Sataki on the 17 eve of this hearing, and I only say these things 18 because there are a lot of nefarious spins being 19 made, a lot of accusations being made about the 20 conduct, character and intent of Disciplinary 21 Counsel in proceeding with this case. 22 To that extent, it is a collateral</p>	<p style="text-align: right;">Page 275</p> <p>1 person responsible for maintaining custody and 2 control of, you know, the correspondence that, you 3 know, we shared between us, and that he had access 4 to, and all the documents quite frankly that he is 5 claiming are somehow the product of unfair play, 6 again, you know, this is stuff that he has had a 7 direct hand in, and things that he -- if he did 8 not, he certainly could have if not should have 9 had copies of all these things and maintained 10 these things throughout the years. 11 You can't castigate and disparage 12 Disciplinary Counsel for, you know, good faith 13 efforts to get this information that he should 14 have had back to him. 15 CHAIRMAN FITCH: Ok, Mr. Sujat, you 16 want to respond? 17 MR. KLAYMAN: Mr. Sujat is going to 18 respond. 19 MR. SUJAT: Can I speak as well? 20 CHAIRMAN FITCH: Briefly. 21 MR. SUJAT: I will be very brief. 22 I just wanted to point out some factual</p>
<p style="text-align: right;">Page 274</p> <p>1 issue, but the record is complete with these 2 accusations, and I felt that it was necessary to 3 get on the record to respond to that to let the 4 committee know that there is documentary evidence 5 which we can submit which will rebut the 6 accusations of impropriety and demonstrate that we 7 moved with all deliberate speed to make sure that 8 Respondent and his counsel were made aware of and 9 given copies of the documents which we had 10 represented that we would give them as soon as 11 possible. 12 And again I know that Respondent has 13 said that he failed to maintain a copy of his 14 documents throughout the years. Well, 15 Disciplinary Counsel is not responsible for how 16 Mr. Klayman cared for his belongings and his 17 possessions, and, to the extent that we maintained 18 a file which contained things that he should have 19 been maintaining and made available to him, that I 20 think is in the spirit of fair play of exactly 21 what we're doing. 22 But again, at the end of the day, the</p>	<p style="text-align: right;">Page 276</p> <p>1 matters. I don't want to get into a big 2 explanation, but simply to say that the new 3 evidence that was provided at the last minute came 4 to me by email on Friday, 9:30. So, I just wanted 5 to let the Board know that it was May 25th that I 6 actually received it. 7 Also on the thumb drive, the thumb 8 drive was sent on Thursday, but it was sent by 9 FedEx, so I didn't get it until Friday, as well. 10 And then Friday I immediately went to the FedEx 11 and had it delivered overnight to Mr. Klayman for 12 the weekend, so that, you know, he would have it. 13 But, you know, this was all dropped on 14 us at the last minute. 15 And also I just want to say in terms of 16 keeping records... Usually lawyers keep records 17 for five years. In this case we're talking about 18 it will be six years of waiting for the 19 proceedings. 20 That's it. 21 CHAIRMAN FITCH: Each of the three 22 members of the hearing committee reviewed SX1</p>

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<p style="text-align: right;">Page 277</p> <p>1 through SX38. Yesterday evening we each spent 2 about 45 minutes to an hour on reviewing the 3 documents for purposes of ruling on their 4 admissibility.</p> <p>5 The documents frankly don't contain 6 anything new. The themes in the documents and the 7 subject matters in the documents are those which 8 were covered in yesterday's evidentiary 9 proceedings. And so the question arose whether 10 those documents were cumulative and therefore 11 subject to exclusion under the applicable rule.</p> <p>12 The Disciplinary Counsel twice used the 13 word "corroborate," and the documents, perhaps 14 because they do in fact cover the same subject 15 matter, potentially, at least in Disciplinary 16 Counsel's view, support or corroborate in written 17 form the testimony of the complaining witness. 18 And so it certainly is not unusual in evidentiary 19 proceedings for documents to be adduced to 20 corroborate testimony. Or visa versa, I suppose, 21 for that matter.</p> <p>22 Indeed, I suppose if these documents</p>	<p style="text-align: right;">Page 279</p> <p>1 the next period of time and to evaluate the 2 documents for their weight, if any, at the end of 3 the case, as we work our way through all the 4 evidence that we hear.</p> <p>5 Now, Mr. Smith, the documents do 6 corroborate. But I'm also correct that the 7 documents do not explore any new ground. So I'm 8 admitting the documents, but I do not want to hear 9 repetitive testimony. You had the opportunity to 10 bring out your themes, in some instances several 11 times, so you need to figure out -- you may not 12 want to ask any questions at all. The documents 13 are in. But I'm not going to let you walk her 14 through the documents.</p> <p>15 We know, at least we have heard the 16 story, that you wish to present, the in theories. 17 It's perfectly sensible. We may or may not agree 18 with them now. Since we haven't reached any 19 decision, we're still hearing evidence, we may or 20 may not agree with you at the end of the hearing. 21 But we do know where your theories are.</p> <p>22 Now you may have some new theories, and</p>
<p style="text-align: right;">Page 278</p> <p>1 had been available sooner, the form of examination 2 might well have taken marching the witness, the 3 complaining witness through the documents in a 4 chronological fashion, the manner in which they in 5 fact are arranged, starting in April and running 6 through the end of the year, and a tad further.</p> <p>7 In addition, Mr. Klayman pointed out 8 that in fact the documents, "some," quote unquote, 9 or "most," quote unquote, are helpful to 10 Respondent. So who knows what the answer to that 11 is.</p> <p>12 Disciplinary Counsel presumably has 13 made a judgement that on the balance -- or perhaps 14 in their entirety -- the documents are helpful to 15 him, and that's a judgment that he's entitled to 16 make.</p> <p>17 The Respondent's team may very well 18 find that the documents are helpful to any number 19 of their theories.</p> <p>20 On balance we think that we are 21 required, under the rule, to admit the documents 22 and to proceed through the evidentiary case over</p>	<p style="text-align: right;">Page 280</p> <p>1 I suppose you may be able to adduce those, 2 although you did rest yesterday, subject to this 3 motion. But we're not going to hear her repeat 4 testimony that she has already given. That road 5 is taken. There will be a lot of "asked and 6 answered."</p> <p>7 Do you want to call your next witness? 8 MR. KLAYMAN: Your Honor, may I raise 9 one procedural issue here? 10 CHAIRMAN FITCH: I'm sorry? 11 MR. KLAYMAN: May I raise one issue 12 that dovetails with your ruling here, just real 13 quick, if I may? 14 CHAIRMAN FITCH: Go ahead. 15 MR. KLAYMAN: Yes. 16 Yesterday I pointed out the likelihood, 17 because we hadn't had a chance to look at the 18 documents yet, that there were some documents that 19 were not provided. They were incomplete. Ms. 20 Sataki herself I believe testified at that she 21 didn't open everything. And there are documents 22 in that package which talk about me trying to</p>

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<p style="text-align: right;">Page 281</p> <p>1 contact her, because I don't know whether she's 2 the one that's communicating or not, and Mr. 3 Shamble, as well. 4 That person -- we don't have the 5 document that was sent apparently to me or I 6 learned of in some way with regard to how that 7 person intended to proceed with the case or advise 8 her or whoever. 9 I'm responding to her, sending emails 10 to her, you know, at the end of the package, 11 saying, "I'm sending it to you, but you send it to 12 this person." It's probably this person Mehran 13 Razavi, R-a-z-a-v-i, and this was the person who 14 threatened me. You'll hear that testimony. I 15 used to have the cell phone voicemail. I don't 16 have it any more, it's so long ago. And that's 17 why I checked out that number that called me and I 18 found out that he was a convicted felon for fraud, 19 gambling fraud in Las Vegas. This is the person I 20 was dealing with. 21 We don't have his communication to me, 22 but we have my response to him, and I'm sending</p>	<p style="text-align: right;">Page 283</p> <p>1 that's why I took the actions I did in terms of 2 trying to protect her rights until I could figure 3 out what she really wanted to do, with informed 4 consent, by not by some convicted felon in Las 5 Vegas named Razavi. 6 So that's the big issue here. And, you 7 know, at the appropriate time and the appropriate 8 place, I leave it to your Honors how to proceed 9 about that, but I will be questioning about these 10 things. 11 CHAIRMAN FITCH: Well, that's at least 12 the first appropriate place, you raise it here, 13 after having highlighted it. That's a 14 consideration. 15 Mr. Smith? 16 MR. SMITH: Alright -- 17 CHAIRMAN FITCH: You want a minute or 18 so? 19 MR. SMITH: Yes, just give me a minute 20 regarding the Chair's directions. 21 CHAIRMAN FITCH: Try to make it five 22 minutes or less.</p>
<p style="text-align: right;">Page 282</p> <p>1 this to Ms. Sataki, because I don't know what his 2 email address is and he won't respond to my 3 telephone calls, calling me back. 4 So that's the problem with this, it's 5 incomplete documentation. And she herself 6 admitted she didn't open all of it. That's an 7 issue that I throw out that I think we have to 8 grapple with at some point throughout this 9 hearing. I will be questioning her about that, 10 and I trust that Mr. Smith will not tip her off 11 and coach her while she's on the stand here or at 12 various meetings during breaks and lunch. 13 But we have to find out all about that. 14 Because that's really important. Because I was 15 getting instructions that were basically throwing 16 everything I had done in the trash. It didn't 17 make any sense, that basically said that 18 unilateral disarmament, and we hope for the best. 19 I had an obligation to talk to Ms. 20 Sataki about it directly and I was getting 21 communicated to by somebody else, and that's why 22 Mr. Shamble tried to get ahold of her, too, and</p>	<p style="text-align: right;">Page 284</p> <p>1 MR. SMITH: Alright. 2 (Recess taken.) 3 MR. SMITH: I do have a housekeeping 4 issue. 5 It occurred to me when you had made 6 your remarks about you were going to admit the 7 documents SX1 through 36 and that I had not 8 formally asked or moved in the admission of the 9 documents that we had discussed yesterday with Ms. 10 Sataki. 11 CHAIRMAN FITCH: Why don't we hold off 12 moving documents in until the end of your case. 13 MR. SMITH: Alright. Well, I know that 14 there have been some questions about the 15 authenticity, so in the event that there were 16 going to be any objections to a specific document, 17 I felt it was good while we still had Ms. Sataki 18 on the stand to authenticate that which is not 19 going to be consented to by the Respondent in 20 connection with the additional documents. 21 CHAIRMAN FITCH: Well, I think you can 22 certainly do that. If you think you need to do</p>

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<p style="text-align: right;">Page 285</p> <p>1 every one of those...</p> <p>2 MR. SMITH: Well, I mean that really</p> <p>3 depends on the Respondent. That's why I wanted to</p> <p>4 bring it up now before I brought Ms. Sataki back.</p> <p>5 CHAIRMAN FITCH: Well, I don't have Mr.</p> <p>6 Klayman's objections.</p> <p>7 MR. KLAYMAN: I would propose the way</p> <p>8 your Honor has proposed, that at the end we go</p> <p>9 through. It's more efficient.</p> <p>10 CHAIRMAN FITCH: But his concern is</p> <p>11 that if you raise, later today or whenever, later</p> <p>12 this morning, authenticity issues and the witness</p> <p>13 has already gone, that he will not have</p> <p>14 authenticated, potentially, some of the exhibits.</p> <p>15 Then we'd be put in a position of having to decide</p> <p>16 on the face of them whether they are authentic or</p> <p>17 not.</p> <p>18 So I think that's a reasonable</p> <p>19 consideration. I think Mr. Klayman -- can you</p> <p>20 pull up his objections?</p> <p>21 I think he has objected to the</p> <p>22 authenticity, maybe all of the exhibits. But we</p>	<p style="text-align: right;">Page 287</p> <p>1 chance to elicit her testimony on any of these</p> <p>2 documents for me to agree to anything.</p> <p>3 CHAIRMAN FITCH: It appears that --</p> <p>4 keep scrolling.</p> <p>5 It appears that there is an</p> <p>6 authentication objection at least to DX1 -- and</p> <p>7 there are some other objections, but DX1-28 and --</p> <p>8 MR. TIGAR: I think there's an</p> <p>9 authentication objection, Mr. Chairman, to all of</p> <p>10 the numbered exhibits one through 28.</p> <p>11 CHAIRMAN FITCH: I seem to be missing</p> <p>12 Mr. Smith's exhibits -- oh, no, I'm not.</p> <p>13 We have more than 28 exhibits in here,</p> <p>14 and Mr. Klayman surely is going to have the right</p> <p>15 and the opportunity to make his position clear on</p> <p>16 those, as well.</p> <p>17 So, Mr. Klayman has made a suggestion.</p> <p>18 I'll leave it up to you, Mr. Smith.</p> <p>19 MR. SMITH: Well, again, my suggestion</p> <p>20 is I think we did lay a foundation for the</p> <p>21 authenticity of the documents in our examination</p> <p>22 of Ms. Sataki, with respect to the documents that</p>
<p style="text-align: right;">Page 286</p> <p>1 at least can get that before us.</p> <p>2 I think what you need to do is tell her</p> <p>3 to look at number 23-28, or number SX1, and say</p> <p>4 "Did you write this email?"</p> <p>5 MR. SMITH: Well, with respect to</p> <p>6 documents that were discussed yesterday, I'd like</p> <p>7 to go through them now and find out from Mr.</p> <p>8 Klayman objects to.</p> <p>9 If he is going to consent to any of</p> <p>10 them, then perhaps we can truncate this process</p> <p>11 and, you know, I won't need to ask Ms. Sataki the</p> <p>12 questions. But at this point I think it would</p> <p>13 just be perhaps more expedient if we know whether</p> <p>14 Mr. Klayman is going to object to any of the</p> <p>15 documents that were discussed yesterday and then</p> <p>16 move forward to the ones today in the supplemental</p> <p>17 exhibits that we have submitted.</p> <p>18 MR. KLAYMAN: Your Honor, he's going to</p> <p>19 have an opportunity, Mr. Smith, to redirect Ms.</p> <p>20 Sataki. I would suggest that we do this after the</p> <p>21 redirect and go through these documents.</p> <p>22 It's premature now before I have a</p>	<p style="text-align: right;">Page 288</p> <p>1 she testified to, for example Bar Exhibit 1, which</p> <p>2 was the ethical complaint that she filed that's</p> <p>3 dated November 2nd, 2010.</p> <p>4 I would go through those documents now</p> <p>5 that we have already had her testify to and</p> <p>6 determine whether or not there's anything else we</p> <p>7 need to do to satisfy Respondent about their</p> <p>8 authenticity.</p> <p>9 I'll move them in, and if he objects</p> <p>10 and the hearing committee doesn't rule, then, you</p> <p>11 know, we'll just deal with that. But I'd like to</p> <p>12 do that exercise now before I bring Ms. Sataki in.</p> <p>13 MR. KLAYMAN: Your Honor --</p> <p>14 CHAIRMAN FITCH: You're saying you're</p> <p>15 going to address which documents now?</p> <p>16 MR. SMITH: All the documents that she</p> <p>17 testified to yesterday, which actually weren't</p> <p>18 that many.</p> <p>19 CHAIRMAN FITCH: Right.</p> <p>20 MR. SMITH: So if we could just go</p> <p>21 through that now, and I actually think I may have</p> <p>22 asked to move in Bar Exhibit Number 1 yesterday.</p>

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<p style="text-align: right;">Page 289</p> <p>1 I don't recall whether there was any discussion of</p> <p>2 that at all. But, again, if I might just go</p> <p>3 through the few documents that I went through</p> <p>4 yesterday.</p> <p>5 MR. KLAYMAN: Here's the problem, and</p> <p>6 number one, and this is a good example of it, is</p> <p>7 that she testified that that wasn't her</p> <p>8 handwriting on that document. So I've got to be</p> <p>9 able to probe that. I don't understand why --</p> <p>10 CHAIRMAN FITCH: Well, sure, you can</p> <p>11 probe it. No question of that.</p> <p>12 MR. KLAYMAN: So it may not be an</p> <p>13 authentic document.</p> <p>14 Ordinarily it's at the end of your</p> <p>15 presentation, your examination that you move to</p> <p>16 have the documents in. It's not over yet.</p> <p>17 CHAIRMAN FITCH: Mr. Smith, it appears</p> <p>18 to me that Mr. Klayman is saying that he objects</p> <p>19 to the absence of authentication of Exhibit Number</p> <p>20 1.</p> <p>21 MR. SMITH: Correct, and so --</p> <p>22 CHAIRMAN FITCH: I think that if he is</p>	<p style="text-align: right;">Page 291</p> <p>1 to object to the authentication.</p> <p>2 MR. SMITH: He does --</p> <p>3 CHAIRMAN FITCH: And the only</p> <p>4 constraint is that we lose this witness tomorrow</p> <p>5 afternoon, evening, whatever, and that's when</p> <p>6 cross-examination ends. If Mr. Klayman wants to</p> <p>7 use time for authentication issues, that's his</p> <p>8 right, but we're not going beyond tomorrow night</p> <p>9 with this witness.</p> <p>10 (Brief pause.)</p> <p>11 (Ms. Sataki returns to the witness</p> <p>12 stand.)</p> <p>13 CHAIRMAN FITCH: Good morning.</p> <p>14 THE WITNESS: Thank you. Morning.</p> <p>15 CHAIRMAN FITCH: As I said I would, I</p> <p>16 remind you, Ms. Sataki, that you remain under</p> <p>17 oath. You remain under oath.</p> <p>18 THE WITNESS: Yes.</p> <p>19 CHAIRMAN FITCH: Mr. Smith...</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 290</p> <p>1 going to object to all this, you need to go</p> <p>2 through them with her.</p> <p>3 MR. SMITH: Well, I did yesterday, and</p> <p>4 I remind you that she's the one who testified that</p> <p>5 she did not write it herself, but that she did</p> <p>6 read it, she agreed with it.</p> <p>7 CHAIRMAN FITCH: I have notes about</p> <p>8 what was said about the documents covered</p> <p>9 yesterday. I have to leave it to you as to</p> <p>10 whether you think you have adequately</p> <p>11 authenticated them knowing that there are -- there</p> <p>12 seem to be -- not "seem to be," there are</p> <p>13 authentication objections.</p> <p>14 MR. SMITH: Yes, and that's why I</p> <p>15 wanted to --</p> <p>16 CHAIRMAN FITCH: But I don't want you</p> <p>17 to take more time moving them in right now.</p> <p>18 Call her, and if you think you need to</p> <p>19 authenticate something, authenticate it. If there</p> <p>20 are 50 you think you need to authenticate,</p> <p>21 authenticate 50 of them.</p> <p>22 I mean, Mr. Klayman has a perfect right</p>	<p style="text-align: right;">Page 292</p> <p>1 CONTINUED CROSS-EXAMINATION</p> <p>2 BY DISCIPLINARY COUNSEL</p> <p>3 BY MR. SMITH:</p> <p>4 Q. Morning, Ms. Sataki.</p> <p>5 A. Good morning.</p> <p>6 Q. I handed you a copy of what has been</p> <p>7 previously marked as Supplemental Exhibit Number</p> <p>8 31. For the record it is an email which appears</p> <p>9 to be dated October 24th, 2010 from Mr. Klayman to</p> <p>10 you -- or excuse me -- October 19th --</p> <p>11 A. October --</p> <p>12 Q. Excuse me, October 19th, 2010, to Kevin</p> <p>13 Sataki.</p> <p>14 A. Yes.</p> <p>15 Q. And above that is a forwarding message</p> <p>16 suggesting that it was sent to you, for the</p> <p>17 record.</p> <p>18 I'll ask you to take a look at that</p> <p>19 document, please.</p> <p>20 MR. KLAYMAN: Your Honor, that's not</p> <p>21 the document on Exhibit 31.</p> <p>22 MR. SMITH: Supplemental Exhibit Number</p>

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<p style="text-align: right;">Page 293</p> <p>1 31, your Honor.</p> <p>2 CHAIRMAN FITCH: I'm sorry.</p> <p>3 MS. LARKIN: Supplemental Exhibit</p> <p>4 Number 31.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Do you recall receiving this document</p> <p>8 on or about October 24th, 2010?</p> <p>9 A. Yes.</p> <p>10 Q. And who did you receive it from?</p> <p>11 A. My brother forwarded it to me.</p> <p>12 Q. What is the substance of the letter?</p> <p>13 What is going on there?</p> <p>14 MR. KLAYMAN: Your Honor, objection.</p> <p>15 There is no showing that her brother forwarded it</p> <p>16 to her.</p> <p>17 CHAIRMAN FITCH: She has testified that</p> <p>18 he did and we'll credit or not credit that</p> <p>19 testimony.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. Let me ask you to look at the</p> <p>22 forwarding message --</p>	<p style="text-align: right;">Page 295</p> <p>1 called me and told me there was a letter from Mr.</p> <p>2 Klayman.</p> <p>3 Q. So you did hear about this letter from</p> <p>4 your brother?</p> <p>5 A. Yes.</p> <p>6 Q. Have you had a chance to read the</p> <p>7 letter?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell the hearing committee what</p> <p>10 was going on in that letter, the communication.</p> <p>11 A. It was --</p> <p>12 MR. KLAYMAN: Your Honor, objection.</p> <p>13 Your Honor asked him not to elicit testimony that</p> <p>14 was cumulative. Now he's getting into testimony.</p> <p>15 He's back-dooring examination on these documents,</p> <p>16 which I move to exclude.</p> <p>17 MR. SMITH: There has been absolutely</p> <p>18 no testimony whatsoever about the substance of</p> <p>19 what's in this letter.</p> <p>20 CHAIRMAN FITCH: Overruled.</p> <p>21 THE WITNESS: The letter is about -- to</p> <p>22 my brother and it's about me not cooperating or me</p>
<p style="text-align: right;">Page 294</p> <p>1 MR. KLAYMAN: Let me make a suggestion</p> <p>2 if I may.</p> <p>3 MR. SMITH: Larry, please, please.</p> <p>4 MR. KLAYMAN: I'm trying to assist you.</p> <p>5 Let me voir dire after each of these.</p> <p>6 CHAIRMAN FITCH: We will not be doing</p> <p>7 that.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. If you could look in the middle of the</p> <p>10 page where it says "forwarded message".</p> <p>11 A. Yes.</p> <p>12 Q. And who is the letter from?</p> <p>13 A. Mr. Klayman.</p> <p>14 Q. And who is it addressed to?</p> <p>15 A. To my brother, Kevin Sataki.</p> <p>16 Q. In other words, there is a forwarded</p> <p>17 message in the middle of the page?</p> <p>18 A. It was to me.</p> <p>19 Q. Does that refresh your recollection as</p> <p>20 to where you might have gotten a copy of this</p> <p>21 letter from?</p> <p>22 A. Yes, my brother. He emailed me or</p>	<p style="text-align: right;">Page 296</p> <p>1 not meeting with the other people at CBN. They</p> <p>2 were offering me a job.</p> <p>3 Also the letter is about that Mr.</p> <p>4 Klayman is trying to get me a book deal, and it's</p> <p>5 to my benefit, because it will kind of restart my</p> <p>6 career, and the book deal is going to help me, and</p> <p>7 both as a prestige and both money.</p> <p>8 So it's about that, and plus that he is</p> <p>9 explaining to my brother, that someone as my</p> <p>10 manager talked to the CBN people regarding that,</p> <p>11 if we're going to meet, Mr. Klayman shouldn't be</p> <p>12 there.</p> <p>13 MR. SMITH: At this time --</p> <p>14 MR. KLAYMAN: Your Honor, wait. I ask</p> <p>15 for reconsideration.</p> <p>16 Your Honor, my concern was just to get</p> <p>17 authentication and you instructed Mr. Smith not to</p> <p>18 get into testimony because --</p> <p>19 CHAIRMAN FITCH: No, no, no, no. I</p> <p>20 instructed him not to get into repetitive</p> <p>21 testimony, to the extent possible. I have</p> <p>22 determined that this is not repetitive.</p>

10 (Pages 293 to 296)

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<p style="text-align: right;">Page 297</p> <p>1 Go ahead, Mr. Smith.</p> <p>2 BY MR. SMITH:</p> <p>3 Q. Now what's the date of this letter,</p> <p>4 this communication to you, Ms. Sataki?</p> <p>5 A. October 19th, 2010.</p> <p>6 Q. Had you still had an attorney/client</p> <p>7 relationship with Mr. Klayman on this date?</p> <p>8 A. No.</p> <p>9 Q. Did you authorize him to discuss your</p> <p>10 story with anyone at that point?</p> <p>11 A. No.</p> <p>12 Q. Thanks. No further questions on this</p> <p>13 particular document.</p> <p>14 MR. SMITH: At this point I will</p> <p>15 attempt to elicit testimony that will authenticate</p> <p>16 the documents that are forth in Disciplinary</p> <p>17 Counsel's Supplemental Exhibits 1 through 38.</p> <p>18 CHAIRMAN FITCH: Or any others that you</p> <p>19 are worried about, but go ahead.</p> <p>20 MR. SMITH: Alright.</p> <p>21 BY MR. SMITH:</p> <p>22 Q. Ms. Sataki, can you look at the book of</p>	<p style="text-align: right;">Page 299</p> <p>1 Q. And you agreed with what was said?</p> <p>2 A. Yes.</p> <p>3 MR. SMITH: Alright. At this time I'd</p> <p>4 like to move Bar Exhibit 1 into evidence.</p> <p>5 MR. SUJAT: Your Honor, again, these</p> <p>6 are leading questions.</p> <p>7 CHAIRMAN FITCH: Yeah, but you didn't</p> <p>8 object to them and they were just transitional</p> <p>9 questions.</p> <p>10 Objection or not to its admission?</p> <p>11 He's moved in its admission.</p> <p>12 MR. SUJAT: I object to the questions.</p> <p>13 CHAIRMAN FITCH: I didn't ask you that.</p> <p>14 He has moved it in. He has moved for</p> <p>15 the admission of Supplemental Exhibit Number 1.</p> <p>16 Does the Respondent's team object or not object?</p> <p>17 MR. SUJAT: Object.</p> <p>18 MR. KLAYMAN: Yes, your Honor, we</p> <p>19 strongly object to that. I would like to be able</p> <p>20 to voir dire on this.</p> <p>21 CHAIRMAN FITCH: That request is</p> <p>22 denied.</p>
<p style="text-align: right;">Page 298</p> <p>1 exhibits in front of you, Bar Exhibit Number 1.</p> <p>2 We talked about this document yesterday. Please</p> <p>3 take your time.</p> <p>4 Do you remember submitting this to the</p> <p>5 Office of Disciplinary Counsel on or about</p> <p>6 November 2nd, 2010?</p> <p>7 A. Yes.</p> <p>8 Q. Did you mail it to the Office of</p> <p>9 Disciplinary Counsel?</p> <p>10 A. I don't remember exactly. I would say</p> <p>11 I did because usually that's what I was supposed</p> <p>12 to do.</p> <p>13 Q. Ok. Is this your signature on the</p> <p>14 bottom of Page 1-2?</p> <p>15 A. Yes.</p> <p>16 Q. The details of the complaint above</p> <p>17 that, did you write that personally or did someone</p> <p>18 else write it?</p> <p>19 A. Someone else write it for me.</p> <p>20 Q. Did you read it before it was</p> <p>21 submitted?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 300</p> <p>1 Every objection is considered to be a</p> <p>2 strong objection.</p> <p>3 Go ahead, Mr. Smith.</p> <p>4 BY MR. SMITH:</p> <p>5 Q. Ms. Sataki, can you please turn to Bar</p> <p>6 Exhibit Number 23. I'll asking you to look at</p> <p>7 what has been marked at the bottom of the page as</p> <p>8 Bar numbers 23-2 through 23-72.</p> <p>9 For the record, it is a document on the</p> <p>10 letterhead of the Office of Disciplinary Counsel</p> <p>11 dated October 20th, 2011.</p> <p>12 Ms. Sataki, did you submit this</p> <p>13 document to the Office of Disciplinary Counsel on</p> <p>14 or about October 20th, 2011?</p> <p>15 A. Yes.</p> <p>16 Q. If you recall, how did you submit it to</p> <p>17 us?</p> <p>18 A. I want to say that I was advised that I</p> <p>19 have to mail it.</p> <p>20 Q. Ok.</p> <p>21 A. I mean, I don't remember exactly, but I</p> <p>22 was getting advice at that time and I was supposed</p>

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<p>1 to mail everything certified mail. So probably 2 that's how I do it. 3 Q. Who is giving you that voice? 4 A. Katherine. 5 Q. If you look at pages 23-4 through 23-6. 6 CHAIRMAN FITCH: Did you mean to say 7 -26 or just 26? 8 MR. SMITH: Twenty-three, thank you. 9 Yes, 23-6. 10 BY MR. SMITH: 11 Q. Did you write this or did someone else 12 type that up for you? 13 A. I got help to type it. 14 Q. Who helped you? 15 A. Katherine did. 16 Q. Ok, and did you read this before you 17 sent it to the Office of Disciplinary Counsel? 18 A. Yes, it's not my word -- 19 Q. I'm sorry? 20 A. Yes, we -- together we write this. She 21 helped me with the English. 22 Q. And you agreed with everything that was</p>	<p>1 of the submissions you made to Disciplinary 2 Counsel accompanying your cover letter? 3 A. Yes. 4 Q. Do you remember how you got copies of 5 these documents? 6 A. Email. 7 Q. Through email? 8 A. Through email. 9 CHAIRMAN FITCH: When you say "email," 10 you mean someone sent it to you, sent the 11 documents to you, or when you say "email" do you 12 mean going to a website? 13 THE WITNESS: Mr. Klayman emailed it to 14 me. 15 CHAIRMAN FITCH: Go ahead, Mr. Smith. 16 BY MR. SMITH: 17 Q. Would you look at Page 23-45 of the 18 exhibit. Can you tell the date of this exhibit? 19 A. June 21st, 2010. 20 Q. Do you know who authored this exhibit? 21 A. I don't know. 22 Q. Well --</p>
Page 302	Page 304
<p>1 in there? 2 A. Yes. 3 Q. If you could look at the exhibits that 4 are in there. Looking at 23-8 and 23-9 and 23-10, 5 just briefly, what are these documents? 6 A. It's a letter from me to Mr. Klayman. 7 Q. What date? What date is that? 8 A. That's May 30th, 2010. 9 Q. Did you send that letter to Mr. 10 Klayman? 11 A. Yes, I did, email. 12 Q. On the first page, what is that? 13 A. That's Mr. Klayman's email back to me. 14 Q. Ok. And you received that -- 15 A. The day after, on May 1st. 16 Q. Through what medium? 17 A. Email. 18 Q. Can you look at pages 23-12 through 19 23-43? 20 (Witness peruses documents.) 21 A. Yes. 22 Q. Do you remember including this as part</p>	<p>1 A. I mean, it says that -- it looks like 2 it's a third party notifying me through Mr. 3 Klayman's email. 4 Q. Did you receive this on or about June 5 21st of 2010? 6 A. Yes. 7 Because at the bottom it says "add a 8 name," so it doesn't have a name, third party. 9 Q. I understand. 10 Look at Bar Exhibit 23-47 and 48. 11 CHAIRMAN FITCH: Say that again, 12 please. 13 MR. SMITH: 23-47 and 48. 14 CHAIRMAN FITCH: Mm-hmm. 15 BY MR. SMITH: 16 Q. Can you tell me, what is this document? 17 A. I didn't want the things that -- that I 18 didn't like, and then he sent me an email and in 19 the email he's unhappy. 20 Q. What date -- don't talk about what's in 21 the email. 22 What's the date of this email?</p>

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<p style="text-align: right;">Page 305</p> <p>1 A. This email is August 1st, 2010.</p> <p>2 Q. Do you remember receiving it on or</p> <p>3 about that date?</p> <p>4 A. Yes.</p> <p>5 Q. The next page, 23-48, was that part of</p> <p>6 the email?</p> <p>7 A. Yes.</p> <p>8 Q. Thank you.</p> <p>9 Can you look at Exhibits 23 through 50.</p> <p>10 I actually believe you testified about this</p> <p>11 yesterday.</p> <p>12 Mr. Chair, I think you had a number of</p> <p>13 questions, which I think I'd be repeating, so,</p> <p>14 perhaps I won't ask the questions that you asked</p> <p>15 about this particular group of documents</p> <p>16 yesterday.</p> <p>17 You had asked --</p> <p>18 CHAIRMAN FITCH: I think my questions</p> <p>19 were about the contents of the document.</p> <p>20 Why don't you ask her what it is and if</p> <p>21 she received it.</p> <p>22 MR. SMITH: Alright.</p>	<p style="text-align: right;">Page 307</p> <p>1 Q. Ok, and did you participate in writing</p> <p>2 this letter?</p> <p>3 A. Yes.</p> <p>4 Q. Did anyone help you write this letter?</p> <p>5 A. Yes.</p> <p>6 Q. Who was that?</p> <p>7 A. Katherine.</p> <p>8 Q. Did you send it out on or about</p> <p>9 November 15th, 2010?</p> <p>10 A. Yes.</p> <p>11 Q. Looking at Bar Exhibit 23-58 through</p> <p>12 23-72, take a look at that.</p> <p>13 CHAIRMAN FITCH: That's a pleading that</p> <p>14 purports to be signed by Mr. Klayman. No further</p> <p>15 authentication is needed.</p> <p>16 MR. SMITH: Ok.</p> <p>17 Then I hereby move into evidence Bar</p> <p>18 Exhibit Number 23.</p> <p>19 CHAIRMAN FITCH: That's --</p> <p>20 MR. KLAYMAN: Objection on the grounds</p> <p>21 previously stated.</p> <p>22 CHAIRMAN FITCH: Admitted.</p>
<p style="text-align: right;">Page 306</p> <p>1 BY MR. SMITH:</p> <p>2 Q. Now could you describe for the hearing</p> <p>3 committee what this collection of documents is</p> <p>4 again?</p> <p>5 A. Text messages.</p> <p>6 Q. How did you receive a copy, this</p> <p>7 particular copy of those text messages --</p> <p>8 CHAIRMAN FITCH: I'm incorrect. She</p> <p>9 testified as to how she obtained these.</p> <p>10 When you move them in, I'm going to</p> <p>11 allow them in.</p> <p>12 MR. SMITH: Alright.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. Look at Page 23-56. Would you tell the</p> <p>15 hearing committee, just describe what the document</p> <p>16 is, not what's in it, but just what the document</p> <p>17 is.</p> <p>18 A. It's me asking Mr. Klayman not to --</p> <p>19 Q. No, no, not what's in the document.</p> <p>20 What's the date of the document?</p> <p>21 A. Oh, the date, I'm sorry. The date is</p> <p>22 November 15th, 2010.</p>	<p style="text-align: right;">Page 308</p> <p>1 I note that, counting the separate</p> <p>2 portions of that exhibit, plus number one -- one,</p> <p>3 two, three, four, five, six, seven, eight, nine,</p> <p>4 covered 10 items in --</p> <p>5 MR. SMITH: One exhibit.</p> <p>6 CHAIRMAN FITCH: Well, a little bit</p> <p>7 less than that, 13 and 29 -- 16 minutes. At that</p> <p>8 rate we're likely to be at this for at least two</p> <p>9 hours. I think that Mr. Smith is not changing his</p> <p>10 case, other than calling one less witness.</p> <p>11 MR. SMITH: I just have a few more</p> <p>12 documents after this one.</p> <p>13 CHAIRMAN FITCH: Well, you authenticate</p> <p>14 as you want to. I'm simply observing that there</p> <p>15 is a firm deadline on when cross-examination ends</p> <p>16 and this is cutting into time for</p> <p>17 cross-examination.</p> <p>18 MR. SMITH: I appreciate that --</p> <p>19 CHAIRMAN FITCH: It's not your fault.</p> <p>20 I'm not addressing that to you, by any means. I'm</p> <p>21 addressing that and bringing that to the attention</p> <p>22 of the Respondent's time.</p>

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<p style="text-align: right;">Page 309</p> <p>1 MR. KLAYMAN: Let me make a suggestion, 2 your Honor. I understand your concerns. It was 3 not my intent to -- 4 CHAIRMAN FITCH: What's your solution? 5 MR. KLAYMAN: Yeah, here's my solution, 6 ok. It's better to have a solution than an 7 intent, it is indeed. 8 My solution is I have a real big 9 problem with these two exhibits, ok? With other 10 exhibits I can go through with Mr. Smith at the 11 end of the day and maybe we can agree on a lot and 12 just have them come in. 13 CHAIRMAN FITCH: That should have been 14 done a long time ago. There are no stipulations 15 in this case. There was apparent discussion of 16 exhibits and objections. I hold each counsel 17 equally responsible for that. I'm not happy with 18 either counsel, but we are where we are. 19 Mr. Smith, you said you had some 20 additional authentication concerns? 21 MR. KLAYMAN: Your Honor, may I put on 22 the record --</p>	<p style="text-align: right;">Page 311</p> <p>1 the Respondent of the opportunity to come back and 2 attack the credibility, even of the foundational 3 evidence. 4 So, with that in mind, one hopes that, 5 perhaps at the recess, the parties can just hand 6 in a list and say, "We're not going to fight about 7 this any more." 8 MR. KLAYMAN: Yeah, I think that's a 9 good suggestion. 10 MR. TIGAR: Yes. 11 MR. KLAYMAN: So we don't want to take 12 your time up unnecessarily. We don't want to take 13 anybody's time up. 14 But Mr. Smith did have an opportunity 15 as he was going through them to say that's what he 16 was going to do yesterday. 17 And one other point with regard -- you 18 see, I have a really -- sorry for the of the word, 19 "strong objection," a very big objection to both 20 complaints, because it appears they were prepared 21 by someone else who is not a lawyer. In fact Bar 22 Counsel should be looking into the unauthorized</p>
<p style="text-align: right;">Page 310</p> <p>1 MR. TIGAR: May I briefly add 2 something? 3 It would help if at the recess maybe 4 both sides could get something done. 5 MR. KLAYMAN: Yeah. 6 MR. TIGAR: Let me tell you how I 7 looked at these, alright? 8 Many of these documents are authentic 9 under Federal Rule of Evidence 901(b)(4), and 10 therefore they would be admissible here. 11 Many others, under 904(b)(1), have now 12 been identified by the witness as to authorship 13 and date. 14 The hearsay objections that were 15 interposed are mostly not really available because 16 they're not offered for the truth of the matter 17 asserted or that they are statements by Mr. 18 Klayman himself or they're records of regularly 19 conducted activity. 20 Of course the rules of evidence don't 21 apply to authentication decisions, which means 22 that the admission into evidence doesn't deprive</p>	<p style="text-align: right;">Page 312</p> <p>1 practice of law, and therefore they're void. 2 They're void legally and for public policy and 3 should not even be considered. We have a serious 4 issue about the unauthorized practice of law by 5 Ms. Stanton and Mr. Razavi. 6 CHAIRMAN FITCH: That objection is 7 heard and it's overruled. 8 We could take a recess now. 9 MR. SMITH: I think that would be a 10 good idea. 11 CHAIRMAN FITCH: If you counsel will 12 consult and go from there. 13 MR. SMITH: Alright, thank you. 14 CHAIRMAN FITCH: Keep in mind that, 15 even though we're not on the record, it's eating 16 into the hours available between now and tomorrow 17 evening. 18 We will stand in recess and the hearing 19 committee will slip away and let you folks have a 20 moderately convenient place to confer. You'll be 21 able to find us either in the room or David can 22 call downstairs.</p>

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<p style="text-align: right;">Page 313</p> <p>1 MR. SMITH: Ok. And the witness will 2 be excused and can wait -- I guess you'll get the 3 little room over there. 4 THE WITNESS: Yes. 5 CHAIRMAN FITCH: That's ok. 6 (Recess taken.) 7 CHAIRMAN FITCH: We are back on the 8 record at 10:44, and I understand that the parties 9 have some representations. 10 MR. KLAYMAN: Yes, your Honor. I've 11 gone through -- Mr. Smith gave me a list of what 12 he wants to have authenticated. I will agree to 13 Exhibit 24, 25, 26, 27. 14 28, I object. I need to do some voir 15 dire on 28. I can do that during the cross. 16 I will agree to 29. 17 With regard to Supplemental Exhibits 1 18 through 39, I don't object to the authenticity of 19 the documents that are there, but I do object to 20 having them admitted into evidence under the rule 21 of completeness, as I previously argued. 22 So, we're trying to move this thing</p>	<p style="text-align: right;">Page 315</p> <p>1 lawyer, and Bar Counsel should have investigated 2 this before this case went forward. 3 So I have a strong objection to that. 4 CHAIRMAN FITCH: Well, I observe that 5 in this jurisdiction Bar Counsel does not have 6 jurisdiction over unauthorized practice of law. 7 They are admitted, specifically 8 specifics one, 23, 24, 25, 26, 27, 29 and SX1 9 through 39. 10 So that's where we are with respect to 11 exhibits. 12 MR. SMITH: Alright. And I will remove 13 the admission of Exhibit 28 after Ms. Sataki's 14 been voir dire -- 15 CHAIRMAN FITCH: That would be fine. 16 MR. SMITH: -- by Mr. Klayman. 17 I wasn't thinking about it, but I was 18 just wondering if I have any more questions I want 19 to ask Ms. Sataki before I release her for cross, 20 and I don't think that I do. 21 So I think, to move things along, I 22 rest my direct examination at this time of Ms.</p>
<p style="text-align: right;">Page 314</p> <p>1 along in good faith. I hope that helps. 2 CHAIRMAN FITCH: I think it is helpful 3 and appreciated, and the other objection, 4 obviously, is preserved, as well as objection to 5 28, as I understand. 6 MR. KLAYMAN: Yes, 28. 7 MR. SMITH: Well, at this time, then, I 8 would like to move in Bar Exhibits 1, 23, 24, 25, 9 26, 27 and 29, as there do not appear to be any 10 objections to those. 11 CHAIRMAN FITCH: They are -- 12 MR. TIGAR: I'm sorry, did you say 28, 13 as well? 14 CHAIRMAN FITCH: No, he did not say 28. 15 MR. SMITH: No. 16 MR. KLAYMAN: I didn't look at 23. 17 CHAIRMAN FITCH: 23 is what we just had 18 examination on. 19 MR. KLAYMAN: Yes, Honor. I object to 20 the entry of that. It's not an authentic 21 document, in my opinion, and it was written by 22 somebody else who was practicing law who is not a</p>	<p style="text-align: right;">Page 316</p> <p>1 Sataki with the right to redirect if we see fit. 2 I'll bring her back in for 3 cross-examination. 4 CHAIRMAN FITCH: Thank you. 5 (Ms. Sataki resumes the witness stand.) 6 CHAIRMAN FITCH: Good morning again, 7 Ms. Sataki. 8 The lawyers and hearing committee have 9 finished the administrative business that we had, 10 and Mr. Smith has notified us that he has 11 completed his direct examination or first round of 12 questioning of you. Now Mr. Klayman and his team 13 have the right to ask you questions. 14 MR. KLAYMAN: Your Honor, may I just 15 voir dire, and then, with your indulgence, go to 16 the restroom and then come back and get into the 17 cross itself, just get into this particular 18 document. 19 It will just take me two minutes. 20 CHAIRMAN FITCH: Voir dire on number 21 28? 22 MR. KLAYMAN: Yes, and then just go to</p>

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<p style="text-align: right;">Page 317</p> <p>1 the restroom real quick.</p> <p>2 CHAIRMAN FITCH: Ok.</p> <p>3 VOIR DIRE ON BEHALF OF RESPONDENT:</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Turning your attention to Exhibit 28,</p> <p>6 Ms. Sataki -- how are you this morning?</p> <p>7 A. Ok. Yes.</p> <p>8 Q. Yes. Who wrote this document?</p> <p>9 A. I wrote it, with help.</p> <p>10 Q. Who helped you?</p> <p>11 A. Katherine helped me and my cousin</p> <p>12 helped me.</p> <p>13 Q. What's the name of your cousin?</p> <p>14 A. Mehran Razavi.</p> <p>15 Q. Neither of those people are lawyers --</p> <p>16 CHAIRMAN FITCH: Spell that, please,</p> <p>17 for the court reporter.</p> <p>18 THE WITNESS: M-e-h-r-a-n, last name is</p> <p>19 R-a-z-a-v-i.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. Mr. Razavi is not a lawyer, is he?</p> <p>22 A. No.</p>	<p style="text-align: right;">Page 319</p> <p>1 Q. That's not the question. Please just</p> <p>2 answer my question.</p> <p>3 This document was never sent to me,</p> <p>4 Larry Klayman, was it?</p> <p>5 A. I remember I tried to find an address</p> <p>6 for you, and I don't remember what address,</p> <p>7 whether it was in DC or California that I sent it,</p> <p>8 but I don't know if it was correct address. We</p> <p>9 tried to find you.</p> <p>10 Q. You did that -- I'm sorry.</p> <p>11 A. Go ahead.</p> <p>12 Q. You did have my email address, didn't</p> <p>13 you?</p> <p>14 A. I had your email address, yes.</p> <p>15 Q. So you could have emailed it to me?</p> <p>16 A. Yes.</p> <p>17 Q. But you didn't.</p> <p>18 A. I don't remember if I did or didn't.</p> <p>19 Q. There's no showing on this document</p> <p>20 that you did, correct?</p> <p>21 A. Correct.</p> <p>22 MR. KLAYMAN: Your Honor, I object to</p>
<p style="text-align: right;">Page 318</p> <p>1 Q. What does he do for a living?</p> <p>2 A. He's doing loan for people, in the loan</p> <p>3 business.</p> <p>4 Q. You're aware that he was convicted of a</p> <p>5 crime for fraudulent gaming in Las Vegas?</p> <p>6 A. No, I'm not.</p> <p>7 MR. SMITH: Objection. I don't know</p> <p>8 how that relates to the voir dire of the document.</p> <p>9 CHAIRMAN FITCH: It's tenuous, but</p> <p>10 overruled.</p> <p>11 MR. KLAYMAN: I'll get back into it</p> <p>12 later, your Honor, in the context of things.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. With regard to Kathleen, her last name</p> <p>15 is Stanton. Is that her last name?</p> <p>16 A. Yes.</p> <p>17 Q. How is that spelled?</p> <p>18 A. I don't know how it's spelled. I have</p> <p>19 it in my paperwork.</p> <p>20 Q. She's not a lawyer, is she?</p> <p>21 A. She's not a lawyer. I couldn't have a</p> <p>22 lawyer help me with anything at that time.</p>	<p style="text-align: right;">Page 320</p> <p>1 it on the basis that it's a document which is void</p> <p>2 as having been committed by people who are not</p> <p>3 lawyers and they're practicing as lawyers.</p> <p>4 As far as its authenticity, I don't</p> <p>5 know one way or the other whether it's authentic.</p> <p>6 I never got it.</p> <p>7 So I object.</p> <p>8 CHAIRMAN FITCH: The objection is</p> <p>9 overruled and, upon Mr. Smith's standing motion,</p> <p>10 Exhibit 28 is admitted into the record of this</p> <p>11 case.</p> <p>12 We will stand in a five-minute recess.</p> <p>13 (Recess taken.)</p> <p>14 MR. SMITH: If I could ask the</p> <p>15 committee one administrative issue if I may --</p> <p>16 CHAIRMAN FITCH: Wait just a minute.</p> <p>17 We are back on the record at 11:00 a.m.</p> <p>18 and Mr. Smith has an administrative issue.</p> <p>19 MR. SMITH: I don't know how long</p> <p>20 cross-examination is going to go today, but one of</p> <p>21 my witnesses, Mr. Kevin O'Connell, informed me</p> <p>22 that he will not be available tomorrow.</p>

16 (Pages 317 to 320)

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<p style="text-align: right;">Page 321</p> <p>1 I anticipate my examination of him will</p> <p>2 probably be no more than five or ten minutes,</p> <p>3 maximum, and I can't imagine there will be a lot</p> <p>4 of cross-examination based upon what his testimony</p> <p>5 will be.</p> <p>6 So, keeping in mind that the Chair</p> <p>7 indicated yesterday that you might want to finish</p> <p>8 up early today, I was hoping, even if Ms. Sataki's</p> <p>9 cross-examination continues, that we could carve</p> <p>10 out about a half an hour or so for Mr. O'Connell's</p> <p>11 testimony, and then resume cross-examination</p> <p>12 before the end of the day.</p> <p>13 CHAIRMAN FITCH: We will take Mr.</p> <p>14 O'Connell at the beginning of the afternoon</p> <p>15 session, after our approximately 45-minute to</p> <p>16 one-hour lunch break.</p> <p>17 MR. SMITH: Thank you.</p> <p>18 CHAIRMAN FITCH: And Mr. Klayman is</p> <p>19 entitled to cross examine the witness.</p> <p>20 Go ahead, Mr. Klayman.</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 323</p> <p>1 at the time, and I was walking down the Capitol</p> <p>2 steps, correct?</p> <p>3 A. I don't remember the details, but, ok,</p> <p>4 correct.</p> <p>5 Because I was there working with my</p> <p>6 cameraman. I didn't pay attention to the details</p> <p>7 about how you were walking or where.</p> <p>8 Q. And you ran after me and gave me your</p> <p>9 card that had your personal cell phone number on</p> <p>10 the back, correct?</p> <p>11 A. I didn't "run" after you.</p> <p>12 You gave me your business card and you</p> <p>13 said, "Do you have one?" I said "no," and my</p> <p>14 cameraman said, "I have your card." And then I</p> <p>15 gave you my card, yes.</p> <p>16 Q. And it had your personal cell phone</p> <p>17 number on it --</p> <p>18 A. My personal cell phone number is -- was</p> <p>19 always on my business cards, all of my cards.</p> <p>20 Q. And you then asked me to call you,</p> <p>21 correct?</p> <p>22 A. You asked me to cover a story. I said</p>
<p style="text-align: right;">Page 322</p> <p>1 CROSS-EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. Ms. Sataki, how are you today?</p> <p>4 A. Thank you.</p> <p>5 Q. Now I believe you testified that we</p> <p>6 first met on Capitol Hill in front of the Capitol</p> <p>7 during a demonstration for Iranian freedom,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. You were there giving an interview or</p> <p>11 doing an interview with someone, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And I came over and introduced myself</p> <p>14 and I said to you, "I represent Akbar Mohammadi</p> <p>15 and his brother Manouchehr Mohammadi in a case</p> <p>16 against the regime for having killed Akbar and</p> <p>17 tortured Manouchehr, and would you be interested</p> <p>18 in that, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And it was a very brief conversation?</p> <p>21 A. Yes.</p> <p>22 Q. And I walked away. I was with somebody</p>	<p style="text-align: right;">Page 324</p> <p>1 you can call me at my office number, correct.</p> <p>2 Q. No, when you handed me the card, you</p> <p>3 simply said "You can call me," correct?</p> <p>4 A. When -- I always, when someone approach</p> <p>5 me regarding work, when you -- you asked me, you</p> <p>6 wanted me to cover the event, and I said, "You can</p> <p>7 call me at my office and we can talk about it, and</p> <p>8 I have to talk to my executive producer about it,"</p> <p>9 yes.</p> <p>10 Q. You just acknowledged that the</p> <p>11 conversation was very brief. That was longer than</p> <p>12 any alleged conversation.</p> <p>13 MR. SMITH: Objection, mischaracterizes</p> <p>14 the testimony.</p> <p>15 CHAIRMAN FITCH: The observation is</p> <p>16 struck.</p> <p>17 THE WITNESS: Ok, the conversation was</p> <p>18 very brief. It was about me covering the story</p> <p>19 that you wanted me to cover.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. After that initial encounter, I called</p> <p>22 you, correct?</p>

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<p>1 A. Yes.</p> <p>2 Q. And I left a message on your cell</p> <p>3 phone, correct?</p> <p>4 A. I don't remember if it was my cell</p> <p>5 phone or desk, but correct.</p> <p>6 Q. Right. And it took you a while to call</p> <p>7 me back, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And when you called me back, you told</p> <p>10 me, "I've been having some problems. Sorry I</p> <p>11 didn't call you back sooner."</p> <p>12 A. Yes.</p> <p>13 Q. And when we talked on the phone, I</p> <p>14 asked you if you'd like to have dinner sometime in</p> <p>15 the future, and you said "yes," correct?</p> <p>16 A. Yes.</p> <p>17 Q. And I invited you to come to Clyde's</p> <p>18 restaurant in Georgetown, correct?</p> <p>19 A. Yes.</p> <p>20 Q. That evening when you walked in, I had</p> <p>21 a table and you were at the bar. Do you remember?</p> <p>22 A. I don't remember --</p>	<p>1 Q. And in the course of that conversation</p> <p>2 you grabbed my hand and said, "Larry, I've got a</p> <p>3 big problem," correct?</p> <p>4 A. Not correct.</p> <p>5 Q. And you started crying, correct?</p> <p>6 A. Maybe, yeah -- I don't remember, but</p> <p>7 maybe.</p> <p>8 Because at that time I was going</p> <p>9 through that tough time and depression, so crying</p> <p>10 was a part of my daily routine.</p> <p>11 Q. You weren't crying because of anything</p> <p>12 I said or did at that time?</p> <p>13 A. No.</p> <p>14 Q. After you grabbed my hand and started</p> <p>15 crying, you said, "Larry, I have no money. I am</p> <p>16 completely bankrupt. And I have this legal</p> <p>17 problem at Voice of America."</p> <p>18 Do you remember that?</p> <p>19 A. I didn't say I don't -- no, it didn't</p> <p>20 go that way.</p> <p>21 I didn't grab your hand. Definitely</p> <p>22 not. Absolutely not.</p>
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<p>1 Q. Initially.</p> <p>2 A. -- exactly, maybe. Maybe I was waiting</p> <p>3 for you at the bar. I don't know.</p> <p>4 Q. And I came over to greet you and, in</p> <p>5 terms of custom, you gave me a kiss on the cheek,</p> <p>6 correct?</p> <p>7 A. I don't remember that. If that is the</p> <p>8 custom, you shake hand or give a hug or kiss or</p> <p>9 not cheek. I don't know.</p> <p>10 If you say that is, I don't want to --</p> <p>11 I don't know.</p> <p>12 Q. Ok, but you kissed me on the cheek --</p> <p>13 A. I kissed you on the</p> <p>14 Q. Yes.</p> <p>15 A. No, not correct.</p> <p>16 Q. We then got our table and talked a</p> <p>17 little bit. Do you remember that?</p> <p>18 A. Yes.</p> <p>19 Q. The table was in the back of Clyde's,</p> <p>20 not in the first part, in the bar area, but the</p> <p>21 back, and we had a table for two, correct?</p> <p>22 A. Yes.</p>	<p>1 And I -- we were talking, the</p> <p>2 conversation -- within the conversation my problem</p> <p>3 with VOA came up and I explained to you what's</p> <p>4 going on there, and also I explained to you,</p> <p>5 because you were an attorney, that I just found</p> <p>6 out that someone did fraud on my credit card. So</p> <p>7 I was dealing with that. And I explained that to</p> <p>8 you.</p> <p>9 Because you were an attorney, again, I</p> <p>10 thought maybe you can give me some advice. That's</p> <p>11 why I shared that with you.</p> <p>12 Q. Now, you didn't really know me very</p> <p>13 well at that time, did you? In fact you never met</p> <p>14 me before except on the mall in front of the</p> <p>15 Capitol?</p> <p>16 A. Yes.</p> <p>17 Q. And you were sharing some very intimate</p> <p>18 details with me that night, correct?</p> <p>19 A. That's not intimate.</p> <p>20 Q. Are you saying that -- well, let's back</p> <p>21 up a little bit.</p> <p>22 You were talking to me --</p>

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1 A. We talked over the phone before we met,
2 and I had already explained to you that I probably
3 cannot cover this story that you want me to cover
4 because my executive producer has to assign the
5 assignment to the reporters, and she most likely
6 is not going to do that. And then I explained to
7 you why, because of my problem with VOA.

8 So we had all these conversations
9 already over the phone, and that went to the
10 dinner, when we had the conversation.

11 So I don't know why this conversation
12 was so intimate to you, because it was definitely
13 not intimate to me. Everybody knew. In that
14 case, I had intimate conversation with everybody.

15 Q. You don't have any record of our having
16 a detailed conversation over the phone before I
17 invited you to dinner at Clyde's, do you?

18 A. We had a detailed conversation over the
19 phone. I explained to you about this.

20 Q. You have records on other things, but
21 you don't have records on that, do you?

22 A. On -- on what?

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1 Q. On the conversation that you claim we
2 had --

3 A. I didn't record our conversation.

4 Q. -- that you claim we had in detail over
5 the phone?

6 A. I didn't record our conversation. The
7 record I have is the emails and text messages you
8 sent me. But our phone conversations, I don't
9 have any of those records, otherwise I would have
10 had lots of phone conversations from you to me if
11 I had that records and recorded our conversations.

12 Q. The communications that you submitted
13 to Bar Counsel here in this case, you submitted
14 them because they were favorable to you, correct?

15 A. I just submitted all the evidence.

16 Q. As you perceived them to be, ok? You
17 perceived them to be favorable to you?

18 A. I just submitted all the evidence.

19 Q. But yet you don't have any record of
20 this conversation we had before you met me at
21 Clyde's?

22 MR. SMITH: Argumentative.

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1 THE WITNESS: Why would I have a record
2 of our conversation the first time I met you,
3 before you started sexually harassing me? Why
4 would I -- I didn't know at that time that that's
5 what you going to do to me.

6 MR. KLAYMAN: I move to strike that
7 comment as not responsive.

8 CHAIRMAN FITCH: Well, we've had
9 argumentativeness both ways.

10 The question is struck and the answer
11 is struck.

12 MR. KLAYMAN: Alright, well I'm going
13 to ask a follow-up question, your Honor.

14 BY MR. KLAYMAN:

15 Q. Ms. Sataki, it's now been eight years.
16 You never filed a sexual harassment case against
17 me, did you?

18 A. I filed this complaint, yes.

19 Q. And the complaint makes no mention of
20 sexual harassment?

21 A. Well, in all the evidence it shows that
22 you were sexually harassing me.

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1 Q. Now, during that conversation, you then
2 told me, sobbing, what you claimed had happened to
3 you at Voice of America with your co-anchor, Mehdi
4 Falahati, correct?

5 A. I was sobbing to every person who I was
6 talking at that time, because I was going through
7 a deep depression, and every time I talk about
8 that, I would cry. That's just how it was. Not
9 only with you, but with everybody.

10 Q. And you asked me if I would help you,
11 correct?

12 A. You offered me to help.

13 Q. No, you asked me, correct?

14 A. You offered me.

15 Q. And I told you that I would help you as
16 a friend, did I not?

17 A. You told me you help me, yes.

18 Q. Yeah, and that you had no money, that I
19 would help you and not charge you, correct?

20 A. Yes. We talked about that. At the end
21 you're going to get 40 percent.

22 I explained, I don't have any money to

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<p style="text-align: right;">Page 333</p> <p>1 pay for a lawyer, but then you said that I -- we 2 can -- at the end, "because this is a strong case 3 and I'm going to help you with that," and we get 4 40 percent. We talked about that. 5 Q. It's not true that that 40 percent came 6 up at that time at that dinner. 7 It did not come up, did it? 8 A. I don't remember. 9 Q. Then why did you just say that? 10 A. Well, we -- is it we're still talking 11 about that particular dinner? 12 Q. Yes. 13 A. Only? 14 Q. Yes, at Clyde's. 15 A. Ok. Maybe it didn't, but definitely -- 16 the percentage of it maybe didn't come up, but the 17 fact that, "We're going to definitely win," 18 according to you, "that you have a strong case," 19 and you're going to collect your money at the end, 20 that came up. 21 Q. During that dinner I didn't get into 22 detail with you about what had happened or whether</p>	<p style="text-align: right;">Page 335</p> <p>1 A. Well, I'm from -- I was raised in 2 Sweden. I was born in Iran. I mean, I'm from a 3 lot of different places before DC. 4 Q. Yeah, when did you move to Los Angeles? 5 CHAIRMAN FITCH: Let me stop there. 6 There was a question that asked in 7 general terms whether Ms. Sataki said her goal was 8 to be reemployed, and I don't think we got an 9 answer to that question. We jumped ahead. 10 MR. KLAYMAN: I'll ask it again. 11 CHAIRMAN FITCH: We jumped ahead to LA. 12 BY MR. KLAYMAN: 13 Q. You told me earlier your goal was to 14 get out of the presence -- I'll go through it 15 again -- get out of the presence of the alleged 16 harasser, Falahati, and be transferred to Los 17 Angeles, because you like Los Angeles a lot more 18 than Washington, D.C., you had spent many years 19 there, had family there, et cetera. 20 You did say that to me during that 21 dinner, right? 22 A. Yes.</p>
<p style="text-align: right;">Page 334</p> <p>1 even you had a lawsuit that could be brought, or 2 anything to that effect, did I? I just was 3 listening to you at that time, and I said I would 4 try to help you if you asked me. 5 That's all I said at dinner, correct? 6 A. No. We talked about this, too. That 7 was why I met with you again. 8 Q. And later we did meet and we went 9 through what happened, what you claimed happened 10 to you, correct? 11 A. Exactly. 12 Q. And you told me, did you not, that "My 13 goal is to get back to work out of the presence of 14 the alleged harasser, Falahati, and to go back to 15 work with the Persian news network in Los 16 Angeles." 17 A. I said that I have written a proposal, 18 yes, and I'm trying to transfer myself to Los 19 Angeles. 20 I mentioned that to you, yes. 21 Q. Yes, and your goal was to go back to 22 Los Angeles, because that's where you're from?</p>	<p style="text-align: right;">Page 336</p> <p>1 Q. And we really didn't discuss at that 2 dinner whether you could get damages for what had 3 happened to you? 4 The goal was to go back to LA and work 5 for Persia News Network, for Voice of America 6 there? 7 A. Yes. 8 Q. And I later met with you and we went 9 through a lot more detail, correct? 10 A. Correct. 11 Q. And at that time I agreed to try to 12 help you, and I told you that I wasn't going to 13 charge you for my legal services, that it was 14 being offered in friendship. 15 A. Could you repeat yourself? 16 Q. When we met I told you that I would try 17 to help you, that I wasn't going to charge you for 18 my legal services because it was offered in 19 friendship. 20 A. Yes, you said that. 21 Q. You had told me in the course of the 22 conversations that you were working with the</p>

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<p style="text-align: right;">Page 337</p> <p>1 president of the union, your representative, Tim 2 Shamble, at VOA, before you met with me? 3 A. Yes. 4 CHAIRMAN FITCH: Now we're talking 5 right at this point about the meeting, subsequent 6 meeting? 7 MR. KLAYMAN: Yes. 8 CHAIRMAN FITCH: Ok. 9 BY MR. KLAYMAN: 10 Q. And that I should contact Mr. Shamble. 11 You told me to contact him? 12 A. Yes. 13 Q. And you're aware that I did contact 14 him, correct? 15 A. Yes. 16 Q. And we later had meetings with Mr. 17 Shamble? 18 A. Yes. 19 Q. And during those meetings, Mr. Shamble 20 explained how difficult it is to try to get Voice 21 of America to do anything that's positive for an 22 employee.</p>	<p style="text-align: right;">Page 339</p> <p>1 A. Yes. 2 Q. To go to Los Angeles, correct? 3 A. Yes. 4 CHAIRMAN FITCH: When one says, "around 5 that time," can we pin it down to a month? 6 MR. KLAYMAN: Early 2009. 7 CHAIRMAN FITCH: Or season. Ok. 8 BY MR. KLAYMAN: 9 Q. Correct? 10 A. No. Not early 2009. Early 2010. 11 MR. KLAYMAN: Excuse me, I'm sorry. 12 CHAIRMAN FITCH: That sounds right. 13 MR. KLAYMAN: That was my mistake. 14 BY MR. KLAYMAN: 15 Q. And you told Susan Jackson, who was one 16 of your supervisors, that you were going to LA for 17 personal reasons to see someone that you had a 18 love interest in, correct? 19 A. No. 20 Q. She's claimed that, though, hasn't 21 she? 22 A. She has. You said she has. I don't</p>
<p style="text-align: right;">Page 338</p> <p>1 Do you remember that? 2 A. Yes. 3 Q. That he said it's the worst -- it's 4 been ranked the worst agency in Washington, D.C. 5 by the General Accounting Office? 6 A. Yes. 7 Q. But that we would try to negotiate your 8 move from Voice of America in Washington, D.C. to 9 Los Angeles? 10 A. Yes. 11 Q. You're aware that we then sought to 12 negotiate that move, Mr. Shamble and I? 13 A. Yes. 14 Q. And we held some meetings with the 15 general counsel of Voice of America, someone named 16 Elmer Dorsey and other people to try to resolve it 17 amicably? 18 Do you remember that? 19 A. Yes. 20 Q. Now around that time, you were going to 21 take some leave, were you not, some vacation time 22 I believe. Correct my if I'm wrong --</p>	<p style="text-align: right;">Page 340</p> <p>1 know. 2 Q. Well, we're going to go through some 3 documents later. 4 A. Ok. 5 Q. I just want to get this out. 6 And during that time -- 7 A. But, even if that's the case, on my 8 free time, on my leave, vacation, I go to see 9 whomever. Why is that any business of Susan 10 Jackson or anybody at VOA? 11 CHAIRMAN FITCH: I think, Ms. Sataki, 12 think more carefully about the question he asks 13 and then answer that question rather than making 14 additional observations. 15 If Mr. Smith wants to bring out 16 additional observations, he'll do so when it's his 17 turn. 18 THE WITNESS: Yes, sir. 19 CHAIRMAN FITCH: Again. 20 And we'll strike that observation. 21 BY MR. KLAYMAN: 22 Q. And during that time period, you're</p>

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<p style="text-align: right;">Page 341</p> <p>1 aware that I had submitted documentation, Mr. 2 Shamble and I, to Voice of America, before you 3 went to Los Angeles on your leave, arguing that 4 you should be transferred there, correct? 5 A. Yes. 6 Q. And the reason was, primarily, that you 7 wanted to be out of the presence of the alleged 8 harasser, Mehdi Falahati. 9 A. Yes. 10 Q. You also could function doing your job 11 in Los Angeles. 12 A. Yes. 13 Q. In fact, you had maintained that Susan 14 Jackson and others at VOA had already told you, 15 even before this alleged harassment, that you 16 could go there periodically to do packages in the 17 LA office -- 18 A. Yes. 19 Q. -- of PNN? 20 A. Yes. 21 Q. You are aware that they were making 22 allegations at the time, as well, that you didn't</p>	<p style="text-align: right;">Page 343</p> <p>1 coworker," correct? 2 A. I don't remember that, that you said 3 that. 4 Q. I said, "I don't think that's good if 5 it ever came out," correct? 6 A. Say that again. 7 Q. Do you remember that? 8 A. That you said it's good if everything 9 came out? 10 Q. No, I said, "This could be a problem if 11 it comes out that you're living with Kaveh." You 12 asked me to keep it secret, do you remember? 13 A. It was -- yes. 14 Q. And during the time that you were in 15 Los Angeles, I got a response from Voice of 16 America with regard to Mr. Shamble and my request 17 to have you transferred there, correct? 18 A. Yes. 19 Q. That response was very, very negative. 20 Do you remember that? 21 A. Yes. 22 Q. But it did offer you -- they said,</p>
<p style="text-align: right;">Page 342</p> <p>1 have the capability to do those packages on your 2 own. 3 Do you remember that? 4 A. After we complained that that was 5 their -- yeah. That's what they started, yes. 6 Q. And they maintained that the person who 7 was helping you do those packets was someone by 8 the name of Kaveh, K-a-v-e-h, correct? 9 A. Correct. 10 Q. Kaveh worked at Voice of America? 11 A. Correct. 12 Q. What was his position? 13 A. At the time he was just like me. He 14 was making packages, doing packages, reporting, 15 cameraman, editor. 16 Q. Now you actually were living with Kaveh 17 then in Roslyn, Virginia here, correct? 18 A. Correct. 19 Q. And at the time that you told me this, 20 I said, "This is not a good situation because 21 you're claiming that a coworker came on to you and 22 harassed you, and you're also living with a</p>	<p style="text-align: right;">Page 344</p> <p>1 "We're not transferring you to Los Angeles, but 2 you may work in the Central News Bureau and we'll 3 keep you away in the building from Mr. Falahati." 4 Do you remember that? 5 A. Keeping you what? 6 Q. "We'll separate you from Mr. Falahati, 7 and we'll have you work, we'll transfer you" -- 8 this was their proposal -- "to another section of 9 Voice of America, which is called the Central News 10 Bureau, which broadcasts to Middle Eastern, Arabic 11 countries"? 12 A. Yes, which is on the same floor and 13 same hallway, exactly same area. 14 Q. They also said, "We'll make sure that 15 Mr. Falahati doesn't harass you again, as you've 16 alleged"? 17 A. Yes. 18 Q. And you didn't find that acceptable, 19 did you? 20 A. We together, you as my attorney and me, 21 we didn't find that acceptable. You were advising 22 me through the whole thing.</p>

22 (Pages 341 to 344)

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<p style="text-align: right;">Page 345</p> <p>1 Q. You told me --</p> <p>2 A. And I was listening to you.</p> <p>3 Q. You told me, Ms. Sataki, you told me</p> <p>4 that, "They broadcast in English and Arabic, and I</p> <p>5 don't speak Arabic, that my English is not that</p> <p>6 good. And that, in any event, I don't have any</p> <p>7 interest in Arabic countries. I'm a Persian. I'm</p> <p>8 not an Arab."</p> <p>9 You told me that?</p> <p>10 A. I don't recall that, but --</p> <p>11 Q. It makes sense though, right?</p> <p>12 A. I don't recall that. Because Persia --</p> <p>13 the Central News is in English only. I don't know</p> <p>14 why you would bring up the Arabic part of it.</p> <p>15 Q. But your English is not that good, is</p> <p>16 it, and that's why you had people write complaints</p> <p>17 for you?</p> <p>18 A. Yes, my English is not that good. But</p> <p>19 I was not hired by the Central News English side.</p> <p>20 I was hired by the Persia News Network, which is</p> <p>21 on the Farsi side.</p> <p>22 Q. The bottom line is you didn't want to</p>	<p style="text-align: right;">Page 347</p> <p>1 Q. And VOA in effect threatened you?</p> <p>2 They said, "If you don't show up at a certain time</p> <p>3 at the Central News Bureau, we're going to cut off</p> <p>4 your salary, we're going to cut off your leave,</p> <p>5 and we're going to do all that stuff."</p> <p>6 A. Yes.</p> <p>7 Q. Now, this upset -- you were in LA at</p> <p>8 the time you found this out. You were there on</p> <p>9 leave, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And I was there, too, at the time,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And at that point you got very, very</p> <p>15 emotional and started crying uncontrollably. Do</p> <p>16 you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. And shaking -- and shaking?</p> <p>19 A. Shaking, crying, yes. I was shaking</p> <p>20 and crying all day long, every day. To everybody,</p> <p>21 not only you, everybody, because I was depressed</p> <p>22 at that time. Not only you, everyone.</p>
<p style="text-align: right;">Page 346</p> <p>1 work in that bureau, not just because Falahati was</p> <p>2 in that area, but because that was not a country</p> <p>3 that was your major interest, which was Iran?</p> <p>4 A. And I told you at that time that</p> <p>5 they're trying to get me in trouble and retaliate,</p> <p>6 because if they put me there and I can't do the</p> <p>7 assignment that they want me to do, then they're</p> <p>8 going to fire me.</p> <p>9 Q. You thought you were being set up, in</p> <p>10 effect?</p> <p>11 A. Exactly, and I explained that to you</p> <p>12 and you agreed with me.</p> <p>13 Q. But then you told me, "Larry, get me</p> <p>14 back to LA," right? "Get me to LA."</p> <p>15 A. I said, "Either back to my desk or LA.</p> <p>16 I don't want to be at Central News. Either to my</p> <p>17 old position, to my desk, or LA."</p> <p>18 Q. And I tried that and Mr. Shamble and</p> <p>19 VOA said, "No. Here's the choice: work in Central</p> <p>20 News Bureau, or, you know, you're not going to be</p> <p>21 working at all," correct?</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 348</p> <p>1 Q. I didn't ask you whether you told other</p> <p>2 people. I just asked you if you told me, and I</p> <p>3 actually observed you in that state, correct?</p> <p>4 A. Yeah, because you were the one who told</p> <p>5 me the news, that this is what's going on.</p> <p>6 Q. Yeah.</p> <p>7 A. So, of course, that was my first</p> <p>8 reaction.</p> <p>9 Q. And I thought -- and I suggested at the</p> <p>10 time that you go see a psychologist. Do you</p> <p>11 remember?</p> <p>12 A. Yes.</p> <p>13 Q. And I took you to two psychologists.</p> <p>14 Do you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. One had been recommended to me by my</p> <p>17 Persian friend, Ben Kersangi (phon), remember, the</p> <p>18 first one?</p> <p>19 A. I don't remember the details. I just</p> <p>20 remember you helped me to find two</p> <p>21 psychologists -- one psychologist, one</p> <p>22 psychiatrist, and I started seeing them. Yes,</p>

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<p style="text-align: right;">Page 349</p> <p>1 sir.</p> <p>2 Q. And we decided not to use -- you</p> <p>3 decided not to use that psychologist, and then I</p> <p>4 found the name of another psychologist through a</p> <p>5 former client of mine, Alice Elise.</p> <p>6 Do you remember that?</p> <p>7 A. I don't remember.</p> <p>8 Q. You did meet Alice, though? You</p> <p>9 remember her?</p> <p>10 A. I remember my two -- at that point I</p> <p>11 was very sick, so, I remember that I saw a few</p> <p>12 doctors, yes.</p> <p>13 Q. Yes. And I took you to see -- I got</p> <p>14 the name of a psychologist from Alice, you</p> <p>15 remember that, and then that psychologist, because</p> <p>16 she was representing Alice -- because Alice had</p> <p>17 been a sexual harassment victim, as well, I had</p> <p>18 represented her -- represented that someone else</p> <p>19 could perhaps help, you and that person was Arlene</p> <p>20 Aviera.</p> <p>21 Do you remember that?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 351</p> <p>1 Aviera?</p> <p>2 A. You "were" present or "not present"?</p> <p>3 Q. Not.</p> <p>4 A. Not, yes.</p> <p>5 Q. And in and around this time period we</p> <p>6 had discussions with Tim Shamble, your union</p> <p>7 represent, president for the AFL-CIO, Voice of</p> <p>8 America, as to what we now could do to get you</p> <p>9 back to work in Los Angeles at the Persia News</p> <p>10 Network.</p> <p>11 A. Yes.</p> <p>12 Q. And we decided that, if we could show</p> <p>13 that you had a medical reason why you had to be in</p> <p>14 Los Angeles, that we could qualify for a</p> <p>15 reasonable medical accommodation move to Los</p> <p>16 Angeles.</p> <p>17 A. Yes.</p> <p>18 Q. And therefore we submitted</p> <p>19 documentation from Dr. Aviera, from the prior</p> <p>20 psychologist that you saw, and also from a doctor</p> <p>21 named Long, an internist, to Voice of America with</p> <p>22 various documentation arguing that you needed to</p>
<p style="text-align: right;">Page 350</p> <p>1 Q. And then I took you to Arlene Aviera?</p> <p>2 A. Yes.</p> <p>3 Q. I believe that we sat down with Arlene,</p> <p>4 we'll call her Arlene, and you explained your</p> <p>5 situation and started crying and sobbing again?</p> <p>6 A. Yes.</p> <p>7 Q. You remember that?</p> <p>8 A. Yes.</p> <p>9 Q. And I asked Arlene in front of you,</p> <p>10 "Can you please help Elham."</p> <p>11 Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. And I said, "If she can't pay the fees,</p> <p>14 Dr. Aviera, don't worry about it, I'll pay them."</p> <p>15 A. Yes.</p> <p>16 Q. You then began to see Dr. Aviera?</p> <p>17 A. I'm sorry, what?</p> <p>18 Q. You then set up a schedule to be</p> <p>19 counseled by Dr. Aviera?</p> <p>20 A. Yes.</p> <p>21 Q. And I was not present during those</p> <p>22 counseling sessions. That was with you and Dr.</p>	<p style="text-align: right;">Page 352</p> <p>1 be in Los Angeles because those were where your</p> <p>2 physicians were, that's where your family was,</p> <p>3 that's where your friends were, and besides, you</p> <p>4 could do your work out of the Persia News Network</p> <p>5 on Wilshire Boulevard at the federal building,</p> <p>6 which was run by Voice of America.</p> <p>7 Do you remember that?</p> <p>8 A. Yes.</p> <p>9 Q. One of the reasons why there is a</p> <p>10 Persia News Network division in Los Angeles is</p> <p>11 because Los Angeles has a very big Persian</p> <p>12 population, correct?</p> <p>13 A. Correct.</p> <p>14 Q. You're aware of that, there's over one</p> <p>15 million Persians, or Iranians, however you want to</p> <p>16 say it?</p> <p>17 A. Yes.</p> <p>18 Q. Los Angeles. And sometimes people joke</p> <p>19 about it, they call Los Angeles "Tehrangles"</p> <p>20 rather than Los Angeles, because it's so heavily</p> <p>21 populated.</p> <p>22 A. Correct.</p>

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<p style="text-align: right;">Page 353</p> <p>1 Q. In fact, in Beverly Hills, California,</p> <p>2 where I had my office at the time, is generally</p> <p>3 highly populated, the stores and everything else,</p> <p>4 with Persians who are very industrious and run</p> <p>5 those stores, and own those stores?</p> <p>6 You're aware of that?</p> <p>7 A. Yes.</p> <p>8 Q. You know the famous men's haberdashery</p> <p>9 Bijan on Rodeo Drive, very famous, owned by</p> <p>10 Mr. Bijan.</p> <p>11 A. Yes, I know that.</p> <p>12 Q. Did you ever work for him?</p> <p>13 A. No.</p> <p>14 Q. Did you ever ask to work for him?</p> <p>15 A. Did what?</p> <p>16 Q. Did you ever ask for a job there?</p> <p>17 A. Briefly we talked once when I was</p> <p>18 living there and I went by his boutique and he was</p> <p>19 standing outside his boutique.</p> <p>20 Q. Was that before or after I represented</p> <p>21 you?</p> <p>22 A. Way before.</p>	<p style="text-align: right;">Page 355</p> <p>1 compounding that bleeding ulcer and that you were</p> <p>2 on the verge of even thinking about killing</p> <p>3 yourself. Or it could happen.</p> <p>4 Do you remember that?</p> <p>5 A. I had bleeding ulcer. I wasn't going</p> <p>6 to kill myself. I ended up in the hospital</p> <p>7 because of bleeding ulcer.</p> <p>8 Q. Ok, but you previously testified that,</p> <p>9 you know, you felt that way after you were</p> <p>10 harassed at Voice of America.</p> <p>11 Do you remember that?</p> <p>12 A. When I had bleeding ulcer?</p> <p>13 Q. No. The bleeding ulcer -- well, let's</p> <p>14 back up.</p> <p>15 The bleeding ulcer you claim resulted</p> <p>16 from unfair criticism of you by Susan Jackson and</p> <p>17 others at Voice of America --</p> <p>18 A. Joy Wagner, that day. Yes, she yelled</p> <p>19 at me.</p> <p>20 Q. Right.</p> <p>21 A. And she came and apologized later.</p> <p>22 But --</p>
<p style="text-align: right;">Page 354</p> <p>1 Q. Ok. But you did work for a clothing</p> <p>2 store out there, didn't you, at one time?</p> <p>3 A. Not clothing store.</p> <p>4 Q. Not Bijan but a different clothing</p> <p>5 store.</p> <p>6 A. Not clothing store. I was working for</p> <p>7 Hermes perfume.</p> <p>8 Q. Hermes, H-e-r-m-e-s?</p> <p>9 A. Yes.</p> <p>10 Q. We tried for a reasonable medical</p> <p>11 accommodation and we submitted all this</p> <p>12 documentation, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And we got sworn affidavits from Dr.</p> <p>15 Aviera and the others as to your medical</p> <p>16 condition?</p> <p>17 A. And Dr. Long, yes.</p> <p>18 Q. Yes. We said that, you know, you also</p> <p>19 needed to be there because, you know, you were</p> <p>20 having a nervous breakdown, you had had a bleeding</p> <p>21 ulcer before when you were criticized unfairly at</p> <p>22 Voice of America in Washington, that this was</p>	<p style="text-align: right;">Page 356</p> <p>1 Q. Go ahead.</p> <p>2 A. -- yes, the bleeding ulcer was because</p> <p>3 of the way I was treated at VOA unfairly, yes.</p> <p>4 Q. You Joy Wagner was criticizing your</p> <p>5 work?</p> <p>6 A. Not criticizing. She accused me of</p> <p>7 something that later on she came and apologized</p> <p>8 because she realized that it was accusations and</p> <p>9 not true.</p> <p>10 Q. At the time she criticized your work</p> <p>11 and said somebody else is doing the packages --</p> <p>12 A. Yes.</p> <p>13 Q. -- that it was Kaveh, that your Farsi</p> <p>14 is not very good, it's not literal.</p> <p>15 Do you remember that?</p> <p>16 A. Yes.</p> <p>17 Q. And that, "You have to work harder.</p> <p>18 You just can't get by on the fact that you're</p> <p>19 beautiful."</p> <p>20 Do you remember she said that, too?</p> <p>21 A. She said that to me?</p> <p>22 (Mr. Klayman nods head in the</p>

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<p style="text-align: right;">Page 357</p> <p>1 affirmative.)</p> <p>2 A. Ok.</p> <p>3 Q. So all of these things together --</p> <p>4 CHAIRMAN FITCH: Is that answer a "yes"</p> <p>5 or is that answer "I don't remember"?</p> <p>6 THE WITNESS: She said to me,</p> <p>7 "Beautiful girls always have to work harder to</p> <p>8 prove themselves, so other people don't think that</p> <p>9 they're in front of the camera because of their</p> <p>10 face."</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. All of these things together, that</p> <p>13 created the bleeding ulcer, you claim, correct?</p> <p>14 Because you take things to heart.</p> <p>15 A. Yes.</p> <p>16 Q. And during this time period when you</p> <p>17 were telling me all of this, it was clear to you</p> <p>18 that I was sympathizing with you and wanted to</p> <p>19 help you?</p> <p>20 A. Yes.</p> <p>21 Q. You ultimately, even after we</p> <p>22 resubmitted all of this stuff that I'm talking</p>	<p style="text-align: right;">Page 359</p> <p>1 A. "You have a case," you said.</p> <p>2 Q. Whether or not that's true or not,</p> <p>3 which I refute, and I'll testify later, but --</p> <p>4 MR. SMITH: Objection, argumentative.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. Whether or not that's true or not --</p> <p>7 CHAIRMAN FITCH: It's an understandable</p> <p>8 situation when lawyer and Respondent are the same,</p> <p>9 and I think Mr. Klayman has tread a pretty good</p> <p>10 line so far. He may have overstepped there a</p> <p>11 little bit, but the war will go on.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. So, you said to me, "I can't go back</p> <p>14 there, Larry, you know. It'll destroy me."</p> <p>15 Correct?</p> <p>16 A. Correct.</p> <p>17 Q. And at that point you said to me, "I'd</p> <p>18 like to get an apartment here and live here. I</p> <p>19 have nothing. My family is not helping me. Can</p> <p>20 you help me get an apartment?"</p> <p>21 A. No, not correct.</p> <p>22 Q. In fact, you told me where you wanted</p>
<p style="text-align: right;">Page 358</p> <p>1 about -- the medical statements and affidavits and</p> <p>2 this and that -- they denied again you're being</p> <p>3 transferred to LA?</p> <p>4 A. Yes.</p> <p>5 Q. And you told me, "Larry, I can't go</p> <p>6 back there. I'll kill myself if I go back there."</p> <p>7 You said that, didn't you?</p> <p>8 A. I don't remember. Maybe I said it. I</p> <p>9 don't remember.</p> <p>10 Q. And at that point I said to you,</p> <p>11 "Ellie, I'll do whatever I can to help you, and</p> <p>12 I've had a lot of experience dealing with</p> <p>13 government agencies. I've been a lawyer for so</p> <p>14 many years. I'll do my best, but I can't</p> <p>15 guarantee any result, but it seems to me you have</p> <p>16 a strong case."</p> <p>17 A. And you said, "I'm going to transfer</p> <p>18 you within two weeks to LA." I remember the</p> <p>19 week -- exactly "two weeks," you said that.</p> <p>20 Q. Ok.</p> <p>21 A. You said, "That's going to be easy."</p> <p>22 Q. But you didn't --</p>	<p style="text-align: right;">Page 360</p> <p>1 to live. You wanted to live in the valley, San</p> <p>2 Fernando Valley, on Ventura Boulevard.</p> <p>3 Remember you said, "That's where I want</p> <p>4 to live and I lived there before in Sherman Oaks</p> <p>5 and I loved that area and want" --</p> <p>6 A. You jumped ahead a little bit. Can we</p> <p>7 go back?</p> <p>8 Q. I ask the questions. I'm going to --</p> <p>9 CHAIRMAN FITCH: No, that's a perfectly</p> <p>10 fair point. I take the answer to be that in the</p> <p>11 period being discussed, immediately following the</p> <p>12 VOA decision, that the witness believes that that</p> <p>13 particular conversation did not take place at that</p> <p>14 point in time.</p> <p>15 MR. KLAYMAN: Ok, well, I'll try to put</p> <p>16 it in context.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. At the time you were in LA you were</p> <p>19 staying with your friend Nella (phon)?</p> <p>20 A. Yes.</p> <p>21 Q. And her husband Abdy?</p> <p>22 A. Yes.</p>

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<p style="text-align: right;">Page 361</p> <p>1 Q. Nella is not Persian, Abdy is. Nella</p> <p>2 is Hispanic?</p> <p>3 A. She's Filipino.</p> <p>4 Q. Filipino, ok.</p> <p>5 And therefore you needed a place to</p> <p>6 stay. You couldn't stay there forever?</p> <p>7 A. Not forever. They were my friends. I</p> <p>8 could stay there temporarily. Not forever.</p> <p>9 Q. So you told me you'd like to live in</p> <p>10 the valley, in Sherman Oaks, and you told me, "I</p> <p>11 like this apartment. I've seen it in Sherman Oaks</p> <p>12 on Ventura Boulevard."</p> <p>13 A. That is after you told me that, "We can</p> <p>14 transfer you to LA," and I said, "I have an</p> <p>15 apartment in DC. I have to live there. If I'm</p> <p>16 not living there, I can't stay with Nella. I have</p> <p>17 to get my own place and I cannot afford my own</p> <p>18 place in LA now, because I don't know what's</p> <p>19 happening with the paycheck, if I don't go back to</p> <p>20 my work in DC."</p> <p>21 Q. But you told me that you could never go</p> <p>22 back there, that it would destroy you.</p>	<p style="text-align: right;">Page 363</p> <p>1 A. It wasn't that I -- "You really want</p> <p>2 the apartment?"</p> <p>3 We talked about that, after you said,</p> <p>4 "I can get you transferred to LA, now that you</p> <p>5 have your doctors set up in LA, so let's move you</p> <p>6 to LA."</p> <p>7 I told you that I can't afford moving</p> <p>8 to LA because I don't have money. You said,</p> <p>9 "Ellie, I'll help you."</p> <p>10 I had an apartment at that time in DC,</p> <p>11 which I had commitment. I couldn't just get up</p> <p>12 and leave. I had to give them notice in DC. So I</p> <p>13 couldn't just do it overnight, all of that. I</p> <p>14 explained all that to you, Mr. Klayman.</p> <p>15 So, it was a strategy that we both were</p> <p>16 going forward, you as my attorney, and me as a</p> <p>17 client, that how this strategy is working is for</p> <p>18 me being setting up with the doctors in LA and</p> <p>19 then move to LA.</p> <p>20 So, when all that happened, I found an</p> <p>21 apartment that it was brand new and you don't pay</p> <p>22 two months of rent and pay four months, and you</p>
<p style="text-align: right;">Page 362</p> <p>1 You just testified to that, correct?</p> <p>2 A. Yes, but if I had no choice, I had to</p> <p>3 go back. I needed to have a job.</p> <p>4 But you said that, "No, we can transfer</p> <p>5 you to LA. I know what I'm doing. I'm setting up</p> <p>6 your doctors, and once you are seeing your doctors</p> <p>7 here in LA, they're going to have to agree that</p> <p>8 you go see your doctors while you're working in</p> <p>9 LA."</p> <p>10 You explained that to me, how the legal</p> <p>11 way works, and that's why you set up all my</p> <p>12 doctors in LA, not in Washington, D.C.</p> <p>13 Q. You know that I was working very hard</p> <p>14 for you. You know that?</p> <p>15 A. Yes.</p> <p>16 Q. Ok. And I didn't ask you to pay me,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And I then said, you know, "If you</p> <p>20 really want that apartment there, Ellie, I'll try</p> <p>21 to get the apartment for you, so you can stay here</p> <p>22 and you don't have to be back in DC."</p>	<p style="text-align: right;">Page 364</p> <p>1 get two months free, something like that. And I</p> <p>2 explained that to you, there is such a thing.</p> <p>3 It's a good deal.</p> <p>4 Q. And that's where you wanted to be,</p> <p>5 because a lot of Persians live around that area,</p> <p>6 particularly Muslims --</p> <p>7 A. No, sir. It was because that apartment</p> <p>8 was two months free apartment.</p> <p>9 Q. Isn't it true, just as a general rule,</p> <p>10 that you felt very comfortable there because that</p> <p>11 was the Persian community generally in the valley</p> <p>12 that was of Muslim decent and the Persian</p> <p>13 community in Beverly Hills is of Jewish decent?</p> <p>14 A. The Persian community in LA is big.</p> <p>15 Q. Yeah.</p> <p>16 A. And for me -- Muslim, Jewish,</p> <p>17 Christian -- there is no difference between that</p> <p>18 for me.</p> <p>19 Q. Ok. But I'm saying, you felt</p> <p>20 comfortable there?</p> <p>21 A. I'm comfortable anywhere in LA.</p> <p>22 If we had the same deal on Westwood or</p>

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<p style="text-align: right;">Page 365</p> <p>1 Beverly Hills or Santa Monica, anywhere, we could 2 have got that deal. 3 So, the only reason was because it was 4 a good deal for that apartment. They were 5 offering two months free rent. 6 Q. And I then leased that for you because 7 you had no credit, correct? 8 A. Correct. 9 Q. And I paid the four months advanced 10 rent and got you six months? 11 A. Correct. 12 Q. That was a two-bedroom apartment, 13 correct? 14 A. Correct. 15 Q. So, it's something that you wanted, 16 that apartment, correct, so you could have your 17 family and friends there, correct? 18 A. The two-bedroom and one-bedroom, the 19 price was so close, but at that time -- I don't 20 remember exactly, but we said, "Ok, we get this." 21 Q. But you wanted a two-bedroom and we got 22 that?</p>	<p style="text-align: right;">Page 367</p> <p>1 CHAIRMAN FITCH: Fair enough. Thank 2 you. 3 MR. KLAYMAN: I'm going to introduce 4 something later. 5 CHAIRMAN FITCH: I asked her. That's 6 all. 7 MR. KLAYMAN: No, it's fine, your 8 Honor, I'm glad you did. But I'm just trying to 9 get the thing to flow here, then we'll go back. 10 BY MR. KLAYMAN: 11 Q. One of the reasons, by the way, that 12 Voice of America didn't want to transfer you it 13 was believed is because a lot of people in the 14 Persia News Network in Washington wanted to be 15 transferred to LA, because of the weather and 16 because there's a nice Persian community there. 17 So, that was one of the reasons that 18 they denied you, because they said, "Well, we 19 can't set a precedent to send Elham Sataki there 20 when all these other people want to go there, 21 too." 22 A. That is why you set up my doctors</p>
<p style="text-align: right;">Page 366</p> <p>1 A. Ok, we got that. 2 Q. Ok. 3 A. Yes. 4 Q. And in fact you got the keys. I never 5 got the set of keys? 6 A. Absolutely not. Of course. That was 7 given. 8 Q. And I didn't ask you for the keys, did 9 I? 10 A. No. 11 Q. Now, around that time period, we 12 realized that we had to do something stronger than 13 just be sending documentation in and asking for 14 them to be reasonable, correct? 15 A. Correct. 16 Q. Because, as Tim Shamble was saying, 17 these people are not reasonable. They mistreat 18 their employees. He's the union rep. 19 CHAIRMAN FITCH: Do you recall what was 20 the first month of the lease on the apartment? 21 THE WITNESS: I think it was April, if 22 I'm not mistaken.</p>	<p style="text-align: right;">Page 368</p> <p>1 there, so we have a reason for why I have to be 2 transferred. 3 Q. But you were aware of Voice of 4 America's general resistance to transfer people to 5 LA, generally, correct? 6 A. No, not aware of it. 7 Because the manager, the editing 8 manager asked me to write a proposal, and I did, 9 and that proposal, they were looking at it and 10 they were considering it actually at the time. It 11 wasn't approved, but they were looking at it to 12 see maybe. 13 And also that maybe if, not 14 transferring me, but me going back and forth and 15 spending more time in LA and doing interviews and 16 come back to DC. 17 There was a talk about all that. 18 Q. Right. But, going back to Mr. Shamble, 19 he said this is -- frankly he had told us in the 20 beginning that they're difficult? 21 A. Yes, that they are difficult. Yes. 22 Q. They're difficult and it's hard to</p>

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<p style="text-align: right;">Page 369</p> <p>1 reason with them.</p> <p>2 So you were aware of that all this</p> <p>3 time, correct?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. At that point, you know, we sat down</p> <p>6 and discussed legal strategy with Mr. Shamble and</p> <p>7 you and me, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And we decided that we have to file</p> <p>10 some lawsuits, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you were aware at around that time</p> <p>13 also that during the meetings that I had to try to</p> <p>14 settle this case that they were very contentious,</p> <p>15 that Tim Shamble was there, as well, but they were</p> <p>16 very contentious from Voice of America's</p> <p>17 perspective, kind of nasty, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Was it not a positive to have you get</p> <p>20 an apartment in LA and not go back and live with</p> <p>21 Kaveh because Kaveh was one of your coworkers and</p> <p>22 you were claiming that you were sexually harassed</p>	<p style="text-align: right;">Page 371</p> <p>1 Q. Ms. Sataki, and I don't mean this to be</p> <p>2 abrasive. It's hard for me now because I'm a</p> <p>3 lawyer and Respondent, in effect, defendant, but</p> <p>4 it was also known in the Persian community, was it</p> <p>5 not, that you had had an affair with someone by</p> <p>6 the name of ia of NITV in Los Angeles when you</p> <p>7 were a broadcaster there.</p> <p>8 A. It wasn't known by Persian TV -- I mean</p> <p>9 by Persian community. It was something that was</p> <p>10 said, but it was not true and it was proven that</p> <p>11 it was not true.</p> <p>12 Q. And it was out there, correct?</p> <p>13 A. It was -- it came out there because I</p> <p>14 got an interview with the prince of Iran and</p> <p>15 someone said, "She slept with this person. That's</p> <p>16 how she got the interview."</p> <p>17 But then we -- my boyfriend at the time</p> <p>18 came. We went -- and everything was clarified,</p> <p>19 and the person who said it took it back and</p> <p>20 apologized.</p> <p>21 Q. But in fact, you got into a fight --</p> <p>22 CHAIRMAN FITCH: What's the relevance</p>
<p style="text-align: right;">Page 370</p> <p>1 by a coworker?</p> <p>2 I did say that to you, did I not?</p> <p>3 A. I didn't see your reason.</p> <p>4 I mean, people can be working together</p> <p>5 and be roommates. There's no problem in that, and</p> <p>6 if my co-anchor sexually harassed me, it had</p> <p>7 nothing to do with Kaveh that I was roommate with.</p> <p>8 I don't see why there is a problem there.</p> <p>9 I didn't agree with you then either.</p> <p>10 Q. I wasn't talking about what my</p> <p>11 perception would be but that they would perhaps</p> <p>12 try to use that against you when discovery started</p> <p>13 to occur in the litigation. Because they would</p> <p>14 find out.</p> <p>15 A. Well, at the same time I told you that</p> <p>16 you can use it against them that Kaveh was witness</p> <p>17 to all the phone calls and everything that he was</p> <p>18 doing. So, we could use Kaveh as the witness,</p> <p>19 because he was my roommate, and Kaveh agreed to be</p> <p>20 the witness.</p> <p>21 So, we could use it in our benefit, and</p> <p>22 I told you that at the time.</p>	<p style="text-align: right;">Page 372</p> <p>1 --</p> <p>2 MR. KLAYMAN: Because --</p> <p>3 CHAIRMAN FITCH: -- of this discussion</p> <p>4 about formulating legal strategy and maybe moving</p> <p>5 toward a lawsuit?</p> <p>6 MR. KLAYMAN: Perception of -- let me</p> <p>7 ask this question to clear it up.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. If that was true, and I'm not saying it</p> <p>10 was or it wasn't, that would have been another</p> <p>11 relationship with a coworker --</p> <p>12 A. No.</p> <p>13 Q. -- having a relationship --</p> <p>14 A. It's not true.</p> <p>15 Q. -- with ia, the owner of NITV?</p> <p>16 A. It's not true.</p> <p>17 And I had proof of it. I had people.</p> <p>18 I had my boss. Everybody. That was not true,</p> <p>19 definitely not true.</p> <p>20 And that was completely behind me.</p> <p>21 Everything was resolved. I had witnesses. And</p> <p>22 the person who said it took it back.</p>

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<p>1 And my boss at the time, that I was</p> <p>2 working in Jame Jam, Mr. Bibiyan, he had those</p> <p>3 people to come and apologize and everything was</p> <p>4 clarified.</p> <p>5 I don't know why that is even relevant</p> <p>6 here. I don't understand it.</p> <p>7 CHAIRMAN FITCH: I think I've heard</p> <p>8 everything she could say, even though I was</p> <p>9 speaking with her.</p> <p>10 MR. KLAYMAN: Ok.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. There was, after that alleged -- or</p> <p>13 during that alleged affair, the wife of ia</p> <p>14 actually keyed your car, do you remember? Or you</p> <p>15 keyed hers, one or the other?</p> <p>16 MR. SMITH: Objection, I mean, I think</p> <p>17 we've gotten the flavor of where this is going and</p> <p>18 I don't know that there is any relevance going</p> <p>19 forward other than rumors and innuendo, which she</p> <p>20 denied.</p> <p>21 CHAIRMAN FITCH: I think Mr. Klayman</p> <p>22 has a theory or sub-theory that he thought he</p>	<p>1 gave her -- me a restraining order against her and</p> <p>2 then later on she said that she never said it.</p> <p>3 Because I had --</p> <p>4 When the time that she said that</p> <p>5 supposedly I had an affair with her husband, my</p> <p>6 boyfriend was there with me. I was in DC for an</p> <p>7 interview.</p> <p>8 CHAIRMAN FITCH: We don't need to --</p> <p>9 THE WITNESS: So everybody is</p> <p>10 already -- but Mr. Klayman is going on --</p> <p>11 CHAIRMAN FITCH: Sir, we have in</p> <p>12 evidence now --</p> <p>13 MR. KLAYMAN: Yeah.</p> <p>14 CHAIRMAN FITCH: -- for our</p> <p>15 consideration one way or the other, that the</p> <p>16 matter resulted in litigation and that litigation,</p> <p>17 according to this witness, absolved her.</p> <p>18 But we still have the situation of you</p> <p>19 having concerns, you allege, about relationships</p> <p>20 and their legal effect.</p> <p>21 So why don't we move on now.</p> <p>22 MR. KLAYMAN: Ok. It's with regret</p>
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<p>1 advised Ms. Sataki that some relationships with</p> <p>2 VOA employees might be problematic in pursuit of</p> <p>3 her employment goals.</p> <p>4 She has denied the existence of one of</p> <p>5 those relationships and that's where the record</p> <p>6 stands. I doubt that any further exploration of</p> <p>7 that will --</p> <p>8 MR. KLAYMAN: I just have one question.</p> <p>9 CHAIRMAN FITCH: Sure.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. You did have an issue with ia's wife,</p> <p>12 correct?</p> <p>13 CHAIRMAN FITCH: And how does that add</p> <p>14 onto this?</p> <p>15 MR. KLAYMAN: I'll ask the next</p> <p>16 question.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. This resulted in court litigation?</p> <p>19 A. Yes.</p> <p>20 That's why I said everything was</p> <p>21 resolved on my behalf. It was proven that what</p> <p>22 she said was wrong and then in court actually they</p>	<p>1 that I had to get into that.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. Now, in fact, that was the basis of my</p> <p>4 counseling you, one of the bases, you know, to --</p> <p>5 even though you told me that you couldn't go back</p> <p>6 to DC or it would destroy you, to get an apartment</p> <p>7 in Los Angeles and to live in Los Angeles and</p> <p>8 let's try to get you located there, because of the</p> <p>9 perception that you had relationships with</p> <p>10 coworkers, that was part of it?</p> <p>11 MR. SMITH: I don't understand the</p> <p>12 question. There were a lot of --</p> <p>13 CHAIRMAN FITCH: I think the question</p> <p>14 doesn't add anything to the evidence already in</p> <p>15 the record for our considerations.</p> <p>16 And I think we're up to the point where</p> <p>17 the evidence may show, at least the complaining</p> <p>18 witness agrees, that the apartment was found, a</p> <p>19 six-month lease was undertaken, with obligations</p> <p>20 of two free and four months of lease. Maybe the</p> <p>21 lease was longer, but at least that's what payment</p> <p>22 was made. And there is information in the record</p>

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<p style="text-align: right;">Page 377</p> <p>1 as to what was the reason for doing that.</p> <p>2 I note that the superior court action,</p> <p>3 according to one of the exhibits, an allegation</p> <p>4 was filed on March 1, which is obviously before</p> <p>5 April 1, but maybe that is not a time confusion,</p> <p>6 or maybe it doesn't make any difference. But I do</p> <p>7 note that.</p> <p>8 MR. KLAYMAN: Again, I don't like</p> <p>9 asking these questions, your Honor, but I want to</p> <p>10 put it in sequence here. I'm not trying to --</p> <p>11 CHAIRMAN FITCH: Ask your question.</p> <p>12 Move on.</p> <p>13 MR. KLAYMAN: -- to beat up on the</p> <p>14 witness. I'm trying to get the facts out.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. How many times have you been married?</p> <p>17 MR. SMITH: Objection.</p> <p>18 CHAIRMAN FITCH: Objection sustained.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. You were married to one guy who, where</p> <p>21 there's documentation that Mr. Smith submitted,</p> <p>22 earlier today, new documentation that you came up</p>	<p style="text-align: right;">Page 379</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. Was the person that your ex-husband</p> <p>3 said he found you in bed with ia?</p> <p>4 A. There was no person.</p> <p>5 The ex-husband married me to get the</p> <p>6 Green Card --</p> <p>7 CHAIRMAN FITCH: I still haven't --</p> <p>8 THE WITNESS: -- and I --</p> <p>9 CHAIRMAN FITCH: I still haven't heard</p> <p>10 the question. Was the last word in the question</p> <p>11 "dead"?</p> <p>12 MR. KLAYMAN: No, it was not.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. Was that person that your ex-husband</p> <p>15 said he found you in bed with, a few weeks after</p> <p>16 you were married, in your house --</p> <p>17 A. He didn't --</p> <p>18 CHAIRMAN FITCH: Madam, neither I nor</p> <p>19 the court reporter can process or type down --</p> <p>20 THE WITNESS: I'm sorry.</p> <p>21 CHAIRMAN FITCH: More than one at a</p> <p>22 time.</p>
<p style="text-align: right;">Page 378</p> <p>1 with late last week, where there's an affidavit of</p> <p>2 a former husband who claims that a few weeks after</p> <p>3 you were married, he walked into your dwelling and</p> <p>4 found you with somebody else in bed.</p> <p>5 CHAIRMAN FITCH: Wait a minute.</p> <p>6 MR. KLAYMAN: There's documentation in</p> <p>7 there, your Honor.</p> <p>8 CHAIRMAN FITCH: Right, it was</p> <p>9 admitted.</p> <p>10 MR. KLAYMAN: Yes. Bar Counsel</p> <p>11 submitted it.</p> <p>12 CHAIRMAN FITCH: I don't see --</p> <p>13 MR. KLAYMAN: The question --</p> <p>14 CHAIRMAN FITCH: -- what it adds to</p> <p>15 your theory about concerns for legal strategy.</p> <p>16 MR. KLAYMAN: One question.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. Was that person ia?</p> <p>19 CHAIRMAN FITCH: Was that person what?</p> <p>20 THE WITNESS: No.</p> <p>21 CHAIRMAN FITCH: I'm sorry, I didn't</p> <p>22 hear the question.</p>	<p style="text-align: right;">Page 380</p> <p>1 Now, what is the question? Mr. Klayman</p> <p>2 has a right to put his question.</p> <p>3 MR. KLAYMAN: And they put it into</p> <p>4 evidence, your Honor, Bar Counsel.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. Was that person that your ex-husband</p> <p>7 signed a sworn affidavit that's now part of the</p> <p>8 record, the evidentiary record, that he came home</p> <p>9 one day and found you in bed with another man, a</p> <p>10 few weeks after you were married, was that ia of</p> <p>11 NITV?</p> <p>12 A. No.</p> <p>13 MR. KLAYMAN: That's helpful. I regret</p> <p>14 I ask these questions.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. So, the bottom line is this, is it not,</p> <p>17 Ms. Sataki: there was a concern, I mean, it was</p> <p>18 common knowledge at VOA, whether true or not, that</p> <p>19 these allegations were out there concerning you?</p> <p>20 A. Which means, if you had gone to court,</p> <p>21 if you would have concentrated on my case, instead</p> <p>22 of on me and my family and my friends, and we</p>

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<p style="text-align: right;">Page 381</p> <p>1 would have gone to court, we could have proved 2 that these documentations are false. 3 CHAIRMAN FITCH: The only thing I'm 4 interested in, if I may rephrase this question... 5 Did you, at this period of time, it 6 seems to be the spring of 2010, did you have an 7 understanding that there were rumors at VOA that 8 you had romantic affairs with other VOA members, 9 employees. 10 THE WITNESS: No, I was not worried 11 because I knew that's false. 12 CHAIRMAN FITCH: I'm sorry? 13 THE WITNESS: I was not worried about 14 it because I knew it was false. 15 CHAIRMAN FITCH: I didn't ask you about 16 that. 17 I asked you, if you had an 18 understanding that those rumors were out there. 19 THE WITNESS: I found out through Mr. 20 Klayman. 21 CHAIRMAN FITCH: So the answer is yes. 22 Ok. I think that is admissible,</p>	<p style="text-align: right;">Page 383</p> <p>1 Persian networks, radio networks, correct? 2 A. Yes. 3 Q. And therefore there's a lot of 4 employment opportunity there for someone such as 5 yourself. In fact you took advantage of it before 6 you went to VOA? 7 A. Yes. 8 Q. In fact you promoted that on the 9 application to become a host or to get a job with 10 VOA that you had prior experience being a host and 11 an announcer and a reporter with Persian news 12 networks in Los Angeles? 13 A. Yes. 14 Q. Now getting back to our sitting down 15 about writing a complaint -- 16 CHAIRMAN FITCH: That strikes me as a 17 good transition point, and I appreciate you're 18 identifying it. 19 Why don't we take a ten-minute break. 20 MR. KLAYMAN: Ok. 21 CHAIRMAN FITCH: We will stand in 22 recess for about ten minutes, beginning here at</p>
<p style="text-align: right;">Page 382</p> <p>1 whatever it may be worth, in support of his 2 picture that he needs, in his view, to paint about 3 the various strategic difficulties and problems 4 and alternatives. 5 Not that he's charged, I might note, 6 with either incompetence or lack of zealousness, 7 but right now I'd like you just to proceed. 8 MR. KLAYMAN: No one can ever say I'm 9 not zealous. 10 CHAIRMAN FITCH: Fair enough. 11 BY MR. KLAYMAN: 12 Q. Ms. Sataki, before you even applied for 13 a job at VOA, you were working at various Persian 14 news networks in the valley in LA as a 15 commentator, host, announcer, whatever? 16 A. Yes. 17 Q. And one of them was NITV, correct? 18 A. I was working for Jame Jam, not NITV, 19 but some of my tapes was played in NITV studio, 20 yes. 21 Q. In fact I guess there are tens of 22 Persian networks in Los Angeles, in the valley,</p>	<p style="text-align: right;">Page 384</p> <p>1 high noon. 2 (Recess taken.) 3 CHAIRMAN FITCH: We are returning to 4 Mr. Klayman's cross-examination at 12:08. 5 BY MR. KLAYMAN: 6 Q. I just want to back up with one 7 question. 8 Ms. Sataki, you are aware, are you not, 9 you were aware at the time that when you made your 10 complaint that Mr. Falahati harassed you, and you 11 filed that yourself first, internally, he claimed 12 that you were coming on to him? 13 A. He claimed what? 14 Q. He claimed that you were coming on to 15 him, that you had actually made the advances and 16 had an interest in him? 17 A. I did? 18 Q. That he did. 19 Well, let me say it again. 20 The first thing that happened before I 21 even entered the scene, when Mr. Shamble was 22 there, is that you had filed a complaint with</p>

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<p style="text-align: right;">Page 385</p> <p>1 Voice of America internally with their human 2 resources department against Mr. Falahati. 3 A. Yes. 4 Q. You were aware that his response was 5 that you, I'm using slang, s-l-a-n-g, you had come 6 on to him, that you had had an interest in him, 7 not him in you? 8 A. I don't remember that. 9 Q. At the time that you filed that 10 administrative complaint -- internal complaint 11 rather, you also were being harassed by your 12 managers, you claimed, correct? 13 A. Retaliated, yes. 14 Q. And you were retaliated against, you 15 believed, as you told me, because your family 16 had -- and your dad in particular, had been in the 17 shah's government before you all fled to Sweden? 18 A. Not because of that. 19 I told you I was retaliated because of 20 my filing the sexual harassment. But there was in 21 VOA, at that time, it was two groups that was 22 working -- two or three groups that were Persians,</p>	<p style="text-align: right;">Page 387</p> <p>1 this country for a while -- when did you come to 2 the United States? 3 A. '99. 4 Q. And in the course of your duties and 5 responsibilities working for Persian networks in 6 the valley and elsewhere you came to an 7 understanding that conservatives in this country 8 would be more supportive of the Shah, people on 9 the left would have been more supportive of 10 deposing the Shah during the time of Jimmy Carter, 11 our former president? 12 A. Yes. 13 Q. You were aware that the lawyer that you 14 asked to represent you is viewed as a conservative 15 activist? 16 MR. TIGAR: I'm sorry, I didn't hear 17 that. 18 BY MR. KLAYMAN: 19 Q. I'm sorry, you were aware that, at the 20 time I started helping you, you were aware that 21 Larry Klayman, as viewed in the community, was a 22 conservative, sympathetic to the Shah.</p>
<p style="text-align: right;">Page 386</p> <p>1 about two hundred people, working for VOA, with 2 different political views. And the person, my 3 managing editor, he was more left, and my 4 background from my family, they were more right. 5 So, and that was not only me and him, 6 it was the whole two hundred people, that 7 political view -- people had different political 8 views and it was a lot of fights between all of 9 them. 10 11 Q. And it just so happened -- 12 MR. TIGAR: Excuse me, just to clarify, 13 when you say "more to the right," you mean those 14 folks would be more likely to support the Shah? 15 THE WITNESS: Yes. 16 MR. TIGAR: Alright. 17 THE WITNESS: So my family more support 18 of the Shah, while the managing editor and the 19 person who wanted to go out with me, they were 20 more left. 21 BY MR. KLAYMAN: 22 Q. And you were aware, having lived in</p>	<p style="text-align: right;">Page 388</p> <p>1 A. Ok? 2 Q. Ok. So we were both viewed as coming 3 from the right at Voice of America? 4 A. Ok? 5 Q. Now the Voice of America has a board of 6 governors. You're aware of that? 7 A. Yes. 8 Q. And sitting on that board of governors 9 are both republicans and democrats. Are you aware 10 of that? 11 A. Yes. 12 Q. And the head of Voice of America, the 13 head of the board of governors at the time, was 14 the Secretary of State of the United States, at 15 the time, Hillary Clinton? 16 A. Yes. 17 Q. Now, in fact one of the board of 18 governors at the time was someone named Blanquita 19 Cullum, who was at the time I told you a 20 conservative talk show host, active in republican 21 circles. 22 A. Yes.</p>

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<p style="text-align: right;">Page 389</p> <p>1 Q. And, we'll get to this a little bit</p> <p>2 later, but actually you're aware I tried to lobby</p> <p>3 Blanquita to resolve this, peacefully?</p> <p>4 A. Yes.</p> <p>5 Q. And Blanquita didn't want to deal with</p> <p>6 it.</p> <p>7 A. Yes.</p> <p>8 Q. And the reason is, and the reason I</p> <p>9 asks these questions, is that there was this very</p> <p>10 controversial division in Persia News Network</p> <p>11 between the pro-shah people and the pro-regime</p> <p>12 people, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And it was perceived by you and by</p> <p>15 others that were to the right, as you put it, that</p> <p>16 the news that was being broadcast into Iran at</p> <p>17 that time, during the Obama administration, was</p> <p>18 pro regime, favorable to the regime of Ayatollah</p> <p>19 Khomeini?</p> <p>20 A. It was -- they were talking about it,</p> <p>21 yes. It was more because of the people that they</p> <p>22 hired.</p>	<p style="text-align: right;">Page 391</p> <p>1 A. Correct.</p> <p>2 Q. And you're aware in the course of the</p> <p>3 time I represented you I also represented some</p> <p>4 other broadcasters at Voice of America with regard</p> <p>5 to work place discrimination, particularly over</p> <p>6 this division of politics, that they felt they</p> <p>7 were being retaliated against because they were</p> <p>8 pro-Shah?</p> <p>9 A. Yes.</p> <p>10 Q. One of them was a friend of ours, Mr.</p> <p>11 Chalangi, right?</p> <p>12 A. Yes.</p> <p>13 Q. How is that spelled?</p> <p>14 A. Mr. Chalangi, C-h-a-l-a-n-g-i.</p> <p>15 Q. So the bottom line -- I use the word</p> <p>16 "bottom line" meaning the general issue here -- is</p> <p>17 that there was a lot of politics swirling around</p> <p>18 Voice of America at the time I was trying to get</p> <p>19 you back to work in Los Angeles.</p> <p>20 A. Ok.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p>
<p style="text-align: right;">Page 390</p> <p>1 Q. Right. And the supervisor of Mr.</p> <p>2 Falahati was someone named Mr. Sajadi. I'm</p> <p>3 probably not pronouncing it right.</p> <p>4 A. Yes.</p> <p>5 Q. Sajadi, S-a-j-a-d-i.</p> <p>6 A. Yes.</p> <p>7 Q. And it was known that Mr. Sajadi was</p> <p>8 one of the people on the left that was in favor of</p> <p>9 broadcasting pro-Iranian content into Iran?</p> <p>10 A. Yes.</p> <p>11 Q. And it was also known that his father</p> <p>12 at the time was an Ayatollah in Tehran who was an</p> <p>13 advisor to the supreme leader, Ayatollah Khomeini?</p> <p>14 A. Yes.</p> <p>15 Q. And that was a very unusual situation,</p> <p>16 was it not, in your opinion?</p> <p>17 A. Yes.</p> <p>18 Q. Why would Voice of America be</p> <p>19 broadcasting, from your opinion and of the other</p> <p>20 broadcasters, propaganda that was to prop up the</p> <p>21 regime and Tehran, rather than take it down?</p> <p>22 Correct?</p>	<p style="text-align: right;">Page 392</p> <p>1 CHAIRMAN FITCH: What was the -- read</p> <p>2 me the question. I missed the actual terminology.</p> <p>3 THE COURT REPORTER: "So the bottom</p> <p>4 line -- I use the words 'bottom line' meaning the</p> <p>5 general issue here -- is that there was a lot of</p> <p>6 politics swirling around Voice of America at the</p> <p>7 time I was trying to get you back to work in Los</p> <p>8 Angeles."</p> <p>9 MR. KLAYMAN: She answered yes.</p> <p>10 CHAIRMAN FITCH: Yes.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. So when we sat down to prepare legal</p> <p>13 actions, we had to take that into account,</p> <p>14 correct?</p> <p>15 A. You're advice was that, correct.</p> <p>16 Q. Yes, we had to understand the realities</p> <p>17 of what we were dealing with at Voice of America?</p> <p>18 A. That was your advice, yes.</p> <p>19 Q. But you were aware there was this</p> <p>20 political --</p> <p>21 A. Everybody were aware of it, yes.</p> <p>22 Q. So you were aware that the initial</p>

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<p style="text-align: right;">Page 393</p> <p>1 complaints that I drafted, that I actually sat 2 down with you, did I not, we met for many hours 3 going through and preparing complaints against 4 both Mr. Falahati and Voice of America aimed at 5 getting you back to work in Los Angeles. 6 A. Yes. 7 Q. Now you're aware that when the, 8 complaint that we prepared about Mr. Falahati, you 9 told me that you don't think he has much money, 10 that he wouldn't really be able to pay any damages 11 in the end. 12 A. Yes. 13 Q. But you just wanted to do this on 14 principal? 15 A. Yes. 16 Q. And I did it for you, correct? 17 A. Yes. 18 Q. And I filed it, correct? 19 A. Yes. 20 Q. We also prepared with Tim Shamble at 21 the time an administrative complaint with the EEO, 22 an EEO employment complaint.</p>	<p style="text-align: right;">Page 395</p> <p>1 Fourth Amendment -- I'm not going to get too 2 technical as a lawyer here. 3 But you're aware that I brought a case 4 for you like that, as a well? 5 A. Yes. 6 Q. And at the time I told you that, a lot 7 of what we're doing is tying to force them into a 8 settlement. We were always trying to force them 9 into a settlement by raising the stakes for them, 10 correct? 11 A. Yes. 12 Q. And in addition to that, what could 13 sometimes influence -- what frequently influences 14 the government in this town is publicity, is to 15 get favorable publicity, because people in 16 administrative agencies and judges tend to react 17 to cases that are known and are out there for the 18 public to know about. 19 MR. SMITH: I object to the form of the 20 question. He's asking her opinion -- 21 CHAIRMAN FITCH: I understand your 22 objection. I think it's marginally ok, a little</p>
<p style="text-align: right;">Page 394</p> <p>1 You remember that? 2 A. Yes. 3 Q. And you were aware that that had to run 4 its course inside EEO before you could then bring 5 a lawsuit in court. 6 In other words, there had to be first 7 an initial determination by EEO, and after that, 8 if it wasn't favorable, then we could bring a 9 lawsuit? 10 A. Yes, again, I'm no lawyer. When my 11 lawyer tells me that these are the procedure, I 12 say yes. 13 Q. So we filed that complaint. 14 A. Yes. 15 Q. And Mr. Shamble helped us with that. 16 A. Yes. 17 Q. And we also filed a complaint against 18 the board of governors at VOA, and it was for 19 violation of your Constitutional rights of free 20 speech with association, that's First Amendment, 21 you weren't given due process under the Fifth 22 Amendment, and with regard to harassment under the</p>	<p style="text-align: right;">Page 396</p> <p>1 discursive. 2 MR. SMITH: Well, then he needs to lay 3 a foundation as to whether or not she understands 4 about publicity. 5 CHAIRMAN FITCH: Well, his question is 6 whether she understood that or knew what. 7 MR. SMITH: That wasn't his question. 8 He asked her if that was true, and I would just 9 ask that he lay a foundation. 10 MR. KLAYMAN: I object to this speaking 11 objection, your Honor. 12 CHAIRMAN FITCH: Well, that concern is 13 overruled, because it helps me to think through 14 things. 15 But anyway, I think your question is 16 ok. You can repeat it, if we want to. 17 MR. KLAYMAN: Can I have it read back? 18 Let's read it back. 19 THE COURT REPORTER: "And in addition 20 to that, what could sometimes influence -- what 21 frequently influences the government in this town 22 is publicity, is to get favorable publicity,</p>

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<p style="text-align: right;">Page 397</p> <p>1 because people in administrative agencies and 2 judges tend to react to cases that are known and 3 are out there for the public to know about." 4 BY MR. KLAYMAN: 5 Q. I told you that, right? 6 A. You told me that and I responded that I 7 don't want it to be -- 8 CHAIRMAN FITCH: Ma'am -- 9 THE WITNESS: Yes? 10 CHAIRMAN FITCH: I asked did he tell 11 you that. 12 THE WITNESS: Yes, he told me that. 13 CHAIRMAN FITCH: You said yes. 14 THE WITNESS: Yes, he told me that. 15 BY MR. KLAYMAN: 16 Q. And we talked about that in the 17 presence of Mr. Shamble as well, correct? 18 A. Correct. 19 Q. And that we agreed we would get some 20 positive publicity here to try to coerce VOA into 21 a favorable settlement so you could be in LA, 22 correct?</p>	<p style="text-align: right;">Page 399</p> <p>1 A. Not correct. 2 Q. The only time that comes up -- 3 CHAIRMAN FITCH: Wait a minute. The 4 problem with the question is "at that time" is 5 unclear. 6 Are you talking about before you filed 7 the superior court complaint on March 1, if that's 8 when it was filed? 9 MR. KLAYMAN: Yes. 10 CHAIRMAN FITCH: Or are you talking 11 about -- 12 MR. KLAYMAN: Yes, around the time 13 period of these filings of these complaints. 14 CHAIRMAN FITCH: Ok. And your 15 question is... 16 BY MR. KLAYMAN: 17 Q. That I sent you copies of some of the 18 columns I had written that were very favorable to 19 you and you did not tell me that you didn't like 20 them or I shouldn't have done it. 21 CHAIRMAN FITCH: Well, that's a 22 compound question.</p>
<p style="text-align: right;">Page 398</p> <p>1 A. Correct. 2 Q. And -- 3 A. But I didn't agree to do it. You 4 explained all this to me. 5 CHAIRMAN FITCH: Ok, that's his only 6 question. 7 THE WITNESS: Ok. Sorry. I'm sorry. 8 BY MR. KLAYMAN: 9 Q. You are aware that, and you testified 10 to this yesterday, that I believed that you had 11 agreed to that and I wrote articles that were very 12 favorable to you. 13 You're aware of that? 14 A. Yes. 15 Q. And I sent you copies of them at the 16 time. 17 A. Yes. 18 Q. Emailed them to you. 19 A. Yes, you did. 20 Q. And there's nothing in writing that 21 ever tells me at the time that you didn't want me 22 to do that, correct?</p>	<p style="text-align: right;">Page 400</p> <p>1 Did he send you copies of some articles 2 that he had written? 3 THE WITNESS: Yes, he did. 4 CHAIRMAN FITCH: Ok. Go ahead. 5 BY MR. KLAYMAN: 6 Q. At that time you did not tell me, 7 "Don't write any more." 8 A. I did. 9 Q. There's nothing in writing that you 10 presented to that effect at that time, did you? 11 A. We talked to each other. I explained 12 to you on the phone why I don't want articles out 13 there. 14 Q. But you are aware that I copied you on 15 an email to Los Angeles Times where I was trying 16 to get an interview for you? 17 You're aware of that, I copied you on 18 that email with Mr. Shamble? 19 A. I don't remember it, but, yes. If you 20 say so, then that's correct. 21 Q. Turn to Exhibit D, in the beginning of 22 your counsel's -- not your counsel's, but Bar</p>

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<p style="text-align: right;">Page 401</p> <p>1 Counsel's -- he's not really your counsel.</p> <p>2 CHAIRMAN FITCH: Exhibit what?</p> <p>3 MR. KLAYMAN: Exhibit D, Respondent's</p> <p>4 Answer to Affirmative Defenses.</p> <p>5 THE WITNESS: Do I have it?</p> <p>6 CHAIRMAN FITCH: Mr. Klayman is</p> <p>7 referring to Bar Counsel's book, which is that</p> <p>8 book over there, the light blue cover (pointing).</p> <p>9 THE WITNESS: Yes.</p> <p>10 CHAIRMAN FITCH: And he wants you to</p> <p>11 turn to --</p> <p>12 MR. KLAYMAN: Page D as in dog, 23,</p> <p>13 D-23.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. If you need some help, I can help you.</p> <p>16 A. No, that's ok. Thank you. D-23?</p> <p>17 Q. Mm-hmm. Do you see that? That's,</p> <p>18 "Subject: LA Times," from Larry Klayman, with my</p> <p>19 Gmail address.</p> <p>20 A. I --</p> <p>21 Q. D-23.</p> <p>22 MR. KLAYMAN: Can I help her, your</p>	<p style="text-align: right;">Page 403</p> <p>1 A. Yes.</p> <p>2 Q. So I was copying you on that, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you never sent me back anything</p> <p>5 saying, "Larry don't do this. I don't want to</p> <p>6 have an interview with the LA Times."</p> <p>7 A. Correct, I -- correct.</p> <p>8 Q. Now, I'm also copying Mahmonir Rahimi.</p> <p>9 She also was someone, a contractor at Voice of</p> <p>10 America, at the time, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And she was having employment</p> <p>13 difficulties.</p> <p>14 A. Yes.</p> <p>15 Q. Remember?</p> <p>16 A. Yes.</p> <p>17 Q. I was trying to help her out with that,</p> <p>18 too.</p> <p>19 A. Yes.</p> <p>20 Q. And you're aware I never charging her</p> <p>21 anything either.</p> <p>22 A. Yes.</p>
<p style="text-align: right;">Page 402</p> <p>1 Honor?</p> <p>2 CHAIRMAN FITCH: You may.</p> <p>3 (Brief pause.)</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Do you see that? It's an email from</p> <p>6 me, Larry Klayman, LEKlayman@gmail.com. That's my</p> <p>7 email address, right? "Subject: LA Times," sent</p> <p>8 June 10th, 2010, to TimShamble@verizon.net, and</p> <p>9 EllieSataki@yahoo.com, to MahmonirRahimi@gmail.com</p> <p>10 and to JohnGChalangi@gmail.com.</p> <p>11 You see that?</p> <p>12 A. Yes.</p> <p>13 Q. And you see you're copied on it?</p> <p>14 A. Yes.</p> <p>15 Q. And it says, "Mr. Shamble, please call</p> <p>16 Paul Richter of LA Times, DC Bureau. He is the</p> <p>17 top Iran reporter for the newspaper. His number</p> <p>18 is (202) 824-8300 and his email address is</p> <p>19 PaulRichter@LATimes.com. If we can get one</p> <p>20 national story, this can help move things along.</p> <p>21 Thanks. Larry."</p> <p>22 You see that?</p>	<p style="text-align: right;">Page 404</p> <p>1 Q. And the same thing for Mr. Chalangi who</p> <p>2 was a broadcaster at Voice of America.</p> <p>3 A. Yes.</p> <p>4 Q. And I was trying to help him out</p> <p>5 because he was being discriminated against, too,</p> <p>6 right?</p> <p>7 A. Correct.</p> <p>8 Q. And you're aware I never charged him</p> <p>9 anything?</p> <p>10 A. Correct.</p> <p>11 Q. So I was trying to help all of you,</p> <p>12 correct?</p> <p>13 A. All of us lost our jobs.</p> <p>14 Q. Well, that was not my fault.</p> <p>15 In fact all of those people were viewed</p> <p>16 to be to the right, pro-Shah, correct?</p> <p>17 MR. TIGAR: I'm sorry, I didn't hear</p> <p>18 the question.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. All those people were viewed by</p> <p>21 managers at Voice of America as being pro-Shah</p> <p>22 regime, they were part of that political</p>

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<p style="text-align: right;">Page 405</p> <p>1 controversy.</p> <p>2 Isn't that correct?</p> <p>3 A. Yes. They can't fire people on their</p> <p>4 political view.</p> <p>5 Q. Now, getting back to these lawsuits</p> <p>6 that we talked about, one against Mr. Falahati,</p> <p>7 who you knew did not have any money and could</p> <p>8 never pay damages in any event, and then we filed</p> <p>9 a case against the board of governors, naming all</p> <p>10 of them, including Mrs. Clinton, and other board</p> <p>11 of governors, including Blanquita Cullum who was</p> <p>12 my friend, I did it for you, correct?</p> <p>13 A. You did it for me?</p> <p>14 Q. I was representing you.</p> <p>15 A. Unfortunately you're the one asking</p> <p>16 questions and I have to just only say yes or no --</p> <p>17 Q. Right?</p> <p>18 A. -- and I can't explain the backgrounds.</p> <p>19 Q. You'll have an opportunity with Mr.</p> <p>20 Smith if he wants to redirect.</p> <p>21 I actually wound up bringing in a</p> <p>22 friend of mine, Blanquita Cullum --</p>	<p style="text-align: right;">Page 407</p> <p>1 A. Ok --</p> <p>2 Q. Are you aware of that?</p> <p>3 A. Yes.</p> <p>4 Q. And you may not remember the name of</p> <p>5 the case, but maybe you do. The name of the case,</p> <p>6 it says that the federal court can actually</p> <p>7 preserve the status quo while an administrative</p> <p>8 employment action is going through the courts --</p> <p>9 is going through the agency, it's called Wagner V.</p> <p>10 Taylor.</p> <p>11 Do you remember that?</p> <p>12 A. No.</p> <p>13 Q. Ok. I then filed a whole bunch of</p> <p>14 documents -- lawyers call them pleadings -- with</p> <p>15 the court in that case against the board of</p> <p>16 governors. Actually it was case that I filed,</p> <p>17 separate, to get you back to work in Los Angeles.</p> <p>18 You remember that?</p> <p>19 A. Yes.</p> <p>20 Q. And I told you at the time that we had</p> <p>21 drawn a very difficult judge that I had been in</p> <p>22 front of in the past.</p>
<p style="text-align: right;">Page 406</p> <p>1 A. Did you get help? Did you get anywhere</p> <p>2 with it?</p> <p>3 Q. Fortunately I'm not on the witness</p> <p>4 stand right now. I will be later if you want to</p> <p>5 stay.</p> <p>6 CHAIRMAN FITCH: Enough dialog. Let's</p> <p>7 have a question.</p> <p>8 MR. KLAYMAN: Ok. I'm trying to put a</p> <p>9 little humor in it.</p> <p>10 CHAIRMAN FITCH: I chuckled.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. It's a fact that I really put myself on</p> <p>13 the line for you because I believed in you. You</p> <p>14 knew that I believed in you?</p> <p>15 A. You said that several times, yes.</p> <p>16 Q. Now, you are aware that I then amended</p> <p>17 that complaint later to put in -- and I'm just</p> <p>18 talking technical lawyer language here, to ask for</p> <p>19 a temporary restraining order and a preliminary</p> <p>20 injunction from the court, that you go to work in</p> <p>21 Los Angeles while your EEO case was progressing</p> <p>22 administratively at Voice of America.</p>	<p style="text-align: right;">Page 408</p> <p>1 You remember that?</p> <p>2 A. Yes, I remember that.</p> <p>3 CHAIRMAN FITCH: I'm sorry, what was</p> <p>4 the answer?</p> <p>5 THE WITNESS: That it was a very</p> <p>6 difficult judge, and that he had problem with that</p> <p>7 judge.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. And her name was Colleen</p> <p>10 Kollar-Kotelly, correct?</p> <p>11 A. Correct, I remember that.</p> <p>12 Q. And I told you that I had had other</p> <p>13 cases with her where I had difficulty, right?</p> <p>14 A. Yes.</p> <p>15 Q. And that what I perceived to be one of</p> <p>16 the difficulties was, that Judge Kotelly is to the</p> <p>17 left, far left, and her husband had represented</p> <p>18 someone in the Monica Lewinsky investigation on</p> <p>19 behalf of the president, Bill Clinton, and that I</p> <p>20 had filed many lawsuits against Mr. Clinton during</p> <p>21 his administration when I was at Judicial Watch.</p> <p>22 Do you remember that, I told you that?</p>

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<p style="text-align: right;">Page 409</p> <p>1 A. Yes.</p> <p>2 Q. And I also told you that, you know,</p> <p>3 there's a possibility she might not like you</p> <p>4 either, since you're conservative and to the</p> <p>5 right.</p> <p>6 Remember I told you that?</p> <p>7 A. No, I don't remember that.</p> <p>8 Q. Alright.</p> <p>9 A. Because I never announced --</p> <p>10 I'm a reporter. I never announce my</p> <p>11 political views for anybody. So, I can't go in</p> <p>12 front of a judge and say, "I'm a conservative,"</p> <p>13 "I'm a" -- I don't do that.</p> <p>14 Q. But you're aware that --</p> <p>15 A. That's --</p> <p>16 Q. You're aware from my background that</p> <p>17 I've always been nonpartisan. I've brought cases</p> <p>18 against Republicans --</p> <p>19 A. Yes, but I didn't think that your</p> <p>20 background was going to make -- be a problem for</p> <p>21 my case.</p> <p>22 Q. But I just told you there was an issue</p>	<p style="text-align: right;">Page 411</p> <p>1 name, he was not a judge any more, he had retired.</p> <p>2 He was in private legal practice -- and I asked</p> <p>3 him, "Judge Sporkin, what would you do under the</p> <p>4 circumstances? Would you put her back to work in</p> <p>5 Los Angeles," and he said --</p> <p>6 CHAIRMAN FITCH: Well, we're getting a</p> <p>7 little compound here.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. You're aware that I raised that I'll --</p> <p>10 MR. KLAYMAN: I'll back up. I'll break</p> <p>11 it down. Good suggestion.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. You're aware that I said I called a</p> <p>14 retired federal judge, a friend of mine, whose</p> <p>15 name is Stanley Sporkin --</p> <p>16 CHAIRMAN FITCH: That's enough right</p> <p>17 there.</p> <p>18 MR. KLAYMAN: Ok.</p> <p>19 CHAIRMAN FITCH: Do you recall him</p> <p>20 telling you that?</p> <p>21 THE WITNESS: I don't remember, no.</p> <p>22</p>
<p style="text-align: right;">Page 410</p> <p>1 there that you just acknowledged, correct?</p> <p>2 A. Yes.</p> <p>3 Q. For that reason, I filed pleadings to</p> <p>4 try to get the case sent to another judge, Judge</p> <p>5 John Roberts, who the case had initially been</p> <p>6 assigned to, but then somehow it got reassigned to</p> <p>7 Judge Kotelly.</p> <p>8 You remember that?</p> <p>9 A. Yes.</p> <p>10 Q. But that request for reassignment was</p> <p>11 denied by the court, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Now, that notwithstanding, we tried to</p> <p>14 do the best we could with Judge Kotelly. You</p> <p>15 remember that I filed a lot of different things</p> <p>16 with her and argued that you should be put back to</p> <p>17 work to preserve the status quo in Los Angeles.</p> <p>18 You remember that?</p> <p>19 A. Yes.</p> <p>20 Q. Now you remember I also told you at the</p> <p>21 time that I called what then was a friend of mine,</p> <p>22 a former federal judge -- Stanley Sporkin is his</p>	<p style="text-align: right;">Page 412</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. Would it refresh your recollection if I</p> <p>3 was to tell you that Judge Sporkin said that he</p> <p>4 would have put you back to work. It was a "chip</p> <p>5 shot"?</p> <p>6 A. I'm sorry, what?</p> <p>7 Q. Would it refresh your recollection if I</p> <p>8 told you that a judge friend of mine said, "I</p> <p>9 would put Ms. Sataki back in work in LA. It's</p> <p>10 easy."</p> <p>11 A. During that time you said so many</p> <p>12 things that, you probably said that, I don't</p> <p>13 remember. Because it was -- it was so many things</p> <p>14 that you were --</p> <p>15 CHAIRMAN FITCH: You've answered the</p> <p>16 question. You don't remember.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. Now, in submitting the various court</p> <p>19 documents -- we call them pleadings -- to Judge</p> <p>20 Kotelly, do you remember that I asked her for a</p> <p>21 very quick, a very quick decision called a</p> <p>22 temporary restraining order? I wanted you to have</p>

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<p style="text-align: right;">Page 413</p> <p>1 it done quickly?</p> <p>2 A. I don't remember, but if you say you</p> <p>3 did, then I'm sure you did.</p> <p>4 CHAIRMAN FITCH: No, just tell us</p> <p>5 whether or not you remember.</p> <p>6 THE WITNESS: Ok, I don't remember.</p> <p>7 I'm sorry.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. You're aware that we prepared a lot of</p> <p>10 different affidavits and pleadings from Dr.</p> <p>11 Aviera, from Dr. Long. We submitted stuff from</p> <p>12 the first psychologist. I prepared a long</p> <p>13 affidavit with you about what had happened in</p> <p>14 Voice of America. I prepared a long affidavit</p> <p>15 with Mr. Tim Shamble, the union rep. We had a</p> <p>16 sworn affidavit from Mahmonir Rahimi, R-a-h-i-m-i,</p> <p>17 who we also identified who was asking issues, who</p> <p>18 said she would testify for you. She did. And we</p> <p>19 submitted all this stuff to Judge Kotelly.</p> <p>20 You remember that, because we were</p> <p>21 working on it together, right?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 415</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. So we submitted all this stuff to</p> <p>3 Kotelly, and you're aware that I asked her for an</p> <p>4 evidentiary hearing where you could testify and</p> <p>5 we'd bring everybody else in to testify.</p> <p>6 Remember?</p> <p>7 A. Yes.</p> <p>8 Q. And she wouldn't give us that</p> <p>9 evidentiary hearing. Do you remember she wouldn't</p> <p>10 give it to us?</p> <p>11 A. I don't remember, but --</p> <p>12 Q. Yeah. And ultimately she made a</p> <p>13 decision and ruled against you claiming that you</p> <p>14 were not entitled for reasonable medical</p> <p>15 accommodation to be back in Los Angeles.</p> <p>16 Do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. And she accepted everything that VOA</p> <p>19 said and nothing that you and our witnesses said.</p> <p>20 CHAIRMAN FITCH: That question is</p> <p>21 struck.</p> <p>22 MR. KLAYMAN: Compound?</p>
<p style="text-align: right;">Page 414</p> <p>1 Q. And in fact you would come over to my</p> <p>2 office in Los Angeles and we'd work on this stuff?</p> <p>3 A. Yes.</p> <p>4 MR. TIGAR: Excuse me. Just so I can</p> <p>5 get my head around these times --</p> <p>6 MR. KLAYMAN: Sure.</p> <p>7 MR. TIGAR: -- at the time of which</p> <p>8 you're speaking, Ms. Sataki, were you living in</p> <p>9 Los Angeles.</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. TIGAR: And so the conversations of</p> <p>12 which you're speaking took place in Los Angeles --</p> <p>13 MR. KLAYMAN: Right, your Honor.</p> <p>14 MR. TIGAR: -- concerning the pending</p> <p>15 case that was in the U.S. District Court in the</p> <p>16 District of Columbia.</p> <p>17 MR. KLAYMAN: Yes. As you know I'm a</p> <p>18 licensed attorney. That's why I'm here.</p> <p>19 MR. TIGAR: No, no, that's not the</p> <p>20 question. I was just trying to figure out where</p> <p>21 everybody was.</p> <p>22</p>	<p style="text-align: right;">Page 416</p> <p>1 CHAIRMAN FITCH: That question is</p> <p>2 struck. The question is struck.</p> <p>3 MR. KLAYMAN: Ok, I'll rephrase it.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. You are aware that Judge Kotelly making</p> <p>6 that ruling accepted as truth everything that the</p> <p>7 Voice of America witnesses were saying and did not</p> <p>8 accept as truth what you were saying?</p> <p>9 CHAIRMAN FITCH: That question is</p> <p>10 struck also. She has no idea what Judge Kotelly</p> <p>11 may have configured to herself.</p> <p>12 MR. KLAYMAN: I'll lay a foundation.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. You did see the opinion of Judge</p> <p>15 Kotelly, didn't you? I sent it to you, remember.</p> <p>16 A. You sent so many emails at that time in</p> <p>17 June, I was completely -- completely -- I can't</p> <p>18 say I read it, no.</p> <p>19 MR. TIGAR: Excuse me, counsel, what is</p> <p>20 the exhibit number of Judge Kotelly's opinion to</p> <p>21 which you're referring, on anybody's exhibit list?</p> <p>22 MR. KLAYMAN: There are several. In</p>

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<p style="text-align: right;">Page 417</p> <p>1 the books of --</p> <p>2 MR. TIGAR: No, I'm talking about the</p> <p>3 one to which you just referred.</p> <p>4 MR. KLAYMAN: I was going to tie that</p> <p>5 back later.</p> <p>6 MR. TIGAR: You're going to get to it.</p> <p>7 MR. KLAYMAN: I was going to go through</p> <p>8 it and say you're very clear what the hearing</p> <p>9 committee should look at. We'll do it</p> <p>10 systematically.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. You are aware that I did send you the</p> <p>13 decision?</p> <p>14 A. I don't know. You probably did.</p> <p>15 Q. And --</p> <p>16 A. If you say you did, I'm sure you did.</p> <p>17 Q. And I explained to you --</p> <p>18 A. Because I received so many emails from</p> <p>19 you at that point during that time, I wasn't</p> <p>20 honestly opening all of them any more.</p> <p>21 Q. You're aware that I was upset with that</p> <p>22 decision because I felt that you should have had a</p>	<p style="text-align: right;">Page 419</p> <p>1 we hadn't won that phase in the case?</p> <p>2 A. I was upset that we didn't win that</p> <p>3 phase of the case, yes.</p> <p>4 Q. Yeah, and in fact you blamed me.</p> <p>5 A. Because you were concentrating on your</p> <p>6 love for me instead of the court on a daily basis</p> <p>7 and love letters to me. So I was upset that you</p> <p>8 didn't concentrate on our case enough. That's why</p> <p>9 we lost.</p> <p>10 Q. You just said you didn't read any</p> <p>11 pleadings, so you don't know how I concentrated or</p> <p>12 not with the court.</p> <p>13 CHAIRMAN FITCH: That's struck;</p> <p>14 argumentative.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. Now, there's nothing wrong, is there,</p> <p>17 Ms. Sataki, for a husband to represent his wife in</p> <p>18 a legal proceeding?</p> <p>19 MR. SMITH: Objection.</p> <p>20 CHAIRMAN FITCH: I don't see -- that's</p> <p>21 sustained.</p> <p>22</p>
<p style="text-align: right;">Page 418</p> <p>1 hearing. We should have brought the witnesses in</p> <p>2 and had them testify like we're doing, you know,</p> <p>3 now.</p> <p>4 A. During what date are we talking about</p> <p>5 now? Would you please tell me.</p> <p>6 Q. When Kotelly made her decision.</p> <p>7 A. Do you remember what date it was?</p> <p>8 When was it? May, June? When was it? About what</p> <p>9 time?</p> <p>10 Q. In June, around there.</p> <p>11 A. Ok.</p> <p>12 Q. Ok.</p> <p>13 A. Ok.</p> <p>14 Q. Yeah.</p> <p>15 CHAIRMAN FITCH: The only question is,</p> <p>16 did you understand that after Judge Kotelly</p> <p>17 entered her ruling that Mr. Klayman was upset?</p> <p>18 THE WITNESS: No, I didn't understand</p> <p>19 how he felt.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. Do you remember I actually spoke with</p> <p>22 you at the time and you were upset at me because</p>	<p style="text-align: right;">Page 420</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. There's nothing wrong with caring for</p> <p>3 somebody, is there?</p> <p>4 MR. SMITH: Objection.</p> <p>5 MR. KLAYMAN: No, there's nothing --</p> <p>6 that's part of the case, and I object to that</p> <p>7 objection.</p> <p>8 CHAIRMAN FITCH: That question is too</p> <p>9 general.</p> <p>10 THE WITNESS: The way you cared about</p> <p>11 me --</p> <p>12 CHAIRMAN FITCH: No, question. There's</p> <p>13 no question.</p> <p>14 THE WITNESS: I'm sorry.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. There's nothing wrong in a lawyer</p> <p>17 caring about the wellbeing of his client, is</p> <p>18 there?</p> <p>19 CHAIRMAN FITCH: She can't answer</p> <p>20 questions like that. Too general, too</p> <p>21 speculative.</p> <p>22</p>

<p style="text-align: right;">Page 421</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. But it's true you just said you didn't</p> <p>3 read any of the stuff I sent you because you</p> <p>4 didn't open it up.</p> <p>5 A. I didn't open some of your emails and I</p> <p>6 opened some. So I don't know which one -- I</p> <p>7 couldn't tell now what I opened and what I didn't</p> <p>8 open.</p> <p>9 Q. But you don't remember ever reading the</p> <p>10 decisions of Judge Kotelly, do you?</p> <p>11 A. Yes. I remember you telling me that,</p> <p>12 yes.</p> <p>13 Q. And do you remember me telling you that</p> <p>14 she made a number of factual and legal errors,</p> <p>15 mistakes, in those rulings, over the phone?</p> <p>16 A. It's very vague. I don't remember a</p> <p>17 whole lot.</p> <p>18 So, if you say that -- that's</p> <p>19 probably. I don't remember details from that.</p> <p>20 Q. And you remember my saying that this</p> <p>21 was just the first phase, it wasn't over, that we</p> <p>22 hadn't lost the case. It's just that she didn't</p>	<p style="text-align: right;">Page 423</p> <p>1 testimony?</p> <p>2 A. Of course I was upset. Anybody would</p> <p>3 be.</p> <p>4 Q. Ok.</p> <p>5 A. I was penniless at that time. I needed</p> <p>6 a job.</p> <p>7 Q. At that time I had, on your behalf,</p> <p>8 prepaid rent and gotten you two free months for</p> <p>9 your apartment at the Serrano on Ventura</p> <p>10 Boulevard. You had a place to live.</p> <p>11 A. Yes.</p> <p>12 Q. And as you testified yesterday I</p> <p>13 actually paid to have your car sent here, correct?</p> <p>14 A. Yes.</p> <p>15 Q. That was a red Mercedes?</p> <p>16 A. Yes.</p> <p>17 Q. And you were also asking me during the</p> <p>18 course of this time period to help your friend</p> <p>19 Kaveh out, who needed to file for bankruptcy.</p> <p>20 Do you remember that?</p> <p>21 A. I asked you -- no. I asked you what I</p> <p>22 should do, because I didn't file for bankruptcy.</p>
<p style="text-align: right;">Page 422</p> <p>1 grant the temporary restraining order and</p> <p>2 preliminary injunction that puts you back to work.</p> <p>3 You remember that, right?</p> <p>4 A. Yes.</p> <p>5 Q. And in fact we had a request in the</p> <p>6 complaint for a permanent injunction, which means</p> <p>7 we could go further with more time, get testimony,</p> <p>8 take discovery, and then revisit this issue later</p> <p>9 after you being in Los Angeles.</p> <p>10 Do you remember I said that?</p> <p>11 A. Yes.</p> <p>12 Q. So we hadn't lost the case, correct?</p> <p>13 We just didn't win round one, right?</p> <p>14 A. I don't know.</p> <p>15 Q. But at that time you blamed me and you</p> <p>16 were very, very upset and angry.</p> <p>17 A. Because you were texting, calling and</p> <p>18 emailing me so much about your love that my case</p> <p>19 was not important any more. That's why I was</p> <p>20 upset with you.</p> <p>21 Q. But you were upset at the result in</p> <p>22 round one also, correct, according to your</p>	<p style="text-align: right;">Page 424</p> <p>1 I asked should I do that or not. I just asked you</p> <p>2 that.</p> <p>3 Q. I'm not talking about you. I'm talking</p> <p>4 about -- you had no credit, right.</p> <p>5 A. I had no credit, yes.</p> <p>6 Q. But Kaveh -- K-a-v-e-h, for the court</p> <p>7 reporter -- the friend, coworker that you had</p> <p>8 lived with in Virginia, he was having financial</p> <p>9 difficulties, and you asked me to find him a</p> <p>10 lawyer that could do bankruptcy, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And I did that and I never charged</p> <p>13 Kaveh for my time, correct?</p> <p>14 A. That's something between you and Kaveh.</p> <p>15 I asked you would you help him. You said yes, but</p> <p>16 whatever that is, please don't mix that with me.</p> <p>17 It was your choice to either have any</p> <p>18 communication with Kaveh or help him or not. It</p> <p>19 had nothing to do with me.</p> <p>20 Q. But you asked me --</p> <p>21 A. I only asked you do you know anybody,</p> <p>22 could you refer anybody to him, would you help.</p>

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<p style="text-align: right;">Page 425</p> <p>1 You could have said no.</p> <p>2 Q. You asked me for a favor to help your</p> <p>3 friend?</p> <p>4 A. No, I didn't ask you for a favor. I</p> <p>5 didn't say, "I'm asking you for a favor." I just</p> <p>6 said, "This is what's going on. He needs an</p> <p>7 attorney. Can you refer someone or not?"</p> <p>8 Q. Didn't you use the phrase frequently,</p> <p>9 "Will you do me a favor?" Don't you say that</p> <p>10 frequently?</p> <p>11 A. That you do me a favor?</p> <p>12 Q. Me or anybody else. That's a phrase</p> <p>13 that you used frequently, "Will you do me a</p> <p>14 favor?"</p> <p>15 CHAIRMAN FITCH: And what's your</p> <p>16 question about that?</p> <p>17 MR. KLAYMAN: That she uses that</p> <p>18 phrase.</p> <p>19 THE WITNESS: Well, I mean, that's just</p> <p>20 something that I sometimes -- like a lot of people</p> <p>21 say, "to be honest with you," or "Would you do me</p> <p>22 a favor?"</p>	<p style="text-align: right;">Page 427</p> <p>1 Sataki, you're very unappreciative of anything</p> <p>2 that I did for you.</p> <p>3 CHAIRMAN FITCH: I'll strike that.</p> <p>4 THE WITNESS: No, I was not. Even in</p> <p>5 an email --</p> <p>6 MR. SMITH: Don't answer that.</p> <p>7 CHAIRMAN FITCH: You don't need to</p> <p>8 answer that.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. Now, during around this time period,</p> <p>11 you also asked me to go out and buy you a car, did</p> <p>12 you not?</p> <p>13 A. No, I did not.</p> <p>14 CHAIRMAN FITCH: Now, we're talking</p> <p>15 about the post TRO decision.</p> <p>16 MR. KLAYMAN: No, leading up to Judge</p> <p>17 Kotelly's decision while she was in Los Angeles.</p> <p>18 CHAIRMAN FITCH: Well, you shifted back</p> <p>19 in time --</p> <p>20 MR. KLAYMAN: Yeah.</p> <p>21 CHAIRMAN FITCH: Before you filed the</p> <p>22 TRO, for example?</p>
<p style="text-align: right;">Page 426</p> <p>1 That's just something that in</p> <p>2 conversations you use.</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. Right.</p> <p>5 A. -- it has nothing to do with --</p> <p>6 Q. Well, do I not have a right, when you</p> <p>7 ask me to do you a favor, to believe that I'm</p> <p>8 doing you a favor?</p> <p>9 MR. SMITH: Objection to what she</p> <p>10 thinks he has a right to have.</p> <p>11 CHAIRMAN FITCH: I'm going to overrule</p> <p>12 that, out of an abundance of caution.</p> <p>13 MR. KLAYMAN: Can you read the question</p> <p>14 back, please.</p> <p>15 THE COURT REPORTER: "Well, do I not</p> <p>16 have a right, when you ask me to do you a favor,</p> <p>17 that I believe that I'm doing you a favor?"</p> <p>18 THE WITNESS: No, you didn't do me a</p> <p>19 favor. I asked you if you know anybody, can you</p> <p>20 talk to Kaveh, and you did.</p> <p>21 BY MR. KLAYMAN:</p> <p>22 Q. So up to this point in time, Ms.</p>	<p style="text-align: right;">Page 428</p> <p>1 MR. KLAYMAN: In and around that time</p> <p>2 period.</p> <p>3 CHAIRMAN FITCH: Ok, so --</p> <p>4 MR. KLAYMAN: In and around that time</p> <p>5 period and thereafter.</p> <p>6 CHAIRMAN FITCH: I'll take a</p> <p>7 representation from you, counsel, was the U.S.</p> <p>8 District Court action filed on or about April 2nd?</p> <p>9 MR. KLAYMAN: I'll have to look, your</p> <p>10 Honor. I'm going to go through it systematically.</p> <p>11 I'm just trying to get the general</p> <p>12 narrative out there, then I'll go back.</p> <p>13 CHAIRMAN FITCH: What time period are</p> <p>14 you asking her about now?</p> <p>15 MR. KLAYMAN: I'm asking the time she</p> <p>16 moved to LA and I had paid for her car to be</p> <p>17 transported LA. Thereafter she wanted to buy a</p> <p>18 new car and asked me to go with her to buy a new</p> <p>19 car.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. Correct?</p> <p>22 CHAIRMAN FITCH: Ok, we're talking</p>

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<p style="text-align: right;">Page 429</p> <p>1 spring of 2010.</p> <p>2 THE WITNESS: Maybe I asked you to -- I</p> <p>3 don't remember that. Maybe I asked you, because I</p> <p>4 had no credit and that was --</p> <p>5 CHAIRMAN FITCH: Wait just a minute.</p> <p>6 He may want to write down what you say.</p> <p>7 THE WITNESS: Yes, I'm sorry.</p> <p>8 CHAIRMAN FITCH: Go ahead.</p> <p>9 MR. KLAYMAN: I think she answered the</p> <p>10 question.</p> <p>11 CHAIRMAN FITCH: Ok.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Now I'm going to show you what is</p> <p>14 Respondent's Exhibit 9. You have a binder from</p> <p>15 me. If you may turn to that.</p> <p>16 (Brief pause.)</p> <p>17 CHAIRMAN FITCH: Mr. Klayman, are you</p> <p>18 trying to find --</p> <p>19 MR. KLAYMAN: Yes -- my book fell</p> <p>20 apart. It's Exhibit 9.</p> <p>21 CHAIRMAN FITCH: It purports to be an</p> <p>22 email exchange around 8, May, of 2010. That's</p>	<p style="text-align: right;">Page 431</p> <p>1 THE WITNESS: So --</p> <p>2 CHAIRMAN FITCH: Well, ok. You've read</p> <p>3 it now, correct? Now he has a question for you.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Yes. Have you ever seen this before,</p> <p>6 this memorandum?</p> <p>7 A. I don't remember it. Maybe it was --</p> <p>8 When is this date? Do you know what</p> <p>9 date?</p> <p>10 CHAIRMAN FITCH: You've answered his</p> <p>11 question. He asked you a question. You said you</p> <p>12 don't remember the memorandum.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. There's a date on the top which is</p> <p>15 April 7th, 2010 when it was sent by facsimile to</p> <p>16 Arlene Aviera, the psychologist, when I sent it to</p> <p>17 her.</p> <p>18 CHAIRMAN FITCH: I think we're waiting</p> <p>19 for a question --</p> <p>20 MR. KLAYMAN: Yeah.</p> <p>21 CHAIRMAN FITCH: -- from you.</p> <p>22</p>
<p style="text-align: right;">Page 430</p> <p>1 what I have.</p> <p>2 MR. KLAYMAN: Yes.</p> <p>3 CHAIRMAN FITCH: She's welcome to use</p> <p>4 my copy.</p> <p>5 MR. KLAYMAN: Wait, oh, here it is.</p> <p>6 It's Exhibit 9, Respondent's Exhibit 9. Turn to</p> <p>7 the third page. I've got it.</p> <p>8 MS. LARKIN: Is this also Exhibit 26-1</p> <p>9 in the Board book?</p> <p>10 MR. KLAYMAN: It probably is. Yeah.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Turn I think to the third page. This</p> <p>13 is a memorandum that I wrote to Arlene Aviera,</p> <p>14 correct? That was the meeting that you testified</p> <p>15 about that we were all going to meet together.</p> <p>16 You see that?</p> <p>17 A. I'm reading this email from -- this</p> <p>18 letter from you to Arlene. Is that what you want</p> <p>19 me to read?</p> <p>20 Q. Yes.</p> <p>21 CHAIRMAN FITCH: Yes.</p> <p>22 (Witness reads document.)</p>	<p style="text-align: right;">Page 432</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. Well, so you think you've seen this</p> <p>3 before?</p> <p>4 A. Yes.</p> <p>5 Q. And in that second paragraph I write to</p> <p>6 Dr. Aviera, "Last week I perceived her," meaning</p> <p>7 you, "Ellie, to be very aggressive toward me when</p> <p>8 a lawyer I got for Kaveh to handle the bankruptcy</p> <p>9 did not behave correctly."</p> <p>10 Remember that? You blamed me about a</p> <p>11 lawyer that I got for Kaveh?</p> <p>12 A. I don't remember exactly, but ok.</p> <p>13 Q. And then it says, "Despite all this,</p> <p>14 today she asked me if I would go with her to buy a</p> <p>15 car, which I'm happy to do when I have time (today</p> <p>16 I could not). I did not find this request -- I</p> <p>17 did find this request a bit out of place at this</p> <p>18 moment in time, given all that has gone on in the</p> <p>19 last few days between us."</p> <p>20 You see that?</p> <p>21 A. Yes.</p> <p>22 Q. Now, if we didn't have a close</p>

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<p style="text-align: right;">Page 433</p> <p>1 friendship or a personal relationship in addition 2 to a professional relationship, you wouldn't have 3 asked me to go buy you a car, would you? 4 A. I definitely didn't ask you to buy me a 5 car. Absolutely not 6 Q. Well, you were incapable of buying the 7 car yourself because you had no credit, correct? 8 A. Correct. But I didn't ask you to buy 9 me a car. Definitely, absolutely not. 10 Q. Well, if someone else was going to buy 11 you the car, then he would have gone with you, 12 correct? 13 A. I didn't need a car. I had my car. 14 Q. But you were the one who wanted -- 15 A. Which I drove the same car for years 16 after, that red car that you mentioned. 17 CHAIRMAN FITCH: Let him ask another 18 question. 19 BY MR. KLAYMAN: 20 Q. I wasn't going to buy a car for me, was 21 I? 22 A. I don't know.</p>	<p style="text-align: right;">Page 435</p> <p>1 CHAIRMAN FITCH: Alright, I think 2 you've told us why -- 3 THE WITNESS: So that's the only car 4 thing I remember. 5 I'm sorry. 6 BY MR. KLAYMAN: 7 Q. You wanted a new car, didn't you? 8 A. No. 9 Q. You were looking at cars that day, were 10 you not? 11 A. I was looking at cars. I always look 12 at cars. 13 Q. Now, let me ask you this: if -- 14 A. I didn't want a new car, no. 15 Q. If we weren't -- 16 A. I was trying to make my payment go 17 lower. That's why I was looking at cars. If I 18 could trade my car in and make the payments lower 19 as I had money issues. That was why I was looking 20 at cars. 21 Q. Was I being -- you felt as if -- that 22 you could ask me to do anything and I would do it</p>
<p style="text-align: right;">Page 434</p> <p>1 Q. And in fact we did go to a Mercedes 2 dealership in Van Nuys, California not far from 3 where you live? 4 A. Yes. May I -- may I explain why? 5 CHAIRMAN FITCH: Yes. 6 THE WITNESS: Do you remember -- 7 May I explain -- 8 CHAIRMAN FITCH: Yes. 9 THE WITNESS: -- why we went? 10 CHAIRMAN FITCH: Yes. 11 THE WITNESS: They repoed my car, and 12 me, him and my brother, he -- he came with us, 13 because he's an attorney, and maybe, so, did they 14 have the right to come to my garage and tow my car 15 and take it or not. 16 So he came out there with us to help 17 us, as an attorney advisor. 18 But all he did, he made a big scene and 19 he threatened Van Nuys Keys Mercedes, that he's 20 gonna them, that this is not -- and he made a huge 21 scene and we walked out and he made everything 22 even worse.</p>	<p style="text-align: right;">Page 436</p> <p>1 for you, correct, virtually anything? 2 A. Not anything. 3 Q. Right. 4 A. Anything that had to do with -- as a 5 lawyer you could advise me. 6 Q. If our relationship was simply that I 7 was going to try to help you come back to Los 8 Angeles and file lawsuits on your behalf if 9 necessary, that doesn't mean that you'd ask me to 10 help your friend Kaveh or to go with you to a car 11 agency? 12 MR. SMITH: Objection as argumentative. 13 That not really even a question. 14 MR. KLAYMAN: It isn't argumentative. 15 I'm asking. 16 CHAIRMAN FITCH: Is that the whole 17 question? 18 MR. KLAYMAN: Yeah. 19 CHAIRMAN FITCH: Sustained. 20 MR. SMITH: How is she supposed to get 21 inside his head? 22 CHAIRMAN FITCH: Sustained.</p>

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<p style="text-align: right;">Page 437</p> <p>1 MR. KLAYMAN: I'll ask it a different 2 way. 3 BY MR. KLAYMAN: 4 Q. You felt that you could ask me to do 5 anything and I would do it for you? 6 A. No. 7 Q. My role -- 8 A. You said that. That is your sentence. 9 You always wrote to me, texted me and 10 told me that, "You can ask me anything and I will 11 do that for you." 12 It's your sentence. Not mine. 13 Q. Assuming what you say is true, you 14 asked me to help Kaveh in my time, at my expense? 15 A. I didn't ask you to help Kaveh. I 16 asked you if you knew an attorney. 17 CHAIRMAN FITCH: Asked and answered. 18 MR. KLAYMAN: Ok. 19 This is a good breaking point, your 20 Honor. It's 1:00 o'clock. 21 CHAIRMAN FITCH: Sure. 22 We will stand in recess beginning here</p>	<p style="text-align: right;">Page 439</p> <p>1 A F T E R N O O N S E S S I O N 2 (Whereupon at 1:58 p.m. the hearing 3 resumed.) 4 CHAIRMAN FITCH: We are back on the 5 record at 1:58. 6 MR. KLAYMAN: Yes, I just want to renew 7 my objections to the testimony of the 8 investigator, so it's clear on the record, in that 9 I requested discovery. I have no idea what he's 10 going to say. It's unfair surprise, for the 11 record. 12 CHAIRMAN FITCH: The objection is noted 13 and preserved. 14 Mr. Smith, you can go ahead. 15 (Kevin O'Connell on the witness stand.) 16 CHAIRMAN FITCH: Respondent's 17 cross-examination has been suspended as an 18 accommodation to Disciplinary Counsel putting on a 19 witness today who is unavailable tomorrow. 20 May I ask the witness to raise your 21 right hand. Do you solemnly swear or affirm the 22 testimony you give in this matter will be the</p>
<p style="text-align: right;">Page 438</p> <p>1 at 1:01 until 2:00 p.m., at which time we will 2 interrupt this witness' testimony to take 3 testimony from a witness, Mr. O'Connell, who is 4 not available tomorrow. 5 MR. SMITH: Thank you. 6 MR. KLAYMAN: And we'll invoke the rule 7 for that. 8 CHAIRMAN FITCH: I'm sorry? 9 MR. KLAYMAN: We'll invoke the rule for 10 Ms. Sataki not to be here. 11 CHAIRMAN FITCH: Oh, yeah, sure. Sure. 12 You're reminded again not to discuss 13 your testimony with anybody else. And in 14 addition, if you want to report a little bit later 15 than 1:00 o'clock, that would be -- 16 THE WITNESS: 2:00 o'clock. 17 CHAIRMAN FITCH: A little bit later 18 than 2:00 o'clock. I think we would be taking 19 another witness from at least 2:00 to 2:15, but 20 not much longer. 21 (Whereupon at 1:03 p.m. a luncheon 22 recess was taken.)</p>	<p style="text-align: right;">Page 440</p> <p>1 truth and nothing but the truth? 2 THE WITNESS: I do. 3 CHAIRMAN FITCH: What is your full 4 name? 5 THE WITNESS: Kevin E. O'Connell. 6 CHAIRMAN FITCH: Go ahead, Mr. Smith. 7 Whereupon, 8 KEVIN O'CONNELL 9 called as a witness on behalf of Disciplinary 10 Counsel, and, after having been first duly sworn, 11 was examined and testified as follows: 12 DIRECT EXAMINATION BY DISCIPLINARY COUNSEL: 13 BY MR. SMITH: 14 Q. Good afternoon, Mr. O'Connell. 15 A. Good afternoon. 16 Q. Could you please tell the hearing 17 committee your occupation. 18 A. I am an investigator with the Office of 19 Disciplinary Counsel. 20 Q. Prior to joining the Office of 21 Disciplinary Counsel, did you attend any colleges 22 or universities?</p>

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<p style="text-align: right;">Page 441</p> <p>1 A. I went to the University of Maryland.</p> <p>2 Q. Did you get a degree there?</p> <p>3 A. I got two degrees: one in English and</p> <p>4 the other in accounting.</p> <p>5 Q. After you graduated from the University</p> <p>6 of Maryland, with whom were you employed?</p> <p>7 A. The FBI.</p> <p>8 Q. That would be the Federal Bureau of</p> <p>9 Investigation?</p> <p>10 A. Correct.</p> <p>11 Q. What did you do at the Federal Bureau</p> <p>12 of Investigation?</p> <p>13 A. I was an investigator. I worked mostly</p> <p>14 white collar matters.</p> <p>15 Q. How long did you work with the FBI?</p> <p>16 A. Twenty-six years.</p> <p>17 Q. How long have you been working with the</p> <p>18 Office of Disciplinary Counsel?</p> <p>19 A. Thirteen years.</p> <p>20 Q. Could you describe what your job</p> <p>21 responsibilities are.</p> <p>22 A. I am basically there to assist the</p>	<p style="text-align: right;">Page 443</p> <p>1 Q. When did you first look into that</p> <p>2 issue?</p> <p>3 A. Initially in February of 2015.</p> <p>4 Q. Have you looked at it recently?</p> <p>5 A. I looked at it yesterday.</p> <p>6 Q. Those numbers --</p> <p>7 A. The same numbers were there, yeah.</p> <p>8 Q. As part of the research, did you</p> <p>9 determine whether or not there are any articles</p> <p>10 that still appear on World Net Daily that refer to</p> <p>11 Ms. Elham Sataki?</p> <p>12 A. Yes. I believe there are two.</p> <p>13 Q. Do you remember who authored those</p> <p>14 articles?</p> <p>15 A. I think Mr. Klayman authored one of</p> <p>16 them.</p> <p>17 Q. Ok, let me show you what you actually</p> <p>18 gave me yesterday, to refresh your recollection.</p> <p>19 MR. SMITH: I'll make this available to</p> <p>20 everybody.</p> <p>21 CHAIRMAN FITCH: Did you tender --</p> <p>22 MR. SMITH: I'm showing him just to</p>
<p style="text-align: right;">Page 442</p> <p>1 lawyers with whatever cases they have. Whatever</p> <p>2 things they may need done, I do.</p> <p>3 Q. Now, are you familiar with Disciplinary</p> <p>4 Counsel's investigation of Mr. Larry Klayman?</p> <p>5 A. Yes.</p> <p>6 Q. Have you been asked to do any research</p> <p>7 in connection with that investigation?</p> <p>8 A. Yes.</p> <p>9 Q. Could you tell the hearing committee</p> <p>10 what that research was?</p> <p>11 A. You had asked me to do some online</p> <p>12 research on the company World Net Daily.</p> <p>13 Q. What did your research entail?</p> <p>14 A. It's a website that was started I think</p> <p>15 in May of 1997. It's I guess a conservative</p> <p>16 website that consists of opinion pieces and news.</p> <p>17 Q. In your research, did you learn what</p> <p>18 the circulation is of readers of the World Net</p> <p>19 Daily?</p> <p>20 A. They stated on the website that it's</p> <p>21 five million views per month and 40 million pages</p> <p>22 viewed per month.</p>	<p style="text-align: right;">Page 444</p> <p>1 refresh his recollection.</p> <p>2 THE WITNESS: I apologize, there's two</p> <p>3 authored by Mr. Klayman.</p> <p>4 CHAIRMAN FITCH: I see.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Would you read into the record,</p> <p>7 identify what the articles are, please.</p> <p>8 A. One is dated April the 23rd, 2010, and</p> <p>9 the caption is "\$150M case claims anti-freedom</p> <p>10 bias at Voice of America."</p> <p>11 The second one is dated June the 11th,</p> <p>12 2010, and it's titled, "Cockroaches and judges."</p> <p>13 Q. Both of those articles reference are</p> <p>14 with reference to Ms. Sataki?</p> <p>15 A. Yes.</p> <p>16 Q. Just to be clear, I might be repeating</p> <p>17 myself, but these articles that you just</p> <p>18 described, they're still available online?</p> <p>19 A. Yes, they were there yesterday.</p> <p>20 MR. SMITH: Ok, thank you.</p> <p>21 I have no further questions.</p> <p>22 MR. KLAYMAN: Ok.</p>

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<p style="text-align: right;">Page 445</p> <p>1 CHAIRMAN FITCH: Cross-examination. 2 CROSS-EXAMINATION ON BEHALF OF RESPONDENT: 3 BY MR. KLAYMAN: 4 Q. Mr. O'Connor, you're not an expert in 5 the internet, are you? 6 A. No. 7 Q. You just happened to be looking online? 8 A. Yes. 9 Q. You're aware that once something is 10 placed on the internet, it really never gets off 11 the internet. 12 You're aware of that, based on your 13 experience? 14 A. Well, I'm not an expert, but that's 15 what I hear, yes. 16 Q. And that it even attempts to remove it 17 will not get it off the internet? 18 A. I don't know. I'm not an expert. 19 MR. KLAYMAN: No further questions. 20 CHAIRMAN FITCH: Any redirect? 21 MR. SMITH: Nothing from Disciplinary 22 Counsel.</p>	<p style="text-align: right;">Page 447</p> <p>1 MR. SMITH: About what time tomorrow do 2 you think you'll be finished? 3 MR. KLAYMAN: I don't know. 4 MR. SMITH: Because, again, I have a 5 witness that needs a two-hour window to get here 6 once he knows he's going to be testifying. 7 So, if, you know, I could get some 8 clarity on at that. 9 MR. KLAYMAN: We don't have -- I don't 10 know. It depends on when I start going through 11 very specific documents and everything. I could 12 be all day tomorrow. 13 MR. SMITH: I mean, in which case I 14 guess we can reconvene Monday with the testimony 15 of my expert. I'd like to give him some knowledge 16 tonight, if at all possible. 17 CHAIRMAN FITCH: Well, he's a lawyer. 18 He knows these things are uncertain, and we're 19 scheduled to discuss scheduling matters tomorrow 20 probably at 1:00 or 2:00 p.m. 21 But before somebody -- 22 MR. SMITH: If he's definitely not</p>
<p style="text-align: right;">Page 446</p> <p>1 CHAIRMAN FITCH: Thank you, sir. 2 (Witness Kevin O'Connell is excused.) 3 MR. SMITH: I'll see if Ms. Sataki has 4 returned. 5 CHAIRMAN FITCH: I thought I saw her 6 right around -- maybe back in the room. I wasn't 7 sure if that door was locked or not. 8 (Brief pause.) 9 CHAIRMAN FITCH: Yes? No? 10 MR. SMITH: She's here. She's getting 11 herself together. 12 MR. KLAYMAN: Your Honor, what time are 13 we leaving today? I forgot. 14 CHAIRMAN FITCH: Well, we'll break kind 15 of when there's a natural place to break 16 hopefully. But 4:45'ish. 17 MR. SMITH: While we're waiting for Ms. 18 Sataki to come in, if I can get some sense from 19 Respondent how -- it if we don't finish today with 20 the cross-examination of Ms. Sataki -- do you 21 believe you'll be finished with cross-examination? 22 MR. KLAYMAN: No.</p>	<p style="text-align: right;">Page 448</p> <p>1 going to be testifying tomorrow, then I would like 2 to let him know that, so if he had any plans to 3 get away... 4 CHAIRMAN FITCH: Well, he's on call, 5 so. 6 MR. SMITH: Yeah, he is. 7 CHAIRMAN FITCH: So he'll have to go 8 with the flow. We'll see. 9 MR. SMITH: Ok. 10 (Ms. Elham Sataki returns to the 11 witness stand.) 12 CHAIRMAN FITCH: Ms. Sataki has resumed 13 the stand, and she shall bear in mind that she is 14 still under oath. 15 THE WITNESS: Yes. 16 CHAIRMAN FITCH: And Mr. Klayman may 17 resume at his convenience. 18 CONTINUED CROSS-EXAMINATION 19 ON BEHALF OF RESPONDENT 20 BY MR. KLAYMAN: 21 Q. Ms. Sataki, you're aware that I was 22 trying to resolve everything with VOA along with</p>

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<p style="text-align: right;">Page 449</p> <p>1 Mr. Shamle amicably, that we did lobbying of</p> <p>2 senators and congressmen and others in trying to</p> <p>3 resolve it amicably with VOA.</p> <p>4 You're aware of that?</p> <p>5 A. Don't remember.</p> <p>6 Q. I call your attention to a particular</p> <p>7 evening --</p> <p>8 CHAIRMAN FITCH: I'm sorry, I guess</p> <p>9 it's my hearing. I didn't understand the answer.</p> <p>10 THE WITNESS: I said I don't remember.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Do you remember having dinner with me</p> <p>13 and Key Dash at Morton's restaurant one night?</p> <p>14 A. Vaguely.</p> <p>15 Q. On Connecticut Avenue?</p> <p>16 A. Vaguely.</p> <p>17 Q. Yes?</p> <p>18 A. Yes. Vaguely, yes.</p> <p>19 Q. And we were sitting there, and sitting</p> <p>20 across the table from us, at a different table,</p> <p>21 was an individual by the name of John Boehner, who</p> <p>22 I had told you was going to be the next Speaker of</p>	<p style="text-align: right;">Page 451</p> <p>1 Do you remember that?</p> <p>2 A. I do, but vaguely. Not exact.</p> <p>3 Q. And you explained to him your</p> <p>4 situation, you wanted to go back to LA, correct?</p> <p>5 A. Vaguely.</p> <p>6 Q. And he then said to you -- he then</p> <p>7 pulled a card out, a business card and said, "This</p> <p>8 is my chief of staff. Contact her. We'll take</p> <p>9 care of it."</p> <p>10 You remember that?</p> <p>11 A. Again, I remember the whole evening,</p> <p>12 but not in details, the way you ask me in details.</p> <p>13 I can't answer the questions yes when you say</p> <p>14 remember.</p> <p>15 I can't say yes, I can't say no. I'm</p> <p>16 sorry.</p> <p>17 THE WITNESS: Because he's asking me in</p> <p>18 details about an evening that I vaguely remember.</p> <p>19 I remember such an evening exists, but</p> <p>20 not in details like that. I'm sorry.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>
<p style="text-align: right;">Page 450</p> <p>1 the House.</p> <p>2 A. Again, vaguely. I remember -- not very</p> <p>3 clear. Vaguely, yes.</p> <p>4 Q. And you remember that I said to you,</p> <p>5 "Let's go over and talk to Mr. Boehner, because</p> <p>6 he's going to be a very powerful person soon in</p> <p>7 the house, and maybe he can help us resolve your</p> <p>8 desire to go back to Los Angeles and your</p> <p>9 harassment case."</p> <p>10 You remember that?</p> <p>11 A. Yes.</p> <p>12 Q. And I walked over with you to Mr.</p> <p>13 Boehner, and I said, "John, how you doing?</p> <p>14 Haven't seen you for a few years."</p> <p>15 And he said, "Larry, how you doing?"</p> <p>16 You remember that?</p> <p>17 A. No.</p> <p>18 Q. And then I introduced you. And I said,</p> <p>19 "This is my client, Elham Sataki. She has a</p> <p>20 problem with the Voice of America." And I said to</p> <p>21 you, "Ellie, please explain it to Congressman</p> <p>22 Boehner, you know, in a relatively brief way."</p>	<p style="text-align: right;">Page 452</p> <p>1 Q. And you remember that the purpose</p> <p>2 though was to go over and ask him for his help to</p> <p>3 resolve it, resolve the matter with VOA.</p> <p>4 A. Yes.</p> <p>5 Q. And that he did give you a business</p> <p>6 card and said "contact this person," have "you and</p> <p>7 Larry contact this person"?</p> <p>8 A. I don't remember that part.</p> <p>9 Q. And after the conversation was over,</p> <p>10 you remember he leaned over and gave you a kiss on</p> <p>11 the cheek?</p> <p>12 A. I don't remember that part.</p> <p>13 Q. And we later did contact that person at</p> <p>14 Mr. Boehner's office, Congressman Boehner, and we</p> <p>15 went up there and met with him and asked for their</p> <p>16 help to resolve the matter amicably with VOA.</p> <p>17 A. Again, I don't -- I don't -- it's such</p> <p>18 a long time ago from the time that I was going</p> <p>19 through a very tough time, so I can't -- my memory</p> <p>20 from that time is very tough. I'm sorry.</p> <p>21 Q. You do remember going up to Capitol</p> <p>22 Hill and the Capitol and meeting with staff of</p>

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<p style="text-align: right;">Page 453</p> <p>1 then Speaker John Boehner?</p> <p>2 A. Not exactly.</p> <p>3 I'm not saying that it didn't happen.</p> <p>4 I just -- I don't have it right now in front of my</p> <p>5 eyes that I can exactly say what happened.</p> <p>6 Q. You're aware that the Speaker of the</p> <p>7 House of Representatives is the third most</p> <p>8 powerful person in the United States government?</p> <p>9 You're aware of that?</p> <p>10 A. Yes.</p> <p>11 Q. That if the president or vice president</p> <p>12 dies --</p> <p>13 MR. SMITH: Objection. I think she's</p> <p>14 testified that she understands he's a powerful</p> <p>15 man. For God's sakes --</p> <p>16 CHAIRMAN FITCH: I'm going to let him</p> <p>17 ask the question.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. You're aware that if the president,</p> <p>20 vice president die, he becomes the president?</p> <p>21 CHAIRMAN FITCH: I'm going to strike --</p> <p>22 I sustain the objection.</p>	<p style="text-align: right;">Page 455</p> <p>1 Q. So he also was a very powerful person?</p> <p>2 A. Yes.</p> <p>3 Q. And you know that I asked him to help</p> <p>4 you --</p> <p>5 A. Yes.</p> <p>6 Q. -- to resolve this. Ok.</p> <p>7 A. Well, you said that you did.</p> <p>8 I'm not -- I don't know if you did or</p> <p>9 not. That's what you said.</p> <p>10 Q. You are aware, also, that I approached</p> <p>11 Senator Joe Lieberman to try to help you, a</p> <p>12 democrat?</p> <p>13 A. I don't know. I don't remember.</p> <p>14 Q. You have heard of Senator Joe</p> <p>15 Lieberman, though, correct?</p> <p>16 A. Yes.</p> <p>17 Q. He also is a very powerful person on</p> <p>18 Capitol Hill, or was. You knew that?</p> <p>19 A. Yes.</p> <p>20 Q. You're aware that when we met with</p> <p>21 these people we would give -- I would give them</p> <p>22 copies of some of the favorable articles I wrote</p>
<p style="text-align: right;">Page 454</p> <p>1 MR. KLAYMAN: Just a little history.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. But you know he's a very powerful</p> <p>4 person, just generally?</p> <p>5 A. Yes, he's a very powerful person.</p> <p>6 Q. You are aware also that Mr. Shamblé and</p> <p>7 I approached, a U.S. senator by the name of Tom</p> <p>8 Coburn from Oklahoma?</p> <p>9 A. I don't remember.</p> <p>10 Q. Does it refresh your recollection that</p> <p>11 Mr. Coburn sat on a committee that oversaw the</p> <p>12 Voice of America in the U.S. Senate?</p> <p>13 A. I don't remember.</p> <p>14 Q. You're aware that I also approached</p> <p>15 Senator John McCain to help you?</p> <p>16 A. You mentioned that in your emails.</p> <p>17 Q. So therefore you're aware of it?</p> <p>18 A. Yes.</p> <p>19 Q. And you knew that Senator John McCain</p> <p>20 had actually run for president himself in 2008?</p> <p>21 You're aware of that?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 456</p> <p>1 about you and what was happening in VOA with, not</p> <p>2 just your case, but also other broadcasters who</p> <p>3 had been allegedly discriminated against?</p> <p>4 You're aware of that?</p> <p>5 A. Yes.</p> <p>6 Q. In addition to that lobbying, you are</p> <p>7 aware that I also approached senator Dana,</p> <p>8 D-a-n-a, Rohrbacher, R-o-h-r-b-a-c-h-e-r, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And I told you that Congressman</p> <p>11 Rohrbacher was from Orange County, California, not</p> <p>12 far from where you were living at the apartment on</p> <p>13 Ventura Boulevard.</p> <p>14 A. Correct.</p> <p>15 Q. That from California he might be</p> <p>16 inclined to help you, in particular.</p> <p>17 A. Correct.</p> <p>18 Q. And I think you had some connection to</p> <p>19 Orange County yourself, didn't you? You have some</p> <p>20 relatives there, friends?</p> <p>21 A. I knew someone in Orange County, yes.</p> <p>22 Q. And I also told you that Dana</p>

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<p style="text-align: right;">Page 457</p> <p>1 Rohrbacher actually had been involved in Iranian 2 issues before we were going to go see him, 3 correct? 4 A. Correct. 5 Q. In fact, he had been trying to bring 6 about freedom in Iran all these years. 7 A. Ok. 8 Q. Do you remember that? 9 A. No, I don't remember that. 10 Q. And I told you that in fact actually he 11 had been a person that was involved in the 12 Iran-Contra investigation during the Reagan 13 administration? 14 A. I don't remember. 15 Q. He worked with Oliver North. I told 16 you that. 17 A. I don't remember. 18 Q. Ok. Now we went up to see congressman 19 Rohrbacher, didn't we? I set up an appointment. 20 We sent up to see him? 21 A. Yes. 22 CHAIRMAN FITCH: I'm sorry, to whom</p>	<p style="text-align: right;">Page 459</p> <p>1 were out in the hallway and Kathleen Stanton -- or 2 we'll call her Kathleen, you were calling her 3 that -- hugged you and said, "I feel you're like 4 my daughter. I'll take care of you." 5 Do you remember that? 6 A. Yes. 7 Q. After that meeting occurred, you know 8 that I was trying to get them to do something to 9 intervene at VOA to get this matter resolved in 10 your favor. 11 A. Yes. 12 Q. Now you've previously testified that 13 Kathleen Stanton was the one who prepared the 14 supplemental complaint? 15 A. Yes. 16 Q. Which was Exhibit 23 of Bar Counsel's 17 exhibits. It's already in evidence. Would you 18 turn to Exhibit 23. 19 Are you there? 20 A. Wait, 23? 21 Q. Yes. 22 A. Yes.</p>
<p style="text-align: right;">Page 458</p> <p>1 does the pronoun "we" refer? 2 MR. KLAYMAN: Her and I. Ms. Sataki 3 and I. 4 BY MR. KLAYMAN: 5 Q. We went up there one afternoon, right? 6 A. Yes. 7 Q. And we met Congressman Rohrbacher. 8 A. Yes. 9 Q. And he said he would help us, correct? 10 A. Yes. 11 Q. We also met Kathleen Stanton at that 12 time, correct? 13 A. Correct. 14 Q. She was his chief of staff in the 15 California office. 16 A. Yes. 17 Q. And we told Ms. Stanton and Congressman 18 Rohrbacher your story and why we needed help -- 19 A. Yes. 20 Q. -- to get you back to LA. 21 A. Yes. 22 Q. And after we had these meetings, we</p>	<p style="text-align: right;">Page 460</p> <p>1 Q. Now this was filed, or at least it says 2 filed or received October 24th, 2011, and the 3 original Bar complaint, Exhibit 1, I believe, to 4 Bar Counsel's exhibits, was filed about a year 5 earlier on December 3rd, 2010. It has a date of 6 11/2/2010, but there's a stamp of December 3rd on 7 the top. 8 You see there was a year between those 9 Bar complaints? 10 A. I don't understand your question now. 11 Q. There was a delay of a year between the 12 first complaint that you say you filed with the 13 Bar, Exhibit 1, and the second supplemental 14 complaint that you said you filed on October 24th, 15 2011, that Kathleen Stanton prepared for you, as 16 you testified. 17 You see that? 18 CHAIRMAN FITCH: I'm not sure if she 19 has the other one in front of her. 20 MR. KLAYMAN: It's in the same binder, 21 your Honor. 22 CHAIRMAN FITCH: But we have seen the</p>

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<p style="text-align: right;">Page 461</p> <p>1 evidence for almost two days.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. Let me turn first to Exhibit 23.</p> <p>4 You've never had any legal training,</p> <p>5 have you?</p> <p>6 A. No.</p> <p>7 Q. Ms. Sataki. You wouldn't know how to</p> <p>8 do a citation of a law case in proper form for</p> <p>9 legal tribunals or courts, would you?</p> <p>10 A. No.</p> <p>11 Q. As you previously testified, your</p> <p>12 English is not that good, correct?</p> <p>13 CHAIRMAN FITCH: Asked and answered.</p> <p>14 MR. KLAYMAN: Ok, that's fine.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. Now, what were the circumstances of</p> <p>17 your sitting down with Ms. Stanton to prepare the</p> <p>18 attachment to the cover page of this supplemental</p> <p>19 complaint, which is Exhibit 23?</p> <p>20 I turn your attention to Page 24-4 of</p> <p>21 this exhibit.</p> <p>22 A. I don't think we're on the same page.</p>	<p style="text-align: right;">Page 463</p> <p>1 After we first met her in the office</p> <p>2 that day with me, and before that congressman, you</p> <p>3 had later meetings with her or talked to her later</p> <p>4 on the phone, correct?</p> <p>5 A. After the first time that we met in the</p> <p>6 office, yes, I had conversations with her</p> <p>7 afterwards.</p> <p>8 Q. Conversations, some of them were in</p> <p>9 person?</p> <p>10 A. Yes.</p> <p>11 Q. You would visit her and she would visit</p> <p>12 you?</p> <p>13 A. Yes.</p> <p>14 Q. Where did you visit her?</p> <p>15 A. We would meet up in restaurants.</p> <p>16 Q. Where were those restaurants?</p> <p>17 A. I don't remember.</p> <p>18 Q. Were they in Orange County or were they</p> <p>19 down --</p> <p>20 A. I don't remember.</p> <p>21 Q. She started to take you under her wing</p> <p>22 as her daughter, correct, as she said she would?</p>
<p style="text-align: right;">Page 462</p> <p>1 Is it this white -- is it this? I'm not sure</p> <p>2 which one is it.</p> <p>3 MR. TIGAR: Counsel, did you mean 23-4?</p> <p>4 MR. KLAYMAN: Yes. What did I say?</p> <p>5 MS. LARKIN: Twenty-four.</p> <p>6 MR. TIGAR: You said 24.</p> <p>7 MR. KLAYMAN: I'm sorry.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. During that interim period, between</p> <p>12 your first Bar complaint and the supplemental</p> <p>13 complaint, and after the meeting that we had</p> <p>14 Congressman Rohrbacher and Ms. Stanton, Ms.</p> <p>15 Stanton told you that she could solve your issue</p> <p>16 herself, didn't she?</p> <p>17 She said, "I'll solve, it."</p> <p>18 A. What do you mean --</p> <p>19 Q. "You don't need Mr. Klayman."</p> <p>20 A. I don't understand.</p> <p>21 Q. She told you, did she not, after we</p> <p>22 first met her -- well, let me back up.</p>	<p style="text-align: right;">Page 464</p> <p>1 A. Yes.</p> <p>2 Q. These were personal meetings?</p> <p>3 A. Yes -- I don't understand the question.</p> <p>4 What do you mean by "personal meetings"?</p> <p>5 Q. Well, if it had been a matter of</p> <p>6 professional matters of the congressional office,</p> <p>7 you would have met in the office, correct, not in</p> <p>8 restaurants.</p> <p>9 A. No, it wasn't professional. It was</p> <p>10 personal.</p> <p>11 Q. Right.</p> <p>12 And during those meetings she told you,</p> <p>13 did she not, to the effect, "You don't need Larry</p> <p>14 Klayman. We can solve it. Congressman and I can</p> <p>15 solve this question for you"?</p> <p>16 A. No, she didn't say that. Absolutely</p> <p>17 not.</p> <p>18 Q. During those meetings you talked about</p> <p>19 your situation with Voice of America sometimes,</p> <p>20 didn't you?</p> <p>21 A. No.</p> <p>22 Q. Well, when was it that you talked with</p>

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<p style="text-align: right;">Page 465</p> <p>1 her about preparing this supplemental complaint, 2 which is Exhibit Number 3? 3 A. I don't remember exact date. 4 We were talking over the phone a lot, 5 and we would visit each other, and she didn't want 6 to -- it wasn't about VOA. She saw what's going 7 on with Mr. Klayman, and, from the body language, 8 the first time we were in the office, and she 9 approached me and she told me, "Something is 10 wrong. Are you afraid of this man?" That is how 11 the conversation started. 12 And that is why the first hug that she 13 gave me in the hallway and told me that I -- "I 14 feel that you are like my daughter." 15 Later on she said, "I felt that" -- "I 16 felt fear in your eyes, and the body language of 17 the two of you was not the right kind of body 18 language, that you're afraid of something. What 19 is it?" 20 And I explained to her what it is. 21 Q. In fact I was in the hallway at the 22 time, too, correct?</p>	<p style="text-align: right;">Page 467</p> <p>1 Q. You're aware, you know, I was in 2 contact with her by the telephone, to try to get 3 the matter resolved with VOA, correct? 4 MR. SMITH: I don't understand that 5 question, because there was kind of like a 6 testimony going on before -- 7 MR. KLAYMAN: I'll go back. 8 BY MR. KLAYMAN: 9 Q. Are you aware that was the only time 10 that I met with Ms. Stanton in your presence was 11 that one day? 12 A. In my presence, yes. 13 Q. Yes. And that the subsequent contact I 14 had with her was by phone trying to get your 15 situation with VOA resolved in their office? 16 A. I don't know about that, but if you 17 say -- 18 Q. I told you that I was trying use them 19 to get it resolved. 20 A. Yes, you told me that. 21 Q. So you're telling me that Ms. Stanton 22 came up with that impression just in one meeting</p>
<p style="text-align: right;">Page 466</p> <p>1 A. Yes. 2 Q. And in fact Ms. Stanton is not a 3 psychologist or a psychiatrist, is she? 4 A. She's not. But -- 5 Q. And in fact, you don't know whether I 6 ever had -- 7 A. But her secretary, her secretary told 8 her that, too, and she -- 9 MR. KLAYMAN: Object and I move to 10 strike. 11 CHAIRMAN FITCH: It's struck. 12 MR. KLAYMAN: I move to strike the 13 whole thing as hearsay. 14 CHAIRMAN FITCH: No, you asked her and 15 she told you. 16 BY MR. KLAYMAN: 17 Q. But you're aware I never had much 18 contact with her after that, Ms. Stanton? 19 A. I don't know. 20 Q. In your presence I mean. That was the 21 only time we ever met, in your presence? 22 A. Yes.</p>	<p style="text-align: right;">Page 468</p> <p>1 in the office? 2 A. Yes. 3 Q. How did the idea of a Bar complaint 4 against me come about? You didn't suggest it to 5 her. That was her idea, right? 6 A. No, it was my idea. 7 Q. What did you ask her to do? 8 CHAIRMAN FITCH: I'm sorry, when you 9 say Bar complaint, are you referring to the first 10 one before? 11 MR. KLAYMAN: Exhibit 23. 12 CHAIRMAN FITCH: The supplemental. 13 MR. KLAYMAN: Yeah, the supplemental. 14 CHAIRMAN FITCH: So the question is, 15 how did the idea of filing this supplemental 16 complaint come about? 17 MR. KLAYMAN: Let me rephrase the 18 question. 19 BY MR. KLAYMAN: 20 Q. You say it was your idea, correct? 21 A. Correct. Ing this. 22 So, it was my cousin, it was Kathleen</p>

<p style="text-align: right;">Page 469</p> <p>1 and --</p> <p>2 Q. Is that Sam Razavi?</p> <p>3 A. Yes.</p> <p>4 Q. The one who was convicted of fraud in</p> <p>5 Las Vegas?</p> <p>6 A. I don't know anything about that. It's</p> <p>7 you FBI-checking every single person that belongs</p> <p>8 to my -- that's my relatives or friends.</p> <p>9 Q. Who is not a lawyer, is he?</p> <p>10 A. No, he's not.</p> <p>11 Q. Ms. Stanton is not a lawyer, correct?</p> <p>12 A. No.</p> <p>13 Q. Now, there were legal citations, Sataki</p> <p>14 vs. Falahati, case number and everything, in the</p> <p>15 supplemental complaint.</p> <p>16 Did Ms. Stanton bring in a lawyer to</p> <p>17 help with this complaint?</p> <p>18 A. I don't have knowledge.</p> <p>19 Q. Was there somebody in her office that</p> <p>20 she was working with?</p> <p>21 A. No.</p> <p>22 Q. You prepared this complaint in her</p>	<p style="text-align: right;">Page 471</p> <p>1 THE WITNESS: Ok. I'm sorry.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. Ms. Stanton advised you to get another</p> <p>4 lawyer at the time?</p> <p>5 A. I don't remember.</p> <p>6 Q. What was your response?</p> <p>7 A. I don't remember.</p> <p>8 Q. We'll call him Sam, Sam R., to make it</p> <p>9 easy.</p> <p>10 He advised you to get another lawyer at</p> <p>11 the time?</p> <p>12 A. I don't remember.</p> <p>13 Q. So basically they stepped into my role</p> <p>14 as the lawyer in the case?</p> <p>15 CHAIRMAN FITCH: Objection sustained.</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. So you were then going to rely on them</p> <p>18 for legal advice in the future.</p> <p>19 CHAIRMAN FITCH: Objection sustained.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. Is that what you're saying?</p> <p>22 A. No.</p>
<p style="text-align: right;">Page 470</p> <p>1 office?</p> <p>2 A. No.</p> <p>3 Q. Where was it prepared?</p> <p>4 A. I don't remember.</p> <p>5 Q. Now this complaint's pretty</p> <p>6 important --</p> <p>7 CHAIRMAN FITCH: Sorry, what was the</p> <p>8 answer?</p> <p>9 THE WITNESS: I don't remember.</p> <p>10 It could have been in a restaurant, in</p> <p>11 a coffee shop or -- we never met in her office.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Sam Razavi has no legal training, does</p> <p>14 he?</p> <p>15 A. No.</p> <p>16 Q. Now you say he prepared it, too?</p> <p>17 A. He helped me.</p> <p>18 Q. He's the one who called me and</p> <p>19 threatened me, didn't he?</p> <p>20 A. Nobody ever threatened you. You</p> <p>21 called --</p> <p>22 CHAIRMAN FITCH: No, please.</p>	<p style="text-align: right;">Page 472</p> <p>1 CHAIRMAN FITCH: Objection sustained.</p> <p>2 MR. KLAYMAN: On what basis?</p> <p>3 CHAIRMAN FITCH: You're asking for</p> <p>4 speculation. I think if you ask it differently, I</p> <p>5 might let it in.</p> <p>6 BY MR. KLAYMAN:</p> <p>7 Q. They told you they would help you with</p> <p>8 your legal matters, Ms. Stanton?</p> <p>9 A. No, they didn't.</p> <p>10 May I say what they were helping me</p> <p>11 with?</p> <p>12 CHAIRMAN FITCH: No.</p> <p>13 THE WITNESS: No, ok.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. At page Exhibit 23-6, you list a number</p> <p>16 of alleged violations of the Rules of Professional</p> <p>17 Conduct in the District of Columbia Bar.</p> <p>18 Do you see that?</p> <p>19 (Witness peruses document.)</p> <p>20 Q. You see that?</p> <p>21 A. Yes.</p> <p>22 Q. You've never reviewed the Rules of</p>

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<p style="text-align: right;">Page 473</p> <p>1 Professional Conduct for the District of Columbia 2 par, have you? You've never seen them? 3 A. If you mean these are rules, some of 4 these are my words. I said that. 5 Q. I'm talking about the actual -- it's a 6 simple question. 7 You've never actually read the Rules of 8 Professional Conduct of the District of Columbia 9 Bar, have you? 10 A. I'm sorry, I don't understand the 11 question. What is the question? 12 CHAIRMAN FITCH: Have you ever picked 13 up a book -- 14 THE WITNESS: A law book? 15 CHAIRMAN FITCH: No. A book that has 16 the rules of the District of Columbia regarding 17 ethical obligations? 18 THE WITNESS: No, sir. 19 BY MR. KLAYMAN: 20 Q. So who was it who put these rules in 21 this supplemental complaint at Page 23-6? 22 A. I don't remember. I have different</p>	<p style="text-align: right;">Page 475</p> <p>1 Q. Before Sam and Kathleen helped you 2 prepare this, you didn't give to them copies of 3 any court pleadings in the cases I filed for you, 4 had you? 5 A. I don't remember what I gave them. We 6 were looking at your emails and stuff together, 7 but I don't remember exactly what. 8 Q. You're not aware of them having 9 knowledge of any of the documents I filed in the 10 various cases? 11 A. I don't remember. I don't know. They 12 may, they may not. 13 Q. The first sentence of this, "I believe 14 Larry Klayman ignored my wishes" -- this is Page 15 23-4 -- "and best interest in the cases where he 16 represented me. He failed to competently and 17 diligently work on those cases, causing them to be 18 dismissed. Using my cases to promote himself at 19 my expense, he failed to explain the terms of the 20 fee to me and unilaterally changed the amount of 21 his fee, and behaved so unprofessionally towards 22 me that I feared for my safety."</p>
<p style="text-align: right;">Page 474</p> <p>1 people. 2 Q. Do you have somebody in addition to 3 your cousin Sam, in addition to Kathleen? 4 A. No, it was the two of them, and then 5 they would call on their people if they needed 6 some help. And I don't know who. I don't know 7 the other people. 8 Sam probably would call someone and get 9 help, to help me. 10 Q. Surely you must have asked Sam if he 11 was getting help. 12 A. No, I didn't ask him. All I needed was 13 to get help, so I didn't help him. 14 Q. It's likely this Sam called a lawyer, 15 correct? 16 A. I don't know -- 17 CHAIRMAN FITCH: This is all 18 speculation. I'm not going to take into 19 consideration her speculations to you. I'm not 20 going to allow speculative questions. 21 22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 476</p> <p>1 You didn't write that, did you? 2 A. I did. 3 Q. That's not your English, is it? 4 A. No, but I can say the words and they 5 can put it in right English. 6 Q. Now, if you can't remember showing them 7 any documentation about my failure to diligently 8 and competently represent you, and if you can't 9 remember seeing pleadings yourself, which you 10 testified to, how are you able to make a statement 11 that I wasn't competent and diligent in working 12 for you? 13 A. Could you repeat your question? 14 MR. KLAYMAN: Can we repeat that. 15 THE WITNESS: The last part of your 16 question, how do I remember what? 17 MR. KLAYMAN: Yeah, let's just hear the 18 whole thing. 19 THE COURT REPORTER: "Now, if you can't 20 remember showing them any documentation about my 21 failure to diligently and competently represent 22 you, and if you can't remember seeing pleadings</p>

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<p style="text-align: right;">Page 477</p> <p>1 yourself, which you testified to, how are you able 2 to make a statement that I wasn't competent and 3 diligent in working for you?"</p> <p>4 THE WITNESS: I haven't seen all the 5 documents, because of all the different emails 6 that I would get from him, so therefore I can't 7 say that I have seen every single documents.</p> <p>8 But some of the documents that I've 9 seen, this is the conclusion I got from them.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. But you're not a lawyer, correct?</p> <p>12 A. No, I'm not a lawyer.</p> <p>13 Q. So you're not qualified to assess 14 whether I acted competently for you and diligently 15 for you or not.</p> <p>16 CHAIRMAN FITCH: Objection sustained. 17 There's no competency or diligence 18 allegation in this case.</p> <p>19 MR. KLAYMAN: It deals with 20 truthfulness.</p> <p>21 CHAIRMAN FITCH: And you have had 22 opportunity, and will continue to have an</p>	<p style="text-align: right;">Page 479</p> <p>1 wrote it?</p> <p>2 A. You mean with the date and my name and 3 address?</p> <p>4 Q. No, you don't see anything on there 5 that's wrong, do you? You don't see anything on 6 there that you put incorrectly, do you?</p> <p>7 A. No, I don't think so.</p> <p>8 Q. Now, let's go down to the bottom of 9 Page 23-4.</p> <p>10 You are aware in the last paragraph 11 that Secretary of State Hillary Clinton was joined 12 as a defendant with other members of the board of 13 governors because she was the number one governor 14 sitting over that board, correct?</p> <p>15 CHAIRMAN FITCH: Compound question. 16 First, were you aware that Hillary 17 Clinton was named as a defendant?</p> <p>18 THE WITNESS: I was.</p> <p>19 CHAIRMAN FITCH: And the other part is, 20 do you have any understanding of why she was named 21 as a defendant?</p> <p>22 THE WITNESS: No.</p>
<p style="text-align: right;">Page 478</p> <p>1 opportunity, to try to establish points --</p> <p>2 MR. KLAYMAN: No, I --</p> <p>3 CHAIRMAN FITCH: -- you want to 4 establish, which go to the witness' credibility --</p> <p>5 MR. KLAYMAN: Correct.</p> <p>6 CHAIRMAN FITCH: -- but we're done with 7 competently and diligently.</p> <p>8 MR. KLAYMAN: Before we go on 9 further...</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. Let me go back to the first page of 12 this supplemental complaint, 23-2.</p> <p>13 Is there anything that you had put on 14 that page which is incorrect?</p> <p>15 A. 23-2?</p> <p>16 Q. Yes. Is there anything on there which 17 is incorrect?</p> <p>18 A. It's the page of the addresses and 19 stuff? Is that --</p> <p>20 Q. Yeah, the first page.</p> <p>21 What I'm saying is, what's put there in 22 your view is accurate, correct, at the time you</p>	<p style="text-align: right;">Page 480</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. And the reason is is because you knew 3 that she was a --</p> <p>4 A. No, I didn't agree.</p> <p>5 Q. You knew that she --</p> <p>6 A. I thought that that's going to hurt my 7 case.</p> <p>8 Because we were having too many people. 9 We have too many people in our case. The case was 10 getting too big. Remember I kept telling you 11 that, that it's getting -- the case is getting too 12 big? We're almost suing the whole half of the 13 United States now, half of the government. 14 Remember I used to tell you that?</p> <p>15 I said, "Let's just keep the case 16 small, the actual people, the boss and not get 17 everybody in." And I thought that it's going to 18 hurt me more, getting half of the government 19 involved.</p> <p>20 Q. You've never actually litigated against 21 the government, have you? You've never had a case 22 against the government?</p>

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<p style="text-align: right;">Page 481</p> <p>1 CHAIRMAN FITCH: Argumentative. We 2 know she's not a lawyer. 3 BY MR. KLAYMAN: 4 Q. But you are aware that Hillary Clinton 5 sat on top of the board of governors at Voice of 6 America, in her official position. 7 You are aware of that? 8 A. Yes. 9 Q. Now turn to Page 3 -- 23-6 -- 10 CHAIRMAN FITCH: Say that again. 11 BY MR. KLAYMAN: 12 Q. Page 23-6, second paragraph, third line 13 in, "Instead, the idea that I was being 14 represented is a ruse. Mr. Klayman is a charlatan 15 who preys on his clients, exploiting them for his 16 own purposes." 17 Now, you never talked to any of my 18 other clients, have you? 19 A. No. 20 Q. So you have no way of knowing whether I 21 exploited them for my own purposes? 22 A. I heard about one other client of yours</p>	<p style="text-align: right;">Page 483</p> <p>1 explain. 2 CHAIRMAN FITCH: No, no. 3 THE WITNESS: Ok. 4 CHAIRMAN FITCH: Mr. Smith is writing 5 down notes like crazy. He has the right -- 6 THE WITNESS: Ok, I'm sorry. 7 CHAIRMAN FITCH: -- to ask you to 8 elaborate on X, Y, , A, B, C. 9 THE WITNESS: Ok. 10 BY MR. KLAYMAN: 11 Q. Now you claim to have terminated me, 12 and we'll get into that with greater specificity 13 later. But after you terminated me, did you seek 14 to hire another lawyer to represent you? 15 A. No one would represent me after what 16 you did to the case. 17 Q. I'm just asking you a question. 18 Did you contact a lawyer and ask them 19 to represent you after you claim you've terminated 20 me? 21 A. Long after. 22 Q. Who did you contact?</p>
<p style="text-align: right;">Page 482</p> <p>1 and what you did. Other people told me about 2 that. 3 I didn't directly talk to her, but 4 other people told me about that. 5 Q. Then you said, "I'm convinced that Mr. 6 Klayman violated the Rules of Professional Conduct 7 during his representation of me." 8 Those are your words, right? 9 A. Yes. 10 Q. But, again, you've never read the Rules 11 of Professional Conduct, correct? 12 A. Correct -- well, I -- I don't 13 understand it now. What was -- 14 Could you please explain yourself a 15 little bit more now? 16 I don't understand the question -- 17 Q. I don't have to. I'm just asking 18 questions. 19 A. -- and I don't understand where you're 20 going. 21 Q. I don't have to. In all due respect 22 and with all due courtesy, I don't have to</p>	<p style="text-align: right;">Page 484</p> <p>1 A. I don't remember. A few attorneys to 2 take a look at the case. 3 Q. And they told you that there was no 4 case to bring because the statute of limitations 5 had already run. 6 Do you know what a statute of 7 limitations is? 8 A. They just told me -- you want me 9 exactly to tell you? 10 They didn't say anything like that. 11 Do you want me to tell you what they 12 told me? 13 Q. No, I want you to answer my question. 14 A. They didn't say anything like that to 15 me, no. 16 Q. How long after you claimed to have 17 terminated me did you contact a lawyer? 18 A. Maybe six, seven, eight months later, 19 or more, or less. I don't remember. I don't 20 remember the exact time. 21 Q. I'm going to show you what has been 22 marked as Respondent's Exhibit Number 7.</p>

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<p style="text-align: right;">Page 485</p> <p>1 MR. KLAYMAN: If you can take that up 2 for Ms. Sataki. 3 MR. SUJAT: I'll take it up. I have it 4 right here. 5 BY MR. KLAYMAN: 6 Q. Do you see Respondent's Exhibit 7? 7 It's short so I'll read it. It was 8 sent by Mr. Shamble on January 27th, 2011... 9 "Elham, Larry tells me that, since he 10 met the deadline to file for a final decision in 11 your OCR investigation, that's the EEO 12 investigation, of sexual harassment and 13 retaliation, and now that 180 days have passed 14 since your complaint was filed last year, you now 15 have the right to sue in federal court for sexual 16 harassment and retaliation. Therefore, all your 17 rights were protected and your chance to address 18 them are in a different forum. 19 "Larry tells me that you are not 20 communicating with him. He has told me that he 21 would like to discuss this with you, specifically 22 the fact that the federal judge, Kollar-Kotelly,</p>	<p style="text-align: right;">Page 487</p> <p>1 A. Yes. 2 Q. But you didn't go to see another lawyer 3 in time to actually bring a lawsuit for sexual 4 harassment against VOA. 5 You waited six months and your time had 6 lapsed, correct? 7 A. Correct, because you threatened to sue 8 me and everybody if I would have seen any other 9 lawyer. 10 MR. KLAYMAN: Move to strike, 11 nonresponsive. Calls for a yes or no. 12 CHAIRMAN FITCH: Let me consult with 13 the committee members. That was a close call. 14 (Off-the-record discussion between the 15 committee members.) 16 CHAIRMAN FITCH: Let me hear it again. 17 MR. KLAYMAN: Can you read the question 18 and response. 19 CHAIRMAN FITCH: Question and answer. 20 THE COURT REPORTER: "But you didn't go 21 to see another lawyer in time to actually bring a 22 sexual harassment lawsuit against VOA.</p>
<p style="text-align: right;">Page 486</p> <p>1 would not order you to be allowed to go back to 2 work in Los Angeles, and had also ruled that your 3 sexual harassment and retaliation claims could not 4 be pursued before the 180-day period had elapsed. 5 "So there really were no deadlines 6 missed. He can explain this in more detail than I 7 can, but he says you won't speak with him. 8 "He also tells me that the part of the 9 case involving your return to work was appealed to 10 the higher court. He did this even though you 11 have not communicated with him in order to 12 preserve your rights, if you wish to pursue this. 13 "The appeal is still out there, but it 14 must be moved forward soon if you want to do so. 15 "I think you really ought to talk with 16 him just to get a better picture. Tim." 17 Do you see that? 18 A. Yes. 19 Q. You got that email from Tim Shamble, 20 correct? 21 A. Yes. 22 Q. And you read it?</p>	<p style="text-align: right;">Page 488</p> <p>1 "You waited six months and your time 2 had lapsed, correct? 3 "Answer: Correct, because you 4 threatened to sue me and everybody if I would have 5 seen any other lawyer." 6 MR. KLAYMAN: Nonresponsive. 7 CHAIRMAN FITCH: The motion to strike 8 is denied. 9 BY MR. KLAYMAN: 10 Q. Now, you were also talking to Ms. 11 Stanton and cousin Sam and you talked to them 12 about going to see another lawyer? Did they 13 recommend a lawyer for you? 14 A. I don't remember. 15 Q. In fact, there is correspondence that 16 you sent to Mr. Smith in the last year -- 17 MR. KLAYMAN: Which I've asked Mr. 18 Smith for several times, which I don't have, and 19 I'm going to ask him again. I'd like it by 20 tomorrow morning. 21 CHAIRMAN FITCH: That is struck. Bring 22 that up later.</p>

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1 MR. KLAYMAN: Ok.
2 BY MR. KLAYMAN:
3 Q. That you wanted Bar Counsel to file a
4 sexual harassment case for you. You asked them
5 that within the last year, against VOA.
6 A. I asked if it's doable.
7 Q. And you asked Bar Counsel to do it for
8 you, correct?
9 A. I asked if it's doable.
10 I asked, once this is over, can I
11 take -- once I prove --
12 THE WITNESS: Can I say exactly what
13 I -- I don't know.
14 Is it just yes or no, or I can say what
15 I asked?
16 I asked, once this is over, and so we
17 can prove and show why I couldn't have him as my
18 attorney any more, that he was not capable to work
19 as my attorney any more because he had more
20 interest, so, then is there any way that I can
21 pick the VOA case up, because then we can show
22 that I didn't fail to apply. It was that I had

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1 this problem that I had to resolve before I go
2 back to VOA.
3 BY MR. KLAYMAN:
4 Q. What did Bar Counsel tell you?
5 A. He said he doesn't know. He can't
6 advise me on that.
7 Q. So you think that this case right now
8 that you're here on today is going to somehow
9 revive your sexual harassment claim against VOA?
10 A. No, I don't think that. It was just
11 asking I asked. That's not why I'm here.
12 Q. You also told Bar Counsel that you
13 wanted to pursue the case now because you wanted
14 to be able to say to future employers, or explain
15 to them, why your career had not gone as well as
16 you had wanted, correct?
17 A. Correct.
18 Q. So basically you want, as you testified
19 yesterday, revenge against me and Mr. Falahati to
20 explain why you're unhappy with your professional
21 and personal life?
22 A. No, I did not say that.

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1 I said, when I was in a bad state of
2 mind, in a hole eight years ago, I was so angry
3 and hurt for what Mr. Klayman did and before.
4 So, in that state of mind, I was going
5 to take my life and then everybody would find out
6 what happened.
7 Because, to this day, I haven't been
8 able to tell anyone that -- anyone what Mr.
9 Klayman did to me and why I couldn't have him
10 represent me any more.
11 To this day, everybody's asking me,
12 "Did you wrongly accuse your coworker for sexual
13 harassment? How come that he's still working
14 there and you're not?" People are still wondering
15 why.
16 But I cannot go and say that my own
17 attorney that's representing me for a sexual
18 harassment case is suddenly falling in love with
19 me and cannot at all, as you said yourself,
20 several times, that "a car cannot run on empty
21 fuel" and you cannot represent me because you're
22 too in love with me and you're feelings are coming

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1 in the middle of this.
2 I can't say that, because it's -- I
3 always think what people are going to think and
4 say that, "So, her own lawyer now?"
5 So therefore, I wanted this to be
6 resolved here.
7 BY MR. KLAYMAN:
8 Q. Over the lunch break you talked about
9 your testimony, not with Mr. Smith, but with some
10 other people, didn't you?
11 A. Over what?
12 Q. Over our lunch today, you talked about
13 your testimony, not with Mr. Smith, but with some
14 other people.
15 You talked with Sam?
16 A. No, I didn't.
17 Q. You talked with Kathleen?
18 A. No, I didn't.
19 Q. Now, assuming what you say is correct,
20 you're aware that I advised you --
21 A. I didn't. That is correct.
22 Q. That's your opinion.

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<p style="text-align: right;">Page 493</p> <p>1 A. I'm under oath --</p> <p>2 CHAIRMAN FITCH: She stated as a fact,</p> <p>3 Mr. Klayman --</p> <p>4 MR. KLAYMAN: Alright, fine. I don't</p> <p>5 mean to get into it.</p> <p>6 CHAIRMAN FITCH: -- what he did with</p> <p>7 the adversary.</p> <p>8 MR. KLAYMAN: I don't mean to get into</p> <p>9 it.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. But you are aware that I told you to go</p> <p>12 get another lawyer and I recommended Tim Shea and</p> <p>13 Gloria Allred?</p> <p>14 A. Yes.</p> <p>15 Q. You're aware of that.</p> <p>16 A. But then you said -- you said, "He's</p> <p>17 not capable." I have the email that you sent me,</p> <p>18 that you said "He's not capable. He's not a good</p> <p>19 attorney for this."</p> <p>20 And also you said, again, in an email,</p> <p>21 I have it, that you said that if I'm -- you and</p> <p>22 Tim Shamble think that I have something going on</p>	<p style="text-align: right;">Page 495</p> <p>1 A. Yes.</p> <p>2 Q. And you're aware that she's my friend?</p> <p>3 A. But you told me that she won't</p> <p>4 represent me. You emailed me that.</p> <p>5 Q. I just asked you whether you're aware</p> <p>6 that she's my friend.</p> <p>7 A. Yes.</p> <p>8 Q. And that I asked her to represent you.</p> <p>9 A. Yes.</p> <p>10 Q. And you did have occasion to talk with</p> <p>11 Ms. Allred with regard to possible representation,</p> <p>12 correct?</p> <p>13 A. I'm sorry?</p> <p>14 Q. You did talk to her, yourself?</p> <p>15 A. Yes, I did.</p> <p>16 Do you know want to know what she told</p> <p>17 me?</p> <p>18 THE WITNESS: Can I tell the court what</p> <p>19 she told me?</p> <p>20 CHAIRMAN FITCH: Well, that's up to him</p> <p>21 right now.</p> <p>22 BY MR. KLAYMAN:</p>
<p style="text-align: right;">Page 494</p> <p>1 under the table, that I'm agreeing with VOA to get</p> <p>2 back at -- if that is the case then you put</p> <p>3 hundreds of thousands of dollars in time and you</p> <p>4 want the money back. So --</p> <p>5 MR. KLAYMAN: I move to strike.</p> <p>6 Nonresponsive, your Honor. I mean, she's</p> <p>7 obviously -- I mean, this is just a coaching</p> <p>8 session.</p> <p>9 CHAIRMAN FITCH: It's going to be</p> <p>10 sustained. Your motion is sustained.</p> <p>11 What is struck is the question and</p> <p>12 answer in their entirety. They came after</p> <p>13 testimony by the complaining witness that</p> <p>14 Respondent did recommend Tim Shea and Gloria</p> <p>15 Allred.</p> <p>16 MR. KLAYMAN: Right.</p> <p>17 CHAIRMAN FITCH: But the next question</p> <p>18 and answer are struck.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. And you are aware that Gloria Allred is</p> <p>21 the most prominent, famous lawyer for women in</p> <p>22 sexual harassment cases in the United States?</p>	<p style="text-align: right;">Page 496</p> <p>1 Q. Yesterday you said you wanted revenge</p> <p>2 against me. Remember that?</p> <p>3 A. I just explained what I said yesterday.</p> <p>4 Yes -- I didn't say I wanted revenge</p> <p>5 against you. I said I was in a dark place in my</p> <p>6 life. I was gonna take my life and die, and then</p> <p>7 everybody would get their hands on all the emails</p> <p>8 and all the evidence and then know what you did to</p> <p>9 me.</p> <p>10 Because I was not strong enough to face</p> <p>11 everything.</p> <p>12 Q. And you remember --</p> <p>13 A. So I didn't say revenge.</p> <p>14 Q. You remember about a year ago I was</p> <p>15 sitting in a cafe on the corner of Camden and</p> <p>16 Wilshire Boulevard --</p> <p>17 A. Yes.</p> <p>18 Q. -- Camden and Brighton in Beverly</p> <p>19 Hills.</p> <p>20 A. Yes.</p> <p>21 Q. And I was sitting there with someone</p> <p>22 who is my chief of staff and you ran over in a</p>

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<p style="text-align: right;">Page 497</p> <p>1 really violent way --</p> <p>2 A. No.</p> <p>3 Q. -- and yelled --</p> <p>4 A. No. Absolutely not</p> <p>5 CHAIRMAN FITCH: Wait a minute. Let</p> <p>6 him finish his question and then you'll give your</p> <p>7 full answer.</p> <p>8 THE WITNESS: I'm sorry, I'm sorry.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. And yelled, "This man ruined my life.</p> <p>11 He's a terrible person."</p> <p>12 You said that to me and my chief of</p> <p>13 staff. You screamed it.</p> <p>14 CHAIRMAN FITCH: Answer the question</p> <p>15 now.</p> <p>16 THE WITNESS: It's not correct.</p> <p>17 CHAIRMAN FITCH: Ok.</p> <p>18 THE WITNESS: I did go up to them and</p> <p>19 talk to him, but that's not -- not the way he's</p> <p>20 describing.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 499</p> <p>1 MR. KLAYMAN: The relevance is that,</p> <p>2 your Honor -- in all due respect, again, I'm in</p> <p>3 the role of the lawyer and the Respondent,</p> <p>4 correct?</p> <p>5 CHAIRMAN FITCH: That's fine. Tell</p> <p>6 me --</p> <p>7 MR. KLAYMAN: I wish I had a lawyer who</p> <p>8 had time to elicit the facts --</p> <p>9 CHAIRMAN FITCH: Just tell me the</p> <p>10 relevance.</p> <p>11 MR. KLAYMAN: She came in here trying</p> <p>12 to look like a victim. She's always very well</p> <p>13 made up, very prim and proper. She wants to be</p> <p>14 the victim in front of you and look like --</p> <p>15 CHAIRMAN FITCH: I see no equation</p> <p>16 between makeup and victimhood.</p> <p>17 MR. KLAYMAN: That's --</p> <p>18 CHAIRMAN FITCH: The question is not</p> <p>19 permitted.</p> <p>20 MR. KLAYMAN: But you asked me to --</p> <p>21 CHAIRMAN FITCH: That's right, and</p> <p>22 you've told me the relevance and it's not a</p>
<p style="text-align: right;">Page 498</p> <p>1 Q. And then it was clear that I didn't</p> <p>2 even recognize you after all these years, correct?</p> <p>3 I looked bewildered.</p> <p>4 THE WITNESS: That's his -- that's</p> <p>5 not -- he knew exactly why.</p> <p>6 CHAIRMAN FITCH: I take it your answer</p> <p>7 is that you don't know whether he was bewildered</p> <p>8 or not?</p> <p>9 THE WITNESS: Exactly. Thank you.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. Now, when you ran up to me, what I do</p> <p>12 remember, you had heavy makeup on. Remember that?</p> <p>13 A. I have what?</p> <p>14 Q. Heavy makeup.</p> <p>15 CHAIRMAN FITCH: What's the relevance</p> <p>16 of that?</p> <p>17 MR. KLAYMAN: I'm going to tie it up.</p> <p>18 CHAIRMAN FITCH: Tell me what the</p> <p>19 relevance is.</p> <p>20 THE WITNESS: I don't remember that --</p> <p>21 CHAIRMAN FITCH: Now, woah.</p> <p>22 Tell me what the relevance is.</p>	<p style="text-align: right;">Page 500</p> <p>1 convincing explanation.</p> <p>2 MR. KLAYMAN: She wants to look --</p> <p>3 CHAIRMAN FITCH: There is no connection</p> <p>4 between makeup and victimhood.</p> <p>5 MR. KLAYMAN: I'm not saying that.</p> <p>6 You see, look, you put me in this</p> <p>7 role --</p> <p>8 CHAIRMAN FITCH: I didn't put you in --</p> <p>9 MR. KLAYMAN: You said I could be as</p> <p>10 aggressive as I needed to be.</p> <p>11 CHAIRMAN FITCH: You don't need to be</p> <p>12 that aggressive beyond the bounds of relevance.</p> <p>13 MR. KLAYMAN: It's not aggressive,</p> <p>14 because --</p> <p>15 All I'm trying to say is, in a nice</p> <p>16 way -- and I didn't ask the question until you</p> <p>17 asked me where I was coming from, and I was</p> <p>18 truthful with you -- is that she wanted to look</p> <p>19 down and out when she same in here.</p> <p>20 Ok, so she's usually, from what I</p> <p>21 remember and what I saw then, someone who, you</p> <p>22 know, is totally -- looks as good as she possibly</p>

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<p style="text-align: right;">Page 501</p> <p>1 can. I'm not saying she doesn't look good. 2 I'm just saying, she wanted to create 3 an impression somehow -- 4 MR. SMITH: That sounds like the stuff 5 of a closing argument. 6 CHAIRMAN FITCH: Mr. Smith, I don't 7 need any -- 8 MR. KLAYMAN: But you asked me. 9 CHAIRMAN FITCH: I did ask you, and you 10 told me, and it's not convincing. 11 MR. KLAYMAN: Your Honor, I'm giving 12 you an honest answer. 13 I respect your ruling -- 14 CHAIRMAN FITCH: Alright. Move on. 15 MR. KLAYMAN: -- and I'm giving you an 16 honest answer. 17 CHAIRMAN FITCH: Ok. 18 MR. KLAYMAN: I could dodge around -- 19 CHAIRMAN FITCH: Move on. 20 MR. KLAYMAN: -- it and be a 21 politician, but I -- 22 CHAIRMAN FITCH: Move on.</p>	<p style="text-align: right;">Page 503</p> <p>1 THE WITNESS: Is this, I'm not -- 2 CHAIRMAN FITCH: No, in the white book, 3 Number 16. 4 MR. TIGAR: It is the Serrano Encino 5 Residential -- 6 CHAIRMAN FITCH: Mr. Klayman wants to 7 go back to ask about something else. 8 MR. KLAYMAN: Yeah, I'm gonna go back. 9 BY MR. KLAYMAN: 10 Q. Ms. Sataki, you're aware that when I 11 started to receive communications from Sam, 12 whoever, with regard to the case -- we'll pinpoint 13 the times later -- that what I was saying is that, 14 if these people are going to be intervening in 15 legal affairs that I'm bringing for you, that I've 16 put in a lot of time, and not you would have to 17 pay me, but they should pay me for all the time if 18 they were going to mess up these cases. 19 MR. SMITH: That's like one really long 20 complicated question that I don't quite 21 understand. 22 CHAIRMAN FITCH: I'm sorry, Mr. Smith?</p>
<p style="text-align: right;">Page 502</p> <p>1 MR. KLAYMAN: Ok. It's exactly why I 2 didn't want to have to do this examination. 3 BY MR. KLAYMAN: 4 Q. I'm going to turn your attention to -- 5 MR. KLAYMAN: Your Honor, I apologize. 6 I'm just trying to find the exhibit. 7 CHAIRMAN FITCH: It's alright. 8 MR. KLAYMAN: And I really do -- I 9 don't want to get emotional here. I just want 10 this to be a very easy-going examination, 11 honestly. 12 BY MR. KLAYMAN: 13 Q. Turning your attention to Exhibit 16, 14 Respondent's Exhibit 16. 15 CHAIRMAN FITCH: I think it's in this 16 book. Madam? (Indicating). 17 BY MR. KLAYMAN: 18 Q. Before that I'm going to go back a 19 little bit. You say that -- 20 MR. TIGAR: Counsel, I don't know that 21 the witness -- can I ask the witness, do you have 22 Respondent's Exhibit 1-6, 16?</p>	<p style="text-align: right;">Page 504</p> <p>1 MR. SMITH: That's one long, 2 complicated question and I don't understand -- 3 CHAIRMAN FITCH: I don't understand it. 4 Sustained. 5 MR. KLAYMAN: I'll withdraw it. I'll 6 withdraw it. 7 BY MR. KLAYMAN: 8 Q. Let's go back to 16. That's the lease 9 agreement that I signed to rent the amount for you 10 on Ventura Boulevard, correct? It was at the 11 Serrano Encino. 12 A. Correct. 13 Q. And it shows that I paid a security 14 deposit of \$3,050, correct? 15 A. Correct. 16 Q. And four months of rent at \$2,287.50? 17 A. Correct. 18 Q. And you were able to stay there two 19 months beyond the four, because we were getting -- 20 you were getting or I was getting, since I'm the 21 lessee, two free months? 22 A. Yes.</p>

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<p style="text-align: right;">Page 505</p> <p>1 Q. Now, there came a point in time, and</p> <p>2 I'll turn your attention to Exhibit 12, and I'll</p> <p>3 see if I can find the pages for you.</p> <p>4 (Brief pause.)</p> <p>5 Q. There came a point in time when you</p> <p>6 actually brought a lawsuit against the apartment,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Correct?</p> <p>10 A. Yes.</p> <p>11 Q. I turn your attention to a page, which</p> <p>12 is part of that exhibit, and I can find it for</p> <p>13 you, the first page says SC100, Plaintiff's Claim</p> <p>14 and Order to Go to Small Claims Court, filed July</p> <p>15 13th, 2011.</p> <p>16 MR. SMITH: How far is the exhibit into</p> <p>17 the --</p> <p>18 MR. TIGAR: I'm sorry, counsel, what</p> <p>19 exhibit is this?</p> <p>20 THE WITNESS: This is not during the</p> <p>21 time that he paid for the apartment. This is</p> <p>22 after, long after that.</p>	<p style="text-align: right;">Page 507</p> <p>1 CHAIRMAN FITCH: And there is a file</p> <p>2 stamp of October 1, 1998, correct?</p> <p>3 MR. SMITH: That's what I see.</p> <p>4 CHAIRMAN FITCH: Upper right-hand</p> <p>5 corner.</p> <p>6 MR. KLAYMAN: I don't see that. My</p> <p>7 eyes are bad.</p> <p>8 MR. SMITH: Are you sure you're in the</p> <p>9 same exhibit?</p> <p>10 MR. KLAYMAN: This is the page</p> <p>11 (indicating).</p> <p>12 MR. KLAYMAN: Can I just show the page</p> <p>13 I'm talking about.</p> <p>14 CHAIRMAN FITCH: You can show me the</p> <p>15 page that you're talking about.</p> <p>16 MR. KLAYMAN: Yes, then we can key it</p> <p>17 in for Ms. Sataki.</p> <p>18 CHAIRMAN FITCH: If you could bring it</p> <p>19 a little closer for me.</p> <p>20 MR. KLAYMAN: Yes.</p> <p>21 MR. SMITH: I'd like to know where</p> <p>22 we're at.</p>
<p style="text-align: right;">Page 506</p> <p>1 MR. KLAYMAN: I didn't ask that</p> <p>2 question.</p> <p>3 CHAIRMAN FITCH: We're going to let him</p> <p>4 get to where we can understand.</p> <p>5 MR. SMITH: I'd like to be able to find</p> <p>6 the document that he's referring to, as well,</p> <p>7 because none of these --</p> <p>8 CHAIRMAN FITCH: Alright, we're in</p> <p>9 Respondent's Exhibit 12.</p> <p>10 MR. KLAYMAN: I'll tell you how many</p> <p>11 pages in it is. One, two, three, four, five, six,</p> <p>12 seven -- eight. Eight pages into it.</p> <p>13 MR. SMITH: Alright. Thank you.</p> <p>14 CHAIRMAN FITCH: Now, wait a minute.</p> <p>15 My eighth page is a blank page. You want me to</p> <p>16 count the very first page as Page 1.</p> <p>17 MR. KLAYMAN: Maybe they put an extra</p> <p>18 page in there.</p> <p>19 CHAIRMAN FITCH: One, two, three, four,</p> <p>20 five, six, seven -- ok, ignore the blank page.</p> <p>21 Eight.</p> <p>22 MR. KLAYMAN: Ok.</p>	<p style="text-align: right;">Page 508</p> <p>1 MR. KLAYMAN: Here.</p> <p>2 CHAIRMAN FITCH: He's going to show you</p> <p>3 the page that he's interested in.</p> <p>4 THE WITNESS: Is it this one? It looks</p> <p>5 like this.</p> <p>6 CHAIRMAN FITCH: Hold on, just a</p> <p>7 minute.</p> <p>8 It's a page, is it not, Mr. Klayman,</p> <p>9 that has SC100-A at the top left-hand corner?</p> <p>10 MR. KLAYMAN: Yes.</p> <p>11 CHAIRMAN FITCH: And the bottom, toward</p> <p>12 the bottom left-hand corner 7/13/11?</p> <p>13 MR. KLAYMAN: Yes.</p> <p>14 CHAIRMAN FITCH: Ok.</p> <p>15 MR. KLAYMAN: And it purports to have</p> <p>16 Ms. Sataki's signature.</p> <p>17 CHAIRMAN FITCH: Mr. Smith, it's kind</p> <p>18 of toward the end, maybe 20 pages back from the</p> <p>19 end.</p> <p>20 MR. SMITH: Ok.</p> <p>21 CHAIRMAN FITCH: That's a very rough</p> <p>22 20, 25 maybe. It's there.</p>

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<p style="text-align: right;">Page 509</p> <p>1 (Witness reads document.)</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. You see that? That's your signature,</p> <p>4 isn't it, Ms. Sataki?</p> <p>5 A. Yes.</p> <p>6 Q. This is the complaint you filed against</p> <p>7 Serrano Encino Luxury Apartments and Dean Proper.</p> <p>8 A. Yes.</p> <p>9 Q. Who is Dean Proper?</p> <p>10 A. He was working in the office.</p> <p>11 Q. In the office at the apartment?</p> <p>12 A. Yes.</p> <p>13 Q. The rental office?</p> <p>14 A. Yes.</p> <p>15 Q. What were his duties and</p> <p>16 responsibilities?</p> <p>17 A. I don't know exactly.</p> <p>18 Because he was the manager there. He</p> <p>19 was signing the papers. I don't know exactly his</p> <p>20 title or his duties.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 511</p> <p>1 "By the time she got out of the room to</p> <p>2 answer the door, she was shocked, to say the</p> <p>3 least, to see a man standing by the kitchen (Dean</p> <p>4 Proper).</p> <p>5 "She got scared and ran back to the</p> <p>6 room and put something on and told the man, who</p> <p>7 she knew was the assistant property manager, to</p> <p>8 wait there.</p> <p>9 "She went back after a few short</p> <p>10 moments to see what the man wanted. The man was</p> <p>11 already out of the apartment and on his way to the</p> <p>12 elevator when Jessica asked him, 'What do you</p> <p>13 want?' And he replied, 'I had a package for</p> <p>14 Ellie? Is she not home?' She replied, 'No. Why</p> <p>15 don't you leave the package with me?' And he</p> <p>16 says, 'No, I have to give it to Ellie and leave.'</p> <p>17 "He of course had no package with him</p> <p>18 when he came to the apartment and was suddenly in</p> <p>19 such a rush to get out of the apartment.</p> <p>20 "He was told by Ellie just a few days</p> <p>21 before she left that she was going to be visiting</p> <p>22 family in Sweden. So he very well knew that Ellie</p>
<p style="text-align: right;">Page 510</p> <p>1 Q. Turn to the next page. It says</p> <p>2 "Declaration."</p> <p>3 CHAIRMAN FITCH: Mr. Smith, you're more</p> <p>4 or less with us?</p> <p>5 MR. SMITH: Yes.</p> <p>6 CHAIRMAN FITCH: Thank you.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. It says, "Declaration." This is</p> <p>9 something that you swore to, correct, under</p> <p>10 penalties of perjury, looking at the bottom?</p> <p>11 A. Yes.</p> <p>12 Q. And it says, "From June 13th, 2011, to</p> <p>13 June 26th, 2011 I was visiting my family in</p> <p>14 Sweden. Out of courtesy I notified Dean Proper,</p> <p>15 the assistant property manager, of my absence just</p> <p>16 before I left. My friend Jessica was staying in</p> <p>17 my apartment while I was in Sweden.</p> <p>18 "On Wednesday, June 15th, at around</p> <p>19 2:00 p.m., while Jessica was in the guest bedroom,</p> <p>20 she hears the doorbell ring and, as she was half</p> <p>21 naked laying in bed, it took some time to get up</p> <p>22 and answer the door.</p>	<p style="text-align: right;">Page 512</p> <p>1 was not going to be home.</p> <p>2 "In June 2010 my expensive ring</p> <p>3 suddenly vanished from my apartment without any</p> <p>4 reasonable explanation. A police report was filed</p> <p>5 but the ring was never found.</p> <p>6 "A few times I felt like things had</p> <p>7 shifted in my closet and again no reasonable</p> <p>8 explanations until now.</p> <p>9 "Mr. Dean Proper's visits are the only</p> <p>10 explanation."</p> <p>11 Did you write that?</p> <p>12 A. Yes.</p> <p>13 Q. Who helped you write it? That's not in</p> <p>14 your English.</p> <p>15 A. Me -- it doesn't matter. Do I have to</p> <p>16 tell you?</p> <p>17 Q. Yes, I'm asking the question.</p> <p>18 CHAIRMAN FITCH: What is --</p> <p>19 MR. SMITH: I'll going to have to ask</p> <p>20 for a proffer as to relevance.</p> <p>21 CHAIRMAN FITCH: Well, I --</p> <p>22 MR. SMITH: It's a collateral issue.</p>

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<p style="text-align: right;">Page 513</p> <p>1 THE WITNESS: It's a friend. Can I 2 just say a friend. 3 CHAIRMAN FITCH: Wait a minute. 4 I see the potential relevance of the 5 filing this action, as to the witness' 6 credibility. Nothing else. I don't see the 7 relevance of whatever the answer may be to that 8 question. 9 So the objection is sustained. 10 MR. KLAYMAN: Ok. 11 CHAIRMAN FITCH: You did testify, did 12 you not -- tell me if I'm wrong -- that you had 13 assistance in writing the complaint? 14 THE WITNESS: Yes. 15 CHAIRMAN FITCH: Ok. 16 BY MR. KLAYMAN: 17 Q. Jessica did not help you write that 18 complaint, did she? 19 MR. SMITH: Objection. She just said 20 she had help writing the complaint. 21 CHAIRMAN FITCH: I sustained that 22 objection.</p>	<p style="text-align: right;">Page 515</p> <p>1 reading of the wording. 2 BY MR. KLAYMAN: 3 Q. Is that the implication? 4 CHAIRMAN FITCH: No, it's not. 5 MR. SMITH: Objection. 6 CHAIRMAN FITCH: Objection sustained. 7 BY MR. KLAYMAN: 8 Q. Now, you also mentioned that you're now 9 blaming Dean Proper for stealing your diamond 10 ring? 11 A. I'm not. 12 Q. It says, "Mr. Dean Proper's visits are 13 the only explanation." The prior paragraph 14 claimed that your ring suddenly vanished? 15 A. I said that, but I never blamed him 16 directly. There was a question mark how my ring 17 vanished. I don't know. 18 But usually you get a note if the 19 manager or anybody is entering your unit, and they 20 knew that I'm in Sweden. So they didn't -- I 21 didn't get any email from the management, nor did 22 we get any note that anybody's entering the unit.</p>
<p style="text-align: right;">Page 514</p> <p>1 MR. SMITH: Thank you. 2 BY MR. KLAYMAN: 3 Q. These observations that you swore to 4 under oath, they're yours about somebody breaking 5 into apartment and in effect sexually harassing 6 somebody because they were naked in bed. 7 A. No. There is no -- 8 CHAIRMAN FITCH: You don't need to 9 answer that. It speaks -- 10 I am mistaken. You may ask that 11 question again, and we'll get an answer. 12 BY MR. KLAYMAN: 13 Q. This was your perception that Dean 14 Proper was sexually harassing Jessica, not 15 Jessica's. 16 A. Absolutely not 17 Q. You testified -- 18 A. There was never anything filed or 19 anything said about sexual harassment. 20 Q. But you're claiming that he broke in in 21 effect because she was naked in bed? 22 CHAIRMAN FITCH: That's not a fair</p>	<p style="text-align: right;">Page 516</p> <p>1 So, when you're renting an apartment, 2 the building rules is that they notify you before 3 they enter your unit. 4 Q. I'm going to read the last two 5 paragraphs again, just so -- 6 MR. SMITH: Objection. This is a 7 collateral matter. 8 If we are going to try to find out if 9 Dean Proper is guilty of whatever, it's not going 10 to be resolved in this proceeding. It's not going 11 to be resolved in cross-examination. 12 It's a waste of time, it's irrelevant, 13 and I have a strenuous objection to it. 14 MR. KLAYMAN: I'm going to tie it up. 15 CHAIRMAN FITCH: You're not going to 16 reread what has been 3read out loud and by one or 17 more of us up here. 18 BY MR. KLAYMAN: 19 Q. The last two paragraphs, I'm not going 20 to reread them, what you are saying is that Dean 21 Proper is the only explanation for your ring 22 vanishing.</p>

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<p style="text-align: right;">Page 517</p> <p>1 CHAIRMAN FITCH: Is that what you are 2 trying -- you may answer whether or not that's 3 what you were trying to say. 4 THE WITNESS: No, that was not what I 5 was trying to say. 6 CHAIRMAN FITCH: Why is that not what 7 you were trying to say? 8 THE WITNESS: I was not trying to say 9 that is the only explanation. I was not accusing 10 him that he definitely do it. 11 It was that he was not to enter my 12 unit. That's it. Not that he -- 13 BY MR. KLAYMAN: 14 Q. Does not the last line say that, that 15 Mr. Dean Proper's visits were the only 16 explanation? 17 A. We never accused him and he never 18 complained about that. Nothing like that ever 19 happened. 20 CHAIRMAN FITCH: Well, Mr. Klayman has 21 a perfectly good question there. 22 When you said, "Mr. Dean Proper's</p>	<p style="text-align: right;">Page 519</p> <p>1 just that he was not entering my unit without 2 notification, and only the certain things that 3 happened in the unit, we put it there. 4 CHAIRMAN FITCH: We have that 5 testimony. We'll judge its credibility. 6 Do you wish to bring out anything more 7 about how this case was ended? 8 MR. KLAYMAN: Yes. 9 BY MR. KLAYMAN: 10 Q. In fact the court ruled against you, 11 right? 12 A. Yes. 13 Q. And a judgment was entered for Dean 14 Proper and the apartment? 15 A. It wasn't because of this. 16 CHAIRMAN FITCH: Well -- 17 THE WITNESS: It wasn't because of 18 this. 19 It was about the rent. 20 CHAIRMAN FITCH: About what? 21 THE WITNESS: It was about the rent. 22 It wasn't because of I accused -- we accused him</p>
<p style="text-align: right;">Page 518</p> <p>1 visits are the only explanation," ok, you said 2 that, correct? You wrote those seven or eight 3 words, correct, "Mr. Dean Proper's visits are the 4 only explanation"? 5 Do you see those words? 6 THE WITNESS: Yes, I see that. 7 CHAIRMAN FITCH: Ok, you wrote those 8 words? 9 THE WITNESS: Yes. 10 CHAIRMAN FITCH: Ok. 11 What does that refer to? What does 12 that sentence refer to? 13 Does it refer to expensive rings 14 suddenly vanished, or does it refer to "things 15 being shifted in my closet"? 16 THE WITNESS: It was just something 17 that we -- all together. We didn't accuse him of 18 anything specially, and we never -- it was just 19 something that all together was written in there. 20 CHAIRMAN FITCH: Then whom were you 21 accusing of what in this complaint? 22 THE WITNESS: No, the complaint was</p>	<p style="text-align: right;">Page 520</p> <p>1 for the ring or we wanted the money for the ring 2 or anything like that. 3 It was about the rent, because we 4 wanted to terminate the rent right there and then 5 and move out, and they said "You have to stay 6 until the end of the agreement." It was about 7 that. 8 Because of this incident, I just wanted 9 to terminate it and move out, but I lost the case, 10 so I had to pay and stay until the end of the 11 contract. 12 It was only about the rent. It wasn't 13 about this. 14 CHAIRMAN FITCH: Do you have any other 15 questions about this? 16 MR. KLAYMAN: Yeah. 17 BY MR. KLAYMAN: 18 Q. I'm going to turn your attention to 19 another page in this exhibit, which will clear 20 this up. 21 "Herein it states" -- 22 MR. SMITH: What are we looking at now?</p>

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<p style="text-align: right;">Page 521</p> <p>1 What exhibit? You said you have another 2 document -- 3 MR. KLAYMAN: It's part of the same 4 exhibit. 5 MR. SMITH: Alright, which page? 6 MR. KLAYMAN: This is the court file. 7 CHAIRMAN FITCH: He we know that, Mr. 8 Klayman. Is it a few pages past where we were 9 before? 10 MR. KLAYMAN: Yeah. I'm showing him 11 where it is, and I'll show your Honor too. 12 (Brief pause.) 13 MR. KLAYMAN: And I'll show you. 14 CHAIRMAN FITCH: Is it after what we 15 were looking at before? 16 MR. KLAYMAN: Yeah. 17 It says, "Judgment was entered, as 18 stated below, on Day: 8/23/2011. Defendant does 19 not owe plaintiff any money on plaintiff's claim." 20 And below it says "contested." 21 CHAIRMAN FITCH: Wait a minute. 22 It's a page that says "Judgment was</p>	<p style="text-align: right;">Page 523</p> <p>1 examination, but we'll take a break first for ten 2 minutes here at 3:25. 3 MR. KLAYMAN: Just a few more 4 questions. 5 BY MR. KLAYMAN: 6 Q. There was a court hearing on this case 7 where you testified, the other side testified? 8 A. Yes. 9 Q. And the judge didn't believe your 10 testimony and believed the defendants? 11 MR. SMITH: Objection. Objection. 12 CHAIRMAN FITCH: That's sustained. 13 We're going to take a break here. 14 MR. KLAYMAN: Ok, we'll take a break. 15 (Recess taken.) 16 CHAIRMAN FITCH: I think we're back on 17 the record at 3:37. 18 MR. KLAYMAN: Excuse me, ok. 19 CHAIRMAN FITCH: Mr. Klayman, you were 20 going to say...? 21 MR. KLAYMAN: I'm going to move Exhibit 22 12 into evidence, the portion that I had</p>
<p style="text-align: right;">Page 522</p> <p>1 entered as stated below on" date? 2 MR. KLAYMAN: Yes. 3 CHAIRMAN FITCH: And where does the 4 judgment appear? 5 MR. KLAYMAN: Well, there's a finding 6 there, "Defendant does not owe plaintiff any money 7 on plaintiffs' claim." 8 CHAIRMAN FITCH: Where is that? 9 MR. KLAYMAN: Right below it. The next 10 two pages. 11 CHAIRMAN FITCH: Oh, this little print. 12 MR. KLAYMAN: Yes. 13 CHAIRMAN FITCH: "Does not owe 14 plaintiff any money." 15 MS. LARKIN: Did you find it? 16 THE WITNESS: I don't understand what 17 the question is and -- 18 CHAIRMAN FITCH: We're waiting for more 19 examination or testimony. This document speaks 20 for itself for whatever value it may have to one 21 or two issues in this case. 22 We need to move on to other</p>	<p style="text-align: right;">Page 524</p> <p>1 questioned her about, this claim against Dean 2 Proper and Serrano Apartments. 3 CHAIRMAN FITCH: Mr. Smith? 4 MR. SMITH: I believe it's a collateral 5 issue and I would object to it on that grounds. 6 CHAIRMAN FITCH: We need to figure out 7 which particular pages we're talking about, but I 8 think your motion was clear enough for our 9 purposes and -- 10 MR. KLAYMAN: I can specify later. 11 CHAIRMAN FITCH: -- those pages are 12 admitted. 13 BY MR. KLAYMAN: 14 Q. Ms. Sataki, you had told me, long 15 before you brought this lawsuit against the 16 Serrano Apartments and Dean Proper, that there was 17 somebody in your apartment, a guy who you think 18 had stolen that ring. 19 A. I never said a guy. I never said that. 20 Q. He was a boyfriend? 21 A. No, I never said that. 22 You always assumed that. It was your</p>

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<p>1 word, not mine. So, these are your thoughts that 2 you are saying that I said it. 3 Q. You actually also asked me to help you 4 file an insurance claim, did you not? 5 A. No. 6 Q. In fact I refused to do that, claiming 7 it would be fraudulent. Do you remember that? 8 A. No, I never did that. 9 Q. Now, you've had other lawsuits in the 10 Superior Court of Los Angeles, have you not, that 11 you brought that you have filed? 12 A. Other lawsuits? 13 Q. Other cases, other complaints. You 14 filed other complaints? 15 A. Yes. 16 Q. What other cases did you file, 17 complaints, in the courts of Los Angeles? 18 A. One of them, it was against ia 19 Atabay's wife, because she wrongly accused me of 20 something, and it was proven in court that what 21 she accused me of, and what you just said, and 22 VOA, that was --</p>	<p>1 relevancy is concerned here, of all this line of 2 examination, you're not suggesting that the 3 results of those lawsuits say anything about her 4 credibility or honesty, are you? 5 MR. KLAYMAN: Well, the last one -- 6 CHAIRMAN FITCH: Because lawsuits could 7 go -- I said, just the results. Lawsuits could go 8 either way. 9 Go ahead, I'm sorry. 10 MR. KLAYMAN: Well, lawsuits involve 11 weighing evidence, so, obviously the court in this 12 lawsuit over the credibility of the apartment and 13 Dean Proper, the judge believed the defendants and 14 not her. 15 That's what I'm saying. 16 THE WITNESS: Jessica was my roommate 17 and I had to do that. This is -- 18 CHAIRMAN FITCH: Ma'am, ma'am -- 19 THE WITNESS: I'm sorry. 20 MR. KLAYMAN: It speaks for itself. 21 CHAIRMAN FITCH: Thank you. 22 Mr. Smith has essentially a running</p>
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<p>1 CHAIRMAN FITCH: Ok, that's -- 2 THE WITNESS: That was one of them. 3 CHAIRMAN FITCH: We've covered that and 4 we're not going further into that. 5 MR. KLAYMAN: Let me ask one question 6 on that. 7 CHAIRMAN FITCH: We've covered that. 8 We're not going further into that. 9 MR. KLAYMAN: But that was not what the 10 finding was about, your Honor. 11 CHAIRMAN FITCH: We have evidence that 12 she filed it. Whatever she said earlier. That's 13 it. 14 BY MR. KLAYMAN: 15 Q. Do you have another one that you filed? 16 You filed at least five, didn't you? 17 A. I don't remember. Do you want to -- 18 Q. Yes. 19 A. Ok. 20 CHAIRMAN FITCH: Mr. Klayman -- 21 THE WITNESS: Why -- 22 CHAIRMAN FITCH: Mr. Klayman, as far as</p>	<p>1 collateral matter objection, and the results of 2 those lawsuits, the reasons for those results are 3 too speculative. 4 Now, how she handled the complaint and 5 what she said in her complaints and whether 6 they're internally consistent or contradicted by 7 other evidence, to some extent I'm willing to hear 8 that, because that goes to the overall credibility 9 of a witness. 10 MR. KLAYMAN: What it deals with, your 11 Honor -- and I ask respectfully for some latitude. 12 CHAIRMAN FITCH: I've given you a great 13 deal of latitude. 14 MR. KLAYMAN: I know you did. I know 15 you did, and I appreciate that. I'm not 16 criticizing you in any way. 17 But I had previously asked to take a 18 deposition and you said, well, we can deal with it 19 at the hearing, and that's why I'm appreciative of 20 you giving me some latitude here. 21 I would have liked to have gotten this 22 out sooner, because it appears that, from what I</p>

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<p style="text-align: right;">Page 529</p> <p>1 know, and I'm asking for more information, that 2 she has a pattern and practice of making false 3 claims against others when she doesn't get what 4 she wants. 5 That's the relevance. 6 CHAIRMAN FITCH: That's arguably 7 relevant. 8 Falsity is not established by the 9 result of the lawsuit. It's established by what's 10 said and what other evidence might affect one's 11 judgment of the accuracy or falsity or 12 truthfulness of the allegations. 13 Now we've heard of this lawsuit. We've 14 talked with her about her complaint, so on and so 15 forth. We heard about the lawsuit involving a 16 wife. 17 You may ask her specifically about 18 another lawsuit. 19 MR. KLAYMAN: Yes, that's what I'm 20 doing. 21 CHAIRMAN FITCH: Carefully, narrow the 22 question down.</p>	<p style="text-align: right;">Page 531</p> <p>1 MR. KLAYMAN: Well, it should be under 2 the circumstances of what -- 3 CHAIRMAN FITCH: That's right. That's 4 entirely correct. 5 MR. KLAYMAN: No. What your Honor said 6 was that, "You can ask the questions at the 7 hearing and I will then hold it under" -- 8 CHAIRMAN FITCH: That's exactly what I 9 said. 10 MR. KLAYMAN: I'm paraphrasing, "under 11 advisement and then I'll let you know whether I 12 will allow you to take more discovery" -- "or take 13 discovery." I didn't have any. 14 So, I'm trying to figure out what cases 15 she filed. It may be relevant or lead to relevant 16 evidence. The rule is, as Mr. Tigar knows, 17 relevant or evidence that may lead to relevant 18 evidence, and I thank you for the latitude. 19 CHAIRMAN FITCH: Mr. Smith? 20 MR. SMITH: This is not discovery. 21 There is a disciplinary hearing to determine 22 whether or not Mr. Klayman engaged in unethical</p>
<p style="text-align: right;">Page 530</p> <p>1 MR. KLAYMAN: I'm trying to learn from 2 her -- I've been trying to get files from the 3 courthouse in Van Nuys. Some of them were in the 4 basement, which flooded. So I have my associate 5 up here today trying to get them. But I wanted to 6 find out from her what other cases she filed, 7 because I know that there are at least five, from 8 what I understand, from the process service, legal 9 service that went out there to get them. And some 10 of them were underwater, apparently. 11 CHAIRMAN FITCH: I'm concerned that, 12 even for cross-examination, that you don't have, 13 in these other cases, a basis for pursuing -- 14 MR. KLAYMAN: I don't know unless I -- 15 CHAIRMAN FITCH: -- this because you 16 just said you haven't seen them. They may be 17 underwater. 18 MR. KLAYMAN: That's why I'm asking 19 questions here, and that's why I wanted to take 20 discovery of her. 21 MR. SMITH: But this should not be 22 discovery.</p>	<p style="text-align: right;">Page 532</p> <p>1 conduct, based upon the evidence that we have 2 before the Board. 3 If he wants to score some points and 4 attack Mrs. Sataki's credibility, he had plenty of 5 time to work on that. He has known since the last 6 fall that this matter was petitioned for a 7 hearing. 8 So, if he just decided within the last 9 few weeks to try to conduct some discovery in Van 10 Nuys, California and they had a flood, that's not 11 on us. That's on him. 12 But whatever defense he wants to mount, 13 if it's with respect to some collateral matters, 14 he's had plenty of time to get that together. He 15 did not need a deposition with Ms. Sataki. He 16 does not even need to waste our time now. 17 MR. KLAYMAN: In all due respect -- and 18 I don't want to get into a fight with Mr. Smith, 19 because we've had some good decorum, under the 20 circumstances -- the fact that we are here today, 21 eight years later, is not my doing. It's Bar 22 Counsel's doing. And I did seek to get these</p>

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<p style="text-align: right;">Page 533</p> <p>1 documents earlier. They have been underwater in 2 the basement of the Van Nuys Superior Courthouse. 3 So all I wanted to do was ask some 4 simple questions as to what other cases she filed, 5 because I can't get those documents. And it 6 wasn't just in the last two weeks. 7 Mr. Smith has a tendency to say things 8 he doesn't know. 9 CHAIRMAN FITCH: If she says, "Somebody 10 had a car accident and I filed a complaint," what 11 are you going to do with that? 12 MR. KLAYMAN: Well, I don't know. I'm 13 going to see if I can find the file. 14 But she may also say that I filed three 15 other sexual harassment cases against people, and 16 the last case comes dangerously close of accusing 17 this guy of breaking into the apartment because 18 the friend's naked. There's a certain show of 19 paranoia here, your Honor. 20 CHAIRMAN FITCH: That's why I let you 21 go into this one case, but I think it goes to 22 credibility, 108 or the other. I'm not sure what</p>	<p style="text-align: right;">Page 535</p> <p>1 The same thing is true for Dr. Aviera, 2 because I wanted to get her whole file, because 3 all we got were little pieces of it that Mr. Smith 4 deemed he wanted to give us. 5 But this case that I just brought out 6 is extremely important, because it shows the 7 potential that there's a paranoia here, that 8 there's an emotional issue that she just blames 9 others. 10 CHAIRMAN FITCH: We heard evidence on 11 that, Mr. Klayman. The deposition issue ruling is 12 not going to be revisited. I think you need to 13 move on to other issues, other charges in this 14 case. 15 MR. KLAYMAN: May I see what other 16 cases that she filed? 17 CHAIRMAN FITCH: No, sir. 18 MR. KLAYMAN: Your Honor, I respect 19 your rulings, but let me just put this on the 20 record. 21 CHAIRMAN FITCH: Sure. 22 MR. KLAYMAN: I don't agree with them,</p>
<p style="text-align: right;">Page 534</p> <p>1 else it goes to. 2 Now that we have that evidence, I'm not 3 sure what else there is to explore. 4 I guess -- I buy one point. 5 Have you filed any other -- 6 Well, let me think about even the 7 relevance of that. 8 (Off-the-record discussion between 9 committee members.) 10 CHAIRMAN FITCH: Have you filed any 11 other sexual harassment cases? 12 THE WITNESS: No, sir. 13 BY MR. KLAYMAN: 14 Q. Have you accused others of sexual 15 harassment? 16 A. No. 17 MR. KLAYMAN: Now, this, your Honor, 18 points out, as well, why I wanted the deposition, 19 at least the documents. Because when I asked for 20 the deposition of Ms. Sataki I also asked for 21 documents, related documents, a subpoena duces 22 tecum.</p>	<p style="text-align: right;">Page 536</p> <p>1 but I respect them. 2 CHAIRMAN FITCH: I understand that. 3 MR. KLAYMAN: The reason the file of 4 Dr. Aviera is very important is because this 5 person seems to have an emotional problem, and -- 6 CHAIRMAN FITCH: I understand that. 7 MR. KLAYMAN: You know, we've seen it 8 on the stand. Yesterday she testified about me, 9 and it's the same reaction she is testifying or at 10 least dealing with in other issues. She doesn't 11 seem to be stable. Therefore, that's why I wanted 12 that file. 13 You just don't accuse people of 14 stealing a diamond ring and you don't accuse 15 people of breaking in because your friend is naked 16 in bed unless you have a problem. And that's why 17 I needed that file. 18 THE WITNESS: I did not accuse. My 19 roommate -- 20 CHAIRMAN FITCH: Wait a minute. 21 But you've been allowed to do that 22 examination. That is part of your theory, one of</p>

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<p style="text-align: right;">Page 537</p> <p>1 your theories. I understand all that. And we'll 2 evaluate that evidence when the time comes, but 3 we're done with other cases. 4 MR. KLAYMAN: I respect your ruling. 5 BY MR. KLAYMAN: 6 Q. I turn your attention back to Exhibit 1 7 of Bar Counsel's exhibits. It happens to be 8 Exhibit 4 of Respondent's exhibits. 9 MS. LARKIN: Excuse me, can you please 10 ask Mr. Smith to show her which exhibits he wants. 11 CHAIRMAN FITCH: Yes, it will get us 12 moving more quickly. 13 MR. KLAYMAN: Yes. 14 MS. LARKIN: Thank you. 15 MR. KLAYMAN: I was trying to be 16 courteous. 17 BY MR. KLAYMAN: 18 Q. Ok, you see Exhibit 1 of Bar Counsel's 19 exhibits? 20 CHAIRMAN FITCH: I think she has it in 21 front of her, yes. 22 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 539</p> <p>1 me and I want to stop him -- I want him to stop." 2 A. Ok. 3 Q. Yes, now you are aware, based upon 4 previous testimony this afternoon, that both Mr. 5 Shamble and I were trying to get ahold of you so 6 you wouldn't lose any of your legal rights, 7 correct? 8 A. Correct. 9 Q. Ok. And that's why I was trying to get 10 ahold of you. 11 MR. SMITH: Objection. 12 CHAIRMAN FITCH: Sustained. 13 BY MR. KLAYMAN: 14 Q. Now, turn to the next page. This is a 15 letter which you claim was sent to me terminating 16 my services on or about November 15th, 2010. 17 That's the date that you claim you 18 terminated by services, correct? 19 A. Correct. 20 Q. Now look at the address there. Klayman 21 Law Firm, 2000 Pennsylvania Avenue, Northwest, 22 Suite 345, Washington, D.C., 20006.</p>
<p style="text-align: right;">Page 538</p> <p>1 BY MR. KLAYMAN: 2 Q. Ok. You say this wasn't your 3 handwriting, that's what you testified to 4 yesterday, on this complaint, correct? 5 A. Correct. 6 Q. Whose handwriting was it? 7 CHAIRMAN FITCH: Asked and answered. 8 MR. KLAYMAN: Maybe she remembers at 9 this point. 10 CHAIRMAN FITCH: Asked and answered. 11 BY MR. KLAYMAN: 12 Q. Turn to 1-2. It says, "He does not 13 represent me and he keeps calling me and texting 14 me. He's called me many times off hours and I 15 keep telling him not to call me and text me. 16 "I told him I have terminated my 17 acceptance of my representation. I have asked him 18 to stop communicating with me and all my 19 references. I asked him not to represent me on 20 any interviews in any and all matters and I asked 21 him not to fax me, not to email me. 22 "He keeps calling, texting and emailing</p>	<p style="text-align: right;">Page 540</p> <p>1 Are you aware that's not my address? 2 A. That was the only address I could find 3 of you. 4 Q. You're aware that the address is 5 actually 2020 Pennsylvania Avenue, Northwest? 6 A. So that was a mistake. 7 Q. So, since you had the wrong address, 8 isn't it likely that I never got this letter, even 9 if you sent it? 10 MR. SMITH: Objection. About what she 11 knows is likely about, you know -- 12 CHAIRMAN FITCH: I think that's well 13 taken. Sustained. 14 BY MR. KLAYMAN: 15 Q. Based on your experience, when you 16 address something to the wrong place, the post 17 office doesn't have any place to deliver it, 18 correct, based on your experience in mailing 19 letters? 20 A. I don't know if you received this 21 letter or not. I don't know the -- I can't 22 remember if I emailed you the same letter or not.</p>

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<p style="text-align: right;">Page 541</p> <p>1 So I couldn't -- I couldn't answer that question.</p> <p>2 Q. I turn your attention to -- this is in</p> <p>3 my book. If Mr. Smith can assist here -- Exhibit</p> <p>4 7 of Respondent's exhibits.</p> <p>5 That's the document that I previously</p> <p>6 showed you that was in the exhibit book of Mr.</p> <p>7 Smith, Bar Counsel, correct?</p> <p>8 That's where Mr. Shamble was trying to</p> <p>9 get ahold of you, saying "You need to talk to your</p> <p>10 lawyer, Larry Klayman, because you have rights</p> <p>11 that should be pursued or you're going to lose</p> <p>12 them," correct?</p> <p>13 A. Correct.</p> <p>14 MR. KLAYMAN: Your Honor, I move</p> <p>15 Exhibit 7 into evidence.</p> <p>16 CHAIRMAN FITCH: It's admitted.</p> <p>17 MR. SMITH: No objection.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. I turn your attention to Exhibit 8,</p> <p>20 Respondent's Exhibit 8, and that's the same letter</p> <p>21 I just showed you that was attached to your</p> <p>22 original complaint, you purportedly write to me a</p>	<p style="text-align: right;">Page 543</p> <p>1 set.</p> <p>2 MR. SMITH: What page are you looking</p> <p>3 at?</p> <p>4 MR. KLAYMAN: It's the page after the</p> <p>5 letter of November 15th, 2010.</p> <p>6 CHAIRMAN FITCH: The second page of</p> <p>7 Exhibit RX --</p> <p>8 MR. SMITH: Is May 10th --</p> <p>9 MR. KLAYMAN: No, it's November 15th,</p> <p>10 2010.</p> <p>11 MR. SMITH: That's not the next page in</p> <p>12 my exhibit.</p> <p>13 MR. KLAYMAN: I believe it is, unless</p> <p>14 it inadvertently was left out.</p> <p>15 It's slightly different. Let me get</p> <p>16 into that.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. This letter identified of November 15th</p> <p>19 was addressed to 2001 Massachusetts Avenue,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. The way it's written is somewhat</p>
<p style="text-align: right;">Page 542</p> <p>1 letter on November 15th, 2010, to 2000</p> <p>2 Pennsylvania Avenue.</p> <p>3 Do you see that?</p> <p>4 (Witness peruses document.)</p> <p>5 Q. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. That's the same letter I just had you</p> <p>8 testify to, correct, about the wrong address?</p> <p>9 A. Yes.</p> <p>10 MR. KLAYMAN: Your Honor, I move this</p> <p>11 into evidence, Exhibit 8, this page. I'm going to</p> <p>12 get to other ones.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. Turn to the next page --</p> <p>15 MR. SMITH: No objection.</p> <p>16 CHAIRMAN FITCH: That letter is</p> <p>17 admitted, that letter that purports to be</p> <p>18 11/15/10.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. Now the next page appears to be -- tell</p> <p>21 me if I'm wrong, it's the same letter, but</p> <p>22 addressed to a different place in different type</p>	<p style="text-align: right;">Page 544</p> <p>1 different --</p> <p>2 CHAIRMAN FITCH: I'm sorry, doesn't it</p> <p>3 say 201 on Mass Avenue?</p> <p>4 MR. KLAYMAN: What did I say, your</p> <p>5 Honor?</p> <p>6 CHAIRMAN FITCH: I think you said</p> <p>7 2001.</p> <p>8 MR. KLAYMAN: Oh, 201.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. It's written in a different syntax,</p> <p>11 between the two letters?</p> <p>12 MR. SMITH: I don't even know what</p> <p>13 "syntax" means.</p> <p>14 MR. KLAYMAN: Well, I do, but it's a</p> <p>15 different way of expressing some thoughts.</p> <p>16 Alright, let me read the second one.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. Let me just ask this: who helped you</p> <p>19 write this letter?</p> <p>20 A. It's either Kathleen or Sam.</p> <p>21 Q. Sam Razavi?</p> <p>22 A. My cousin Sam, yes.</p>

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<p style="text-align: right;">Page 545</p> <p>1 Q. And it's addressed to 201 Massachusetts 2 Avenue, correct? 3 A. Yes. 4 Q. It of doesn't have an office suite on 5 this, does it? 6 A. No. 7 Q. You're aware that I never had an office 8 at 2001 Massachusetts Avenue? 9 MR. SMITH: 201. 10 BY MR. KLAYMAN: 11 Q. 201, I'm sorry. 12 A. Again I'm not aware of it. So I 13 thought -- unfortunately I got the wrong address. 14 Q. So unfortunately it was never delivered 15 to me by the post office? 16 A. I don't know that. 17 MR. SMITH: Can I have an objection. 18 CHAIRMAN FITCH: She doesn't know. 19 BY MR. KLAYMAN: 20 Q. But based on your experience, if you 21 don't address something properly, it doesn't get 22 to the recipient?</p>	<p style="text-align: right;">Page 547</p> <p>1 A. Yes. 2 Q. And I state in the third paragraph, 3 "It's not healthy for you or me. You will get 4 better representation with someone else like Tim 5 Shea who does not have an emotional conflict and 6 can keep his mind clear." 7 You see that? 8 A. Yes. 9 Q. So what I'm recommending is, because of 10 personality issues between us, it's better if you 11 get another lawyer, Tim Shea. 12 MR. SMITH: Objection. 13 BY MR. KLAYMAN: 14 Q. You understood that to mean that? 15 CHAIRMAN FITCH: Overruled. It speaks 16 for itself, but... 17 BY MR. KLAYMAN: 18 Q. You understood me to mean that? 19 CHAIRMAN FITCH: I'm sorry? 20 THE WITNESS: I can only answer yes or 21 no on this? 22 BY MR. KLAYMAN:</p>
<p style="text-align: right;">Page 546</p> <p>1 A. You want my experience? 2 MR. SMITH: Objection. 3 CHAIRMAN FITCH: No. 4 Objection sustained to that form of 5 that question. 6 MR. KLAYMAN: Your Honor, can I get a 7 response to that? 8 CHAIRMAN FITCH: To what? 9 MR. KLAYMAN: That if you don't address 10 a letter properly, I -- 11 CHAIRMAN FITCH: I sustained the 12 objection. 13 MR. KLAYMAN: Ok. 14 I move this letter into evidence as 15 well. 16 MR. SMITH: No objection. 17 CHAIRMAN FITCH: It's admitted. 18 BY MR. KLAYMAN: 19 Q. Turn to Exhibit 9. That is an email of 20 May 8th, 2010 from Larry Klayman to you at your 21 email address. 22 You see that, right?</p>	<p style="text-align: right;">Page 548</p> <p>1 Q. Yes. 2 CHAIRMAN FITCH: What do you understand 3 his question to be? 4 THE WITNESS: He says that he 5 recommended another attorney and -- he recommended 6 another attorney or Tim Shea. 7 CHAIRMAN FITCH: I think we better 8 start over again, the question. 9 MR. KLAYMAN: Could we read it back. 10 THE COURT REPORTER: "So what I'm 11 recommending is, because of personality issues 12 between us, it's better if you get another lawyer, 13 Tim Shea." 14 THE WITNESS: There wasn't a 15 personality issues. 16 It was him not being able to function 17 because he was so in love with me and too busy to 18 write love letters and be upset about me not 19 including him with my friends and family. 20 Tim Shea, yes, he did it in this email, 21 but in another email, which is provided, he said 22 Tim Shea is not a good attorney for this.</p>

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<p style="text-align: right;">Page 549</p> <p>1 CHAIRMAN FITCH: Well, I have to strike 2 that answer as nonresponsive. 3 MR. KLAYMAN: There's no question. 4 THE WITNESS: Ok. 5 CHAIRMAN FITCH: I have to strike that 6 answer as nonresponsive. 7 Do you or do you not -- 8 You want present understanding or 9 understanding at the time? 10 MR. KLAYMAN: Present understanding. 11 CHAIRMAN FITCH: Do you or do you not 12 at the present time understand that when he said 13 in that third paragraph that he was suggesting a 14 change of counsel? 15 THE WITNESS: Yes, I understand. 16 BY MR. KLAYMAN: 17 Q. And turn to the next page, which is an 18 email of May 8th, 2010, sent on the same day as 19 the prior one, wherein I state, "Ellie, in case 20 you did not see my text this morning, I thought of 21 someone who can take over your legal 22 representation. His name is Tim Shea. Tim</p>	<p style="text-align: right;">Page 551</p> <p>1 CHAIRMAN FITCH: Do you want to move it 2 into evidence? 3 MR. KLAYMAN: Yes, I just want to move 4 it into evidence. 5 MR. SMITH: No objection. 6 CHAIRMAN FITCH: That is admitted. 7 MR. TIGAR: He's doing it a piece at a 8 time. Alright. 9 CHAIRMAN FITCH: It's the third page on 10 Exhibit 9. 11 MR. TIGAR: Alright. 12 BY MR. KLAYMAN: 13 Q. I turn your attention to Exhibit 11. 14 It says, "Ellie, I put in about \$250,000 of time 15 and expense just to have you detailed to Los 16 Angeles. If you had not moved here, you likely 17 would be dead by now. 18 "This time and expense will not be 19 recuperated" -- 20 MR. SMITH: Point of order, we can't 21 have Mr. Klayman read all these documents -- 22 MR. KLAYMAN: I'm not reading them all.</p>
<p style="text-align: right;">Page 550</p> <p>1 Shamble also knows him and he has experience for 2 clients for VOA/PNN, Persia News Network." 3 Do you see that? 4 A. Yes. 5 Q. And that in your present understanding, 6 I'm also recommending that you go talk to Tim Shea 7 to consider retaining him as counsel? 8 A. Yes. The date is May 8th, 2010. Is 9 that the one you mean? 10 Q. Yes. 11 MR. KLAYMAN: Your Honor, I move both 12 of these into evidence. 13 MR. SMITH: No objection. 14 CHAIRMAN FITCH: Admitted. 15 MR. KLAYMAN: The next page I 16 previously elicited testimony, but frankly I don't 17 remember whether I moved it into evidence -- this 18 is the page where it says -- and we elicited 19 testimony. I don't want to waste time by going 20 over it, but just to identify, "Last week I 21 perceived her to be very aggressive toward me when 22 a lawyer I got" --</p>	<p style="text-align: right;">Page 552</p> <p>1 MR. SMITH: -- into evidence. If there 2 is a question he has for the witness based upon 3 the letter, I think that's fine, but he's already 4 read the letter a few times. 5 CHAIRMAN FITCH: Mr. Smith, it's not 6 uncommon for a lawyer to read two or three 7 sentences of a document and say that it says that, 8 is it? 9 So, Mr. Klayman will be moderate in his 10 reading -- 11 MR. KLAYMAN: Yes. 12 CHAIRMAN FITCH: -- we'll be alright. 13 Go ahead, Mr. Klayman. 14 BY MR. KLAYMAN: 15 Q. Just those three sentences. 16 Now, I was telling you that what I had 17 done for you, up to that point in time, that I put 18 in about, if you calculated it, around \$250,000 of 19 time and expense. 20 You understood that, correct? 21 CHAIRMAN FITCH: Do you understand that 22 in his letter he was saying that he had devoted</p>

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<p style="text-align: right;">Page 553</p> <p>1 about \$250,000 worth of time and expenses to your 2 matter, that he was saying that? 3 THE WITNESS: Yes. 4 CHAIRMAN FITCH: Did you understand 5 that he was suggesting a 50 percent contingency 6 fee? 7 MR. KLAYMAN: No, I didn't ask that 8 question, your Honor. 9 CHAIRMAN FITCH: Strike that. 10 BY MR. KLAYMAN: 11 Q. You understood what I was saying is 12 that that's what I put in so far to get you back 13 to LA, correct? 14 A. Correct. 15 Q. At that point I hadn't moved forward in 16 trying to collect any damages for you, correct? 17 I was just trying to get you back to LA, correct? 18 CHAIRMAN FITCH: What does this -- 19 MR. KLAYMAN: If I can ask the 20 question. 21 CHAIRMAN FITCH: No, I have a question 22 first, about authentication.</p>	<p style="text-align: right;">Page 555</p> <p>1 CHAIRMAN FITCH: Go ahead, Mr. Smith. 2 MR. KLAYMAN: This is stuff she didn't 3 get into. 4 MR. SMITH: So she testified that this 5 letter was part of her May 30th, 2010 6 communication with Mr. Klayman with the subject 7 line -- 8 CHAIRMAN FITCH: I think Mr. Smith 9 accurately represents the record. 10 MR. KLAYMAN: We'll go back and look at 11 it, but I think that's not proper to be doing this 12 while I'm questioning. It's a way of giving the 13 witness the answer. 14 CHAIRMAN FITCH: Well, it's not proper 15 creating a confusing record. You and I have an 16 obligation to try to clarify it. 17 MR. KLAYMAN: Well, I didn't 18 intentionally do that. 19 CHAIRMAN FITCH: I didn't say you did. 20 MR. KLAYMAN: I don't know where the 21 date comes from. So I'm asking. 22 BY MR. KLAYMAN:</p>
<p style="text-align: right;">Page 554</p> <p>1 What date does this purport to be. 2 MR. KLAYMAN: February 22nd, 2011. 3 CHAIRMAN FITCH: Thank you. 4 MR. SMITH: No, I don't think so. 5 MR. KLAYMAN: It's on the top. 6 MR. SMITH: I think that's the date we 7 had established because this document will be 8 authenticated through Ms. Sataki earlier and that 9 date was the date that she copied the document off 10 of her computer. 11 The testimony was that this letter was 12 actually -- because if you see on Page 2, the same 13 date is up there. 14 MR. KLAYMAN: Your Honor, I'm asking 15 questions. 16 CHAIRMAN FITCH: No, he has a right to 17 make representations. 18 MR. KLAYMAN: Not in front of her. 19 MR. SMITH: Well, she authenticated the 20 document. 21 MR. KLAYMAN: But the subject we didn't 22 get into.</p>	<p style="text-align: right;">Page 556</p> <p>1 Q. Now, up to the point whatever date is 2 the accurate date for this letter -- 3 A. Yes. 4 Q. -- up to that point I had only been 5 trying to get you back to Los Angeles, correct? 6 A. Correct. 7 Q. And therefore, what I was saying is, if 8 I go further here, and because of our difficult 9 relationship, to be diplomatic, then I'm asking 10 for 50 percent, because it's so difficult to 11 represent you, for whatever reason? 12 A. It's okay. Fifty percent is fine. 13 Q. Ok. 14 A. It was fine with me. No problem. 15 Q. But we never got to that agreement, did 16 we, because at that point it was clear that I 17 wasn't going to be representing you any more, so 18 we never put it into writing, correct? 19 CHAIRMAN FITCH: At what time? 20 MR. KLAYMAN: In and around the time 21 this was written. 22 CHAIRMAN FITCH: In 2010.</p>

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<p style="text-align: right;">Page 557</p> <p>1 MR. SMITH: May 30th, 2010.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. All I'd been doing was trying to get</p> <p>4 you back to LA. There was no damages in it.</p> <p>5 MR. SMITH: Is there a question?</p> <p>6 MR. KLAYMAN: Yes.</p> <p>7 CHAIRMAN FITCH: I think there is. Why</p> <p>8 don't you ask it again.</p> <p>9 MR. KLAYMAN: Yeah, I'll ask it again,</p> <p>10 break it up.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Up to that point in time -- well, you</p> <p>13 already asked and answered that, so I won't get</p> <p>14 into that.</p> <p>15 But what I was talking about, Ms.</p> <p>16 Sataki, is if I continued to represent you, given</p> <p>17 the difficulty in our relationship, regardless of</p> <p>18 what the cause was, then I'm saying then I want 50</p> <p>19 percent going forward, correct?</p> <p>20 A. Correct.</p> <p>21 Q. But we never got to that point, because</p> <p>22 representation ceased before I ever started to</p>	<p style="text-align: right;">Page 559</p> <p>1 MR. KLAYMAN: And I'm making the case</p> <p>2 that the cases were filed for strategic reasons to</p> <p>3 try to coerce in effect a settlement up to that</p> <p>4 point in time.</p> <p>5 So what I'm trying to say, your Honor,</p> <p>6 and I'd like to get a response on this and her</p> <p>7 understanding, is this is what it would be if I</p> <p>8 had to go forward and make this into a case where</p> <p>9 it is discovery and you're looking for damages,</p> <p>10 and you went to trial, because at that time I</p> <p>11 perceived that there was a difficulty in the</p> <p>12 relationship, and I was recommending that she find</p> <p>13 other counsel. I didn't think that I could</p> <p>14 continue to represent her any more.</p> <p>15 So, it was prospected, and we never got</p> <p>16 to the point, never agreeing on this to get a</p> <p>17 contingent fee agreement in writing. That's the</p> <p>18 point I'm trying to make.</p> <p>19 And I hate to have done that in front</p> <p>20 of her, but you asked me, so I told you.</p> <p>21 And that will be my testimony.</p> <p>22 CHAIRMAN FITCH: I note there is a case</p>
<p style="text-align: right;">Page 558</p> <p>1 pursue any damage claims, correct?</p> <p>2 CHAIRMAN FITCH: I don't understand the</p> <p>3 question --</p> <p>4 THE WITNESS: I don't understand it.</p> <p>5 It's your letter. You said this is</p> <p>6 what you wanted.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. Let me rephrase it.</p> <p>9 You understood it to mean that what I</p> <p>10 was saying is that, if I go forward on legal</p> <p>11 representation to get damages, then I'm proposing</p> <p>12 50 percent of any recovery, correct.</p> <p>13 It's yes or no.</p> <p>14 CHAIRMAN FITCH: May I note that</p> <p>15 there's an allegation that both of these actions</p> <p>16 has been filed by this date.</p> <p>17 MR. KLAYMAN: I'll testify when I</p> <p>18 testify during the case, but I'll give you a</p> <p>19 proffer here, and that is that no action had been</p> <p>20 taken to pursue damage claims up to that point in</p> <p>21 time. Ok? That's the point I'm making.</p> <p>22 CHAIRMAN FITCH: The superior court --</p>	<p style="text-align: right;">Page 560</p> <p>1 filed on April 2nd a month before this where there</p> <p>2 are compensatory damages in excess of \$100M, as</p> <p>3 well as punitive damages.</p> <p>4 MR. KLAYMAN: That's right, but I</p> <p>5 hadn't taken any action to --</p> <p>6 CHAIRMAN FITCH: No, that's not what</p> <p>7 you said, Mr. Klayman.</p> <p>8 What do you want to ask her about this</p> <p>9 document?</p> <p>10 MR. KLAYMAN: Well, let me ask what I</p> <p>11 said, and I'll testify under oath.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Is that these cases were filed in order</p> <p>14 to coax a settlement --</p> <p>15 CHAIRMAN FITCH: Right, I've heard all</p> <p>16 that.</p> <p>17 MR. KLAYMAN: At this point she claims</p> <p>18 I was terminated or about to be terminated, she</p> <p>19 claims. And what I'm saying is that --</p> <p>20 CHAIRMAN FITCH: Well, wait a minute.</p> <p>21 I'm not sure there is evidence of that.</p> <p>22 MR. KLAYMAN: I'll testify.</p>

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<p style="text-align: right;">Page 561</p> <p>1 CHAIRMAN FITCH: The termination letter 2 says November. 3 MR. KLAYMAN: That's fine. I'll 4 testify to it. 5 I just wanted to ask her questions, and 6 now it's regrettable that I had to put that on the 7 record in this fashion. 8 BY MR. KLAYMAN: 9 Q. I turn your attention to Exhibit 13. 10 CHAIRMAN FITCH: Do you want to move 11 RX11 into evidence? 12 MR. KLAYMAN: Yes. 13 MR. SMITH: No objection. 14 CHAIRMAN FITCH: No objection. It's 15 submitted. 16 BY MR. KLAYMAN: 17 Q. Now this is a document which I've 18 submitted. I took it off the internet, Ms. 19 Sataki, but I'm just going to ask you some 20 questions. 21 It shows that you did a special report 22 with Elham Sataki on weightlifting in 2017, a</p>	<p style="text-align: right;">Page 563</p> <p>1 This is on my day off. 2 BY MR. KLAYMAN: 3 Q. I'll let the videos speak for 4 themselves that can be found on the internet, but 5 you have had employment since you and I stopped 6 working together, correct? 7 A. Correct. 8 Q. Where have you been employed? 9 A. Andisheh TV. 10 Q. That's one of the -- 11 A. Journals, yes. 12 Q. Are you still employed there? 13 A. No. 14 Q. When did you first get employment after 15 our relationship ended? 16 A. We never had a relationship. 17 Q. I'm not talking about that way. I mean 18 after I stopped representing you. 19 CHAIRMAN FITCH: That's not your role 20 to admonish her. Your role is to ask me to 21 admonish her. 22 What employment have you had beginning</p>
<p style="text-align: right;">Page 562</p> <p>1 special report with Elham Sataki for N-I-A-C. 2 What is N-I-A-C? 3 A. NIAC. 4 Q. What does that stand for? 5 A. National Iranian American Council. 6 Q. That's a very prominent organization, 7 is it not? 8 A. Yes. 9 Q. And the bottom one, "Elham Sataki 10 reports on J-C-P-O-A 2017," what's that? 11 A. What was the question, I'm sorry? 12 Q. What is J-C-P-O-A? It says, "Elham 13 Sataki supports J-C-P-O-A, in 2017." 14 A. That's the agreement that Mr. Thump 15 didn't sign, the agreement between Iran. 16 Q. So you've been doing broadcasting in 17 the last few years? 18 A. This is my user channel and I'm doing 19 it on my free time with my cell phone camera. 20 It is not -- it's not -- I didn't get 21 paid for this and I'm not -- and I was not working 22 for any TV channel.</p>	<p style="text-align: right;">Page 564</p> <p>1 in January of 2011 until the present time? 2 THE WITNESS: I have been working for a 3 skin care company. 4 CHAIRMAN FITCH: I didn't -- 5 THE WITNESS: I have been working for a 6 skin care company, that's my main job, it's 7 cosmetics. It's a cosmetic company out of New 8 York and I'm their rep in Los Angeles. 9 CHAIRMAN FITCH: Go ahead, Mr. Klayman. 10 BY MR. KLAYMAN: 11 Q. Yes, now after I stopped representing 12 you, what was your first job after that? 13 A. I was working for Andisheh TV in Los 14 Angeles. It was a TV station. 15 Q. As a television host? 16 A. Yes. 17 Q. And did you have a co-host? 18 A. Yes. 19 Q. Who was that? 20 A. It was a girl, Leida (phon), and then 21 it was a guy, Asha (phon) later on, and then 22 another guy, Medhi, and then mainly I had a bunch</p>

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<p style="text-align: right;">Page 565</p> <p>1 of girls.</p> <p>2 Q. You were paid for that?</p> <p>3 A. Yes.</p> <p>4 Q. How long did you stay with Andisheh?</p> <p>5 A. I stayed with them maybe a year or two</p> <p>6 and then I quit working there and then I started</p> <p>7 working for them again for about a year, so.</p> <p>8 Q. For how long?</p> <p>9 A. About a year.</p> <p>10 Q. A year?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. Why did you stop working with them and</p> <p>13 then start again?</p> <p>14 A. Because of the money. I couldn't</p> <p>15 afford working for them. I had to go get a better</p> <p>16 job that pays more, because I couldn't afford to</p> <p>17 pay my rent.</p> <p>18 Q. Between the first time that you left</p> <p>19 and then when you came back to Andisheh, who were</p> <p>20 you working for in that intermediary time period?</p> <p>21 A. For a cosmetic line.</p> <p>22 Q. What's the name of it?</p>	<p style="text-align: right;">Page 567</p> <p>1 on hold for eight years. That's in the record.</p> <p>2 And obviously that's not the case.</p> <p>3 CHAIRMAN FITCH: I'm not sure why her</p> <p>4 claim is relevant to the allegation -- to the</p> <p>5 charges.</p> <p>6 MR. KLAYMAN: It deals with</p> <p>7 credibility, because she's saying that her life's</p> <p>8 been on hold, based on a Bar complaint, for eight</p> <p>9 years.</p> <p>10 Her life has not been on hold. She's</p> <p>11 doing broadcasting like she was doing before, and</p> <p>12 she's making money with --</p> <p>13 THE WITNESS: I can't --</p> <p>14 CHAIRMAN FITCH: Woah, woah.</p> <p>15 Mr. Smith?</p> <p>16 MR. KLAYMAN: And she's making money</p> <p>17 with a professional that she had previously</p> <p>18 testified that she was an expert in, or at least</p> <p>19 involved in, when she worked for Hermes,</p> <p>20 H-e-r-m-e-s.</p> <p>21 So, obviously her life has continued</p> <p>22 and she's not on hold and I didn't ruin her life,</p>
<p style="text-align: right;">Page 566</p> <p>1 A. 3Lab.</p> <p>2 Q. How is that spelled?</p> <p>3 A. Number three, L-a-b.</p> <p>4 Q. What do they sell?</p> <p>5 A. Skin care.</p> <p>6 Q. So when you left Andisheh again for the</p> <p>7 second time, did you go back to work for that</p> <p>8 company?</p> <p>9 A. Yes, I was --</p> <p>10 Q. Or did you go somewhere else?</p> <p>11 A. I was working for the cosmetic company</p> <p>12 throughout the whole time. So I was holding two</p> <p>13 jobs, both the TV and the cosmetic.</p> <p>14 Q. So the cosmetic company gave you a</p> <p>15 raise after you left Andisheh for the second time</p> <p>16 from what you had been making before?</p> <p>17 A. No.</p> <p>18 Q. What's your annual income?</p> <p>19 CHAIRMAN FITCH: What's the relevance</p> <p>20 of that?</p> <p>21 MR. KLAYMAN: She claims, your Honor,</p> <p>22 that I destroyed her life and that her life's been</p>	<p style="text-align: right;">Page 568</p> <p>1 and she was doing broadcasting like she was doing</p> <p>2 before.</p> <p>3 CHAIRMAN FITCH: You may be heard, Mr.</p> <p>4 Smith.</p> <p>5 MR. SMITH: I mean, you know, if he</p> <p>6 wants to open this can of worms, quite frankly,</p> <p>7 I'm prepared to let him do it, and then during my</p> <p>8 redirect we will have a much better non-discovery</p> <p>9 type discussion about exactly what has happened in</p> <p>10 Ms. Sataki's life as a result of her having lost</p> <p>11 her job at the Voice of America because of her</p> <p>12 unfortunate association with Mr. Klayman.</p> <p>13 CHAIRMAN FITCH: I can think of another</p> <p>14 issue that may be relevant.</p> <p>15 So I need to ask you to answer this</p> <p>16 question of your salary at the present time.</p> <p>17 THE WITNESS: My salary at the present?</p> <p>18 MR. KLAYMAN: It may not be salary. It</p> <p>19 may be commission. Income.</p> <p>20 MR. SMITH: I mean let her testify</p> <p>21 about it.</p> <p>22 THE WITNESS: It's salary. I'm making</p>

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<p style="text-align: right;">Page 569</p> <p>1 \$62,000 year.</p> <p>2 MR. KLAYMAN: Thank you.</p> <p>3 CHAIRMAN FITCH: Mm-hmm.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. I turn your attention to Respondent's</p> <p>6 Exhibit 17.</p> <p>7 CHAIRMAN FITCH: Did you say</p> <p>8 Respondent's 17?</p> <p>9 MR. KLAYMAN: Yes.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. This is a letter May 3rd, 2010 from the</p> <p>12 American Federation of Government Employees, Local</p> <p>13 1812, from Mr. Tim Shamble.</p> <p>14 You've seen this letter before, haven't</p> <p>15 you. Take an opportunity and read it.</p> <p>16 (Witness reads document.)</p> <p>17 Q. Tell me when you're done, Ms. Sataki,</p> <p>18 please.</p> <p>19 A. Ok.</p> <p>20 Q. You've seen that letter before, have</p> <p>21 you not?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 571</p> <p>1 don't remember, and strong legal action or</p> <p>2 whatever the standard, either what it means.</p> <p>3 MR. KLAYMAN: Well, let me rephrase it.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. We had to be very forceful and bring</p> <p>6 hard-hitting lawsuits against VOA because they</p> <p>7 were being very, very aggressive with you and your</p> <p>8 witnesses and other people who were similarly</p> <p>9 situated?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. And that was a reason why we had to</p> <p>12 name the board of governors in the complaint?</p> <p>13 MR. SMITH: Objection.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. If you know.</p> <p>16 CHAIRMAN FITCH: Do you know why the</p> <p>17 board of governors was named?</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. You are aware that I asked my friend,</p> <p>21 Blanquita Cohen, on the board of governors, and I</p> <p>22 informed you of that, that this whole thing had to</p>
<p style="text-align: right;">Page 570</p> <p>1 Q. And in fact what it reflects is that</p> <p>2 the Voice of America, the individuals there that</p> <p>3 we were trying to negotiate with, were actually</p> <p>4 threatening witnesses, correct?</p> <p>5 A. Correct.</p> <p>6 Q. So trying to deal with VOA was not an</p> <p>7 easy matter, even by Mr. Shambles' analysis,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. And therefore, what would be required</p> <p>11 would be strong legal action to get them to change</p> <p>12 their ways.</p> <p>13 That's what --</p> <p>14 MR. SMITH: Objection.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. That's what I told you, right? Right?</p> <p>17 A. Could you repeat your question. I</p> <p>18 don't --</p> <p>19 CHAIRMAN FITCH: Did he tell you in the</p> <p>20 context of this letter that strong legal action is</p> <p>21 necessary?</p> <p>22 THE WITNESS: I don't remember. I</p>	<p style="text-align: right;">Page 572</p> <p>1 be cleaned up.</p> <p>2 You're aware that I lobbied her to do</p> <p>3 that, correct?</p> <p>4 CHAIRMAN FITCH: Did he tell you that</p> <p>5 he had lobbied this potentially sympathetic member</p> <p>6 of the board of governors?</p> <p>7 THE WITNESS: Yes, he told me that he</p> <p>8 did that.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. And she didn't come to our help?</p> <p>11 A. Right.</p> <p>12 Q. So therefore we had to bring a very</p> <p>13 hard-hitting lawsuit to try to force them, coerce</p> <p>14 them into doing the right thing: putting you back</p> <p>15 in Los Angeles, correct?</p> <p>16 CHAIRMAN FITCH: I think asked and</p> <p>17 answered.</p> <p>18 MR. KLAYMAN: I move this document into</p> <p>19 evidence, your Honor.</p> <p>20 MR. SMITH: No objection.</p> <p>21 CHAIRMAN FITCH: It is admitted.</p> <p>22 MR. KLAYMAN: Did you say "no</p>

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<p style="text-align: right;">Page 573</p> <p>1 objection?"</p> <p>2 MR. SMITH: I said no objection.</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. There's another letter dated May 18th,</p> <p>5 2010 behind that from the Criminal Division of the</p> <p>6 U.S. Department of Justice to Mr. Shamble...</p> <p>7 "Dear, Mr. Shamble, this response to</p> <p>8 your letter dated May 3rd, 2010 regarding witness</p> <p>9 tampering and obstruction of justice in the Voice</p> <p>10 of America. The Federal Bureau of investigation</p> <p>11 is the investigative arm of the Depart of Justice</p> <p>12 upon which we rely to conduct the initial fact</p> <p>13 finding in federal criminal cases.</p> <p>14 "Therefore, if you believe that a</p> <p>15 criminal statute has been violated, you may</p> <p>16 contact the Washington Field Office of the FBI at</p> <p>17 601 4th Street, Northwest, Washington, D.C.,</p> <p>18 20535.</p> <p>19 "It will first determine whether a</p> <p>20 federal investigation may be warranted and, if</p> <p>21 appropriate, refer the matter to a United States</p> <p>22 attorney for a final determination regarding legal</p>	<p style="text-align: right;">Page 575</p> <p>1 Q. Yes. You previously testified that I</p> <p>2 had the FBI investigate you, right?</p> <p>3 A. Not me, every guy or my cousin, or any</p> <p>4 guys. Not me.</p> <p>5 Q. There's no showing on any of the</p> <p>6 documentation that I had the FBI investigate</p> <p>7 anybody that you know, correct?</p> <p>8 A. I have the emails, correct, that you</p> <p>9 said it to me, that you did.</p> <p>10 Q. What I told you was that the FBI was</p> <p>11 asked to investigate the witness tampering in your</p> <p>12 case, correct?</p> <p>13 A. Correct.</p> <p>14 MR. KLAYMAN: I move that document in</p> <p>15 evidence, your Honor.</p> <p>16 MR. SMITH: No objection.</p> <p>17 CHAIRMAN FITCH: Page 3 of RX17 is also</p> <p>18 admitted.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. I turn your attention to Exhibit 18.</p> <p>21 This is a letter to Ms. Delia Johnson, director</p> <p>22 Office of Civil Rights, and Tim Shamble, your</p>
<p style="text-align: right;">Page 574</p> <p>1 action.</p> <p>2 "You may also contact the FBI by</p> <p>3 calling (202) 278-2000. We trust this information</p> <p>4 is helpful.</p> <p>5 "Please do not hesitate to contact this</p> <p>6 office if we may be of assistance with this or any</p> <p>7 other matter. Sincerely, Teely (phon) Rammam,</p> <p>8 R-a-m-m-a-m, Principal Assistant Attorney General</p> <p>9 and Chief of Staff," copies to Paul Kamer (phon)</p> <p>10 Assistant Attorney General --</p> <p>11 CHAIRMAN FITCH: This strikes me as not</p> <p>12 an efficient use of time.</p> <p>13 MR. KLAYMAN: Ok.</p> <p>14 CHAIRMAN FITCH: I doubt that you're</p> <p>15 going to table this or anything significant about</p> <p>16 CC'ing people.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. In short it was a letter, previously</p> <p>19 made a reference --</p> <p>20 CHAIRMAN FITCH: Question.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 576</p> <p>1 union rep that I was working with, you were</p> <p>2 working with.</p> <p>3 You can take an opportunity to read it.</p> <p>4 I don't want to read it in the record because I</p> <p>5 don't want to take up more time.</p> <p>6 Take a look at it , read it, and tell</p> <p>7 me -- just read it first.</p> <p>8 (Witness reads document.)</p> <p>9 CHAIRMAN FITCH: Is your question</p> <p>10 whether she's seen this letter before?</p> <p>11 MR. KLAYMAN: No, I'll get to that.</p> <p>12 That's fine.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. You've seen this letter before, haven't</p> <p>15 you?</p> <p>16 A. I don't know about it.</p> <p>17 Q. What Mr. Shamble is asking that OCR</p> <p>18 issue -- yeah, OCR, that's civil rights, that's</p> <p>19 the EEOC complaint that was filed, "It's your</p> <p>20 decision. Don't sit on it because you want to be</p> <p>21 -- because Ms. Sataki wants to move forward with</p> <p>22 her legal claims if that decision is not</p>

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<p style="text-align: right;">Page 577</p> <p>1 favorable."</p> <p>2 That's what you take this letter to</p> <p>3 mean?</p> <p>4 A. Did you ask your question? I'm sorry.</p> <p>5 MR. KLAYMAN: Can we read it back.</p> <p>6 CHAIRMAN FITCH: At the bottom of the</p> <p>7 letter on the left, you see there's a carbon copy</p> <p>8 that purports to be a CC to you?</p> <p>9 THE WITNESS: At the bottom of -- are</p> <p>10 we at the Delia Johnson letter?</p> <p>11 CHAIRMAN FITCH: Do you see that at the</p> <p>12 bottom left of this document there purports to be</p> <p>13 a CC to you, a copy to you?</p> <p>14 THE WITNESS: Oh, yes.</p> <p>15 CHAIRMAN FITCH: Ok.</p> <p>16 THE WITNESS: Yes, I saw it.</p> <p>17 CHAIRMAN FITCH: Just ask the question.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. So you did get this letter?</p> <p>20 A. Yes --</p> <p>21 CHAIRMAN FITCH: She said she</p> <p>22 doesn't --</p>	<p style="text-align: right;">Page 579</p> <p>1 letter, did you have any knowledge that they were</p> <p>2 pursuing avenues of relief on your behalf?</p> <p>3 THE WITNESS: No.</p> <p>4 MR. KLAYMAN: I would move this into</p> <p>5 evidence, this letter.</p> <p>6 MR. SMITH: No objection.</p> <p>7 CHAIRMAN FITCH: Admitted.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. Next letter from Delia Johnson to Mr.</p> <p>10 Shamble, January 5th, 2011. Take a moment to look</p> <p>11 at that, Ms. Sataki, and tell me if you have seen</p> <p>12 it in and around this time period, January 5th,</p> <p>13 2011. Or saw it?</p> <p>14 (Witness reads document.)</p> <p>15 A. This was CC'd to me, too?</p> <p>16 Q. The letter speaks for itself.</p> <p>17 I'm asking you whether you saw it in or</p> <p>18 around January 5th, 2011.</p> <p>19 A. I probably had missed it.</p> <p>20 MR. KLAYMAN: I move this letter into</p> <p>21 evidence, your Honor.</p> <p>22 MR. SMITH: No objection.</p>
<p style="text-align: right;">Page 578</p> <p>1 THE WITNESS: I don't remember, so.</p> <p>2 CHAIRMAN FITCH: She said she doesn't</p> <p>3 remember.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. But you understand it to mean Mr.</p> <p>6 Shamble and I were trying to push OCR, Office of</p> <p>7 Civil Rights --</p> <p>8 MR. SMITH: Objection to what she</p> <p>9 understood. She said she didn't remember getting</p> <p>10 the letter.</p> <p>11 CHAIRMAN FITCH: She said she didn't</p> <p>12 understand what was in the letter.</p> <p>13 MR. KLAYMAN: I can just ask the</p> <p>14 question generally.</p> <p>15 CHAIRMAN FITCH: Did you understand in</p> <p>16 early 2011 that Mr. Shamble and Mr. Klayman were</p> <p>17 continuing to pursue possible claims on your</p> <p>18 behalf?</p> <p>19 THE WITNESS: I see that it's CC'd to</p> <p>20 me, but I don't remember that I saw this</p> <p>21 particular email.</p> <p>22 CHAIRMAN FITCH: Leaving aside this</p>	<p style="text-align: right;">Page 580</p> <p>1 CHAIRMAN FITCH: It's admitted.</p> <p>2 MR. KLAYMAN: Your Honor, there's going</p> <p>3 to be a lot of questions on this one here, so I'm</p> <p>4 wondering if this might be an appropriate break</p> <p>5 point for the day.</p> <p>6 CHAIRMAN FITCH: Ok. When you say this</p> <p>7 one here, you mean the rest of exhibit --</p> <p>8 MR. KLAYMAN: Well, the exhibit book,</p> <p>9 but this particular exhibit that comes up inside</p> <p>10 of 18, the March 25th, 2011 --</p> <p>11 CHAIRMAN FITCH: Ok, that's my only --</p> <p>12 MR. KLAYMAN: -- matter. I have a lot</p> <p>13 of questions on this.</p> <p>14 CHAIRMAN FITCH: Ok, we're going to</p> <p>15 call it a day, Ms. Sataki. Would you wait outside</p> <p>16 in the -- is the door to that little room open, as</p> <p>17 far as you know right now?</p> <p>18 MR. SMITH: Yes.</p> <p>19 CHAIRMAN FITCH: Would you wait in that</p> <p>20 little room just for a minute. We're going to</p> <p>21 talk scheduling, so I may need to have you come --</p> <p>22 THE WITNESS: I come back in again?</p>

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<p style="text-align: right;">Page 581</p> <p>1 CHAIRMAN FITCH: We'll come out and get 2 you in a minute. 3 (Witness exits courtroom.) 4 How much cross-examination are you 5 going to have, Mr. Smith? 6 MR. SMITH: You mean redirect? 7 CHAIRMAN FITCH: That's a good point. 8 MR. SMITH: I guess it depends how much 9 more is brought out during cross. 10 Right now I don't anticipate it would 11 be more than 10, 15 minutes as it stands now. 12 CHAIRMAN FITCH: Ok. Because we're 13 going to reserve time for him to redirect 14 tomorrow, so -- 15 MR. KLAYMAN: I'll be courteous in that 16 regard, your Honor. We have a lot to go through, 17 particularly since we have all these new 18 supplemental exhibits that have been admitted. 19 CHAIRMAN FITCH: Well, whatever. I 20 mean, there will come a time when I'll say thank 21 you very much -- I hope I don't have to do 22 that -- and give Mr. Smith the time that he</p>	<p style="text-align: right;">Page 583</p> <p>1 MR. SMITH: He needs his two hours 2 window. 3 MR. KLAYMAN: Unless Bar Counsel wants 4 to pay mine, like they're paying Ms. Sataki's... 5 CHAIRMAN FITCH: You are directed to 6 leave him on call. 7 MR. SMITH: Alright. 8 CHAIRMAN FITCH: There being nothing 9 further that I know of in the way of 10 administrative matters, or evidentiary, we will 11 recess here at 4:37, and resume at 9:30 tomorrow 12 morning. 13 I note that, after the approximately 14 but slightly less than three hours of direct 15 examination of this witness, we've had four hours 16 of cross-examination so far of this witness. 17 MR. KLAYMAN: Your Honor, insofar -- I 18 understand and I appreciate the leeway, but to the 19 extent that -- she's my witness, too, so what I'm 20 trying to do is get in testimony that I would 21 elicit in my case, as well, for efficiency's sake. 22 CHAIRMAN FITCH: It's entirely common</p>
<p style="text-align: right;">Page 582</p> <p>1 estimates. If he estimates 20 minutes or 30 2 minutes, he's going to get 30 minutes. And 3 whether that occurs depends on how late we go 4 tomorrow. I'd like to stop at 5:00 p.m., but -- 5 MR. KLAYMAN: I'll do my best, your 6 Honor. 7 CHAIRMAN FITCH: But these things have 8 gone later before, and I'm sure I can ruin the 9 court reporter's evening, so do we want to start 10 at 9:30 tomorrow. Or do we want to start earlier? 11 MR. KLAYMAN: 9:30 is fine. I can't 12 say for sure until we hear the answers, if I can 13 fit everything in tomorrow. 14 MR. SMITH: Is it safe for me to 15 release Mr. Bennett from testifying tomorrow? 16 MR. KLAYMAN: I wouldn't say that, 17 because we don't know how it's going to go. 18 CHAIRMAN FITCH: Well, say we finish up 19 here at 3:00 o'clock, is there any harm in having 20 Mr. Bennett -- 21 CHAIRMAN FITCH: You're paying hotel 22 expenses and so on.</p>	<p style="text-align: right;">Page 584</p> <p>1 to accomplish both those purposes at one time. 2 That's fine. 3 MR. KLAYMAN: Although I don't know 4 what will come up, you know, if she's back in LA 5 and maybe some remote testimony. But I'm not 6 suggesting that she be forced to come back here. 7 CHAIRMAN FITCH: We stand in 8 adjournment. Thank very much. 9 (Whereupon at 4:39 p.m. the hearing 10 stood in recess until Friday, June 1, 2018, at 11 9:30 a.m.) 12 13 14 15 16 17 18 19 20 21 22</p>

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Date: June 1, 2018

Case: In Re: Larry E. Klayman



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In Re: Larry E. Klayman
June 1, 2018

Page 615

DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. :

- - - - - X

Friday, June 1, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

In Re: Larry E. Klayman
June 1, 2018

<p style="text-align: right;">Page 616</p> <p>1 Hearing, taken at the Board on Professional 2 Responsibility, 430 E Street, NW, Washington, DC, 3 commencing at 9:30 a.m., before the Ad Hoc Hearing 4 Committee, and before Kim M. Brantley, C.S.R., a 5 Court Reporter and Notary Public in and for the 6 District of Columbia, when were present on behalf 7 of the respective parties: 8 9 APPEARANCES: 10 AD HOC HEARING COMMITTEE: 11 WARREN ANTHONY FITCH, ESQUIRE 12 Chair 13 MS. MARY LARKIN 14 Public Member 15 MICHAEL TIGAR, ESQUIRE 16 Attorney Member 17 18 On behalf of the DC Attorney Disciplinary 19 System: 20 H. CLAY SMITH, III, ESQUIRE 21 22</p>	<p style="text-align: right;">Page 618</p> <p>1 I N D E X 2 WITNESS: DIRECT: CROSS: 3 Ms. Elham Sataki 769 620 4 Joel Bennett 795 823 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 617</p> <p>1 APPEARANCES CONTINUED: 2 On behalf of Respondent: 3 FREDERICK J. SUJAT, ESQUIRE 4 Law Office of Frederick J. Sujat 5 1525 Windjammer Way 6 Hollywood, Florida 33019 7 (954) 815-5221 8 Email: fsujat@yahoo.com 9 ALSO PRESENT: 10 LARRY E. KLAYMAN, ESQUIRE 11 Respondent 12 and 13 MEGHAN BORRA AS, 14 BOPR Staff 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 619</p> <p>1 P R O C E E D I N G S 2 CHAIRMAN FITCH: If we're all settled 3 in, back on the record. 4 Good morning. I observe that the three 5 hearing committee members and the Respondent and 6 Disciplinary Counsel are all here. 7 Mr. Smith, any preliminary matters? 8 MR. SMITH: Nothing from Disciplinary 9 Counsel. Thank you. 10 CHAIRMAN FITCH: Any preliminary 11 matters from Respondent? 12 MR. SUJAT: Nothing at this time, your 13 Honor. 14 CHAIRMAN FITCH: I think we should 15 resume the cross-examination of Ms. Sataki. 16 (Ms. Elham Sataki resumes the witness 17 stand.) 18 THE WITNESS: Good morning. 19 CHAIRMAN FITCH: Good morning. 20 21 22</p>

2 (Pages 616 to 619)

In Re: Larry E. Klayman
June 1, 2018

<p style="text-align: right;">Page 620</p> <p>1 CONTINUED CROSS-EXAMINATION</p> <p>2 ON BEHALF OF RESPONDENT:</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. Good morning, Ms. Sataki.</p> <p>5 A. Good morning.</p> <p>6 CHAIRMAN FITCH: I remind you that you</p> <p>7 remain under oath.</p> <p>8 THE WITNESS: Yes.</p> <p>9 CHAIRMAN FITCH: Go ahead, Mr. Klayman,</p> <p>10 if you wish.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Ms. Sataki, yesterday, towards the end</p> <p>13 of the day, you testified that you were employed</p> <p>14 by a cosmetic company and before that by Andisher</p> <p>15 Television in Los Angeles, a Persian broadcasting</p> <p>16 network, throughout the last eight years, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that your current salary is</p> <p>19 \$65,000.</p> <p>20 A. \$62,000.</p> <p>21 Q. Do you get commissions in addition to</p> <p>22 that?</p>	<p style="text-align: right;">Page 622</p> <p>1 MR. SMITH: Did you mean to give me</p> <p>2 this document?</p> <p>3 MR. KLAYMAN: No. You're right.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. I want you to turn to the third page of</p> <p>6 this exhibit --</p> <p>7 MR. KLAYMAN: Which I'll ask to be</p> <p>8 marked Respondent's Supplemental Exhibit 1.</p> <p>9 CHAIRMAN FITCH: Well, no, we don't</p> <p>10 want to mark it that, because -- oh, Respondent's</p> <p>11 Supplemental Exhibit 1. But you want the whole</p> <p>12 document?</p> <p>13 MR. KLAYMAN: Yes.</p> <p>14 CHAIRMAN FITCH: So the top of this</p> <p>15 one, if Ms. Borrazas agrees, we will do RX-1.</p> <p>16 Ms. Borrazas? Does calling this R --</p> <p>17 MS. BORRA AS: RX?</p> <p>18 CHAIRMAN FITCH: No, no, not RX,</p> <p>19 because that's the denomination that we'll be</p> <p>20 using in the briefs, in the report for</p> <p>21 Respondent's exhibits.</p> <p>22 I guess RSX.</p>
<p style="text-align: right;">Page 621</p> <p>1 A. No.</p> <p>2 Q. Are there any other benefits that you</p> <p>3 get with your job?</p> <p>4 A. Health insurance.</p> <p>5 Q. How much is that worth per month?</p> <p>6 MR. SMITH: Objection.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. Alright, I'm going to ask if I may</p> <p>10 approach, or I'll give it to Mr. Smith, a pleading</p> <p>11 that was filed in this case, which I'm going to</p> <p>12 ask be make part of the record.</p> <p>13 MR. KLAYMAN: It's for Ms. Sataki. May</p> <p>14 I approach?</p> <p>15 CHAIRMAN FITCH: Mr. Smith, will you</p> <p>16 hand it to her.</p> <p>17 MR. KLAYMAN: And I have copies for the</p> <p>18 hearing committee. I have actually two, I</p> <p>19 apologize.</p> <p>20 It's a matter of the record in this</p> <p>21 case, but I'm going to ask that it be attached and</p> <p>22 admitted as an exhibit, a Respondent's exhibit.</p>	<p style="text-align: right;">Page 623</p> <p>1 MR. KLAYMAN: Ok, RSS?</p> <p>2 CHAIRMAN FITCH: And could I have a</p> <p>3 proffer, Mr. Klayman?</p> <p>4 MR. KLAYMAN: Yes. I'm going to ask</p> <p>5 questions about the email that she wrote, going to</p> <p>6 issues of credibility -- purports to have written.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. Would you please turn to Page 3. That</p> <p>9 is an email --</p> <p>10 MR. SMITH: And for the record it is</p> <p>11 identified as Attachment 1.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Attachment 1 to that Exhibit RSS1,</p> <p>14 that's an email which purports to come from you,</p> <p>15 Ms. Sataki, from your email address,</p> <p>16 EllieSataki@yahoo.com, to Clay Smith, CC Elham</p> <p>17 Sataki, "Subject: Hearing."</p> <p>18 MR. KLAYMAN: May I read it, your</p> <p>19 Honor? It's very short. I'll try not to read</p> <p>20 much today.</p> <p>21 CHAIRMAN FITCH: Continue.</p> <p>22 MR. KLAYMAN: Ok.</p>

3 (Pages 620 to 623)

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<p style="text-align: right;">Page 624</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. "Hello, Mr. Smith. As you know I work</p> <p>3 full time. I requested time off for this hearing</p> <p>4 and I had to use vacation time to be able to make</p> <p>5 it. I talked to my boss to see if I can change</p> <p>6 the date and they said that they already had done</p> <p>7 the schedule and vacation time for orders</p> <p>8 according to the time off that I needed, as this</p> <p>9 is very important.</p> <p>10 "I hope and pray that we can still keep</p> <p>11 the date. Otherwise, if I have to quit my job, I</p> <p>12 will make it in July, because, as you know, this</p> <p>13 is very important to me.</p> <p>14 "My life has been on hold for the past</p> <p>15 eight years since Mr. Klayman completely ruined my</p> <p>16 career and my life. I hope we don't have to</p> <p>17 extend it even more. Best, Elham Sataki," with</p> <p>18 your phone number.</p> <p>19 Ms. Sataki, this is English, which is</p> <p>20 not -- it's not your English, is it? You had</p> <p>21 somebody write this, correct?</p> <p>22 A. Not correct.</p>	<p style="text-align: right;">Page 626</p> <p>1 THE WITNESS: I don't understand.</p> <p>2 MR. KLAYMAN: Alright, let me rephrase</p> <p>3 it.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. You told Mr. Smith what you were going</p> <p>6 to say in this email before you sent him this</p> <p>7 email.</p> <p>8 A. Not the last part, no. I just</p> <p>9 explained to Mr. Smith that it's going to</p> <p>10 interrupt with my schedule and my job, so please</p> <p>11 let's try to keep the date.</p> <p>12 That part I talked to Mr. Smith about,</p> <p>13 not the last part.</p> <p>14 Q. Did Mr. Smith ask you to be able to</p> <p>15 talk with your employer to see if the scheduling</p> <p>16 could be worked out?</p> <p>17 A. Yes.</p> <p>18 Q. And what did you say?</p> <p>19 A. I said I will talk to them and see if I</p> <p>20 can.</p> <p>21 Q. Did Mr. Smith ask to talk to your</p> <p>22 employer?</p>
<p style="text-align: right;">Page 625</p> <p>1 You know me, eight -- within eight</p> <p>2 years, I could learn more English.</p> <p>3 Q. Well, let me ask you --</p> <p>4 A. This is my writing.</p> <p>5 Q. Before you wrote this, did you consult</p> <p>6 with anyone about what you were going to put in</p> <p>7 it?</p> <p>8 A. No.</p> <p>9 Q. I take it, though, that Mr. Smith, Bar</p> <p>10 Counsel, asked you to write this email?</p> <p>11 A. He asked me, yes, to write an email and</p> <p>12 explain why I would have to get -- why I feel that</p> <p>13 I need to keep these things, yes.</p> <p>14 Q. And before you wrote the email, you</p> <p>15 discussed with Mr. Smith what you were going to</p> <p>16 put in this email, correct?</p> <p>17 A. Well, I -- I explained to him over the</p> <p>18 phone why I need to keep the date, and he says,</p> <p>19 "Ok, put it in an email and send it to me."</p> <p>20 Q. So you went over the matters in this</p> <p>21 email with Mr. Smith before you sent it to him?</p> <p>22 MR. SMITH: Objection, vague.</p>	<p style="text-align: right;">Page 627</p> <p>1 A. If Mr. Smith can talk to my employer?</p> <p>2 Q. Yes, to see if he could work it out, so</p> <p>3 the employer would know there was a legitimate</p> <p>4 reason why you needed to reschedule.</p> <p>5 MR. SMITH: Please restate the</p> <p>6 question.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. Did Mr. Smith --</p> <p>9 CHAIRMAN FITCH: That question is</p> <p>10 struck.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Did Mr. Smith ask to talk to your</p> <p>13 employer about the schedule?</p> <p>14 A. I explained to Mr. Smith that I talked</p> <p>15 to my employer and it's not doable. It's going to</p> <p>16 hurt my -- the schedule.</p> <p>17 Q. The question was did Mr. Smith ask you</p> <p>18 if it would be ok if he talked with your employer?</p> <p>19 A. No.</p> <p>20 Q. Now the last sentence, "My life has</p> <p>21 been on hold for the past eight years since Mr.</p> <p>22 Klayman completely ruined my career and my life."</p>

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<p style="text-align: right;">Page 628</p> <p>1 You see that?</p> <p>2 A. Yes.</p> <p>3 Q. Now that's not true --</p> <p>4 MR. SMITH: Objection.</p> <p>5 CHAIRMAN FITCH: Asked and answered.</p> <p>6 That's a different subject matter from</p> <p>7 the other paragraphs. It's been covered.</p> <p>8 Sustained.</p> <p>9 THE WITNESS: Do -- I'm sorry, I'm</p> <p>10 answering something now?</p> <p>11 CHAIRMAN FITCH: No, there's no</p> <p>12 question right now.</p> <p>13 MR. TIGAR: He sustained the objection.</p> <p>14 THE WITNESS: Ok, I'm sorry.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. I turn your attention to Exhibit 18.</p> <p>17 We were on Exhibit 18 when we left off yesterday.</p> <p>18 CHAIRMAN FITCH: Mr. Klayman is</p> <p>19 referring, I believe, to Respondent's Exhibit 18.</p> <p>20 MR. KLAYMAN: Exactly. Thank you, your</p> <p>21 Honor.</p> <p>22 I'm going to get a little water.</p>	<p style="text-align: right;">Page 630</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. And it's dated March 23rd, 2011, and it</p> <p>4 says "Dear Ms. Sataki." That's telling that you</p> <p>5 there was final agency action on your EEO</p> <p>6 complaint, your employment complaint against Voice</p> <p>7 of America and that, there in closing, the</p> <p>8 findings of the office of civil rights, as part of</p> <p>9 the EEO complaint, we handed it to you, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Now when you got this letter, you read</p> <p>12 the findings, did you not?</p> <p>13 A. I don't remember it.</p> <p>14 Q. Now the findings that are made here</p> <p>15 were very important to your life, professionally</p> <p>16 and personally, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So you would have logically read the</p> <p>19 findings, correct?</p> <p>20 A. Correct.</p> <p>21 Q. So does that refresh your recollection</p> <p>22 as to whether you read these findings?</p>
<p style="text-align: right;">Page 629</p> <p>1 CHAIRMAN FITCH: Sure.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. I turn your attention to the letter to</p> <p>4 you from Delia Johnson, director, Office of Civil</p> <p>5 Rights, in that package.</p> <p>6 If you would like Mr. Smith to help you</p> <p>7 find that letter, it's March 23rd, 2011.</p> <p>8 MR. SMITH: The third letter in.</p> <p>9 MR. KLAYMAN: Yes. But, to identify</p> <p>10 the letter, it's March 23rd, 2011 to Ms. Elham</p> <p>11 Sataki from Delia Johnson.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Do you see that letter, Ms. Sataki?</p> <p>14 You can take your time --</p> <p>15 A. Thank you.</p> <p>16 Q. -- and read it.</p> <p>17 (Witness reads document.)</p> <p>18 Q. Now this letter is addressed to you,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. And that was your address at the</p> <p>22 apartment that I rented for you in the Valley,</p>	<p style="text-align: right;">Page 631</p> <p>1 A. You mean the money that they said --</p> <p>2 the 1,614? Is that what you --</p> <p>3 Q. The attachment to the letter says --</p> <p>4 you can turn the page, "Final Decision in the</p> <p>5 Discrimination Complaint of Elham Sataki.</p> <p>6 OCR-10-11." It starts with "Background."</p> <p>7 So take an opportunity and look at all</p> <p>8 the documents, that one and the documents after</p> <p>9 that one, to the very end before Respondent's</p> <p>10 Exhibit 19. You can take your time and look at</p> <p>11 it.</p> <p>12 (Witness peruses documents.)</p> <p>13 A. You want me to read all this?</p> <p>14 Q. No. I just want you to identify it to</p> <p>15 confirm that you read it when you received it on</p> <p>16 or about March 23rd, 2011.</p> <p>17 CHAIRMAN FITCH: Just for the clarity</p> <p>18 of the record, Mr. Klayman, you referred at one</p> <p>19 point to a document behind the Decision memo, and</p> <p>20 I understand why you did so.</p> <p>21 I suggest that the entire 19 pages that</p> <p>22 follow the final decision cover letter be</p>

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<p style="text-align: right;">Page 632</p> <p>1 considered one document.</p> <p>2 MR. KLAYMAN: Yes.</p> <p>3 CHAIRMAN FITCH: Because it's divided</p> <p>4 into Background and then Analysis, which is why I</p> <p>5 think you bifurcated it.</p> <p>6 MR. KLAYMAN: That's a good session.</p> <p>7 CHAIRMAN FITCH: But it seems to be all</p> <p>8 one document for the purposes of --</p> <p>9 MR. KLAYMAN: Ok.</p> <p>10 But, in any event, I'm showing it to</p> <p>11 Ms. Sataki to refresh her recollection.</p> <p>12 (Witness reads document.)</p> <p>13 THE WITNESS: Again, from that time I</p> <p>14 don't remember much, so, I can't say that I</p> <p>15 exactly -- I can't go back to March 23rd, 2011 and</p> <p>16 exactly remember receiving this. Unfortunately I</p> <p>17 can't say that, because I don't remember.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. The decision by the Office of Civil</p> <p>20 Rights was with regard to your substantive claims</p> <p>21 of sexual harassment and workplace retaliation,</p> <p>22 correct?</p>	<p style="text-align: right;">Page 634</p> <p>1 you. Is that what you're saying?</p> <p>2 A. It was very important to me, but it was</p> <p>3 very unfortunate that I was very sick during that</p> <p>4 time.</p> <p>5 Q. Well, you had an opportunity to read it</p> <p>6 after that. Did you read it after that?</p> <p>7 A. I don't remember.</p> <p>8 Q. Up to today you don't know whether</p> <p>9 you've read it?</p> <p>10 A. I don't know.</p> <p>11 Q. Up to today, you don't know whether you</p> <p>12 gave it to somebody else to help you understand</p> <p>13 what was in it?</p> <p>14 A. No.</p> <p>15 Q. But you did understand this was the</p> <p>16 decision on your claims of sexual harassment?</p> <p>17 A. I don't remember that I received this,</p> <p>18 I'm sorry. I don't remember, I apologize.</p> <p>19 At that time I was just very sick and</p> <p>20 was trying to survive and not get -- not be</p> <p>21 homeless. So, I can't remember this particular --</p> <p>22 I remember the big picture, what</p>
<p style="text-align: right;">Page 633</p> <p>1 A. Correct.</p> <p>2 Q. This is what we were putting in all the</p> <p>3 time and expense to get, was an initial</p> <p>4 determination from Office of Civil Rights,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. So therefore, it would have been very</p> <p>8 important for you to know what it is the Office of</p> <p>9 Civil Rights ruled, correct?</p> <p>10 A. Correct.</p> <p>11 Q. So, does that help you remember,</p> <p>12 whether you read this?</p> <p>13 A. No, because I was very sick at that</p> <p>14 time.</p> <p>15 Q. So you gave it to other people to read?</p> <p>16 You gave it to your cousin Sam --</p> <p>17 A. I don't remember.</p> <p>18 Q. -- to read?</p> <p>19 A. I don't remember. I don't remember.</p> <p>20 Q. You gave it to Kathleen to read?</p> <p>21 A. I don't remember.</p> <p>22 Q. So this was really very unimportant to</p>	<p style="text-align: right;">Page 635</p> <p>1 happened during that time. But this particular --</p> <p>2 if you're asking about this particular event, or</p> <p>3 this particular letter, unfortunately I don't</p> <p>4 remember.</p> <p>5 Q. That is your address, is it not?</p> <p>6 A. Yes, it is.</p> <p>7 Q. I turn your attention to the Final</p> <p>8 Decision and go to Page 4, please, wherein it says</p> <p>9 "Excepted Claims," and they have a list of 13.</p> <p>10 Take an opportunity and review those</p> <p>11 13, if you will. I'll ask you some questions.</p> <p>12 I'm not going to read all of it.</p> <p>13 (Witness reads document.)</p> <p>14 Q. And I'll turn your attention in</p> <p>15 particular to number three. So, when you've had a</p> <p>16 chance to read it, let me know.</p> <p>17 (Witness reads document.)</p> <p>18 Q. Number three deals with your having</p> <p>19 alleged unwarranted verbal and physical sexual</p> <p>20 advances from another employee.</p> <p>21 Was that Mr. Falahati?</p> <p>22 A. Yes.</p>

6 (Pages 632 to 635)

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<p style="text-align: right;">Page 636</p> <p>1 Q. And then you allege, "When she 2 rejected" -- when you rejected his sexual 3 advances, that Mr. Falahati told people that you 4 weren't doing a good job and engaged in other acts 5 of harassment and intimidation. 6 That was part of your complaint, 7 correct? 8 A. Correct. 9 Q. Now we go to number four. 10 You're also alleging that one day, when 11 you refused Falahati's sexual advances, that he 12 grabbed and fondled your bra straps and repeated 13 the act later in the week, correct? 14 A. Correct. 15 Q. And then you're alleging that he 16 started a campaign to have you replaced as co-host 17 of Straight Talk, correct? 18 A. Correct. 19 Q. Then in number five, you alleged that 20 "There was a continuous daily campaign by Falahati 21 and management officials to publicly disparage the 22 plaintiff's language ability in Farsi, spread</p>	<p style="text-align: right;">Page 638</p> <p>1 A. Correct. 2 Q. And then you alleged "Complainant's 3 reasonable accommodation request to be detailed to 4 Los Angeles was denied" and that you were 5 threatened by the Deputy General Counsel with 6 being removed from the Persia News Network and 7 placed in the Central News Bureau, which is in the 8 physical vicinity of the sexual harasser. 9 That's correct, right? 10 A. Yes. 11 Q. And number nine, you also -- 12 CHAIRMAN FITCH: What's the point of 13 reading all of this? 14 MR. KLAYMAN: Because I'm laying a 15 foundation for the question -- 16 CHAIRMAN FITCH: Yes, yes, but for 17 what? 18 MR. KLAYMAN: I'll go to this part, 19 your Honor. They were short, so I was trying to 20 paraphrase to a certain extent. 21 MR. SMITH: If I could suggest, rather 22 than reading all that in the record, could you</p>
<p style="text-align: right;">Page 637</p> <p>1 false rumors and publish false statements to the 2 staff regarding her newscasting abilities, 3 manufactured false complaints from viewers about 4 her newscasting abilities, spread false rumors to 5 the staff that she was receptive to workplace 6 romantic liaisons," l-i-a-i-s-o-n-s -- "and 7 falsely accused her of having an affair with 8 another Persian broadcaster." 9 Those were also your allegations, 10 correct? 11 A. Correct. 12 Q. Number six. 13 Your other allegations were also that 14 false allegations and rumors resulted in you being 15 removed from your position as co-anchor of 16 Straight Talk and relegated to menial jobs, 17 correct? 18 A. Correct. 19 Q. And then seven, that the individual who 20 sexually harassed you, Mr. Falahati, was 21 subsequently placed back on the Straight Talk 22 program while you got nothing, correct?</p>	<p style="text-align: right;">Page 639</p> <p>1 just ask the witness whether she read paragraph 2 six and whether she agrees with it as opposed to 3 actually reading the -- 4 CHAIRMAN FITCH: Whatever foundation he 5 wants to lay, it's laid and I want a question. 6 MR. KLAYMAN: I'm trying to create a 7 good record for the transcript, too, which we're 8 going to have to use as to what we're talking 9 about. 10 CHAIRMAN FITCH: The document is going 11 to be in evidence. Ask a question. 12 MR. KLAYMAN: Yes, I understand. 13 CHAIRMAN FITCH: Consider the 14 foundation laid. 15 BY MR. KLAYMAN: 16 Q. Go to Analysis, and I'll ask you 17 questions. I won't read, ok, but I want you to 18 read pages five -- excuse me, Page 9, 10, 11, 12, 19 13 -- 20 A. You want me to read all these now? 21 Q. Yes, please read it. 22 CHAIRMAN FITCH: Objection sustained.</p>

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<p style="text-align: right;">Page 640</p> <p>1 This is a waste of your time, counsel.</p> <p>2 MR. KLAYMAN: Alright, then I'll ask</p> <p>3 the question, a general question.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. It is correct that the Office of Civil</p> <p>6 Rights interviewed a number of people inside of</p> <p>7 VOA and elsewhere and found that your claims were</p> <p>8 false?</p> <p>9 MR. SMITH: Objection.</p> <p>10 CHAIRMAN FITCH: Now, what is the --</p> <p>11 Wait a minute. Do not answer.</p> <p>12 What is the relevance of whether her</p> <p>13 claims were false or not? They were pursued.</p> <p>14 They were lost. She could have lost this for any</p> <p>15 number of reasons. This is the same thing as</p> <p>16 trying to say that a court decision proves some</p> <p>17 falsity or dishonesty. Not so.</p> <p>18 Next question.</p> <p>19 MR. KLAYMAN: Well, let me explain.</p> <p>20 You asked me to explain.</p> <p>21 CHAIRMAN FITCH: I'm sorry?</p> <p>22 MR. KLAYMAN: You asked me to explain.</p>	<p style="text-align: right;">Page 642</p> <p>1 CHAIRMAN FITCH: That does not go to</p> <p>2 that.</p> <p>3 And also, given all of the credibility</p> <p>4 challenges, it's repetitive and cumulative, and</p> <p>5 I'm not even sure that it's otherwise relevant to</p> <p>6 any of the charges in this case.</p> <p>7 MR. KLAYMAN: Well, it goes to</p> <p>8 credibility, your Honor. You recognize that</p> <p>9 credibility is a big issue, and that's why we're</p> <p>10 not --</p> <p>11 CHAIRMAN FITCH: I'm actually not sure</p> <p>12 of that. You can argue that to me at the end. I</p> <p>13 have an open mind as to whether it is, given the</p> <p>14 charges in this case, that the evidence has been</p> <p>15 adduced by both sides.</p> <p>16 But we certainly have had enough of</p> <p>17 this -- and I'm holding up Exhibit 18 -- kind of</p> <p>18 evidence.</p> <p>19 MR. KLAYMAN: Your Honor, we just went</p> <p>20 through a document. I've been very light. I have</p> <p>21 not tried to be abrasive in any way.</p> <p>22 CHAIRMAN FITCH: No one has said you've</p>
<p style="text-align: right;">Page 641</p> <p>1 CHAIRMAN FITCH: And it's not a</p> <p>2 sufficient explanation.</p> <p>3 MR. KLAYMAN: I didn't give an</p> <p>4 explanation, your Honor.</p> <p>5 CHAIRMAN FITCH: Well, you just did.</p> <p>6 You told me, I asked you to explain it, quote</p> <p>7 unquote.</p> <p>8 MR. KLAYMAN: Yeah, and I would like to</p> <p>9 put on the record what the reason for this is.</p> <p>10 CHAIRMAN FITCH: That's perfectly ok.</p> <p>11 MR. KLAYMAN: Ok. The reason for the</p> <p>12 record is that she -- I relied upon certain</p> <p>13 information that she gave to me to make various</p> <p>14 claims.</p> <p>15 CHAIRMAN FITCH: Of course.</p> <p>16 MR. KLAYMAN: I put in my time,</p> <p>17 expense. I tried to do what I could to make her</p> <p>18 whole again and to understand that she had a place</p> <p>19 to live and moving expenses and everything else.</p> <p>20 Based upon these findings, it would</p> <p>21 appear that she did not tell me the truth in this</p> <p>22 process.</p>	<p style="text-align: right;">Page 643</p> <p>1 been abrasive, and that comment, whether you've</p> <p>2 been abrasive or not, or gracious or not, has</p> <p>3 nothing to do with this legal evidentiary issue.</p> <p>4 MR. KLAYMAN: Well, it does, because I</p> <p>5 don't want to -- you know, I had wanted some time</p> <p>6 to be able to have Mr. Sujat do the</p> <p>7 cross-examination, but the reality is this: is</p> <p>8 that, yes, credibility is always a huge part in</p> <p>9 every proceeding, and we just went through a</p> <p>10 document that she sent to Mr. Smith where it</p> <p>11 simply wasn't true that her career had been</p> <p>12 ruined. She continued on as before.</p> <p>13 THE WITNESS: It's the only -- I'm</p> <p>14 sorry.</p> <p>15 MR. KLAYMAN: So, this is very</p> <p>16 important in weighing credibility.</p> <p>17 CHAIRMAN FITCH: A, I'm not sure of</p> <p>18 that, but B, we know your point. The document,</p> <p>19 which speaks for itself, rejects her claims. It</p> <p>20 doesn't necessarily make them false, but you have</p> <p>21 a theory that it makes them false --</p> <p>22 MR. KLAYMAN: It does so --</p>

8 (Pages 640 to 643)

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<p style="text-align: right;">Page 644</p> <p>1 CHAIRMAN FITCH: -- and I understand 2 that. And I'm going to take, and in fact the 3 three of us are going to take that into 4 consideration. 5 MR. KLAYMAN: It does so in great 6 detail, in great detail. 7 CHAIRMAN FITCH: We're going to read 8 all these documents. 9 MR. KLAYMAN: No, we're not going to 10 read it all, your Honor. 11 CHAIRMAN FITCH: No, no, we the three 12 of us fact-finders, we're going to read these 13 documents. 14 MR. KLAYMAN: Ok. I respect your 15 rulings, your Honor. I don't agree with them, but 16 I respect your rulings and will obey them. 17 But, the issues I'm allowed to probe on 18 certain things that are said here that OCR 19 rejected and said were not true and get into 20 specifics of that and why she didn't give me the 21 information to adequately defend her or decide 22 whether I wanted to defend her at all in these</p>	<p style="text-align: right;">Page 646</p> <p>1 regrettable that I have to say this in front of 2 Ms. Sataki, but it bears on her honesty. It bears 3 on truthfulness. It bears on candor. 4 I mean, we just heard testimony that 5 she never read this. Obviously no one is ever 6 going to believe that. That's inconceivable, 7 since this was so important she claims I ruined 8 her life, that she wouldn't read this? 9 So this is why credibility is so 10 important. 11 CHAIRMAN FITCH: This is a repetitive 12 argument. That is not being heard. 13 Q. I turn your attention to Exhibit Number 14 20. Take an opportunity to review it. This is 15 the EEO OCR complaint that you filed and signed. 16 Or that was filed for you, and you signed it on 17 Page 3. 18 A. Yes. 19 Q. Correct? 20 A. Correct. 21 MR. KLAYMAN: Your Honor, I move 22 Exhibit 18 and 19 into evidence.</p>
<p style="text-align: right;">Page 645</p> <p>1 matters. 2 You know, I spent a lot of time and 3 expense, and frankly I feel as if I was not dealt 4 with fairly. 5 So, that's where we are today. 6 Now as a zealous advocate and former 7 counsel to her, I did my best, even after this, to 8 get her a good result. But candidly, when I read 9 this -- 10 CHAIRMAN FITCH: But we know that that 11 evidence is here and you're not charged with not 12 doing your best for her. 13 I keep reminding you. There is no lack 14 of zealousness charged here. There is no lack of 15 competency charged here. 16 You have, in addition, on the issue of 17 whether or not you handled the termination issue 18 correctly, you have introduced evidence of that 19 also, but you may want to introduce more evidence 20 on that. 21 MR. KLAYMAN: It also bears on this, 22 and thank you for hearing me out, and it's</p>	<p style="text-align: right;">Page 647</p> <p>1 MR. SMITH: No objection. 2 CHAIRMAN FITCH: Wait a minute, we have 3 skipped over -- 4 MR. KLAYMAN: I'm sorry, I'm sorry. 5 CHAIRMAN FITCH: Eighteen is admitted. 6 MR. KLAYMAN: Yes. 7 CHAIRMAN FITCH: And you have moved 20? 8 MR. KLAYMAN: 20. 9 MR. SMITH: No objection to 18 or 20. 10 MR. KLAYMAN: By the way, let me say 11 this one other thing in the hearing -- 12 CHAIRMAN FITCH: Let me make clear for 13 your sake that all pages of 18 are admitted. 14 Now, did you want to say something 15 about 20, before I admit it? 16 MR. KLAYMAN: No, that's all. 17 But I want to say something just 18 generally here bearing on some of the testimony, 19 very briefly, for the record. 20 What I want to say is that my 21 questioning her on the letter she sent to Mr. 22 Smith is no reflection on you or anybody on the</p>

9 (Pages 644 to 647)

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<p style="text-align: right;">Page 648</p> <p>1 committee. I don't in any way view that you did 2 anything improper in not continuing her testimony 3 or anything like that, but I did want to -- 4 CHAIRMAN FITCH: Must say that had 5 never crossed my mind. 6 MR. KLAYMAN: Well, I thought maybe 7 because you're showing a little bit of -- 8 CHAIRMAN FITCH: It's a perfectly good 9 cross-examination. Nicely done. 10 MR. KLAYMAN: Alright, alright. 11 Thanks. 12 BY MR. KLAYMAN: 13 Q. I turn your attention to Exhibit 19. 14 That's a Freedom of Information Act request that I 15 filed for you, correct? 16 CHAIRMAN FITCH: That question is 17 struck. It seems to be an inaccurate question. 18 MR. KLAYMAN: I'll just ask that it be 19 admitted into the record. That's all. 20 CHAIRMAN FITCH: It is with the 21 response. 22 MR. KLAYMAN: Ok. Yes, correct.</p>	<p style="text-align: right;">Page 650</p> <p>1 A. Yes. 2 MR. SMITH: Objection; one question at 3 a time. 4 MR. KLAYMAN: I heard two distinct 5 yeses. 6 BY MR. KLAYMAN: 7 Q. Turn to the letter of February 22nd, 8 2010, and the attachments, which is an email from 9 Tim Shamble to me. Blanquita's cell, (703) 10 307-9510. She gives the home number. 11 So I just want to ask a general 12 question on this and not take up much time... 13 You are aware that we were trying to 14 settle this thing amicably, and even because of my 15 friendship with Blanquita Cullum believed that we 16 had a really good chance of doing -- 17 A. That's what you said at that time, yes. 18 Q. And Blanquita Cullum sat on the board 19 of governors at the time. 20 A. You told me that, yes. 21 MR. KLAYMAN: Your Honor, I ask that 22 that be admitted as Respondent's Exhibit 24.</p>
<p style="text-align: right;">Page 649</p> <p>1 MR. TIGAR: That's Exhibit 19? 2 MR. KLAYMAN: Yes. 3 MR. TIGAR: That's the one addressed to 4 UPS Box 345 at 2000 Pennsylvania? 5 MR. KLAYMAN: Yes. 6 BY MR. KLAYMAN: 7 Q. Now, turn to Exhibit 24. 8 CHAIRMAN FITCH: We have admitted 9 number 19 in evidence. 10 Did I say admitted for 19? 11 MR. KLAYMAN: Yes. 12 CHAIRMAN FITCH: It is, indeed. 13 BY MR. KLAYMAN: 14 Q. Take a quick look at that. This is 15 something that you and I prepared together on 16 February 21st, 2010, a letter to Paul Kollmer 17 Dorsey. 18 Do you see that? 19 A. Yes. 20 Q. And we prepared that together, didn't 21 we? Because we were trying to resolve all these 22 matters.</p>	<p style="text-align: right;">Page 651</p> <p>1 MR. SMITH: No objection. 2 CHAIRMAN FITCH: All of RX24 is 3 admitted. 4 MR. KLAYMAN: Yes. 5 BY MR. KLAYMAN: 6 Q. Exhibit 25 is a letter of May 12th, 7 2010 addressed to you, care of the UPS Store, 8 "Dear Ms. Sataki," and it's from the International 9 Broadcasting Bureau. 10 Take an opportunity and look at that 11 letter. It's only two pages. 12 (Witness reads document.) 13 CHAIRMAN FITCH: Again, for clarity of 14 the record, Mr. Klayman may have correctly said 15 May 10. I heard March 10, but it purports to be 16 May 10, as I think -- 17 MR. KLAYMAN: It is May 12th, your 18 Honor. 19 CHAIRMAN FITCH: May 12th? 20 MR. KLAYMAN: Yes. 21 CHAIRMAN FITCH: Thank you. 22</p>

10 (Pages 648 to 651)

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<p style="text-align: right;">Page 652</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. Tell me when you're finished reading</p> <p>3 it.</p> <p>4 A. You want me to read the whole email to</p> <p>5 the end?</p> <p>6 Q. Well, it's only two pages. I'm going</p> <p>7 to ask you questions about it. I can ask you</p> <p>8 without it.</p> <p>9 What I'm going to ask you is, on or</p> <p>10 about May 12th, 2010, you were advised that they</p> <p>11 were not -- International Broadcasting Bureau of</p> <p>12 the Broadcasting Board of Governors was not going</p> <p>13 to agree to you being stationed in Los Angeles,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And instead, they offered you to be</p> <p>17 stationed in another part of Voice of America in</p> <p>18 Washington, DC, and that's in paragraph four. So</p> <p>19 if you could look at that.</p> <p>20 A. Yes.</p> <p>21 Q. You didn't want to do that, correct?</p> <p>22 A. You advised me not to do that.</p>	<p style="text-align: right;">Page 654</p> <p>1 tough situation, but I was trying to handle it. I</p> <p>2 was still working there.</p> <p>3 But then when you came in and you</p> <p>4 explained my rights that, "No, you don't have to</p> <p>5 do that. We can do this. We can take you to LA.</p> <p>6 We can do that," so then I started doing as my</p> <p>7 attorney tells me, as I'm not an attorney and my</p> <p>8 attorney knows best. But --</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. Ms.- --</p> <p>11 A. Before that, choosing between a career</p> <p>12 and my job, and if I have to just stay tough and</p> <p>13 take it and continue and hope for the better, I</p> <p>14 would have done it.</p> <p>15 Q. You previously testified earlier in</p> <p>16 this hearing that if you had to go back to</p> <p>17 Washington and work at Voice of America here you</p> <p>18 would kill yourself.</p> <p>19 You remember you testified to that?</p> <p>20 A. No, I didn't say that.</p> <p>21 Q. Well, the record is clear.</p> <p>22 Now --</p>
<p style="text-align: right;">Page 653</p> <p>1 Q. Wait. Didn't you previously testify</p> <p>2 that you didn't want to be in the vicinity of the</p> <p>3 harasser?</p> <p>4 A. You advised me to say that. You were</p> <p>5 my attorney --</p> <p>6 Q. So you were willing to be in the same</p> <p>7 building with Medhi Falahati?</p> <p>8 A. If it would cost my job, if it would</p> <p>9 cost my job -- I lost my career. I lost my job,</p> <p>10 and I lost a government job that could provide a</p> <p>11 future for me.</p> <p>12 So if I had to deal with that and --</p> <p>13 THE WITNESS: I don't know, can I</p> <p>14 continue talking or I have to stop?</p> <p>15 CHAIRMAN FITCH: Yes, you're answering</p> <p>16 the question. Go ahead.</p> <p>17 THE WITNESS: Before you started</p> <p>18 representing me, Tim Shamble and Delia Johnson,</p> <p>19 they all were involved in this and they were</p> <p>20 trying to resolve it within and see what they're</p> <p>21 going to do.</p> <p>22 So I was still working there. It was a</p>	<p style="text-align: right;">Page 655</p> <p>1 A. The only time I said I would kill</p> <p>2 myself was during the time that I was very, very</p> <p>3 sick and I lost everything and I was -- that's</p> <p>4 what I said. That is after you weren't</p> <p>5 representing me any more and everything went down.</p> <p>6 That's the only time I said I would --</p> <p>7 I even thought about it.</p> <p>8 Please don't bring that to everything.</p> <p>9 Q. Ms. Sataki, who did you talk to last</p> <p>10 night about your testimony in this case?</p> <p>11 A. I'm sorry, what?</p> <p>12 Q. Who did you talk to yesterday evening,</p> <p>13 after we finished, about your testimony in this</p> <p>14 case?</p> <p>15 You talked to Sam. You talked to</p> <p>16 Kathleen.</p> <p>17 Who did you talk to?</p> <p>18 A. No.</p> <p>19 MR. KLAYMAN: We'll let the record</p> <p>20 speak for itself. Move on, next exhibit.</p> <p>21 THE WITNESS: I haven't talked to</p> <p>22 Kathleen for a long, long, long time.</p>

11 (Pages 652 to 655)

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<p>1 CHAIRMAN FITCH: We have your answer. 2 MR. TIGAR: We have your answer. Thank 3 you. We heard. 4 THE WITNESS: I'm sorry. 5 MR. TIGAR: We heard. No, it's okay. 6 MR. KLAYMAN: Your Honor, rather than 7 to belabor things here, because, you know, there's 8 no point, I'm just getting completely conflicting 9 testimony to previous testimony, I'll just ask 10 that Exhibit 25 be entered in as an exhibit. 11 CHAIRMAN FITCH: Twenty-five is 12 admitted. 13 MR. KLAYMAN: I'll ask that Exhibit 28 14 be admitted into evidence. 15 CHAIRMAN FITCH: Give me a moment, 16 please. 17 MR. SMITH: Twenty-eight? 18 CHAIRMAN FITCH: And Mr. Smith a 19 moment. 20 MR. SMITH: No objection to 25. Let me 21 take a look at 28. 22 And assuming that 28 is a letter dated</p>	<p>1 We can take care of it now and just have them 2 entered into evidence now. 3 CHAIRMAN FITCH: Yes. 4 MR. SMITH: Well, assuming that Bar 5 Exhibit 29 is a civil complaint, Larry Klayman vs. 6 Judicial Watch, Elham Sataki vs. Broadcasting 7 Board of Governors, and Elham Sataki vs. Medhi 8 Falahati, I have no objection to that. 9 And to the extent that Bar Exhibit 30 10 is a Certificate of Disciplinary History for Larry 11 Klayman, I don't object to its admission. 12 MR. KLAYMAN: Thank you. 13 CHAIRMAN FITCH: Are all the documents 14 in 29 part of one judicial submission? I mean, 15 there's -- 16 MR. KLAYMAN: You're right, your Honor. 17 They're not all the same. 18 CHAIRMAN FITCH: They may all be 19 judicial submissions. 20 MR. KLAYMAN: They are judicial 21 submissions. They're all judicial submissions and 22 they speak for themselves.</p>
Page 657	Page 659
<p>1 June 16th, 2010 and another letter dated June 2 22nd, 2010, Bar Exhibit 28 -- 3 MR. TIGAR: Just for my -- 28 is the 4 one which the first is the June 16th, 2010 letter? 5 MR. KLAYMAN: Yes. 6 MR. TIGAR: Thank you. 7 CHAIRMAN FITCH: And Mr. Smith I think 8 does not object to either pages? 9 MR. SMITH: No, no, I was just trying 10 to make sure, because I know that Mr. Klayman had 11 said that his Bar exhibits may have been out of 12 order. So I was just trying to make sure that 13 what I was looking at was what everybody else was 14 looking at. 15 I have no objection. 16 CHAIRMAN FITCH: Ok, 28, Respondent's 17 28 is admitted in its entirety. 18 MR. KLAYMAN: Exhibit 29, I ask for it 19 to be admitted. We can deal with the other 20 exhibits later, if your Honor prefers, at the end 21 of this proceeding. Because I don't intend to ask 22 her questions about 29 or 30. How ever you wish.</p>	<p>1 CHAIRMAN FITCH: That's right. 2 MR. KLAYMAN: So you'll be able to 3 identify what they are, and if you have any 4 questions I'll be happy to answer you, even after 5 the hearing concludes. 6 MR. SMITH: No objection. 7 CHAIRMAN FITCH: They're admitted 8 without objection. 9 MR. KLAYMAN: Thank you. 10 CHAIRMAN FITCH: RX 29 is admitted 11 without objection in its entirety. 12 BY MR. KLAYMAN: 13 Q. I'm going to turn your attention to the 14 supplemental petitioner's exhibits. We're going 15 to go through some of them right now. 16 CHAIRMAN FITCH: Say that again. 17 MR. KLAYMAN: The supplemental exhibits 18 of the petitioner, the Office of Bar Counsel. 19 CHAIRMAN FITCH: Ok. Does the witness 20 have that package? 21 (Brief pause.) 22 MR. SMITH: Alright.</p>

12 (Pages 656 to 659)

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<p style="text-align: right;">Page 660</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. I'm going to turn your attention to</p> <p>3 Exhibit 5, SX5. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. It's an email that I sent you on May</p> <p>6 8th, 2010, "Legal Representation". You sent it,</p> <p>7 as is reflected on the top, to Mr. Smith on May</p> <p>8 24th, 2018, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Now you remember receiving it because</p> <p>11 you actually just pulled it up the other day.</p> <p>12 That's what you testified, correct?</p> <p>13 MR. SMITH: Objection.</p> <p>14 CHAIRMAN FITCH: Overruled. Go ahead.</p> <p>15 THE WITNESS: Would you --</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. You remember getting this document in</p> <p>18 and around May 8th, 2010, this email from me?</p> <p>19 A. Yes.</p> <p>20 MR. KLAYMAN: I won't read it, your</p> <p>21 Honor. It'll save time.</p> <p>22</p>	<p style="text-align: right;">Page 662</p> <p>1 believe that it was not sent from him to you on</p> <p>2 May 9th.</p> <p>3 THE WITNESS: No, sir.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Now, you said that some emails you</p> <p>6 didn't open, but you were aware that I was trying</p> <p>7 to communicate with you about your case.</p> <p>8 Wouldn't you want to know what's going</p> <p>9 on in your cases, to read about your cases?</p> <p>10 A. About my case, yes, but there was a</p> <p>11 lost other emails, too. So I -- at that point I</p> <p>12 didn't know which one is about my case, which one</p> <p>13 is about you getting in arguments with me.</p> <p>14 Q. Did you ask anybody else to communicate</p> <p>15 with me, so you would understand what was going on</p> <p>16 on your case, if you wouldn't open some emails?</p> <p>17 A. No, I don't think so. I don't</p> <p>18 remember.</p> <p>19 Q. In fact, you could have contacted Mr.</p> <p>20 Shamle and asked him what's happening. But you</p> <p>21 didn't, did you?</p> <p>22 A. I contacted Mr. Shamle later. Not at</p>
<p style="text-align: right;">Page 661</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. I turn your attention to Petitioner's</p> <p>3 Supplemental Exhibit 7. You remember getting this</p> <p>4 email from me on or about May 9th, 2010?</p> <p>5 A. I don't remember it from then, but I do</p> <p>6 remember it from two weeks ago, when I looked at</p> <p>7 it.</p> <p>8 Q. You have no reason not to believe that</p> <p>9 you got it and saw it on May 9th, 2010, correct?</p> <p>10 A. I'm sorry, what?</p> <p>11 Q. You have no reason not to believe that</p> <p>12 you didn't see it on or about May 9th, 2010?</p> <p>13 A. It was in some emails of yours that I</p> <p>14 wouldn't even open it. I would leave it unopened,</p> <p>15 because -- so.</p> <p>16 Even a week ago when I started going</p> <p>17 through all of your emails, I had a bunch of</p> <p>18 unopened emails from that time that I opened and</p> <p>19 started going through all of them last week.</p> <p>20 CHAIRMAN FITCH: No, he didn't ask you</p> <p>21 about opening.</p> <p>22 He asked you, is there any reason to</p>	<p style="text-align: right;">Page 663</p> <p>1 this date, but later.</p> <p>2 Q. At all times you had the ability to</p> <p>3 talk to Mr. Shamle about your cases, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you knew that Mr. Shamle was</p> <p>6 working closely with me on your behalf.</p> <p>7 A. Yes.</p> <p>8 THE WITNESS: May I -- is this email</p> <p>9 about the case, this particular email that --</p> <p>10 MR. KLAYMAN: There's no question</p> <p>11 pending, your Honor.</p> <p>12 CHAIRMAN FITCH: Let him ask you</p> <p>13 another question.</p> <p>14 THE WITNESS: Ok, I'm sorry. I'm</p> <p>15 sorry.</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. Turn your attention to Supplemental</p> <p>18 Exhibit 9. This is an email from me, Larry</p> <p>19 Klayman, to you on May 19th, 2010.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 MR. KLAYMAN: May I read this, your</p>

13 (Pages 660 to 663)

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<p style="text-align: right;">Page 664</p> <p>1 Honor? It's extremely short.</p> <p>2 CHAIRMAN FITCH: Go ahead.</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. Ok. "I did not realize payday had</p> <p>5 passed with all that is going on. Please email me</p> <p>6 the bank name, location, routing number and</p> <p>7 account number and I will have Vanessa wire the</p> <p>8 money into your account tomorrow morning. I have</p> <p>9 always told you what I mean and I make good on my</p> <p>10 commitments. Larry."</p> <p>11 You see that?</p> <p>12 A. Yes.</p> <p>13 Q. It is true, is it not, that I offered</p> <p>14 to pay monies when your salaries were cut off by</p> <p>15 VOA and asked for your bank account number so I</p> <p>16 could wire money into your account so you would</p> <p>17 have money to eat and live?</p> <p>18 A. Yes.</p> <p>19 Q. Turn to Petitioner's Supplemental</p> <p>20 Exhibit Number 10. This is an email of May 19th,</p> <p>21 2010 to you from me, correct?</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 666</p> <p>1 A. Yes.</p> <p>2 Q. Turn to Supplemental Exhibit 14. This</p> <p>3 is an email from me dated June 16th, 2010, which</p> <p>4 you forwarded to Mr. Smith last Thursday, May 24,</p> <p>5 2018, that we didn't see until the next day,</p> <p>6 wherein I state --</p> <p>7 MR. KLAYMAN: I'm just going to read</p> <p>8 small portions, your Honor.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. "Ellie, next time have somebody write</p> <p>11 your emails. This email is poorly written by</p> <p>12 someone who knows nothing about what has</p> <p>13 occurred."</p> <p>14 You see that?</p> <p>15 What I'm talking about, based on your</p> <p>16 knowledge, is that something was sent to me</p> <p>17 purporting to give you legal advice on how this</p> <p>18 case -- how your cases should proceed?</p> <p>19 MR. SMITH: Objection.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. Correct?</p> <p>22 A. Not correct.</p>
<p style="text-align: right;">Page 665</p> <p>1 MR. KLAYMAN: If I may, your Honor, I'm</p> <p>2 going to read two lines at the bottom.</p> <p>3 CHAIRMAN FITCH: Go ahead.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. "In this email I'm sending you a legal</p> <p>6 brief of what I've prepared on your behalf to</p> <p>7 submit in legal proceedings." And I say, "Please</p> <p>8 read the legal brief I sent earlier and you will</p> <p>9 see what I'm doing about it, as you put it. I've</p> <p>10 never tried to own you," in quotes, "'by having</p> <p>11 you owe me money.' I just wanted to be treated</p> <p>12 with respect with the realization that I am an</p> <p>13 important person."</p> <p>14 You remember my saying that, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And then in the last sentence, "You</p> <p>17 don't owe me anything. I did what I did from the</p> <p>18 heart. That's me. That's why I am not persons</p> <p>19 who think" -- that's enough.</p> <p>20 You will acknowledge that I told you</p> <p>21 you don't owe me any money and I did what I did</p> <p>22 from my heart?</p>	<p style="text-align: right;">Page 667</p> <p>1 CHAIRMAN FITCH: Objection is</p> <p>2 overruled.</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. When you called up all your emails to</p> <p>5 give to Mr. Smith last week, you didn't send all</p> <p>6 of the emails that you had concerning your cases</p> <p>7 to him, did you?</p> <p>8 A. I don't understand your question.</p> <p>9 Q. I believe you testified earlier that</p> <p>10 you didn't open all -- to this day you haven't</p> <p>11 owned all of your emails from me --</p> <p>12 A. I didn't say "to this day." I said to</p> <p>13 last week. To this day, when I sent these.</p> <p>14 Q. But you did not forward to Mr. Smith</p> <p>15 all of the emails that relate to the legal</p> <p>16 proceedings that I brought on your behalf and</p> <p>17 matters related to that?</p> <p>18 A. Not all legal, because I didn't think</p> <p>19 that that's -- no, I didn't.</p> <p>20 THE WITNESS: With that -- I don't</p> <p>21 really understand it. Is it that from the time</p> <p>22 that he was representing me until --</p>

14 (Pages 664 to 667)

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<p style="text-align: right;">Page 668</p> <p>1 MR. TIGAR: There's no question. 2 You've answered. 3 MR. KLAYMAN: There's no question. 4 THE WITNESS: Ok, I'm sorry. 5 BY MR. KLAYMAN: 6 Q. Turn to Petitioner's Supplemental 7 Exhibit 16, Office of Bar Counsel. That's an 8 email which I sent to you on June 23rd, 2010. 9 You remember receiving it, correct? 10 A. Yes. 11 Q. And in there I'm trying to make you 12 feel optimistic that you have a good life ahead of 13 you, correct? 14 MR. SMITH: Objection. 15 MR. KLAYMAN: That she understood it. 16 MR. SMITH: Objection. 17 CHAIRMAN FITCH: It's overruled. 18 THE WITNESS: Can you repeat your 19 question. 20 MR. KLAYMAN: Madame Court Reporter, 21 can you read it back. 22 We have a very good court reporter.</p>	<p style="text-align: right;">Page 670</p> <p>1 my call, did you? I left a message. 2 A. Correct. 3 Q. And you're aware that I got into that 4 car crash after Judge Kotelly issued her decision 5 and I was not in a happy state myself at that 6 point in time. 7 You're aware of that? 8 MR. SMITH: Objection. He's asking her 9 whether she knows his feelings. I mean, how does 10 she know his feelings? 11 MR. KLAYMAN: Because we were in 12 communication, Mr. Smith? 13 MR. SMITH: No, you were not -- 14 MR. KLAYMAN: No, I don't want your 15 testimony, please. 16 MR. SMITH: I don't want yours. 17 MR. KLAYMAN: Fine, I've listed you as 18 a witness. I've listed you as a witness, so we'll 19 have to address that issue later. 20 CHAIRMAN FITCH: I've lost track of the 21 question. 22 MR. KLAYMAN: Can we read it back.</p>
<p style="text-align: right;">Page 669</p> <p>1 She gets things exact. 2 THE COURT REPORTER: "And in there I'm 3 trying to make you feel optimistic that you have a 4 good life ahead of you, correct?" 5 THE WITNESS: In the email, that's what 6 he's writing. 7 BY MR. KLAYMAN: 8 Q. Turn to Bar Counsel's Supplemental 9 Exhibit 17. This is an email which I sent to you 10 on June 23rd, 2010. 11 You remember receiving that at that 12 time, correct? 13 A. Correct. 14 Q. You were aware in and around that time 15 period that I was in a very serious car crash on 16 the 405, correct? 17 A. So you told me. I don't know. You 18 told me that. 19 Q. Yes. And that evening, when I walked 20 up the exit, I called you, because your apartment 21 was very close to where I had crashed the car, and 22 I called you for help, and you did not respond to</p>	<p style="text-align: right;">Page 671</p> <p>1 THE COURT REPORTER: "That evening, 2 when I walked up the exit, I called you, because 3 your apartment was very close to where I had 4 crashed the car, and I called you for help, and 5 you did not respond to my call, did you? I left a 6 message. 7 "Answer: Correct. 8 "Question: And you're aware that I got 9 into that car crash after Judge Kotelly issued her 10 decision and I was not in a happy state myself at 11 that point in time. 12 You're aware of that?" 13 CHAIRMAN FITCH: Ok, now wait just a 14 minute. 15 When you say "that decision," are you 16 referring to the denial of the TRO? 17 MR. KLAYMAN: Yes, yes. Thank you, 18 your Honor. 19 BY MR. KLAYMAN: 20 Q. You may respond. 21 CHAIRMAN FITCH: Just a second. 22 Read it back.</p>

15 (Pages 668 to 671)

In Re: Larry E. Klayman
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<p style="text-align: right;">Page 672</p> <p>1 THE COURT REPORTER: "And you're aware 2 that I got into that car crash after Judge Kotelly 3 issued her decision and I was not in a happy state 4 myself at that point in time. 5 You're aware of that?" 6 MR. SMITH: It's a compound question. 7 CHAIRMAN FITCH: I'm sorry? 8 MR. SMITH: There's a compound 9 question. 10 There are two distinct questions in 11 there, one, whether or not she was aware that he 12 had just received a decision from Judge 13 Kollar-Kotelly, and the next, what his state of 14 mind was with respect to that. 15 It's two questions, and the second 16 question is certainly improper. 17 CHAIRMAN FITCH: Well, it is improper. 18 One at a time is a fair point. 19 BY MR. KLAYMAN: 20 Q. You're aware that the date that I got 21 into the cash where I totalled my car was the date 22 where Judge Kotelly issued her decision for you to</p>	<p style="text-align: right;">Page 674</p> <p>1 questions about 18. We'll move on. 2 CHAIRMAN FITCH: That's alright. Just 3 give me a moment. 4 MR. KLAYMAN: Ok. They're already in 5 evidence. 6 CHAIRMAN FITCH: Just let the old guy 7 plod along here a little bit. 8 Mr. Smith, do your exhibits include the 9 TRO denial or a docket number? 10 MR. SMITH: Yes. 11 MR. KLAYMAN: I'm going to go back 12 to -- 13 CHAIRMAN FITCH: Have they been 14 admitted into evidence? 15 MR. SMITH: Not as of yet. I can move 16 it all into evidence. 17 CHAIRMAN FITCH: But you're going to 18 admit them? 19 MR. SMITH: I am going to move all of 20 my exhibits into evidence, yes, thank you. 21 CHAIRMAN FITCH: Ok. I note that 22 because the committee may want to take into</p>
<p style="text-align: right;">Page 673</p> <p>1 be sent back to LA at the Persia News Network 2 there? 3 A. That's what you told me. 4 Q. And you're aware that my car was 5 totalled? 6 A. That's what you told me. 7 Q. And you're aware that I had a 8 concussion and had to go to Kaiser Permanente? 9 A. That's what you told me. 10 Q. And you didn't answer the phone when I 11 called you to ask you for help when I came up the 12 exit close to your apartment, correct? 13 A. Correct. 14 Q. And you didn't respond to the voicemail 15 that I left. 16 A. Correct. 17 Q. Turn to Exhibit 18. 18 CHAIRMAN FITCH: Give me a moment, 19 please. 20 MR. KLAYMAN: Sure. 21 (Brief pause.) 22 MR. KLAYMAN: I'm not going to ask</p>	<p style="text-align: right;">Page 675</p> <p>1 consideration the various dates that have been 2 purported here. 3 MR. SMITH: I appreciate that and I was 4 waiting, since the Respondent had previously 5 objected to all of our exhibits, I was going to 6 move them in when appropriate. 7 I can move them all in now. 8 CHAIRMAN FITCH: Now, no, he's in his 9 case -- 10 MR. SMITH: Alright. 11 CHAIRMAN FITCH: Not in his case. 12 Later. We're preserving everybody's rights. 13 I'm sorry, Mr. Klayman. 14 BY MR. KLAYMAN: 15 Q. Ok, now, it is true, is it not, Ms. 16 Sataki, that the day after I got into that 17 near-fatal car crash, that was the day that Judge 18 Kotelly had issued a decision not to put you back 19 to work in Los Angeles? 20 A. Again, it's what you told me. I was 21 not there. I didn't see the car crash. I don't 22 know.</p>

16 (Pages 672 to 675)

In Re: Larry E. Klayman
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<p style="text-align: right;">Page 676</p> <p>1 Q. We did have a conversation, however, 2 the next day, talking about what Judge Kotelly had 3 ruled, did we not, a telephone conversation? 4 A. I think so. I mean, it's such a long 5 time ago. I'm sure that's -- yes. 6 Q. And you were -- I'm sorry, go on. 7 A. I just don't remember exactly 8 everything from eight years ago. I mean, there 9 was so many. 10 But, yes, we had a conversation. 11 Q. And you were very upset and you blamed 12 me in the conversation? 13 A. Not correct. 14 Q. Well, you were willing to talk to me 15 the day after my crash, but you weren't willing to 16 give me any help when I almost killed myself on 17 the highway, correct? 18 A. Your words, sir. I don't know that. 19 Q. Ok. Turn your attention to Bar 20 Counsel's Supplemental Exhibit 19. That's an 21 email that I sent to you on June 29th, 2010, 22 correct?</p>	<p style="text-align: right;">Page 678</p> <p>1 Now, I told you that, correct? 2 A. Yes. 3 Q. Well, let me ask you this question: in 4 this email I'm also saying some of the pitfalls 5 that we have to get over are with regard to rumors 6 about your past that are circulating inside of 7 Voice of America, correct? 8 A. Yes. 9 Q. Then I'm urging you in this email to -- 10 THE WITNESS: Can I add anything to 11 that, or no? 12 MR. KLAYMAN: No, I think that's 13 enough. 14 Your Honor, I move that in. Mr. Smith 15 has no objection to it going into evidence. 16 MR. SMITH: It's already admitted and 17 received into evidence. 18 BY MR. KLAYMAN: 19 Q. Attached to this email is an affidavit 20 of your former husband, Bamboos Pourgol, 21 B-a-m-b-o-o-s P-o-u-r-g-o-l. 22 Do you see that?</p>
<p style="text-align: right;">Page 677</p> <p>1 A. Correct. 2 Q. You remember receiving it around that 3 time, correct? 4 A. Honestly I don't remember if I just -- 5 I received it at that time, yes. 6 MR. KLAYMAN: In the fourth paragraph, 7 your Honor, if I may read that? 8 CHAIRMAN FITCH: Sure. 9 BY MR. KLAYMAN: 10 Q. "In fact, working as hard as I have to 11 try to get you back to the Persia News Network 12 gets me nothing, assuming I ever wanted a 13 percentage of the damages we could have won in 14 court, which I never asked for. I told you to 15 keep it all. 16 "There is no money in having you return 17 to Persia News Network. There is with the damage 18 claims. And I have spent several hundred thousand 19 dollars in time and expense fighting to get you 20 back to a \$75,000-a-year job in a network that is 21 a cesspool of corruption. But that's what you 22 wanted."</p>	<p style="text-align: right;">Page 679</p> <p>1 A. Yes. 2 Q. And I was concerned about what he had 3 sworn to under oath, that it could be used against 4 you, correct? 5 A. Correct. 6 And I explained to you how we can have 7 our own people to -- we had witnesses, too, right, 8 Mr. Klayman? 9 Q. There's no question. 10 A. I'm sorry. 11 Q. I'm not under oath. 12 A. Ok, I'm sorry. I can't ask -- I'm 13 sorry. 14 Q. You can give them to Mr. Smith. He can 15 ask me when I'm on the stand. 16 A. Ok, I apologize. 17 Q. I'm sure you will. 18 A. I apologize. 19 Q. The witnesses that you had me go to to 20 try to prove your case, they were discussed in 21 that Office of Civil Rights' final determination, 22 correct, which you remember?</p>

17 (Pages 676 to 679)

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<p style="text-align: right;">Page 680</p> <p>1 Assuming that you ever read it, are you 2 aware that the Office of Civil Rights ever talked 3 to those witnesses and discredited their 4 testimony? 5 MR. SMITH: I'm just going to again 6 object to the form of the question. There were a 7 couple of questions in there, so if we could -- 8 MR. KLAYMAN: This is the last 9 question. 10 CHAIRMAN FITCH: Well, I think we're on 11 the last question. 12 THE WITNESS: Please repeat your 13 question. 14 BY MR. KLAYMAN: 15 Q. You're aware that the Office of Civil 16 Rights, in making a final determination rejecting 17 your discrimination and work place retaliation 18 claims, interviewed the witnesses whose names you 19 gave to me and that the Office of Civil Rights 20 found those witnesses not to be credible? 21 MR. SMITH: Objection. 22 CHAIRMAN FITCH: Sustained.</p>	<p style="text-align: right;">Page 682</p> <p>1 time? 2 A. No. 3 Q. What was your response? 4 A. No. 5 Q. Take an opportunity to look at it now, 6 assuming you're correct that you didn't read it or 7 see it before. 8 (Witness reads document.) 9 Q. And then I will also ask you about the 10 email at the bottom, which is on July 26, 2010, 11 which was also sent to you, where it says "Talked 12 with Kathleen of Congressman Rohrbacher's office." 13 You see that? 14 A. Yes. 15 MR. KLAYMAN: Your Honor, may I read 16 this? It's short. 17 CHAIRMAN FITCH: Go ahead. 18 MR. KLAYMAN: May I do that? 19 CHAIRMAN FITCH: I said go ahead. 20 MR. KLAYMAN: Oh, thank you. 21 BY MR. KLAYMAN: 22 Q. "Talked with Kathleen of Congressman</p>
<p style="text-align: right;">Page 681</p> <p>1 THE WITNESS: Do I answer it? 2 CHAIRMAN FITCH: When he objects and I 3 say "sustained" -- he's objecting to a question. 4 When I say "sustained," it means that you don't 5 need to answer the question. 6 MR. KLAYMAN: I'm not going to belabor 7 this, your Honor, because you have the decision 8 and you all can read it. Ok. 9 BY MR. KLAYMAN: 10 Q. Turn to Bar Counsel's Exhibit 20. 11 MR. SMITH: Supplemental Exhibit 20, 12 for the record. 13 CHAIRMAN FITCH: I'm sorry? 14 MR. SMITH: Supplemental Exhibit 20, 15 for the record. 16 CHAIRMAN FITCH: Thank you. 17 BY MR. KLAYMAN: 18 Q. Now, this is an email which I sent to 19 you on July 26, 2010, correct? 20 A. Correct. 21 Q. I'm just talking about the first one. 22 Do you remember receiving it in and around that</p>	<p style="text-align: right;">Page 683</p> <p>1 Rohrbacher's office and she told me that you told 2 her that 'You never wanted to do anything in 3 court' and implied that you did not want to be in 4 LA and that it was all my idea. 5 "Saying and implying stuff like that 6 not other shows further how you view me but hurts 7 your case. If you undercut your lawyer, it speaks 8 poorly of you. Indeed I sense that Kathleen and 9 the congressman are now backing off and have less 10 enthusiasm to help you. 11 "I suggest you let me deal with the 12 congressman from this point forward. Larry." 13 Do you remember getting that email? 14 A. Again, I got a lot of emails during 15 that time and I didn't open all of them. 16 So, I did get it at that time, but I 17 know about this email, yes. 18 Q. Turn to Bar Counsel's Supplemental 19 Exhibit 21. These are emails dated July 30th, 20 2010. 21 Look at the one at the bottom that I 22 sent to you.</p>

18 (Pages 680 to 683)

In Re: Larry E. Klayman
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<p style="text-align: right;">Page 684</p> <p>1 MR. KLAYMAN: If I may read this. It's 2 short, your Honor. We're moving along pretty well 3 here. 4 CHAIRMAN FITCH: Go ahead. 5 BY MR. KLAYMAN: 6 Q. "This email contains many false 7 statements and is dishonest. I am in Phoenix and 8 will respond in greater detail later. 9 "In the meantime, please refrain from 10 more dishonest emails written by your friend. It 11 does not serve anyone's interest, including yours. 12 "At a minimum I would have expected 13 honesty from you. The way you deal with me and 14 the lack of respect is very disappointing, to say 15 the least. It's a question of not just honesty, 16 but no class. Larry." 17 Do you see that? 18 A. Yes. 19 Q. Now, what we don't have here in this 20 package is the email that was sent to me by your 21 friend. 22 A. You do. It's right under. If you</p>	<p style="text-align: right;">Page 686</p> <p>1 MR. KLAYMAN: Sure. 2 (Brief pause.) 3 CHAIRMAN FITCH: Go ahead, Mr. Klayman. 4 Thank you. 5 BY MR. KLAYMAN: 6 Q. I turn your attention to Respondent's 7 Exhibit 23. 8 MR. SMITH: Respondent's Exhibit 23? 9 MR. KLAYMAN: I'm sorry, Bar Counsel's 10 Supplemental Exhibit 23. 11 BY MR. KLAYMAN: 12 Q. This is an email that I sent to you on 13 July 31st, 2010, correct? 14 A. Correct. 15 Q. You remember receiving it around that 16 time? 17 A. Again, yes, around that time. Yes. 18 Q. And I write at the top, "Whoever wrote 19 in email either intentionally falsified the facts 20 or was ill informed by you. 21 "In any event, you did not write this, 22 because it is not in your English syntax,"</p>
<p style="text-align: right;">Page 685</p> <p>1 continue, please. 2 And it was -- I didn't say it was sent 3 by my friend. I said that -- but you continue. 4 That's my email. You responded -- you see, it 5 says "Dear, Larry"? 6 You responded to that. 7 Q. You're right, I'm sorry. 8 A. You have the email. 9 Q. Now you testified previously that 10 Kathleen helped you with that, right? 11 A. Yes. 12 Q. And that you told her what to write? 13 A. Yes. 14 Q. But you never told me that Kathleen was 15 helping you write emails to me, did you? 16 A. No. 17 Q. You are aware that Kathleen was not a 18 lawyer and is not a lawyer? 19 A. Yes. 20 Q. I turn your attention to -- 21 CHAIRMAN FITCH: Give me a second to 22 catch up on something that I'm doing here.</p>	<p style="text-align: right;">Page 687</p> <p>1 s-y-n-t-a-x. 2 You see that? 3 A. Yes. 4 Q. And what I'm referring to is the letter 5 that Kathleen wrote for you that was sent to me 6 that you just testified to, correct? 7 A. Yes. 8 Again, my words. She helped me with 9 the English. 10 Q. I'm going to turn to the fifth 11 paragraph where in I wrote -- 12 MR. KLAYMAN: I'm not going to read the 13 whole thing, your Honor, the whole letter. 14 BY MR. KLAYMAN: 15 Q. "During periods that you were lucid, 16 you would tell me how you hated VOA and its 17 management, how they hated you because they see 18 you as a monarchist, and PNN, the Persian branch 19 of VOA, as being run by communists loyal to 20 Tehran. 21 "You asked me to take legal action, and 22 I knew, because I knew that had early feelings for</p>

19 (Pages 684 to 687)

In Re: Larry E. Klayman
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<p style="text-align: right;">Page 688</p> <p>1 you, I referred you to Gloria Allred. However,</p> <p>2 Gloria, a friend of mine, and you did not seem to</p> <p>3 relate well and you said you felt more comfortable</p> <p>4 if I would help you. I agreed."</p> <p>5 You remember my writing that to you,</p> <p>6 correct?</p> <p>7 A. These are your words.</p> <p>8 Q. You remember my writing that to you,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you never responded to refute what</p> <p>12 wrote, did you?</p> <p>13 A. I asked -- I even called Gloria myself.</p> <p>14 She said she won't represent me since you</p> <p>15 represented me. I even got an email from her.</p> <p>16 Q. Why don't we have that email? Have you</p> <p>17 been withholding that from Mr. Smith and everybody</p> <p>18 else?</p> <p>19 A. I'm sorry, I forgot it.</p> <p>20 Q. Ok, now you forgot it.</p> <p>21 You're under oath, Ms. Sataki. You're</p> <p>22 obligated to tell the truth. You did not --</p>	<p style="text-align: right;">Page 690</p> <p>1 and stuff -- that we get all the documents.</p> <p>2 There is a rule of completeness. She</p> <p>3 can't just submit what she wants. I'm not saying</p> <p>4 that Mr. Smith did anything wrong here, but</p> <p>5 there's an obligation to do some kind of due</p> <p>6 diligence to find out if all the documents have</p> <p>7 been turned over, not just the stuff that Bar</p> <p>8 Counsel and that Ms. Sataki thinks are helpful to</p> <p>9 them.</p> <p>10 This is a very important piece of</p> <p>11 evidence that she just contradicted herself three</p> <p>12 times on and came up with a new story, and it will</p> <p>13 speak for itself. It's on the record, about Ms.</p> <p>14 Allred. And Ms. Allred is going to be a witness</p> <p>15 in this case. So we need that email and we need</p> <p>16 any other emails that she has that relate to this</p> <p>17 case.</p> <p>18 That's why I wanted to take discovery</p> <p>19 early on, with a subpoena, because we need this</p> <p>20 stuff. I need that to be able to defend myself</p> <p>21 here. Due process, equal protection, the rest.</p> <p>22 And, you know, you've not been dealt</p>
<p style="text-align: right;">Page 689</p> <p>1 MR. SMITH: Objection. He does not</p> <p>2 need to be admonishing the witness about her role</p> <p>3 or anything else.</p> <p>4 THE WITNESS: I did not email Gloria at</p> <p>5 this time. It was about two years ago when I was</p> <p>6 watching her on TV with her daughter, and I just</p> <p>7 sent letter an email regarding this whole thing,</p> <p>8 and she said she doesn't want to have anything to</p> <p>9 do with this, and she said it before, too. She</p> <p>10 emailed me back.</p> <p>11 I completely -- I didn't think that</p> <p>12 email would be relevant here now. So...</p> <p>13 MR. KLAYMAN: Your Honor, because --</p> <p>14 THE WITNESS: Because it was years</p> <p>15 after this.</p> <p>16 But there is emails here, Mr. Klayman,</p> <p>17 that you said Gloria Allred is not going to accept</p> <p>18 me as a client and also that --</p> <p>19 I don't know. Can I continue?</p> <p>20 MR. KLAYMAN: Your Honor, this presents</p> <p>21 a problem. I would ask that before we reconvene</p> <p>22 again -- I know we're going to discuss scheduling</p>	<p style="text-align: right;">Page 691</p> <p>1 with, the hearing committee, fairly either. And</p> <p>2 this is not -- this is not right, and we just went</p> <p>3 through that letter earlier today where she said</p> <p>4 that her career is ruined. That's obviously not</p> <p>5 the case.</p> <p>6 So, you know, we both have issues here</p> <p>7 with the way this matter has been handled. I need</p> <p>8 everything that she's got to defend myself, and</p> <p>9 this is a material piece of evidence.</p> <p>10 CHAIRMAN FITCH: Mr. Klayman has</p> <p>11 suggested that we will deal with this issue at</p> <p>12 some later point in time. He has preserved it.</p> <p>13 We'll get there.</p> <p>14 MR. KLAYMAN: What I'm going to ask</p> <p>15 for, and I don't argue it now, is to get a service</p> <p>16 to come in to be appointed to -- as is accepted</p> <p>17 and in a way that preserves everybody's privacy,</p> <p>18 go through the computer and determine what needs</p> <p>19 to be produced here.</p> <p>20 This happens frequently in litigation.</p> <p>21 I'm sure that you and Mr. Tigar, you know, have</p> <p>22 gone through that yourself in various cases.</p>

In Re: Larry E. Klayman
June 1, 2018

<p style="text-align: right;">Page 692</p> <p>1 So that's what we're going to need to</p> <p>2 do.</p> <p>3 MR. SMITH: I'm going to have to</p> <p>4 respond to all of this right now, if you don't</p> <p>5 mind, just very briefly.</p> <p>6 This is not a civil proceeding. This</p> <p>7 is not a formal proceeding. This is a</p> <p>8 disciplinary proceeding.</p> <p>9 A pleading got filed earlier. I cited</p> <p>10 to a case where the court had just kind of</p> <p>11 informed that these proceedings should not be</p> <p>12 raised to the elevation of a civil or a criminal</p> <p>13 proceeding, with all of the rules and whatnot that</p> <p>14 are attendant thereto.</p> <p>15 We should not be entertaining --</p> <p>16 CHAIRMAN FITCH: Mr. Smith, I let you</p> <p>17 get that sentence in because Mr. Klayman had done</p> <p>18 a little preview of positions that might be taken</p> <p>19 on the request that he says he's going to make.</p> <p>20 But he hasn't made the request yet, and we can</p> <p>21 just go to the next question here.</p> <p>22</p>	<p style="text-align: right;">Page 694</p> <p>1 CHAIRMAN FITCH: The usual, 10, 12</p> <p>2 minutes. Whatever works best for people. We</p> <p>3 stand in recess here at 10:55.</p> <p>4 And the witness will remember not to</p> <p>5 speak with anyone about her testimony.</p> <p>6 THE WITNESS: Yes, sir.</p> <p>7 (Recess taken.)</p> <p>8 CHAIRMAN FITCH: We are back on the</p> <p>9 record at 11:10, and the witness is present and I</p> <p>10 think that Mr. Klayman wants to continue his</p> <p>11 cross-examination.</p> <p>12 MR. KLAYMAN: Yes, thank you.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. Turn your attention, Ms. Sataki, to Bar</p> <p>15 Counsel's Exhibit 25, Supplemental Exhibit 25.</p> <p>16 This is an email that I sent you on August 2nd,</p> <p>17 2010.</p> <p>18 You remember receiving it around that</p> <p>19 time, correct?</p> <p>20 A. I don't remember. Not around that</p> <p>21 time.</p> <p>22 Q. It says, "I have followed your</p>
<p style="text-align: right;">Page 693</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. The second page of this letter again</p> <p>3 discusses -- you say you received it, the</p> <p>4 difficulties that we were facing with regard to</p> <p>5 what Voice of America believed was your past with</p> <p>6 regard to a number of different matters that I</p> <p>7 don't need to get into now, correct?</p> <p>8 A. Correct.</p> <p>9 CHAIRMAN FITCH: We've done about an</p> <p>10 hour and a half, Mr. Klayman.</p> <p>11 MR. KLAYMAN: We can take a break, your</p> <p>12 Honor.</p> <p>13 CHAIRMAN FITCH: Whatever works for</p> <p>14 you.</p> <p>15 MR. KLAYMAN: Yeah, that's good. We're</p> <p>16 making due process.</p> <p>17 CHAIRMAN FITCH: We'll make it a little</p> <p>18 bit longer session, probably, after we come back</p> <p>19 from the break. But we'll break now.</p> <p>20 MR. KLAYMAN: Take a break?</p> <p>21 CHAIRMAN FITCH: Yeah.</p> <p>22 MR. KLAYMAN: Thank you.</p>	<p style="text-align: right;">Page 695</p> <p>1 instructions and dismissed all of the cases</p> <p>2 against VOA, except the part about having you work</p> <p>3 in LA.</p> <p>4 "This aspect of the case is not against</p> <p>5 anyone personally and I intend to appeal the</p> <p>6 judge's decision to a higher court."</p> <p>7 You see that?</p> <p>8 A. Yes.</p> <p>9 Q. So you were aware that I followed your</p> <p>10 instructions, correct?</p> <p>11 MR. SMITH: Objection. She said she</p> <p>12 didn't recall.</p> <p>13 CHAIRMAN FITCH: No, overruled.</p> <p>14 MR. SMITH: It's asking for past</p> <p>15 recollection.</p> <p>16 MR. KLAYMAN: That's inserting</p> <p>17 testimony to the witness. That's totally</p> <p>18 inappropriate.</p> <p>19 CHAIRMAN FITCH: Overruled.</p> <p>20 His question is -- you want to ask it</p> <p>21 again or you want me to? Do you prefer to do it?</p> <p>22</p>

21 (Pages 692 to 695)

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<p style="text-align: right;">Page 696</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. Yeah, are you aware that I followed</p> <p>3 your directions and dismissed the cases you asked</p> <p>4 me to dismiss?</p> <p>5 A. No, I was not aware because I didn't</p> <p>6 open your emails any more at that time.</p> <p>7 Q. You didn't bother calling anyone else,</p> <p>8 such as Mr. Shamble, to find out whether the cases</p> <p>9 had been dismissed either, did you?</p> <p>10 A. I had a couple of conversations with</p> <p>11 Mr. Shamble during that time, phone conversations.</p> <p>12 Q. Did you ask him whether your cases had</p> <p>13 been dismissed?</p> <p>14 A. I don't remember if I have</p> <p>15 conversation. It was long time ago.</p> <p>16 Q. So basically, Ms. Sataki, in all due</p> <p>17 respect, you remember what you want to remember</p> <p>18 and forget what you want to forget.</p> <p>19 A. No, sir. I said that I don't remember</p> <p>20 much from eight years ago.</p> <p>21 Q. Only when it's something that's</p> <p>22 negative towards me do you remember it.</p>	<p style="text-align: right;">Page 698</p> <p>1 A. Yes.</p> <p>2 Q. You're referring to the letter that</p> <p>3 Kathleen Stanton had written for you to Dan Austin</p> <p>4 of Voice of America, correct?</p> <p>5 CHAIRMAN FITCH: No, she didn't. This</p> <p>6 is your letter, but your question was --</p> <p>7 MR. KLAYMAN: Yeah. The reference is</p> <p>8 to that.</p> <p>9 CHAIRMAN FITCH: I thought your</p> <p>10 question started to her, you were referring to --</p> <p>11 MR. KLAYMAN: I can rephrase it.</p> <p>12 CHAIRMAN FITCH: Ok.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. The reference that I make there with</p> <p>15 regard to the letter to Dan Austin, that's the one</p> <p>16 that was prepared by Kathleen Stanton for you?</p> <p>17 A. That particular letter, I don't</p> <p>18 remember who helped me with that letter, but</p> <p>19 someone did help me with that letter, and we sent</p> <p>20 it then -- I sent it to Dan Austin, yes.</p> <p>21 Q. Whoever that person was, that person</p> <p>22 wasn't a lawyer, correct?</p>
<p style="text-align: right;">Page 697</p> <p>1 A. Sir, the emails here that I had to</p> <p>2 review last week made that I remembered a lot of</p> <p>3 stuff from that time now.</p> <p>4 Q. Turn your attention to Office of Bar</p> <p>5 Counsel's Exhibit 26.</p> <p>6 MR. SMITH: Supplemental Exhibit 26?</p> <p>7 MR. KLAYMAN: Supplemental Exhibit 26.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. This is an email that I sent to you on</p> <p>10 or about August 5th, 2010.</p> <p>11 You remember receiving it, do you not?</p> <p>12 A. I don't remember I received it at that</p> <p>13 time.</p> <p>14 Q. This letter refers to the letter which</p> <p>15 was sent to Dan Austin, which I believe Kathleen</p> <p>16 Stanton wrote for you, in the first sentence?</p> <p>17 A. What's your question? I'm sorry.</p> <p>18 Q. The first sentence, "This letter that</p> <p>19 you sent to Dan Austin and Tim Shamble but not me</p> <p>20 makes no sense and is counterproductive for the</p> <p>21 following reasons."</p> <p>22 You see that?</p>	<p style="text-align: right;">Page 699</p> <p>1 A. Correct.</p> <p>2 At that time I didn't have a lawyer any</p> <p>3 more.</p> <p>4 Q. I didn't ask you a question.</p> <p>5 MR. KLAYMAN: I move to strike.</p> <p>6 CHAIRMAN FITCH: It is struck.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. I turn your attention to Bar Counsel's</p> <p>9 Supplemental Exhibit 27. It's an email of August</p> <p>10 19th, 2010 sent by me to you. I'm looking at the</p> <p>11 one on the bottom, initially at 12:46 p.m.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. You remember receiving this email on or</p> <p>15 about August 19th, 2010, correct?</p> <p>16 A. I don't remember receiving that on that</p> <p>17 date.</p> <p>18 Q. Around that time?</p> <p>19 A. Again, I opened a lot of emails and I</p> <p>20 revisited that time last week.</p> <p>21 Q. Ms. Sataki, when it suits you, you like</p> <p>22 to play the victim, correct?</p>

22 (Pages 696 to 699)

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<p style="text-align: right;">Page 700</p> <p>1 A. I'm sorry, what?</p> <p>2 Q. When it suits you, you play the victim.</p> <p>3 MR. SMITH: Objection.</p> <p>4 CHAIRMAN FITCH: Sustained.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. Nobody prevented you from opening</p> <p>7 emails at that point in time in August 19th, 2010,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. I'm just going to read the first</p> <p>11 sentence...</p> <p>12 " Your actions and failure to</p> <p>13 communicate have harmed not only your interest and</p> <p>14 mine, but also Tim Shamble's and the union. Tim</p> <p>15 really went all out for you and does not deserve</p> <p>16 this."</p> <p>17 In fact, Mr. Shamble did go all out for</p> <p>18 you, didn't he?</p> <p>19 MR. SMITH: Objection. I don't really</p> <p>20 know what that means, "going all out".</p> <p>21 MR. KLAYMAN: I think it's common --</p> <p>22 CHAIRMAN FITCH: Overruled.</p>	<p style="text-align: right;">Page 702</p> <p>1 The first question is: You do remember</p> <p>2 receiving this email from me on or about August</p> <p>3 22nd, 2010, "Subject: Legal Matters and Meeting.</p> <p>4 Urgent."</p> <p>5 A. I don't remember receiving it at that</p> <p>6 time.</p> <p>7 Q. But you do remember receiving it in or</p> <p>8 around that time, correct?</p> <p>9 A. No.</p> <p>10 Q. You do remember receiving it generally?</p> <p>11 A. In general? Yes, I had it in my</p> <p>12 emails.</p> <p>13 Q. So, the third paragraph, "It's not fair</p> <p>14 that you blame me for not getting the results you</p> <p>15 wanted sooner. In this regard I was reviewing the</p> <p>16 report of the Office of Civil Rights the other day</p> <p>17 and Joy Wagner, your supervisor, stated at Page 40</p> <p>18 that the first time that you went to Los Angeles</p> <p>19 in 2010, when you broke down and I found Dr.</p> <p>20 Arlene Aviera for you, you had told Joy Wagner</p> <p>21 before you left that 'you,' had a romantic</p> <p>22 interest in Los Angeles, because (you) left in</p>
<p style="text-align: right;">Page 701</p> <p>1 THE WITNESS: He did help me with some</p> <p>2 stuff, yes. But I don't know what "all out," what</p> <p>3 you mean, but he helped me, yes.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. He did a lot of things for you to try</p> <p>6 to resolve your situation, correct?</p> <p>7 A. Yes. He was the chief of the union. I</p> <p>8 mean, that was -- I went to him first. He --</p> <p>9 Q. And he worked closely with me, correct?</p> <p>10 A. He worked closely with you, yes. I</p> <p>11 introduced you to him.</p> <p>12 Q. And based on your experience in dealing</p> <p>13 with Mr. Shamble, he's a very good person?</p> <p>14 A. Yes, he is.</p> <p>15 Q. Isn't that true? Very sincere?</p> <p>16 A. I don't --</p> <p>17 Q. He's honest, isn't he? You found him</p> <p>18 to be honest?</p> <p>19 A. Yes.</p> <p>20 Q. I turn your attention to Office of Bar</p> <p>21 Counsel's Supplemental Exhibit 28. I turn your</p> <p>22 attention to the third paragraph.</p>	<p style="text-align: right;">Page 703</p> <p>1 February, 2010 to see there gentleman on</p> <p>2 Valentine's Day."</p> <p>3 That's an accurate statement, isn't it?</p> <p>4 A. It's what?</p> <p>5 Q. That's an accurate statement, is it</p> <p>6 not?</p> <p>7 A. No, it's not.</p> <p>8 Q. That's what you told Joy Wagner,</p> <p>9 correct?</p> <p>10 A. No, I didn't.</p> <p>11 Q. You told Joy Wagner that so you could</p> <p>12 get leave, correct?</p> <p>13 A. I didn't tell her that I have a</p> <p>14 romantic -- I didn't say that.</p> <p>15 Q. I'm referring to Page 40 of the final</p> <p>16 decision of the Office of Civil Rights.</p> <p>17 I take it that you went to Page 40 to</p> <p>18 see what I was saying here?</p> <p>19 A. What is question -- what's the</p> <p>20 question? What I told Joy Wagner or what Joy</p> <p>21 Wagner told the committee?</p> <p>22 Which one is the question?</p>

23 (Pages 700 to 703)

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<p style="text-align: right;">Page 704</p> <p>1 Q. Well, when you talked to Joy Wagner, 2 you weren't telling her the truth, were you? 3 You told her something that was false, 4 that you were going for another reason other than 5 what you told me. 6 MR. SMITH: Objection. I really 7 don't -- 8 THE WITNESS: I'm confused, I'm sorry. 9 MR. SMITH: There's a lot there. 10 MR. KLAYMAN: Ok, let me break it town. 11 BY MR. KLAYMAN: 12 Q. You didn't tell me that you were going 13 to LA to pursue a romantic relationship with 14 someone on Valentine's Day, correct? 15 A. I didn't do that. Because I didn't go 16 to LA to pursue a romantic relationship with 17 somebody. I didn't. Why should I say that? 18 Q. Or quote, "You had a romantic interest 19 in Los Angeles because you left in February, 2010 20 to see this gentleman on Valentine's Day." 21 You told that to Joy Wagner, didn't 22 you?</p>	<p style="text-align: right;">Page 706</p> <p>1 low-class sleazy people you hang around, I was not 2 referring to them. I was referring to people like 3 the person who stole your diamond ring and the 4 long list of other sleazy people, including 5 persons with no legal identity in this country, 6 who have abused you in the past and perhaps 7 currently. 8 "I was recently contacted in this 9 regard by an investigator who found our legal 10 relationship on the internet and I gave her your 11 telephone number since I was concerned that you 12 could be in some other danger or other peril. I 13 pray that this is not the case." 14 You see that? 15 A. Yes. 16 Q. So you remember my saying these things 17 to you, that I was contacted by an investigator 18 and I was concerned about it was all about 19 considering the kinds of people you hung around 20 with in the past? 21 A. Not from that time. Again, I didn't 22 open your emails at this time any more.</p>
<p style="text-align: right;">Page 705</p> <p>1 A. I did not tell that to Joy Wagner. 2 Q. Turn to the second page and the 3 paragraph at the top where it says -- I'm reading 4 the sentence, "Therefore I look forward to meeting 5 to hash out the issues and you can invite Nella, 6 Abdy and/or Janet, if you so desire." 7 Those are your friends, correct? 8 A. Correct. 9 Q. You introduced me to your friends, did 10 you not? 11 A. You picked me up at their house to take 12 me to the doctor when I was staying -- in the 13 beginning when I was staying at their place. 14 Q. In fact, we all had dinner at Nella's 15 and Abdy's house in Calabasas, correct? 16 A. Yes, in the beginning. 17 Q. Yes, ok. And in fact we saw Nella 18 later at her work place. We went to visit her, on 19 Ventura Boulevard. 20 A. I don't remember that, but, we probably 21 did. You say that, we probably did it. 22 Q. "When I had previously referred to the</p>	<p style="text-align: right;">Page 707</p> <p>1 Q. Turn to the next page. 2 MR. SMITH: Which page? 3 MR. KLAYMAN: Bar Counsel's 4 Supplemental Exhibit 29. 5 BY MR. KLAYMAN: 6 Q. This is an email that I sent to you on 7 or about September 10th, 2010, and you remember 8 receiving it on or about that day, correct? 9 A. Not on that day. I don't remember on 10 that day. 11 Q. You received it another day. You read 12 it on another day, I should say. 13 A. Read it last week, yes. 14 Q. Turn your attention to Bar Counsel's 15 Supplemental Exhibit 30. This is an email that I 16 sent to you on September 10th, 2010. 17 Do you see that? 18 A. Yes. 19 Q. You received it on or about that date, 20 correct? 21 A. You sent it that date, correct. 22 Q. And you read it on or about that date,</p>

24 (Pages 704 to 707)

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<p style="text-align: right;">Page 708</p> <p>1 correct?</p> <p>2 A. Again, I wouldn't open your emails</p> <p>3 around that time any more.</p> <p>4 Q. I'm going to read this. It's very</p> <p>5 short: "Ellie, the cost expended on your behalf</p> <p>6 for legal and related matters, including advanced</p> <p>7 living expenses, rent, movers for transporting</p> <p>8 your car, travel expenses, plane tickets, et</p> <p>9 cetera, to and from LAX, court filing fees,</p> <p>10 polygraph examination costs, process servers, and</p> <p>11 other independent legal contractors, excluding of</p> <p>12 my time and working on the cases and settlement</p> <p>13 negotiations, comes to in excess of \$30,000."</p> <p>14 You see that?</p> <p>15 A. Yes.</p> <p>16 Q. And then I wrote, "These monies I had</p> <p>17 hoped and still hope to collect from litigation</p> <p>18 concerning VOA and its managers."</p> <p>19 You see that?</p> <p>20 A. Yes.</p> <p>21 Q. And then I wrote, "Interference by</p> <p>22 third parties in my ability to collect these</p>	<p style="text-align: right;">Page 710</p> <p>1 was.</p> <p>2 MR. KLAYMAN: Yeah, I agree.</p> <p>3 But I want to ask this question, and</p> <p>4 I'll rephrase it because it was too long anyway.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. What I'm saying is, I'm not going to</p> <p>7 ever ask you to pay me anything, whether it's</p> <p>8 legal fees or costs, but if something comes back</p> <p>9 ultimately, if we ever pursue the damage claims,</p> <p>10 then I should be reimbursed.</p> <p>11 MR. SMITH: Objection. The document</p> <p>12 speaks for itself. The witness need not</p> <p>13 testify --</p> <p>14 CHAIRMAN FITCH: I think he can elicit</p> <p>15 general questions about her understanding in that</p> <p>16 regard. That's the general understanding as to</p> <p>17 the accuracy or not of what he is asserting here.</p> <p>18 It's a fair examination.</p> <p>19 MR. KLAYMAN: Can we read that back,</p> <p>20 Madame Court Reporter.</p> <p>21 THE COURT REPORTER: "What I'm saying</p> <p>22 is, I'm not going to ever ask you to pay me</p>
<p style="text-align: right;">Page 709</p> <p>1 amounts, and in addition to that legal fees, will</p> <p>2 result in legal action against these third</p> <p>3 parties."</p> <p>4 You see that?</p> <p>5 A. Yes.</p> <p>6 Q. So I was saying, if they're interfering</p> <p>7 in the case and messing the cases up, such that I</p> <p>8 can't even perhaps even recoup the expenses, and I</p> <p>9 never -- that's what I'm saying, is it not?</p> <p>10 MR. SMITH: Objection. That's what</p> <p>11 he's saying now.</p> <p>12 MR. KLAYMAN: Alright, let me break it</p> <p>13 down.</p> <p>14 And I ask Mr. Smith not to make</p> <p>15 speaking objections, because he's done that a</p> <p>16 couple of times.</p> <p>17 CHAIRMAN FITCH: He has a right to</p> <p>18 explain his objection.</p> <p>19 MR. KLAYMAN: I agree, but it's in a</p> <p>20 way that's permitted under the Federal Rules of</p> <p>21 Civil Procedure.</p> <p>22 CHAIRMAN FITCH: Which I think that</p>	<p style="text-align: right;">Page 711</p> <p>1 anything, whether it's legal fees or costs, but if</p> <p>2 something comes back ultimately, if we ever pursue</p> <p>3 the damage claims, then I should be reimbursed."</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. That's what I was saying to you,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And what I was also saying was, if</p> <p>9 someone else interferes improperly and prevents</p> <p>10 these cases from going forward in some improper</p> <p>11 way, then I'll hold them legally accountable. Not</p> <p>12 you.</p> <p>13 A. But nobody interfered. There was --</p> <p>14 Q. You did testify several times that two</p> <p>15 non-lawyers were writing letters for you which</p> <p>16 contained legal advice, including legal citations.</p> <p>17 A. No, I didn't say legal advice, sir. I</p> <p>18 just said they helped me with English. That's it.</p> <p>19 It's all my words.</p> <p>20 Q. But these people weren't lawyers,</p> <p>21 correct?</p> <p>22 CHAIRMAN FITCH: Asked and answered.</p>

25 (Pages 708 to 711)

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<p style="text-align: right;">Page 712</p> <p>1 MR. KLAYMAN: Alright, we've gone 2 through that. 3 BY MR. KLAYMAN: 4 Q. I turn your attention to Bar Counsel's 5 Supplemental Exhibit 31. The top of the page is 6 an email that I sent to your brother, Kevin 7 Sataki@Hotmail.com. Correct? 8 A. Correct. 9 Q. Dated October 19th, 2010, correct? 10 A. Correct. 11 Q. And your brother, Kevin, forwarded that 12 to you in and around that time, correct? 13 A. He forwarded that to me, yes. 14 Q. And you did read it in and around that 15 time? 16 A. I read it last week. 17 Q. So you wouldn't even read an email 18 that's coming from your brother? 19 A. I know it's forwarded from you -- it 20 was from you to him, and that's why. So I didn't 21 open it. 22 Q. If your brother was sending it to you,</p>	<p style="text-align: right;">Page 714</p> <p>1 Christian Broadcasting Network, correct? 2 A. Correct. 3 Q. And an individual by the name of Ted 4 Baehr, B-a-e-h-r -- you've met Ted Baehr, did you 5 not? I introduced you to him. 6 A. Yes. 7 Q. And Mr. Bear is the head of a group, 8 public interest group, called Movieguide, correct? 9 A. Correct. 10 Q. And he puts on a miniature Academy 11 Awards each year promoting family films, correct? 12 A. Yes, that's what you told me. 13 Q. Good, wholesome films for families. 14 And he also runs a group called the 15 Christian Film and Television Commission. 16 You're aware of that? 17 A. Again, these are things you told me. 18 Yes. 19 Q. Now, is it not true that you said "I'd 20 like to meet Ted Baehr" -- 21 A. You said I'd like -- you wanted me to 22 meet him, yes.</p>
<p style="text-align: right;">Page 713</p> <p>1 would you not think that it was important for you 2 to read it? 3 CHAIRMAN FITCH: Sustained. 4 MR. KLAYMAN: Ok. It calls for 5 speculation. 6 BY MR. KLAYMAN: 7 Q. Given that it came from your brother, 8 in your own mind at that time, wouldn't it take on 9 greater significance to read the email? 10 A. My brother explained to me that Mr. 11 Klayman sent me an email. "I forwarded it to you, 12 but if it bothers you, don't read it." 13 Q. Well, you don't know whether it bothers 14 you until you read it? 15 A. I knew it was going to bother me. My 16 brother explained that to me. 17 Q. Well, let's go through it. 18 Take a look at it. You've seen it 19 since? 20 A. I read it last week. Yes, sir. 21 Q. Now what I'm saying in this email is 22 that you had a chance to get a job with CBN,</p>	<p style="text-align: right;">Page 715</p> <p>1 Q. Well, it's true I told you who he was 2 and what he does. 3 A. Yes, you told me about that. 4 Q. And that you'd like to meet him because 5 you wanted to get some spirituality in your life? 6 A. Your words. 7 Q. So you didn't want spirituality? 8 CHAIRMAN FITCH: Objection. 9 MR. SMITH: Objection. 10 CHAIRMAN FITCH: Objection sustained. 11 BY MR. KLAYMAN: 12 Q. Did you want to pursue a more spiritual 13 life at that time? 14 CHAIRMAN FITCH: You don't have to 15 answer that. 16 MR. KLAYMAN: Ok. 17 CHAIRMAN FITCH: Relevance. 18 BY MR. KLAYMAN: 19 Q. Dr. Baehr, he's actually a doctor -- 20 CHAIRMAN FITCH: Struck. 21 BY MR. KLAYMAN: 22 Q. You're aware that he is a doctor --</p>

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<p style="text-align: right;">Page 716</p> <p>1 MR. KLAYMAN: I agree, your Honor. 2 BY MR. KLAYMAN: 3 Q. You're aware that he had a doctorate, 4 Dr. Baehr? 5 A. I don't know. 6 Q. And you were aware at the time that he 7 was very prominent in Hollywood? 8 A. Your words. That's what you told me. 9 Q. You met with Dr. Baehr on several 10 occasions, did you not? 11 A. I believe one time. I don't -- I 12 think -- was that the person we went to their 13 house? 14 Q. You went to his house, right? 15 A. Yes. 16 Q. And he was there and he tried to help 17 you with your psychological issues and other 18 issues, right, to mentor you? 19 MR. SMITH: Objection. This is a 20 compound question at this point. 21 MR. KLAYMAN: It's leading. 22</p>	<p style="text-align: right;">Page 718</p> <p>1 A. Well, no -- 2 CHAIRMAN FITCH: I think we've gone far 3 enough. We know what the alleged help allegedly 4 was. 5 BY MR. KLAYMAN: 6 Q. Ted Baehr said that he would try to 7 help you find a good job, correct, in Hollywood? 8 A. Correct. 9 Q. And in fact he made an effort along 10 with me to try to get you a job at CBN, correct? 11 A. Correct. 12 Q. And you were aware at the time that CBN 13 had a bureau in the valley, in Los Angeles, 14 correct? 15 A. Yes. 16 Q. And that CBN broadcasted into Iran, 17 correct? 18 A. I'm not that familiar with this. So, 19 dash. 20 CHAIRMAN FITCH: That's fine. You 21 don't know. Next question. 22</p>
<p style="text-align: right;">Page 717</p> <p>1 BY MR. KLAYMAN: 2 Q. He tried to help you? 3 CHAIRMAN FITCH: That's alright. It's 4 overruled. 5 BY MR. KLAYMAN: 6 Q. He tried to help you, correct? 7 MR. SMITH: Objection. Because there 8 were two different things that he asked about what 9 he was helping her with. It's a yes or no 10 question. 11 CHAIRMAN FITCH: No, but now he's asked 12 a general question and she can handle it one way 13 or the other. 14 THE WITNESS: Yes, he was praying for 15 me. 16 BY MR. KLAYMAN: 17 Q. Yes, and you prayed with him? 18 A. Yes, he told -- he told me, "Let's do 19 it this way." And I was standing there, and he 20 was praying and I was listening. 21 Q. He didn't force to you pray with him, 22 did he?</p>	<p style="text-align: right;">Page 719</p> <p>1 BY MR. KLAYMAN: 2 Q. You were aware generally that CBN would 3 broadcast into Iran, just like Voice of America? 4 CHAIRMAN FITCH: She said yes on that 5 part. 6 MR. KLAYMAN: Alright. 7 BY MR. KLAYMAN: 8 Q. So this was a really good 9 opportunity -- you viewed this as a good 10 opportunity for you because you could do what you 11 wanted to do at VOA through CBN, broadcast into 12 Iran and give freedom messages. 13 THE WITNESS: Is it a yes or no 14 question, or I can -- 15 BY MR. KLAYMAN: 16 Q. Yes or no? 17 A. Not necessarily, no. 18 CHAIRMAN FITCH: Ok. 19 BY MR. KLAYMAN: 20 Q. But you never actually had a chance to 21 interview with CBN, did you? 22 A. No.</p>

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<p style="text-align: right;">Page 720</p> <p>1 Q. Because, and I'm going to read it, 2 second paragraph, "The last time that Ellie was to 3 be interviewed, then by CBN" -- I'm writing to 4 your brother -- "which I had arranged for her with 5 a friend who runs Movieguide, a prestigious 6 broadcasting company with the bureau in LA" -- I'm 7 talking about CBN, "and which televises into Iran 8 in the Middle East, someone who identified herself 9 as her manager intervened and scared CBN away from 10 interviewing her." 11 You are aware that CBN was called by 12 someone who purported to be your manager? 13 You asked somebody to call -- 14 CHAIRMAN FITCH: Your question is 15 whether she was aware of what is -- 16 MR. KLAYMAN: No, let me withdraw it. 17 BY MR. KLAYMAN: 18 Q. You asked someone to call CBN on your 19 behalf, correct? 20 A. Honestly, I don't remember. Honestly. 21 CHAIRMAN FITCH: Ok. 22 THE WITNESS: I mean, I can't say yes,</p>	<p style="text-align: right;">Page 722</p> <p>1 'he is a Muslim,' he did not mind her working for 2 a Christian-owned company, (this should have never 3 been said. It was unnecessary), then imposed 4 conditions on her employment before Ellie was ever 5 interviewed, (that she wanted much more), and that 6 I was not to be present at the meeting since Ellie 7 was going to sue me." 8 You see that? 9 A. Yes. 10 Q. That person who called CBN, that was 11 Sam Razzazi, wasn't it, your cousin? 12 A. I don't know. I don't remember. 13 Q. You asked him to call them. 14 A. I don't remember. 15 Q. Continuing, "anyway, this scared the 16 CBN executive Mark Woodland away since he could 17 not figure out what was going on and why Ellie did 18 not talk to him herself (She never called him back 19 despite several calls to her) and why Ellie's 20 so-called manager was threatening me, as I am 21 close with CBN. 22 "All of this had nothing to do with</p>
<p style="text-align: right;">Page 721</p> <p>1 but I don't remember. 2 CHAIRMAN FITCH: That's fine. 3 He has a right to ask and you have a 4 right to tell us truthfully what you do or don't 5 remember. That's fine. 6 BY MR. KLAYMAN: 7 Q. This refreshes your recollection, does 8 it not, that you asked someone to call CBN about 9 this possible job? 10 A. I remember Mr. Ted, I remember that 11 whole big picture, but I don't remember the 12 details. 13 I'm sorry. I don't remember the 14 details. 15 Q. Then I write to your brother, "The CBN 16 job would have provided much more income and been 17 a great position that would have allowed Ellie to 18 realize her potential. CBN broadcasts in both 19 Farsi and English and has a wide, global reach. 20 "The so-called manager told CBN's 21 executive, Mark Woodland," W-o-o-d-l-a-n-d, "who 22 had traveled to LA to meet with Ellie, that, while</p>	<p style="text-align: right;">Page 723</p> <p>1 Ellie interviewing at CBN, and in fact I told 2 Ellie in emails, before the so-called manager 3 intervened (He obviously is not a manager since an 4 entertainment manager would never have said these 5 things), that I would not be present at the 6 interview." 7 You see that? 8 Does that refresh your recollection as 9 to what you instructed Sam Razzazi or someone else 10 to do? 11 A. No. 12 These are all your words. I don't -- 13 it doesn't refresh anything for me. 14 Q. You wanted a job at that time. You 15 wanted a job, a good paying job, correct? 16 A. Correct. 17 Q. So -- 18 A. You explained to me that as a Muslim 19 girl -- and these are in the emails, too -- that 20 you explained to them that I turned to Christ and 21 it's going to be programs that I'm going to say 22 that I'm going Muslim now -- now I'm Christian and</p>

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<p style="text-align: right;">Page 724</p> <p>1 that's how I'm going to do the programs. 2 I didn't want to do that. I didn't 3 want to say that. 4 Q. In fact you told me that you wanted to 5 become a Christian, didn't you? 6 A. No. 7 Q. You told me that you didn't want to be 8 part of the Muslim faith any more. 9 A. The fact that I don't want to be a part 10 of the Muslim faith doesn't mean that I want to be 11 Christian. I believe in God and our religion. 12 Q. But you also said you wanted to hear 13 what Ted Baehr had to say and find out for 14 yourself? 15 A. You wanted me that. You wanted me 16 that, and I said ok. 17 Q. You're not prejudiced towards 18 Christian, are you? 19 A. Absolutely not. 20 MR. SMITH: Objection. 21 CHAIRMAN FITCH: Overruled. Overruled. 22 There is no basis in the record.</p>	<p style="text-align: right;">Page 726</p> <p>1 BY MR. KLAYMAN: 2 Q. Then I say at the end that we were also 3 talking about getting a book deal, right? 4 A. I read this email last week about the 5 book deal. 6 This is your word to my brother eight 7 years -- seven years ago. 8 Q. The book deal would be for you and not 9 for me, correct? Correct? 10 CHAIRMAN FITCH: Was it your 11 understanding that, in the book deal, theoretical 12 book deal, it would be a deal for you or a deal 13 for Mr. Klayman? 14 THE WITNESS: Well, in here it says 15 it's for me. 16 CHAIRMAN FITCH: And did you have any 17 other understanding? 18 THE WITNESS: I didn't -- 19 CHAIRMAN FITCH: Additional 20 understanding? 21 THE WITNESS: I didn't have any 22 understanding at all during that time.</p>
<p style="text-align: right;">Page 725</p> <p>1 MR. KLAYMAN: I'm just trying to show 2 that there was no -- 3 CHAIRMAN FITCH: It's overruled. 4 MR. KLAYMAN: No lack of respect. 5 CHAIRMAN FITCH: It's overruled. 6 MR. KLAYMAN: Ok. 7 CHAIRMAN FITCH: The objection is not 8 overruled, but it's sustained. 9 MR. KLAYMAN: I was just trying to show 10 that there was no impediment for her to call. 11 That's all. 12 CHAIRMAN FITCH: You have adduced 13 substantial evidence through this document for 14 that. You made an effort. 15 MR. KLAYMAN: Ok. 16 CHAIRMAN FITCH: In that for one reason 17 or another the efforts may not have come to 18 fruition. 19 MR. KLAYMAN: I didn't want it taken in 20 a way that there is any criticism of any faith, 21 just whether she didn't have the hesitancy. 22 That's all.</p>	<p style="text-align: right;">Page 727</p> <p>1 CHAIRMAN FITCH: Ok. 2 Next question. 3 BY MR. KLAYMAN: 4 Q. And in fact, some of the columns that I 5 wrote for you, particularly the first one, you 6 know, I was really -- 7 MR. SMITH: Objection. Let's identify 8 what columns we're talking about. 9 MR. KLAYMAN: We'll deal with that 10 later. I'll withdraw the question and we'll get 11 to those, ok? 12 BY MR. KLAYMAN: 13 Q. That whole issue of your getting a job 14 with CBN and a book, you never responded to this 15 email, so you never told me that you weren't 16 interested, correct? 17 A. Mr. Klayman, I was not responding to 18 you at this point at all. 19 Q. I take it you did respond to Kevin, 20 though, right, your brother? Correct? 21 A. I talked to my brother. 22 Q. You emailed him back, didn't you?</p>

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<p style="text-align: right;">Page 728</p> <p>1 A. I talked to him.</p> <p>2 Q. That's one of the emails that you</p> <p>3 decided on your own weren't relevant to give to</p> <p>4 Bar Counsel or to me --</p> <p>5 MR. SMITH: Objection.</p> <p>6 BY MR. KLAYMAN:</p> <p>7 Q. -- or to me.</p> <p>8 A. I talked to my brother. I didn't email</p> <p>9 him back.</p> <p>10 Q. So what did you talk to him about this?</p> <p>11 A. Family matters.</p> <p>12 CHAIRMAN FITCH: Woah, woah. Objection</p> <p>13 sustained.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. So you did talk to your brother</p> <p>16 about --</p> <p>17 CHAIRMAN FITCH: Objection sustained.</p> <p>18 MR. KLAYMAN: Ok.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. Turn to Bar Disciplinary Counsel's</p> <p>21 Exhibit 32. That's an email I sent on or about</p> <p>22 November 25th, 2010: "Ellie, all the best wishes</p>	<p style="text-align: right;">Page 730</p> <p>1 me. I know you would not do this.</p> <p>2 "Keep yourself well and believe, as</p> <p>3 this is stronger than any psychologist. God bless</p> <p>4 you and your family. Larry."</p> <p>5 You remember receiving that in or</p> <p>6 around that date?</p> <p>7 A. I read this email last week.</p> <p>8 Q. The person that called and threatened</p> <p>9 me, that was your cousin, Sam Razzazi, wasn't it?</p> <p>10 A. I'm not aware of anybody calling you</p> <p>11 and threatening you.</p> <p>12 Q. In fact, you are aware that Sam Razzazi</p> <p>13 has a criminal record?</p> <p>14 CHAIRMAN FITCH: Don't answer --</p> <p>15 THE WITNESS: No, I'm not aware of</p> <p>16 that.</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. Turning your attention to Office of Bar</p> <p>19 Counsel's Supplemental Exhibit 34, this is an</p> <p>20 email that I sent to you on January 14th, 2011,</p> <p>21 correct?</p> <p>22 A. I opened this email last week.</p>
<p style="text-align: right;">Page 729</p> <p>1 to you, your mom, brother and the rest of your</p> <p>2 family for Thanksgiving. I hope that you're well.</p> <p>3 If you get a chance, it would be nice if you could</p> <p>4 call Mahmonir and wish her a nice Thanksgiving. I</p> <p>5 had a glass of wine with her the other evening. I</p> <p>6 had been helping her and Jamshid, both of who were</p> <p>7 also retaliated against. I'm sure both Mahmonir</p> <p>8 and Jamshid would love to hear from you. Best</p> <p>9 wishes. Larry."</p> <p>10 Do you remember getting this email from</p> <p>11 me in November, 2010?</p> <p>12 A. I read this email last week when I</p> <p>13 opened it.</p> <p>14 Q. Turn your attention to Bar Disciplinary</p> <p>15 Supplemental Exhibit 33. It's an email to you</p> <p>16 dated December 25th, 2010, "Subject: "Good</p> <p>17 morning," wherein I state very short, "This is my</p> <p>18 Christmas message of you and my friends, Ellie. I</p> <p>19 wish you the very best. So too does God. The</p> <p>20 column (inaudible) daily explains how you are part</p> <p>21 of the most profound experience in my life.</p> <p>22 "Someone called me today and threatened</p>	<p style="text-align: right;">Page 731</p> <p>1 Q. Well, let's talk about it. If you</p> <p>2 could take a look at it -- you read it last week?</p> <p>3 A. Yes.</p> <p>4 Q. So you know what's in it?</p> <p>5 A. Yes.</p> <p>6 Q. And in this email I'm talking about</p> <p>7 someone who sent me something and somebody who</p> <p>8 threatened me, correct?</p> <p>9 A. You're talking about this, correct?</p> <p>10 Q. Yes. And I'm sending this to you,</p> <p>11 because I don't know who that is, correct?</p> <p>12 A. Ok.</p> <p>13 CHAIRMAN FITCH: Woah, woah, woah.</p> <p>14 He sent it to you. Yes.</p> <p>15 What was the next part of that?</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. You understood, having read this, that</p> <p>18 I sent it to you, because I don't know who to</p> <p>19 respond to, what that person said to me and the</p> <p>20 threats to me.</p> <p>21 A. I don't understand it. What's the</p> <p>22 reason that you sent it to me?</p>

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<p style="text-align: right;">Page 732</p> <p>1 Q. Because I didn't know who sent me a 2 communication that threatened me. 3 A. So, whoever threatening you, you sent 4 me an email? 5 Q. You are aware that, having read this, 6 that I say I was threatened during that period by 7 an anonymous person. 8 A. Again -- 9 CHAIRMAN FITCH: No, you've already 10 said you weren't aware of any threats. 11 He's asking you now are you aware that 12 he says he was -- he says now that he was 13 threatened. 14 THE WITNESS: I was not communicating 15 with him at that time. So I wouldn't be aware of 16 it. 17 BY MR. KLAYMAN: 18 Q. But you're aware now -- 19 CHAIRMAN FITCH: He's asking you 20 whether you understand now that he says now that 21 he was threatened. 22 THE WITNESS: Now, yes, I do.</p>	<p style="text-align: right;">Page 734</p> <p>1 Q. The fourth paragraph in that email that 2 I sent you. 3 A. Which -- 4 Q. Exhibit -- 5 CHAIRMAN FITCH: It's the one that 6 starts with the word "however". 7 THE WITNESS: Ok, I saw it, I'm sorry. 8 Ok, so what's the question? 9 BY MR. KLAYMAN: 10 Q. Yes, you're aware that what I'm saying 11 to this person, I'm asking you to forward it to 12 the person who threatened me, that we can't talk 13 to you about Ms. Sataki's legal matters, because 14 you're not Ms. Sataki, and please have her contact 15 either me or Tim Shamble so she could be brought 16 up to date on the status of her cases. 17 That's what I'm saying. You understand 18 that, correct, in this letter? 19 A. I understand that you wrote this in 20 this letter, yes. I just read it and I understand 21 the sentence, yes. 22 Q. And in and around this time period, you</p>
<p style="text-align: right;">Page 733</p> <p>1 CHAIRMAN FITCH: Ok. 2 BY MR. KLAYMAN: 3 Q. And I'm writing you, having read this, 4 you're understanding that I'm sending it to you so 5 you could send it to the person who threatened me, 6 correct? 7 CHAIRMAN FITCH: Mr. Klayman, it speaks 8 for itself. I don't see what her -- 9 MR. KLAYMAN: Alright, I'm going to 10 move on. Let me move on. 11 BY MR. KLAYMAN: 12 Q. The fourth paragraph, "However, 13 whatever your legal status, you must be in contact 14 directly with Ms. Sataki. Please tell her to 15 contact me or the union president of the AFL-CIO, 16 Tim Shamble, to bring her up to date on the legal 17 matters. 18 "We cannot advise you as you are not 19 our client." 20 You see that? 21 A. Where are we at now? I'm sorry, I lost 22 it.</p>	<p style="text-align: right;">Page 735</p> <p>1 did not contact Mr. Shamble to learn of the status 2 of your legal matters, correct? 3 A. I don't remember when I contacted Mr. 4 Shamble. I don't remember the dates. 5 Q. I turn your attention to Bar 6 Disciplinary Counsel Exhibit 35. It's an email I 7 sent to you January 16th, 2011: "Communication 8 with Elham Sataki to protect her legal rights and 9 fully inform her of her obligations. To, Mehran, 10 Razavi, alias Sam Razzazi, Sam Razz, et. al." 11 You received this email from me on or 12 about January 16, 2011, correct? 13 A. I read this email last week. 14 Q. Now, Mehran Razavi, that's your cousin 15 Sam, correct? 16 A. Yes. 17 Q. And he also goes by the name Sam 18 Razzazi, correct? 19 A. No, Sam Razavi. You misspelled it, 20 though. 21 Q. Ok, so he's got two names there. And 22 he's also got another name called Sam Razz,</p>

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<p style="text-align: right;">Page 736</p> <p>1 R-a-z-z, correct?</p> <p>2 A. No. His American name is Sam. His</p> <p>3 Persian name is Mehran. And the last name is the</p> <p>4 same, Razavi.</p> <p>5 Q. Now, having read this last week, you</p> <p>6 were aware that, after I got this communication</p> <p>7 from the anonymous person who threatened me, that</p> <p>8 I had that person identified through a private</p> <p>9 investigator, correct?</p> <p>10 CHAIRMAN FITCH: Struck.</p> <p>11 THE WITNESS: I don't know --</p> <p>12 CHAIRMAN FITCH: It's struck. You</p> <p>13 don't need to answer that question.</p> <p>14 THE WITNESS: I'm sorry.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. You know generally that you can take a</p> <p>17 telephone number and trace who it belongs to. A</p> <p>18 private investigator can do that.</p> <p>19 CHAIRMAN FITCH: Struck.</p> <p>20 MR. KLAYMAN: Ok.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 738</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. You knew of that?</p> <p>3 CHAIRMAN FITCH: That question, now</p> <p>4 being in the record, is struck.</p> <p>5 MR. KLAYMAN: I'm asking if she knew</p> <p>6 that he has been convicted of a crime.</p> <p>7 CHAIRMAN FITCH: It is struck.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. This is the person that you asked to</p> <p>10 communicate with me and threatened me, correct?</p> <p>11 CHAIRMAN FITCH: It is struck,</p> <p>12 likewise.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. Turn to Office of Bar Counsel's</p> <p>15 Supplemental Exhibit 37. This is an email that I</p> <p>16 sent to you that was addressed to Mr. Razavi on or</p> <p>17 about January 26, 2011, correct?</p> <p>18 A. I saw this email last week.</p> <p>19 Q. Yes.</p> <p>20 A. I read this email last week.</p> <p>21 Q. Have you discussed any of these emails</p> <p>22 with regard to Sam Razavi with him since the time</p>
<p style="text-align: right;">Page 737</p> <p>1 Q. I turn your attention to Bar Counsel</p> <p>2 Supplemental Exhibit 36. This is an email I sent</p> <p>3 to you on January 26th, 2011, "Subject: Mehran</p> <p>4 Razavi, Private Investigator's Initial Report."</p> <p>5 I'm forwarding an email from Matt</p> <p>6 Garrison, who is the private investigator who</p> <p>7 worked with me: "Mr. Klayman, with regards to your</p> <p>8 subject, Mehran Razavi, our investigation revealed</p> <p>9 that he was arrested for, pled guilty to and was</p> <p>10 convicted by the 2nd District Court of the State</p> <p>11 of Nevada, Washoe County, for conspiracy to commit</p> <p>12 fraudulent acts involving gaming.</p> <p>13 "Our investigation also that subject</p> <p>14 Razavi entered a plea of guilty on January 27,</p> <p>15 2006 and that he was convicted and sentenced on</p> <p>16 March 8th, 2006.</p> <p>17 "The specific codes that apply may be</p> <p>18 located at"... and the investigator gives that.</p> <p>19 You know that to be the case, that your</p> <p>20 cousin, Sam Razavi, whatever name he used, was in</p> <p>21 fact convicted.</p> <p>22 MR. SMITH: Objection.</p>	<p style="text-align: right;">Page 739</p> <p>1 that you read it?</p> <p>2 A. No.</p> <p>3 Q. Have you discussed it with anybody?</p> <p>4 A. I'm sorry, what?</p> <p>5 Q. Have you discussed these emails that I</p> <p>6 just went over, that deal with my being threatened</p> <p>7 by Mr. Razavi, with anyone?</p> <p>8 A. No. I just pulled them up -- I'm</p> <p>9 sorry.</p> <p>10 CHAIRMAN FITCH: That's fine.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. I turn your attention to an email which</p> <p>13 I sent to you on September 15th, 2011.</p> <p>14 CHAIRMAN FITCH: The one in SX38?</p> <p>15 MR. KLAYMAN: Yes.</p> <p>16 THE WITNESS: Where are we now?</p> <p>17 CHAIRMAN FITCH: SX38.</p> <p>18 THE WITNESS: Ok.</p> <p>19 MR. SMITH: The last page of all that</p> <p>20 package of documents.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>

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<p style="text-align: right;">Page 740</p> <p>1 Q. "Subject: It is your fault that I lost 2 my case." And I'm referring to an email which you 3 sent to me, September 11th at 5:28 a.m. 4 Do you see that? 5 Do you see the email that you sent to 6 me on September 11th at 5:28 a.m.? 7 A. I don't see the time. I'm sorry. 8 Q. Alright, don't worry about the time. 9 A. September 15th, 2011? 10 CHAIRMAN FITCH: Let me explain to you. 11 Look about halfway down, and you see, 12 after the words "Larry Klayman," there's the words 13 that say on Sunday, September 11th, 2011 at 14 5:28 a.m. -- 15 THE WITNESS: Ok. 16 CHAIRMAN FITCH: -- "Elham Sataki 17 wrote," and then there's some words -- 18 THE WITNESS: Yes. 19 CHAIRMAN FITCH: -- that may be your 20 email. He's asking you about that. 21 THE WITNESS: Thank you. 22 CHAIRMAN FITCH: Then there's an email</p>	<p style="text-align: right;">Page 742</p> <p>1 moment was the way I felt and I just put it down, 2 the way I felt. 3 Q. You had no evidence or facts to say 4 that I had been bribed to lose your case? 5 A. Did I use the word -- let me see. What 6 did I write? 7 (Witness reads document.) 8 Q. Let me refer your attention to what you 9 said. That I lost it on "purps" (sic). You mean 10 a perk of giving somebody something. And "he made 11 a dill (sic)," d-i-l-l. You meant d-e-a-l? 12 A. Yes. 13 Q. But you had no facts or evidence at 14 that time, or ever, to show that I had been bribed 15 to lose your case? 16 A. No. 17 Q. So that was untrue, correct? You just 18 said it. But you knew it not to be true. 19 A. It was just a feeling I had at that 20 time, and I didn't say it to anybody else. I 21 wrote it to you. I didn't say it to anybody else. 22 I sent you an email and sent you about</p>
<p style="text-align: right;">Page 741</p> <p>1 above it which seems to be arguably about five 2 hours later that purports to be from him to you. 3 Now he's going to ask you about one or 4 more aspects of the two emails that appear on this 5 page. 6 THE WITNESS: Yes. 7 BY MR. KLAYMAN: 8 Q. I'm reading the one that you sent to me 9 on September 11th, 2011: "Mr. Klayman, are you 10 happy now that you've completely destroyed and 11 lost my case? A case with so many evidence and 12 witnesses. Only a very bad and clueless attorney 13 could lose it, or lost it on purps (sic) because 14 he made a dill (sic), with the other party." 15 What you're suggesting is that I lost 16 your case because I was bribed by VOA and 17 therefore lost it on purpose, correct? 18 A. Yes, that's what I'm suggesting 19 there -- well, not bribed. It's just -- I was 20 very upset at that time and I just -- I wrote that 21 email. 22 The state of mind that I was in at that</p>	<p style="text-align: right;">Page 743</p> <p>1 my feelings regarding the case, not anybody else. 2 Q. I didn't ask you whether you sent it to 3 anybody else. But I take it you did share it with 4 your cousin Sam? 5 A. I didn't share it with anybody, nobody. 6 Q. I take it -- 7 A. As you see, it's 5:00 o'clock in the 8 morning and in that state of mind that I was, I 9 mailed this email to you. 10 Q. And you shared it with Kathleen, too? 11 A. I didn't share it with anybody, nobody. 12 Q. I'm not talking necessarily at 5:28 13 a.m. 14 A. Nobody. I never said anything about 15 this to nobody at no time. 16 Q. But do you often say things that you 17 don't have facts to back up? 18 CHAIRMAN FITCH: Struck. 19 BY MR. KLAYMAN: 20 Q. "I do not know if you are Christian or 21 Jewish, because whichever suits you best, you 22 become one. But I believe in karma and what you</p>

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<p style="text-align: right;">Page 744</p> <p>1 have done with my case and losing it."</p> <p>2 Now, why are you disparaging my faith?</p> <p>3 MR. SMITH: Objection.</p> <p>4 CHAIRMAN FITCH: That is sustained.</p> <p>5 THE WITNESS: I have to answer?</p> <p>6 CHAIRMAN FITCH: You don't have to</p> <p>7 answer that.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. I did tell you in the course of our</p> <p>10 having worked together and done other things</p> <p>11 together that I was born Jewish and became a</p> <p>12 Christian.</p> <p>13 I told you that, right?</p> <p>14 CHAIRMAN FITCH: Sustained.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. So you knew that?</p> <p>17 CHAIRMAN FITCH: Sustained.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. "And what you have done with my case</p> <p>20 and losing it and not stopping working on it when</p> <p>21 I ordered you, one day you'll answer to God, even</p> <p>22 if you throw your life and play with people life.</p>	<p style="text-align: right;">Page 746</p> <p>1 you've been employed during that period, correct?</p> <p>2 CHAIRMAN FITCH: Asked and answered.</p> <p>3 MR. KLAYMAN: Ok.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. And in fact, even when you were in Los</p> <p>6 Angeles, before these cases were resolved, you</p> <p>7 were working for Andisheh Television in the</p> <p>8 valley?</p> <p>9 CHAIRMAN FITCH: Asked and answered.</p> <p>10 MR. KLAYMAN: Your Honor, this might be</p> <p>11 good time to take lunch, because I'm going into</p> <p>12 another area right now.</p> <p>13 Ok, so I thank you for your indulgence.</p> <p>14 CHAIRMAN FITCH: Ok, we will break on</p> <p>15 the early side.</p> <p>16 MR. KLAYMAN: I'm sorry?</p> <p>17 CHAIRMAN FITCH: That's fine. Six of</p> <p>18 one, and half a dozen of in another.</p> <p>19 MR. KLAYMAN: Thank you.</p> <p>20 CHAIRMAN FITCH: Let's return at 1:00</p> <p>21 o'clock. That's just short of an hour for lunch.</p> <p>22</p>
<p style="text-align: right;">Page 745</p> <p>1 "I am nobody, just a little girl who</p> <p>2 was retaliated and harassment by some VOA employee</p> <p>3 and you seed (sic) that you can help me.</p> <p>4 "Not only did you not help me, but</p> <p>5 destroyed my life to nothing. Ellie Sataki.</p> <p>6 Correct?</p> <p>7 A. Yes.</p> <p>8 Q. You also had accused VOA of destroying</p> <p>9 your life to nothing, correct?</p> <p>10 A. I'm sorry, what?</p> <p>11 Q. You had accused VOA of destroying your</p> <p>12 life, Voice of America? Those are the people that</p> <p>13 you accused of destroying your life?</p> <p>14 A. Well, I'm sorry, but I don't know how</p> <p>15 they tied in together.</p> <p>16 Q. Yes or no? You did accuse Voice of</p> <p>17 America of destroying your life, correct?</p> <p>18 A. Some of the lies that they and</p> <p>19 executive producer said that's -- that's what I</p> <p>20 said.</p> <p>21 Q. Ms. Sataki, since the time that you</p> <p>22 went to Los Angeles, as you testified previously,</p>	<p style="text-align: right;">Page 747</p> <p>1 (Whereupon at 12:02 p.m. a luncheon</p> <p>2 recess was taken.)</p> <p>3 A F T E R N O O N S E S S I O N</p> <p>4 (Whereupon at 12:57 p.m. the hearing</p> <p>5 resumed.)</p> <p>6 CHAIRMAN FITCH: We are back on the</p> <p>7 record at 12:57.</p> <p>8 Mr. Smith, do you or do the parties</p> <p>9 jointly have any thoughts on scheduling?</p> <p>10 MR. SMITH: I have not spoken with</p> <p>11 Respondent or his counsel about scheduling going</p> <p>12 forward. No, sir.</p> <p>13 CHAIRMAN FITCH: Ok, Respondent?</p> <p>14 MR. KLAYMAN: Yes, what we would</p> <p>15 propose -- I think I mentioned this before -- that</p> <p>16 we would propose to resume when we were going to</p> <p>17 originally perhaps continue this matter to the 2nd</p> <p>18 of July, give Mr. Sujat time to get up to speed.</p> <p>19 He's in Florida; I'm in California, but we'll meet</p> <p>20 up. I'll go to Florida and meet with him and go</p> <p>21 through everything with him, and it also gives me</p> <p>22 time to get Mr. Sporkin, Judge Sporkin up to</p>

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<p style="text-align: right;">Page 748</p> <p>1 speed. He's not in really great health, so I have 2 to go out to his house and go through everything 3 with him. 4 In light of also, your Honor, the fact 5 that there are some documents here that are out 6 there that haven't been provided, such as the ones 7 we identified at the end of the morning session, 8 dealing with Gloria Allred, are super important. 9 This will give us time to come up with a way to 10 produce everything that's relevant or may lead to 11 relevant evidence, and obviously I need that time 12 to digest it. Fred needs to digest it, and I'd 13 like him to be fully briefed when we start up 14 again. 15 So we would request to July 2nd, 16 respectfully. 17 CHAIRMAN FITCH: Any further thoughts, 18 Mr. Smith? 19 MR. SMITH: About scheduling? 20 CHAIRMAN FITCH: Yes. 21 MR. SMITH: No -- well, I mean, 22 certainly if Respondent wants to get something</p>	<p style="text-align: right;">Page 750</p> <p>1 stand.) 2 CHAIRMAN FITCH: Afternoon. 3 THE WITNESS: Good afternoon. 4 CONTINUED CROSS-EXAMINATION 5 ON BEHALF OF RESPONDENT: 6 BY MR. KLAYMAN: 7 BY MR. KLAYMAN: 8 Q. Good afternoon, Ms. Sataki. 9 CHAIRMAN FITCH: Give me one second to 10 do one other thing. 11 (Brief pause.) 12 Thank you, go ahead. 13 BY MR. KLAYMAN: 14 Q. Ms. Sataki, good afternoon. 15 A. Good afternoon. 16 Q. I turn your attention to Exhibit 23 of 17 Bar Counsel's exhibits. 18 CHAIRMAN FITCH: Say that again. 19 MR. KLAYMAN: Exhibit 23 of Bar 20 Counsel's exhibits, petitioner. 21 CHAIRMAN FITCH: This is the blue book 22 now, Ms. Sataki.</p>
<p style="text-align: right;">Page 749</p> <p>1 from Gloria Allred, perhaps Gloria Allred can 2 provide documents, but discovery in this -- I 3 suppose there will be motions and I welcome 4 motions along those lines so that we can fully 5 articulate the limits of the Disciplinary System 6 in discovery going forward. 7 But having said that, July 2nd or any 8 time in July is find. I do have a hearing that is 9 scheduled to start I believe August 8th, so I 10 would not want proceedings to kind of bleed into 11 at that, but if we're talking about the 2nd week 12 in July -- 13 CHAIRMAN FITCH: It won't. 14 MR. KLAYMAN: -- then that's fine with 15 me. 16 CHAIRMAN FITCH: We'll confer during 17 the first break, the three of us. 18 MR. KLAYMAN: I appreciate Mr. Smith's 19 consent to that. 20 CHAIRMAN FITCH: If the witness is 21 here... 22 (Elham Sataki resumes the witness</p>	<p style="text-align: right;">Page 751</p> <p>1 BY MR. KLAYMAN: 2 Q. And I turn your attention to the pages 3 of 23-33, 23-34, 23-35. Do you see that article 4 that's entitled "The Government War on a 5 Freedom-Loving Beauty: Larry Klayman Goes to Bat 6 For Harassed Broadcaster Fighting For a Free 7 Iran." 8 A. What's the question, I'm sorry? 9 Q. Do you see it? 10 A. Yes. 11 Q. Do you remember that article that I 12 wrote on your behalf? 13 A. Yes, I do. 14 Q. And in fact, it's a very complimentary 15 article of you, is it not? 16 A. Yes. 17 Q. Go to pages 23-30, 23-31 to 23-33. 18 This is an article which I wrote called "A Voice 19 For Persian Freedom: Larry Klayman explains why 20 Iran is the most important country in world," end 21 quote. May 1st, 2010. 22 You remember seeing that article?</p>

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<p style="text-align: right;">Page 752</p> <p>1 A. Yes.</p> <p>2 Q. This article is also complimentary of</p> <p>3 you, is it not?</p> <p>4 A. What is it again?</p> <p>5 Q. This article is also complimentary of</p> <p>6 you.</p> <p>7 If you want, you can take time to</p> <p>8 review it.</p> <p>9 (Witness reads document.)</p> <p>10 A. Ok.</p> <p>11 Q. Isn't it?</p> <p>12 A. Yes.</p> <p>13 Q. So this article is also complimentary</p> <p>14 of you, correct?</p> <p>15 A. Ok.</p> <p>16 Q. Now in this article, as you understand</p> <p>17 it, I was trying to make the point that we need a</p> <p>18 voice for Persian freedom, which is people like</p> <p>19 you at Voice of America who are going to tell the</p> <p>20 truth to the Iranian people, correct?</p> <p>21 A. That's what it says in the article.</p> <p>22 Yes, sir.</p>	<p style="text-align: right;">Page 754</p> <p>1 Q. And your mission was to change the way</p> <p>2 people think in Iran and around the world to bring</p> <p>3 freedom to your native country?</p> <p>4 A. Well, as employee of Voice of America,</p> <p>5 our mission is to provide balanced news.</p> <p>6 Q. When you got the job at VOA, you were</p> <p>7 very proud to have that done?</p> <p>8 A. Very proud, yes.</p> <p>9 Q. And the reason was you were going to be</p> <p>10 able to influence the world some way, through</p> <p>11 broadcasting?</p> <p>12 A. I -- I don't know if I would influence</p> <p>13 the world by broadcasting from VOA.</p> <p>14 Q. No, I'm not saying you would control</p> <p>15 the world -- I'm not saying you controlled the</p> <p>16 world. No one can. But I'm saying you would have</p> <p>17 your little role to play in making Iran a better</p> <p>18 place.</p> <p>19 MR. SMITH: Asked and answered.</p> <p>20 CHAIRMAN FITCH: Overruled.</p> <p>21 Go ahead and answer the question,</p> <p>22 please.</p>
<p style="text-align: right;">Page 753</p> <p>1 Q. Right, and I say at the end, "God bless</p> <p>2 the Persian people and God bless the real America,</p> <p>3 true to its own principals, that can again summon</p> <p>4 the will to broadcast its message of freedom</p> <p>5 around the world."</p> <p>6 That was the theme of the article as</p> <p>7 understand it, yes?</p> <p>8 A. I understand it, yes.</p> <p>9 Q. So, in effect, what I was saying was</p> <p>10 don't discriminate against people like Ms. Sataki,</p> <p>11 because they're going to -- they're good for</p> <p>12 America and they're good for Persian freedom?</p> <p>13 Correct?</p> <p>14 A. That's what you're saying in the</p> <p>15 article.</p> <p>16 Q. Yes.</p> <p>17 A. Thank you.</p> <p>18 Q. I'm not going to go through all of the</p> <p>19 articles, because they speak for themselves, but</p> <p>20 you were a broadcaster at Voice of America,</p> <p>21 correct?</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 755</p> <p>1 THE WITNESS: We wanted to -- yes, I</p> <p>2 mean, Voice of America was providing balanced news</p> <p>3 and providing the news to people. That's to tell</p> <p>4 the truth and that's what we were hoping was going</p> <p>5 to happen.</p> <p>6 BY MR. KLAYMAN:</p> <p>7 Q. So, by broadcasting, by publicizing the</p> <p>8 views of Voice of America, you could play a role</p> <p>9 in trying to change things in Iran.</p> <p>10 You felt that, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Now, isn't it true, given your</p> <p>13 experience as a broadcaster and someone in the</p> <p>14 media, that publicity can influence events, just</p> <p>15 generally speaking?</p> <p>16 A. In general, yes, but not always.</p> <p>17 Q. But that the media plays a big role in</p> <p>18 educating people and can play a role in getting</p> <p>19 certain actions to happen with media.</p> <p>20 That's your experience, correct?</p> <p>21 A. Not always.</p> <p>22 Q. When you and I were working together,</p>

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<p style="text-align: right;">Page 756</p> <p>1 didn't I say to you that one of the reasons that I</p> <p>2 was so interested in your case and the other</p> <p>3 broadcasters is because, during the Reagan</p> <p>4 administration, Voice of America was used to help</p> <p>5 bring down the Soviet Union by broadcasting into</p> <p>6 the Soviet Union to its people?</p> <p>7 A. You said that. That's your words, yes.</p> <p>8 I don't know. Those are your words,</p> <p>9 yes.</p> <p>10 Q. And that you were performing a valuable</p> <p>11 role as a broadcaster in helping to change the</p> <p>12 regime in Iran some day by communicating with the</p> <p>13 people of Iran who were oppressed.</p> <p>14 A. That was not my role. I couldn't say</p> <p>15 that. I could never say that.</p> <p>16 Q. No, I didn't say that you would say</p> <p>17 that publicly, but we talked about that.</p> <p>18 A. Again, as a broadcast journalist, I</p> <p>19 can't say that.</p> <p>20 Q. You are aware that the role of Voice of</p> <p>21 America is to be a propaganda -- and I mean that</p> <p>22 in a positive way -- organ for the United States</p>	<p style="text-align: right;">Page 758</p> <p>1 you, "The government war on a freedom loving</p> <p>2 beauty," we actually discussed in front of Mr.</p> <p>3 Shamble that article, did we not?</p> <p>4 Those are pages 23 to 35 of Bar</p> <p>5 Counsel's Exhibit 23.</p> <p>6 We actually discussed that with Mr.</p> <p>7 Shamble?</p> <p>8 A. If you say we did, we did.</p> <p>9 I -- I don't remember that particular</p> <p>10 date.</p> <p>11 Q. And, in front of Mr. Shamble, you</p> <p>12 understood that we were going to use publicity to</p> <p>13 try to change the attitude of your managers and</p> <p>14 their approach towards you to try to get a</p> <p>15 settlement.</p> <p>16 A. Again, it was you saying that that's</p> <p>17 going to happen.</p> <p>18 I -- I was -- I did raise my concern</p> <p>19 that it could backfire on me and also everybody's</p> <p>20 going to find out about it.</p> <p>21 Q. But, notwithstanding your testimony,</p> <p>22 which obviously I disagree with, we did discuss</p>
<p style="text-align: right;">Page 757</p> <p>1 government to promote freedom.</p> <p>2 That's the purpose of Voice of America?</p> <p>3 A. Yes, and to provide balanced news.</p> <p>4 Q. So isn't it true that favorable</p> <p>5 articles on behalf of you and your other</p> <p>6 broadcasters, in the media, based on your</p> <p>7 experience, could be used to try to change the</p> <p>8 attitudes of your managers at Voice of America?</p> <p>9 MR. SMITH: Could I have that question</p> <p>10 read back, please.</p> <p>11 THE COURT REPORTER: "So isn't it true</p> <p>12 that favorable articles on behalf of you and your</p> <p>13 other broadcasters, in the media, based on your</p> <p>14 experience, could be used to try to change the</p> <p>15 attitudes of your managers at Voice of America?"</p> <p>16 THE WITNESS: Based on my experience</p> <p>17 now? No, it's not true.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. But we believed that at the time, did</p> <p>20 we not?</p> <p>21 A. No, I didn't. You said that.</p> <p>22 Q. Now, the first article that I showed</p>	<p style="text-align: right;">Page 759</p> <p>1 this in front of Mr. Shamble, the use of</p> <p>2 publicity?</p> <p>3 A. We finally, yes, did that.</p> <p>4 Q. Now, I never told you, did I, that I</p> <p>5 was going to be using publicity to try to sell my</p> <p>6 autobiography, did I?</p> <p>7 I never said that to you?</p> <p>8 MR. TIGAR: I'm sorry, I didn't hear</p> <p>9 the question.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. Yes, I never discussed with you or told</p> <p>12 you that I was going to use publicity concerning</p> <p>13 you and the other broadcasters to sell my book</p> <p>14 about my professional career.</p> <p>15 I never told you that.</p> <p>16 A. We talked about that, the fact that</p> <p>17 publicity always is going to help everybody. You</p> <p>18 always said that.</p> <p>19 Q. And you never told Mr. Shamble, did</p> <p>20 you, not to use publicity to help you? You never</p> <p>21 told him that.</p> <p>22 A. Not to use publicity to help me?</p>

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<p style="text-align: right;">Page 760</p> <p>1 Q. You never told him. 2 Let me say is again. 3 You never instructed Mr. Shamble not to 4 use publicity to try to get a settlement for you 5 for Voice of America. 6 MR. SMITH: That was like a double 7 negative. You never did not do ever -- 8 CHAIRMAN FITCH: It is, but I think 9 it's the best one could do. 10 Do you understand the question? 11 THE WITNESS: I don't think I even had 12 that conversation with Mr. Shamble. 13 I probably had maybe very few, one, two 14 or three conversations with Mr. Shamble. It was 15 mostly you who have conversations with Mr. Shamble 16 and I had conversations with you. 17 So this particular question -- 18 CHAIRMAN FITCH: You can ask it again. 19 BY MR. KLAYMAN: 20 Q. Yes, the question is you never -- 21 MR. KLAYMAN: Sorry, your Honor. 22 CHAIRMAN FITCH: It's up to you.</p>	<p style="text-align: right;">Page 762</p> <p>1 BY MR. KLAYMAN: 2 Q. But on your own, you never went to Mr. 3 Shamble and said to him, "Please don't use 4 publicity on my behalf and please tell Mr. Klayman 5 not to use publicity" -- 6 A. I -- 7 Q. Let me finish, please. 8 MR. SMITH: It's a compound question. 9 CHAIRMAN FITCH: It is, actually. 10 MR. KLAYMAN: Compounds are sometimes 11 ok. 12 CHAIRMAN FITCH: I agree. But give it 13 a try. 14 MR. KLAYMAN: Ok, let me give it a try. 15 BY MR. KLAYMAN: 16 Q. The question was you never, ever went 17 to Mr. Shamble and said, "Don't use publicity on 18 my behalf and please instruct Mr. Klayman not to 19 use publicity on my behalf, too"? 20 You never said that to Mr. Shamble. 21 You never went to Mr. Shamble with that. 22 A. No, I didn't.</p>
<p style="text-align: right;">Page 761</p> <p>1 I request that you ask it the following 2 way: Did you ever tell Mr. Shamble not to use 3 publicity or publicity for your case? 4 BY MR. KLAYMAN: 5 Q. Do you ever tell Mr. Shamble not to use 6 publicity to try to get a favorable result for you 7 with Voice of America? 8 A. I don't believe we ever discussed that 9 subject with Mr. Shamble. 10 Q. The question is, did you ever tell him 11 not to use publicity? 12 A. I don't remember. I don't remember. 13 CHAIRMAN FITCH: In your previous 14 answer I believe you said "I don't believe we ever 15 discussed -- that I ever discussed that subject 16 with Mr. Shamble." 17 THE WITNESS: Exactly. 18 CHAIRMAN FITCH: I think you have a 19 negative answer. 20 MR. KLAYMAN: I just want to be clear 21 if I ask one more question. 22</p>	<p style="text-align: right;">Page 763</p> <p>1 Q. Ms. Sataki, after you filed your 2 initial complaint -- 3 MR. KLAYMAN: Excuse me, your Honor. 4 I'm just looking for something. 5 CHAIRMAN FITCH: Perfectly alright. 6 (Brief pause.) 7 MR. KLAYMAN: We're making really good 8 progress in terms of time. 9 BY MR. KLAYMAN: 10 Q. Turning your attention to Respondent's 11 exhibit -- it's your original complaint, that 12 someone had written in their handwriting. 13 CHAIRMAN FITCH: That's struck. 14 BY MR. KLAYMAN: 15 Q. Exhibit 1, which is dated November 16 20th, 1970 -- excuse me, that's the date of your 17 birth. It was dated November 2nd, 2010 and 18 apparently filed on November 3rd. 19 MR. SMITH: Is that Respondent's 20 Exhibit Number 4? 21 MR. KLAYMAN: No, it's your Exhibit 22 Number 1.</p>

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<p style="text-align: right;">Page 764</p> <p>1 CHAIRMAN FITCH: White notebook for 2 Exhibit 1. 3 MR. SMITH: Now we're back to 4 Disciplinary Counsel's exhibits, Exhibit 1. 5 CHAIRMAN FITCH: Ms. Sataki has it. 6 MR. KLAYMAN: I'm doing this from a 7 point of reference to lay a foundation. 8 BY MR. KLAYMAN: 9 Q. Referring to Exhibit 1, that's your 10 original complaint, and Exhibit 23 is the 11 supplement which was filed about a year later on 12 or about October 24th, correct? And that's 13 Exhibit 23? 14 CHAIRMAN FITCH: Mr. Klayman, in your 15 exhibits, the original complaint dated 11/2/2010 16 is I think Exhibit 4. 17 MR. KLAYMAN: Thank you, your Honor. 18 Again we had Kinko's do this quickly so 19 we could make the deadline last week. 20 MR. SMITH: I think he's now using Bar 21 Counsel's Exhibit Number 1, which is Respondent's 22 Exhibit Number 23.</p>	<p style="text-align: right;">Page 766</p> <p>1 A. Ok, yes. 2 Q. Now, for three and a half years after 3 that, you never had any contact with Bar Counsel, 4 correct, for several years after that? 5 A. Probably correct. I don't -- I 6 don't -- 7 CHAIRMAN FITCH: He's asking you 8 approximately, and when you say probably, I think 9 you're saying yes, that's approximately the 10 period. 11 THE WITNESS: About. I don't know 12 exactly. 13 CHAIRMAN FITCH: Fair enough. 14 BY MR. KLAYMAN: 15 Q. Several years, correct? 16 A. Ok. 17 Q. And eventually someone contacted you 18 from Bar Counsel and told you that this case was 19 going forward, correct? 20 A. Correct. 21 Q. And that was about three to four years 22 after you filed your initial complaints, correct?</p>
<p style="text-align: right;">Page 765</p> <p>1 CHAIRMAN FITCH: Ok. 2 BY MR. KLAYMAN: 3 Q. Also turning to Exhibit 23, that was 4 filed on or about October 24th, 2011, a year 5 later, correct? 6 A. Correct. 7 Q. Now, after you filed this, you received 8 correspondence from Bar Counsel saying that your 9 case was being processed by them, correct? 10 A. Yes. 11 Q. And that was shortly after you filed 12 your complaint? 13 CHAIRMAN FITCH: We have a vague 14 pronoun here. "This" being number one or number 15 23? 16 MR. KLAYMAN: Exhibit 23, I'm talking 17 about 23. I'm talking about actually both of 18 them. 19 BY MR. KLAYMAN: 20 Q. But after these documents were 21 received, you received correspondence from Bar 22 Counsel shortly thereafter?</p>	<p style="text-align: right;">Page 767</p> <p>1 A. About. 2 Q. It wasn't you that contacted Bar 3 Counsel. They contacted you at that time? 4 A. Yes. 5 Q. During that three- to four-year period, 6 you didn't submit anything further to Bar Counsel, 7 correct? 8 A. Correct. 9 MR. KLAYMAN: Your Honor, I'm just 10 going to double-check everything, but I think that 11 my cross is concluded as for now, subject to other 12 documents that may come to light. 13 CHAIRMAN FITCH: We all like to check 14 things. 15 MR. KLAYMAN: I'm moving along at your 16 suggestion. 17 CHAIRMAN FITCH: We all have too many 18 "oops". 19 (Brief pause.) 20 MR. KLAYMAN: Let me just make sure 21 that I moved most of my exhibits into evidence at 22 some point.</p>

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<p style="text-align: right;">Page 768</p> <p>1 Did I move Exhibit 16 into evidence, 2 which is -- 3 CHAIRMAN FITCH: Give me a minute here 4 to get ready to go along with you. 5 Ok, go ahead. 6 MR. KLAYMAN: And Exhibit 19 as well, 7 was that moved into evidence? 8 CHAIRMAN FITCH: Exhibit 16 is admitted 9 without objection. 10 I thought 19 was admitted. It is. 11 MR. KLAYMAN: Just double-checking. 12 CHAIRMAN FITCH: 20 has been admitted. 13 MR. KLAYMAN: Thank you. 14 CHAIRMAN FITCH: For your information, 15 Mr. Klayman, I have RS18 admitted in its entirety, 16 same for 19, same for 20. 17 MR. KLAYMAN: And we have also that 18 court case we talked about yesterday admitted. 19 That was Exhibit 12. 20 CHAIRMAN FITCH: And I have a number of 21 others that were admitted. 22 MR. KLAYMAN: Ok, alright.</p>	<p style="text-align: right;">Page 770</p> <p>1 publicity. In Mr. Klayman's examination you 2 discussed publicity. Let me show you what has 3 been marked already as Disciplinary Counsel's 4 Exhibit D, Page 23-D. 5 CHAIRMAN FITCH: Which, I'm sorry? 6 MR. SMITH: The blue book. 7 CHAIRMAN FITCH: What number? 8 MR. SMITH: D and it's D-23. 9 CHAIRMAN FITCH: You mean you have a D 10 exhibit in your book? Do you mean DX23? 11 MR. SMITH: No, I mean D -- actually 12 it's Respondent's Answer. 13 CHAIRMAN FITCH: DXD. 14 MR. KLAYMAN: Sorry, I don't know where 15 Mr. Smith is referring. 16 CHAIRMAN FITCH: It's at the very 17 beginning of his blue book. 18 MR. SMITH: It's the Specification of 19 Charges that you filed, Bar exhibit in the 20 Specification of Charges. 21 CHAIRMAN FITCH: He has an A, B, C, D 22 in the beginning of his blue book.</p>
<p style="text-align: right;">Page 769</p> <p>1 Your Honor, I have no further questions 2 at this time. 3 CHAIRMAN FITCH: Any redirect, Mr. 4 Smith? 5 MR. SMITH: Yeah, if you could indulge 6 me about five minutes to kind of make sure I have 7 everything organized properly. 8 CHAIRMAN FITCH: Make it 10. 9 MR. SMITH: Alright. 10 CHAIRMAN FITCH: If you want to work at 11 your desk, we'll step outside. Another little 12 break, for better or worse. 13 (Recess taken.) 14 CHAIRMAN FITCH: Go ahead, Mr. Smith. 15 MR. SMITH: Alright, thank you, Mr. 16 Chairman. 17 REDIRECT EXAMINATION 18 ON BEHALF OF DISCIPLINARY COUNSEL 19 BY MR. SMITH: 20 Q. Good afternoon, Ms. Sataki. 21 A. Good afternoon. 22 Q. Earlier in your testimony you discussed</p>	<p style="text-align: right;">Page 771</p> <p>1 MR. KLAYMAN: Exhibit D. Ok. 2 MR. SMITH: For the record, it looks to 3 be a communication dated June 10th, 2010 from 4 Larry Klayman to -- 5 CHAIRMAN FITCH: No, I seem to be 6 entirely wrong. I thought you told me it was 7 Exhibit D in your blue book. 8 Is that wrong? 9 MR. SMITH: Yes. No. 10 CHAIRMAN FITCH: It's Respondent's 11 Answer? 12 MR. SMITH: To the Specification of 13 Charges. 14 CHAIRMAN FITCH: I thought you said 15 something else. That's fine. I thought you said 16 communication. 17 MR. TIGAR: And you're on 23 of that? 18 MR. SMITH: 23-I. 19 MR. TIGAR: It's Bates numbered D-23? 20 MR. SMITH: Correct. 21 MR. SMITH: And again, for the record, 22 it is a communication dated June 10, 2010 from</p>

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<p style="text-align: right;">Page 772</p> <p>1 Larry Klayman to T. Shamble. 2 Are we all on the same exhibit now? 3 MR. KLAYMAN: I have it. 4 BY MR. SMITH: 5 Q. Ms. Sataki, it suggests that a courtesy 6 copy of this email was sent to you. 7 Do you remember receiving it? 8 A. Yes, yes. That's just I probably 9 received it, but I don't remember -- 10 Q. Ok. 11 A. -- exactly that moment that I wrote 12 this. 13 MR. TIGAR: I'm sorry, Mr. Smith. 14 Could I ask you to move the microphone down. 15 She's a broadcaster, she knows. Yes. 16 THE WITNESS: I'm sorry. 17 MR. TIGAR: Ok. 18 BY MR. SMITH: 19 Q. Do you recall having conversations with 20 Mr. Klayman about publicity in your case? 21 A. Yes. 22 Q. At what point in the representation, if</p>	<p style="text-align: right;">Page 774</p> <p>1 nonstop start asking about that, how -- what the 2 sexual harassment, how it was, and they want me to 3 describe it. And also they think that sexual 4 harassment means rape. So they asked me, and 5 still ask me to this day, how I was raped and 6 where I was raped. 7 Q. And did you -- 8 A. So that was my concern. 9 Q. Did you express this concern to Mr. 10 Klayman? 11 A. Yes, I did. 12 Q. Did he respond to those concerns? 13 A. He did, but he believed that publicity 14 is going to help our case. 15 Q. How many times did you have this 16 conversation about publicity? 17 A. Several times -- 18 MR. KLAYMAN: Objection, that's leading 19 and it presumes number of times. He's giving the 20 witness -- 21 CHAIRMAN FITCH: Let's rephrase it. 22 MR. SMITH: I asked how many times did</p>
<p style="text-align: right;">Page 773</p> <p>1 you recall, did you have those conversations? 2 A. Maybe after two months. So say we 3 started about in February, so sometime March, 4 sometime there probably. I don't know exactly. 5 Q. And so looking at this date of June 6 10th, you had had conversations with Mr. Klayman 7 prior to June 10th, 2010? 8 A. Yes. 9 Q. Could you tell the committee what it 10 was that you told Mr. Klayman with respect to your 11 views about publicity? 12 A. Well, I thought that the publicity is 13 going to -- 14 To start with, I didn't want the case 15 to go out and have everybody find out, and 16 especially publicity with everybody. So, then 17 everybody is going to question me, "What's going 18 on? What happened?" 19 And it was a sexual harassment case. 20 It wasn't something -- it's not something that a 21 woman is comfortable to be asked about all the 22 time. Especially someone like me or, then people</p>	<p style="text-align: right;">Page 775</p> <p>1 you -- 2 CHAIRMAN FITCH: No, "Did you have such 3 a conversation one time or more than one time?" 4 BY MR. SMITH: 5 Q. Did you have such a conversation with 6 Mr. Klayman more than one time? 7 A. Yes. 8 Q. How many times did you have one? 9 A. I don't know, a few times. I can't 10 recall exactly how many times. 11 It was a conversation back and forth 12 until -- 13 Q. Ok. Did you ultimately agree with Mr. 14 Klayman about publicity? 15 A. I did. 16 Q. Ok. Could you tell the committee what 17 it was that persuaded you to ultimately agree to 18 the publicity? 19 A. Because he was my attorney, and as an 20 attorney I thought he was best and that's going to 21 probably help my case and help me out. 22 So he basically convinced me that</p>

41 (Pages 772 to 775)

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<p style="text-align: right;">Page 776</p> <p>1 that's for my best interest.</p> <p>2 Q. Now, in addition to the articles that</p> <p>3 you have been shown previously that Mr. Klayman</p> <p>4 authored that were on the World Net Daily, are you</p> <p>5 aware of any other publicity that your case has</p> <p>6 had?</p> <p>7 A. I know there is a link on YouTube that</p> <p>8 Mr. Klayman had a -- it was a conference in</p> <p>9 National Press Club, and he had some speakers</p> <p>10 there, and I -- I found out later. I saw that</p> <p>11 link way after the event. Someone actually told</p> <p>12 me and sent me the link. And it was November</p> <p>13 17th, 2010 that he had my picture blown up, a</p> <p>14 picture, and he listed the picture and told</p> <p>15 everybody that he's representing me and I work for</p> <p>16 VOA.</p> <p>17 MR. KLAYMAN: Objection. Move to</p> <p>18 strike, hearsay.</p> <p>19 CHAIRMAN FITCH: Ask her how she knows</p> <p>20 that a poster or photograph or whatever was shown.</p> <p>21 MR. SMITH: Alright.</p> <p>22</p>	<p style="text-align: right;">Page 778</p> <p>1 investigation.</p> <p>2 We prefer to have it that you present</p> <p>3 it and show it to the committee and we look at it.</p> <p>4 Other wise it's extrajudicial receipt of evidence.</p> <p>5 MR. SMITH: It was an unartfully</p> <p>6 crafted question, but I think we all know.</p> <p>7 I will make an effort to get a copy of</p> <p>8 that, at or least the link available, so that it</p> <p>9 can become a part of the record.</p> <p>10 CHAIRMAN FITCH: Well, no, hold on</p> <p>11 there.</p> <p>12 MR. SMITH: Or request that it become a</p> <p>13 part of the record, move that it become a part of</p> <p>14 the record.</p> <p>15 CHAIRMAN FITCH: You can request.</p> <p>16 MR. SMITH: And I'm not doing it at</p> <p>17 this time.</p> <p>18 CHAIRMAN FITCH: I'm sorry. Go ahead.</p> <p>19 BY MR. SMITH:</p> <p>20 Q. Do you recall whether or not there were</p> <p>21 any conversations about the specific types of</p> <p>22 publicity that Mr. Klayman planned on having with</p>
<p style="text-align: right;">Page 777</p> <p>1 BY MR. SMITH:</p> <p>2 Q. How do you know that all of the things</p> <p>3 you just described are in this YouTube video?</p> <p>4 A. I saw it.</p> <p>5 Q. You watched it yourself?</p> <p>6 A. I watched it myself. It's on YouTube.</p> <p>7 Q. So you're reporting what you saw?</p> <p>8 A. Yes.</p> <p>9 Q. To your knowledge, is that YouTube</p> <p>10 video still available online?</p> <p>11 A. As far as two days ago, yes.</p> <p>12 Q. Do you recall how it could be found,</p> <p>13 searched, if the committee, for example, wanted to</p> <p>14 take a look at it?</p> <p>15 A. I believe that if you put the date and</p> <p>16 Mr. Klayman's name, "Larry Klayman, "National</p> <p>17 Press Club," November 17th, 2010, it will come up.</p> <p>18 MR. TIGAR: Excuse me, Mr. Chairman,</p> <p>19 I'm going to interrupt here.</p> <p>20 If there's something that either party</p> <p>21 wants the committee to hear, it wouldn't be right</p> <p>22 for us to go out in the community and start doing</p>	<p style="text-align: right;">Page 779</p> <p>1 respect to your case?</p> <p>2 A. No, we didn't.</p> <p>3 Q. No, you don't recall or no, you did not</p> <p>4 have any specific --</p> <p>5 A. I did not have the specific</p> <p>6 conversation with him.</p> <p>7 Q. I ask you to look at what has been</p> <p>8 marked in the supplemental Bar Counsel exhibits as</p> <p>9 number 23.</p> <p>10 A. Yes.</p> <p>11 Q. Alright, in paragraph four, Mr. Klayman</p> <p>12 states that he referred you to Gloria Allred, and</p> <p>13 then if you look at the next paragraph down, he</p> <p>14 says, "I successfully represented other parties in</p> <p>15 sexual harassment cases over the years. Gloria is</p> <p>16 not skilled in suing the government, but rather</p> <p>17 prior employers, so it's thought that I would be</p> <p>18 better in that event."</p> <p>19 Does that refresh your recollection at</p> <p>20 all about your conversation with Mr. Klayman about</p> <p>21 retaining Gloria Allred?</p> <p>22 A. Yes.</p>

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<p style="text-align: right;">Page 780</p> <p>1 Q. Could you please tell the committee how 2 that is so. 3 A. This was during the difficult time, 4 when it was starting to get more difficult and 5 difficult between -- to communicate with Mr. 6 Klayman. 7 So, I -- as he emailed me before 8 regarding -- and we talked before regarding Gloria 9 and also Tim Shea, so I emailed him and asked him, 10 and also I told him, "Why don't we have Gloria 11 help us?" And also I asked about Tim Shea, "Why 12 can't we have Tim Shea help with this?" 13 So, as me and him, we couldn't 14 communicate any more, because of the unfortunate 15 situation that we were in. 16 Q. And if you would look at Page 3 of that 17 exhibit, there appears to be a communication dated 18 July 15th -- 19 CHAIRMAN FITCH: Let me interrupt, 20 because we all have to go over the record, the 21 documents and find them in the record. 22 As I count the references to Ms.</p>	<p style="text-align: right;">Page 782</p> <p>1 had asked you whether or not you had asked him to 2 assist you in purchasing a car. 3 Do you recall that testimony? 4 A. Yes -- 5 Q. Those questions? 6 A. Yes. 7 Q. What was your reply? 8 MR. KLAYMAN: Objection, asked and 9 answered, your Honor. 10 MR. TIGAR: Ok. 11 BY MR. SMITH: 12 Q. Well, your testimony was that you did 13 not ask him to buy you a car. 14 MR. KLAYMAN: Wait, wait, wait. That's 15 not a correct way of questioning, your Honor. 16 Objection. He should not be telling -- 17 CHAIRMAN FITCH: He may ask her the 18 perfectly normal transition: "Did you testify 19 that," blah, blah, blah, blah, blah blah. 20 MR. SMITH: Thank you. 21 CHAIRMAN FITCH: Go ahead and ask that 22 question.</p>
<p style="text-align: right;">Page 781</p> <p>1 Allred, they're in the fifth and sixth paragraphs 2 of this document. I think you said fourth and 3 fifth. 4 MR. SMITH: Thank you. 5 CHAIRMAN FITCH: Ask your question 6 again. I interrupted you. 7 BY MR. SMITH: 8 Q. At Page 3 of this document there is a 9 communication dated July 30th, 2010. 10 A. Yes. 11 Q. Is this the email that you were 12 referring to that Mr. Klayman was replying to? 13 A. Yes. That's the email that I wrote him 14 and that was his reply. 15 Q. Would you tell the hearing committee 16 why it was that Tim Shea was not hired by you to 17 pursue this matter. 18 A. It was because Mr. Klayman said that he 19 evaluated him and realized that he can't be an 20 asset, "he won't be able to handle this case." 21 Q. Yesterday there was I think some 22 examination with respect to a car. Mr. Klayman</p>	<p style="text-align: right;">Page 783</p> <p>1 MR. SMITH: Alright. 2 BY MR. SMITH: 3 Q. As I recall your testimony was Mr. 4 Klayman did not -- you did not ask Mr. Klayman to 5 help you purchase a car? 6 A. No, I did not. 7 Q. Was there any situation where Mr. 8 Klayman was involved in a car situation with you? 9 A. Yes. 10 Q. Could you explain what that situation 11 was, please. 12 A. My car was towed away from my garage 13 because they repoed my car and took it to the 14 dealership. And my brother was staying with me at 15 that time, so he found out and he came upstairs 16 and told me. 17 As me and my brother going to the 18 dealership to see what's going on, Mr. Klayman, I 19 asked an attorney, so I had asked advice what we 20 should do and say, and he said he's going to come 21 and meet us there. 22 He came, and basically we couldn't</p>

43 (Pages 780 to 783)

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<p style="text-align: right;">Page 784</p> <p>1 resolve it that moment with Mr. Klayman, because</p> <p>2 he started telling the people that he's going to</p> <p>3 sue them.</p> <p>4 Then later me and my brother and a</p> <p>5 friend went back and we resolved the situation.</p> <p>6 MR. KLAYMAN: Your Honor, I object to</p> <p>7 what she's recounting, which is hearsay, that I</p> <p>8 said I was going to sue them.</p> <p>9 CHAIRMAN FITCH: Overruled.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. During your testimony -- and I'll just</p> <p>12 make a reference to the Bar exhibits which began</p> <p>13 at I guess about Bar Exhibit Number 24, which for</p> <p>14 the record is an email dated August 1st, 2010,</p> <p>15 through Bar Exhibit 37, which is an email dated</p> <p>16 January 26th, 2011, all from Mr. Klayman to you.</p> <p>17 And from the record, it does not appear that you</p> <p>18 responded to any of those emails.</p> <p>19 So here's my question -- and during</p> <p>20 your testimony --</p> <p>21 MR. KLAYMAN: Objection, your Honor.</p> <p>22 CHAIRMAN FITCH: Well, let me hear his</p>	<p style="text-align: right;">Page 786</p> <p>1 through 37 and 24, the period beginning August</p> <p>2 1st, 2010, and 37 was a document ending on --</p> <p>3 excuse me, that was sent on January 21st -- 26th,</p> <p>4 2011.</p> <p>5 You testified that you only recently</p> <p>6 opened up all of those emails and therefore did</p> <p>7 not respond to any of them.</p> <p>8 Can you tell the hearing committee why</p> <p>9 it was that you stopped opening up emails that you</p> <p>10 were receiving from Mr. Klayman that are referred</p> <p>11 to in Bar exhibits 24 through 37?</p> <p>12 A. Because I was receiving -- during a few</p> <p>13 months earlier, the emails I was receiving and</p> <p>14 text messages and calls from Mr. Klayman, most of</p> <p>15 them was not regarding my case, but it was</p> <p>16 regarding stuff that was really hurting me, and it</p> <p>17 got to a point that physically, mentally,</p> <p>18 psychologically I just couldn't deal with it any</p> <p>19 more. So I had to shut down. I couldn't.</p> <p>20 I couldn't, because it was his wording</p> <p>21 was abusive and he wouldn't respect me or the</p> <p>22 people around me. He would disrespect me, and I</p>
<p style="text-align: right;">Page 785</p> <p>1 objection.</p> <p>2 MR. KLAYMAN: This is really, no lack</p> <p>3 of respect to Mr. Smith, it's a jumbled way of</p> <p>4 asking a question. He's got a question on top of</p> <p>5 a question, and I don't think anybody knows</p> <p>6 exactly what the question was.</p> <p>7 So I ask that he please rephrase a more</p> <p>8 precise question, because it's vague and</p> <p>9 ambiguous.</p> <p>10 MR. SMITH: There was no question.</p> <p>11 MR. KLAYMAN: He's telling her --</p> <p>12 CHAIRMAN FITCH: I'm leave that to Mr.</p> <p>13 Smith.</p> <p>14 MR. KLAYMAN: What he is doing is he's</p> <p>15 giving her the testimony and then asking a</p> <p>16 question. And that's inappropriate.</p> <p>17 CHAIRMAN FITCH: I don't think it's</p> <p>18 inappropriate.</p> <p>19 Go ahead, Mr. Smith, wherever you were.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. So my statement is, earlier today Mr.</p> <p>22 Klayman examined you on Supplemental Exhibits 24</p>	<p style="text-align: right;">Page 787</p> <p>1 had to prove myself often.</p> <p>2 So basically the conversations and</p> <p>3 everything was mostly non-case related. So</p> <p>4 therefore I just -- it got to a point that</p> <p>5 psychologically and mentally I couldn't deal with</p> <p>6 it any more.</p> <p>7 Q. When you say that he disrespected you,</p> <p>8 could you give the hearing committee as many</p> <p>9 examples as a you can think of how you were</p> <p>10 disrespected.</p> <p>11 A. The people -- I "hang out with ghetto</p> <p>12 Persians" and "classless Persians," and I'm</p> <p>13 becoming one of them.</p> <p>14 He would accuse me of having</p> <p>15 relationships with this person and that person.</p> <p>16 Every person that I would interact with, he would</p> <p>17 accuse me that I have a relationship with that</p> <p>18 person and it got exhausting.</p> <p>19 It was -- I was dealing -- it was a</p> <p>20 vicious cycle and never ending and if felt like</p> <p>21 I'm in an abusive relationship instead of a</p> <p>22 client/attorney, and I had to prove myself all the</p>

44 (Pages 784 to 787)

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<p style="text-align: right;">Page 788</p> <p>1 time, and I was in a trial all the time and I had 2 to all the time tell him that, "No, what you're 3 saying is not true." 4 So that was -- I -- I would go to a 5 friend's house with my mom, and if I wouldn't turn 6 his call that evening, then we would have -- help 7 would break down for a few things. Then 8 everything would be ok. Then we could go back to 9 the case again, and then some other things would 10 come up. 11 Like I would go to a play and didn't 12 invite him, and then he would get upset again and 13 then I would -- he would just beat on me again for 14 days with text messages, calls and emails. And 15 that was going on. 16 It was always something going on. I 17 mean, it's so many different things. 18 Q. Can you think of anything which you may 19 have done which led Mr. Klayman to believe that it 20 was ok to question you about your personal 21 relationships? 22 A. Definitely not.</p>	<p style="text-align: right;">Page 790</p> <p>1 and I -- at this particular time, it was 5:28 2 a.m., I was very sad. I used to take medication 3 to go to sleep, and I woke up and I just really 4 thinking about what happened to me, and everything 5 that happened to me. I woke up crying and upset 6 and just looking back at everything. 7 Unfortunately I can't say that I was in 8 a perfect state of mind, that I was thinking 9 clearly when I sent that email. 10 MR. SMITH: Thank you. I have no 11 further questions. 12 MR. KLAYMAN: Can I recross? 13 CHAIRMAN FITCH: About what? 14 MR. KLAYMAN: The matters that he got 15 into in this regard. 16 CHAIRMAN FITCH: Which specific -- 17 MR. KLAYMAN: I won't need more than 15 18 minutes. 19 CHAIRMAN FITCH: Which specific 20 matters? 21 MR. KLAYMAN: This matter here, Exhibit 22 38.</p>
<p style="text-align: right;">Page 789</p> <p>1 I asked him over and over and over 2 again, "Please leave my private life to myself and 3 you're not to interfere, and it's not right." 4 And he -- I even asked him, when he -- 5 the first time he used the word "Persian ghetto," 6 I asked him, very nicely, that "This is not right 7 and please do not say that again." But he again 8 repeated himself regarding that. And I asked him 9 nicely -- I mean, I asked him all the time not to 10 do that. 11 Q. Let me ask you to take a look at 12 Supplemental Exhibit Number 38. 13 MR. SMITH: For the record, it is an 14 email dated Sunday, September 11th, 2011, which 15 appears to have been sent at 5:28 a.m. from Ms. 16 Sataki to Mr. Klayman. 17 THE WITNESS: Yes. 18 BY MR. SMITH: 19 Q. Can you tell the hearing committee what 20 your mental and physical state of being was at 21 that time? 22 A. This was a very, very difficult time,</p>	<p style="text-align: right;">Page 791</p> <p>1 CHAIRMAN FITCH: That examination and 2 testimony about SX38 was totally rebuttal within 3 the scope. You may not examine it further. 4 MR. KLAYMAN: Then the recitation of 5 what happened with the car. This was new 6 information. 7 CHAIRMAN FITCH: That has been covered 8 in cross-examination and in the rebuttal -- the 9 redirect. That was solely within the scope. 10 You may not examine on that. 11 MR. KLAYMAN: Ok. Those were the 12 two -- hold on, your Honor. 13 (Brief pause.) 14 CHAIRMAN FITCH: Ms. Sataki. 15 THE WITNESS: Yes? 16 CHAIRMAN FITCH: We have completed your 17 testimony. As with any witness it can be tiring 18 and, as Mr. Klayman said, the difference in time 19 zones probably adds to that. We all understand 20 that. But you are excused. 21 THE WITNESS: Thank you. 22 CHAIRMAN FITCH: That means we're</p>

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<p style="text-align: right;">Page 792</p> <p>1 finished.</p> <p>2 THE WITNESS: We're finished, yeah?</p> <p>3 CHAIRMAN FITCH: With your testimony.</p> <p>4 And we will stand in recess here at</p> <p>5 2:15 until Mr. Bennett arrives.</p> <p>6 (Brief pause.)</p> <p>7 CHAIRMAN FITCH: Back on the record.</p> <p>8 The hearing committee wants to address</p> <p>9 again, not necessarily conclusively, the</p> <p>10 scheduling issue.</p> <p>11 We think that this hearing may resume</p> <p>12 on Monday, June 25 and proceed for the five</p> <p>13 weekdays of that week.</p> <p>14 The parties can address that now or</p> <p>15 they can take a few minutes to think about it and</p> <p>16 we can address it later.</p> <p>17 MR. KLAYMAN: That's acceptable to</p> <p>18 Respondent.</p> <p>19 CHAIRMAN FITCH: That being the</p> <p>20 schedule.</p> <p>21 MR. KLAYMAN: We agree to those dates.</p> <p>22 MR. SMITH: Disciplinary Counsel agrees</p>	<p style="text-align: right;">Page 794</p> <p>1 MR. SMITH: As a preliminary matter,</p> <p>2 while we were off the record I passed along to</p> <p>3 everyone, the Respondent and his counsel and the</p> <p>4 hearing committee members, a curriculum vitae for</p> <p>5 Mr. Joel Bennett.</p> <p>6 It had originally been submitted in our</p> <p>7 book of exhibits as Exhibit 50. There was a</p> <p>8 typographical error that Mr. Bennett noted and</p> <p>9 brought to our attention, so a corrected version</p> <p>10 has been provided.</p> <p>11 If the committee sees fit, you can</p> <p>12 replace the Bar Exhibit 50 that was initially in</p> <p>13 your book with the corrected version.</p> <p>14 I'll have Mr. Bennett testify as to</p> <p>15 what the discrepancy was.</p> <p>16 CHAIRMAN FITCH: That's fine.</p> <p>17 MR. SMITH: I didn't give a copy to</p> <p>18 Carly.</p> <p>19 MR. TIGAR: At the risk of causing</p> <p>20 difficulty, I would appreciate it if you all would</p> <p>21 put it up on the Justice website in electronic</p> <p>22 form, so that would make it easier for me to put</p>
<p style="text-align: right;">Page 793</p> <p>1 to those dates as well.</p> <p>2 CHAIRMAN FITCH: We're on.</p> <p>3 And now we'll stand in recess pending</p> <p>4 Mr. Bennett's appearance.</p> <p>5 (Recess taken.)</p> <p>6 (Joel Bennett on the witness stand.)</p> <p>7 CHAIRMAN FITCH: We are back on the</p> <p>8 record at 3:20 p.m., and I understand that Mr.</p> <p>9 Smith has called his next witness.</p> <p>10 What is your name, sir?</p> <p>11 THE WITNESS: Joel Bennett.</p> <p>12 CHAIRMAN FITCH: Would you raise your</p> <p>13 right hand, please.</p> <p>14 Do you swear or affirm that the</p> <p>15 testimony you are about to give will be the truth,</p> <p>16 the whole truth and nothing but the truth?</p> <p>17 THE WITNESS: I do.</p> <p>18 MR. KLAYMAN: Your Honor, I would like</p> <p>19 to voir dire the expert at the appropriate time.</p> <p>20 CHAIRMAN FITCH: You may be seated.</p> <p>21 The party calling the expert has the</p> <p>22 right to do the first voir dire.</p>	<p style="text-align: right;">Page 795</p> <p>1 it with the other things that I have to look at.</p> <p>2 MR. SMITH: Not a problem.</p> <p>3 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>4 MR. SMITH: Thank you, your Honor.</p> <p>5 Whereupon,</p> <p>6 JOEL BENNETT</p> <p>7 called as a witness on behalf of Disciplinary</p> <p>8 Counsel, and after having been first duly sworn,</p> <p>9 was examined and testified as follows:</p> <p>10 DIRECT EXAMINATION ON BEHALF OF BAR COUNSEL:</p> <p>11 BY MR. SMITH:</p> <p>12 Q. Could you please state your name again,</p> <p>13 for the record.</p> <p>14 A. Joel Bennett.</p> <p>15 Q. What is your occupation, sir?</p> <p>16 A. Attorney.</p> <p>17 Q. How long have you been an attorney?</p> <p>18 A. I've been a member of the District of</p> <p>19 Columbia Bar continuously since 1972.</p> <p>20 Q. Are you licensed anywhere other than</p> <p>21 the District of Columbia?</p> <p>22 A. I'm admitted to several other courts,</p>

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<p style="text-align: right;">Page 796</p> <p>1 but I'm not licensed in any other states. 2 Q. Did you receive an undergraduate 3 degree? 4 A. Yes. 5 Q. Where was that? 6 A. Brown University. 7 Q. What year was that? 8 A. 1968. 9 Q. What was your major? 10 A. American civilization. 11 Q. Did you attend law school? 12 A. Yes. 13 Q. Where did you attend law school? 14 A. Georgetown. 15 Q. Did you get a degree? 16 A. Yes. 17 Q. In what year? 18 A. February of 1972. 19 Q. Have you been practicing as a lawyer 20 since 1972? 21 A. Yes. 22 Q. With whom have you been employed?</p>	<p style="text-align: right;">Page 798</p> <p>1 A. For most of my career and private 2 practice, my primary area of practice has been 3 employment law, including employment 4 discrimination cases, especially against the 5 federal government. 6 Q. For about how much of your career have 7 you been doing employment law? 8 A. I took my first case in 1973 pro bono 9 when I was still employed at the Federal Trade 10 Commission, and when I went out on my own in 1976 11 I started doing it heavily in 1976 to the present. 12 Q. About how many cases would you say that 13 you have handled in your career, federal 14 employment discrimination cases? 15 A. I've represented more than three 16 hundred federal employees since 1973. I've also 17 handled several employment discrimination cases on 18 the defense side for law firms and other 19 employers. 20 Q. Do you participate in any continuing 21 legal education programs? 22 A. I have. I've been both a student and a</p>
<p style="text-align: right;">Page 797</p> <p>1 A. My first job after law school was 2 clerking for a United States district judge in 3 Chicago, Richard McLaren. That was about seven 4 months, from February to September. Then I joined 5 the Federal Trade Commission as a trial in the 6 Bureau of Consumer Protection. I worked there 7 from 1972 to 1975. 8 In 1975 I joined the firm of Stein, 9 Mitchell and Mezinias (phon) as an associate. I 10 worked there from I believe it was May of 1975 to 11 October of 1976. 12 October of 1976 I started my own solo 13 practice in DC. I merged with two other lawyers 14 in I believe it was early 1980 or 1981. The firm 15 was initially called Bennett, Diso (phon) and 16 Greenberg. We brought in a fourth partner. It 17 was called Bennett, Diso, Greenberg and Thomas. 18 In 1984 I went back to being a solo 19 practitioner, and I've been a solo practitioner in 20 DC continuously since 1984. 21 Q. Is there a particular field of the law 22 that you practice primarily?</p>	<p style="text-align: right;">Page 799</p> <p>1 lecturer in many CLE programs over the last 40 2 some odd years. 3 Q. Those CLEs deal with employment law 4 issues? 5 A. Many of them have, yes. 6 Q. Have you been active in the Bar? 7 A. Yes, I have. 8 Q. What have you done with respect to the 9 District of Columbia Bar? 10 A. The District of Columbia Bar, I have 11 the cofounder and first chair of the Law Practice 12 Management Section. Now they're called 13 Communities, I think. I also -- 14 CHAIRMAN FITCH: For reasons that 15 puzzle us all. 16 THE WITNESS: I also was a member of 17 the steering committee of the Labor and Employment 18 Law Section for several years. These are all 19 elected posts. Then I was also a member of the 20 steering committee of the litigation section and I 21 also chaired the litigation section of the 22 District of Columbia Bar.</p>

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<p style="text-align: right;">Page 800</p> <p>1 I also was appointed to chair the</p> <p>2 Membership Benefits Committee, I believe it was</p> <p>3 when David Isabel was the president.</p> <p>4 Q. Have you ever written any publications?</p> <p>5 A. Yes. In 1984 I was contacted by Law</p> <p>6 Journal Seminars Press to write a book on Winning</p> <p>7 Attorney's Fees Against the U.S. Government. That</p> <p>8 was initially published in 1984. It was updated</p> <p>9 annually for about 40 years, and now it's not</p> <p>10 being updated any more. But it's still available</p> <p>11 online on Lexis and Westlaw.</p> <p>12 I also participated in writing the</p> <p>13 first edition of How to Start and Build a Law</p> <p>14 Practice In the District of Columbia, and I was</p> <p>15 the sole author of the second and third editions</p> <p>16 of that book, which is published by the Bar</p> <p>17 Association of the District of Columbia, the</p> <p>18 voluntary Bar.</p> <p>19 I've also been the author of many</p> <p>20 articles published in law journals on a variety of</p> <p>21 topics, including employment law, litigation, law</p> <p>22 office management, and so on.</p>	<p style="text-align: right;">Page 802</p> <p>1 case was before Judge John Bates in the United</p> <p>2 States District Court for the District of</p> <p>3 Columbia, and there I was testifying --</p> <p>4 It's a complicated case. I was</p> <p>5 testifying on behalf after lawyer who had a</p> <p>6 dispute about a client over fees, and I honestly</p> <p>7 can't remember whether he was the plaintiff or the</p> <p>8 defendant, because they had claims against each</p> <p>9 other.</p> <p>10 Q. Now, could you remind me of how many</p> <p>11 federal employment related discrimination cases</p> <p>12 you've been involved with since 1973.</p> <p>13 A. More than three hundred.</p> <p>14 Q. And of that number, could you estimate</p> <p>15 the number of times you've had to file pleadings</p> <p>16 in those cases?</p> <p>17 A. Well, for federal employees, cases are</p> <p>18 handled at different levels. First you're at the</p> <p>19 agency, then you have the option of going to the</p> <p>20 Equal Employment Opportunity Commission where you</p> <p>21 can get a hearing before an administrative judge.</p> <p>22 Then you can appeal to the EEOC, Office of Federal</p>
<p style="text-align: right;">Page 801</p> <p>1 Q. Have you ever appeared as an expert</p> <p>2 witness before?</p> <p>3 A. Yes, I have, both before Bar Counsel</p> <p>4 committees and in the United States District Court</p> <p>5 of the District of Columbia. I've been qualified</p> <p>6 as an expert witness on employment law,</p> <p>7 particularly as it involves federal employees.</p> <p>8 Q. When you testified in connection with</p> <p>9 the DC Bar Board on Professional Responsibility</p> <p>10 matters, were you testifying on behalf of the</p> <p>11 Office of Bar Counsel?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever testified on behalf of a</p> <p>14 Respondent?</p> <p>15 A. Not that I can recall.</p> <p>16 I don't recall ever being asked. I</p> <p>17 don't have any prejudice against doing so. It's</p> <p>18 just whoever asked me to be the expert.</p> <p>19 Q. In the civil litigation, who were you</p> <p>20 testifying on behalf of?</p> <p>21 A. I've been an expert in several cases in</p> <p>22 civil litigation. Only one went to trial. That</p>	<p style="text-align: right;">Page 803</p> <p>1 Operations, and then you can go to court.</p> <p>2 I've handled cases in all the different</p> <p>3 levels, and I honestly couldn't give you a count</p> <p>4 of all I've had at all those different levels, but</p> <p>5 I've had more than 300 total.</p> <p>6 But I've tried more than 75 cases to</p> <p>7 judgment in courts over the years.</p> <p>8 Q. How many different agencies have you</p> <p>9 sued on behalf of a client against the federal</p> <p>10 government?</p> <p>11 A. It seems like almost all of them, but I</p> <p>12 couldn't give you a count.</p> <p>13 All the major ones. That's for sure.</p> <p>14 Q. And in preparation for filing the cases</p> <p>15 to the extent they had to go to litigation, did</p> <p>16 you have to research who the appropriate parties</p> <p>17 were to sue on behalf of the agency?</p> <p>18 A. Yes.</p> <p>19 MR. SMITH: At this point I'd like to</p> <p>20 have Mr. Bennett accepted as an expert witness in</p> <p>21 this case on the issues of employment law related</p> <p>22 to the filing of pleadings as they will relate to</p>

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<p style="text-align: right;">Page 804</p> <p>1 the issues in this case.</p> <p>2 MR. KLAYMAN: May I voir dire first,</p> <p>3 sir?</p> <p>4 CHAIRMAN FITCH: Yes, sir.</p> <p>5 VOIR DIRE ON BEHALF OF RESPONDENT:</p> <p>6 BY MR. KLAYMAN:</p> <p>7 Q. Mr. Bennett, I take it, because you did</p> <p>8 not mention Voice of America, that you've never</p> <p>9 had an employment discrimination case with Voice</p> <p>10 of America?</p> <p>11 A. I have had at least one, possibly more.</p> <p>12 I didn't mention any specific agencies</p> <p>13 because I've had cases against every major federal</p> <p>14 agency in the last 45 years and I honestly can't</p> <p>15 remember all of the 300 cases.</p> <p>16 But I'm sure I've had at least one</p> <p>17 against the Voice of America and I've also had at</p> <p>18 least one case against Radio Free Europe, which is</p> <p>19 kind of an affiliated entity.</p> <p>20 Q. What were those cases? Can you give me</p> <p>21 their names?</p> <p>22 A. The case against Radio Free Europe was</p>	<p style="text-align: right;">Page 806</p> <p>1 Q. I understand all that. That's not my</p> <p>2 question.</p> <p>3 CHAIRMAN FITCH: He's not finished.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Ok, go on.</p> <p>6 A. So I couldn't tell you from that case,</p> <p>7 40 or so years ago, when I got involved, was it</p> <p>8 the counseling stage, the formal complaint stage,</p> <p>9 the investigative stage.</p> <p>10 I just don't remember. It's too long</p> <p>11 ago.</p> <p>12 Q. You don't ever remember being before</p> <p>13 the Office of Civil Rights for the Voice of</p> <p>14 America?</p> <p>15 A. I may well have been. I just don't</p> <p>16 recall.</p> <p>17 Q. You don't remember.</p> <p>18 And within the last ten years you've</p> <p>19 had no contact with the Voice of America in terms</p> <p>20 of legal proceedings, correct?</p> <p>21 A. I can't recall any case I've had with</p> <p>22 VOA in the last ten years.</p>
<p style="text-align: right;">Page 805</p> <p>1 before Judge John Pratt in the United States</p> <p>2 District Court of the District of Columbia, and</p> <p>3 I'm pretty sure it was in the late '70s or the</p> <p>4 early '80s, and I honestly cannot remember the</p> <p>5 name of the plaintiff.</p> <p>6 It was a female plaintiff. But I</p> <p>7 cannot remember her name. I'm sorry.</p> <p>8 Q. So that was about 28 years ago?</p> <p>9 A. More. Closer to 40.</p> <p>10 Q. That was in district court. That was</p> <p>11 not before VOA in terms of an office of</p> <p>12 discrimination complaint.</p> <p>13 A. Well, it depends on when the client</p> <p>14 comes to me. If the client comes to me at the</p> <p>15 very beginning of the process, there's a procedure</p> <p>16 you have to go through to exhaust administrative</p> <p>17 remedies: first the client has to go through</p> <p>18 counseling; then you get a notice of final</p> <p>19 interview; then you file a formal complaint; then</p> <p>20 the agency investigates.</p> <p>21 You can't go to court until the formal</p> <p>22 complaint is 180 days --</p>	<p style="text-align: right;">Page 807</p> <p>1 Q. So you don't know the makeup of the</p> <p>2 people that you have to deal with there concerning</p> <p>3 employment discrimination?</p> <p>4 A. I know the offices you have to go to in</p> <p>5 every federal agency. It does not vary by agency.</p> <p>6 I don't know the names of the civil rights officer</p> <p>7 in all several hundred federal agencies.</p> <p>8 Q. I didn't ask you that question.</p> <p>9 MR. KLAYMAN: If I can get an</p> <p>10 instruction that he respond to my questions.</p> <p>11 CHAIRMAN FITCH: I think that Mr.</p> <p>12 Bennett knows to try to respond.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. What I'm saying is you haven't had any</p> <p>15 contact or proceedings with people at Voice of</p> <p>16 America in the Office of Civil Rights or otherwise</p> <p>17 for at least ten years, correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Now you testified that you've never</p> <p>20 actually appeared as an expert in a Bar</p> <p>21 disciplinary matter for a respondent, correct?</p> <p>22 A. I've never been asked to appear as an</p>

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<p style="text-align: right;">Page 808</p> <p>1 expert in a Bar disciplinary matter for a 2 Respondent.</p> <p>3 Q. You make considerable income being the 4 expert for Office of Disciplinary Counsel, don't 5 you?</p> <p>6 A. I don't know what you mean by -- I 7 mean, I am being paid by the hour. Whether it's 8 considerable income or not I suspect is debatable.</p> <p>9 Q. Approximately how much are you paid 10 each year, let's say for 2017? How much were you 11 paid by the Office of Disciplinary Counsel, 12 roughly?</p> <p>13 A. I'm handling this case on an hourly fee 14 basis. I believe the rate is 475 an hour, and 15 I've been paid a few thousand dollars, which I do 16 not consider a considerable income.</p> <p>17 Q. I didn't ask you that question.</p> <p>18 CHAIRMAN FITCH: It's a different 19 question.</p> <p>20 What was your total compensation 21 approximately in the year 2017 for testimony as an 22 expert witness in disciplinary cases in the</p>	<p style="text-align: right;">Page 810</p> <p>1 years. So my answer, when I say about this case, 2 is everything.</p> <p>3 Q. Now, you testified that you handled 4 employment discrimination cases. You didn't have 5 any employment discrimination cases when you were 6 in the Bureau of Consumer Protection or the 7 Federal Trade Commission, did you?</p> <p>8 A. That is incorrect. I took my first 9 case in 1973 through a program sponsored by the DC 10 Bar. I handled that case at the administrative 11 level when I was an attorney at the Federal Trade 12 Commission.</p> <p>13 Q. You were not acting on behalf of the 14 Federal Trade Commission.</p> <p>15 A. Oh, no.</p> <p>16 Q. When you were at Stein, Mitchell and 17 Mazinas, what cases did you handle that had 18 employment discrimination, if any?</p> <p>19 A. I had my first case and I think I had a 20 second pro bono case. The first case was against 21 the IRS and the second case was against 22 Smithsonian, and I believe I worked on both of</p>
<p style="text-align: right;">Page 809</p> <p>1 District of Columbia?</p> <p>2 THE WITNESS: I didn't testify in any 3 disciplinary cases in the District of Columbia in 4 2017, to the best of my knowledge. I worked on 5 this case in 2017, but I didn't testify.</p> <p>6 BY MR. KLAYMAN:</p> <p>7 Q. Regardless of testifying, how much were 8 you paid by the Office of Disciplinary Counsel in 9 2017?</p> <p>10 A. I'd have to look at my bills and my 11 file.</p> <p>12 Q. An estimate?</p> <p>13 A. A few thousand dollars. Not a 14 considerable sum.</p> <p>15 Q. And in 2016?</p> <p>16 A. I started the case in 2016 and I would 17 estimate maybe \$1,000.</p> <p>18 Q. Again, I didn't ask you that question.</p> <p>19 How much were you paid total, as the 20 chair has suggested?</p> <p>21 A. This is the only case I've had with the 22 Office of Disciplinary Counsel in the last three</p>	<p style="text-align: right;">Page 811</p> <p>1 those while I was with Stein, Mitchell and 2 Mazinas.</p> <p>3 MR. KLAYMAN: Your Honor, I'm finished 4 with the voir dire, but I do have objections to 5 portions of Mr. Bennett's testimony that I'd like 6 to raise right now.</p> <p>7 CHAIRMAN FITCH: The portions of his 8 forthcoming testimony?</p> <p>9 MR. KLAYMAN: Yes, based upon the 10 Disciplinary Counsel's list of witnesses and an 11 explanation of what he's testified to, if I may 12 raise that right now.</p> <p>13 CHAIRMAN FITCH: It's an objection to 14 specific portions of his anticipated testimony?</p> <p>15 MR. KLAYMAN: That it's irrelevant. 16 It's an issue of relevancy, based upon the way the 17 case is structured.</p> <p>18 CHAIRMAN FITCH: I will not hear that 19 right now and he will be admitted as an expert in 20 the field of serving as counsel in employment 21 discrimination cases before federal or other 22 governmental agencies.</p>

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<p style="text-align: right;">Page 812</p> <p>1 You can raise your objections as 2 specific topics may be encountered. 3 MR. KLAYMAN: Ok. 4 CHAIRMAN FITCH: Thank you. 5 CONTINUED DIRECT EXAMINATION 6 ON BEHALF OF DISCIPLINARY COUNSEL: 7 BY MR. SMITH: 8 Q. In front of you, Mr. Bennett, is a book 9 of exhibits, and if you'll just look briefly at 10 the first couple pages of Bar Exhibit 4, 5, 6, 7, 11 8, 9, 10, 11, 12, 13, 14, 15, 16, 17. 12 MR. KLAYMAN: Those are your exhibits? 13 MR. SMITH: Yes. 14 BY MR. KLAYMAN: 15 Q. Have you studied those exhibits prior 16 to today? 17 A. Yes. 18 Q. About how much time did it take you to 19 read through all of this stuff? 20 A. I've looked through them twice, once 21 when I was initially retained and I believe it 22 took me one or two hours, and I looked through</p>	<p style="text-align: right;">Page 814</p> <p>1 Clinton as a defendant in this complaint? 2 MR. KLAYMAN: Objection, your Honor. 3 Let me make my objection now. 4 As we have all agreed and realized and 5 acknowledged, based on the Specification of 6 Charges, there is no allegation here of my 7 practicing with either a lack of competence or in 8 a diligent manner. This is not a case about the 9 legal proceedings that I filed. And during the 10 testimony earlier in this proceeding with Ms. 11 Sataki, your Honor correctly instructed me at the 12 time that that was not an issue. 13 Now they're trying to, in fact, second 14 guess my legal representation and imply that 15 somehow it was not competent, it was not 16 appropriate. 17 Lawyers do things in different ways, 18 but that's not an issue in this case. So it's 19 irrelevant and that testimony should not be 20 permitted. 21 CHAIRMAN FITCH: The objection is going 22 to be overruled.</p>
<p style="text-align: right;">Page 813</p> <p>1 them a few days ago and it took between one and 2 two hours. 3 Q. Thank you. 4 I'd like to make a reference to Bar 5 Exhibit Number 4. 6 A. Yes. 7 Q. For the record, it is a civil complaint 8 styled "Elham Sataki vs. The Broadcasting Board of 9 Governors," filed in the United States District 10 Court for the District of Columbia, case number 11 1:10-CV-00534 CKK. 12 A. Yes, I'm familiar with the document. 13 Q. Are you familiar with that document -- 14 alright. 15 On Page 4-2 of the document, you'll see 16 that one of the defendants named is Hillary Rodham 17 Clinton, as Secretary of State, Ex Officio, Member 18 of the Board of Governors. 19 A. Yes, I see that. 20 Q. In connection with your preparation of 21 your testimony today, did you look into whether or 22 not it was necessary to name Hillary Rodham</p>	<p style="text-align: right;">Page 815</p> <p>1 It is correct that neither zealotry 2 nor competency is at issue here, but his line of 3 examination potentially relates to other 4 Disciplinary Counsel's charges and underlying 5 theories related to those charges. 6 Go ahead. 7 MR. SMITH: I thought I asked a pretty 8 good question. 9 Could you read the question back, 10 please. 11 CHAIRMAN FITCH: The question was 12 whether it was necessary to name Secretary of 13 State Clinton as a defendant in Ms. Sataki's 14 matter. 15 THE WITNESS: No. 16 BY MR. SMITH: 17 Q. Could you tell the committee why it was 18 not necessary? 19 A. It involves -- I have to explain a 20 little bit about how the federal employment 21 discrimination system works. 22 The federal employees and applicants</p>

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<p style="text-align: right;">Page 816</p> <p>1 can file complaints of discrimination or 2 retaliation under several statutes. 3 Initially the Civil Rights Act of 1964 4 was the first broad employment discrimination 5 statute, Title VII. That did not cover federal 6 employees. It was amended in 1972 to cover 7 federal employees for discrimination based on 8 race, sex, religion, national origin. 9 There are also other statutes that 10 federal employees can sue under: the 11 Rehabilitation Act, the Age Discrimination and 12 Employment Act and so on. These statutes state 13 right in them who the proper defendant is. 14 The proper defendant is the head of the 15 agency. For example, if Ms. Sataki had been an 16 employee of Main State, the State Department, 17 itself, the only proper defendant would have been 18 Hillary Clinton, if she were the Secretary of 19 State at the time. 20 But Ms. Sataki, as I understand it, was 21 not an employee of Main State. She was an 22 employee of VOA, which is governed by the Board of</p>	<p style="text-align: right;">Page 818</p> <p>1 Q. And if the name had not been added, 2 would it in any way have hurt her ability to 3 prosecute her underlying claim? 4 MR. KLAYMAN: Objection. Calls for 5 speculation. 6 MR. SMITH: Calls for expert testimony. 7 CHAIRMAN FITCH: Overruled. 8 THE WITNESS: It would not have hurt 9 her claim by not naming Hillary Clinton as a 10 defendant. 11 MR. SMITH: I have no further questions 12 of this witness. 13 CHAIRMAN FITCH: I think Mr. Tigar has 14 a question. 15 MR. TIGAR: Mr. Bennett, you've read 16 Exhibit 4? 17 THE WITNESS: Yes. 18 MR. TIGAR: You've read the complaint, 19 Exhibit 4? 20 THE WITNESS: Yes. 21 MR. TIGAR: And you noticed that one of 22 the jurisdictional bases is Section 3131 of Title</p>
<p style="text-align: right;">Page 817</p> <p>1 International Broadcasters. And so, under the 2 statutes, she could only name as a defendant the 3 head of the agency. That's stated in the 4 statutes. 5 Also, when a federal employee exhausts 6 administrative remedies, the agencies have to give 7 them notice of their right to file a civil action, 8 and these notices routinely state, "You must name 9 as defendant the head of your agency by name and 10 title." 11 I've seen that hundreds of times at the 12 agency level, at the EEOC administrative judge 13 level, at the EEOC office of federal operations 14 level, and it's also in EEOC, "other regulations." 15 So it's crystal clear who the proper 16 defendant is in an employment discrimination by a 17 federal employee. 18 Q. By adding Hillary Rodham Clinton's name 19 to the complaint, did it confer any benefit that 20 would assist Ms. Sataki in any way in pursuing her 21 claims? 22 A. No.</p>	<p style="text-align: right;">Page 819</p> <p>1 XXVIII, right? 2 THE WITNESS: There are a lot of 3 jurisdictional bases. 4 MR. TIGAR: Right. 5 THE WITNESS: I can't remember all of 6 them. 7 MR. TIGAR: If you look at the 8 jurisdictional venue allegation as it continues on 9 over to Page 5 -- 10 THE WITNESS: I see it. 11 MR. TIGAR: It's about 10 lines down. 12 THE WITNESS: Yeah, I see it. 13 MR. TIGAR: Now, in your experience, is 14 it a reasonable judgment for a lawyer to decide 15 that, in addition to suing an agency, you would 16 bring a Bivens-type action against individual 17 agency employees and add them in? 18 First of all, you know what a Bivens 19 action is? 20 THE WITNESS: Yes, I do, sir. 21 MR. TIGAR: Alright. Would that be a 22 reasonable judgment of a lawyer? Not necessarily</p>

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<p style="text-align: right;">Page 820</p> <p>1 you.</p> <p>2 THE WITNESS: Right.</p> <p>3 MR. TIGAR: But a reasonable judgment,</p> <p>4 to see if you could kind of heat things up, you</p> <p>5 know, put on extra pressure?</p> <p>6 THE WITNESS: There's a lot of case law</p> <p>7 on that, and the only time you can bring a</p> <p>8 Bivens-type action is if you have egregious</p> <p>9 conduct, and by egregious conduct I mean something</p> <p>10 like breaking into someone's home, a physical</p> <p>11 assault.</p> <p>12 There's a law called the Westfall Act</p> <p>13 that -- I think it was used in this case to move</p> <p>14 the case from superior court to district court.</p> <p>15 When you sue federal employees -- first of all,</p> <p>16 you can't sue them in superior court anyway.</p> <p>17 Secondly, if you do, the U.S. Attorney's office</p> <p>18 invokes the Westfall Act and that says, if this</p> <p>19 all happened within the ordinary scope of duties,</p> <p>20 it has to be in federal court and there can't be</p> <p>21 any individual defendants, other than the head of</p> <p>22 the agency.</p>	<p style="text-align: right;">Page 822</p> <p>1 difficulty with words.</p> <p>2 Is it reasonable or unreasonable?</p> <p>3 THE WITNESS: I would say it's</p> <p>4 unreasonable.</p> <p>5 CHAIRMAN FITCH: So the record is</p> <p>6 clear.</p> <p>7 THE WITNESS: Yeah, I've never done it</p> <p>8 and I know lots of other leading plaintiffs and</p> <p>9 employment lawyers who handle sexual harassment</p> <p>10 cases.</p> <p>11 Federal employees, I can't think of any</p> <p>12 case that I know of where they -- for a federal</p> <p>13 employee, where they sued the individual.</p> <p>14 Private sector cases are different, but</p> <p>15 for federal employees, I can't think of any one</p> <p>16 where they sued the individual harasser in</p> <p>17 addition to the Title VII claim.</p> <p>18 MR. TIGAR: No, I'm not talking about</p> <p>19 the individual harasser. I'm talking about</p> <p>20 individuals connected with the decision-making</p> <p>21 process.</p> <p>22 THE WITNESS: Oh, I've never seen that</p>
<p style="text-align: right;">Page 821</p> <p>1 I don't see any Bivens --</p> <p>2 Now, let's assume for just a moment</p> <p>3 that Ms. Sataki had been physically assaulted by</p> <p>4 the supervisor she was complaining of sexual</p> <p>5 harassment about. Yes, she could have sued him in</p> <p>6 superior court by himself, under assault and</p> <p>7 battery and other common law tort claims. But for</p> <p>8 the federal government you have to deal with the</p> <p>9 Federal Claims Act.</p> <p>10 So it's mess.</p> <p>11 MR. TIGAR: I understand your answer,</p> <p>12 but the question is: is it completely unreasonable</p> <p>13 for a lawyer handing a sexual harassment suit, in</p> <p>14 which unwanted physical touching is an element, as</p> <p>15 well as retaliation on the other matters in this</p> <p>16 paragraph, to believe that is reasonable, assuming</p> <p>17 the client has consented to add claims against</p> <p>18 individuals?</p> <p>19 THE WITNESS: For federal employees</p> <p>20 it's not, because everything is covered by Title</p> <p>21 VII. You just don't need it.</p> <p>22 CHAIRMAN FITCH: We may have a little</p>	<p style="text-align: right;">Page 823</p> <p>1 done. You always sue the head of the agency.</p> <p>2 MR. TIGAR: Could you do so? And I'm</p> <p>3 going to stop asking all these questions.</p> <p>4 Could you do so as a good faith effort</p> <p>5 to change the law and to bring about</p> <p>6 responsibility of the board of governors?</p> <p>7 THE WITNESS: To me that's rather</p> <p>8 speculative. I can't imagine that being</p> <p>9 successful.</p> <p>10 MR. TIGAR: Thank you.</p> <p>11 CROSS-EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Mr. Bennett, you are aware that Hillary</p> <p>14 Clinton was the --</p> <p>15 CHAIRMAN FITCH: Well, now wait a</p> <p>16 minute.</p> <p>17 "I can't imagine it being successful."</p> <p>18 That may or may not be an answer to the</p> <p>19 question that Mr. Tigar asked whether a good faith</p> <p>20 effort to change the law would include -- I'll put</p> <p>21 it a little bit differently, naming the Secretary</p> <p>22 of State in this case.</p>

53 (Pages 820 to 823)

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<p style="text-align: right;">Page 824</p> <p>1 THE WITNESS: To me it's a million to 2 one shot. 3 Whether that's a good faith effort or 4 not, it's hard to say. I suppose it depends on 5 how much of a gambler you are and how much of a 6 gambler the client is. 7 I've never done it, I can't imagine 8 recommending it to a client, and I've never seen 9 it done. 10 MR. KLAYMAN: Any further questions 11 from the Chair? 12 MR. TIGAR: No, I didn't have anything 13 further. I got the answer. 14 BY MR. KLAYMAN: 15 Q. You are aware that the Secretary of 16 State is a member of the board of governors, and 17 in this case Mrs. Clinton sat on top of that board 18 of governors? She's the number one board of 19 governors member. 20 A. In her official capacity, yes. 21 Q. And you're not aware, you don't have 22 any of the background facts as to what was going</p>	<p style="text-align: right;">Page 826</p> <p>1 A. I would think you'd have to show notice 2 and failure to take action, which I find 3 incredible in this case. 4 Q. Well, you have to concede, don't you, 5 because you haven't had any contact with Voice of 6 America for at least ten years, that you don't 7 know what's going on over there? 8 A. I don't know what's going on in 9 hundreds of federal agencies on a day-to-day 10 basis, but that doesn't preclude me from 11 litigating it. 12 Q. Now in representing the client, you 13 wouldn't be coming to a snap decision or a snap 14 judgment like this before having firsthand 15 knowledge of what was going on at an agency, 16 correct? 17 A. I would investigate the complaint and 18 we would go through the investigative process at 19 the agency that's required for exhaustion of 20 administrative remedies. 21 I would interview every relevant 22 witness I could find for the client and find out</p>
<p style="text-align: right;">Page 825</p> <p>1 on over at Voice of America in terms of how Ms. 2 Sataki was being treated or other employees were 3 being treated by the agency? 4 A. Well, I've read all of the exhibits, 5 including her -- all the pleadings filed on her 6 behalf, and there's a lot of facts in there about 7 sexual harassment and failure to accommodate, and 8 being sent -- working out of the LA office. 9 So, I'm aware of all of that that's in 10 these exhibits. 11 Q. Let me give you a hypothetical, because 12 you're an expert, at least named as an expert: If 13 the head of an agency, in this case Hillary 14 Clinton, fails to police that agency, fails to 15 take action to correct a serious case of sexual 16 discrimination or retaliation by managers against 17 its employee, and this apparently even goes beyond 18 that particular individual to other broadcasters, 19 shouldn't one be able to file a Bivens action 20 against the head of an agency, in this case Mrs. 21 Clinton, for in fact ratifying that illegal and 22 discriminatory conduct?</p>	<p style="text-align: right;">Page 827</p> <p>1 what the facts are and take appropriate action. 2 Q. And the reality is that you never 3 investigated, before you came here to testify, 4 what has been going on at VOA yourself. 5 You have never done that? 6 A. I reviewed all the exhibits. I did not 7 conduct an independent investigation. 8 Q. Right, and the exhibits which I 9 prepared, the pleadings which I filed, are not 10 attacking Mrs. Clinton in a political way or in 11 any sense? 12 A. In all of these hundreds of pages of 13 exhibits, I do not recall any individual attack on 14 Mrs. Clinton. 15 Q. Correct. And it is legitimate, you're 16 aware, to use strategy to try to coerce a 17 settlement through litigation, correct? 18 A. That depends. That's an iffy question. 19 It's legitimate for a lawyer to use 20 facts to represent a client to get the best 21 possible settlement. I'm not comfortable with the 22 word "coerce."</p>

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<p style="text-align: right;">Page 828</p> <p>1 Q. I didn't say "coerce," did I?</p> <p>2 A. I think you did.</p> <p>3 Q. Well, yeah, "coerce" is fine.</p> <p>4 It's to convince them that it's in</p> <p>5 their best interest to settle.</p> <p>6 A. Convincing the other side to settle is</p> <p>7 perfectly fine.</p> <p>8 Q. Based on your considerable experience</p> <p>9 with the government, as you've testified to,</p> <p>10 you're aware that sometimes, in the course of</p> <p>11 legal representation, to hold a government</p> <p>12 official personally accountable can cause that</p> <p>13 government official to act in a more responsive</p> <p>14 way towards one's client?</p> <p>15 A. First of all, in a typical --</p> <p>16 CHAIRMAN FITCH: I didn't get the</p> <p>17 question part. I heard everything you said.</p> <p>18 You are aware, in the course of your</p> <p>19 various legal activity over all these years, that</p> <p>20 holding a government official accountable</p> <p>21 personally can, in effect, serve as a way to get</p> <p>22 them to do the right thing, because they're</p>	<p style="text-align: right;">Page 830</p> <p>1 BY MR. KLAYMAN:</p> <p>2 Q. "Coax," let's use the word "coax."</p> <p>3 To convince them that it's in their</p> <p>4 best interest to resolve the matter because that</p> <p>5 government official can be held personally</p> <p>6 accountable for violating the Constitutional</p> <p>7 rights of your client.</p> <p>8 A. I would say that's extremely rare, and</p> <p>9 I cannot recall that ever coming up in a case in</p> <p>10 any of the 300 or more cases that I've handled.</p> <p>11 Q. Are you aware that Judge Ellen Huvell,</p> <p>12 H-u-v-e-l-l, had such a case concerning Voice of</p> <p>13 America and ruled that that case could proceed</p> <p>14 against the board of governors, that it was a</p> <p>15 viable claim to bring against the board of</p> <p>16 governors in the context of alleged employment</p> <p>17 discrimination?</p> <p>18 A. I'm not aware of that particular case.</p> <p>19 I've appeared before Judge Huvell, but</p> <p>20 I'm not aware of that case.</p> <p>21 Q. You didn't bother to research that</p> <p>22 issue before you came in today?</p>
<p style="text-align: right;">Page 829</p> <p>1 personally accountable and government officials</p> <p>2 generally feel like they're not accountable</p> <p>3 because they have immunity.</p> <p>4 You're aware of that?</p> <p>5 THE WITNESS: Well, the way you stated</p> <p>6 the question is really not an accurate statement</p> <p>7 of the situation.</p> <p>8 Federal government officials have</p> <p>9 immunity for things that are done in the course of</p> <p>10 their official duties as long as they don't do</p> <p>11 something that's illegal. If they do something</p> <p>12 that's illegal, they can be disciplined by the</p> <p>13 agency, itself, or they could possibly be subject</p> <p>14 to a separate civil action.</p> <p>15 I've had cases involving, for example,</p> <p>16 sex discrimination, where, under the statute, the</p> <p>17 agency can discipline the employee who is found to</p> <p>18 be guilty of sex discrimination, or any other</p> <p>19 illegal discrimination, although that's extremely</p> <p>20 rare, even in cases that are won.</p> <p>21 And to say that you can coerce someone,</p> <p>22 I'm just not comfortable with the word "coerce."</p>	<p style="text-align: right;">Page 831</p> <p>1 A. I was not asked to research that issue.</p> <p>2 Q. And you don't know whether or not I</p> <p>3 knew that before I filed the complaint for Ms.</p> <p>4 Sataki against the board of governors?</p> <p>5 A. I didn't see anything in the pleadings</p> <p>6 that I felt justified naming all these defendants.</p> <p>7 Q. But lawyers are entitled to their own</p> <p>8 strategy. Not all lawyers do the same thing,</p> <p>9 based on your experience, correct?</p> <p>10 A. Correct.</p> <p>11 Q. There are many ways to get to Mecca,</p> <p>12 correct?</p> <p>13 A. I haven't been to Mecca, but there are</p> <p>14 many ways to try a lawsuit.</p> <p>15 Q. My grandfather used to say, "Some folks</p> <p>16 drive Cadillacs, others drive Lincolns."</p> <p>17 A. Right.</p> <p>18 Q. We all try to get to the same place.</p> <p>19 A. Right.</p> <p>20 Q. That's true with lawyers, too, that you</p> <p>21 can use different strategies and still succeed?</p> <p>22 A. Absolutely. There are many different</p>

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<p style="text-align: right;">Page 832</p> <p>1 ways that lawyers litigate cases. 2 Q. Did you vote for Hillary Clinton in the 3 last election? 4 MR. SMITH: Objection. 5 CHAIRMAN FITCH: Sustained. 6 BY MR. KLAYMAN: 7 Q. Now, I turn your attention to Exhibit 8 10 of Respondent's exhibits. 9 CHAIRMAN FITCH: It's the white 10 notebook. 11 THE WITNESS: I've got it. 12 MR. SMITH: Your exhibits or -- 13 MR. KLAYMAN: My exhibits. 14 THE WITNESS: I've got all these books 15 of exhibits. I don't have Mr. Klayman's. 16 CHAIRMAN FITCH: Let me just ask the 17 questions. Maybe we don't have to go to the 18 actual exhibits. 19 THE WITNESS: Ok, I see the book. I've 20 got it up here. I've got your Exhibit 10. 21 BY MR. KLAYMAN: 22 Q. You were actually contacted and</p>	<p style="text-align: right;">Page 834</p> <p>1 BY MR. KLAYMAN: 2 Q. Let me turn your attention to a 3 document -- 4 MR. SMITH: No objection. 5 CHAIRMAN FITCH: Exhibit 10 will then 6 be admitted. In that case, we will now admit 7 Exhibit 10 in its entirety. 8 BY MR. KLAYMAN: 9 Q. In this exhibit, Exhibit 10, it's a 10 letter from Bar Disciplinary Counsel to you 11 thanking you for agreeing to serve as an expert in 12 employment law issues in the above-referenced 13 matter. 14 Do you see that? 15 A. Well, there are quite a few pages in 16 here, so if you could give me -- 17 Q. Take your time. 18 A. Just tell me where it is. 19 CHAIRMAN FITCH: Go through Page 1, 2, 20 3, 4, and tell him that it's going to be the fifth 21 page, or eighth page. 22</p>
<p style="text-align: right;">Page 833</p> <p>1 retained by Bar Disciplinary Counsel before I was 2 even notified that was a proceeding that had been 3 filed back in 2010 that was going on. 4 You're aware of that, correct? 5 A. I was retained in 2016 as I recall. 6 I'm not aware of the other aspects of your 7 situation. 8 MR. KLAYMAN: I can shorten this 9 testimony, your Honor, by just simply moving into 10 evidence Exhibit 10. 11 I'll ask a few more questions. 12 Respondent's Exhibit 10. 13 MR. SMITH: There's a lot of stuff in 14 Respondent's Exhibit 10. 15 MR. KLAYMAN: Yes, it's various tiers 16 pertaining to Mr. Bennett. 17 CHAIRMAN FITCH: What's the 18 significance on 10, counsel? 19 MR. SMITH: I have actually quite a bit 20 in here, so I just want to make sure that there's 21 nothing that -- 22 (Mr. Smith peruses document.)</p>	<p style="text-align: right;">Page 835</p> <p>1 BY MR. KLAYMAN: 2 Q. It's one, two, three, four, five, six, 3 seven, eight, nine -- it's the tenth page in. 4 A. Ok, I see it, a July 18th, 2016 letter. 5 Is that what you are referring to? 6 Q. Yes. 7 You did receive that letter on or about 8 that date retaining you? 9 A. Yes. 10 Q. Are you aware that I was not contacted 11 that there was in fact a pending proceeding until 12 August 8th of 2016? 13 A. I really didn't focus on whether you 14 were contacted about anything. That was not what 15 I was retained for. 16 Q. Around the time that you were retained 17 in July 18th, 2016, you were sent a draft 18 Specification of Charges by Mr. Smith, correct? 19 A. Yes. 20 Q. And in fact, comparing that to the 21 current Specification of Charges, which is the one 22 that's operative in this proceeding, that draft is</p>

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<p style="text-align: right;">Page 836</p> <p>1 different, correct?</p> <p>2 MR. SMITH: I'm going to object at this</p> <p>3 point. Not only is it beyond the scope of the</p> <p>4 expert's testimony, you know, for what I asked him</p> <p>5 here, which was the necessity of naming Hillary</p> <p>6 Rodham Clinton, now we're getting into essentially</p> <p>7 what's work product for Disciplinary Counsel, and</p> <p>8 very far afield of why, you know, Mr. Bennett was</p> <p>9 called as an expert to testify here today.</p> <p>10 I see no purpose being served by this</p> <p>11 other than a waste of time --</p> <p>12 CHAIRMAN FITCH: I'm going to overrule</p> <p>13 that objection for two reasons: one, arguably, we</p> <p>14 may get to evidence in this line of examination</p> <p>15 that impacts upon the expert's views and</p> <p>16 observations and conclusions and opinions; and</p> <p>17 two, it doesn't relate to other -- it probably</p> <p>18 relates to other matters of delay and the like</p> <p>19 that Mr. Klayman has raised that this committee</p> <p>20 has no jurisdiction to resolve, that in at least</p> <p>21 some aspects of it the committee might be expected</p> <p>22 to render advice to the board as part of its</p>	<p style="text-align: right;">Page 838</p> <p>1 A. No.</p> <p>2 CHAIRMAN FITCH: That's beyond the</p> <p>3 scope of his expertise.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Based on what you know.</p> <p>6 Now that is peculiar, is it not, to be</p> <p>7 sent a draft Specification of Charges before you</p> <p>8 even gave an opinion as to whether or not in this</p> <p>9 case Larry Klayman had done anything unethical?</p> <p>10 CHAIRMAN FITCH: Do not answer. That's</p> <p>11 beyond the scope of what he's been qualified for.</p> <p>12 MR. KLAYMAN: If I may ask these</p> <p>13 questions, your Honor. If your Honor would permit</p> <p>14 me.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. Do you know of a Professor Ronald</p> <p>17 Rotunda, an ethics expert? There's a book on</p> <p>18 ethics that he wrote, a famous treatise.</p> <p>19 A. I don't know that individual.</p> <p>20 Q. Have you ever appeared in front of</p> <p>21 Judge Stanley Sporkin?</p> <p>22 A. Yes.</p>
<p style="text-align: right;">Page 837</p> <p>1 report.</p> <p>2 So, even though I have my doubts, I'm</p> <p>3 going, not just to let Mr. Klayman make a proffer,</p> <p>4 but to let him explore this a little bit in the</p> <p>5 rare chance that this expert has some information</p> <p>6 on that.</p> <p>7 Go ahead.</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. So you actually received a draft</p> <p>10 Specification of Charges from the Office of</p> <p>11 Disciplinary Counsel and Mr. Smith in and around</p> <p>12 the time that you were retained?</p> <p>13 A. Correct.</p> <p>14 Q. Did you undertake an investigation to</p> <p>15 see why, before you even rendered an opinion, you</p> <p>16 had been sent a draft Specification of Charges?</p> <p>17 A. No.</p> <p>18 Q. Wouldn't that suggest to you, based on</p> <p>19 your experience, that Bar Disciplinary Counsel had</p> <p>20 prejudged the issue of whether I acted ethically</p> <p>21 or not and was just simply getting you as an</p> <p>22 expert to try to paper over that prejudgment?</p>	<p style="text-align: right;">Page 839</p> <p>1 Q. Judge Stanley Sporkin is a man based on</p> <p>2 your opinion of high --</p> <p>3 MR. SMITH: Objection. He's not called</p> <p>4 as a character witness for any of the Respondent's</p> <p>5 witnesses.</p> <p>6 CHAIRMAN FITCH: I haven't heard the</p> <p>7 question.</p> <p>8 MR. KLAYMAN: Let me ask the question</p> <p>9 differently.</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. You're aware that Judge Sporkin has a</p> <p>12 very good reputation in the legal community?</p> <p>13 CHAIRMAN FITCH: Do not answer that.</p> <p>14 It's beyond the scope of your qualification.</p> <p>15 MR. KLAYMAN: I have no further</p> <p>16 questions. Thank you.</p> <p>17 MR. TIGAR: May I ask one or two more?</p> <p>18 MR. SMITH: Nothing from Disciplinary</p> <p>19 Counsel. I encourage the committee to ask --</p> <p>20 MR. TIGAR: Mr. Bennett, have you any</p> <p>21 familiarity with the supreme court's position in</p> <p>22 iglar vs. Abbasi, -i-g-l-a r, A-b-b-a-s-i, which</p>

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<p style="text-align: right;">Page 840</p> <p>1 is a Bivens action in which John Ashcroft was 2 included as a defendant? 3 THE WITNESS: I'm not familiar with 4 that case. 5 MR. TIGAR: Alright, thank you. 6 MR. KLAYMAN: May I ask a follow-up 7 question for that? 8 CHAIRMAN FITCH: Of course. 9 MR. TIGAR: I'm not in charge. 10 CHAIRMAN FITCH: Yes. 11 BY MR. KLAYMAN: 12 Q. Are you aware that when I was running 13 Judicial Watch that I brought a lawsuit against 14 Louis Freeh for breaking into my client, Trulock's 15 apartment, for having his agents do that, in the 16 fourth circuit, sustained his being named as a 17 defendant in that? 18 Are you familiar with that case? 19 A. I'm not familiar with that case. 20 MR. KLAYMAN: No further questions. 21 CHAIRMAN FITCH: Mr. Bennett, thank you 22 for coming down on rather short notice on a Friday</p>	<p style="text-align: right;">Page 842</p> <p>1 record. 2 MR. SMITH: At this point I move in Bar 3 Exhibits A through D and 1 through 22, which have 4 not yet been admitted, and then Bar Exhibits 30 5 through 51 I believe they are. 6 CHAIRMAN FITCH: A through D, 1 through 7 22, and 30 through 51. 8 MR. SMITH: Correct. 9 CHAIRMAN FITCH: Mr. Klayman, you have 10 the right to be heard. 11 MR. KLAYMAN: I'm just going to stand 12 by the objections, your Honor. 13 CHAIRMAN FITCH: Alright. 14 MR. KLAYMAN: And I assume you're going 15 to enter them. I just want them on the record, 16 that's all. 17 CHAIRMAN FITCH: Over Respondent's 18 objections as previously submitted in this 19 proceeding, which are preserved, those exhibits 20 are admitted. 21 MR. SMITH: With that, Disciplinary 22 Counsel rests his case in chief.</p>
<p style="text-align: right;">Page 841</p> <p>1 afternoon. And you are excused. 2 THE WITNESS: Thank you. 3 (Witness is excused.) 4 CHAIRMAN FITCH: I think that, pursuant 5 to discussions about scheduling matters, that, 6 unless somebody tells me differently, we are going 7 to adjourn. 8 Mr. Klayman, another matter? 9 MR. SMITH: I would like to move in all 10 the Disciplinary Counsel's exhibits at this time. 11 CHAIRMAN FITCH: Fair point. 12 Does that make sense to do that now, 13 Mr. Klayman, and then take your points? 14 He wants to move in some exhibits. 15 MR. KLAYMAN: Subject to my 16 objections -- 17 CHAIRMAN FITCH: I'm sorry? 18 MR. KLAYMAN: Subject to my objections. 19 CHAIRMAN FITCH: Of course. I propose 20 to do that now and get his case done before taking 21 your points. 22 MR. KLAYMAN: My objections are for the</p>	<p style="text-align: right;">Page 843</p> <p>1 CHAIRMAN FITCH: Thank you. 2 MR. KLAYMAN: Let me give your Honors 3 and Mr. Smith the Motion to Dismiss I filed today. 4 I filed it a short while ago. 5 MR. KLAYMAN: Did the office, the clerk 6 give you all a copy? 7 CHAIRMAN FITCH: If you have a courtesy 8 copy, that would be fine. But if you file it 9 today it will appear in the system tomorrow. 10 MR. KLAYMAN: Right, thank you. 11 All of what is in here may prove to be 12 moot, now that we actually have dates, so I'll be 13 able to ascertain whether the witnesses are 14 available for live testimony in the near future, 15 and we have contacted David Taylor, as you 16 instructed. We were hoping that he would call us 17 back today, but he was off. 18 We are using a service which we've used 19 in many of our cases, it's called Planet Depo, and 20 they're highly sophisticated. 21 CHAIRMAN FITCH: Sure. 22 MR. KLAYMAN: They can take video</p>

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1 equipment to someone's house and hook it up. They
2 are the best. I find them to be the best.

3 CHAIRMAN FITCH: I note that you have
4 given me a courtesy copy and I assume that it will
5 appear on the website that we use either tomorrow
6 or this afternoon or Monday.

7 Mr. Smith has seven days in which to
8 respond to it -- or is it ten days.

9 MR. SMITH: I believe it's 10. But
10 I'll ask -- if it's going to be moot?

11 Mr. Klayman, is it going to be moot, so
12 I don't --

13 CHAIRMAN FITCH: Yes, the final point
14 is --

15 CHAIRMAN FITCH: I expect counsel to
16 confer early next week as to which parts need to
17 be ruled on. So it appears to refer to two
18 witnesses. It's certainly possible that it won't
19 be necessary to rule on one part and necessary to
20 rule on the other part.

21 Just let Mr. Smith know.

22 MR. KLAYMAN: Yes, I'll let you know.

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1 I'm sorry, your Honor.

2 CHAIRMAN FITCH: Let Mr. Smith know and
3 I'll resolve it as need be.

4 MR. KLAYMAN: Some of those witnesses
5 are lawyers, and we all know that we can be called
6 away on short notice, at the beck and call of
7 judges.

8 CHAIRMAN FITCH: This is true. This is
9 true.

10 There appears to be no further
11 administrative or other matters. We will recess
12 for the day and we will stand in adjournment until
13 9:30 a.m. on Monday June 25th.

14 MR. KLAYMAN: I want to thank the
15 hearing committee for their courtesy and
16 professionalism.

17 CHAIRMAN FITCH: Of course.

18 (Whereupon at 4:14 p.m. the hearing was
19 in recess until Monday, June 25, 2028, at 9:30
20 a.m.)
21
22

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A				
A-b-b-a-s-i 839:22	acting 810:13	admonishing 689:2	750:12 754:21	Andisher 620:14
a.m 616:3 740:3,6	action 630:5 687:21	advanced 708:6	768:5 769:14	Angeles 620:15
740:14 743:13	709:2 817:7	advances 635:20	778:18 782:21	638:4 652:13
789:15 790:2	819:16,19 820:8	636:3,11	785:19 795:3	675:19 702:18,22
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Date: ne 2 , 2018

Case: In Re: Larry E. Klayman



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June 25, 2018

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DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. : ol I

- - - - - X

Monday, ne 25, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

In Re: Larry E. Klayman
June 25, 2018

<p style="text-align: right;">Page 871</p> <p>1 Hearing, taken at the Board on Professional 2 Responsibility, 430 E Street, NW, Washington, DC, 3 commencing at 9:30 a.m., before the Ad Hoc Hearing 4 Committee, and before Kim M. Brantley, C.S.R., a 5 Court Reporter and Notary Public in and for the 6 District of Columbia, when were present on behalf 7 of the respective parties: 8 9 APPEARANCES: 10 AD HOC HEARING COMMITTEE: 11 WARREN ANTHONY FITCH, ESQUIRE 12 Chair 13 MARY LARKIN 14 Public Member 15 MICHAEL TIGAR, ESQUIRE 16 Attorney Member 17 18 On behalf of the DC Attorney Disciplinary 19 System: 20 H. CLAY SMITH, III, ESQUIRE 21 22</p>	<p style="text-align: right;">Page 873</p> <p>1 I N D E X 2 WITNESSES: DIRECT: CROSS: 3 Timothy Shamble 880, 944 936 4 Larry Klayman 947 5 Gloria Allred 1098 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 872</p> <p>1 APPEARANCES CONTINUED: 2 On behalf of Respondent: 3 FREDERICK J. SUJAT, ESQUIRE 4 Law Office of Frederick J. Sujat 5 1525 Windjammer Way 6 Hollywood, Florida 33019 7 (954) 815-5221 8 Email: fsujat@yahoo.com 9 ALSO PRESENT: 10 LARRY E. KLAYMAN, ESQUIRE 11 Respondent 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 874</p> <p>1 P R O C E E D I N G S 2 CHAIRMAN FITCH: Good morning. We have 3 returned here on June 25 from standing in recess 4 since Friday afternoon, June 1st. I note that all 5 counsel and parties are present and that all three 6 members of the hearing committee are present. 7 The court reporter remains under oath. 8 Mr. Smith, preliminary matters, if any? 9 MR. SMITH: Nothing from Disciplinary 10 Counsel, thank you. 11 CHAIRMAN FITCH: Mr. Sujat, Mr. 12 Klayman, preliminary matters, if any? 13 MR. KLAYMAN: I have a few. I filed a 14 supplemental exhibit list. 15 CHAIRMAN FITCH: Get closer to one 16 microphone or the other, please. 17 MR. KLAYMAN: I'm sorry. I filed on 18 Friday a supplemental exhibit list regarding 19 communications to and from Ms. Gloria Allred, who 20 will testify at 4:00 p.m. today, via remote. 21 Arrangements have been made. 22 CHAIRMAN FITCH: Yes.</p>

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<p style="text-align: right;">Page 875</p> <p>1 MR. KLAYMAN: There were also some 2 other documents that I came upon over the weekend 3 which basically came out of the files of Mr. Smith 4 and Bar Disciplinary Counsel. So there's no 5 surprise here, and it also contains, elsewhere in 6 our exhibits, but I made extra copies so we can 7 get to them quickly. 8 Ok, I'd like to give you copies of 9 these. There are very view. May I approach -- 10 CHAIRMAN FITCH: Whenever you wish. 11 MR. KLAYMAN: Yes. 12 CHAIRMAN FITCH: I see that you have 13 numbered them and we will take care of that matter 14 a bit later. 15 MR. KLAYMAN: Yes. I'd like to see if 16 we could move into evidence by agreement, as I 17 stipulated during the last hearing with Mr. 18 Smith, all the exhibits. That will move things 19 that we have in our books along much more quickly. 20 CHAIRMAN FITCH: Have we given any 21 thought to that, Mr. Smith, or should we take this 22 up a little bit later?</p>	<p style="text-align: right;">Page 877</p> <p>1 order your case may take? 2 MR. KLAYMAN: Yes. Well, today we're 3 going to put on Mr. Shamble first, Tim Shamble, 4 and then I will testify. 5 CHAIRMAN FITCH: Ok. 6 MR. KLAYMAN: And if we can take a 7 short break for Ms. Allred, which will be very 8 brief testimony, and then we could, with of course 9 your permission, resume with me at 4:00. 10 She was available today, so we worked 11 her in on that. 12 CHAIRMAN FITCH: Good. 13 MR. KLAYMAN: She travels a lot. 14 CHAIRMAN FITCH: I think it's likely 15 that we will recess at 4:20, 4:30, 4:45, whenever 16 Ms. Allred's testimony is completed. Unless we 17 have to interrupt your testimony like two or three 18 minutes before some transition point or something. 19 MR. KLAYMAN: Right. 20 CHAIRMAN FITCH: But I'm inclined, if 21 it's not an inconvenience to you, to recess after 22 her testimony. And again that's partially selfish</p>
<p style="text-align: right;">Page 876</p> <p>1 MR. SMITH: Yes, I'm inclined to not 2 object, but, yeah, let's take it up a little bit 3 later. 4 MR. KLAYMAN: Ok. The other thing is I 5 request, your Honor, because I have something that 6 I have to attend to, if we could take lunch 7 between 1:00 o'clock and 2:30, if I could have an 8 extra half hour or so, maybe, or 40 minutes? 9 CHAIRMAN FITCH: We will do that, and I 10 assure you that my generosity in agreeing to that 11 has absolutely nothing to do with the fact that I 12 was going to suggest the same thing, for a matter 13 that I have. 14 MR. KLAYMAN: Ok, good. We all have 15 matters. 16 I think that that's all that I want to 17 raise at this time. 18 CHAIRMAN FITCH: Ok. As I recall, Mr. 19 Smith did indeed rest his case and I'm assuming 20 that we're prepared to begin the Respondent's 21 case. 22 Do you have a brief estimate of the</p>	<p style="text-align: right;">Page 878</p> <p>1 on my part, because a matter that I have may take 2 a little longer than the lunch hour. 3 MR. KLAYMAN: Well, I don't know how 4 everything is going to go this week, your Honor, 5 but I have a feeling we'll be done before Friday. 6 I think that will probably be the case. 7 CHAIRMAN FITCH: And the other heads up 8 is that there's a possibility that we'll need to 9 be in recess for part of Wednesday. And we don't 10 know yet exactly when that is. So, notice of that 11 could come 6:00 a.m. Wednesday morning, or 8:00 12 a.m. So keep an eye out on your email. 13 MR. KLAYMAN: Is that with regard to 14 this matter or some other matter? 15 CHAIRMAN FITCH: It's another matter 16 that one of us may have. An effort will be made 17 to clarify that. 18 MR. KLAYMAN: Ok. So we're ready to 19 call Mr. Shamble. 20 CHAIRMAN FITCH: I think that's fine. 21 (Tim Shamble on the witness stand.) 22 CHAIRMAN FITCH: Good morning, sir.</p>

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<p style="text-align: right;">Page 879</p> <p>1 THE WITNESS: Morning.</p> <p>2 CHAIRMAN FITCH: Remain standing for</p> <p>3 just a second. What is your full name.</p> <p>4 THE WITNESS: Timothy E. Shamble.</p> <p>5 CHAIRMAN FITCH: Mr. Shamble, do you</p> <p>6 swear or affirm that the testimony you are about</p> <p>7 to give will be the truth, the whole truth and</p> <p>8 nothing but the truth?</p> <p>9 THE WITNESS: Yes.</p> <p>10 CHAIRMAN FITCH: Please be seated.</p> <p>11 Make yourself comfortable.</p> <p>12 Mr. Klayman, you may proceed with your</p> <p>13 direct examination.</p> <p>14 MR. KLAYMAN: I'm just going to put</p> <p>15 Respondent's Supplemental Exhibit 3 in front of</p> <p>16 Mr. Shamble now, if I may. And we'll get to that,</p> <p>17 so I don't have to interrupt the testimony.</p> <p>18 CHAIRMAN FITCH: Mr. Shamble, there are</p> <p>19 various compilations of exhibits and we'll guide</p> <p>20 you through those to the extent necessary. One of</p> <p>21 the compilations looks something like this, a</p> <p>22 small one (indicating).</p>	<p style="text-align: right;">Page 881</p> <p>1 A. A little younger than you.</p> <p>2 CHAIRMAN FITCH: Mr. Klayman keeps</p> <p>3 rubbing in his age advantage on me.</p> <p>4 BY MR. KLAYMAN:</p> <p>5 Q. Mr. Shamble, run us through your</p> <p>6 educational background, briefly.</p> <p>7 A. I'm a college graduate. I graduated</p> <p>8 from IAMA College in Michigan, with a BA in</p> <p>9 history.</p> <p>10 Q. And your employment history?</p> <p>11 A. I work for -- well, I started out in</p> <p>12 radio. I worked in Pennsylvania, moved to Ocean</p> <p>13 City, Maryland, I worked in radio there. Then I</p> <p>14 moved to the Washington, D.C. area, worked in</p> <p>15 radio here. Then I started working for the</p> <p>16 federal government, Office Keeper of Broadcasting</p> <p>17 in 1991, and then moved over to the Voice of</p> <p>18 America in 1996 and have been with the Voice of</p> <p>19 America ever since.</p> <p>20 Currently I'm the local union</p> <p>21 president, AFG Local 1812, and I've been the local</p> <p>22 president since 2000.</p>
<p style="text-align: right;">Page 880</p> <p>1 THE WITNESS: Ok.</p> <p>2 CHAIRMAN FITCH: And it has some RS EX</p> <p>3 1 to 3, whatever, up in the right-hand corner, and</p> <p>4 I think that, at least right now, Mr. Klayman</p> <p>5 wants you to look at RS Number 3, and then he'll</p> <p>6 lead you all through those as he may wish.</p> <p>7 MR. KLAYMAN: Yeah, that will come up</p> <p>8 early in the testimony, the three.</p> <p>9 Whereupon,</p> <p>10 TIMOTHY SHAMBLE</p> <p>11 called as a witness on behalf of Respondent, and,</p> <p>12 after having been first duly sworn, was examined</p> <p>13 and testified as follows:</p> <p>14 DIRECT EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. Mr. Shamble, how are you today?</p> <p>17 A. I'm ok.</p> <p>18 Q. Would you please state your name.</p> <p>19 A. Timothy Shamble.</p> <p>20 Q. How old are you?</p> <p>21 A. I'm 61.</p> <p>22 Q. I'm 67 almost.</p>	<p style="text-align: right;">Page 882</p> <p>1 Q. Year 2000?</p> <p>2 A. Yes.</p> <p>3 Q. What are your duties and</p> <p>4 responsibilities as local union president at Voice</p> <p>5 of America?</p> <p>6 A. Represent employees' rights, defend the</p> <p>7 contract, bargain for employee rights.</p> <p>8 Q. You're in fact their representative?</p> <p>9 A. Yes.</p> <p>10 Q. You have an office at Voice of America?</p> <p>11 A. Currently, yes.</p> <p>12 Q. Did there come a point in time when you</p> <p>13 met, in the course of your duties and</p> <p>14 responsibilities, Ms. Elham Sataki, who goes by</p> <p>15 the name Ellie?</p> <p>16 A. Yes.</p> <p>17 Q. When was that?</p> <p>18 A. Several years ago, 2009 maybe. Yes,</p> <p>19 she came into my office. She was in distress.</p> <p>20 Q. What did she tell you? What transpired</p> <p>21 when she came into your office?</p> <p>22 A. She said she was -- she had been</p>

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<p style="text-align: right;">Page 883</p> <p>1 sexually harassed and that management was not 2 listening to her. They were treating her 3 unfairly. 4 She had been removed as a co-host and 5 then relegated to producing TV packages, which she 6 felt was a less important job, and then the person 7 she had accused of harassing her was still hosting 8 TV programs. She felt that was unfair. 9 Q. Was that person an individual named 10 Mehdi Falahati? 11 A. Yeah, that was the co-host. 12 Q. At the time this happened, was there 13 also a political division, based on your 14 knowledge, inside of the Persia News Network at 15 VOA? 16 A. Yeah, that service has always been 17 politically divergent. 18 Q. What were the two factions? Were there 19 two factions? 20 A. There's at least two. 21 There's those that support the Shah, 22 and then there's those that seem to support -- I</p>	<p style="text-align: right;">Page 885</p> <p>1 CHAIRMAN FITCH: When you say they are 2 "hard-edged," is that in all the labor 3 negotiations that you're aware of, or just certain 4 categories? 5 THE WITNESS: Yeah, we just got done 6 negotiating a new contract with them, and they 7 sought concession after concession relief. We 8 went to impasse on that. That took about eight 9 years to negotiate that contract. They went to 10 impasse. Finally the union -- we signed it. 11 They have refused to sign that contract. It's 12 been through impasse. It's been through agency 13 head review. That proposal went to impasse. 14 That's been decided on, but they still refused to 15 sign that contract. 16 BY MR. KLAYMAN: 17 Q. I turn your attention to the document 18 that I put in front of you, which is Respondent's 19 Supplemental Exhibit 3. 20 A. Mm-hmm. 21 Q. What is that, Mr. Shamble? 22 A. This is an article by Joe Davidson in</p>
<p style="text-align: right;">Page 884</p> <p>1 mean, there's accusation, they support the Mughals 2 in Iran. There's probably even more factions. 3 Q. What faction did you perceive Ms. 4 Sataki to be in? 5 A. Who? 6 Q. Ms. Sataki. What faction did she seem 7 to be in? 8 A. Oh, Elham. She seemed to be with the 9 pro-Shah faction. 10 Q. Give us your experience in trying to 11 negotiate with Voice of America and your 12 experience in terms of its reputation. 13 A. They are very hard-edged. We've won -- 14 matter of fact, we've won several cases and they 15 still don't know it. In fact, we won a case 16 where they have been illegally hiring 17 non-citizens. We won that arbitration. They 18 appealed that up to the FRA. They lost the FRA, 19 then they appealed it to the Court of Appeals, and 20 eventually had to withdraw their appeal, and they 21 still won't abide by that decision. That's just 22 an example of the type of management they are.</p>	<p style="text-align: right;">Page 886</p> <p>1 the Washington Post where he discusses the 2 Open-Ended (phon) Survey. It used to be called 3 the Human Capital Survey. It's now the Employee 4 Feedback Survey, same thing. 5 Q. What was the date of that article? 6 A. 2009. 7 Q. Around the time that you first met Ms. 8 Sataki. 9 A. Right around that time, yeah. 10 Q. Did you give this article to me at the 11 time? 12 A. I don't recall, but I probably did. 13 Q. Right. And what does it reflect, based 14 on your experience? What is that article talking 15 about? 16 A. Well, winners and losers, according to 17 the survey results, and this shows the 18 Broadcasting Board of Governors is at the very 19 bottom. Employees don't rank them very high. 20 Q. So it ranks as one of the worst in 21 government? 22 A. Consistently. Ever since they have</p>

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1 been doing this they have been worst or next to
2 worst throughout the federal government.

3 Q. Now after you met with Ms. Sataki that
4 you just described, what if anything happened?

5 A. Well, we were in discussions with her
6 regarding which way she wanted to go with her
7 case, whether bringing a grievance or an EEO
8 complaint or exactly how we could address this.

9 We contacted Labor Relations, tried to
10 reach some kind of settlement there. I discussed
11 with the head of human resource, Donna Grace,
12 whether there was a way to resolve this -- all her
13 complaint really was that she wasn't being treated
14 fairly. So we sought, is there a way you could
15 include her as a host in that inquiry. But they
16 just weren't willing to reach some kind of, you
17 know, fair settlement.

18 Q. Is that consistent with your experience
19 in dealing with them?

20 A. Oftentimes, yes.

21 Q. Yes. And was there a solution that she
22 wanted with regard to being in Los Angeles?

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1 would have been the solution that the agency could
2 have done, if they wanted to.

3 Q. Based on your experience dealing with
4 the Persia News Network and various offices, is
5 there a large Persian population in Los Angeles?

6 A. Yes. I think it's probably the largest
7 in the United States.

8 Q. Was it your experience that in fact Ms.
9 Sataki had done some remotes from other offices?
10 Did she say anything about that?

11 A. I don't recall her saying that.

12 Q. Now did there come a point in time that
13 you met me?

14 A. Yes.

15 Q. Larry Klayman?

16 A. Yes.

17 Q. When was that?

18 A. She had contacted me and said that she
19 had hired an attorney that she had met, and she
20 brought you in to discuss the case. So I met you
21 in my office.

22 Q. And we met with Ms. Sataki present?

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1 A. Yeah, eventually --

2 MR. SMITH: Objection. Leading.

3 CHAIRMAN FITCH: Overruled.

4 BY MR. SMITH:

5 Q. Did she see a solution? Did she
6 propose a solution to you?

7 A. One of the solutions that she had filed
8 was possibly working out of the Los Angeles
9 Bureau, bureau of broadcasting.

10 Q. Did that have anything to do with the
11 person who harassed her?

12 A. She -- well, letter complaint was that
13 she didn't want to be near this person, and the
14 agency, what the agency had offered is that they
15 would put her back in Persian service where she
16 would be in close contact with him, or they would
17 move her over to the English Central News room.
18 But that's right across the hall. And she would
19 run into him. So she did not want that as a
20 solution.

21 But she could do her work from Los
22 Angeles. We can do remotes from there. So that

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1 A. Yes.

2 Q. Did we have several meetings in that
3 regard with her?

4 A. Yes.

5 Q. During the course of those meetings,
6 did we decide on whether we would try to pursue
7 settlement or not first?

8 A. Yes. I mean, we always -- our policy
9 in the union is we would rather do settlement than
10 grievance or any other kind of option. And that
11 was our objective was to somehow come to a
12 settlement.

13 Q. Did Ms. Sataki agree to do settlement,
14 try settlement first?

15 A. Yes, absolutely. Yes.

16 Q. Did we ultimately undertake to try to
17 settle the case?

18 A. Yes.

19 Q. What transpired in that regard? What
20 did we do?

21 A. Well, we met with -- with your
22 involvement we met with the Broadcasting Board of

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<p style="text-align: right;">Page 891</p> <p>1 Governors for one thing, and the general counsel. 2 Q. What was the response of our attempts 3 to settle and their attitude? 4 A. The agency was very negative. They 5 just seemed to be determined and stubborn that 6 they weren't going to do anything in regard for 7 Elham. 8 Q. Was that consistent with your previous 9 experience about them? 10 A. Yeah, it's pretty typical of them. 11 Q. What was their response in terms of our 12 settlement negotiations? What did they offer? 13 Was it what you just said? 14 A. What they offered was to have her go 15 back and work in the Persian service. They 16 weren't going to give her an anchor position. Or 17 she could go to the central newsroom, and she told 18 them that she didn't feel comfortable around this 19 person and she would be in close proximity with 20 him. But they would not bump. 21 Q. Did her decision not to go to -- she 22 decided not to go to the Central News Bureau. Is</p>	<p style="text-align: right;">Page 893</p> <p>1 A. We've done it. It's something that you 2 can use to pressure managers, if they're 3 intractable, you know, to try to get them to come 4 to some sort of agreement. We have our own 5 website, so we use it, too. 6 Q. Is it your experience, based upon being 7 in Washington, that publicity sometimes coaxes 8 people to do the right thing? 9 A. Sometimes, yes. 10 Q. And did there come a point in time when 11 you actually went with her and distributed 12 publicity? 13 A. I remember one time. The VOA was on 14 the mall here in Washington, some kind of 15 public -- it might have been a recruitment fair or 16 something. But we had an article and both her and 17 I were distributing it to people in the vicinity, 18 tried to let people know and to let the agency 19 know that, you know, we were going to publicize 20 this. 21 Q. I'm going to turn your attention to 22 Exhibit 23 of Bar Counsel's exhibits.</p>
<p style="text-align: right;">Page 892</p> <p>1 that correct? 2 A. Yes. 3 Q. Did that hinge on her language in part, 4 based on what she told you? 5 A. I don't think she was very comfortable 6 working strictly in English, and I think the major 7 part was that she didn't want to be in the 8 proximity of Falahati. 9 Q. So she was adamant about going to Los 10 Angeles? 11 A. Yeah, she wanted to -- she thought that 12 was a good solution to work out of Los Angeles. 13 Q. Did there come a time when we had 14 discussions, you, me and her, about using 15 publicity to try to coax the agency into 16 settlement or a reasonable solution? 17 A. Yes. 18 Q. Was she present at the time? 19 A. Yes. It was in my office. 20 Q. Why is publicity helpful based, on your 21 experience, in trying to get a solution with this 22 very difficult agency?</p>	<p style="text-align: right;">Page 894</p> <p>1 MR. KLAYMAN: And Mr. Sujat, please 2 turn to Page 23-33 for Mr. Shamble, 23-33. 3 BY MR. KLAYMAN: 4 Q. Ok, great. Is that the article that 5 you distributed in Ms. Sataki's presence? 6 A. Yes, I believe it is. Yes. 7 Q. It's called: "Government War on a 8 Freedom Loving Beauty. Exclusive, Larry Klayman 9 Goes to Bat for Harassed Broadcaster Fighting for 10 a Free Iran." 11 That's it? 12 A. Yes. 13 Q. And she was there when she gave it out 14 and she approved of that? 15 A. Yes. We were both on the mall handing 16 that out. 17 Q. Now you saw other articles that I have 18 written on her behalf? 19 A. I have seen other articles, yes. 20 Q. And I provided them to you, correct? 21 A. I've seen some, yeah, that you had 22 given me.</p>

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<p style="text-align: right;">Page 895</p> <p>1 Q. Were they always very positive -- were</p> <p>2 they positive or negative in how I described her?</p> <p>3 CHAIRMAN FITCH: That question is</p> <p>4 struck.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. How did you perceive those articles?</p> <p>7 A. They were always positive towards her.</p> <p>8 Q. I'm going to turn your attention to</p> <p>9 Exhibit 5.</p> <p>10 MR. KLAYMAN: And Mr. Sujat, please</p> <p>11 turn to the affidavits of Mr. Shamble. Flip those</p> <p>12 forward, me, in that exhibit.</p> <p>13 While we're here, your Honor, I'm going</p> <p>14 to move the article, Respondent's Exhibit 3, into</p> <p>15 evidence.</p> <p>16 MR. SMITH: No objection.</p> <p>17 CHAIRMAN FITCH: Admitted.</p> <p>18 MR. KLAYMAN: To the extent that I can</p> <p>19 do it as I'm going, I will, and then we can go</p> <p>20 back.</p> <p>21 MR. SUJAT: Respondent's 5.</p> <p>22 MR. KLAYMAN: I want the affidavit of</p>	<p style="text-align: right;">Page 897</p> <p>1 MR. KLAYMAN: Thank you.</p> <p>2 BY MR. KLAYMAN:</p> <p>3 Q. Mr. Shamble, is this an affidavit, a</p> <p>4 declaration that you signed on or about February</p> <p>5 3rd, 2012?</p> <p>6 A. Yes.</p> <p>7 Q. Is that your signature?</p> <p>8 A. Yes.</p> <p>9 Q. And you dated it?</p> <p>10 A. Yes.</p> <p>11 Q. Ok. Is that declaration true and</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. I turn your attention to the first</p> <p>15 paragraph --</p> <p>16 CHAIRMAN FITCH: I'm still writing, I'm</p> <p>17 behind.</p> <p>18 KLAYMAN: We apologize, your Honor.</p> <p>19 CHAIRMAN FITCH: No, no, it's not your</p> <p>20 fault in any way.</p> <p>21 Is it Respondent's Exhibit 5?</p> <p>22 MR. KLAYMAN: Five. And in there</p>
<p style="text-align: right;">Page 896</p> <p>1 Timothy Shamble.</p> <p>2 CHAIRMAN FITCH: We're looking for</p> <p>3 Respondent's 5.</p> <p>4 MR. KLAYMAN: No, excuse me, it's Bar</p> <p>5 Counsel's Exhibit 23.</p> <p>6 MR. SUJAT: Bar Counsel, ok.</p> <p>7 THE WITNESS: That's the one I just</p> <p>8 looked at.</p> <p>9 CHAIRMAN FITCH: I've gotten confused.</p> <p>10 MR. KLAYMAN: I'm sorry, I'm confused.</p> <p>11 Yes, it's Exhibit 5.</p> <p>12 CHAIRMAN FITCH: We were just</p> <p>13 discussing R.S., Respondent's Exhibit 23. And</p> <p>14 that was admitted.</p> <p>15 And now we're looking at --</p> <p>16 MR. KLAYMAN: We're looking at</p> <p>17 Respondent's Exhibit 5. I'm sorry, it was my</p> <p>18 fault.</p> <p>19 Turn to the declarations of Mr.</p> <p>20 Shamble.</p> <p>21 THE WITNESS: Which book is that?</p> <p>22 MR. SUJAT: This is Respondent's.</p>	<p style="text-align: right;">Page 898</p> <p>1 that's part of my answer to the Specification of</p> <p>2 Charges, Respondent's Exhibit 5. It's in book</p> <p>3 four.</p> <p>4 MR. TIGAR: It's the six numbered</p> <p>5 paragraphs, correct?</p> <p>6 MR. KLAYMAN: Right, exactly, Mr.</p> <p>7 Tigar.</p> <p>8 CHAIRMAN FITCH: Our book has gotten</p> <p>9 out of order.</p> <p>10 MR. KLAYMAN: Your Honor, I can help</p> <p>11 you.</p> <p>12 CHAIRMAN FITCH: Unless it's somewhere</p> <p>13 within five --</p> <p>14 MR. KLAYMAN: Yes, it was within five.</p> <p>15 CHAIRMAN FITCH: How far along do I go?</p> <p>16 MR. KLAYMAN: Let's say about a quarter</p> <p>17 of an inch of pages maybe; the Declaration of</p> <p>18 Timothy Shamble.</p> <p>19 CHAIRMAN FITCH: Supplemental?</p> <p>20 MR. KLAYMAN: Well, there's one before.</p> <p>21 They're two. I'm talking about the first one.</p> <p>22 CHAIRMAN FITCH: That's dated February</p>

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<p style="text-align: right;">Page 899</p> <p>1 3, 2012?</p> <p>2 MR. KLAYMAN: Yeah, that's it.</p> <p>3 CHAIRMAN FITCH: Now let me go back and</p> <p>4 clarify something else.</p> <p>5 MR. KLAYMAN: Ok.</p> <p>6 CHAIRMAN FITCH: The exhibit that we</p> <p>7 were first looking at was a supplemental exhibit</p> <p>8 of yours.</p> <p>9 MR. KLAYMAN: Correct. Number three.</p> <p>10 CHAIRMAN FITCH: Ok. That's R</p> <p>11 supplemental.</p> <p>12 So let me state clearly for the record</p> <p>13 that Respondent's Supplemental Exhibit 3, a copy</p> <p>14 of a Washington Post article, has been admitted</p> <p>15 into evidence.</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. So returning to Respondent's Exhibit 5,</p> <p>18 your declaration on February 3rd, 2012, is the</p> <p>19 first paragraph accurate?</p> <p>20 A. Yes.</p> <p>21 Q. Second paragraph?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 901</p> <p>1 A. Yes.</p> <p>2 Q. That's your experience?</p> <p>3 A. Yes.</p> <p>4 Q. Paragraph four: "I have given Mr.</p> <p>5 Klayman's name and contact information to at least</p> <p>6 one other aggrieved VOA employee when they</p> <p>7 requested the name of an aggressive attorney. I</p> <p>8 was impressed by his willingness to doggedly</p> <p>9 defend Ms. Sataki under difficult circumstances.</p> <p>10 "The Broadcast Board of Governors, of</p> <p>11 which VOA is a subcomponent, has been ranked the</p> <p>12 worst agency in government and it is very</p> <p>13 difficult to negotiate any settlement with them</p> <p>14 because of management's attitude and approach to</p> <p>15 employees."</p> <p>16 Is that accurate?</p> <p>17 A. Yes.</p> <p>18 Q. Is it fair to say based on that that</p> <p>19 you felt highly of my professional abilities?</p> <p>20 MR. SMITH: Objection, leading.</p> <p>21 BY MR. KLAYMAN:</p> <p>22 Q. Why did you recommend me to another</p>
<p style="text-align: right;">Page 900</p> <p>1 Q. The third paragraph? I'm going to read</p> <p>2 this.</p> <p>3 MR. KLAYMAN: I'm not going to read the</p> <p>4 whole thing, your Honor. This is an important</p> <p>5 paragraph...</p> <p>6 "I found Mr. Klayman to be very</p> <p>7 diligent in attempting to zealously represent Ms.</p> <p>8 Sataki, putting in many hours, and did not to my</p> <p>9 knowledge compromise any of her rights.</p> <p>10 "However, communication became very</p> <p>11 difficult and nearly non-existent with Ms. Sataki,</p> <p>12 perhaps due to her health condition.</p> <p>13 "When Mr. Klayman and I would try to</p> <p>14 contact her, we usually got no response, even for</p> <p>15 months. During these periods Mr. Klayman</p> <p>16 attempted to protect Ms. Sataki's rights so that</p> <p>17 they would not be forfeited.</p> <p>18 "It is my opinion that Mr. Klayman</p> <p>19 acted professionally and ethically in trying to</p> <p>20 protect Ms. Sataki's rights, even when she would</p> <p>21 not communicate with him."</p> <p>22 Is that an accurate statement?</p>	<p style="text-align: right;">Page 902</p> <p>1 employee?</p> <p>2 A. Another employee came to me, Ms. Vera</p> <p>3 Wiley, who wanted an aggressive attorney for her</p> <p>4 case, and I recommended that she contact you.</p> <p>5 Q. Were you aware that I was also</p> <p>6 representing other people, broadcasters in the</p> <p>7 Persia News Network?</p> <p>8 A. I was aware, yes.</p> <p>9 Q. Who were they?</p> <p>10 A. Manohir (phon) -- I don't know if I</p> <p>11 pronounced it right, and Mr. Chalangi were two of</p> <p>12 them.</p> <p>13 Q. Mahmonir Rahimi?</p> <p>14 A. That's it.</p> <p>15 Q. And how do you spell Mr. Chalangi's</p> <p>16 name?</p> <p>17 A. And that's his last name. It's</p> <p>18 C-h-a-r-l-a-n-g-i, I believe.</p> <p>19 Q. Based on their knowledge, what was</p> <p>20 their issue, generally speaking? For Mr.</p> <p>21 Chalangi?</p> <p>22 A. Chalangi. I think they felt they</p>

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<p style="text-align: right;">Page 903</p> <p>1 weren't being treated fairly because of their 2 political views. 3 Q. Were there a number of broadcasters at 4 Voice of America, Persia News Network who felt 5 that way? 6 A. Still do. 7 Q. Paragraph five: "It did not appear to 8 me that Mr. Klayman was representing Ms. Sataki to 9 promote his interests rather than Ms. Sataki's. 10 He appeared to me to be very dedicated to her 11 interests, and I was aware that public relations 12 avenues were used to try to prod VOA into a 13 settlement." 14 Is that an accurate statement? 15 A. Yes. 16 CHAIRMAN FITCH: What do you base that 17 view on? 18 THE WITNESS: I've had several 19 employees that have hired attorneys, and they have 20 asked for the union to cooperate with them and to, 21 you know, help them with their cases. 22 But, in all honesty, I've never seen</p>	<p style="text-align: right;">Page 905</p> <p>1 the end there's some additional -- 2 MR. KLAYMAN: Yeah, I attached that and 3 incorporated it by reference. 4 CHAIRMAN FITCH: Mr. Smith? 5 MR. SMITH: I have no objection to the 6 admission of the exhibits. 7 CHAIRMAN FITCH: Thank you. 8 BY MR. KLAYMAN: 9 Q. I turn your attention to the 10 Supplemental Declaration of Tim Shamble, if you 11 can flip the page. You identify yourself in the 12 first paragraph, and getting to -- excuse me, the 13 preamble, "My name is Tim Shamble. I am the 14 president of the American Federation of Government 15 Employees, Local 112, and attest the following 16 information: Number one, I sat in and was present 17 at at least one meeting with Larry Klayman and 18 Elham Sataki where using public relations such as 19 press articles and news stories to describe and 20 publicize the alleged sexual and workplace 21 harassment of Elham at VOA was discussed. 22 "Indeed, the idea was that public</p>
<p style="text-align: right;">Page 904</p> <p>1 one go as far and as dedicated as Mr. Klayman was 2 towards Ms. Sataki. I felt like he went above and 3 beyond. 4 MR. KLAYMAN: I move this affidavit 5 into -- I move Exhibit 5 into evidence. It's my 6 Answer and Affirmative Defenses. I move the whole 7 exhibit in, to make it easier. 8 CHAIRMAN FITCH: Alright, give me a 9 minute. 10 (Brief pause.) 11 CHAIRMAN FITCH: Mr. Smith, I'm still 12 going through the first part of Respondent's 13 Exhibit 5. 14 MR. KLAYMAN: Your Honor, this is -- if 15 I can help you, it's already in evidence with Mr. 16 Smith's exhibits. 17 CHAIRMAN FITCH: Is that right. 18 Alright. It will be admitted. 19 MR. KLAYMAN: Yes. It's just my Answer 20 to the Specification of Charges. That's all it 21 is. That's what I filed. 22 CHAIRMAN FITCH: Well, and then toward</p>	<p style="text-align: right;">Page 906</p> <p>1 relations should help push the agency into a 2 settlement, a resolution of Elham's claims, 3 especially since VOA had been consistently ranked 4 one of the worst agencies in the federal 5 government according to the OPM." 6 Is that an accurate statement? 7 A. Yes. 8 Q. "Number two: In this regard, attached 9 is an email between Larry Klayman and Elham and 10 two other broadcasters at VOA, who Larry Klayman 11 was also speaking to help, as they too, along with 12 others in the Persia News Network branch of VOA, 13 believed they were experiencing workplace 14 harassment of various sorts, about an interview of 15 the Los Angeles Times." 16 I turn your attention to an email which 17 is behind your affidavit. Do you see that? 18 A. Yes. 19 Q. Do you recollect getting that email 20 from me on or about June 10th, 2010? 21 A. Yes. 22 Q. And that's an email that purports to be</p>

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<p style="text-align: right;">Page 907</p> <p>1 sent to -- is dealing with an interview with the 2 LA Times for Ms. Sataki, correct? 3 A. Yes. 4 Q. She's copied on that, correct? 5 A. Yes. 6 Q. And is that consistent with her having 7 agreed to publicity? 8 A. Yes. 9 MR. SMITH: Objection. 10 BY MR. SMITH: 11 Q. Now, "Number four: Public relations can 12 influence entities such as VOA and congressmen to 13 take positive action as the press can be very 14 influential in this regard. 15 "It was my impression that Elham 16 understood this and approved it." 17 Is that an accurate statement? 18 A. Yes. 19 Q. "Five: As a broadcaster and TV anchor, 20 I believe that Elham understood the benefit of 21 public relations. I am not aware that any public 22 relations about Elham's situation was anything but</p>	<p style="text-align: right;">Page 909</p> <p>1 country was she broadcasting into? 2 A. The VOA, the Persia News Network 3 broadcasts into Iran. 4 Q. Based on VOA's mission, is it to 5 broadcast pro-American propaganda into Iran, for 6 lack of a better word? 7 A. We don't broadcast propaganda. We 8 represent the United States. 9 Q. I was trying to go ahead of you. 10 CHAIRMAN FITCH: Everybody's 11 understanding is that, in this context, the word 12 "propaganda" means information. 13 MR. KLAYMAN: Yeah. 14 THE WITNESS: That's a dirty word over 15 at the VOA. 16 BY MR. KLAYMAN: 17 Q. Right, but the purpose is, and that's 18 why I said it this way, tongue in cheek, is that 19 we're trying to influence thought in Iran, 20 pro-freedom thought? 21 A. We extol the virtues of our way of 22 government.</p>
<p style="text-align: right;">Page 908</p> <p>1 positive and complimentary about her." 2 Is that an accurate statement? 3 A. Yes. 4 CHAIRMAN FITCH: What do you base that 5 first sentence on? 6 THE WITNESS: Broadcaster and anchor, 7 that's speaking of her. So she was in the 8 business, plus we were in discussions about using 9 public relations. 10 CHAIRMAN FITCH: Were you or are you 11 aware of any work or other activity by Ms. Sataki 12 in the public relations field, however that may 13 be? 14 THE WITNESS: Of her in public 15 relations? 16 CHAIRMAN FITCH: However that may be 17 defined. 18 THE WITNESS: I was just aware that she 19 was in the media. She was a broadcaster. 20 BY MR. KLAYMAN: 21 Q. Following up on that, she was a 22 broadcaster. Where was she broadcasting? What</p>	<p style="text-align: right;">Page 910</p> <p>1 Q. Now, is that something as a broadcaster 2 that broadcasts into Iran carries some risk? 3 A. Absolutely. 4 Q. How is that? 5 A. Well, to themselves, and, you know, to 6 possible family members that may still be in Iran, 7 yeah, their name and face is out there. 8 Q. Did Ms. Sataki ever express concerns 9 that she was broadcasting into Iran to you? 10 A. No, she wanted to. She wanted to 11 broadcast into Iran. 12 Q. Did it appear to you that she was not 13 afraid of publicity into Iran? 14 A. I never heard her complain about that. 15 Q. In fact, in the lobby of VOA they have 16 rather strict security, correct? 17 A. Correct. 18 Q. And is it for that reason, with regard 19 to all the other networks there? 20 A. I could only speculate on that. I 21 mean, they have a lot of security there. We are a 22 target, according to them.</p>

11 (Pages 907 to 910)

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<p style="text-align: right;">Page 911</p> <p>1 Q. Now, as we were going through, trying 2 to settle initially, did there come a point in 3 time when we learned that we were trying to settle 4 it through a member of the Board of Governors by 5 the name of Blanquita Collum? 6 A. Yes. She had told me you contacted 7 her. 8 Q. Were you aware of my friendship with 9 Blanquita? 10 A. You informed me you were a friend of 11 hers, yes. 12 Q. And we went to her after we attempted 13 with the general counsel and others to settle, we 14 thought maybe we could -- 15 MR. SMITH: Objection. 16 CHAIRMAN FITCH: First of all, what is 17 the individual's name. 18 THE WITNESS: Blanquita Collum. 19 MR. KLAYMAN: B-l-a-n-q-u-i-t-a 20 C-o-l-l-u-m. 21 BY MR. KLAYMAN: 22 Q. How many people were on the Board of</p>	<p style="text-align: right;">Page 913</p> <p>1 senators' offices. 2 Q. Who were some of the senators that we 3 went to? 4 A. I know I -- 5 Q. You and I both went, right? 6 A. Yeah. I know I was there for Coburn's 7 office. 8 Q. Tom Coburn of Oklahoma? 9 A. Tom Coburn, of Oklahoma. I'm drawing a 10 blank -- 11 Q. Let me stop you. He was on the 12 Oversight Committee at VOA? 13 A. Foreign Affairs. 14 Q. Did we go to see John McCain? 15 A. That's one of the offices that was 16 contacted, yes. 17 Q. During the time that we went up there, 18 did we take some press materials to give them? 19 A. Yes. 20 Q. Did Ms. Sataki tell you not to do that? 21 A. No. 22 Q. She was aware we were going up there?</p>
<p style="text-align: right;">Page 912</p> <p>1 Governors at that time when we were trying to 2 settle? 3 A. I don't remember how many there were. 4 I think it was eight. 5 Q. And the very top person on the Board of 6 Governors, who was that? Was it the Secretary of 7 State, Mrs. Clinton? 8 A. The Secretary of State has a seat on 9 the board. The chairman at that time I think was 10 probably Kenneth Tomlinson. 11 Q. But the Secretary of State is a member 12 of the Board of Governors at the time? 13 A. Secretary of State has a seat on the 14 board, yes. 15 Q. I'll turn your attention and back up, 16 were we successful in lobbying Ms. Collum? 17 A. I don't know. I assume not. But you 18 were lobbying her. 19 Q. Ok. Did we also take other actions 20 with regard to congressman and senators to try to 21 intercede? 22 A. Yeah. We went up to several I know</p>	<p style="text-align: right;">Page 914</p> <p>1 A. Yeah, I assume, yeah. 2 Q. Now, were you aware that I had even 3 sought the help from John Boehner, who was 4 incoming Speaker of the House? 5 A. Yeah, I remember you telling me. Yeah. 6 Q. I turn your attention to Respondent's 7 Exhibit 24. 8 MR. KLAYMAN: You can just leave that 9 there, Fred, and then we're going to do another 10 one. 11 BY MR. KLAYMAN: 12 Q. Take a look at that, Mr. Shamble. I'm 13 going to ask you questions. 14 Is this exemplary of some of the 15 matters that I made to try to settle this matter 16 with VOA, this letter? 17 A. Yes. 18 MR. KLAYMAN: I'm going to move Exhibit 19 24 into evidence. 20 MR. SMITH: No objection. 21 BY MR. KLAYMAN: 22 Q. Take a look at Exhibit 24 and tell me</p>

12 (Pages 911 to 914)

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<p style="text-align: right;">Page 915</p> <p>1 what it is that we were trying to accomplish, just 2 generally speaking. 3 A. This letter dated February 21st, 2010? 4 Q. Yes. 5 A. Well, trying to get a settlement here, 6 trying to get the agency to do the right thing. 7 Q. Were you aware -- you can take a look 8 at it -- that when Ms. Sataki went out on leave to 9 Los Angeles that she had a nervous breakdown, for 10 lack of a better word, and went to see doctors? 11 A. I was aware, yes. 12 CHAIRMAN FITCH: If we have moved from 13 Exhibit 24, I'm prepared to admit it. He asked 14 that it be admitted and there's no objection. 15 MR. SMITH: Right. 16 MR. KLAYMAN: Because it's admitted I'm 17 just going to ask a few brief questions, since 18 it's in the record. 19 CHAIRMAN FITCH: Oh, I'm sorry, I 20 thought you were finished. 21 MR. KLAYMAN: No, that's fine. 22</p>	<p style="text-align: right;">Page 917</p> <p>1 A. Correct. 2 Q. Which she then declined? 3 A. Correct. 4 MR. KLAYMAN: I'll move Exhibit 325 5 into evidence. 6 CHAIRMAN FITCH: Admitted. 7 BY MR. KLAYMAN: 8 Q. I turn your attention to Exhibit 26. 9 You can flip the page, Mr. Shamble. 10 A. Ok. 11 Q. You're copied on that, are you not? 12 A. Yes. 13 Q. And in there we are presenting 14 information to try to get that reasonable 15 accommodation, that's your understanding, 16 reasonable medical accommodation? 17 A. Yes. 18 MR. KLAYMAN: I'll move Exhibit 26 into 19 evidence, your Honor. 20 MR. SMITH: No objection. 21 CHAIRMAN FITCH: It's admitted. 22</p>
<p style="text-align: right;">Page 916</p> <p>1 BY MR. KLAYMAN: 2 Q. And the agency, based on your 3 knowledge, you were asking for reasonable medical 4 accommodation? 5 A. Correct. 6 Q. Was that granted? 7 A. No. 8 Q. Now, was it at that time that the offer 9 to go work in the Central News Division occurred? 10 I'll turn your attention to Exhibit 25, 11 if you can flip the page. 12 A. Flip the tab? 13 Q. Yeah, flip the tab. 14 A. Ok. May 12, 2010? 15 Q. Yeah. You've seen this before, have 16 you not? 17 A. I don't know. Let me just look at it. 18 (Witness peruses document.) 19 A. Yes, I have seen this. 20 Q. This is where they're offering to put 21 her on the middle eastern desk of the Central News 22 Division in Washington, D.C.?</p>	<p style="text-align: right;">Page 918</p> <p>1 BY MR. SMITH: 2 Q. What I've just shown you, Exhibits 24, 3 25 and 26, are they exemplary of just some of the 4 efforts I made to resolve this? 5 A. Yes. 6 Q. And we made? 7 A. Yes. 8 Q. Every step of the way I kept you 9 apprised of what's going on? 10 A. As far as I know, yeah. 11 Q. Now, are you also aware that on behalf 12 of Ms. Sataki I filed an Office of Civil Rights 13 complaint for her? 14 A. Yes. 15 Q. And tell us what an OCR -- we call it 16 an OCR complaint -- entails, based on your 17 experience. 18 A. That you file a complaint with the 19 Office of Civil Rights regarding discrimination. 20 Q. And what kind of discrimination were we 21 claiming? 22 A. I don't recall offhand. It's sexual</p>

13 (Pages 915 to 918)

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<p style="text-align: right;">Page 919</p> <p>1 harassment, I would imagine, and retaliation.</p> <p>2 Q. Did there come a time when, you know,</p> <p>3 you felt that the case needed to move more</p> <p>4 quickly?</p> <p>5 Let me back up. I'll turn your</p> <p>6 attention to Respondent's Exhibit 17. I'll make</p> <p>7 it easier.</p> <p>8 A. Same book?</p> <p>9 Q. Yes.</p> <p>10 A. This is a letter May 3rd?</p> <p>11 Q. Yes.</p> <p>12 A. Ok. Yes, I remember this it.</p> <p>13 Q. Was there an aspect of this</p> <p>14 investigation that troubled you, those being</p> <p>15 conducted by Office of Civil Rights?</p> <p>16 You can take your time and take a look</p> <p>17 at that letter.</p> <p>18 A. Ok. They seemed to be stalling coming</p> <p>19 to some sort of resolution, and that was blocking</p> <p>20 any further progress in the case.</p> <p>21 Q. Was there an issue with witnesses and</p> <p>22 how they were being handled?</p>	<p style="text-align: right;">Page 921</p> <p>1 A. Yes, I remember.</p> <p>2 Q. Yes, and they're referring you to the</p> <p>3 FBI if you want to pursue this. They're basically</p> <p>4 giving you the back of the hand there?</p> <p>5 A. Yes.</p> <p>6 MR. KLAYMAN: I move Exhibit 17 into</p> <p>7 evidence, your Honor.</p> <p>8 MR. SMITH: No objection.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. Please turn to Exhibit 18. That's the</p> <p>11 letter of January 4th, 2011, to Ms. Delia Johnson,</p> <p>12 Director, Office of Civil Rights.</p> <p>13 Without having to read the whole thing,</p> <p>14 what are you trying to say to Ms. Johnson with</p> <p>15 that letter?</p> <p>16 A. That they need to come to some kind of</p> <p>17 conclusion. They need to issue a final decision.</p> <p>18 Q. Why was that?</p> <p>19 A. Because it was stalled. There was</p> <p>20 nothing happening.</p> <p>21 Q. Is that consistent with your experience</p> <p>22 with Voice of America when dealing with employment</p>
<p style="text-align: right;">Page 920</p> <p>1 A. Yeah, that there were witnesses that</p> <p>2 were claiming they were being harassed.</p> <p>3 Q. Were they witnesses on Ms. Sataki's</p> <p>4 behalf?</p> <p>5 A. Yes.</p> <p>6 Q. And you wrote a letter to the Justice</p> <p>7 Department?</p> <p>8 A. Correct.</p> <p>9 Q. "Honorable Lanny Breuer, Assistant</p> <p>10 Attorney General, Criminal Division"?</p> <p>11 A. Correct.</p> <p>12 Q. Of the Justice Department?</p> <p>13 A. Correct.</p> <p>14 Q. What was the purpose of the letter? To</p> <p>15 resolve this whole thing?</p> <p>16 A. Yeah, hopefully. Yes.</p> <p>17 Q. After this letter, turn to a letter</p> <p>18 dated May 18th, 2010, which is being sent to you.</p> <p>19 Do you remember receiving that from the</p> <p>20 Justice Department on or about that date?</p> <p>21 A. Let me just read it.</p> <p>22 (Witness reads document.)</p>	<p style="text-align: right;">Page 922</p> <p>1 matters?</p> <p>2 A. Basically happens all the time.</p> <p>3 We've had an employee that's been on</p> <p>4 administrative leave for three years now, because</p> <p>5 they won't resolve the case.</p> <p>6 Q. Turn to the next page, a January 5th,</p> <p>7 2011 letter from Ms. Delia Johnson to you.</p> <p>8 What is your understanding that Ms.</p> <p>9 Johnson was trying to accomplish, by sending that</p> <p>10 letter from OCR to you? What was she conveying to</p> <p>11 you? How did you take it?</p> <p>12 A. It looks like she's saying you can go</p> <p>13 ahead and proceed, and I imagine she was getting</p> <p>14 pressure not to issue a final decision.</p> <p>15 Q. I'll turn your attention to the next</p> <p>16 letter, March 23rd, 2011 from Delia Johnson to Ms.</p> <p>17 Sataki. This is the actual finding of OCR,</p> <p>18 correct, which did not grant relief for Ms.</p> <p>19 Sataki?</p> <p>20 A. I'm sorry, I didn't hear the last --</p> <p>21 Q. This is the actuality finding, the</p> <p>22 finding of the Office of Civil Rights, which did</p>

14 (Pages 919 to 922)

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<p style="text-align: right;">Page 923</p> <p>1 not grant the relief that Ms. Sataki was seeking?</p> <p>2 A. Yes, that's true.</p> <p>3 Q. And then attaches a report?</p> <p>4 A. Correct.</p> <p>5 Q. And you have seen this before?</p> <p>6 A. I have seen this, yes.</p> <p>7 MR. KLAYMAN: Your Honor, I move</p> <p>8 Exhibit 18 into evidence.</p> <p>9 MR. SMITH: No objection.</p> <p>10 CHAIRMAN FITCH: It's admitted.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Now after OCR issues a report, that's</p> <p>13 not the end of the story, is it?</p> <p>14 A. There's appeal rights.</p> <p>15 Q. You have rights. You have time to take</p> <p>16 an appeal.</p> <p>17 A. Correct.</p> <p>18 Q. At that point you can go to court with</p> <p>19 a Title VII action.</p> <p>20 A. Correct.</p> <p>21 CHAIRMAN FITCH: We're been referring</p> <p>22 to the Office of Civil Rights here. Are we</p>	<p style="text-align: right;">Page 925</p> <p>1 dated --</p> <p>2 Q. Excuse me, it's January 27, 2011. I'm</p> <p>3 sorry, I misread the date.</p> <p>4 A. Yes.</p> <p>5 Q. You sent it to her --</p> <p>6 A. Yes.</p> <p>7 Q. -- on January 27th, 2011?</p> <p>8 A. Correct.</p> <p>9 Q. Is that accurate, this email?</p> <p>10 A. Yes.</p> <p>11 Q. And I had asked you to send that email</p> <p>12 to her, correct?</p> <p>13 A. Yes you did, yeah.</p> <p>14 Q. Let me just read it.</p> <p>15 MR. KLAYMAN: I'm not reading very</p> <p>16 much, your Honor, these days --</p> <p>17 CHAIRMAN FITCH: That's alright.</p> <p>18 MR. KLAYMAN: I'm trying to move it</p> <p>19 along.</p> <p>20 BY MR. KLAYMAN:</p> <p>21 Q. "Elham, Larry tells me that, since he</p> <p>22 met the deadline to file for a final decision in</p>
<p style="text-align: right;">Page 924</p> <p>1 referring to "an" Office of Civil Rights in VOA?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MR. KLAYMAN: And sometimes I've used</p> <p>4 the word "EEO actions." It's the same thing as</p> <p>5 I'm referring to, your Honor. It's employment</p> <p>6 discrimination, administrative proceeding.</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. Now, after this issue, did we try to</p> <p>9 contact -- you and me, try to contact Ms. Sataki</p> <p>10 to let her know she still had rights that she</p> <p>11 could pursue in court, as in a Title VII action?</p> <p>12 A. Yeah, you had contacted me and said you</p> <p>13 couldn't reach her, and I had tried to contact</p> <p>14 her, too.</p> <p>15 Q. Unsuccessfully?</p> <p>16 A. Unsuccessfully, yes.</p> <p>17 Q. So I turn your attention to</p> <p>18 Respondent's Exhibit 21. This is an email to Ms.</p> <p>19 Sataki dated May 12, 2011.</p> <p>20 Is that an email which you sent to Ms.</p> <p>21 Sataki?</p> <p>22 A. I'm not -- I don't see an email</p>	<p style="text-align: right;">Page 926</p> <p>1 your OCR investigation of sexual harassment and</p> <p>2 retaliation, and now that 180 days have passed</p> <p>3 since your complaint was filed last year, you now</p> <p>4 have the right to sue in federal court for sexual</p> <p>5 harassment and retaliation. Therefore, all your</p> <p>6 rights were protected. Your chance to address</p> <p>7 them are just in a different form.</p> <p>8 "Larry tells me that you are not</p> <p>9 communicating with him. He's told me that he</p> <p>10 would like to discuss this with you, specifically</p> <p>11 the fact that Judge Kollar-Kotelly would not order</p> <p>12 that you be allowed to go back to work in Los</p> <p>13 Angeles, and had ruled that your sexual harassment</p> <p>14 and retaliation claims could not be pursued before</p> <p>15 the 180 day period had elapsed.</p> <p>16 "So there really were no deadlines</p> <p>17 missed. He can explain this in more detail than I</p> <p>18 can but he tells me you won't speak to him.</p> <p>19 "He also tells me that the part of the</p> <p>20 case involving your returning to work was appealed</p> <p>21 to the higher court. He did this even though you</p> <p>22 have not communicated with him, in order to</p>

15 (Pages 923 to 926)

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<p style="text-align: right;">Page 927</p> <p>1 preserve your rights.</p> <p>2 "If you wish to pursue this, the appeal</p> <p>3 is still out there but it must be moved forward</p> <p>4 soon if you want to do so.</p> <p>5 "I think you really ought to talk to</p> <p>6 him to get a better picture about this. Tim."</p> <p>7 That's accurate, what you wrote?</p> <p>8 A. Yes.</p> <p>9 Q. Ok. So, the situation behind us is</p> <p>10 that neither you nor I could get in touch with</p> <p>11 her.</p> <p>12 A. Yes.</p> <p>13 Q. And we didn't want her to lose her</p> <p>14 rights.</p> <p>15 A. Correct.</p> <p>16 Q. Now, Ms. Sataki, based on your</p> <p>17 experience, knew that she could always call you,</p> <p>18 right?</p> <p>19 A. I mean, she had my contact info, yes.</p> <p>20 Q. Just to recap testimony, she initially</p> <p>21 came to me before she even came to you.</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 929</p> <p>1 I was having difficulty interacting and</p> <p>2 communicating with Ms. Sataki?</p> <p>3 A. Correct.</p> <p>4 Q. Did there come a time when I asked you</p> <p>5 to give me the name of another lawyer who might be</p> <p>6 able to help her?</p> <p>7 A. Yes.</p> <p>8 Q. And did you do that?</p> <p>9 A. Yes.</p> <p>10 Q. Who was that?</p> <p>11 A. The other attorney was Tim Shea.</p> <p>12 Q. What's Mr. Shea's background, to the</p> <p>13 best of your knowledge, with regard to VOA?</p> <p>14 A. He had worked with several other</p> <p>15 employees and he had worked with at least one</p> <p>16 other employee in the Persia News Network. So he</p> <p>17 was familiar with that entity and he was familiar</p> <p>18 with the agency.</p> <p>19 Q. He would be a good person to try to</p> <p>20 step in?</p> <p>21 A. Yeah. I liked Tim. I thought he would</p> <p>22 be good.</p>
<p style="text-align: right;">Page 928</p> <p>1 MR. KLAYMAN: Your Honor, I move</p> <p>2 Exhibit 21 into evidence.</p> <p>3 MR. SMITH: No objection.</p> <p>4 CHAIRMAN FITCH: Admitted.</p> <p>5 BY MR. KLAYMAN:</p> <p>6 Q. I turn your attention to a letter to</p> <p>7 Danforth Austin of August 4th, 2010, which is part</p> <p>8 of that exhibit. It purports to be copied on you</p> <p>9 on August 5th, correct?</p> <p>10 A. I'm CC'd on this, yes.</p> <p>11 Q. Yes, now before this letter was written</p> <p>12 by Ms. Sataki, you weren't consulted on what she</p> <p>13 was going to do with Mr. Austin, were you?</p> <p>14 MR. SMITH: Objection.</p> <p>15 CHAIRMAN FITCH: Why don't you ask</p> <p>16 that --</p> <p>17 BY MR. KLAYMAN:</p> <p>18 Q. Were you consulted by Ms. Sataki before</p> <p>19 she sent this?</p> <p>20 (Witness reads document.)</p> <p>21 A. To the best of my recollection, no.</p> <p>22 Q. Based on your testimony, you were aware</p>	<p style="text-align: right;">Page 930</p> <p>1 Q. Do you continue to have issues to this</p> <p>2 day with Voice of America?</p> <p>3 MR. SMITH: Objection.</p> <p>4 CHAIRMAN FITCH: I think that's</p> <p>5 alright. Overruled.</p> <p>6 THE WITNESS: Should I answer?</p> <p>7 CHAIRMAN FITCH: Yes, go ahead.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. What's going on now, if anything?</p> <p>11 A. Well, they're still not abiding by some</p> <p>12 arbitration cases we won that have been appealed,</p> <p>13 all the way through the appeals process.</p> <p>14 And just this weekend I found out that</p> <p>15 they're removing one of my executive board</p> <p>16 members. He was a non-citizen. He just became a</p> <p>17 citizen and they determined they were going to</p> <p>18 cancel his appointment.</p> <p>19 I can go on and on if you want more.</p> <p>20 Q. Yeah, give us some more.</p> <p>21 A. Well, we had a case with the Office of</p> <p>22 Cuban Broadcasting where they conducted an illegal</p>

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<p style="text-align: right;">Page 931</p> <p>1 rift and we won that in arbitration. They</p> <p>2 appealed that for several years. These employees</p> <p>3 were out of work for over five years, and the</p> <p>4 agency lost the appeal and had to finally bring</p> <p>5 them back and then provide them back pay.</p> <p>6 Several of them were over paid, and</p> <p>7 there's no way that they would have known they</p> <p>8 were over paid, and yet the agency refused to</p> <p>9 grant them a waiver of a debt. So we had to file</p> <p>10 a grievance on that.</p> <p>11 When I filed the grievance, they filed</p> <p>12 for unfair labor practice charge against me and</p> <p>13 they also filed a grievance against me for filing</p> <p>14 my grievance.</p> <p>15 But that's the type of action that they</p> <p>16 do.</p> <p>17 Q. And you are the president of the union?</p> <p>18 A. Yes.</p> <p>19 Q. And you're there --</p> <p>20 A. President of the local.</p> <p>21 Q. Local union.</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 933</p> <p>1 complaint.</p> <p>2 You've seen that, correct?</p> <p>3 A. I believe I have seen that.</p> <p>4 Q. It was filed on Ms. Sataki's behalf by</p> <p>5 me, signed by her, third page?</p> <p>6 A. If looks like her signature.</p> <p>7 CHAIRMAN FITCH: Your Honor, I move</p> <p>8 this into evidence, Exhibit 20.</p> <p>9 MR. SMITH: No objection.</p> <p>10 CHAIRMAN FITCH: Give me just a minute,</p> <p>11 please.</p> <p>12 (Brief pause.)</p> <p>13 CHAIRMAN FITCH: It is admitted, of</p> <p>14 course.</p> <p>15 MR. KLAYMAN: I have no further</p> <p>16 questions, subject to redirect, if any.</p> <p>17 CHAIRMAN FITCH: Mr. Smith?</p> <p>18 MR. SMITH: If you will indulge me a</p> <p>19 few seconds to clear my thoughts.</p> <p>20 CHAIRMAN FITCH: You want a ten-minute</p> <p>21 break?</p> <p>22 MR. SMITH: Yes.</p>
<p style="text-align: right;">Page 932</p> <p>1 Q. I'm going to return to exhibit, just</p> <p>2 briefly, 21, which is in evidence. Turn to the</p> <p>3 second page where it says -- paragraph two: "I</p> <p>4 wish to also inform you that I've instructed Larry</p> <p>5 Klayman to withdraw any and all civil actions that</p> <p>6 you may have filed in my name."</p> <p>7 Again, did she ever discuss that with</p> <p>8 you?</p> <p>9 A. She did contact me after we had been</p> <p>10 trying to reach her and saying that she was having</p> <p>11 second thoughts.</p> <p>12 Q. But that was well after we tried to</p> <p>13 contact her?</p> <p>14 A. Yes.</p> <p>15 Q. And that was well after January 23rd,</p> <p>16 2011?</p> <p>17 A. Yes.</p> <p>18 The date of that email?</p> <p>19 Q. Right.</p> <p>20 A. Yes.</p> <p>21 Q. I turn your attention to Exhibit 20.</p> <p>22 This is the actual Office of Civil Rights</p>	<p style="text-align: right;">Page 934</p> <p>1 CHAIRMAN FITCH: We will stand in</p> <p>2 recess until 10:50 approximately.</p> <p>3 (Recess taken.)</p> <p>4 MR. KLAYMAN: Your Honor, I have one</p> <p>5 last question.</p> <p>6 CHAIRMAN FITCH: Ok. We are back on</p> <p>7 the record at 10:50.</p> <p>8 Mr. Klayman?</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Yes, Mr. Shamble, did I ever discuss</p> <p>11 with you in the presence of Ms. Sataki the judge</p> <p>12 that we drew in the federal court for her cases</p> <p>13 against the Board of Governors? And to refresh</p> <p>14 your recollection, Judge Colleen Kollar-Kotelly.</p> <p>15 A. I know that you discussed it with me.</p> <p>16 I don't know if it was in the presence of Elham.</p> <p>17 Q. What did I say to you?</p> <p>18 A. That she didn't have a very favorable</p> <p>19 opinion of you or your politics or the way that</p> <p>20 you conduct your business.</p> <p>21 Q. Did I say that she could be a problem</p> <p>22 in this case?</p>

17 (Pages 931 to 934)

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<p style="text-align: right;">Page 935</p> <p>1 A. Yeah, you made that clear.</p> <p>2 Q. Did I explain anything about her</p> <p>3 politics as perceived?</p> <p>4 A. Something to do with -- well, not --</p> <p>5 she didn't see eye to eye with you on your</p> <p>6 politics and something to do with the Clintons, I</p> <p>7 think. I think she was some how favorable to</p> <p>8 them.</p> <p>9 Q. Were you aware that I had sued the</p> <p>10 Clintons a long time ago?</p> <p>11 A. You had told me that, yes.</p> <p>12 Q. And I think I gave you a copy of my</p> <p>13 book at one time, didn't I?</p> <p>14 A. Yes, you did.</p> <p>15 CHAIRMAN FITCH: You're mumbling a</p> <p>16 little bit, Mr. Klayman.</p> <p>17 BY MR. SMITH:</p> <p>18 Q. I think I gave you a copy of my</p> <p>19 autobiography?</p> <p>20 A. Yes.</p> <p>21 Q. And it discusses it in there?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 937</p> <p>1 Q. And you sought to assist her with her</p> <p>2 concerns.</p> <p>3 A. Yeah, we were meeting with her to find</p> <p>4 out what they were and what options she might</p> <p>5 have, yes.</p> <p>6 Q. And at that time she did not mention to</p> <p>7 you that she was interested in moving to Los</p> <p>8 Angeles, did she?</p> <p>9 A. No.</p> <p>10 Q. Thereafter you met with Ms. Sataki and</p> <p>11 Mr. Klayman.</p> <p>12 A. Yes.</p> <p>13 Q. And she introduced Mr. Klayman to you</p> <p>14 as her attorney.</p> <p>15 A. Yes.</p> <p>16 Q. So the first time that you learned of</p> <p>17 any Los Angeles solution was after you met with</p> <p>18 Mr. Klayman, correct?</p> <p>19 A. It was after the time that, yeah, she</p> <p>20 had hired him as her attorney.</p> <p>21 Q. Prior to your meeting with Mr. Klayman,</p> <p>22 Ms. Sataki did not discuss publicizing her case,</p>
<p style="text-align: right;">Page 936</p> <p>1 MR. KLAYMAN: No further questions.</p> <p>2 CHAIRMAN FITCH: Mr. Smith, you may</p> <p>3 cross examine.</p> <p>4 CROSS-EXAMINATION BY DISCIPLINARY COUNSEL:</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Good morning, Mr. Shamble.</p> <p>7 A. Good morning.</p> <p>8 Q. We have spoken a few times over the</p> <p>9 telephone last several years?</p> <p>10 A. Ok, yeah, yeah, I remember.</p> <p>11 Q. Now --</p> <p>12 MR. KLAYMAN: Objection. That was</p> <p>13 leading. Move to strike.</p> <p>14 MR. SMITH: I'm cross examining.</p> <p>15 MR. KLAYMAN: It was lack of</p> <p>16 foundation.</p> <p>17 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. Now prior to your meeting Mr. Klayman,</p> <p>20 you spoke with Ms. Sataki about her claim,</p> <p>21 correct?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 938</p> <p>1 did she?</p> <p>2 A. No.</p> <p>3 Q. And there came a time when you met with</p> <p>4 Ms. Sataki and Mr. Klayman and the subject of</p> <p>5 publicity was discussed, right?</p> <p>6 A. Yes.</p> <p>7 Q. You don't really recall the specific</p> <p>8 details of that meeting, do you?</p> <p>9 A. I just remember it was in my office. I</p> <p>10 can remember where they were sitting.</p> <p>11 Q. Ok.</p> <p>12 A. But other than that, no.</p> <p>13 Q. Because you don't recall whether any</p> <p>14 particular media options were discussed at that</p> <p>15 time, correct?</p> <p>16 MR. KLAYMAN: Objection, leading.</p> <p>17 THE WITNESS: The discussion involved</p> <p>18 various options we had in order to address her</p> <p>19 issues.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. Alright, but you did not discuss any</p> <p>22 particular forum with respect to that?</p>

18 (Pages 935 to 938)

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<p style="text-align: right;">Page 939</p> <p>1 MR. KLAYMAN: Objection, vague and 2 ambiguous. "Forum." 3 CHAIRMAN FITCH: By "forum" I think he 4 means, not courthouse. Media forum. 5 THE WITNESS: Various options were 6 discussed, whether newspaper, magazine or, you 7 know. 8 BY MR. SMITH: 9 Q. And you did not discuss with Ms. Sataki 10 her personal views about publicity at that time, 11 did you? 12 A. I didn't directly. No, I assume -- she 13 was there, so if she had a problem she would raise 14 objections. 15 Q. You assumed, but -- 16 A. I didn't ask her specifically if she 17 had a problem with that, no. 18 Q. Thank you. 19 If you could turn to Respondent's 20 Exhibit 25. It's in the white book. 21 A. May 12, 2010 letter? 22 Q. Yes.</p>	<p style="text-align: right;">Page 941</p> <p>1 A. I received suggestions from someone 2 else, but I changed them. 3 Q. Ok. And the person that made the 4 suggestions, was that Mr. Klayman? 5 A. Yes. 6 Q. Turn to Respondent's Exhibit -- 7 CHAIRMAN FITCH: Let me ask, you were 8 asked if this was prepared by somebody else, and 9 you said you received suggestions. 10 Who wrote the first draft. 11 THE WITNESS: Larry Klayman. 12 MR. TIGAR: Excuse me, but is that your 13 signature at the bottom of each of the two of 14 them? 15 THE WITNESS: It is, yes. 16 MR. TIGAR: You signed them yourself? 17 THE WITNESS: I did, yes. 18 BY MR. SMITH: 19 Q. Mr. Klayman drafted both affidavits, 20 both the declaration and then the supplemental 21 declaration? 22 A. Yeah. He provided me what he was</p>
<p style="text-align: right;">Page 940</p> <p>1 A. Ok. 2 Q. So I'm assuming that on or about May 3 12th you got a copy of this letter? 4 A. Probably, yes. 5 Q. You were aware that Ms. Sataki declined 6 the settlement offer outlined in this letter, 7 correct? 8 A. Yes. 9 Q. But you didn't have any personal 10 discussions with her about why she declined the 11 settlement offer, did you? 12 A. No. 13 Q. Turn to Respondent's Exhibit Number 5, 14 please. That would be the two affidavits that you 15 had previously testified to, the affidavits dated 16 February 3rd, 2012, which is identified as the 17 Declaration of Timothy Shamble, and then the 18 Supplemental Declaration of Timothy Shamble dated 19 July 9th, 2017. 20 A. Yeah. 21 Q. These affidavits were prepared by 22 someone other than you, correct?</p>	<p style="text-align: right;">Page 942</p> <p>1 looking for and I changed what I felt was 2 incorrect or was not to the best of my 3 recollection. 4 Q. Turn to the Respondent's Exhibit Number 5 21. Specifically it would be the second page. It 6 would be the August 4th, 2010 letter from Ms. 7 Sataki to Mr. Austin. 8 A. Ok. 9 Q. You said that you recall receiving this 10 letter on or about August 5th, 2010? 11 A. This is the August 4th letter? 12 Q. Yes. 13 A. I don't recall exactly when I received 14 this. 15 Q. But do you recall receiving it at or 16 about the time that it was dated? 17 A. Yeah, because it's -- I mean the email 18 is dated August 5th, so I assume that's correct. 19 Q. Prior to receiving this letter from Ms. 20 Sataki, you were not aware that she was unhappy 21 with Mr. Klayman. 22 Is that correct?</p>

19 (Pages 939 to 942)

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<p style="text-align: right;">Page 943</p> <p>1 A. To the best my recollection, I was not 2 aware. 3 Q. And you were not aware that Mr. Klayman 4 was in love with Ms. Sataki? 5 MR. KLAYMAN: Objection, your Honor. 6 It goes beyond the scope of direct. 7 CHAIRMAN FITCH: I think it's fair. Go 8 ahead. 9 THE WITNESS: I was not aware of 10 anything like that. 11 BY MR. SMITH: 12 Q. You were not aware that he was sending 13 her emails expressing his love to her? 14 MR. KLAYMAN: Objection. It lacks 15 foundation. 16 CHAIRMAN FITCH: There's foundation in 17 the record. Overruled. 18 THE WITNESS: I have -- I'm not aware 19 of that. 20 BY MR. SMITH: 21 Q. Are you just learning of that today? 22 A. I am.</p>	<p style="text-align: right;">Page 945</p> <p>1 nothing wrong with someone caring for someone, is 2 there? 3 A. No. 4 MR. KLAYMAN: Ok. No further 5 questions. 6 CHAIRMAN FITCH: Mr. Shamble, you'll be 7 delighted to know that I think you can be 8 discharged. 9 THE WITNESS: Thank you. 10 CHAIRMAN FITCH: And we very much 11 appreciate your time. 12 THE WITNESS: Thanks. 13 (Witness is excused.) 14 CHAIRMAN FITCH: Respondent's team, 15 where do we go from here? 16 MR. KLAYMAN: Me. 17 CHAIRMAN FITCH: Ok. 18 MR. KLAYMAN: I'm the next witness. 19 CHAIRMAN FITCH: May I ask a question 20 of Respondent's team? 21 Do you want to go to 1:00 o'clock, 22 because the obligation --</p>
<p style="text-align: right;">Page 944</p> <p>1 MR. SMITH: Thank you. I have no 2 further questions. 3 CHAIRMAN FITCH: And Mr. Klayman has a 4 right to do redirect examination, which he will. 5 REDIRECT EXAMINATION ON BEHALF OF RESPONDENT: 6 BY MR. KLAYMAN: 7 Q. With regard to the affidavits, 8 everything in there that you signed, the affidavit 9 and the supplemental affidavit, was true, was it 10 not? 11 A. Yes. 12 Q. And you've made changes on the drafts 13 that I've given to you. 14 A. Yes. 15 Q. And before I sent you the affidavits, 16 we talked about what to put in the affidavits, 17 correct? 18 A. Yes. 19 Q. So you stand by everything you said in 20 those affidavits, correct? 21 A. Yes. 22 Q. Based upon your experience, there's</p>	<p style="text-align: right;">Page 946</p> <p>1 MR. KLAYMAN: Yes. 2 CHAIRMAN FITCH: -- involves something 3 around 2:00 o'clock or so, or are you willing to 4 break earlier for an hour and a half. 5 MR. KLAYMAN: Yeah, I would like to 6 just take the full hour and a half. 7 CHAIRMAN FITCH: No, we're going to 8 take the full hour and a half, no question of 9 that. But does it have to be 1:00 to 2:30, or 10 can it be 12:30 to -- 11 MR. KLAYMAN: It has to be 1:00 to 12 2:30. Thank you very much for your courtesy. 13 CHAIRMAN FITCH: Sure. 14 Alright. I understand that the 15 Respondent's team has called Respondent to 16 testify. 17 Mr. Klayman, raise your right hand, 18 please. Do you swear or affirm that the testimony 19 you are about to give will be the truth, the whole 20 truth and nothing but the truth? 21 THE WITNESS: I do. 22 CHAIRMAN FITCH: You may, of course, be</p>

20 (Pages 943 to 946)

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<p>1 seated.</p> <p>2 Whereupon,</p> <p>3 LARRY KLAYMAN,</p> <p>4 called as a witness on behalf of Respondent, and</p> <p>5 after having been first duly sworn, was examined</p> <p>6 and testified as follows:</p> <p>7 DIRECT EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>8 BY MR. SUJAT:</p> <p>9 Q. Good morning, Mr. Chair, and members of</p> <p>10 the committee, Mr. Klayman.</p> <p>11 A. Good morning, Mr. Sujat.</p> <p>12 Q. Would you please indicate for the</p> <p>13 record your full name.</p> <p>14 A. Larry Elliot Klayman, E-l-l-i-o-t,</p> <p>15 Klayman. I generally don't use the middle name.</p> <p>16 Q. Where and when did you receive your</p> <p>17 undergraduate degrees?</p> <p>18 A. Well, I attended, in terms of my</p> <p>19 education, Harriton High School in Philadelphia,</p> <p>20 Pennsylvania. I graduated in 1969.</p> <p>21 Q. Mm-hmm.</p> <p>22 A. And I then matriculated, as they say,</p>	<p>1 various parties.</p> <p>2 If I may just say a little bit -- I</p> <p>3 don't want to belabor it, although I really loved</p> <p>4 Senator Schweiker, I think he was a great man at</p> <p>5 the time -- what struck me is that assigning</p> <p>6 letters on the same subject, ranging from left to</p> <p>7 right, in terms of impression, to give the</p> <p>8 constituents the impression that you agreed with</p> <p>9 them, I felt that kind of strange. I think that</p> <p>10 was the beginnings of Judicial Watch and Freedom</p> <p>11 Watch years later.</p> <p>12 But he's a very nice man, a good man,</p> <p>13 and he was thought of as a liberal republican and</p> <p>14 ran on the first ticket with Ronald Reagan in 1976</p> <p>15 against Gerald Ford.</p> <p>16 So I worked there and I did other odd</p> <p>17 jobs.</p> <p>18 Q. Did that help compel you maybe into</p> <p>19 working for Washington, DC?</p> <p>20 A. Yes. I really learned to love</p> <p>21 Washington, D.C., just the challenge of being</p> <p>22 here. Not everything that went on, such as</p>
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<p>1 in Duke University, in Durham, North Carolina.</p> <p>2 Q. Mm-hmm.</p> <p>3 A. I graduated with a degree in political</p> <p>4 science and French literature in 1973. And also I</p> <p>5 was an honor student. I wrote a thesis on the</p> <p>6 events of 1968 in France when the government was</p> <p>7 almost overthrown.</p> <p>8 Q. Now where and when did you receive your</p> <p>9 law degree?</p> <p>10 A. I took a year off between law school</p> <p>11 and undergraduate school, and I worked for Senator</p> <p>12 Dick Schweiker from Pennsylvania on Capitol Hill.</p> <p>13 It was during Watergate, ironically.</p> <p>14 I also worked on weekends and holidays</p> <p>15 at Ritz Camera in Georgetown selling cameras.</p> <p>16 That's my hobby. I actually liked</p> <p>17 working in the camera store more than working on</p> <p>18 Capitol Hill.</p> <p>19 Q. Could you maybe explain a little bit</p> <p>20 more what you did on Capitol Hill?</p> <p>21 A. Yes. I was basically an entry-level</p> <p>22 person. So I would assign correspondence to</p>	<p>1 writing six different letters on the same subject.</p> <p>2 Q. So what is your occupation right now?</p> <p>3 A. My occupation, I'm a lawyer, and, just</p> <p>4 to give you a little background in that regard as</p> <p>5 to what kind of lawyer I am, is that I started</p> <p>6 with a litigation law firm in Miami called</p> <p>7 Blackwell and Walker, and it was at that time the</p> <p>8 biggest law firm in Florida, which wasn't that big</p> <p>9 by today's standards. It was about 60 people,</p> <p>10 litigation, and I learned how to try cases. I was</p> <p>11 lucky to work with a really excellent trial lawyer</p> <p>12 named Paul Larkin.</p> <p>13 After two years my first love was to be</p> <p>14 in Washington, although I loved Miami, too. But I</p> <p>15 was up here on vacation, and in those days you</p> <p>16 didn't have all this security. I literally rang</p> <p>17 the bell at the Justice Department and said "I</p> <p>18 want to talk to somebody in the Antitrust Division</p> <p>19 in the Assistant Attorney General's office." And</p> <p>20 I was called up. Antitrust was very popular then.</p> <p>21 I interviewed with someone named Bill Colton, who</p> <p>22 was the Chief of staff to the Assistant Attorney</p>

21 (Pages 947 to 950)

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<p style="text-align: right;">Page 951</p> <p>1 General John Shenefield, and they offered me 2 several positions in the Justice Department in the 3 antitrust division and I chose the Consumer 4 Affairs division. 5 Later, when I was in Consumer Affairs, 6 I transferred to the AT T division. I helped 7 break up the monopoly. 8 I left in 1983. Because of my 9 international background -- I speak French and 10 Italian and I also speak understandable Spanish. 11 It's not as good as the other two -- I wanted to 12 do something internationally, so I went with an 13 international trade law firm by the name of Busby 14 Reem and Leonard, free trade, and I was with them 15 for about two and a half years, and I started my 16 own law firm, Law Office of Larry E. Klayman. I 17 dropped the E and later became Klayman and 18 Associates. 19 In the course of doing that I did all 20 kinds of litigation. We did international trade, 21 import/export, anti-dumping, countervailing duty. 22 You were with me for a time, Fred, at</p>	<p style="text-align: right;">Page 953</p> <p>1 represented American importers, the importers of 2 fireworks, for instance, from China. 3 So that was kind of the practice I did, 4 general practice. I've been very fortunate to 5 practice in a number of different areas in my 6 career, which is now 40 years old. 7 Q. I was going to ask you, more recently, 8 what type of practice have you had, say in the 9 last ten or fifteen years? 10 CHAIRMAN FITCH: Just keep going 11 chronologically. 12 THE WITNESS: Yeah, so I started 13 Klayman and Associates. First it was the Law 14 Office of Larry E. Klayman, and at some point I 15 had had some experiences about the courts with 16 what I thought were unjust judges that were 17 discriminating against my clients based on their 18 national origin, that they were not getting a fair 19 shake. 20 And there came a point in time when I 21 encountered a judge in California who made various 22 remarks about my client that were very</p>
<p style="text-align: right;">Page 952</p> <p>1 that law firm. You worked with me, actually for a 2 long time. And, you know, we also did some 3 employment matters for people. We had some cases 4 in that regard. 5 I mean, it was basically general 6 practice with an emphasis on international trade 7 and litigation and corporate law work. 8 Q. Did you also represent various 9 government agencies in the process? 10 A. Yes. Well, we represented a lot of 11 foreign government agencies. I represented the 12 Italian Trade Commission for the government of 13 Italy. I represented the Portuguese Trade 14 Commission. We represented the government of 15 Thailand. We represented -- I'm trying to think. 16 Interestingly enough, there was the Romanian steel 17 industry at one point. 18 I'm a free trader, I believe in free 19 trade, and that was what Busby Reem and Leonard 20 believed in. 21 So we were generally on the defense 22 side of international trade proceedings, and we</p>	<p style="text-align: right;">Page 954</p> <p>1 prejudicial, and mocking his Chinese -- his 2 Taiwanese heritage. The judge was mocking my 3 Jewish heritage and some of the witnesses, and 4 also mocking a gay witness of theirs. I said to 5 myself after that, "Some day I'm going to start a 6 group to try to, in effect, be a type of Hamburger 7 Helper to the Bar to promote integrity in the 8 legal profession." Because I had gotten to the 9 point where I didn't think that we were living to 10 the standards that we should live to, and I don't 11 want to take up too much time with the panel -- 12 CHAIRMAN FITCH: Don't worry about that 13 right now. 14 THE WITNESS: Ok. 15 I'm very proud of what I did, and I'll 16 tell you why. I actually conceived of the name 17 "Judicial Watch" walking through Georgetown. I 18 was living in Georgetown. I was then married, and 19 I was walking in front of the Sports Authority and 20 the name came to me, "Judicial Watch," and that 21 became the name of my organization. And it was 22 like an alternative Bar association, in a way, to</p>

22 (Pages 951 to 954)

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<p style="text-align: right;">Page 955</p> <p>1 keep the government honest, try to keep it 2 honest -- today I say less dishonest -- and also 3 to promote ethics in the legal profession and get 4 good judges. That was it. 5 By the way, I really respect the 6 government and I respect the legal profession. I 7 believe in it. I don't believe it's held up to 8 the standards, and we heard Mr. Shamble talk about 9 that. 10 MR. TIGAR: I'm going to ask a favor of 11 both of you. Would you keep your voice up. If 12 you would. 13 THE WITNESS: I know I'm mumbling. I'm 14 sorry. 15 So I started Judicial Watch on July 16 29th, 1994. It became very prominent. It was 17 nonpartisan. It had a conservative Libertarian 18 ideology, which is mine. I'm half conservative, 19 half Libertarian in many ways, and I'm eclectic. 20 Many views of mine are actually liberal. I don't 21 believe in the death penalty, for instance. Who 22 was in office at the time? The Clintons were.</p>	<p style="text-align: right;">Page 957</p> <p>1 Everything just kind of went crazy. And at that 2 point I was just an international trade lawyer. I 3 did this as a hobby, Judicial Watch. 4 So, that's kind of when I came on and 5 people began to know about me and my advocacy. 6 Later there were cases involving Filegate, 7 Chinagate, Travelgate, IRSgate, all kinds of 8 gates. We all knew about it. And, you know, I 9 brought cases against the Clinton administration. 10 Then later, when President George W. 11 Bush won, people were surprised, because I always 12 said I was nonpartisan, but a lot of people didn't 13 believe me at that point. And I brought federal 14 lawsuits against him and Vice President Dick 15 Cheney. The one against the president himself was 16 over what I perceived to be, through a client, 17 Scott Dolley, the unconstitutional mass 18 surveillance of the American people. 19 And at Freedom Watch -- I'll tell you 20 about that as I get to it -- I brought another 21 case and we prevailed on that, under the -- that 22 is current, under the Obama administration.</p>
<p style="text-align: right;">Page 956</p> <p>1 And we tried to address some of the scandals that 2 were there, such as China gate. I played a big 3 roll in triggering the campaign finance scandal. 4 I had sought a FOIA request with regard to 5 overseas trade missions, which I had read an 6 article coming back from Los Angeles one day on 7 the plane: "Clinton cozies up to business in 8 Business Week." 9 An individual by the name of Bernard 10 Schwartz, who was the CEO of Loral Corporation, 11 was bagging that he gave \$100,000 to the 12 Clinton/Gore reelection campaign and got a seat on 13 the trade mission to China where the government, 14 under Secretary Ron Brown, helped him do business. 15 And I said to myself, "That's not 16 right." Because I'm a small law firm. I can't 17 afford to pay \$100,000 to have the government help 18 me do business. This is from my antitrust 19 background. 20 So I filed this FOIA request and one 21 thing led to the next. We uncovered a suspected 22 Chinese agent by the name of John Wong.</p>	<p style="text-align: right;">Page 958</p> <p>1 I also sued Vice President Cheney with 2 regard to what he did at Halliburton, which was to 3 inflate the earnings of Halliburton to create 4 investment through (inaudible). It was similar to 5 the Enron case. People couldn't believe I did 6 that either. 7 And then I also sued the vice president 8 and his energy task force for not disclosing who 9 he was meeting with in secret meetings, which were 10 setting energy policy for the United States. 11 So, I've always been nonpartisan. I 12 brought cases against Tom DeLay for taking 13 gratuities. I was the first to criticize Newt 14 Gingrich when he got into difficulty when he was 15 Speaker, suggested that he resign as the Speaker. 16 So that's who I am, ok. And by the 17 year 2003, I saw that Senator Graham in Florida, 18 because Florida is my home state -- adopted home 19 state. I was born in Philadelphia, having started 20 there with Blackwell and Walker. But I had a 21 condominium there. I would go frequently. 22 I was very much involved in the Cuban</p>

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<p style="text-align: right;">Page 959</p> <p>1 American community at Judicial Watch. I got a 2 judgment against the Cuban government for shooting 3 down the airplanes of Brothers to the Rescue, for 4 Jose Basulto. They were picking up rafters coming 5 out of Cuba.</p> <p>6 Also I played some role in the Elian 7 case at the end. And I really love Florida, 8 and -- like you do, Fred.</p> <p>9 So, I decided, when I saw that Senator 10 Graham was retiring, that I would run for the U.S. 11 Senate. I ran as a very independent republican, 12 in other words I ran against the republican party. 13 But I could not overcome the George W. Bush 14 machine which wanted to install HUD Secretary Mel 15 Martinez. So I lost that race.</p> <p>16 I probably was better off. I think I'm 17 better off from the outside, and after that I 18 started Freedom Watch, and I also continued on in 19 my private practice doing many of the same things 20 I did at Klayman and Associates. So I had a dual 21 practice.</p> <p>22 But I went through a difficult period,</p>	<p style="text-align: right;">Page 961</p> <p>1 man. So I was on the executive finance committee. 2 But the international center, after I 3 finished the campaign, I changed its name and I 4 changed its mission. I converted it to Freedom 5 Watch. And we still promote free trade. We still 6 promote legal immigration. And I was never one to 7 go out there bashing immigrants. I'm a 8 second-generation myself. And I really loved the 9 Latino -- "Latin," they'll say in Miami, "Latin" 10 community. They don't say "Latino" --in Miami.</p> <p>11 So, my Chief of Staff when I ran for 12 the senate, Sandy Cobas, is Cuban American, and 13 she introduced me to a lot of the Cuban community.</p> <p>14 So the answer to the Chair's question, 15 it was started earlier, but it really -- the 16 International Center for Economic Justice put on a 17 debate in 1996 I believe it was at the Press Club 18 to promote an understanding of immigration, why it 19 was important in the United States, and free trade 20 as well. And I had all the third-party candidates 21 there, the major party candidates. It was 22 televised on C-SPAN.</p>
<p style="text-align: right;">Page 960</p> <p>1 and in and around 2008, the finances were bad. I 2 was hurting. And so I developed sympathy for 3 other people that were hurting and were not 4 treated well. And Ms. Sataki was one of them.</p> <p>5 CHAIRMAN FITCH: Approximately when was 6 Freedom Watch founded?</p> <p>7 THE WITNESS: It was founded earlier 8 than 2004 when I did not win the primary. It was 9 previously known as the International Center for 10 Economic Justice, and I forget the exact years. I 11 think it was maybe 1996.</p> <p>12 CHAIRMAN FITCH: Sure.</p> <p>13 THE WITNESS: And I founded it to 14 promote immigration, interestingly enough, which 15 is a big controversy today, because I thought 16 immigration was good for the United States, and I 17 also did it to promote free trade.</p> <p>18 Around that time I also was trying to 19 help personally congressman Jack Kemp be elected 20 president, because I really liked him. He brought 21 minorities into the republican party. He believed 22 in free trade. I thought he was a really good</p>	<p style="text-align: right;">Page 962</p> <p>1 Later, Judicial Watch, we did a debate 2 of the presidential candidates in 2000, and, 3 interestingly enough, Vice President Al Gore 4 accepted. But I think he got criticism for that 5 and bowed out at the last minute, because, you 6 know, to be with Larry Klayman on the dais who had 7 sued the administration, I think he -- but he did 8 accept at first, and we had the third-party 9 candidates there, and that also was televised.</p> <p>10 So this is who I am. I do believe in 11 causes. I do believe in justice. I do believe 12 in, ironically, what the Bar sometimes does. 13 Obviously not with regard to this case.</p> <p>14 But I tried to be someone who would 15 improve the legal profession in my public interest 16 capacity, make it more honest, and tried to 17 address, particularly federal judges who 18 frequently feel that they're not accountable 19 because of their lifetime tenure and they can 20 basically do whatever they want. I saw that 21 frequently, particularly because I was 22 representing people from the other side of the</p>

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<p style="text-align: right;">Page 963</p> <p>1 street, you know, foreign interests, employers, 2 and I didn't think that was fair, to treat the 3 American interest better than interest generally. 4 BY MR. SUJAT: 5 Q. Mr. Klayman, have you also worked on 6 employment matters and, you know, represented 7 employees? 8 A. No, I have, and I had several cases in 9 that regard. As I said, I was part of a general 10 practice, and that's part of what we did. 11 Q. Mm-hmm? 12 A. You know, one of the reasons I took the 13 job at the Consumer Affairs section -- because I 14 was offered to go to the International Antitrust 15 section -- was because Consumer Affairs 16 represented five government agencies. I wanted to 17 learn, not just government litigation, but 18 administrative law in a better way. And we 19 represented the Federal Trade Commission and the 20 Consumer Products Safety Commission, the Federal 21 Reserve Board, the Department of Agriculture, the 22 National Highway Safety and Transportation</p>	<p style="text-align: right;">Page 965</p> <p>1 Q. I was going to ask another question on 2 that. 3 A. Yeah. 4 Q. And again, I just wanted to ask you, 5 are you now and have you always been in good 6 standing to practice in those states? 7 A. Yeah -- with that caveat that I didn't 8 take the CLE -- in all three bars. 9 Q. So what I was going to ask here is, 10 could you explain the disciplinary history in 11 Florida and Pennsylvania. 12 I was going to also refer you to 13 Respondent's Exhibits 23 and 30, respectively. 14 MR. SUJAT: Which I would like to enter 15 into the record. 16 THE WITNESS: We'll do one at a time. 17 Now at 23. 18 BY MR. SUJAT: 19 Q. Yes. 20 A. This is Petitioner's Exhibit 23. 21 Q. Respondent's. 22 A. No, it's Petitioner's Exhibit 23.</p>
<p style="text-align: right;">Page 964</p> <p>1 Administration, and this gave me a deep 2 understanding in administrative practice as well 3 as litigation. 4 So, you know, given the fact that you 5 have Office of Civil Rights complaints in 6 administrative cases, I felt I was very well 7 versed in that kind of administrative law. 8 Q. Mr. Klayman, in what states are you 9 licensed to practice law? 10 A. I'm licensed in Florida and the 11 District of Columbia. I've been continuously a 12 member in good standing with those bars, and I'm 13 currently inactive in Pennsylvania. I didn't take 14 CLE. I was moving around a lot. I didn't get -- 15 I accidentally checked off that I was an active 16 member rather than an inactive member, so my 17 ability to practice law in Pennsylvania 18 deactivated. And recently I've taken a number of 19 CLE courses to reactivate it. 20 I have no disciplinary record in 21 Pennsylvania over all these years, and -- so 22 that's Pennsylvania.</p>	<p style="text-align: right;">Page 966</p> <p>1 Q. And also have you looked at -- would 2 you take a look at 30. 3 A. Is that Respondent's -- 4 Q. Respondent's Exhibit 30. 5 A. You know, Fred, I'm sorry about being 6 informal here. You were right about Respondent's 7 Exhibit 23. That's also relevant to this 8 question. 9 Q. Yes. 10 A. Which I'll point out, if I may? 11 Q. Yes, absolutely. 12 A. Petitioner's Exhibit 23 contains the 13 supplemental complaint of Ms. Sataki that was 14 prepared by either her -- 15 MR. SMITH: Which exhibit are you 16 looking at now? 17 THE WITNESS: Respondent's. Let me 18 just key it up, because I can move it along 19 faster. 20 MR. SMITH: Respondent's 23? 21 THE WITNESS: Respondent's Exhibit 23 22 is the supplemental complaint of Ms. Sataki. I'm</p>

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<p style="text-align: right;">Page 967</p> <p>1 going to get back into her testimony, but it's 2 prepared by Miss Kathleen Staunton. 3 CHAIRMAN FITCH: That's not my 4 Respondent's 23. 5 THE WITNESS: I'm sorry, Petitioner's 6 23. My apologies. 7 CHAIRMAN FITCH: Is that the one you 8 want to discuss? 9 THE WITNESS: Yeah, that's the one -- 10 CHAIRMAN FITCH: Now wait a minute, Mr. 11 Klayman. I'm asking Mr. Sujat. 12 Do you want to discuss Respondent's 23 13 or Disciplinary Counsel's 23? 14 MR. SUJAT: Actually I'd like to 15 discuss both of them. Right now we're looking at 16 23 and 30 of Respondent's exhibits. 17 THE WITNESS: Let's start with the 18 petitioner's. 19 BY MR. SUJAT: 20 Q. You want to start with the 21 petitioner's. It was the amended complaint, I 22 believe. That references --</p>	<p style="text-align: right;">Page 969</p> <p>1 reactivated, six years into the fact, the records 2 of those bars were purged. After five years 3 they're purged, essentially. So I got the 4 disciplinary records from those bars to show that 5 there was none, so that therefore this must have 6 been dismissed, this complaint. 7 That's what you're referring to in 8 Respondent's exhibits. 9 MR. SUJAT: Yes, we want to move those 10 two exhibits, Respondent's exhibits into evidence. 11 CHAIRMAN FITCH: Wait just a minute. 12 Because I think you want me and the other members, 13 at least as one does always as evidence that's 14 going on, to look preliminarily at something else. 15 And what you want us to look preliminarily at is 16 Respondent's Exhibit 23. 17 MR. SUJAT: Preliminarily we're looking 18 at Bar -- 19 THE WITNESS: Yeah, and we're looking 20 at Respondent's Exhibit 23. 21 MR. SUJAT: -- Bar 23, and then we're 22 looking at 23, Respondent's.</p>
<p style="text-align: right;">Page 968</p> <p>1 A. Number 23. 2 MS. LARKIN: What are we doing now? 3 CHAIRMAN FITCH: My understanding is 4 that we are now getting ready to talk about -- 5 MR. SUJAT: Petitioner's 23. 6 CHAIRMAN FITCH: -- DX23, or 7 Petitioner's 23, as Mr. Klayman sometimes refers 8 to it. 9 BY MR. SUJAT: 10 Q. So could you explain that? 11 A. Yeah, I'll link it up and I'll try to 12 move it along. 13 This supplemental complaint was, 14 according to Ms. Sataki's testimony, prepared by 15 Kathleen Staunton and perhaps her cousin, Sam 16 Razavi. It states at paragraph C, "Have you filed 17 a complaint about this matter anywhere else? If 18 yes, give details." "Complaint also filed in 19 Pennsylvania and Florida." 20 I wanted to be able to show that in 21 fact those complaints were summarily dismissed. 22 However, by the time that this case was</p>	<p style="text-align: right;">Page 970</p> <p>1 THE WITNESS: Well, I can turn then to 2 the Respondent's. 3 BY MR. SUJAT: 4 Q. And 23 references the Florida Bar. 5 A. Yes, 23 is my disciplinary record in 6 Florida, and it doesn't make any reference to any 7 action that was taken with regard to Ms. Sataki. 8 Q. Alright. 9 A. Therefore confirming that it was 10 dismissed. 11 Q. Yes. 12 A. And when Ms. Sataki testified she 13 confirmed that the Exhibit 23 and Bar Counsel was 14 accurate, and I specifically refer to line C, I 15 believe, complaint also filed in Pennsylvania and 16 Florida. 17 I'll turn to 30, as you requested. 18 Q. Mm-hmm? 19 A. And this is my disciplinary record in 20 Pennsylvania, and it says there's no record of 21 private or public discipline in Pennsylvania, and 22 that I have no complaints pending as of May 22nd,</p>

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<p style="text-align: right;">Page 971</p> <p>1 2018.</p> <p>2 So that also confirms that Pennsylvania</p> <p>3 was dismissed because they don't have the records</p> <p>4 anymore.</p> <p>5 And in addition I might add, Mr. Sujat,</p> <p>6 I had discarded a lot of my records over the six</p> <p>7 years before I was notified by Bar Counsel that</p> <p>8 this case was still active. I thought the case</p> <p>9 had been dismissed, so, my records either were</p> <p>10 discarded and/or lost. I thought this thing had</p> <p>11 been resolved, such as Pennsylvania and Florida</p> <p>12 had done.</p> <p>13 THE WITNESS: Move these into evidence.</p> <p>14 MR. SUJAT: Yes.</p> <p>15 CHAIRMAN FITCH: They are admitted.</p> <p>16 MR. SMITH: I have a question about --</p> <p>17 there's some handwriting appears on Page 2 of the</p> <p>18 Bar Exhibit Number 23 and I'd like some</p> <p>19 explanation for that handwriting, whether that's</p> <p>20 something from the Florida Bar or whether someone</p> <p>21 else wrote that in there.</p> <p>22 THE WITNESS: Are you talking about</p>	<p style="text-align: right;">Page 973</p> <p>1 loophole, in Florida, because that was my first</p> <p>2 Bar, that you had to have lived there six months</p> <p>3 before you took the bar to waive into DC. And I</p> <p>4 hadn't lived there six months before, so I</p> <p>5 actually had to take the DC bar, and I passed.</p> <p>6 So since 1982. That would make it 36</p> <p>7 years.</p> <p>8 Q. So, getting into this case here,</p> <p>9 approximately when did you meet Ms. Sataki for the</p> <p>10 first time?</p> <p>11 A. I met her in the late fall of 2009.</p> <p>12 Q. Where did you meet her?</p> <p>13 A. I was at that time, to give you a</p> <p>14 little context, representing a family whose sons</p> <p>15 were leaders of the student movement in Iran, the</p> <p>16 Green Movement. Their names are Akbar and</p> <p>17 Manouchehr Mohammadi. And, you know, as you'll</p> <p>18 see in some of the columns that I wrote, not only</p> <p>19 did I sympathize with them, because they were very</p> <p>20 brave people -- Akbar was tortured and killed;</p> <p>21 Manouchehr escaped -- and I was bringing a case</p> <p>22 for Akbar, initially. Later Manouchehr came into</p>
<p style="text-align: right;">Page 972</p> <p>1 Respondent's exhibit, or --</p> <p>2 MR. SMITH: Respondent's Exhibit Number</p> <p>3 23.</p> <p>4 THE WITNESS: You said Bar exhibit.</p> <p>5 MR. SUJAT: I think he's referring to</p> <p>6 Respondent's exhibit.</p> <p>7 MR. SMITH: Respondent's Exhibit Number</p> <p>8 23 on the second page.</p> <p>9 THE WITNESS: Yeah, that's my</p> <p>10 handwriting. I was just making reference to the</p> <p>11 fact that it didn't have anything to do with</p> <p>12 Sataki.</p> <p>13 MR. SMITH: No objection.</p> <p>14 THE WITNESS: Thank you for asking.</p> <p>15 BY MR. SUJAT:</p> <p>16 Q. Mr. Klayman, how long have you</p> <p>17 practiced law in the District of Columbia?</p> <p>18 A. I became a member in 1982, right before</p> <p>19 I left the Justice Department. I'm one of the few</p> <p>20 people in the history of DC that actually took the</p> <p>21 Bar exam here and didn't just waive in.</p> <p>22 In those years there was kind of a</p>	<p style="text-align: right;">Page 974</p> <p>1 the case. So I became very much involved in the</p> <p>2 Iranian freedom movement. I felt this was</p> <p>3 something really unique that could change the</p> <p>4 whole scope of the word. And Iran -- I'm starting</p> <p>5 to talk a little bit with an Iranian accent, a</p> <p>6 little sing-songy, which is a nice accent -- I</p> <p>7 felt that if the regime could change, then we</p> <p>8 wouldn't have an issue with nuclear weapons and</p> <p>9 that Iran ultimately could become a friend of</p> <p>10 Israel, I felt, because they had common interests</p> <p>11 in the Middle East.</p> <p>12 So I became very much involved with</p> <p>13 that and I really sympathized with that family and</p> <p>14 I brought lawsuits for that family.</p> <p>15 So insofar as I got to know the Iranian</p> <p>16 community, I went up to Capitol Hill. There was a</p> <p>17 freedom match. And standing, doing an interview,</p> <p>18 was a lady who appeared to be about 40 years old,</p> <p>19 about that, and I walked up and I said, you know,</p> <p>20 "I'm Larry Klayman and I see you're doing an</p> <p>21 interview. I brought a lawsuit for Akbar</p> <p>22 Mohammadi" -- Akbar's very famous -- and I said,</p>

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<p style="text-align: right;">Page 975</p> <p>1 "If you ever want to do a story about it, let me 2 know." And it was very brief because she was 3 busy doing her interview. And I gave her my card. 4 And then I walked away. 5 I was with somebody else, probably my 6 client, the Mohammadi family, and she ran after me 7 as I was walking town the path at the Capitol on 8 the side facing the mall, and she says, "Here, 9 take my card." And she had written on that card 10 her personal cell phone number. She said, "Call 11 me," ok. And I called her and I left a message. 12 She didn't get back to me for a while. 13 Eventually she got back to me, and she 14 said, "Larry, I've had some difficulties. It's 15 been a hard time. Sorry, I didn't call you back." 16 And I said to her, "Well, you want to 17 meet? You want to have dinner sometime?" She was 18 attractive. She seemed nice. And I was single. 19 So I invited her to Clyde's Restaurant. 20 And we met there. And I was in the back, I had a 21 table for two. And she came in, and I saw her at 22 the bar, and I came up to her, and she gave me a</p>	<p style="text-align: right;">Page 977</p> <p>1 co-anchor," she described it, "Mehdi Falahati, and 2 before that I was unfairly criticized for my 3 abilities and I need help." 4 And I said, "Well, I'll try to help 5 you, and, you know, I'll do it out of friendship. 6 We're now friends." 7 I mean, I do that. I'm not wealthy. I 8 don't have much. I never made a lot of money, and 9 so it was clear I would do it pro bono for her and 10 try to help her, you know. 11 And we later met and she would tell me 12 what was going on. And we met in a private place. 13 I had actually had an apartment over in Arlington 14 near Pentagon City. We met there, and that's 15 where we actually prepared complaints together. 16 So she was there when the complaints were 17 prepared. She was giving me the information to 18 prepare. We did them together. And it developed 19 into a friendship, a close friendship, and I was 20 going through a hard time. 21 I had difficulty with my former 22 organization, Judicial Watch, that -- there's</p>
<p style="text-align: right;">Page 976</p> <p>1 kiss on the cheek, you know, Persian style. 2 Latins are very -- are that way, too. 3 Q. Could you explain "Persian style"? 4 A. Well, it's like Latins. You greet 5 somebody by giving somebody a kiss. I think we're 6 really the only people that don't do that in the 7 world. 8 Q. You're right. 9 A. On the cheek. 10 And we sat down. And the -- you know, 11 pleasantries, niceties, trying to get to know each 12 other. And it was clear to me, I hadn't really 13 asked her there for a professional reason. I had 14 no desire that I knew of at the time to represent 15 her. I just wanted to get to know her and see 16 what she did and if she might be interested, you 17 know, in doing some stories and that kind of 18 thing. 19 It was no sooner than about five to ten 20 minutes before she broke down in tears and grabbed 21 my hand and said, "Larry, I really have big 22 problems. I've been sexually harassed by my</p>	<p style="text-align: right;">Page 978</p> <p>1 somebody from them sitting back there right now 2 taking notes. How they got there is another 3 story. And I have a malicious defamation judgment 4 against them, over the years, and I don't need to 5 get into that here, but his name was James 6 Peterson. I actually hired him. 7 But I sympathized with her, because I 8 had gone through a hard time in my life. I had 9 gone through a hard time in my personal life. I 10 had gone through a hard time financially. At one 11 point I had so little money I would, you know, go 12 to the Hyatt and get a free apple. I mean, I 13 understood what it was like to hit the skids, you 14 know. 15 So my heart went out to her, and I 16 identified with her. To some extent, and I -- you 17 know, by trying to help her and others that I was 18 helping, I was trying to forget about my own 19 problems that I had. So it became a close 20 friendship. 21 From there, you know, I was introduced 22 to Tim Shamble. She told me she was writing --</p>

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<p style="text-align: right;">Page 979</p> <p>1 that she had met with him over this. I met Mr. 2 Shamble. I was very impressed with him. He's a 3 very honest and good person. And, you know, 4 that's when we had the meetings that he testified 5 to a few minutes ago, where we discussed trying to 6 settle this thing, to settle the case. He told me 7 how difficult Voice of America was to work with. 8 He was aware, to some extent, of my 9 background, that I take on difficult causes that 10 other people don't take on, and that he needed a 11 strong lawyer to take VOA on. 12 So we set out -- if I may just do a 13 little narrative here, we can break it up, but I 14 can move it along quickly, if the panel indulges 15 me... 16 We decided to try to set up some 17 meetings with VOA, and we did that, and we got 18 this resistance. We got this hostility, and I 19 couldn't figure out why we were getting hostility. 20 But later Mr. Shamble explained to me, "That's the 21 way they are." And we decided we needed to try to 22 coax them into a settlement. That was the reason</p>	<p style="text-align: right;">Page 981</p> <p>1 So at that point, when we couldn't 2 settle it, I then fashioned lawsuits, and perhaps 3 you'll show me those lawsuits, Mr. Sujat, that 4 also would try to put pressure on them, because 5 the publicity was not producing exactly what we 6 needed at that time. And she had wanted me to sue 7 the harasser, Falahati, and two of her managers, 8 Susan Jackson and another one. Because when she 9 complained to Mr. Shambles, she was -- she told me 10 she was retaliated against. 11 So we filed that lawsuit, and then I 12 did one against the Board of Governors, and you 13 know, they were named. You know, it was a Bivens 14 case, but it was also a case that was fashioned, 15 later amended under a case called Wagner vs. 16 Taylor, and we also had filed -- we identified 17 that this morning -- an Office of Civil Rights 18 complaint, an administrative complaint. 19 Wagner v. Taylor stands for the 20 proposition that, while a civil rights complaint 21 is ongoing, administratively, that you can go to a 22 federal district court and ask them to preserve</p>
<p style="text-align: right;">Page 980</p> <p>1 for the publicity. 2 Because I knew over the years that 3 publicity drives legal cases and other matters in 4 Washington, D.C. No place in the world is 5 publicity more important to trying -- to move a 6 case. Not just with agencies, but with judges. I 7 saw that at Judicial Watch judges would take an 8 interest in the case if they read about it in the 9 newspaper or they saw it on TV. Everybody wants a 10 sexy case, you know, so to speak, quote unquote. 11 So that was the reason for that. 12 And these people were so difficult that 13 I was basically saying to them, and in fact I told 14 them this in advance, you know, "This is not good. 15 It's not going to be good for VOA. Let's settle 16 this thing." And they just dug in their heels. 17 So that was the reason for the 18 publicity. She agreed to it, Tim agreed to it, 19 and there will be other witness that will testify 20 in this proceeding that she agreed to the 21 publicity, and that to me was the way things could 22 be moved along. And she accepted that.</p>	<p style="text-align: right;">Page 982</p> <p>1 the status quo, which in this case would be -- 2 because this is what she wanted. She wanted to be 3 in LA. That's where the Persian community is. 4 That's where her friends were. She told me she 5 didn't like Washington, D.C. She was only here 6 because of Voice of America. And she didn't feel 7 comfortable in that environment in Washington, 8 D.C. She told me -- in fact it's in her 9 testimony -- "Larry, if I stay here, I'll kill 10 myself. I'll commit suicide. And I don't want to 11 be in this presence, and I don't speak English 12 that well." That was one of the criticisms of her 13 and her Farsi at VOA, and "I won't -- I'll get 14 fired in the Central News Agency, because my 15 English isn't good enough. So they're setting me 16 up. And I don't want to be there because of -- I 17 don't want to have to walk past my former 18 co-anchor, Falahati, every morning." 19 And she was very emotional and would 20 break down, and you know, apparently eight years 21 later, it's not changed that much, from what I 22 could see, you know, when she was on the witness</p>

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<p style="text-align: right;">Page 983</p> <p>1 stand, is that she fears people.</p> <p>2 She has a -- I perceived her to have a</p> <p>3 fear of men, and I tried to be her close friend</p> <p>4 and I really started to care about her deeply. I</p> <p>5 really did. And I don't make any apologies for</p> <p>6 that, and I care about everything that I do</p> <p>7 deeply. That's who I am.</p> <p>8 So we filed these cases and I told her,</p> <p>9 I advised her when the case was filed, it was</p> <p>10 first filed and assigned randomly --</p> <p>11 CHAIRMAN FITCH: Before we get to the</p> <p>12 case, I was just taking some notes on something.</p> <p>13 THE WITNESS: Sure.</p> <p>14 CHAIRMAN FITCH: And you used the term,</p> <p>15 and we've had it from -- Mr. Shamble?</p> <p>16 THE WITNESS: Shamble.</p> <p>17 CHAIRMAN FITCH: -- Shamble, as well,</p> <p>18 "Central News Bureau." Is that initial caps?</p> <p>19 That's a formal part of the Persian part of VOA?</p> <p>20 THE WITNESS: Yes.</p> <p>21 CHAIRMAN FITCH: So it is a formal</p> <p>22 section. Alright.</p>	<p style="text-align: right;">Page 985</p> <p>1 things. I was writing letters, and you saw some</p> <p>2 of them this morning. And we were having meetings</p> <p>3 with Voice of America, general counsel,</p> <p>4 Kollmer-Dorsey, and others, and we weren't getting</p> <p>5 anywhere.</p> <p>6 So I then decided that, before we even</p> <p>7 filed suit, and even thereafter, we would try to,</p> <p>8 knowing the way Washington works, get some support</p> <p>9 on Capitol Hill. That's when Mr. Shamble and I</p> <p>10 went up to meet with the Chief of Staff of Senator</p> <p>11 Tom Coburn. He had been very critical of Voice of</p> <p>12 America, about the way it was broadcasting</p> <p>13 overseas. It wasn't as pro-American as he wanted.</p> <p>14 He was critical of, you know, the employment</p> <p>15 situation and we sought his help. And I met with</p> <p>16 his Chief of Staff who I'd known from earlier</p> <p>17 travails in Washington, and Mr. Shamble was with</p> <p>18 me.</p> <p>19 We also went to the office of Senator</p> <p>20 John McCain and Mr. Shamble was with me. I had</p> <p>21 several meetings with them -- we had several</p> <p>22 meetings with them, at the staff members, and</p>
<p style="text-align: right;">Page 984</p> <p>1 THE WITNESS: It's not part of the</p> <p>2 Persia News Network.</p> <p>3 CHAIRMAN FITCH: That is of course what</p> <p>4 the record shows.</p> <p>5 THE WITNESS: It's a separate part. It</p> <p>6 broadcasts to the Middle East in English. It's</p> <p>7 mostly to Arabic countries.</p> <p>8 CHAIRMAN FITCH: This testimony is</p> <p>9 important and I want the record to be precise.</p> <p>10 THE WITNESS: I yes. And she -- you</p> <p>11 know, Persian people, Iranian people, are not</p> <p>12 Arabic.</p> <p>13 CHAIRMAN FITCH: Right.</p> <p>14 THE WITNESS: So they don't gravitate</p> <p>15 to that culture, and they're very proud of being</p> <p>16 Persian. So she didn't really want to be there,</p> <p>17 because she didn't feel that she would influence</p> <p>18 the world much there and that she couldn't speak</p> <p>19 English well. So she felt they were setting her</p> <p>20 up to fail. So she was very adamant about going</p> <p>21 to LA.</p> <p>22 At this time we were trying to settle</p>	<p style="text-align: right;">Page 986</p> <p>1 Senator McCain and Mr. Coburn never did much of</p> <p>2 anything -- didn't do anything for Ms. Sataki.</p> <p>3 They were preoccupied, I guess, with other issues,</p> <p>4 which was unfortunate.</p> <p>5 I then went to Senator Lieberman, asked</p> <p>6 for his help. He didn't do anything. And then I</p> <p>7 have a friend -- he's going to testify, who I got</p> <p>8 to know, he's Iranian, he lives in the Washington,</p> <p>9 D.C. community -- named Keya Dash. Keya's brother</p> <p>10 worked for VOA. It's a prominent family, the Dash</p> <p>11 family. People might remember Dash Designers, it</p> <p>12 was a clothing store? The family owned that</p> <p>13 store. They're now in commercial real estate.</p> <p>14 And Keya's brother worked for Voice of America in</p> <p>15 the accounting department. So I thought maybe we</p> <p>16 could use that as a way to convince people at</p> <p>17 Voice of America to help Ms. Sataki.</p> <p>18 So I wanted Elham to meet Keya. And we</p> <p>19 met at Morton's Restaurant and Keya was there.</p> <p>20 And Keya smoked cigars, so we went in the smoking</p> <p>21 room -- I don't smoke -- on the side on the</p> <p>22 patio...</p>

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1 As we're sitting there, I noticed --
2 and I'm trying to explain to Keya to meet Elham,
3 so he could be of help to her, you know, with the
4 family, and others he might know in the Iranian
5 community -- and sitting across from me is John
6 Boehner. And I said, "Look, there's Congressman
7 Boehner. He's soon going to be Speaker of the
8 House." So I said, "Let's meet Congressman
9 Boehner. Maybe he can be of some help."

10 So I had met Congressman Boehner, you
11 know, on more than one occasion in the past. He
12 knew who I was from the past. We were on Judicial
13 Watch all the time. And I went up to him, and I
14 said "John" -- you know, in Washington you use
15 someone's first name, and I said, "how you been?"

16 He said, "I'm fine. How are you,
17 Larry?" And I said, "I want to introduce you to
18 my client, Elham Sataki. She has a problem with
19 Voice of America." And I turned to Elham and I
20 said, "Can you explain to the next Speaker of the
21 House what your problem is." And she did,
22 briefly. He was very friendly. He had a couple

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1 of drinks. He smokes a lot, and he was really
2 warm, and he said, "We'll help you." And he gave
3 us a card of his Chief of Staff, and he says, "You
4 contact them and we'll help you."

5 When the meeting ended, he gave her a
6 kiss on the cheek. It wasn't anything untoward.
7 And he said "I just wish you well and we'll help
8 you."

9 So we went up to his office, too, and
10 we asked them for help, and nothing ever
11 transpired there either. I was getting very
12 disillusioned that he wouldn't help somebody like
13 this, you know, who had a need.

14 And I was also trying to get them to
15 clean up the situation about the division of
16 politics at Voice of America, because you did have
17 these two factions. And one of the reasons that
18 Elham, we thought, was discriminated against and
19 why they didn't give dignity to her claims is
20 because her family was in the government of the
21 Shah, and that's how they wound up in Sweden.
22 They had to flee. The parties that were in

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1 control of VOA were the anti-Shah people. One of
2 them was named Alex Sajedi, S-a-j-e-d-i, and the
3 rumor was that his father was a "mullah," an
4 advisor to Ayatollah Khomeini in Iran. How
5 someone like that could run the Persia News
6 Network, which I jokingly said was supposed to do
7 propaganda into Iran, was difficult to understand.

8 But there were these factions. And
9 there were 30 VOA broadcasters that complained
10 about the coverage that was being done. And I
11 think, to some extent, the then Obama
12 administration didn't want to offend the Iranians
13 that negotiated with VOA, but it offended the
14 broadcasters because they thought maybe VOA should
15 be used as it was during the days of the Soviet
16 Union and try to bring it down.

17 So, there was that.

18 And that's what ultimately gave rise to
19 my preparing these complaints with Ms. Sataki,
20 sitting there side-by-side with her, hour upon
21 hour. And if you look at, you know, all the
22 correspondence and the complaints, they're very

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1 detailed. They're very exact. She was feeding me
2 information.

3 BY MR. SUJAT:

4 Q. Mr. Klayman, what I'd like to do is I'd
5 like to introduce into evidence these pleadings.

6 A. Yes.

7 Q. For instance, two of them I have in
8 mind right now, Exhibit 2, Respondent's Exhibit 2,
9 Sataki vs. Falahati, and Exhibit 3, and exhibit
10 29, which would deal with Sataki vs. Broadcasting
11 Board of Governors, et. al.

12 CHAIRMAN FITCH: Give us a minute,
13 because I think those are in different books, am I
14 right?

15 THE WITNESS: Show me the first one,
16 Mr. Sujat.

17 BY MR. SUJAT:

18 Q. Right. Two and three.

19 MR. TIGAR: Two is in binder one and
20 three is in binder two.

21 MR. SUJAT: Two, yes, in the book
22 that's one of four.

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<p style="text-align: right;">Page 991</p> <p>1 CHAIRMAN FITCH: Are you proposing to 2 spend some time on these? If so, I will take a 3 minute and get a copy. 4 THE WITNESS: Yes, let's take a minute. 5 MR. SUJAT: Do you have that? 6 THE WITNESS: Which exhibit? 7 BY KLAYMAN: 8 Q. This will be Exhibit 2. We'll do one 9 at a time. That will be Exhibit 2, Respondent's 10 exhibit. It's book one of four. 11 CHAIRMAN FITCH: Alright, are we going 12 to talk about RX2? 13 MR. SUJAT: That's correct, your Honor. 14 CHAIRMAN FITCH: Ok. 15 BY MR. SUJAT: 16 Q. RX2 is the case of Sataki vs Falahati, 17 and Mr. Klayman -- 18 A. Right, and for the court reporter, it's 19 M-e-d-h-i F-a-l-a-h-a-t-i. 20 A. I brought this case because we wanted 21 to get a case against the harasser for the 22 harassment. But it was understood that Mr.</p>	<p style="text-align: right;">Page 993</p> <p>1 true, on March 1st, 2010 in the District Court, DC 2 Superior Court? 3 A. Correct. And then it was removed to 4 the federal court. 5 Q. Could you explain a little bit more 6 about the -- 7 A. The other complaint was removed against 8 the Board of Governors. You might want to show me 9 that. 10 Q. Right. 11 A. And of move this into evidence. 12 MR. SUJAT: Yes, we're going to 13 introduce that into evidence. So that is 14 Respondent's 3, Respondent's Exhibit 3. So it 15 would be the next book. 16 THE WITNESS: I believe it's Exhibit 2 17 we just identified. 18 MR. SUJAT: We just introduced Exhibit 19 2, Sataki vs. Falahati. 20 CHAIRMAN FITCH: And, Mr. Smith, you 21 will no doubt notice that there are some number of 22 pleadings behind tab number two in Respondent's</p>
<p style="text-align: right;">Page 992</p> <p>1 Falahati didn't -- I didn't do it for money. I 2 did it because she wanted me to do it. And I 3 thought it was the right thing to do, and it was 4 clear that she would never really get a recovery 5 against Mr. Falahati, but this was the right way 6 to proceed, so I did it, and I did it pro bono. 7 And it was also to put pressure on. 8 That was another reason I did it. Because this 9 was their anchor. I mean, ironically, and 10 tragically, while they wouldn't give her 11 ultimately -- and we'll get to that -- leave to 12 live in Los Angeles, they later cut her salary 13 off. I then kept her afloat financially. 14 Falahati was still working there at 15 Voice of America. Ultimately they put him on 16 administrative leave, after I filed the Office of 17 Civil Rights complaint. They continued to pay 18 him, but they cut her off, you see? So that's why 19 I subsidized her at the time -- you'll see the 20 documents later, I paid her what she would have 21 gotten, her salary. 22 Q. This case here, it was filed, is it</p>	<p style="text-align: right;">Page 994</p> <p>1 book. 2 Do you object to any of that? 3 MR. SMITH: I do not. 4 CHAIRMAN FITCH: The entire body of 5 documents comprising Exhibit 2 is admitted. 6 MR. SUJAT: Thank you, your Honor. 7 BY KLAYMAN: 8 Q. And we have Respondent's Exhibit 3. I 9 believe that would be the second book. 10 MR. TIGAR: To be clear, Exhibit 3 is a 11 lengthy exhibit and portions of it are in binder 12 two and than portions carry over into binder 13 three. 14 Is that correct? 15 MR. SUJAT: It starts in two of four, 16 Respondent's Exhibits 2 of 4. 17 CHAIRMAN FITCH: And, as Mr. Tigar 18 points out, the latter part of Exhibit 3, which is 19 about an inch thick or more, appears at the 20 beginning of Respondent's Part 1 of 4. 21 MR. SUJAT: Part 3 of 4, right? 22 CHAIRMAN FITCH: No. In mine,</p>

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<p style="text-align: right;">Page 995</p> <p>1 something appears at the beginning of part one of 2 four without any title, and I'm kind of 3 assuming -- well, I stand corrected. 4 Am I correct, for the record, that 5 Exhibit 3, the entire Exhibit 3, is found in the 6 Respondent's notebook that's called Part 2 of 4 7 and the Respondent's notebook that's called Part 3 8 of 4? 9 MR. SUJAT: That's correct. 10 MR. SMITH: I have a question. 11 You're correct, in my book there is 12 about an inch, inch-and-a-half thick compendium of 13 documents which precede what is marked as Exhibit 14 1, and I'm curious as to whether or not these 15 documents should be as part of -- 16 CHAIRMAN FITCH: And I have that 17 question also. 18 THE WITNESS: Yes, they should be. 19 MR. SMITH: My solution is to put that 20 inch thing of documents which precedes Exhibit 1, 21 which was in book one of four, into book two of 22 four as I would imagine the rest of Bar Exhibit</p>	<p style="text-align: right;">Page 997</p> <p>1 CHAIRMAN FITCH: And it starts with a 2 superior court docket sheet, a filing sheet. 3 BY MR. SUJAT: 4 Q. Mr. Klayman, can you explain what 5 brought about this lawsuit? 6 CHAIRMAN FITCH: I have misspoken. I 7 have misspoken. 8 The Exhibit 3 that starts in Part 2 of 9 4 begins with not a superior court information 10 sheet but with a United States District Court 11 information sheet. 12 Go ahead. 13 THE WITNESS: This lawsuit, Mr. Sujat, 14 which is styled 10-CV-00534, is the case that was 15 brought against the Board of Governors. This is 16 the case that I described previously that named 17 Hillary Clinton as one of the Board of Governors. 18 She sits on top of it, as Mr. Shamble testified, 19 and all the rest of the Board of Governors. And 20 it deals with Ms. Sataki's situation, not with 21 other political considerations. And it was 22 brought to try to coax, by naming in a Bivens</p>
<p style="text-align: right;">Page 996</p> <p>1 Number 3. 2 CHAIRMAN FITCH: Let me suggest that 3 counsel will workout this little organizational 4 matter. Then we will make clear for the record, 5 if the Board wants to go through it at some point, 6 where exactly Respondent's Exhibit 3 can be found, 7 ok? 8 We think we know the answer, but you 9 folks are going to confer and we're going to make 10 the record clear. 11 MR. SUJAT: Yes, your Honor. 12 CHAIRMAN FITCH: Ok, we're talking 13 about Respondent's 3. Go ahead, counsel. 14 MR. SUJAT: And this is -- 15 THE WITNESS: What book is that in, Mr. 16 Sujat? 17 CHAIRMAN FITCH: Respondent's 3 starts, 18 we are sure, in Part 2 of 4. 19 MR. SUJAT: Right, it starts there. 20 THE WITNESS: So you're going to turn 21 my attention to the Board of Governor's 22 complaints.</p>	<p style="text-align: right;">Page 998</p> <p>1 action, which is for Constitutional violations -- 2 sexual harassment would be a violation of the 3 Constitution, discrimination based on sex -- plus 4 a First Amendment, and those kinds of things, to 5 put pressure on them to settle. 6 But it also contained a component, 7 because this was also amended as part of this 8 overall exhibit, to include the cause of action 9 for a Wagner vs. Taylor type remedy, which was, as 10 I testified, to have a federal district court, 11 while an administrative EEO or Office of Civil 12 Rights complaint is proceeding, who will preserve 13 the status quo, to make sure that the parties 14 aren't hurt, that the complainant is not hurt, the 15 harassed person or whatever that employee's 16 problem was. And so, in the outset of this 17 litigation, that was my concern, because, number 18 one, I wanted to get a good result for Ms. Sataki. 19 I wanted her to be in Los Angeles. That's where 20 she wanted to be. You know, I cared what happened 21 to her, I cared about her. And there was no 22 pursuit of damages or anything like that. I just</p>

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1 wanted to get her back to LA.

2 And, you know, one of the things about
3 litigating against the government, if you think
4 you're going to get rich on that, as Mr. Shamble
5 pointed out, if you ever see a judge it will be
6 probably be five, ten years down the line, with
7 all the appeals, maybe even longer.

8 So I never did this for money. My
9 primary goal, and she agreed, was to get her back
10 to work at the field office on Wilshire Boulevard
11 in the federal building of Voice of America. They
12 did do broadcasting out of there because, you have
13 over a million Iranians in Los Angeles. This is
14 the biggest community in the world outside of
15 Tehran, so much so that people call Los Angeles
16 "Tehrangles." And there was no reason she why
17 couldn't be there, particularly since she had a
18 situation, and I'll describe that. But there was
19 a situation that occurred while she was on leave
20 and visiting LA, and that's what this case was
21 about.

22 Now the case initially was randomly

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1 Dolley. She dismissed his case. He claimed he
2 was being surveilled. The New York Times
3 reporter, Eric Lichtblau, believed he was being
4 surveilled. He made a comment after 9/11 at the
5 airport, to Southwest, that, when he was asked by
6 a check-in clerk, "Do you have any suggestions for
7 a chairman," he said "Yes. You can check your
8 cargo holds." She said, "Why is that?" He said,
9 "There may be a bomb in there." It was the wrong
10 thing to say. He was the IT person in Congress
11 during Christopher Cox. A very distinguished guy,
12 a young guy.

13 And so that was a problem I had. She
14 actually dismissed the case based on newspaper
15 articles. She was also head of the FISA court.
16 And then I had issues with a case I brought with
17 Judicial Watch. I won't belabor that. It's in
18 the record and I'll get into it later.

19 I mean, we live in the real world,
20 unfortunately, and people sometimes make decisions
21 on the basis of their own personal predilections.
22 Judges too. That was the reason for Judicial

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1 assigned to Judge John Roberts, no relationship to
2 John Roberts, Chief Justice. A different John
3 Roberts in the district court here. And then for
4 some inexplicable reason it was transferred to
5 Judge Colleen Kollar-Kotelly. And it was at that
6 time, and Mr. Shamble made reference to that and
7 that I raised the issue with both him and Ms.
8 Sataki, that this was a judge that was very
9 problematic for us.

10 MR. TIGAR: Could I interrupt briefly.
11 I see the civil cover sheet for double O 543 and
12 it says Judge Huvelle.

13 THE WITNESS: I think it actually
14 passed through the hands of two judges at the
15 time. For some reason it kept getting reassigned.
16 That's my recollection. So it was Huvelle and
17 then it was Roberts and then it was Kotelly.

18 When it went to Kotelly, I said to
19 myself, this is not optimal. I had difficulty
20 with her in the past over a client where I had
21 sued George W. Bush, I made reference to that,
22 over over-surveillance of him, his name was Scott

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1 Watch. And I had been a strong advocate against
2 the Clinton administration. She was an appointee.
3 Her husband had defended a Secret Service agent in
4 the White House who had information about
5 Lewinsky. She had been opposed by every
6 conservative group under the umbrella for the
7 communist organization. Her reputation was she
8 didn't like conservatives, and both Ms. Sataki and
9 I are conservative. She's conservative in the
10 Iranian sense and I'm a conservative Libertarian
11 in the American sense. And I mean, as you can see
12 from later today with Ms. Allred, we're different
13 politically, but I have friends that are not
14 conservative, good friends.

15 But, you know, that was my concern. I
16 raised it with them, and this is what happened in
17 the case.

18 Now, while this case was proceeding --
19 you'll find these in these exhibits -- is that, to
20 get her back to work in LA, I had to file for a
21 TRO and preliminary injunction. But before that
22 happened, she had taken leave to go to Los

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<p style="text-align: right;">Page 1003</p> <p>1 Angeles, and while she was in Los Angeles, she had 2 word that she was being denied her reasonable 3 medical accommodation and transfer to LA, and she 4 had a nervous reaction and got very upset, and for 5 that reason I found psychologists and doctors for 6 her, two of which were Dr. Aviera and another one 7 was Dr. Long. Aviera has a PhD in psychology. 8 She specializes in these kinds of matters. And 9 Long was an M.D., a psychiatrist. And there was 10 another one that I got for her that she didn't 11 like that one. I didn't think he was high-powered 12 enough. And I took her there and I paid for the 13 initial visits and everything. A, I felt she 14 needed help psychologically, and also I felt, and 15 she agreed, that we could build a case that she 16 should be in Los Angeles to be able to consult 17 with her physicians. And that was her home. 18 That's where she felt more comfortable. She liked 19 the sun. She liked the Iranian community. She 20 told me she never really felt comfortable here. 21 She just liked the job at VOA. 22 When she was living here -- this became</p>	<p style="text-align: right;">Page 1005</p> <p>1 Now in that context, one of the 2 criticisms of Ms. Sataki by VOA, her supervisor, 3 Susan Jackson, was not only that her English was 4 not good -- her Farsi was not good. It wasn't a 5 literal Farsi. She moved to Sweden, the record 6 shows, when she was very young. So she never 7 learned to speak Farsi in her own language in her 8 own country. 9 It was also the fact that she was 10 getting help. It was said that she couldn't 11 produce packages on her own, that someone was 12 helping her. That was Kevah that was helping her. 13 And they had a close friendship, as well. 14 So I thought it was a good idea for a 15 number of reasons. I suggested it to her and she 16 said she always wanted to be in LA anyway and she 17 didn't want to ever pass by Falahati again. 18 So that was how that decision was 19 arrived at. 20 So then I moved for a TRO and a 21 preliminary injunction before Judge Kotelly. All 22 these records are in this record as being</p>
<p style="text-align: right;">Page 1004</p> <p>1 an issue in the early discussions, as I elicited 2 on her testimony -- she was living here with a 3 coworker named Kevah, K-e-v-a-h, sharing an 4 apartment with him, and that, in conjunction with 5 rumors at that time that she had had this 6 relationship with this owner of NITV named ia, 7 and that she got into an altercation with ia's 8 wife, who keyed her car. 9 By the way, the case -- she didn't get 10 a temporary restraining order over whether there was a -- 11 the documents will show this and they're in the 12 record. It wasn't over whether or not she had an 13 affair with ia. It was over the fact that ia's 14 wife had keyed her car. So she got a restraining 15 order on that. 16 And also because I became aware that 17 her former husband had also alleged that she had 18 been adulterous. And I felt that it would be good 19 to get her out of Washington. It wasn't good to 20 be living there with Kevah, another coworker, 21 because we're claiming sexual harassment by a 22 coworker.</p>	<p style="text-align: right;">Page 1006</p> <p>1 admitted. And they speak for themselves. And I 2 made all these arguments. I filed for a TRO and 3 Judge Kotelly said to me, "Why don't we roll this 4 into a preliminary injunction?" 5 I then asked for a hearing, because 6 this is a very fact-intensive analysis. In fact 7 the motion that you will find in here has all 8 kinds of affidavits in it from the psychologist 9 and the psychiatrists that were treating her. It 10 has a polygraph examination that I had her take, 11 it cost me \$2,500 out of my own money, to confirm 12 that she was telling the truth. She passed it. 13 There were affidavits from coworkers who had 14 knowledge of the harassment and the politics at 15 VOA, and it's a very thick, very well-documented 16 motion for temporary restraining order and 17 preliminary injunction. I had affidavits from Mr. 18 Shamble. I had affidavits from others, as well. 19 What happened was -- and this is why 20 the issues with Judge Kotelly came to the 21 forefront -- is that, without granting us an 22 evidentiary hearing, or even discovery, Judge</p>

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<p style="text-align: right;">Page 1007</p> <p>1 Kotelly denied the TRO and motion for preliminary 2 injunction and didn't grant a hearing. 3 Now, you're going to hear testimony 4 from Judge Sporkin. As this was going on, I 5 called Judge Sporkin. He had become a friend of 6 mine. I first appeared in front of him as a young 7 man. It's kind of a funny story, if I may tell 8 it... 9 I had rented office space at 601 10 Pennsylvania Avenue when it was just being built, 11 this area was just being built up, from B.F. Saul, 12 II, who owned Chevy Chase; the richest man in 13 Washington, D.C.; could buy Dan Snyder ten times 14 over. And I had a letter of intent and I was 15 waiting to get the lease. I had forgone -- I was 16 a new lawyer and I rented a little portion on the 17 sixth floor -- ninth floor. Someone from 18 Westminster Real Estate calls me up -- that's 19 owned by B.F. Saul, Chevy Chase -- and said "Mr. 20 Klayman, we rented it to someone else." 21 I said, "Well, you can't do that. I 22 have a letter of intent. Unless I die or</p>	<p style="text-align: right;">Page 1009</p> <p>1 said, "I got a room ten times better." And he 2 said, "How about 1001 Pennsylvania Avenue? I can 3 put you there it's better." 4 And I said "No, I like 601. It's a 5 personal preference." 6 He said, "Ok, if you win, I'll put you 7 in 601." 8 To make a long story short, at the end 9 of the day, he even let me depose B.F. Saul. This 10 is like deposing Howard Hughes. I was a young 11 lawyer. B.F. Saul sat at a table about as far as 12 the court reporter is from me today. And he was 13 instrumental in getting a settlement, and that's 14 how I wound up renting my office space over in 15 501. I let 601 go and I had a settlement and I 16 went to 501. 17 But I had asked Judge Sporkin, I called 18 him years later, I said "Because, your Honor, I 19 admired you" -- I had him in another case. I 20 never talked to him about the cases -- I said, 21 "let's have lunch one day." So I got to know him. 22 So I called him up and I said, "Judge Sporkin" --</p>
<p style="text-align: right;">Page 1008</p> <p>1 financially I can't qualify, you have to offer it 2 to me first." I had been forbearing on that. So 3 they said, "Sue me if you don't like it." And I 4 was just a young lawyer. I was just in my 5 thirties. 6 I said, "Ok. I'll sue you." 7 I sued them, and it got assigned to 8 Judge Sporkin. This is a funny story and very 9 interesting. It tells you about the kind of judge 10 that I really respect and admire. The first 11 status conference, he says, "Mr. Klayman, what's 12 this case about?" And he has his staff sitting in 13 the jury box and he has his glasses down. And I 14 said, "Your Honor, I have a letter of intent for 15 601 Pennsylvania Avenue and I got the rug pulled 16 out from under me and they rented it to somebody 17 else." 18 Judge Sporkin, says, "You know, Mr. 19 Klayman, the same thing happened to me last week. 20 He said, "I had a hotel room in New York. I got 21 there and they had given it to someone else." 22 He said, "You know what I did?" He</p>	<p style="text-align: right;">Page 1010</p> <p>1 I was calling him "Your Honor." He was retired 2 then -- and I explained to him the facts of this 3 case and Wagner V. Taylor, and I said, "What would 4 you do?" This was before Kotelly ruled. And he 5 said, "It's a chip shot, Larry. Obviously I'd put 6 her to work in LA. That's the status quo." 7 But Kotelly didn't. And it pretty much 8 confirmed my impression of how she would react to 9 me and react to Ms. Sataki. And also the fact 10 that she's the type of judge that believes 11 everything the government says. And obviously I 12 don't. And she discounted all of our affidavits 13 and ruled for the government without a hearing. 14 That's the basis of why I wrote a 15 column that said there is no basis in law or fact. 16 Because there really wasn't. Without a hearing, 17 how could you make a ruling? There is no basis to 18 make factual findings or make a ruling like that. 19 I thought it was heartless. 20 And you know, and this will tell you 21 something about me and how I interacted on this 22 case and what I did. I moved for reconsideration.</p>

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<p style="text-align: right;">Page 1011</p> <p>1 Ms. Sataki knew every step of the way what I was 2 doing. I was meeting with her. I had previously 3 moved to have the case sent back to Judge Roberts. 4 That didn't succeed. And I ultimately ruled -- 5 moved to disqualify Judge Kotelly. She knew of 6 that, Ms. Sataki. Because if I could disqualify 7 her, I could get all of the orders vacated 8 potentially, and, you know, we could get a judge 9 who would give us a hearing. And Judge Sporkin 10 said, "I would have given you a hearing, Larry, at 11 least a hearing." 12 And consequently there is no basis. 13 And that's just my opinion. Ok. I'm entitled to 14 my opinion. There is no basis in law or fact. 15 The Bar tries to make an issue of that, Bar 16 Disciplinary Counsel. But lawyers say that all 17 the time, there was no basis for the court to make 18 a ruling. And there wasn't a hearing. Because 19 without a hearing and just simply not considering 20 her affidavits and considering the government, 21 particularly when I had a polygraph that she 22 passed and all that medical information, to me was</p>	<p style="text-align: right;">Page 1013</p> <p>1 In the context of everything, I was 2 just down and out; down and out about, you know, 3 situations going on in my personal life, you know, 4 continuously fighting with Judicial Watch. The 5 directors were very wary of me when I left. I ran 6 for the Senate and the person who runs it, Mr. 7 Fitton, is not a lawyer, and he always felt very 8 competitive with me. They tried to harm me in a 9 number of ways. I got a judgment against them for 10 defamation, later, later I got that. And I was 11 really down and out about what happened with 12 Sataki, because it really shook my confidence in 13 the legal system, even more than it had been 14 shaken to get me to start Judicial Watch and 15 Freedom Watch. 16 But I went that evening with a friend 17 of mine, an Israeli-American friend of mine, Adam 18 Bar, to a restaurant in LA. I had only two 19 glasses of wine, right, not much, but I was really 20 down and out. And I drove home -- I was staying 21 at that time -- because I had just moved to LA 22 with someone I call my surrogate mom, Louise</p>
<p style="text-align: right;">Page 1012</p> <p>1 exemplary of extrajudicial bias and prejudice. 2 There was no other way to explain it in my mind, 3 and there was no basis in law or fact. 4 So that's what happened. 5 Now, the day that that happened -- I'm 6 going to put it all in context and then Mr. Sujat 7 will take me back into certain exhibits -- I was 8 in Los Angeles, and -- 9 MR. TIGAR: The day that all that 10 happened -- 11 THE WITNESS: She ruled against Ms. 12 Sataki. 13 MR. TIGAR: That day. Ok. 14 THE WITNESS: I took it to heart, as my 15 grandmother used to say, Freda Klayman, F-r-e-d-a. 16 It really affected me a lot. Because, you know, I 17 had been fighting for justice for years at 18 Judicial Watch and then Freedom Watch and in my 19 private practice, and I didn't see how a judge 20 could do that. I didn't see how a judge could be 21 so heartless. Certainly Judge Sporkin wouldn't 22 have been.</p>	<p style="text-align: right;">Page 1014</p> <p>1 Benson, who lived in the valley. And I was 2 driving on the 405, which is the most dangerous 3 highway in the United States, towards Woodland 4 Hills. It splits at some point on the 101 going 5 into LA. The other way goes towards Ventura. I 6 was supposed to go towards Ventura. And it was 7 raining cats and dogs, and all of a sudden the car 8 in front of me jams on its brakes and I hit that 9 car at about 50 miles an hour. My glasses fly 10 off. And I'm basically blind, even with my 11 glasses, and I don't see that well. And I 12 couldn't see, and it was raining cats and dogs; a 13 five-lane highway. 14 By the grace of God, I got over to the 15 side. I left the car. The driver that I hit, he 16 had jammed on his brakes, drove away, for whatever 17 reason. Maybe he had a criminal record. I don't 18 know. And I just walked up the exit, the Haskell 19 exit past where my car was totalled. It was 20 totalled. It was a Saab, a used Saab. And by the 21 grace of God I wasn't hit by a car doing that. 22 But I was looking at a laptop computer and a suit</p>

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<p style="text-align: right;">Page 1015</p> <p>1 that I had in the car, and I walked up there to go 2 to my surrogate mom's house at Ventura. 3 When I got off the exit, that was where 4 the apartment -- close to the apartment that I 5 rented for Ms. Sataki. And I called her because I 6 needed some help. I was really shaking. And she 7 didn't answer the call. She conceded the other 8 day she knew I called but didn't answer the call. 9 So I then got a cab, a Yellow Cab and 10 went to my surrogate mom's house. 11 The next morning we went to get the 12 car. We took it, had it towed in to my surrogate 13 mom, Louise. She's one who kind of like adopted 14 me. She's 87 right now. And she helped Judicial 15 Watch when I was running that in the California 16 office. 17 MR. TIGAR: So that my notes are 18 clear -- 19 THE WITNESS: Yeah. 20 MR. TIGAR: Do you have a date for this 21 event? 22 THE WITNESS: It was the day Judge</p>	<p style="text-align: right;">Page 1017</p> <p>1 then. That's why the locale was there. I went to 2 LA because I wanted to use Hollywood to try to 3 change people's values and make it more ethical 4 and just. 5 So, I'm driving down Ventura. This 6 tells you about me. Because there's references in 7 the record in one of Ms. Sataki's last emails that 8 talks about me, in a mocking way, being Christian 9 and Jewish. I was born Jewish. And I feel 10 strongly about my heritage. 11 And as I'm driving down the exit at 12 Ventura and I go past Haskell, something happened 13 to me that happened to me ten years earlier in the 14 Catholic church in Georgetown -- Our Mother of 15 Victory I think is the name of the church, when I 16 was staying there with my then wife and my two 17 young kids -- ten years earlier alter boys had 18 come by at Christmas and I heard someone talking 19 to me saying, "Larry, I do exist. Do you accept 20 me?" 21 My grandfather actually believed 22 intellectually in Jewish Christ, even though he</p>
<p style="text-align: right;">Page 1016</p> <p>1 Kotelly ruled and I can get that for you. I'll 2 tie it in. I'm trying to get the narrative in so 3 we have it in context and then we will go back. 4 It was the date that Kotelly ruled 5 initially. I think it was in June, but we'll make 6 that precise. 7 CHAIRMAN FITCH: There's an allegation 8 that the issuance of the order denying the TRO 9 occurred on July 1, 2010. 10 THE WITNESS: Ok, 2010. That comports 11 with my memory, and it's in here in the exhibit. 12 So when we brief this I can lay it all out in the 13 chronology for you. 14 And the next day I get up. I have a 15 concussion. I go to Kaiser Permanente where I 16 have insurance. They said I had a concussion. I 17 rented a car through the insurance company, and 18 I'm driving to work the next week. I had rented 19 some office space in LA, going down Ventura 20 Boulevard. It was a sublease. I just had one 21 office. It was on Camden and Wilshire in Beverly 22 Hills. I was trying to do some entertainment work</p>	<p style="text-align: right;">Page 1018</p> <p>1 was Jewish and he thought of being a rabbi full 2 time. Instead he went into the pork business. I 3 didn't know he ate pork. 4 So I'm driving down and I'm really 5 upset about this injustice, and I'm saying to 6 myself, "Larry" -- in my head, "you're a 7 revolutionary; Jesus was a revolutionary. I mean 8 obviously much more than you are. And he told the 9 high priest to go stick it." I was actually using 10 a nasty word. I don't want to say it on the 11 record. In my head. And he also told the Romans 12 to go stick it. 13 And all of a sudden I got the same 14 feeling from ten years earlier. And I felt maybe 15 I self-induced it. Maybe I was trying to make 16 myself feel better. So I pulled to the side of 17 the road. And it builds for about 30 to 45 18 seconds, and it's this warmth and adulation. And 19 I hear him talking to me and -- not in words, but 20 in thoughts, saying, "Larry, you are a 21 revolutionary and you'll pay a price, too, like I 22 did. Obviously not like I did. I paid the</p>

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<p style="text-align: right;">Page 1019</p> <p>1 ultimate price. But you're working for me now. 2 Get it all out of your head. Get all these 3 problems out of your head." 4 And, you know, I was very blessed and 5 fortunate that, you know, he's come to me two 6 times during difficult periods, and it cleared out 7 my entire head. And to this day a lot of 8 things -- 9 Because, you know, I'm in a very 10 contentious area of the law: political interest, 11 Freedom Watch, taking on politicians, powerful 12 people. I don't let things knock me off my 13 rocker. I was always feeling kind of vulnerable, 14 even though I took strong actions. That's why I 15 left and I ran for the Senate. I felt I wanted a 16 different life. 17 But, I put myself in his hands. And 18 the reason that I felt that way is because of the 19 strength of the feeling of injustice toward Ms. 20 Sataki, and because I cared about her. Honestly, 21 I cared about her. 22 So that's what happened in that regard.</p>	<p style="text-align: right;">Page 1021</p> <p>1 Washington for a while. 2 And I just thought it was incredibly 3 ungrateful and very self-centered, and I told her, 4 I said, "You didn't lose your rights. This is 5 just round one. We still have a motion for a 6 complaint as to permanent injunction, and you were 7 put back to work in LA. And I said, "And also, 8 you have your Office of Civil Rights and EEO 9 complaint, and you haven't lost any of your 10 rights. We just lost round one." 11 But she just really blamed me and was 12 very, very nasty and I felt unappreciative. 13 And it was around that time that I had 14 told her -- because also in the context of 15 everything else, she started to ask me for things 16 that, you know, were very, very personal. Like, 17 "Please go with me to buy a car," and she did want 18 me to buy a car. You heard the testimony, your 19 Honors. First she says it was because of her 20 credit that they were repossessing her car, and 21 that was true. But then she says, "I need to get 22 a cheaper car. So, can you buy it for me, Larry?"</p>
<p style="text-align: right;">Page 1020</p> <p>1 And she was very upset. I talked to 2 her that day. That had upset me, and she blamed 3 me. I thought that that was inappropriate. I 4 understood that she was upset, but she went too 5 far. 6 There is an email that Mr. Sujat is 7 going to show to you accusing me of being bribed, 8 disparaging my faith. And that's the way she was 9 frequently with me. That's why some of those 10 emails about respect is that I was really going 11 all out for her. I believed in her. I didn't 12 want her to sink. 13 I paid for her moving expenses. I paid 14 for her car to go to LA. I paid initially for the 15 psychiatrist. I got her an apartment. She had no 16 credit. I got the apartment she wanted. She 17 picked it out. It was a two-bedroom. I said, 18 "Ok, you can put your family and friends there." 19 I signed the lease for her. 20 I was not in good financial shape 21 myself. That's why I had to look for apples at 22 the Hyatt around here when I came back to</p>	<p style="text-align: right;">Page 1022</p> <p>1 I have no credit. There will be lower payments 2 and I'll pay you back for the payments." She did 3 ask me to buy her a car. And she asked me to help 4 her friend Kevah with a bankruptcy attorney, to 5 find one for him. I found one for him, and then 6 she berated me over who I found for him. She said 7 he was worthless. 8 There are two sides to Ms. Sataki: 9 there is one where she presents herself in a very 10 opinionated way as a victim, and then there's one 11 that's frankly vicious. That's why you see that 12 last email. I mean, who would write something 13 like that to somebody who put himself out like 14 that, whatever the circumstances, accusing me of 15 bribery. And then mocking my Christian, Jewish 16 faith, highlighting Jewish faith. 17 And I might say, I always respected her 18 religion. We'll get into this. 19 I told her actually I thought she 20 lacked confidence. And you'll see that in all the 21 correspondence that we're going to go through. 22 She did have a lot of talent and I believed in</p>

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<p style="text-align: right;">Page 1023</p> <p>1 her. And I used to joke with her, I said, "You 2 could be the Tokyo Rose" -- in the positive sense 3 "at the VOA with Iran. You could be very 4 persuasive over there, that there's lots of other 5 places you could work. 6 "A, VOA doesn't pay that well, and B, 7 you've got all these networks that have" -- 8 because Iran was very much in the news. They have 9 Persian hosts. There was one on CNN. Christiane 10 Amanpour is Persian on CNN news, and there's 11 another one, begins with a D. I said, "You can do 12 that." 13 So I tried to take her out of this 14 walling-off that she did for herself and say, "You 15 can get out into the real world." 16 I didn't mean anything by saying 17 "Persian ghetto." Look, there were Jewish ghettos 18 in Poland and there are in Miami Beach and New 19 York City. I didn't mean it in that way. What I 20 meant was, "You have to move out of this 21 environment and profit from the rest of the media. 22 You can do it. You don't need VOA. If you don't</p>	<p style="text-align: right;">Page 1025</p> <p>1 And she wasn't scared of me. That's 2 not correct. In fact she shook when Kathleen 3 Staunton met her. She used to shake all the time. 4 But she treated me in a really lesser 5 way, like I was there to do anything that she 6 wanted and didn't have to show any kind of concern 7 or any kind of an appreciation towards me. 8 In one email that she wrote, which, 9 we'll get into that, it was written by somebody 10 else, she says that she does appreciate me and, 11 you know, "thank you for helping me." But mostly 12 it was not -- it was like I was just there to 13 serve her, whether it was buying a car or an 14 apartment or this or that. And I did it because I 15 believed in her and I really did care for her. 16 So, that's what that was about. 17 And we tried to get her to get other 18 employment. Now there was right here, you'll see 19 it on M Street, the Christian Broadcasting 20 Network. I introduced her to Ted Baehr. Ted 21 Baehr is a minister. On July 21st -- I never got 22 baptized. He's actually going to baptize me at</p>
<p style="text-align: right;">Page 1024</p> <p>1 succeed, get yourself another job." They cut her 2 off. 3 So, that's why I took her to that Movie 4 Guide, so she could meet people. Movie Guide, the 5 Christian Film and Television Commission, does a 6 miniature Academy Awards for family films and 7 films of faith -- not just Christian and Jewish 8 and Muslim, but all of them, teaching good values. 9 And I sat on the board of directors. The head of 10 it is Ted Baehr, B-a-e-h-r. Instead of giving 11 Oscars they give teddy bears to all the people who 12 win awards. And they have all the studios from LA 13 there, actors. They even gave an award one year 14 to Spiderman because it teaches good values, not 15 just religious films. 16 And I took her there and she was very 17 rude at that event, and that's what caused the 18 thing -- and she described, she already testified 19 on that, but it wasn't true. Yeah, I mean, we had 20 difficulty, but why I did go into the bathroom at 21 the Luxe Hotel. But she's so scared of people, 22 venturing out of her environment.</p>	<p style="text-align: right;">Page 1026</p> <p>1 his house this year after my birthday. And she 2 said, "Larry, I really don't feel Muslim. I 3 feel -- I don't feel anything." And she said, "I 4 think I might want to learn more about 5 Christianity." 6 And a lot of Iranians do that in that 7 country, and what radical Islam has done in their 8 country -- not Islam, but radical Islam. The 9 mullahs, they call themselves oroastrians, and 10 there's a big conversion there. 11 So anyway, I introduced her to Ted 12 Baehr and Ted Baehr, you know, mentored her, and 13 it was comforting for her. And Ted helped me try 14 to find her other employment, and that was the CBN 15 matter. And there was a very good chance that 16 she'd get a job there and could be very well paid. 17 Contrary to the Central News Bureau, 18 CBN was broadcasting right out of the valley in 19 Los Angeles, their headquarters are there, right 20 out of Iran, in Farsi, which was her language. 21 So I introduced her to Mark Woodland 22 who was present of CBN Broadcasting, and before</p>

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<p style="text-align: right;">Page 1027</p> <p>1 she could get an interview, apparently -- because</p> <p>2 the correspondence, whatever was missing, that's</p> <p>3 why I asked for all of it to be produced, and</p> <p>4 we'll go through that.</p> <p>5 Mr. Razavi, Sam, with several different</p> <p>6 alias names, apparently spoke to Mark Woodland and</p> <p>7 scared him off and said, "You know she's a Muslim?</p> <p>8 I don't have a problem with her working for you,</p> <p>9 but she has certain conditions" -- we'll go</p> <p>10 through that -- "that have to be met." You don't</p> <p>11 do that before you get an interview. It was clear</p> <p>12 that Sam didn't want her to be there, so Woodland</p> <p>13 got cold feet and backed off.</p> <p>14 But that was what that was all about.</p> <p>15 I was trying to --</p> <p>16 CHAIRMAN FITCH: When was this the</p> <p>17 summer of?</p> <p>18 THE WITNESS: Let's find that email.</p> <p>19 CHAIRMAN FITCH: The summer of 2010.</p> <p>20 THE WITNESS: Yes.</p> <p>21 CHAIRMAN FITCH: I want to make sure,</p> <p>22 about other things, that we have finished with</p>	<p style="text-align: right;">Page 1029</p> <p>1 Lady or anything like that. She was just sued</p> <p>2 like everybody else, that's all. That was the</p> <p>3 reason for that, to put pressure on her. She</p> <p>4 wasn't singled out.</p> <p>5 But with regard to that, and Mr. Sujat</p> <p>6 can get into that after the break as we go through</p> <p>7 the specific pleadings, is that I tried to get</p> <p>8 those orders vacated by resubmission and by filing</p> <p>9 a motion for disqualification. Ms. Sataki knew of</p> <p>10 that. Obviously if Judge Kotelly didn't</p> <p>11 disqualify herself, and I thought if she had, we</p> <p>12 could get our ruling vacated and start with</p> <p>13 someone who would give us a hearing. I asked for</p> <p>14 a hearing. She wouldn't give us a hearing. I</p> <p>15 couldn't understand that.</p> <p>16 But none of the rights were lost.</p> <p>17 That's the basis of the email that Mr. Shamble</p> <p>18 wrote to her. "Your rights haven't been lost.</p> <p>19 This is just round one. So communicate with me or</p> <p>20 Mr. Klayman."</p> <p>21 Now, if she had some problem with me,</p> <p>22 she could always talk to Mr. Shamble. She didn't</p>
<p style="text-align: right;">Page 1028</p> <p>1 relevant evidence relating to federal court</p> <p>2 actions.</p> <p>3 THE WITNESS: Ok, I did that as an</p> <p>4 aside.</p> <p>5 CHAIRMAN FITCH: We're beyond the TRO.</p> <p>6 THE WITNESS: We didn't really finish</p> <p>7 with it.</p> <p>8 CHAIRMAN FITCH: I'd like to wrap up</p> <p>9 that federal action in the next 16 minutes.</p> <p>10 THE WITNESS: Ok. Fred, why don't you</p> <p>11 walk me through it.</p> <p>12 BY MR. SUJAT:</p> <p>13 Q. One of the concerns here on the BBG</p> <p>14 case was -- while we have that open, I think maybe</p> <p>15 that's the last place we were anyhow with our</p> <p>16 exhibits -- the defendants were members of the</p> <p>17 board of governors, or BBG, and then there's also</p> <p>18 Hillary Clinton.</p> <p>19 A. Yes, and I included Hillary Clinton</p> <p>20 because she's the head of the board of governors,</p> <p>21 and there's nothing in that complaint that attacks</p> <p>22 her for her politics or being the former First</p>	<p style="text-align: right;">Page 1030</p> <p>1 do that either, until much later.</p> <p>2 CHAIRMAN FITCH: I'm glad to hear this</p> <p>3 evidence a little bit later. I just really want</p> <p>4 to finish --</p> <p>5 THE WITNESS: I apologize.</p> <p>6 CHAIRMAN FITCH: -- with the federal</p> <p>7 court action --</p> <p>8 THE WITNESS: Ok.</p> <p>9 CHAIRMAN FITCH: -- and not come back</p> <p>10 to it.</p> <p>11 THE WITNESS: Yes.</p> <p>12 CHAIRMAN FITCH: Because I think that</p> <p>13 the court action is related to Disciplinary</p> <p>14 Counsel's 1.7(b)(4) charge. They have charged you</p> <p>15 with conflict of interest, and I think one of</p> <p>16 their theories is that the naming of Secretary</p> <p>17 Clinton and related actions were not taken</p> <p>18 entirely in Ms. Sataki's interest.</p> <p>19 You have explained why you named her</p> <p>20 and the Bivens basis and other basis for the</p> <p>21 action and so on.</p> <p>22 I think, unless Mr. Smith tells me</p>

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<p style="text-align: right;">Page 1031</p> <p>1 differently, that charge is related -- the only 2 relevance of this action, and we've heard you for 3 a while, but I want to make sure, if there's 4 anything else to cover about the federal court 5 action, you may want to testify more -- 6 THE WITNESS: Yeah, we'll testify on 7 it -- 8 CHAIRMAN FITCH: -- about it in the 9 next 12 minutes. 10 THE WITNESS: Not necessarily. Just 11 that we're continuing on. And you'll see later 12 that, while Ms. Sataki purported to tell me that 13 she had the wrong address on some of the things 14 that she was sending, and she wasn't communicating 15 with Mr. Shamble either, told me to, as the Austin 16 case letter shows, to drop all actions. 17 She was getting advice from non-lawyers 18 that "Maybe if you're nice to them it will help 19 you," apparently. 20 You'll see that she, herself, sent the 21 Notice of Appeal to Judge Kotelly, she herself. 22 And Kotelly has responded --</p>	<p style="text-align: right;">Page 1033</p> <p>1 federal court action. We could talk later about 2 what, at a later date, August, September, Ms. 3 Sataki did or didn't do. 4 But we are now down to ten minutes on 5 the filing and litigation of the federal court 6 action. I think we've heard enough of that, 7 unless you have more to say, and you've said quite 8 a bit, about the reasons for the proposed 9 disqualification. 10 THE WITNESS: Right. 11 CHAIRMAN FITCH: And we have that. 12 Is there anything else about the 13 federal court action itself? 14 THE WITNESS: Not that I can think of 15 at this time, but I'll think over it over the 16 break if there's something else. I can certainly 17 identify when we come back more specifically the 18 pleadings that are at issue. 19 One thing is when I went back to have 20 Judge Kotelly recuse herself -- and this is part 21 of the exhibit, and we'll identify that, Mr. Sujat 22 will do that -- or be disqualified, I attached a</p>
<p style="text-align: right;">Page 1032</p> <p>1 MR. SMITH: Excuse me, if I could be 2 heard. 3 I mean, I understand the committee has 4 given Mr. Klayman a tremendous amount of latitude 5 in allowing him to testify in a narrative manner, 6 but the record is not going to be well-served by 7 an ongoing narrative kind of like that moves from 8 point to point and contains a lot of hearsay, a 9 lot of anecdotal stories. It's more like a 10 fireside chat, you know, on the radio than it is 11 testimony at this point. 12 I would suggest that when we resume, 13 perhaps in the next ten minutes, we allow Mr. 14 Sujat to kind of direct the testimony in this 15 matter and that the answers be kind of within that 16 framework, so that we don't go all around the 17 world as we -- 18 CHAIRMAN FITCH: Leaving aside the 19 characterizations, we'll take that up after the 20 break. But we are not going to take up after the 21 break anything more about the filing and theory 22 and reasons, legal and strategic, for the actual</p>	<p style="text-align: right;">Page 1034</p> <p>1 page, it was about 17 pages, single-spaced, of 2 factual errors that I alleged she had made. I had 3 testimony from Ms. Sataki and from others with 4 regard to the affidavits and Judge Kotelly's 5 findings. And to me that was so egregious, the 6 factual errors, that that was one basis that I 7 said there was no basis in law or fact for this 8 finding. 9 Not only that, because we never had a 10 hearing. How do you rule on something like this 11 without giving somebody an evidentiary hearing, 12 after you have already refused to allow her 13 discovery? 14 And I had agreed with Ms. Sataki to 15 roll the TRO into the injunction -- 16 CHAIRMAN FITCH: Right. 17 THE WITNESS: -- in good faith thinking 18 that I was getting a hearing. So, that's why I 19 saw there is no basis in law and fact. 20 That's also in fact why I totaled my 21 car that night. It's not funny. But I was so 22 upset. I just couldn't believe that any judge</p>

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<p style="text-align: right;">Page 1035</p> <p>1 would do that.</p> <p>2 And I've seen a lot in my career and</p> <p>3 time.</p> <p>4 CHAIRMAN FITCH: I think we all have.</p> <p>5 We have thoroughly examined the</p> <p>6 litigation in that case through the order of July</p> <p>7 7 denying the motion to reassign. And of course</p> <p>8 the TRO was decided in June. We are not going to</p> <p>9 hear any more about that.</p> <p>10 THE WITNESS: Understood.</p> <p>11 CHAIRMAN FITCH: We will hear, if you</p> <p>12 wish to bring out, evidence about later steps in</p> <p>13 the case in October, November and December,</p> <p>14 because I think Bar Counsel has an accusation</p> <p>15 against you about the very latter part of trying</p> <p>16 to resuscitate that case and what was going on.</p> <p>17 With that said --</p> <p>18 MR. TIGAR: Mr. Chairman, is Exhibit 3</p> <p>19 in evidence?</p> <p>20 THE WITNESS: Yes, subject to</p> <p>21 rejiggering it somewhat to make sure it's in the</p> <p>22 right folder. We'll do that over the break I</p>	<p style="text-align: right;">Page 1037</p> <p>1 Appreciate your courtesy.</p> <p>2 (Whereupon at 12:53 p.m. a luncheon</p> <p>3 recess was taken.)</p> <p>4 A F T E R N O O N S E S S I O N</p> <p>5 (Whereupon at 2:30 p.m. the hearing</p> <p>6 resumed.)</p> <p>7 CHAIRMAN FITCH: We are back on the</p> <p>8 record at 2:30. All requisite persons are present</p> <p>9 and I believe that Mr. Sujat is going to resume</p> <p>10 his examination of Mr. Klayman.</p> <p>11 CONTINUED DIRECT EXAMINATION</p> <p>12 ON BEHALF OF RESPONDENT:</p> <p>13 BY MR. SUJAT:</p> <p>14 Q. At this point I'd like to refer to</p> <p>15 certain exhibits related to the termination of the</p> <p>16 representation or alleged termination of the</p> <p>17 representation.</p> <p>18 A. Ok.</p> <p>19 Q. This basically will show the chronology</p> <p>20 of the letters that went out for notification.</p> <p>21 So, first I'd like to refer to</p> <p>22 Respondent's Exhibit Number 21. It's a letter</p>
<p style="text-align: right;">Page 1036</p> <p>1 assume.</p> <p>2 CHAIRMAN FITCH: I do not show Exhibit</p> <p>3 3 being in evidence.</p> <p>4 I assume you move it into evidence, Mr.</p> <p>5 Sujat.</p> <p>6 MR. SUJAT: Yes.</p> <p>7 MR. SMITH: To the extent that Bar</p> <p>8 Exhibit 3 is just the pleadings --</p> <p>9 MR. TIGAR: I'm sorry, I'm not hearing</p> <p>10 your words.</p> <p>11 MR. SMITH: To the extent that Bar</p> <p>12 Exhibit 3 is just the pleadings that comprise that</p> <p>13 Sataki vs. BBG case, then I would have no</p> <p>14 objection.</p> <p>15 CHAIRMAN FITCH: I will admit Exhibit 3</p> <p>16 with the understanding that the record needs to be</p> <p>17 clarified a little bit about where future readings</p> <p>18 can find all exhibits if they wish.</p> <p>19 With that notation and reminder, we'll</p> <p>20 adjourn a few minutes before 1:00 and stand in</p> <p>21 recess until 2:30.</p> <p>22 THE WITNESS: Thank you, your Honor.</p>	<p style="text-align: right;">Page 1038</p> <p>1 dated August 4th, 2010, a letter to the Voice of</p> <p>2 America director, Danforth Austin. The letter is</p> <p>3 from Ellie Sataki, and in it she instructs that</p> <p>4 Larry Klayman has already --</p> <p>5 A. Just show me the letter. Where is it?</p> <p>6 Q. Ok. Again, Respondent's Exhibit 20 --</p> <p>7 THE WITNESS: Let me help you.</p> <p>8 CHAIRMAN FITCH: What exhibit number,</p> <p>9 please?</p> <p>10 MR. SUJAT: That's Exhibit Number 21,</p> <p>11 Respondent's Exhibit Number 21. It's dated August</p> <p>12 4th, 2010.</p> <p>13 CHAIRMAN FITCH: I think we're all</p> <p>14 reasonably there. And you may ask your question.</p> <p>15 BY MR. SUJAT:</p> <p>16 Q. Mr. Klayman, can you take a look at the</p> <p>17 letter.</p> <p>18 A. Yes. This is a letter that purports to</p> <p>19 be to Mr. Dan Austin of Voice of America and</p> <p>20 apparently was sent to Mr. Shamble, copied to Mr.</p> <p>21 Shamble in addition to Mr. Austin, but it was not</p> <p>22 sent to me.</p>

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<p style="text-align: right;">Page 1039</p> <p>1 Q. So, it was sent to just Danforth 2 Austin? 3 A. That's what it says, yeah. 4 Q. No other person received a copy from 5 what you know? 6 A. I'm testifying as to myself. I don't 7 know who else received it. I didn't receive it. 8 Q. Thank you. 9 A. From Ms. Sataki. 10 Let me point out, and it's something 11 that will come out later, and it's in the 12 supplemental exhibits -- 13 MR. SMITH: Objection. 14 CHAIRMAN FITCH: Let's let counsel ask 15 his next question. 16 THE WITNESS: I'm allowed to explain 17 the letter. 18 CHAIRMAN FITCH: Well, it sounds like 19 you were explaining something else. 20 Counsel, where do you want to take Mr. 21 Klayman? You can jump around. Ask him a 22 question.</p>	<p style="text-align: right;">Page 1041</p> <p>1 Q. Ok, Mr. Klayman, can you take a look at 2 Respondent's Supplemental Exhibit Number 4. 3 A. Can you give me a copy of that, please. 4 Q. Yes. 5 A. This is the Notice of Appeal that I'm 6 referring to, and the way I was able to get a copy 7 of this, this actually came out of Bar Counsel's 8 files, but I had a copy too, because it appeared 9 on the court's docket that, at the same time that 10 she's telling Mr. Austin -- or actually before 11 that -- excuse me, later than that, and she's 12 telling Mr. Austin that she wants all cases to be 13 dismissed. She's appealing the action. 14 So this is part and parcel to the 15 problems that I was having during that period in 16 time. That's why I wanted to contact her. 17 Because I was getting communications that didn't 18 appear to come to her. It wasn't in her way of 19 speaking. It wasn't in her English. It was in 20 virtually perfect English, as the letter to Mr. 21 Austin demonstrates. That's why I needed to be 22 able to talk to her, and that's why the first</p>
<p style="text-align: right;">Page 1040</p> <p>1 BY MR. SUJAT: 2 Q. Yeah, well, I mean, my question here 3 is, when did you become aware of this? Did you 4 ever receive this? 5 A. Yeah, I testified to that. 6 What I wanted to add was that in this 7 letter, even though it wasn't sent to me, she's 8 instructing to get rid of all the civil actions, 9 ok, yet she did file a Notice of Appeal in her 10 case involving the Board of Governors of BBG, and 11 that Notice of Appeal is one of our supplemental 12 exhibits. 13 Q. Right. 14 A. So that's inconsistent. 15 Q. Right. So this inconsistency shown by 16 Respondent's Supplemental Exhibit 4 -- 17 MR. SMITH: Objection. I mean, that's 18 a narrative. I think we need a question, not a 19 narrative. 20 THE WITNESS: Just ask me the question. 21 22 BY MR. SUJAT:</p>	<p style="text-align: right;">Page 1042</p> <p>1 document in this exhibit, sent by Mr. Shamble, was 2 important, because we were trying to reach her -- 3 MR. SMITH: Objection. Not responsive 4 to the question. 5 THE WITNESS: I'm explaining the 6 context of the document. 7 CHAIRMAN FITCH: No, overruled. 8 THE WITNESS: Because I needed to find 9 out, you know, what she really wanted to do. And 10 apparently, whatever advice she was getting, we 11 learned in her testimony, was from non-lawyers, it 12 was contradictory and in my view not in her best 13 interest. 14 BY MR. SUJAT: 15 Q. Mr. Klayman, there were also other 16 letters that were sent regarding termination. 17 A. Just show me the letters. 18 Q. That would be Exhibit 8, Respondent's 19 Exhibit 8. One dated November 15th, 2010, 20 addressed to the Klayman Law Firm at 2000 21 Pennsylvania Avenue, and then another one the same 22 date addressed to Klayman Law Firm, 201</p>

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<p style="text-align: right;">Page 1043</p> <p>1 Massachusetts Avenue.</p> <p>2 A. Right.</p> <p>3 The first one here is a November 15th,</p> <p>4 2010, and it says "Termination of Services Case."</p> <p>5 Now it's written again in perfect English and the</p> <p>6 address here is incorrect. So I never got this</p> <p>7 letter, apparently. And even if I did, I had to</p> <p>8 be able to talk to her and communicate with her.</p> <p>9 Because I knew this was not coming from her. She</p> <p>10 doesn't write like that and it didn't make any</p> <p>11 sense to me. And out of an abundance of caution,</p> <p>12 I had to take actions to try to protect her, not</p> <p>13 just contacting her -- trying to contract her, and</p> <p>14 that's what she's talking about, a lot of the</p> <p>15 calls, trying to reach her, but also asking Mr.</p> <p>16 Shamble to communicate with her to get</p> <p>17 instructions on what to do.</p> <p>18 In the meantime, I myself filed a</p> <p>19 Notice of Appeal, which is part of the documents</p> <p>20 that were entered into evidence, and I paid for it</p> <p>21 myself. I mean, to this day I haven't been</p> <p>22 remunerated or anything else that I paid for,</p>	<p style="text-align: right;">Page 1045</p> <p>1 CHAIRMAN FITCH: Am I correct that this</p> <p>2 office building in question is exactly on I Street</p> <p>3 between 20th and 21st, but it carries a</p> <p>4 Pennsylvania Avenue because of the --</p> <p>5 THE WITNESS: I think it fronts I</p> <p>6 Street, yeah. It fronts Pennsylvania, too. So I</p> <p>7 use that as an address when I'm in DC.</p> <p>8 CHAIRMAN FITCH: Does the entire office</p> <p>9 building have one address?</p> <p>10 THE WITNESS: No. The address of that</p> <p>11 office was 2020 -- that drop, UPS, was 2020</p> <p>12 Pennsylvania Avenue, and I still use that today.</p> <p>13 But in any event, I didn't get the letter.</p> <p>14 And even if I did, what I'm saying is I</p> <p>15 had to get instructions on what to do, because it</p> <p>16 didn't make any sense, and it's clear it wasn't</p> <p>17 written by her. That's why I was trying to send</p> <p>18 emails. You'll see later --</p> <p>19 MS. LARKIN: Have you ever received any</p> <p>20 communication to 2000 Pennsylvania?</p> <p>21 THE WITNESS: No. It went to the wrong</p> <p>22 address. That's why I had to correct it.</p>
<p style="text-align: right;">Page 1044</p> <p>1 whether it was the apartment, whether it was</p> <p>2 moving expenses, whether it was this, or anything</p> <p>3 else. And I don't seek to be compensated. I did</p> <p>4 it out of my heart to do the right thing and to</p> <p>5 help someone who I thought was in distress and</p> <p>6 needed help.</p> <p>7 MR. TIGAR: Excuse me, when you say</p> <p>8 that the address is wrong, is that the 2000</p> <p>9 Pennsylvania address is wrong?</p> <p>10 THE WITNESS: Yeah, and that</p> <p>11 probably -- in some ways that was my fault, ok.</p> <p>12 Because I thought the address was 2000. It was</p> <p>13 basically a mail drop. I was practicing out of</p> <p>14 Florida at that time. So it never got to me. The</p> <p>15 real address is 2020 Pennsylvania Avenue.</p> <p>16 MR. TIGAR: You had 2000 Pennsylvania</p> <p>17 at one time?</p> <p>18 THE WITNESS: I had it on letterhead at</p> <p>19 one time and I corrected it. But I didn't get</p> <p>20 this, as a result.</p> <p>21 The next letter that you're referring</p> <p>22 to is addressed -- it's very similar --</p>	<p style="text-align: right;">Page 1046</p> <p>1 MS. LARKIN: You've never received</p> <p>2 anything?</p> <p>3 THE WITNESS: Not that I can recollect,</p> <p>4 no.</p> <p>5 And I was moving around a lot on that,</p> <p>6 but I realized it was the incorrect address and I</p> <p>7 changed it, ultimately.</p> <p>8 And this next letter, 2001</p> <p>9 Massachusetts Avenue, that was not my office</p> <p>10 address either. And in any event I didn't get the</p> <p>11 letter. But even if I had gotten the letter, I</p> <p>12 would have not been able to dismiss all the cases</p> <p>13 unless I was able to talk to her first.</p> <p>14 That's why you'll see from documents --</p> <p>15 and that's the more important point -- is that</p> <p>16 that's why, you know, I sent some emails, and</p> <p>17 you'll see them later, and they also came up in</p> <p>18 Office of Disciplinary Counsel's supplemental</p> <p>19 complaint exhibits, is I was communicating with</p> <p>20 her trying to say, "What do I do here?" Because</p> <p>21 it was clear these communications were coming from</p> <p>22 other people. And I thought they may be coming</p>

45 (Pages 1043 to 1046)

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<p style="text-align: right;">Page 1047</p> <p>1 from this Sam Razavi or someone who I had done 2 some research and seen that he had been convicted 3 of fraud in Las Vegas, Nevada. 4 CHAIRMAN FITCH: Have you ever had an 5 office on Capitol Hill. 6 THE WITNESS: Capitol Hill? No. I 7 didn't have an office on Capitol Hill. 8 That was an address of an office run by 9 Armstrong Williams where I was working out of, but 10 it wasn't my office. 11 CHAIRMAN FITCH: The 201 -- 12 THE WITNESS: Yeah, the problem is that 13 there is no suite number on that, and I'm not 14 registered as a tenant this. 15 This is during the period of time in my 16 life that was very difficult. This is when I was 17 going over to the Hyatt to get an apple. I mean, 18 I was basically on my back, bankrupt, so it wasn't 19 my office. I simply was using that when I was in 20 Washington, D.C. And there was a suite number and 21 the suite number is not on the address here. 22 So, I also did not get that letter, but</p>	<p style="text-align: right;">Page 1049</p> <p>1 THE WITNESS: There are a number of 2 offices there. 3 And I was moving around, so, honestly, 4 I didn't get these letters. But the more 5 important point is, if I did, I have an obligation 6 not to dismiss out cases and give up her rights 7 without some communication. And that's why I was 8 even asking Mr. Shamble to be in communication 9 with her so I could find out what was going on. 10 BY MR. SUJAT: 11 Q. Mr. Klayman I'd like to, if I could, 12 ask you questions relating to -- 13 CHAIRMAN FITCH: When was the first 14 time you saw either of these two letters? 15 THE WITNESS: I'm not sure when I saw 16 them. I mean, they come up in the documentation 17 that was produced by Bar Counsel. 18 There's also "Received, Chambers of 19 Judge Kotelly." So I suspect that around January 20 24th this came to my attention. She probably sent 21 it to me. 22 It says, "January 24th, Chambers of</p>
<p style="text-align: right;">Page 1048</p> <p>1 again, even if I did, I could not have done what 2 she was asking at that time then forfeit over 3 rights, unless I talked to her, or at least Mr. 4 Shamble talked to her. 5 And she was always free to call Mr. 6 Shamble and ask him what was going on and she 7 didn't do that. You heard the testimony. 8 CHAIRMAN FITCH: What kind of building 9 is 201 Massachusetts Avenue? I just want picture 10 it. 11 THE WITNESS: It's an office building. 12 It's across from Heritage Foundation. 13 CHAIRMAN FITCH: I'm sorry. 14 THE WITNESS: It was across from 15 Heritage Foundation. There's a barbershop in the 16 lobby. 17 CHAIRMAN FITCH: Is it a new office 18 building? 19 THE WITNESS: No, it's an older 20 building. 21 CHAIRMAN FITCH: It's an older 22 building.</p>	<p style="text-align: right;">Page 1050</p> <p>1 Judge Kotelly, Received." So that's probably when 2 I learned of it. 3 And she put it on the record that she 4 had put it on Pacer. 5 THE WITNESS: I do observe that on the 6 November 15th, 2010 letter, below that there is 7 the word "received." I can't read -- and that's 8 below that, there appears "January 14th, 2011," 9 and then that appears, "Angela D." somebody, "a 10 clerk of court," and there's a possibility that 11 below that it says "United States District Court." 12 And as you point out, Mr. Klayman, there is a 13 clear "Received January 24th Judge Kotelly's 14 Chambers." 15 THE WITNESS: I believe she mailed them 16 to me, and we're on the record, as received 17 January 24th, 2011 in chambers, Judge Kotelly. 18 I might add, during that period of 19 time, there was a lot of mail that wasn't getting 20 to me, including mail that Mr. Smith sent to me. 21 He sent something to a post office box in 22 Washington, DC., apparently the supplemental</p>

46 (Pages 1047 to 1050)

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<p style="text-align: right;">Page 1051</p> <p>1 complaint at the time, and I never got that.</p> <p>2 That actually was a fundraising box for</p> <p>3 Freedom Watch and the mail got forwarded to the</p> <p>4 cage of the people who open the mail contributions</p> <p>5 and they didn't forward it back to me. So I never</p> <p>6 got this request for supplemental comment in that</p> <p>7 time period. I was moving around a lot. I was in</p> <p>8 very bad financial shape.</p> <p>9 It also accounts for the fact that a</p> <p>10 lot of the documents are missing because a lot of</p> <p>11 it got lost in the shuffle.</p> <p>12 CHAIRMAN FITCH: Does the indication</p> <p>13 Suite 354 in connection with 2000 Pennsylvania</p> <p>14 Avenue or 2020 Pennsylvania Avenue mean anything</p> <p>15 to you?</p> <p>16 THE WITNESS: Yes. That's the correct</p> <p>17 suite number, you know, it's the box number,</p> <p>18 everybody calls it a "suite," but again it's at</p> <p>19 2020, not 2000. That goes to Pennsylvania Avenue</p> <p>20 and they would have no way of knowing I was on</p> <p>21 2020 when they got that letter.</p> <p>22 And I wasn't on any kind of marquis or</p>	<p style="text-align: right;">Page 1053</p> <p>1 there are four entrances, and there's a Devon</p> <p>2 Grill in front of it, and you have one on the</p> <p>3 side, one on one side, one on the other side, and</p> <p>4 two in the front.</p> <p>5 So if the letter goes to 2000, nobody</p> <p>6 in 2000 knows where I'm located. That's the</p> <p>7 problem, you see. So they can't forward it.</p> <p>8 CHAIRMAN FITCH: The mail drop 354, was</p> <p>9 that located sort of in the part of the building</p> <p>10 that had lessors to 2020.</p> <p>11 THE WITNESS: I frankly don't know.</p> <p>12 It's located -- it's like retail level</p> <p>13 when you go in.</p> <p>14 CHAIRMAN FITCH: Correct.</p> <p>15 THE WITNESS: Ok, so it wasn't next to</p> <p>16 lessors other than retail facilities on that.</p> <p>17 I never really explored the rest of</p> <p>18 that building. I was just concerned that I needed</p> <p>19 to get the address changed to 2020, and it</p> <p>20 explains I wasn't getting a lot of things in that</p> <p>21 period. It was going to the wrong place.</p> <p>22 CHAIRMAN FITCH: The record should</p>
<p style="text-align: right;">Page 1052</p> <p>1 board, you know, in the front of the building.</p> <p>2 CHAIRMAN FITCH: Are you saying that</p> <p>3 Suite 345 was in fact not a room or set of rooms,</p> <p>4 but it was in fact a mail drop?</p> <p>5 THE WITNESS: Correct. And that's the</p> <p>6 way people refer to it. A lot of people refer to</p> <p>7 those mail drops as suites.</p> <p>8 CHAIRMAN FITCH: It's a suite, or the</p> <p>9 appearance of it.</p> <p>10 THE WITNESS: It is a portion that it</p> <p>11 goes into.</p> <p>12 CHAIRMAN FITCH: Ok.</p> <p>13 THE WITNESS: It's a portion of the</p> <p>14 suite that it goes into, the box. It's accurate</p> <p>15 that it's a suite.</p> <p>16 But the point I'm making is that 2000</p> <p>17 Pennsylvania Avenue is a separate building from</p> <p>18 2020. It's a different part of the building over</p> <p>19 there.</p> <p>20 CHAIRMAN FITCH: So there are at least</p> <p>21 two entrances in this block-long building?</p> <p>22 THE WITNESS: There's several. I think</p>	<p style="text-align: right;">Page 1054</p> <p>1 show, I suppose out of an abundance of caution,</p> <p>2 that in evaluating evidence, I will look only at</p> <p>3 what the evidence in the record is. I'm familiar</p> <p>4 with that building. I was familiar with that</p> <p>5 building, a long time along, when Kincaid --</p> <p>6 THE WITNESS: It's a nice building.</p> <p>7 CHAIRMAN FITCH: -- whether Kincaid was</p> <p>8 there. But I have no memory of it.</p> <p>9 So I will take judicial notice of it</p> <p>10 and I will not allow my non-familiarity to affect</p> <p>11 it.</p> <p>12 THE WITNESS: Here's the other point...</p> <p>13 Regardless of the address, regardless</p> <p>14 of the fact that I couldn't accept what was being</p> <p>15 sent because it clearly wasn't written by her, she</p> <p>16 could have emailed me then, and she didn't. You</p> <p>17 know, she has all kinds of texts and emails and</p> <p>18 all kinds of other things, and I didn't get notice</p> <p>19 one way or the other, and neither did Mr. Shamble.</p> <p>20 She could have always gone back to Mr. Shamble.</p> <p>21 She was on good terms with Mr. Shamble. He tried</p> <p>22 to help her. She knew, in effect, Mr. Shamble was</p>

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<p style="text-align: right;">Page 1055</p> <p>1 my partner in helping her, and she didn't even get 2 back to him, and he didn't know. That's why I 3 asked him to try to get ahold of her. 4 CHAIRMAN FITCH: Mr. Sujat, go ahead. 5 BY MR. SUJAT: 6 Q. There have been some emails that 7 reference contingency fees. 8 A. Fred, just show me the document. 9 Q. And I wanted to bring those to your 10 attention to look at. 11 A. Yeah. 12 Q. They would be SX12. Let me just help 13 you with this. Exhibit 12? 14 BY MR. SUJAT: 15 Q. It's Exhibit SX12. 16 CHAIRMAN FITCH: Mr. Sujat, I at least 17 don't have an RX12 -- oh, it's this group of X's. 18 THE WITNESS: Supplemental exhibit? 19 CHAIRMAN FITCH: I'm sorry, go ahead. 20 BY MR. SUJAT: 21 Q. SX12. 22 A. Yes.</p>	<p style="text-align: right;">Page 1057</p> <p>1 either 40 percent or 50 percent, previously. 2 And, you know, it was around this time 3 period that I was trying to get her other counsel, 4 too, because I realized that she was just very 5 difficult to deal with. I viewed her as, you 6 know, better. It was getting personal. She was 7 asking me to buy a car. I cared for her. I 8 thought it needed to go on to other lawyers, such 9 as Mr. Shea and Ms. Allred. 10 You, and I refer to this here, and I'm 11 trying to kind of wake her up, you know. I did 12 really care for the woman, and she does kind of 13 have a diva mentality. And I was seeing that, and 14 I realized, this is not good to continue on under 15 that circumstances. 16 So it was not that I was demanding 50 17 percent, because I was trying to get out of the 18 case at that point. I was trying to make a point 19 that I put in a lot of time and expense, and to 20 this day, after the representation ended, for 21 whatever reason, I've never asked her to pay me 22 back. I've never asked anybody to pay my back.</p>
<p style="text-align: right;">Page 1056</p> <p>1 Q. Would you take a look at that, please. 2 A. I will. 3 This is an email from Elham Sataki -- 4 from me to Ellie Sataki and it's dated May 31st, 5 2010. 6 Ok, what I want to point out is that I 7 had always done this in a pro bono way. I was 8 pointing out in this letter that this is the time 9 that I put in. This was very, very expensive AND 10 that it's unlikely that this will ever be 11 remunerated in any final judgment. 12 As I testified earlier, to get a 13 judgment against the government, you know, we'll 14 all be close to expiring by the time that happens, 15 and that was not what we were trying to do. We 16 were trying to put her back to work in Los 17 Angeles. 18 But I was getting to the point where I 19 didn't feel that I was being respected, as I said. 20 It was a difficult relationship, and if I 21 continued on, I'm suggesting 50 percent of any 22 recovery of what's fair. But we never agreed,</p>	<p style="text-align: right;">Page 1058</p> <p>1 To the extent that there's 2 communications later on that we can get into, what 3 I was saying was if those people interfered in my 4 relationship, given the fact that I've put in so 5 much time and expense, then, you know, they should 6 have to pay for that. Because it's all going for 7 an naught. I tried and I tried. It's all going 8 in the trash. I didn't expect her to pay for it. 9 I would never ask her to pay for it. She didn't 10 have any money to pay anyway. She had no credit. 11 But I was very much concerned and very 12 much perplexed, and very much at a loss to try to 13 understand why, after we had done all that work, 14 why she would just say "give up." 15 And this is a crucial point, your 16 Honors: it was not in her best interest to drop 17 everything. It was not in her best interest to 18 fall on her sword. At any time she was free to 19 get another lawyer, and these people that were 20 helping her -- Kathleen Staunton, is a woman who 21 is educated. She was the Chief of Staff in the 22 Orange County office for Congressman Rohrabacher.</p>

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<p style="text-align: right;">Page 1059</p> <p>1 They obviously could have gotten her a lawyer 2 rather than just telling her to drop stuff. And 3 same for Sam Razavi or anybody else that was 4 giving her what I perceived to be very bad advice. 5 So it's a little bit like the Wizard of 6 Oz and Dorothy -- 7 MR. SMITH: I'm going to object, 8 because this goes beyond the scope of the May 31st 9 letter, which is talking about the 50-percent 10 contingency fees. 11 There is no testimony pertaining about 12 her dropping the case, unless he understood her to 13 have dropped the case on or about May 31st, 2010. 14 CHAIRMAN FITCH: No, I'm going to 15 overrule that, Mr. Smith. 16 I think that it is potentially and 17 theoretically in the Respondent's team view 18 relevant to and possibly explanatory of the charge 19 that he undertook to represent his client on a 20 contingent-fee basis, et cetera. 21 I may or may not be convinced at the 22 present time of what this stuff means, but it</p>	<p style="text-align: right;">Page 1061</p> <p>1 BY MR. SUJAT: 2 Q. Along the same line here, Mr. Klayman, 3 would you pull out SX19. 4 A. Ok, this is an email from me to 5 elliesataki@yahoo.com, June 29th, 2010. The third 6 paragraph is the key to this -- actually the third 7 paragraph and the fourth: "I did not help you for 8 money and it is not my motivation now." This is 9 really where I was at. "In fact, working as hard 10 as I have to try to get you back to PNN, Persia 11 News Network, gets me nothing, assuming I ever 12 wanted a percentage of the damages we could have 13 won in court, which I never asked for. I told you 14 to 'keep it all.' 15 "There is no money in having you return 16 to Persia News Network, PNN. There is the damage 17 claims, and I've spent several hundred thousand 18 dollars of my own expense trying to get you back 19 to a \$75,000 a year job at a network that is a 20 cesspool of corruption. But that's what you 21 wanted." 22 And then I get into some of the</p>
<p style="text-align: right;">Page 1060</p> <p>1 seems to me it's potentially relevant and they 2 have a right to pursue their theory. 3 THE WITNESS: So to finish my point is 4 that, it's a little bit like Dorothy in the Wizard 5 of Oz, where the voice says at the end, "Dorothy, 6 you could always come back to Oz. You don't have 7 to be here," Auntie Em. She could have always 8 gotten another lawyer. She wasn't tied to me. 9 But, you know, I was representing her 10 for free. That's a pretty good deal. And she 11 knew that I believed in her. She knew how much I 12 tried for her. 13 But like I said, there were two sides 14 to her personality: one you see, and sometimes the 15 other that was quite aggressive and I viewed it as 16 not respectful. 17 So that's the quandary we were in, and 18 at that time I said that I didn't have any 19 intention of asking her for 50 percent. I just 20 kind of threw it out there to wake her up. And 21 that's what that letter's about. 22 CHAIRMAN FITCH: Next question.</p>	<p style="text-align: right;">Page 1062</p> <p>1 difficulties with Judge Kotelly and this occurred 2 after she made that ruling denying the preliminary 3 injunction, and I get into, you know, the 4 difficulties with PNN and the rumors that were out 5 there that may have influenced their 6 decision-making. 7 I'm basically, you know, just trying to 8 explain to her that it wasn't my fault. I did 9 everything I could to try to help her. I'm not 10 the kind of person that worries about fault, you 11 know. But because I cared for her. I wanted her 12 to understand. And I wanted her to understand 13 that she doesn't owe me any money and never will. 14 I didn't do it for a contingent fee. I 15 didn't do it for money. I did it because it's who 16 I am and it's the right thing to do. I knew she 17 had no money. 18 I knew that, at that point we hadn't 19 gotten into the damage aspect of the case, and 20 that was something as far down the line that in 21 all likelihood she would not see, in the near or 22 immediate future, and I probably would never see.</p>

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<p style="text-align: right;">Page 1063</p> <p>1 We never went to discovery. We never 2 took depositions. It didn't go far enough. And 3 before the relationship could go forward, into the 4 damage aspect of things, where there could in 5 theory be a recovery, the relationship ended. So 6 there was no need to get into a contingent fee 7 agreement because it just simply wasn't relevant 8 at that point.</p> <p>9 MR. TIGAR: In the last paragraph of 10 SX19, it says, "I now agree with your conclusion 11 that it's best that you go back with your family 12 in Sweden."</p> <p>13 Where had she expressed that 14 conclusion?</p> <p>15 THE WITNESS: One of her 16 frustrations -- I was trying to use reverse 17 psychology, even though I'm not a psychologist. 18 She always told me, and it hasn't changed, because 19 you heard it yourself when she testified, she 20 always told people that she was going to commit 21 suicide, that she is going to give up. It was for 22 affect. So I was basically saying to her -- I was</p>	<p style="text-align: right;">Page 1065</p> <p>1 think it was shortly before he told me that, I'm 2 sitting in a cafe having lunch with my CHIEF OF 3 STAFF, and this woman comes running over to me, 4 screaming, "This man ruined my life. This man's a 5 terrible person," in front of my chief of staff. 6 I didn't know who she was, because and I hadn't 7 seen her for a number of years. First I thought 8 she was my haircutter, and then I realized it was 9 Ellie.</p> <p>10 So she's screaming and she's just going 11 crazy. And eventually I don't say anything, and 12 she walks off, and then she comes back again 13 screaming, and tells my chief of staff to contact 14 her, she'll tell her what a very terrible person I 15 am.</p> <p>16 So she's just not stable, and, you 17 know, eight years later it's not me. This is her. 18 And I'm very sorry what happened to her. I wish 19 it would have been different. But I didn't ruin 20 her life.</p> <p>21 And she told you that her life was on 22 hold. It obviously wasn't on hold. She told you</p>
<p style="text-align: right;">Page 1064</p> <p>1 challenging her really with some reverse 2 psychology.</p> <p>3 MR. TIGAR: When did she say that she 4 had reached that conclusion? That was the 5 question.</p> <p>6 THE WITNESS: In and around the time 7 that Judge Kotelly ruled against us.</p> <p>8 I mean, she was as dejected as I was. 9 And I might add, your Honor, before this 10 proceeding ever began, the hearing, you received 11 correspondence. It's in the record. She said "My 12 life's been ruined. It is put on hold for eight 13 years." And obviously you heard the testimony. 14 It wasn't ruined. She continued on fully employed 15 doing broadcasting with Persian networks in Los 16 Angeles, with cosmetic firms, which is her 17 background. She's making a good salary. Her life 18 wasn't ruined.</p> <p>19 And I can jump ahead a little bit. In 20 and around the time that Mr. Smith told me that 21 this case was not dismissed, that's when he 22 re-contacted me and said he would respond. I</p>	<p style="text-align: right;">Page 1066</p> <p>1 that her life was ruined.</p> <p>2 It's kind of like -- and I don't mean 3 this with any lack of respect. It's a little like 4 Blanch DuBois in A Street Car Named Desire -- and 5 I've always believed in the generosity of 6 strangers. You can also say no good deed goes 7 unpunished. And there has to be somebody to 8 blame. And I understand that, because victims, 9 when they get into this mode -- and I have 10 represented a lot of victims, people that were 11 wounded in battle, sexual harassment victims, 12 other than her, victims that were liaised, you 13 know, by foreign powers -- is that they tend -- 14 the world tends to revolve around them and they 15 feel the world owes them.</p> <p>16 So the reaction is, when you don't get 17 what you want, based on my experience, is to 18 strike out at the person that's easiest to strike 19 out at. And that was me. So I've never, ever 20 asked her to be paid back, and to this day I wish 21 her well. I pray to God that she has a good life, 22 but I'm not the cause of her problems.</p>

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<p style="text-align: right;">Page 1067</p> <p>1 CHAIRMAN FITCH: This letter, SX19, 2 that you emailed to her on June 29th, 2010, so 3 this would have been about 27 days after the 4 TRO/PI was denied, correct? 5 THE WITNESS: Right. 6 CHAIRMAN FITCH: If, assuming the date 7 is correct. 8 THE WITNESS: If the date is correct, 9 and we'll go back to it, yeah. 10 CHAIRMAN FITCH: Both you and she were 11 in Los Angeles that whole period of time. Is that 12 correct. 13 THE WITNESS: It's my understanding -- 14 I don't know where she was, but I was. 15 CHAIRMAN FITCH: Ok. That was my next 16 question. 17 Did you have communications with her 18 between roughly June 2nd and your unsuccessful 19 attempt to reach her that night after the 20 automobile -- 21 THE WITNESS: I'll have to go back and 22 check.</p>	<p style="text-align: right;">Page 1069</p> <p>1 Sweden is discussed in the last paragraph, as we 2 see and heard. Do you have any recollection now 3 of why on June 29, or approximately at that time, 4 on or about that time, you sent her a letter about 5 Sweden, or had Sweden on your mind? 6 THE WITNESS: I think that it may have 7 been when I had the conversations with her after 8 Judge Kotelly's ruling that I made that reference. 9 CHAIRMAN FITCH: Say that again. 10 THE WITNESS: I think, I think, I'm 11 trying to recollect, remember this is eight years 12 ago -- 13 CHAIRMAN FITCH: Fair enough. 14 THE WITNESS: -- that around the time 15 that I had that conversation with her that we had 16 not won the preliminary injunction. I think she 17 mentioned that, ok, "I'm going to go back to 18 Sweden." 19 We did have a telephone conversation 20 that day. She really ripped into me that day. 21 CHAIRMAN FITCH: I may have the 22 timelines a little bit confused. If the denial of</p>
<p style="text-align: right;">Page 1068</p> <p>1 CHAIRMAN FITCH: -- and June 29th, 2 2010? 3 THE WITNESS: I don't recollect any 4 communications during that period. 5 CHAIRMAN FITCH: Ok. 6 THE WITNESS: She just kind of shut off 7 and just went off, you know, in effect -- and I 8 don't mean this in a disrespectful kind of way, 9 feeling sorry for herself. That's why the 10 comments, "I'm going to go back to Sweden," she 11 doesn't want to go back to Sweden, and drama. And 12 I was trying -- I was doing reverse psychology 13 there. 14 I really wanted to help her, that she 15 had to get other counseling because things had 16 gotten in a manner that we couldn't communicate 17 with each other. If you can't talk to your 18 client, you can't represent your client. 19 CHAIRMAN FITCH: The June 29 20 letter/email has a subject line and it says 21 "Sweden." 22 Do you have any recollection now -- and</p>	<p style="text-align: right;">Page 1070</p> <p>1 the TRO and the PI came down on approximately June 2 1, 2010 -- when did the automobile accident 3 happen? That night? 4 THE WITNESS: That night. 5 CHAIRMAN FITCH: And had you already 6 contacted her about the adverse decision? 7 THE WITNESS: I talked to her earlier 8 in the day. 9 CHAIRMAN FITCH: You called her earlier 10 in the day. 11 THE WITNESS: Yeah, and that was one of 12 the things that really upset me. 13 CHAIRMAN FITCH: Ok. 14 THE WITNESS: the combination of Judge 15 Kotelly's ruling and your client reading you the 16 riot act -- 17 CHAIRMAN FITCH: Ok. 18 THE WITNESS: And vilifying you. 19 CHAIRMAN FITCH: Mr. Sujat. 20 BY MR. SUJAT: 21 Q. Mr. Klayman, on the same line, would 22 you take a look at SX26, please.</p>

51 (Pages 1067 to 1070)

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<p style="text-align: right;">Page 1071</p> <p>1 A. Yes.</p> <p>2 This is an email that I wrote on or</p> <p>3 around August 5th. Apparently the letter to</p> <p>4 Austin had been forwarded to me. It wasn't sent</p> <p>5 to me, and I'm trying to --</p> <p>6 CHAIRMAN FITCH: Wait a minute, Mr.</p> <p>7 Klayman. I apologize.</p> <p>8 (Brief pause.)</p> <p>9 CHAIRMAN FITCH: You were going to</p> <p>10 respond to Mr. Sujat's question?</p> <p>11 THE WITNESS: Yes.</p> <p>12 This is an email I sent to Ms. Sataki,</p> <p>13 apparently on or about August 5th, which was</p> <p>14 dealing with the Dan Austin letter. This may have</p> <p>15 been brought to my attention by Mr. Shamble,</p> <p>16 because he got the letter. I didn't. And that's</p> <p>17 why the letter says, "The letter which you sent to</p> <p>18 Dan Austin and Tim Shamble, but not to me, makes</p> <p>19 no sense and is counterproductive for the</p> <p>20 following basic reasons." And I'm telling her</p> <p>21 that, "Given everything we know about Voice of</p> <p>22 America, being nice to them, appearing to placate</p>	<p style="text-align: right;">Page 1073</p> <p>1 them, but in theory, when a client does something</p> <p>2 like that, lawyers generally ask to be paid. But</p> <p>3 I have never asked to be paid, I never wanted to</p> <p>4 be paid, and, you know, I did it for her. That's</p> <p>5 what "in theory" meant. I think that's an</p> <p>6 important word.</p> <p>7 But there are other documents where I</p> <p>8 clearly say, it's pro bono. I'm not asking to be</p> <p>9 paid back. I don't want to ask to be paid back.</p> <p>10 "I did it, Ellie, for you." That's why I said,</p> <p>11 when Mr. Smith produced this stuff the first day</p> <p>12 of trial, I said there is a lot of stuff in here</p> <p>13 that's extremely helpful, that explains where I</p> <p>14 was at, what I was doing, what I was thinking and</p> <p>15 what I said.</p> <p>16 CHAIRMAN FITCH: Go ahead, Mr. Sujat.</p> <p>17 I'm not going to interrupt.</p> <p>18 MR. SUJAT: No problem.</p> <p>19 BY MR. SUJAT:</p> <p>20 Q. So, staying in the line of financial</p> <p>21 assistance that you provided Ms. Sataki and also</p> <p>22 helping her with employment, I would like to refer</p>
<p style="text-align: right;">Page 1072</p> <p>1 them or rollover for them is not going to get you</p> <p>2 in all likelihood what you want." I'm saying,</p> <p>3 "Being nice to them won't get you anywhere anyway,</p> <p>4 as Tim has also advised you. You tried that</p> <p>5 before, before I agreed to help you, and we tried</p> <p>6 that when I tried to negotiate an amicable</p> <p>7 solution when a lawsuit was filed."</p> <p>8 And then I state, "Second" -- I won't</p> <p>9 read the whole thing, but this is important.</p> <p>10 "Second, by giving up all totally in court, this</p> <p>11 is what you intended, which for the most part</p> <p>12 eliminated any means for you to have VOA pay any</p> <p>13 costs. How then will you pay me back for rent,</p> <p>14 living expenses, polygraphs and other costs you</p> <p>15 agreed to?</p> <p>16 Now, I never asked for this and I</p> <p>17 wouldn't have taken it. I made it clear. There</p> <p>18 are several things in here that were said, but</p> <p>19 this is what she said.</p> <p>20 I said, "If you give up the suit then</p> <p>21 you are personally responsible for paying these</p> <p>22 costs, in theory" -- not that I would make her pay</p>	<p style="text-align: right;">Page 1074</p> <p>1 you to the Bar Exhibit 29.</p> <p>2 A. The supplement Exhibit 29?</p> <p>3 Q. No, just the regular Exhibit 29 Bar</p> <p>4 exhibit, from Larry Klayman to Ms. Sataki.</p> <p>5 A. Yes, this is an email of November 21st,</p> <p>6 2011.</p> <p>7 You know, I felt that she had to get</p> <p>8 other counsel at this time. She had to move on.</p> <p>9 I had gotten her a six-month lease. I prepaid it</p> <p>10 with my money. And it's not that she was being</p> <p>11 told to leave, but I wanted to give her notice</p> <p>12 that we were going to likely have to go in</p> <p>13 different directions, because the relationship had</p> <p>14 become very difficult and noncommunicative.</p> <p>15 And I said, "I will take, if you do not</p> <p>16 want to assume the lease, I will notify the Serano</p> <p>17 in the morning. I have prepaid four months plus</p> <p>18 the security deposit for a total of over \$11,000,</p> <p>19 the equivalent of five months rent. The security</p> <p>20 deposits will provide your monthly rent at the</p> <p>21 Serano until and including September 7, 2010, as</p> <p>22 of the date when you vacate the apartment.</p>

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<p style="text-align: right;">Page 1075</p> <p>1 However you must keep the apartment neat and clean 2 so they can at least begin to show it. The Serano 3 executives will keep you advised. This one-month 4 period should give you time to find another place 5 to live. 6 "Ellie, I'm not taking this position to 7 coerce you to do anything. You are your own free 8 agent and I respect that. I assume by now that 9 you have reflected and understand why we have to 10 move on in this regard. I'm not retaliating 11 against you. It's just that you cannot expect me 12 to indefinitely support you, like a boyfriend, 13 husband or family. 14 "So now that you do not owe me anything 15 going forward into the future, this should make 16 you feel better. 17 "I will continue to try to help you get 18 a job and if you're ill or there is an emergency, 19 you can always count on me. But like I told you 20 many times, I cannot continue to be where I'm not 21 wanted. 22 And I finally got the message, while it</p>	<p style="text-align: right;">Page 1077</p> <p>1 interest. My interest was to get her what she 2 wanted. My interest was, as a lawyer, to win the 3 case. And to the extent that she was part of this 4 whole Persian movement to try to liberate Iran, 5 that was a good thing. That's why I admired her 6 and admired other people at VOA for trying to do 7 that. And I was trying to do that. 8 BY MR. SUJAT: 9 Q. Mr. Klayman, would you look at SX31. 10 It's an email from you to Ms. Sataki dated October 11 24th, 2010. 12 A. Let me just check something Mr. Sujat. 13 Q. SX31? 14 A. If I could ask, Mr. Sujat, just to go 15 back, because it goes with the flow. 16 THE WITNESS: He's not as familiar with 17 this case as I am. 18 If you can, I want to direct your 19 attention to the emails in our exhibit book where 20 I'm talking to Dr. Aviera saying she needs to get 21 another lawyer, in our exhibit book. 22 I can help you with it. It's Exhibit</p>
<p style="text-align: right;">Page 1076</p> <p>1 hurts and while I would have given you the shirt 2 off my back, something has to be done, no matter 3 how much I love you and always will." 4 And the reference to love, too, I love 5 a lot of people. I love my dog, Beverly. I love 6 my friends. I did love Ellie. I'm not 7 embarrassed about that. That's one reason I tried 8 so hard for her, because I really did want her to 9 succeed and I really cared. 10 So when we got to the point of 11 separation, you know, that's why I suggested Tim 12 Shea and also, you know, made reference to that in 13 communications with Dr. Aviera that she didn't 14 understand that she needed to get other counsel at 15 that point. 16 Because I saw the potential of this not 17 going good when I could not communicate with her, 18 and when she expected things like me buying a car 19 or helping Kevah and berating me when I didn't get 20 the right lawyer, and it just was getting too 21 personal. And I recognized that. 22 But I didn't ever pursue my personal</p>	<p style="text-align: right;">Page 1078</p> <p>1 9. 2 MR. TIGAR: Respondent's Exhibit 9? 3 THE WITNESS: Respondent's Exhibit 9. 4 And this is an email May 10th -- May 5 8th, 2010 -- May 10th, 2010 where I'm saying in 6 paragraph three, "It's not healthy for you or me. 7 You will get better legal representation from 8 someone else like Tim Shea who does not have an 9 emotional conflict." 10 So I recognized that there was that 11 personal aspect of things and it was getting too 12 close. So that's why I tried to find somebody 13 else, and Mr. Shamble had given me Tim Shea's name 14 and he seemed like a very competent person. 15 And then in the next email, the next 16 page, "In case you did not see my text this 17 morning, I thought of someone who can take over 18 your legal representation. His name is Tim Shea. 19 Tim Shamble also knows him. And he has had 20 experience for clients before VOA, and PNN, Persia 21 News Network. 22 BY MR. SUJAT:</p>

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<p style="text-align: right;">Page 1079</p> <p>1 Q. That's SX5 you're referring to --</p> <p>2 CHAIRMAN FITCH: I'm sorry, where are</p> <p>3 we now?</p> <p>4 THE WITNESS: This is Respondent's</p> <p>5 Exhibit 9.</p> <p>6 CHAIRMAN FITCH: I'm looking at RX9.</p> <p>7 THE WITNESS: Yeah, right.</p> <p>8 CHAIRMAN FITCH: What's the date of the</p> <p>9 email you want me to look at?</p> <p>10 THE WITNESS: It's May 8th, 2010.</p> <p>11 They're two of them.</p> <p>12 CHAIRMAN FITCH: And which one -- you</p> <p>13 have testified about the first one.</p> <p>14 THE WITNESS: Yes, and I testified</p> <p>15 about the second one, too.</p> <p>16 CHAIRMAN FITCH: You're on the second</p> <p>17 one that says, "In case you did not see my text</p> <p>18 this morning"?</p> <p>19 THE WITNESS: Yeah.</p> <p>20 CHAIRMAN FITCH: About Tim Shea?</p> <p>21 THE WITNESS: This is what I would like</p> <p>22 everyone to understand, is that I realized it was</p>	<p style="text-align: right;">Page 1081</p> <p>1 a way also of trying to forget about my issues,</p> <p>2 you know, and trying to help other people. And I</p> <p>3 felt bad or her.</p> <p>4 I had gotten divorced before that. I</p> <p>5 felt that I didn't do enough to try to help.</p> <p>6 Maybe I was responsible in part for the earlier</p> <p>7 divorce, I didn't give enough attention to my</p> <p>8 female wife. So I wanted -- I'm not trying to</p> <p>9 psychoanalyze myself, but I'm basically trying to</p> <p>10 say that I tried to help her. I tried to help out</p> <p>11 a woman in need. I believe in women's rights.</p> <p>12 Ms. Allred's my friend. You know, we're</p> <p>13 politically different.</p> <p>14 So it was a combination of factors. I</p> <p>15 said that: "I'm not your boyfriend. I don't want</p> <p>16 to be your boyfriend." That's in the</p> <p>17 correspondence.</p> <p>18 MR. TIGAR: Thank you.</p> <p>19 THE WITNESS: And I would add that</p> <p>20 there were times that I was treated so badly that</p> <p>21 I reacted to that, and that was because I did</p> <p>22 care. Something like Sweden, you know, using</p>
<p style="text-align: right;">Page 1080</p> <p>1 getting too close and I was trying to give her</p> <p>2 another lawyer to take over the case. I know</p> <p>3 that, you know, there's an issue that was raised</p> <p>4 by Bar Counsel about conflict. I felt that, to</p> <p>5 avoid a conflict, she should get other counsel.</p> <p>6 That comes out in a number of different</p> <p>7 communications.</p> <p>8 Thank you, Mr. Sujat, for indulging me.</p> <p>9 MR. TIGAR: What kind of love</p> <p>10 relationship did you want to have with Ms. Sataki?</p> <p>11 THE WITNESS: That's a good question.</p> <p>12 I never wanted a sexual relationship.</p> <p>13 I never had a sexual relationship. I never</p> <p>14 touched her. I'm someone who gravitates to</p> <p>15 somebody and, you know, I did love Ms. Sataki, but</p> <p>16 it wasn't in any way intended to be a long-term</p> <p>17 relationship or marriage or anything like that.</p> <p>18 Because I was going through a difficult</p> <p>19 period of my life and I sympathized with her and I</p> <p>20 fell in love with her. And I did that because I</p> <p>21 kind of projected to myself, too, the difficulties</p> <p>22 that I was going through at the time. And it was</p>	<p style="text-align: right;">Page 1082</p> <p>1 reverse psychology.</p> <p>2 BY MR. SUJAT:</p> <p>3 Q. Mr. Klayman, would you open up SX3, ON</p> <p>4 Pages 2 and 3. This is an email from Ms. Sataki</p> <p>5 to you dated 23, April 2010.</p> <p>6 A. I don't think I have that exhibit.</p> <p>7 CHAIRMAN FITCH: The date of the email</p> <p>8 again. April 23, '10.</p> <p>9 MR. SUJAT: It's 23 April, 2010.</p> <p>10 CHAIRMAN FITCH: Thank you. Just</p> <p>11 making sure.</p> <p>12 BY MR. SUJAT:</p> <p>13 Q. So I would ask Mr. Klayman to take a</p> <p>14 look at it and --</p> <p>15 A. Yes.</p> <p>16 Q. This would relate to the relationship?</p> <p>17 A. Yes.</p> <p>18 It's an email of April 23rd, 2010 from</p> <p>19 Elham Sataki to me, Larry Klayman: "Dear Larry, I</p> <p>20 wish we didn't have this unfortunate problem at</p> <p>21 this stage in my life." It's important, so I want</p> <p>22 to read this part...</p>

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<p style="text-align: right;">Page 1083</p> <p>1 "But, as you know better than anyone 2 else, I'm so tired and anxious that I can't even 3 think about anything else but my case. 4 "I tried so many times to tell you, you 5 are not the problem. As I said before the only 6 unfortunate thing is the timing" -- which is, you 7 know, kind of -- I mean that's kind of intimate of 8 itself, saying something from her point of view. 9 "If you say you love me, then you 10 should be able to put yourself in my shoes for 11 even one minute. Right now I don't have any 12 money, because VOA is not paying me, for whatever 13 reason. I'm not even sure if I have a job any 14 more. I rented a new apartment with no money." 15 Actually I rented the apartment. 16 "I don't think I need to explain to you 17 what I have and what I don't because you know 18 every detail of my life now. You always say I can 19 count on you and lean on you with problems, but 20 sometimes you say some hurtful things like, 'you 21 never let me into your world with your reach' -- 22 she meant rich -- "Persian friends. What in</p>	<p style="text-align: right;">Page 1085</p> <p>1 and the other side is a very aggressive -- it can 2 be a vicious side from time to time. It explains 3 a lot of the interaction. 4 BY MR. SUJAT: 5 Q. Mr. Klayman, could you take a look at 6 SX20 while you have that there, the email from you 7 to Ms. Sataki. 8 A. Yes. 9 This was talking about the interactions 10 with Kathleen Staunton in Congressman 11 Rohrabacher's office, and let me give you the 12 context of that. 13 It said I had known Congressman 14 Rohrabacher. He was active with regard to -- in 15 Iran he sits I believe on the Foreign Relations 16 Committee. He's from Orange County. Ms. Sataki 17 is not from Orange County but I went to him to see 18 if I could get some help. 19 That's the day that I went to get some 20 help. So I took her there and we met with the 21 congressman and we met with Kathleen Staunton. 22 And they said she is the manager of the office, in</p>
<p style="text-align: right;">Page 1084</p> <p>1 God's name were you thinking when you wrote that? 2 Sometimes I feel, not only I can't lean on you, 3 but for if there is an understanding or other 4 reason, you drop me suddenly and I lose all the 5 support." 6 I'm not going to read the whole thing. 7 "I don't and I cannot see anything 8 besides my case. This is not that I don't see 9 your hard work and thoughtfulness, your kindness, 10 and above all your compassion that is in your 11 heart. 12 "Again, thank you for all your help and 13 understanding. Can you please tell me we will win 14 or lose this case. Please don't let anything come 15 between our friendship." 16 This is the way it started and then it 17 just kind of went downhill after that, 18 particularly when we didn't get the result we 19 wanted with Kotelly. She blamed me. 20 She has a -- again, I'm not a 21 psychologist. And I don't mean this with any lack 22 of respect. She has two sides: One side is this,</p>	<p style="text-align: right;">Page 1086</p> <p>1 effect. And they said they would try to help 2 Ellie. And from that day forward I didn't really 3 have much, if any, contact with Kathleen Staunton. 4 But I did find out -- I mean I did talk 5 to her at some point, and I was trying to find out 6 whether Congressman Rohrabacher was going to do 7 anything. No one else had done anything, and she 8 told me, as recorded in this email, which is now 9 in evidence, that she was told by Ellie Sataki 10 that she never wanted to do anything in court and 11 implied that she did not want to be in LA and that 12 it was all my idea, which is totally false. I 13 mean, you can glean that from her own testimony 14 and Mr. Shambles' testimony. 15 So I'm writing at the bottom, and I'm 16 saying, "Saying and implying stuff like that not 17 only shows further how you view me, but hurts your 18 case. If you undercut your lawyer, it speaks 19 poorly of you. 20 "Indeed I sense that Kathleen and the 21 congressman are now backing off and have less 22 enthusiasm to help you."</p>

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<p style="text-align: right;">Page 1087</p> <p>1 They were worked under a false 2 pretense, that I had made this all up myself, and 3 that may explain why Kathleen Staunton wrote the 4 Bar complaint, the supplemental complaint. There 5 is another aspect of this which bears on 6 credibility, where I say, that, you know, "Your 7 diamond ring and a litany of past and present 8 persons who abused you who may have stolen from 9 you," I'm telling her in fact I'm not one of them. 10 But Ms. Sataki had actually told me 11 that the diamond ring had been taken probably by 12 her girlfriend or someone like that. And then she 13 blames the apartment for it, unequivocally. You 14 might remember that. The only explanation is, and 15 she's talking about her diamond ring and breaking 16 in, and Dean Popper, the manager, with her 17 roommate, who was laying naked in bed. She blames 18 me for that. But she told me she thought it was 19 her roommate, her friend, her female friend who 20 had taken it. 21 So, for whatever reason she makes up 22 stories when it suits her. And so she was selling</p>	<p style="text-align: right;">Page 1089</p> <p>1 case?" Apparently that's what it was perceived 2 where she was coming from, and it says. "I tried 3 to" -- 4 MS. LARKIN: Can you speak up, please. 5 THE WITNESS: Yes, that's where I 6 perceived she was coming from, and why she 7 wouldn't communicate. 8 "I tried to communicate with you, but I 9 got no response. This is the first time I've 10 heard from you, assuming that this email was 11 written by you. It appears you are still 12 experiencing severe emotional issues." I'm 13 referring to the email below. 14 "You had a right of appeal and could 15 probably appeal the lower court's decision. The 16 appeal will not be dismissed finally until October 17 24th, 2011, so if you decide to appeal, you can 18 notify the court that you want to proceed. It 19 would be best if you have another attorney, given 20 your statements below." 21 And this is symptomatic of the way she 22 talked to me frequently.</p>
<p style="text-align: right;">Page 1088</p> <p>1 Kathleen a bill of goods there and I had to try 2 and straighten it out. 3 But it also explains why Kathleen 4 helped her come after me. Because that's 5 obviously not true, based upon Mr. Shambles' 6 testimony and my testimony. You'll hear other 7 testimony. 8 So that's what that's about. 9 Q. Regarding this other side of her, would 10 you take a look at SX38. 11 A. This is an email I sent. Again, I'm 12 trying to get in touch with her. It was sent to 13 her on September 15th, 2011. 14 CHAIRMAN FITCH: What document? 15 THE WITNESS: Supplemental Exhibit 38. 16 CHAIRMAN FITCH: What document are we 17 looking at? 18 MR. SUJAT: SX38. 19 MR. TIGAR: Oh, 38. 20 THE WITNESS: It's September 15th, 21 2011. I'm sending an email to Ms. Sataki. And 22 the subject, "Is it your fault that I lost my</p>	<p style="text-align: right;">Page 1090</p> <p>1 And she wrote, "Mr. Klayman, are you 2 happy now that you completely destroyed and lost 3 my case; a case with so many evidence and 4 witnesses? Only a very bad and clueless attorney 5 could lose it, or lost it on purps (sic), just 6 because he made a dill" (sic), she meant a deal, 7 "with the other parties." She's accusing me of 8 being bribed. 9 "I don't know if you are Christian or 10 Jewish" -- and then she underlines Jewish, which 11 is kind of curious. And I took it that she was 12 taking a swipe at, you know, the fact that I'm 13 Jewish -- "because whichever suits you best you 14 become one. 15 "But I do believe in karma and what you 16 have done with my case and loosing (sic) it and 17 not stop working on it when I ordered you to, one 18 day you will answer to God, even if you throw your 19 life -- go throw your life and go play with people 20 life. 21 "I am nobody. Just a little girl that 22 was retaliated and harassment by some VOA</p>

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<p style="text-align: right;">Page 1091</p> <p>1 employee, and you seed (sic) that you can help me. 2 Not only did you not help me, but destroyed my 3 life to nothing." 4 This is consistent with, you know, 5 other things that she said and did, including 6 going up to the president. 7 You can see from this, this is her 8 English, ok. That is why she didn't want to work 9 in the Central News Bureau, because her English 10 is not that good, and it's broadcast in English. 11 That's why I knew when I got these other 12 communications in perfect English that it was not 13 coming from her, and why I needed to communicate 14 with her truly, with fully informed consent, what 15 she wanted to do. 16 Because this is her English. But this 17 is a very aggressive, abrasive, nasty and 18 demeaning letter. And to accuse your lawyer of 19 taking bribes when he did so much to try to help 20 you, that's the other side of Ellie Sataki. So 21 when I talk about respect, that's what I'm talking 22 about.</p>	<p style="text-align: right;">Page 1093</p> <p>1 THE WITNESS: Yes, sir. 2 CHAIRMAN FITCH: I haven't done a 3 timeline here by any means, but I don't see any 4 Kotelly rulings in the 2011 period. 5 If you don't know the answer, it's no 6 big deal. You have overnight to figure it out. 7 THE WITNESS: Yes, I'll take a look at 8 it, your Honor. 9 CHAIRMAN FITCH: It seems to be an 10 email that's ten months after many events. 11 THE WITNESS: It may be -- again it's 12 eight years later. Maybe she just bubbled up one 13 day and decided she was going to take a shot at 14 me. 15 CHAIRMAN FITCH: You mean the 16 intervening period or hiatus or something else may 17 have some significance? It may not have some 18 significance. 19 THE WITNESS: It came up recently. It 20 came up recently when I was just trying to get a 21 continuance of a month, "ruined my life, my life's 22 worth nothing."</p>
<p style="text-align: right;">Page 1092</p> <p>1 So I suggested she get another lawyer, 2 too. 3 CHAIRMAN FITCH: This letter is dated 4 September 15, 2011. This is about ten months or 5 more after the period of preceding correspondence 6 that we've seen. 7 Were there communications between you 8 and Sataki in 2011, for example? 9 THE WITNESS: Yeah -- I think that what 10 triggered this was my attempt to communicate with 11 her after the Judge Kotelly ruling, and she's 12 reacting to that. Because I am sending emails; I 13 am sending texts, "Please communicate with me or 14 Mr. Shamble." And she just let's it rip here. 15 And, you know, to the best of my recollection, 16 right now, it was a one-way communication. 17 Again, I didn't understand why, even if 18 she didn't want to talk with me, she didn't talk 19 with Mr. Shamble. And there's also a very 20 important -- 21 CHAIRMAN FITCH: Well, let me interrupt 22 or stop you for a minute.</p>	<p style="text-align: right;">Page 1094</p> <p>1 We know now she's gainfully employed, 2 making a good living. 3 This bubbles up periodically with her, 4 and it started with people like her supervisors 5 and people around her before I even knew, and she 6 thought they were out to get her. And, you know, 7 that's just where she's at, emotionally, that 8 people are out to get her, particularly men. 9 And, you know, I think she probably had 10 bad experiences in the past. I don't want to get 11 into that. I respect her past. But these rumors 12 were out there at Voice of America, and it was 13 something I had to deal with, too. 14 And it was unfortunate, you know, and I 15 can say this, based on my own experience, there 16 are a lot of people who come out of an environment 17 like she grew up in, she told me once that when 18 there was the Iran/Iraq war, when Saddam Hussein 19 was fighting the Ayatollah Khomeini, not Kamenei, 20 that there were bombs coming into Tehran, that she 21 was literally hiding under her bed. That's a very 22 charged atmosphere where you think things are</p>

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<p style="text-align: right;">Page 1095</p> <p>1 going to happen to you.</p> <p>2 I'm not a psychologist. I don't know</p> <p>3 what happened. But, you know, she had a lot of</p> <p>4 things happen in her life that were not from me</p> <p>5 and were not caused by me. And she confided in</p> <p>6 me, and that's one reason why I cared so much,</p> <p>7 because I saw the whole totality of the person.</p> <p>8 I thought at the time at Voice of</p> <p>9 America that this was unfair and unjust, what</p> <p>10 happened, and my heart went out to her.</p> <p>11 CHAIRMAN FITCH: Mr. Sujat, you have a</p> <p>12 choice of stopping now or stopping one minute from</p> <p>13 now.</p> <p>14 THE WITNESS: This would be a good</p> <p>15 point.</p> <p>16 MR. SUJAT: Let him see if he can wants</p> <p>17 to adds to the question.</p> <p>18 CHAIRMAN FITCH: Let him ask his</p> <p>19 question.</p> <p>20 BY MR. SUJAT:</p> <p>21 Q. This type of attitude, has this</p> <p>22 continued up to the present?</p>	<p style="text-align: right;">Page 1097</p> <p>1 CHAIRMAN FITCH: I believe you</p> <p>2 understand, do you not, that this is a</p> <p>3 disciplinary proceeding before an ad hoc hearing</p> <p>4 committee of the Board on Professional</p> <p>5 Responsibility of the District of Columbia Court</p> <p>6 of Appeals.</p> <p>7 THE WITNESS: Yes, thank you.</p> <p>8 CHAIRMAN FITCH: We are prepared to</p> <p>9 receive your testimony. If you will raise your</p> <p>10 right hand, I will swear you.</p> <p>11 Ms. Allred, do you solemnly swear or</p> <p>12 affirm that the testimony you are about to give</p> <p>13 will be the truth, the whole truth and nothing but</p> <p>14 the truth?</p> <p>15 THE WITNESS: I do.</p> <p>16 CHAIRMAN FITCH: I think, Ms. Allred,</p> <p>17 that you can see that there is a hearing committee</p> <p>18 of three here, and you can also see counsel table</p> <p>19 and the podium at which Mr. Klayman is standing.</p> <p>20 He will be examining you.</p> <p>21 If you are prepared to proceed, I</p> <p>22 believe we are also.</p>
<p style="text-align: right;">Page 1096</p> <p>1 What I'd like you to do is take a look</p> <p>2 at this transcript of Ms. Sataki dated May 30th,</p> <p>3 Page 200, you know, if you can just explain what</p> <p>4 you see here.</p> <p>5 MR. SMITH: Objection to the comments</p> <p>6 upon Ms. Sataki's testimony a few weeks ago.</p> <p>7 CHAIRMAN FITCH: I think we'll hold</p> <p>8 that question to think about it, and we will stand</p> <p>9 in recess for fifteen minutes to set up the remote</p> <p>10 testimony.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 (Recess taken.)</p> <p>13 (Gloria Allred appearing before the</p> <p>14 hearing committee via video conference.)</p> <p>15 CHAIRMAN FITCH: I believe we are back</p> <p>16 on the record now. All requisite parties are</p> <p>17 present.</p> <p>18 We have interrupted Mr. Klayman's</p> <p>19 examination in order to take evidence from Ms.</p> <p>20 Gloria Allred.</p> <p>21 Ms. Allred? Can you hear us?</p> <p>22 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 1098</p> <p>1 THE WITNESS: Yes, I am prepared to</p> <p>2 proceed. Thank you.</p> <p>3 CHAIRMAN FITCH: Mr. Klayman.</p> <p>4 Whereupon,</p> <p>5 GLORIA ALLRED,</p> <p>6 called as a witness on behalf of Respondent, and,</p> <p>7 after having been first duly sworn, was examined</p> <p>8 and testified (via video conference) as follows:</p> <p>9 DIRECT EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>10 BY MR. KLAYMAN:</p> <p>11 Q. Ms. Allred, how are you today?</p> <p>12 A. Just fine. Thank you, sir.</p> <p>13 Q. Would you please state your name.</p> <p>14 A. I'm attorney Gloria Allred,</p> <p>15 G-l-o-r-i-a, A-l-l-r-e-d.</p> <p>16 Q. I don't mean to get into much of your</p> <p>17 background, since you're so famous. Would it be</p> <p>18 fair to say that you're the most famous women's</p> <p>19 rights lawyer in the history of this country?</p> <p>20 A. Well, I think it's fair to say that my</p> <p>21 law firm, Allred Maroko and Goldberg, has been the</p> <p>22 leading private women's rights law firm in the</p>

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<p style="text-align: right;">Page 1099</p> <p>1 United States for 42 years.</p> <p>2 Q. And I believe you were roasted by the</p> <p>3 Friar's Club over the weekend for your efforts and</p> <p>4 service.</p> <p>5 A. That's correct. That was actually</p> <p>6 Thursday night.</p> <p>7 Q. Ok.</p> <p>8 A. For my efforts to make sure that women</p> <p>9 could be members of the Friar's Club, and it</p> <p>10 celebrated its 30th anniversary of accepting women</p> <p>11 as members as a result of my efforts.</p> <p>12 Q. And recently, just briefly, I believe</p> <p>13 you were the subject of a Netflix documentary of</p> <p>14 your life story.</p> <p>15 A. That's true. It's called Seeing</p> <p>16 Allred. It is streaming on Netflix right now and</p> <p>17 it is essentially a documentary about my 42-year</p> <p>18 battle for women's rights.</p> <p>19 Q. Of course I don't need to ask this, but</p> <p>20 you are a lawyer?</p> <p>21 A. I'm a lawyer and also a partner in the</p> <p>22 law firm Allred Maroko and Goldberg.</p>	<p style="text-align: right;">Page 1101</p> <p>1 Do you remember receiving that from me?</p> <p>2 A. Yes, we do show that you have sent --</p> <p>3 that you did send that email to me on Tuesday,</p> <p>4 June 15th, 2010, at 6:09 p.m.</p> <p>5 Q. And since I'm referring to "Ellie," I</p> <p>6 must have had prior discussions with you about her</p> <p>7 before I even sent the email, otherwise I wouldn't</p> <p>8 have used "Ellie."</p> <p>9 Is that your understanding?</p> <p>10 A. You know, I don't recollect whether you</p> <p>11 had prior discussions with me or not.</p> <p>12 Q. Now --</p> <p>13 A. But you may have because you didn't</p> <p>14 give her last name.</p> <p>15 Q. Right.</p> <p>16 So, did there come a point in time when</p> <p>17 we had a conference call -- Ellie Sataki, me and</p> <p>18 you -- to discuss whether you would represent her?</p> <p>19 A. I believe there was such a call. I</p> <p>20 don't recollect what was said on the call or</p> <p>21 exactly when it took place.</p> <p>22 Q. In any event, did you decide to</p>
<p style="text-align: right;">Page 1100</p> <p>1 Q. You're also licensed in the District of</p> <p>2 Columbia, are you not?</p> <p>3 A. Yes, I'm licensed in California, in the</p> <p>4 District of Columbia and also in New York.</p> <p>5 Q. Did there come a time, and I refer your</p> <p>6 attention Ms. Allred to Respondent's Supplemental</p> <p>7 Exhibit Number 1, when I sent you an email on or</p> <p>8 about June 15th, 2010, which stated -- and if you</p> <p>9 have at that in front of you, because I sent it --</p> <p>10 A. I do.</p> <p>11 Q. -- to your assistant, Patty.</p> <p>12 A. I have it.</p> <p>13 Q. It says "Gloria, I would like to</p> <p>14 discuss your taking this case over. It's not</p> <p>15 because I don't believe in the strength of Ellie's</p> <p>16 claims. She has very strong claims and the</p> <p>17 damages are large.</p> <p>18 "Please call me when you can to</p> <p>19 discuss. Ellie can meet with you. If your firm</p> <p>20 wishes to meet with her, she is now living in Los</p> <p>21 Angeles.</p> <p>22 "Warm regards, Larry."</p>	<p style="text-align: right;">Page 1102</p> <p>1 represent her?</p> <p>2 A. No.</p> <p>3 Let's put it this way: we did not</p> <p>4 represent her.</p> <p>5 Q. Now, there's a subsequent --</p> <p>6 A. I don't know whose decision that was,</p> <p>7 but we did not accept representation of her. She</p> <p>8 was never our client.</p> <p>9 Q. I turn your attention to a letter which</p> <p>10 your partner Mike Maroko -- am I pronouncing his</p> <p>11 name correctly?</p> <p>12 CHAIRMAN FITCH: If I may ask you about</p> <p>13 your last answer, you said "I don't know whose</p> <p>14 decision it was." You essentially said, "I do not</p> <p>15 know whose decision it was not to represent her."</p> <p>16 Were you --</p> <p>17 THE WITNESS: Right, I don't recollect</p> <p>18 the contents of any telephone call that we have</p> <p>19 and I wouldn't have any notes on it either.</p> <p>20 CHAIRMAN FITCH: Was it a decision of</p> <p>21 the law firm that -- when you say you don't know</p> <p>22 who, were you referring just to the law firm, or</p>

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<p style="text-align: right;">Page 1103</p> <p>1 you were you referring to the law firm and Ms. 2 Sataki? 3 THE WITNESS: Well, we only accept 4 cases as a law firm. We don't accept cases 5 individually outside of the law firm. 6 CHAIRMAN FITCH: Ok, sure. 7 THE WITNESS: What I'm saying is, we 8 didn't end up representing her, which I would have 9 no way of knowing what that reason was. 10 But, you know, whether it was a mutual 11 decision, whether it was all three, two, one, it 12 would just be sheer speculation on my part. 13 All I can say is, we didn't end up 14 representing her. 15 CHAIRMAN FITCH: Thank you. 16 BY MR. KLAYMAN: 17 Q. Ms. Allred, this email from me to you 18 occurred over eight years ago, correct? 19 A. This was 2010. 20 Q. Right. And it was over eight years 21 ago? 22 A. That's correct.</p>	<p style="text-align: right;">Page 1105</p> <p>1 CHAIRMAN FITCH: They have the same 2 numbers. 3 MR. KLAYMAN: We can reenter them if 4 necessary. 5 CHAIRMAN FITCH: But I didn't know 6 where the new supplemental exhibits were. 7 MR. KLAYMAN: Right. This is Exhibit 8 2, the second page, Respondent's Supplemental 9 Exhibit 2. 10 CHAIRMAN FITCH: Go ahead. 11 BY MR. KLAYMAN: 12 Q. This purports to be an email of Friday, 13 March 23rd, 2012, sent at 10:05 p.m. to Gloria 14 Allred from Elham Sataki, Subject: Please let me 15 meet you." 16 It's very short. I'll just read it.. 17 "Hi, Gloria. My name is Elham Sataki. 18 I'm watching you on CNN now. All my hope 19 regarding my case died, and I'm on medication and 20 go to my therapist every week just so I can stay 21 alive for my mom. And I love my mom, the same way 22 that you (sic) daughter loves you. My mom is a</p>
<p style="text-align: right;">Page 1104</p> <p>1 Q. It's a long time, isn't it? 2 A. Yes, and we -- every day and all week, 3 for more than four decades, to represent 4 individuals, and some we can -- some we accept as 5 clients, some we do not accept as clients. 6 I just have no way of finding out the 7 reason that we didn't represent her. 8 Q. I turn your attention to two emails 9 that were produced by Bar Counsel as Exhibit 2, 10 Respondent's Supplemental Exhibit 2. 11 A. Yes. 12 Q. Excuse me, it was produced -- 13 A. I'm looking at it. 14 Q. It was produced by your department? 15 A. Yes. 16 Q. And I'm going to read the bottom email: 17 "Friday, March 23rd, 2012 at 10:05 a.m. to Gloria 18 Allred" -- 19 CHAIRMAN FITCH: Mr. Klayman, what 20 volume is this in? 21 MR. KLAYMAN: These are the 22 supplemental exhibits I handed you today.</p>	<p style="text-align: right;">Page 1106</p> <p>1 strong mom like you. I'm in LA and hope that I 2 can have a meeting with you regarding my Voice of 3 America case. 4 "Larry Klayman was representing me in 5 this case but completely destroyed it. You can 6 Google and YouTube me. 7 "I just want you to know, if there is 8 any hope left, I have emailed women's rights 9 groups, but no answer." 10 You see that? 11 A. Yes, I'm looking at that now. Thank 12 you. 13 Q. Your partner sent this to me last week, 14 correct? 15 A. I don't know when he sent it to you, 16 but I do have it in front of me. 17 Q. And you responded to that email, 18 looking above. 19 A. Yes -- 20 Q. -- with, stating to Ms. Sataki, on 21 March 23rd, 2012, at 10:15 p.m. 22 So you responded to her within ten</p>

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<p style="text-align: right;">Page 1107</p> <p>1 minutes, correct?</p> <p>2 A. That's correct.</p> <p>3 Q. "I was willing to consider helping you</p> <p>4 at the beginning of your case, but unfortunately a</p> <p>5 great deal of time has passed and at this point</p> <p>6 I'm no longer able to assist you, given my other</p> <p>7 existing commitments to my clients who have</p> <p>8 retained me.</p> <p>9 "I do wish you the best of luck and</p> <p>10 that you receive justice."</p> <p>11 That's your email?</p> <p>12 A. Yes, that's my email, correct.</p> <p>13 MR. KLAYMAN: I have no further</p> <p>14 questions. Thank you.</p> <p>15 CHAIRMAN FITCH: Mr. Smith?</p> <p>16 Mr. Smith is the Assistant Disciplinary</p> <p>17 Counsel, Ms. Allred.</p> <p>18 Mr. Smith do you have any questions for</p> <p>19 Ms. Allred?</p> <p>20 MR. SMITH: Disciplinary Counsel has no</p> <p>21 questions of Ms. Allred.</p> <p>22 CHAIRMAN FITCH: Well, Ms. Allred, we</p>	<p style="text-align: right;">Page 1109</p> <p>1 MR. KLAYMAN: May I raise something?</p> <p>2 CHAIRMAN FITCH: The final point, we</p> <p>3 think part or all of the pleadings being entered</p> <p>4 is no longer in question, so we will start 9:30</p> <p>5 Wednesday.</p> <p>6 MR. KLAYMAN: And I wanted to point</p> <p>7 out, because of the availability in schedules that</p> <p>8 I have Mr. Sporkin, with your permission, coming</p> <p>9 in the morning. His testimony will be short, too,</p> <p>10 Judge Sporkin.</p> <p>11 CHAIRMAN FITCH: We'll take it whenever</p> <p>12 it's best for Judge Sporkin.</p> <p>13 MR. KLAYMAN: Yes.</p> <p>14 CHAIRMAN FITCH: Will that be 9:30 or a</p> <p>15 little bit later?</p> <p>16 MR. KLAYMAN: It will be a little</p> <p>17 later. We will start with my testimony. He's</p> <p>18 coming from Chevy Chase. It won't be a long</p> <p>19 testimony.</p> <p>20 CHAIRMAN FITCH: I'm just concerned for</p> <p>21 your sake of taking twenty minutes of your</p> <p>22 testimony and cutting you off.</p>
<p style="text-align: right;">Page 1108</p> <p>1 didn't take too much of your time in the hearing,</p> <p>2 but it took time to set things up and arrange your</p> <p>3 schedule. It goes without saying that all of us</p> <p>4 are very appreciative and we wish you the best for</p> <p>5 the rest your day. Thank you.</p> <p>6 MR. KLAYMAN: Thank you Gloria. Thank</p> <p>7 you very much.</p> <p>8 THE WITNESS: Thank you very much.</p> <p>9 (Video conference has ended and Ms.</p> <p>10 Allred is excused.)</p> <p>11 CHAIRMAN FITCH: Should we stand in</p> <p>12 recess?</p> <p>13 MR. KLAYMAN: Yes, that would be good</p> <p>14 idea.</p> <p>15 MR. SMITH: That's fine with me.</p> <p>16 Recess for the rest of the day?</p> <p>17 CHAIRMAN FITCH: Yes.</p> <p>18 MR. SMITH: Absolutely.</p> <p>19 CHAIRMAN FITCH: I think, based on</p> <p>20 prior discussions, that everyone agrees it's time</p> <p>21 to adjourn, and we will reconvene from our recess</p> <p>22 at 9:30 a.m. tomorrow morning.</p>	<p style="text-align: right;">Page 1110</p> <p>1 We stand in recess until 9:30 a.m.</p> <p>2 tomorrow morning.</p> <p>3 (Whereupon the hearing stood in recess</p> <p>4 until Tuesday, June 26, 2018, at 9:30 a.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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Date: ne 26, 2018

Case: In Re: Larry E. Klayman



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DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. : ol

- - - - - X

Tuesday, June 26, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

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June 26, 2018

<p style="text-align: right;">Page 1142</p> <p>1 Hearing, taken at the Board on Professional 2 Responsibility, 430 E Street, NW, Washington, DC, 3 commencing at 9:29 a.m., before the Ad Hoc Hearing 4 Committee, and before Kim M. Brantley, C.S.R., a 5 Court Reporter and Notary Public in and for the 6 District of Columbia, when were present on behalf 7 of the respective parties: 8 9 APPEARANCES: 10 AD HOC HEARING COMMITTEE: 11 WARREN ANTHONY FITCH, ESQUIRE 12 Chair 13 MARY LARKIN 14 Public Member 15 MICHAEL TIGAR, ESQUIRE 16 Attorney Member 17 18 On behalf of the DC Attorney Disciplinary 19 System: 20 H. CLAY SMITH, III, ESQUIRE 21 22</p>	<p style="text-align: right;">Page 1144</p> <p>1 I N D E X 2 WITNESSES: DIRECT: CROSS: 3 Larry Klayman 1147, 1180 1267 4 Judge Sporkin 1171 1175 5 Keya Dashtara (Dash) 1340, 1376 1363 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 1143</p> <p>1 APPEARANCES CONTINUED: 2 On behalf of Respondent: 3 FREDERICK J. SUJAT, ESQUIRE 4 Law Office of Frederick J. Sujat 5 1525 Windjammer Way 6 Hollywood, Florida 33019 7 (954) 815-5221 8 Email: fsujat@yahoo.com 9 ALSO PRESENT: 10 LARRY E. KLAYMAN, ESQUIRE 11 Respondent 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 1145</p> <p>1 P R O C E E D I N G S 2 CHAIRMAN FITCH: Good morning, 3 everyone. We are back on the record. All 4 requisite persons are present. 5 Mr. Smith, any preliminary matters? 6 MR. SMITH: No preliminary matters from 7 Disciplinary Counsel. 8 CHAIRMAN FITCH: Mr. Sujat or Mr. 9 Klayman, any preliminary matters? 10 MR. KLAYMAN: Yes. 11 With respect to the witnesses, I've had 12 to schedule them when I can get them, and they're 13 coming from a distance. I thank you for 14 accommodating Judge Sporkin this morning. The 15 testimony won't be long. 16 But also, Keya Dash, another one of the 17 witness, I'm hoping to put him on today around 18 4:00 o'clock. 19 CHAIRMAN FITCH: Why don't you spell 20 that name for the court reporter. 21 MR. KLAYMAN: K-e-y-a, Dash, D-a-s-h. 22 We have an affidavit from him in</p>

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<p style="text-align: right;">Page 1146</p> <p>1 Respondent's Exhibit 5, I believe it is, and in</p> <p>2 speaking with him yesterday, he found some emails</p> <p>3 that he had written to me and me to him, and also</p> <p>4 an email from Ms. Sataki, who had been in contact</p> <p>5 with him.</p> <p>6 I would like to have this made</p> <p>7 Respondent's Supplemental Exhibit 7. I wanted to</p> <p>8 give it to Mr. Smith well in advance of the</p> <p>9 testimony and give it to you, ok.</p> <p>10 CHAIRMAN FITCH: That will be fine.</p> <p>11 For the record, the Respondent's team</p> <p>12 has tendered to the hearing committee members and</p> <p>13 to Mr. Smith a set of documents that appear to</p> <p>14 consist of nine pages. They are stapled together</p> <p>15 and they are denominated as RSUP7.</p> <p>16 We will address these documents to the</p> <p>17 extent necessary in due course.</p> <p>18 I think we're ready to --</p> <p>19 MR. KLAYMAN: Yes, I'll take the</p> <p>20 witness stand.</p> <p>21 CHAIRMAN FITCH: -- to resume the</p> <p>22 Respondent's testimony.</p>	<p style="text-align: right;">Page 1148</p> <p>1 lines up. It will be brief. I'm not really going</p> <p>2 to get into the documentation.</p> <p>3 CHAIRMAN FITCH: Well, let's give it a</p> <p>4 try.</p> <p>5 CONTINUED DIRECT EXAMINATION</p> <p>6 ON BEHALF OF RESPONDENT:</p> <p>7 BY MR. SUJAT:</p> <p>8 Q. Ok, so please look at Respondent's</p> <p>9 Exhibit Number 2.</p> <p>10 A. Yes.</p> <p>11 Q. Respondent's 2.</p> <p>12 A. I've got it.</p> <p>13 Q. Would you please --</p> <p>14 A. Yes, this is a complaint which I filed.</p> <p>15 It's in that -- there's a document on top of it.</p> <p>16 Excuse me.</p> <p>17 First is a letter that I wrote to Mr.</p> <p>18 Smith dealing with this particular matter. I</p> <p>19 don't need to get into that. But behind it on</p> <p>20 Exhibit 3, this is Exhibit 3 --</p> <p>21 CHAIRMAN FITCH: Are we talking about</p> <p>22 Exhibit 2 and 3, or are we talking about</p>
<p style="text-align: right;">Page 1147</p> <p>1 Mr. Sujat, you may proceed.</p> <p>2 (Larry Klayman resumes the witness</p> <p>3 stand.)</p> <p>4 MR. SUJAT: Thank you, your Honor.</p> <p>5 Your Honor, and members of the</p> <p>6 committee, I'd like to begin with the pleadings in</p> <p>7 the two cases involved here, the Sataki</p> <p>8 litigation, Sataki vs. Falahati, and then also the</p> <p>9 Sataki vs. The Broadcasting Board of Governors.</p> <p>10 And I'd like to go through the pleadings and have</p> <p>11 Mr. Klayman identify the pleadings on the record.</p> <p>12 I'd like to start with the superior court</p> <p>13 complaint that was filed on March 1st of 2010.</p> <p>14 It's in Respondent's Exhibit 2.</p> <p>15 CHAIRMAN FITCH: Let me ask you to make</p> <p>16 a proffer of why that needs to be done to any</p> <p>17 substantial extent? I mean, I emphasize again,</p> <p>18 Mr. Klayman has not been charged with lack of</p> <p>19 zealotness or lack of competency.</p> <p>20 MR. KLAYMAN: Your Honor, he's just</p> <p>21 going to go through the timeline, because you</p> <p>22 requested about the timeline yesterday, how it</p>	<p style="text-align: right;">Page 1149</p> <p>1 supplementals?</p> <p>2 THE WITNESS: We're talking about</p> <p>3 Respondent's Exhibit 3.</p> <p>4 BY MR. SUJAT:</p> <p>5 Q. Respondent's Exhibit Number 2 --</p> <p>6 A. Ok, well let's go through the exhibits</p> <p>7 of Bar Counsel.</p> <p>8 CHAIRMAN FITCH: Alright.</p> <p>9 THE WITNESS: Or I can go to</p> <p>10 Respondent's Exhibit 2. That's fine.</p> <p>11 CHAIRMAN FITCH: I just want you to</p> <p>12 tell me where we are, because, in my book, the</p> <p>13 first thing behind a tab that has a number two on</p> <p>14 it is a removal notice.</p> <p>15 MR. TIGAR: Yes, that's what I have</p> <p>16 also.</p> <p>17 MR. SUJAT: That's right, and the</p> <p>18 superior court complaint is 40 pages in.</p> <p>19 MR. TIGAR: Forty pages in?</p> <p>20 MR. SUJAT: Into it, right.</p> <p>21 CHAIRMAN FITCH: I see it. Ask a</p> <p>22 question.</p>

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<p style="text-align: right;">Page 1150</p> <p>1 THE WITNESS: Yes, I have it, and thank 2 you. And I will identify it by the book it's in, 3 Respondent's exhibits, when we go to Respondent's 4 exhibits. So it's in book two, Exhibit 2 -- it's 5 book one, Exhibit 2. Book one, Exhibit 2. 6 Yes, this is a complaint that I filed 7 with regard to the alleged harasser, Mehdi 8 Falahati. I filed it with regard to Ms. Sataki's 9 instructions, to bring an action. 10 Just to be brief, I testified yesterday 11 I didn't believe that she would ever see any money 12 out of this because he doesn't really have any 13 money I was told by her and by others. But there 14 was the complaint, ok, and it was removed -- as 15 you can see later on Notice of Removal of Civil 16 Action to Federal Court, on April 19th, 2010. 17 That's also part of that exhibit. 18 There's also another notice of removal 19 with regard to that case for some reason and I 20 don't recollect why the defendants did it twice. 21 I think because there was more than one defendant, 22 even though the caption shows Mehdi Falahati.</p>	<p style="text-align: right;">Page 1152</p> <p>1 MR. SUJAT: So then we can move right 2 along here to this U.S. District Court case, and 3 the pleading would be the Motion for a Temporary 4 Restraining Order, Bar Exhibit D6. 5 THE WITNESS: Yes, this has already 6 been admitted into evidence, as I have stipulated 7 with Mr. Smith. This is with relationship to the 8 case that I brought against the board of governors 9 and their individual governors, and it is the 10 original motion that was filed for temporary 11 restraining order and preliminary injunction on 12 May 24th, 2010. That's what it shows at the top 13 of the Pacer marking. It was assigned to Judge 14 Colleen Kollar-Kotelly, and I've testified about 15 that yesterday. 16 BY MR. SUJAT: 17 Q. Mr. Klayman, I refer you to the order. 18 This would be the Bar Exhibit D-7. 19 A. Yes, thank you, Mr. Sujat. 20 Q. It would be seven. 21 MR. SMITH: Bar Counsel's 7. 22 MR. SUJAT: Bar 7, ok.</p>
<p style="text-align: right;">Page 1151</p> <p>1 There's also a notice of removal on 2 March 26th, 2010. 3 By the way, I misspoke. The prior one 4 is March 19th, 2010, and there's another notice of 5 removal in that exhibit for March 26, 2010. 6 That's when it was filed. 7 So this case was removed to the federal 8 court here in Washington, D.C. 9 You want to move this into evidence, 10 Fred? 11 MR. SUJAT: Yes. 12 We'd like to move the Respondent's 13 Exhibit Number 2 in totality into evidence. 14 MR. SMITH: No objection. 15 CHAIRMAN FITCH: Mr. Smith? 16 MR. SMITH: No objection. 17 CHAIRMAN FITCH: It is admitted. 18 THE WITNESS: And I testified about 19 this yesterday. 20 CHAIRMAN FITCH: Yes. 21 THE WITNESS: So I won't be 22 duplicative.</p>	<p style="text-align: right;">Page 1153</p> <p>1 BY MR. SUJAT: 2 Q. It's an order dated June 1st, 2010. 3 A. This is the order denying the motion 4 for temporary restraining order along with a 5 memorandum opinion. The order and the memorandum 6 opinion are June 1st, 2010. 7 This was my first attempt to have Judge 8 Kotelly rule in Ms. Sataki's favor, and I didn't 9 give up. I proceeded on and wanted to have the 10 preliminary injunction aspect of that motion 11 decided. So this was just for the temporary 12 restraining order. 13 This has already been admitted into 14 evidence as well by stipulation. 15 Q. And then Bar Exhibit 9, Motion For 16 Reconsideration Order Denying Motion for the TRO. 17 A. Yes. 18 As you can see, I was persistent and 19 this is a motion I filed to have the judge 20 reconsider her ruling. And the document speaks 21 for itself. It's been admitted into evidence. 22 I felt that based on my review and my</p>

4 (Pages 1150 to 1153)

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<p style="text-align: right;">Page 1154</p> <p>1 experience that the judge had made manifest errors 2 of law and fact, and I was pointing it out to her 3 that we had substantial evidence for the TRO, in 4 addition to Dr. Aviera's reports and a polygraph 5 examination and other affidavits and other 6 evidence. And at that point, I felt that we 7 should have gotten a TRO based just upon the 8 affidavits.</p> <p>9 Now, when we went to a preliminary 10 injunction, we wanted to have an evidentiary 11 hearing, because that obviously is much more 12 substantial than a TRO that would only last, you 13 know, for days. But Ms. Sataki was in such bad 14 emotional state that I thought I had to file the 15 TRO to try to get her some relief, some peace of 16 mind that she would be in Los Angeles, ultimately, 17 to be able to see her doctors and be with her 18 friends and family.</p> <p>19 Exhibit 9 is also already in evidence.</p> <p>20 Q. Mr. Klayman, I refer you to Bar Exhibit 21 12, Denial of Motion For Reconsideration.</p> <p>22 CHAIRMAN FITCH: Give me one second,</p>	<p style="text-align: right;">Page 1156</p> <p>1 things that had happened in prior litigation 2 between me and other defendants and her sitting as 3 the trial judge, and I asked -- if she wouldn't do 4 it, I asked if Joyce Lambert, who had been the 5 chief judge at the time, could reassign it under 6 the court rules.</p> <p>7 This proved to be unsuccessful. It 8 wasn't reassigned.</p> <p>9 But it's Exhibit 10. It's already in 10 evidence.</p> <p>11 And then there's Exhibit 11, plaintiff 12 Elham Sataki's Supplemental Memorandum --</p> <p>13 CHAIRMAN FITCH: With respect to DX10 14 filed on 6/9/10, this was filed expeditiously 15 eight days after the opinion and order.</p> <p>16 Were you still in communication with 17 Ms. Sataki during that week, that eight-day 18 period.</p> <p>19 THE WITNESS: I don't recollect whether 20 I was or wasn't.</p> <p>21 As I testified yesterday, I was trying 22 to get in contact with her and I was getting</p>
<p style="text-align: right;">Page 1155</p> <p>1 please, Mr. Sujat. 2 (Brief pause.)</p> <p>3 CHAIRMAN FITCH: Thank you. We're 4 moving to DX12.</p> <p>5 THE WITNESS: Mr. Sujat, let me talk 6 about 10, that's important.</p> <p>7 This is Bar Exhibit 10. This is a 8 motion, plaintiff Elham Sataki's motion and 9 memorandum to Chief Judge and/or Judge 10 Kollar-Kotelly to reassign and remand the case by 11 consent or otherwise to prior trial judge, Richard 12 W. Roberts, or in the alternative to assign Sataki 13 cases to another trial judge through random 14 assignment system. It was filed on or about June 15 9th, 2010. That's what it says on Pacer markings 16 on top.</p> <p>17 In this I'm trying to politely ask 18 Judge Kotelly, without trying to be provocative -- 19 because as I said yesterday, I had prior issues 20 with her in other cases up to this point -- to 21 send the case back to Judge Roberts, that she had 22 the potential for a conflict here, given certain</p>	<p style="text-align: right;">Page 1157</p> <p>1 instructions from people who clearly were not her, 2 written in other English, and I was trying to 3 confirm that. So I was trying to protect her 4 interests in the interim.</p> <p>5 Having seen the ruling of Judge Kotelly 6 at that point, I thought it would be worth a try 7 to get this to another jump to move on with regard 8 to the preliminary injunction aspect of it.</p> <p>9 So I was protecting her interests at 10 that time, and as Mr. Shamble also testified, you 11 know, we couldn't get in touch with her. So I 12 couldn't let her rights be lost.</p> <p>13 Then there's Exhibit 11. This is a 14 supplemental memorandum exhibit in support of the 15 motion for preliminary injunction. It's quite 16 extensive. The document which is in Bar Counsel's 17 exhibit book doesn't have all of the attachments 18 in it. But literally it was that thick, it was 19 about three inches thick with affidavits and 20 everything else.</p> <p>21 At that point, as I testified yesterday 22 briefly, Judge Kotelly had had a status</p>

5 (Pages 1154 to 1157)

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<p style="text-align: right;">Page 1158</p> <p>1 conference, and I asked her for a preliminary 2 injunction hearing, and prior to that discovery. 3 She would not grant it. But it's in the context 4 of this supplemental memorandum in support of the 5 motion for preliminary injunction that I asked for 6 that hearing and asked for prior discovery. 7 Because, if she didn't accept the affidavits up 8 front, of all the people that I had submitted, I 9 felt that we needed to put people on the witness 10 stand so she could judge demeanor, take a look at 11 the demeanor of the government witnesses and look 12 at the demeanor of our witness, which was very 13 important, and also the need for 14 cross-examination. Because at that point I 15 believed that the government witnesses who had 16 submitted affidavits were not telling the truth. 17 I believed in Ms. Sataki and her case. 18 So that's what Exhibit 11 is about. 19 It's already in evidence. 20 BY MR. SUJAT: 21 Q. Mr. Klayman, could you also take a look 22 at Bar exhibit 12, the next tab.</p>	<p style="text-align: right;">Page 1160</p> <p>1 Los Angeles on the 1st of June. Is that right? 2 You had the car accident that day. 3 THE WITNESS: In and around that time 4 period, yeah. 5 MR. TIGAR: So where were you as you 6 were filing these things eight days later? Do you 7 remember whether you were in DC or in LA? 8 THE WITNESS: I don't remember exactly, 9 because I don't have records. I lost them all, 10 or -- I probably was in LA and we were filing 11 documents electronically under the Pacer system. 12 I actually had an associate working 13 with me, a Persian-American, and he was assisting 14 me with this, who had actually met with Ms. Sataki 15 as well. 16 MR. TIGAR: I'm sorry? 17 THE WITNESS: He had actually met with 18 Ms. Sataki as well. 19 In other words, he was participating in 20 this case with me. 21 MR. TIGAR: What is his name? 22 THE WITNESS: David Purati (phon).</p>
<p style="text-align: right;">Page 1159</p> <p>1 CHAIRMAN FITCH: Twelve. 2 MR. SUJAT: Twelve, yes, the next tab. 3 THE WITNESS: Yes, this is the 4 memorandum opinion of Judge Kotelly that she 5 wrote. It was filed on July 7th, 2010, and it's 6 denying the motion for temporary restraining 7 order. She's elaborating, because I went back and 8 asked for reconsideration, and basically on the 9 same grounds as before she accepted everything 10 that the government said and discounted, to the 11 extreme, didn't accept anything that Ms. Sataki 12 and our witnesses had said. 13 And I was pointing out in the pleadings 14 the case of Wagner vs. Taylor, which says that the 15 federal court has the right to preserve the status 16 quo while the Office of Civil Rights proceeding is 17 going forward. 18 So that's her memorandum opinion, and 19 that's already in evidence. 20 MR. TIGAR: Just to clarify. 21 THE WITNESS: Yes. 22 MR. TIGAR: Mr. Klayman, you were in</p>	<p style="text-align: right;">Page 1161</p> <p>1 MR. TIGAR: Did he meet with her during 2 this period of time between the 1st of June and 3 the 8th? 4 THE WITNESS: No, no. He was working 5 under my umbrella and helping me work things out. 6 CHAIRMAN FITCH: Go ahead, Mr. Sujat. 7 THE WITNESS: Yes, and I would like to 8 add here, one of the things that came up yesterday 9 was where Ms. Sataki's purported termination 10 notices were sent on November 15th, and they were 11 of course sent to incorrect addresses, for 12 whatever reason, but she knew that I was in Los 13 Angeles then. She knew where my office was. It 14 was at 9701 Wilshire Boulevard. She could have 15 certainly sent it there, and she knew that I 16 wasn't in Washington. 17 And she in fact, you know, met with me 18 there and the small staff that I had during 19 various periods of time. 20 So I think that's an important point, 21 is that -- 22 CHAIRMAN FITCH: In that regard, what</p>

6 (Pages 1158 to 1161)

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<p style="text-align: right;">Page 1162</p> <p>1 particular document or communication are you 2 referring to?</p> <p>3 THE WITNESS: Just general, the 4 November 15th alleged letters terminating me. 5 CHAIRMAN FITCH: Ok. 6 THE WITNESS: Ok? 7 CHAIRMAN FITCH: Right now we're in 8 June. 9 THE WITNESS: Yeah, I'm just pointing 10 that out because we were talking about where I was 11 in location. And she knew I was in my office at 12 9701 Wilshire. It's at the corner of Wilshire and 13 Camden in Beverly Hills. 14 I was doing some entertainment stuff. 15 That's why I had a small office that I had sublet 16 from somebody, one office from an accountant in 17 that building. 18 CHAIRMAN FITCH: Mr. Sujat? 19 BY MR. SUJAT: 20 Q. Mr. Klayman, I refer you to Bar Exhibit 21 13. 22 A. Correct.</p>	<p style="text-align: right;">Page 1164</p> <p>1 honestly here, and that she tried to create facts 2 to arrive at the conclusion that she wanted 3 because she doesn't like me and doesn't like Ms. 4 Sataki, in part based on my activism, which was 5 against the person who appointed her and others, 6 and, you know, other factors. 7 She has a reputation of not liking 8 conservatives. There have been many cases where 9 she has ruled with other conservative entities 10 where she's ruled against them or been very, very 11 difficult. 12 Interestingly enough, in this motion I 13 point out that her standard for granting a 14 preliminary injunction was different for Sataki 15 than for other interests. She raised the 16 threshold of the Bar which she had to get over for 17 preliminary injunction. But most important, she 18 didn't ever give us a hearing. I don't understand 19 why you would not give a hearing to a woman who 20 had alleged that she was being destroyed, both 21 legally and emotionally. It just was beyond my 22 imagination.</p>
<p style="text-align: right;">Page 1163</p> <p>1 This is a motion for disqualification, 2 which I fired with regard to Judge Kotelly on July 3 26th, 2010. That's what the Pacer notice shows. 4 And what's really important about this document, 5 your Honors, is that it sets forth at the back, on 6 pages Bar Counsel Exhibit 13 -- it's Exhibit 13, 7 but the page is 13-25 through and including 13-38, 8 all of what I had determined to be the factual 9 errors of Judge Kotelly's ruling. And that's the 10 basis upon which I had stated in an article that 11 she had no basis in fact and in law to have denied 12 the preliminary injunction motion and the TRO. 13 And on the left I say, if you go to Judge 14 Kotelly's facts, which she determined and what I 15 viewed to be the actual facts of the case, so I 16 detailed it in great -- with great detail, so to 17 speak. Because I wanted her to reconsider, 18 showing her that she had significantly erred. 19 And I believed honestly -- and you'll 20 see, I have a judge coming here to testify for me, 21 I have good relationships with many judge -- but I 22 believed honestly that Judge Kotelly did not rule</p>	<p style="text-align: right;">Page 1165</p> <p>1 But also with regard to my having 2 written that there was no basis of law and fact, 3 I'm entitled to my opinion on that. And lawyers 4 frequently do that in the context of a case, is 5 that, you know, when they speak about them 6 publicly, they do comment, and we know that what a 7 lawyer says outside of the courtroom, in the 8 context of the case, is entitled to First 9 Amendment protections as well and privilege. 10 That's what lawyers do, and we've seen 11 a lot of that lately, in particular, on both sides 12 of the political spectrum. 13 CHAIRMAN FITCH: This filing on July 14 26th, 2010, do you recall whether you had any 15 discussions with Ms. Sataki -- 16 THE WITNESS: Yes, I had -- 17 CHAIRMAN FITCH: -- about filing -- 18 THE WITNESS: I had -- 19 CHAIRMAN FITCH: -- this motion? 20 THE WITNESS: I'm sorry, your Honor. I 21 didn't mean to interrupt you. 22 I had prior discussions with her about</p>

7 (Pages 1162 to 1165)

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<p style="text-align: right;">Page 1166</p> <p>1 Judge Kotelly and the need of her potentially 2 having to disqualify herself. She knew about the 3 motion for reassignment. She knew that ultimately 4 I would have to ask the judge, if necessary, to 5 disqualify herself. 6 Mr. Shamble testified yesterday that -- 7 CHAIRMAN FITCH: Stop. Stop right 8 there. 9 THE WITNESS: Yeah. 10 CHAIRMAN FITCH: What is the basis for 11 your saying that Ms. Sataki knew about the motion 12 to disqualify? 13 THE WITNESS: She knew that ultimately 14 I may have to file a motion to disqualify her. 15 CHAIRMAN FITCH: What's the basis of 16 that comment? 17 THE WITNESS: The conversations that we 18 had, which Mr. Shamble also testified to in some 19 manner yesterday that I raised up front, the 20 difficulty being before this judge, and my prior 21 experience with her in other case, and the fact 22 that she disliked me and generally dislikes people</p>	<p style="text-align: right;">Page 1168</p> <p>1 But if I had succeeded and I had to do 2 it for purposes of appeal, to have a record, if I 3 succeeded, then ultimately I could have the prior 4 orders vacated and get a preliminary injunction 5 hearing. So I was protecting her interests. 6 And again it was very difficult to 7 communicate with her and, as you can see from some 8 of my testimony in her documents, she was all over 9 the place in what she wanted to do, based upon 10 advice she was getting from non-lawyers. 11 At one point, yesterday, you know, she 12 claims to have -- 13 Here's Judge Sporkin. Hold on. 14 CHAIRMAN FITCH: Go ahead. 15 (Mr. Klayman communicates on his cell 16 phone off the record.) 17 THE WITNESS: So, to finish my 18 response, I had to do this to protect her 19 interests. 20 And she was all over the place. At one 21 point, you know, she's telling Dan Austin, "I want 22 to dismiss all cases," and then she's telling</p>
<p style="text-align: right;">Page 1167</p> <p>1 that she perceives to be conservative. 2 CHAIRMAN FITCH: Do you have any 3 recollection of whether, in the approximately 4 seven days before July 26th, 2010, you had any 5 conferences or communications with Ms. Sataki -- 6 THE WITNESS: I don't have any 7 recollection about that. 8 CHAIRMAN FITCH: -- about filing for 9 the motion to disqualify. 10 THE WITNESS: I don't have any 11 recollection of that. 12 Again, I'm trying to protect her 13 interests. If I succeeded in getting Judge 14 Kollar-Kotelly to recuse herself -- and this is an 15 interesting issue in the law -- is that a judge is 16 supposed to take himself or herself off the case 17 immediately when there is a 144 motion with an 18 affidavit filed. But she doesn't do that, and 19 many other judges don't do that, to be candid. 20 They rule on it themselves. That's kind of like 21 asking someone to say that you've been 22 disqualified.</p>	<p style="text-align: right;">Page 1169</p> <p>1 Kathleen Staunton, "Well, I never wanted to go to 2 LA. Larry Klayman made that up." Well, we know 3 that's not the case from various documentation and 4 testimony. 5 And then she's filing a notice of 6 appeal of Kotelly's ruling. 7 So, with all of that uncertainty and 8 all of the prevarication -- and I asked your 9 Honors also to look at this issue in context of 10 her credibility. 11 Also with regard to the publicity, 12 which clearly you're going to hear a lot of 13 testimony that she agreed to the publicity. But 14 she came in here and testified under oath that she 15 didn't. 16 I had to protect her interest. And 17 quite apart from any, you know, aspect of how I 18 felt about Ms. Sataki, I believed in her interests 19 and believed in her. I would have to do that as a 20 lawyer for any client. I can't let those rights 21 go into the tank, until we can sort out who is 22 involved here and what she wants to do.</p>

8 (Pages 1166 to 1169)

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<p style="text-align: right;">Page 1170</p> <p>1 So, that was it. But she knew that we 2 would ultimately perhaps have to move to 3 disqualify Judge Kotelly. And I was hoping that 4 would not be the case, particularly since I 5 thought, much like with Ms. Allred, that women can 6 appreciate even better than men what it's like to 7 be sexually harassed. And I thought maybe she 8 might have some empathy and rule in our favor, 9 even though I was very skeptical, given her past 10 experience with me in other cases. 11 CHAIRMAN FITCH: At this point, we will 12 take a brief recess in order to interrupt the 13 Respondent's testimony, at his request, in order 14 to accommodate the scheduling and other needs of 15 another witness in Respondent's case. 16 (Recess taken.) 17 (Judge Sporkin present in the hearing 18 room.) 19 CHAIRMAN FITCH: This seems a little 20 silly, your Honor, but I need to swear you. 21 THE WITNESS: I'll swear. 22 CHAIRMAN FITCH: Do you solemnly swear</p>	<p style="text-align: right;">Page 1172</p> <p>1 A. Yes, we have. 2 Q. I told a little story yesterday about 3 one of them with B.F. Saul. 4 A. Yeah. 5 Q. And your sense of humor. You remember 6 that? 7 A. Yeah. 8 Q. In the time that I appeared before you, 9 did you find me to be an honest and ethical 10 lawyer? 11 THE WITNESS: He has an objection? 12 MR. SMITH: No, no objection. 13 THE WITNESS: Alright. 14 Yes, I found you to be an ethical 15 lawyer and a good lawyer. 16 BY MR. KLAYMAN: 17 Q. And of good character? 18 A. I have no reason to doubt your 19 character. 20 Q. And we've known each other over the 21 years since then. After we stopped having cases 22 together, we got to know each other.</p>
<p style="text-align: right;">Page 1171</p> <p>1 or affirm that the testimony you're about to give 2 will be the truth, the whole truth and nothing but 3 the truth? 4 THE WITNESS: I swear. 5 Whereupon, 6 STANLEY SPORKIN 7 called as a witness on behalf of Respondent, and 8 after having been first duly sworn, was examined 9 and testified as follows: 10 DIRECT EXAMINATION ON BEHALF OF THE RESPONDENT: 11 BY MR. KLAYMAN: 12 Q. Please state your name, your Honor. 13 A. Stanley Sporkin. 14 Q. Can you run us through briefly your 15 educational background? 16 A. Well, I went through college at Penn 17 State University. I went to law school at Yale. 18 I'm a lawyer, a member of the Bar. I'm a CPA. 19 Anything else? 20 Q. No, I think that does it. 21 And we had some cases together early on 22 when we were younger, right?</p>	<p style="text-align: right;">Page 1173</p> <p>1 A. Yeah. 2 Q. There came a point in time when I 3 called you about one of my clients, Elham Sataki, 4 a woman who alleged she had been sexually harassed 5 at the Voice of America, a government agency. And 6 I went through facts with you about her harassment 7 and also I discussed the case of Wagner vs. 8 Taylor, putting her back to work in Los Angeles to 9 preserve the status quo while her administrative 10 sexual discrimination claim went through. 11 What did you tell me at that time about 12 what you would do if you were sitting on the bench 13 about that case? 14 A. This was all nonformal, right. 15 Q. Right. 16 A. I was not representing this woman. 17 Q. No, I just asked you. You were a 18 retired judge. And I said "What would you do, 19 your Honor?" 20 A. And you had suggested what you had told 21 her and you mentioned to me what that was and I 22 said I saw that that seemed to be reasonable.</p>

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<p style="text-align: right;">Page 1174</p> <p>1 Q. And we discussed whether you would have 2 given her a preliminary injunction hearing before 3 making a ruling, an actual evidentiary hearing. 4 A. Yeah. 5 Q. And what did you tell me? 6 A. What's that? 7 Q. I asked whether you would have given 8 her a preliminary injunction hearing -- 9 A. Yeah. 10 Q. -- before making a ruling, with 11 evidence. And what did -- 12 A. Well, you asked what the process would 13 have been. 14 Q. Yeah. 15 A. And I agreed that you have to have a 16 hearing before you can get an injunction. 17 Q. And that would be fair for all parties? 18 A. What's that? 19 Q. That would be the fairest thing for all 20 parties, to have an evidentiary hearing. 21 A. Right. 22 MR. KLAYMAN: I have no further</p>	<p style="text-align: right;">Page 1176</p> <p>1 REDIRECT EXAMINATION ON BEHALF OF THE RESPONDENT: 2 BY MR. KLAYMAN: 3 Q. During our conversation I gave you 4 facts that she had been sexually harassed, that 5 there was an office of Persia News Network, Voice 6 of America, in Los Angeles, that she needed 7 medical help from her doctors there. 8 You remember that? 9 A. If you say you told me, you told me. 10 Q. Yeah. This was eight years ago, 11 correct? 12 A. It was a number of years ago, yes. 13 Q. And you would have put her back to work 14 in Los Angeles, at least in the interim during 15 this whole thing? 16 A. Well, I mean, I would have wanted to 17 hear all the facts, but that certainly was one 18 option. 19 Q. And you would have had an evidentiary 20 hearing? 21 A. Well, if we needed one, yeah. 22 Q. And that's the fairest thing to do?</p>
<p style="text-align: right;">Page 1175</p> <p>1 questions. 2 CHAIRMAN FITCH: Let me catch up here 3 in my notes. 4 (Brief pause.) 5 CHAIRMAN FITCH: And Mr. Smith, do you 6 have any questions? 7 MR. SMITH: Just a few. 8 CROSS-EXAMINATION BY DISCIPLINARY COUNSEL: 9 BY MR. SMITH: 10 Q. Good morning, your Honor. 11 A. Good morning. 12 Q. I take it that you have not read the 13 orders of the district court in the Elham Sataki 14 case denying the requests for injunctive relief? 15 A. No, I have not read it. 16 MR. SMITH: I have no further 17 questions. 18 MR. KLAYMAN: One further question. 19 CHAIRMAN FITCH: Redirect, Mr. Klayman? 20 MR. KLAYMAN: Yeah. 21 22</p>	<p style="text-align: right;">Page 1177</p> <p>1 MR. SMITH: Objection, that goes beyond 2 the scope of my cross-examination. 3 CHAIRMAN FITCH: Sustained. 4 MR. KLAYMAN: Ok, no further questions. 5 CHAIRMAN FITCH: Thank you, judge. I 6 very much appreciate your accommodation for this 7 proceeding. 8 THE WITNESS: Well, thanks. 9 CHAIRMAN FITCH: It was a great honor 10 to have seen you. 11 We will stand in recess for a few 12 minutes. 13 (Witness Stanley Sporkin is excused.) 14 (Recess taken.) 15 (Mr. Klayman on the witness stand.) 16 CHAIRMAN FITCH: Mr. Sujat, we left off 17 with discussion of the motion to disqualify -- 18 MR. SUJAT: That's correct. 19 CHAIRMAN FITCH: Of 7/26/10, and that 20 gets us back up to where we ended up yesterday, 21 having in my view completed testimony about 22 pre-August matters. We also have allowed</p>

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<p style="text-align: right;">Page 1178</p> <p>1 testimony about the August 10, I believe, letter. 2 It seems to have been thoroughly examined. 3 You may proceed from there with your 4 questions. 5 MR. SUJAT: Thank you, your Honor. 6 MR. KLAYMAN: And your Honor -- 7 MR. TIGAR: I'd like it put one 8 question if I may. 9 You filed the section under United 10 States Code Section 144 which requires that the 11 affidavit be the affidavit of a party, but you 12 didn't file an affidavit of a party. 13 Why was that. 14 THE WITNESS: Because of the fact that 15 I thought most of the prejudice was coming 16 vis- -vis me. It's unclear -- 17 There are case cases. I've done 18 research on this. In my life -- not like your 19 professional life, Mr. Tigar and your very 20 distinguished career, but, you know, sometimes you 21 go up against judges that are biased or whatever. 22 There are cases you can impute to the court on the</p>	<p style="text-align: right;">Page 1180</p> <p>1 you get one peremptory challenge of the judge, and 2 you can get another judge. And if you look at the 3 legislative history of 144, there are aspects of 4 this being like a peremptory challenge. You 5 should be at least allowed, if you can show, you 6 know, bias and prejudice in some way, to get 7 another judge on your case. I think the federal 8 system needs to be amended in this regard. Maybe 9 the Bar can work on that, and also the fact that 10 judges shouldn't be sitting on their own 11 disqualification motions. It should go to another 12 judge in the courthouse. 13 CONTINUED DIRECT EXAMINATION 14 ON BEHALF OF RESPONDENT: 15 BY MR. SUJAT: 16 Q. Mr. Klayman, we were just on the Bar 17 Exhibit 13 and I was going to refer you here now 18 to 14, Exhibit 14. 19 A. Yes. 20 Q. It's the memorandum opinion, October 21 13, 2010. 22 A. Yes.</p>
<p style="text-align: right;">Page 1179</p> <p>1 client, and that's why I filed the affidavit 2 myself. 3 And also, at that point it was very 4 difficult to communicate with her and get her to 5 communicate with me. 6 MR. TIGAR: Do you recall reaching out 7 to her and asking her if she would make such an 8 affidavit? 9 THE WITNESS: Yes. I was calling out 10 generally because I needed to get instructions 11 from her by talking to her, not getting letters 12 secondhand. 13 Well, actually at that point we didn't 14 get anything. We didn't have any communication. 15 I was trying to reach her the whole time, and she 16 just kind of went into hiding. 17 But there are cases that say prejudice 18 to the lawyer can be imputed to the client. 19 It's an interesting sideline here, 20 something I want to work on in the future in my 21 public interest capacity. In some states, for 22 instance, like California, when you draw a judge,</p>	<p style="text-align: right;">Page 1181</p> <p>1 This is the memorandum opinion of 2 October 13, 2010, of Judge Kotelly denying the 3 motion for disqualification. 4 And I might add to Mr. Tigar's 5 question, and I not only moved, if you look at the 6 papers under 144, but I moved under 28 U.S.C. 145, 7 as well, which is actually a lower threshold, but 8 it's not an automatic disqualification as 144 9 should be if the affidavit is sufficient under 10 144. 11 So I moved under both bases. 12 I guess we can turn to 15, Mr. Sujat. 13 Q. Yes, please. That's the memorandum 14 opinion of October 22nd, 2010. 15 A. Yes. 16 This was a motion to dismiss that had 17 been filed by the defendants, and that's her order 18 on October 22nd, 2010. 19 And then Exhibit 16 is a motion to 20 reconsider court's dismissal, order of October 21 22nd, 2010, and to correct manifest intentional 22 errors. The action should not have been</p>

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<p style="text-align: right;">Page 1182</p> <p>1 dismissed. There was a preliminary injunction</p> <p>2 claim in the complaint for Judge Kotelly to</p> <p>3 dismiss it short of letting us go to a permanent</p> <p>4 injunction was error.</p> <p>5 She also characterized my complaint as</p> <p>6 simply a Bivens claim, you know, claiming for</p> <p>7 Constitutional violations, and the complaint was</p> <p>8 more than that. It had other counts in it, which</p> <p>9 she should not have dismissed, and in particular</p> <p>10 we had the amendment with regard to Wagner vs.</p> <p>11 Taylor for status quo, and that dealt with the</p> <p>12 permanent injunction.</p> <p>13 So she just, for lack of a better word,</p> <p>14 no lack of respect, threw the baby out with the</p> <p>15 bath water, and I asked her for her</p> <p>16 reconsideration.</p> <p>17 It was another example of what I</p> <p>18 perceived to be her extrajudicial bias against my</p> <p>19 client, and me.</p> <p>20 Q. So would you also look at Bar Exhibit</p> <p>21 16.</p> <p>22 A. What is the number?</p>	<p style="text-align: right;">Page 1184</p> <p>1 the case go forward, and there are other counts.</p> <p>2 The Wagner v. Taylor case we're seeking permanent</p> <p>3 injunction. So you can't just throw the case out</p> <p>4 now, which never had an evidentiary hearing. We</p> <p>5 never had an evidentiary hearing, so how can you</p> <p>6 dismiss a case before you take evidence and allow</p> <p>7 for cross-examination, much less she didn't allow</p> <p>8 for discovery, which I view as very biased and</p> <p>9 prejudiced in that, in the ordinary course of</p> <p>10 things, a judge would certainly have granted -- in</p> <p>11 this circumstance, where a woman alleged that she</p> <p>12 was virtually on the verge of a nervous breakdown</p> <p>13 and suicide, to give her a hearing? It's the</p> <p>14 least you could do.</p> <p>15 So, anyway, I filed a notice of appeal</p> <p>16 on or about the 22nd of -- excuse me, January</p> <p>17 1st -- excuse me, January 19th, 2011. Again, I</p> <p>18 couldn't be in contact with Ms. Kotelly (sic). I</p> <p>19 paid for the filing fee myself. I've never</p> <p>20 recuperated. I've never asked for it.</p> <p>21 Then later, as we identified yesterday,</p> <p>22 Ms. Kotelly (sic) herself, Mr. Sujat will find</p>
<p style="text-align: right;">Page 1183</p> <p>1 Q. It's tab 16 --</p> <p>2 A. Yes, I just talked about this.</p> <p>3 Q. Ok, then I'm sorry, 21.</p> <p>4 CHAIRMAN FITCH: I'm sorry, what</p> <p>5 number?</p> <p>6 MR. SUJAT: The order on Exhibit 21.</p> <p>7 CHAIRMAN FITCH: Twenty-one, ok.</p> <p>8 MR. SUJAT: December 21st, 2010, Bar</p> <p>9 exhibits.</p> <p>10 THE WITNESS: The interim exhibit is</p> <p>11 already in evidence, so I don't need to take up</p> <p>12 the hearing committee's time on that. They speak</p> <p>13 for themselves.</p> <p>14 BY MR. SUJAT:</p> <p>15 Q. Also I was going to reference a Notice</p> <p>16 of Appeal. That's Exhibit 22.</p> <p>17 A. Ok, let's take it one at a time.</p> <p>18 With regard to Exhibit 21, which is in</p> <p>19 evidence, that is the opinion denying the motion</p> <p>20 for reconsideration of Judge Kotelly -- made</p> <p>21 before Judge Kotelly. And again, to encapsulate</p> <p>22 what I was saying is, your Honor, you have to let</p>	<p style="text-align: right;">Page 1185</p> <p>1 that notice of appeal --</p> <p>2 CHAIRMAN FITCH: I think you mean Ms.</p> <p>3 Sataki. The word "Kotelly" came out of your</p> <p>4 mouth.</p> <p>5 THE WITNESS: Oh. I'm a little tired.</p> <p>6 CHAIRMAN FITCH: Yes, I know.</p> <p>7 THE WITNESS: I filed a NOTICE OF</p> <p>8 APPEAL. I paid for it myself. I never asked to</p> <p>9 be reimbursed. I couldn't get in touch with her.</p> <p>10 And then, I testified yesterday, Mr.</p> <p>11 Sujat, if you can find that exhibit in our</p> <p>12 supplemental exhibits, the notice of appeal to Ms.</p> <p>13 Sataki.</p> <p>14 MR. SUJAT: I know what you're talking</p> <p>15 about. That would be exhibit -- let me give the</p> <p>16 whole citation here, Respondent's Supplemental</p> <p>17 Exhibit 4.</p> <p>18 THE WITNESS: Can I see that.</p> <p>19 (Brief pause.)</p> <p>20 THE WITNESS: Thank you.</p> <p>21 This is the notice of appeal which Ms.</p> <p>22 Sataki filed on her own. She hadn't called me</p>

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<p style="text-align: right;">Page 1186</p> <p>1 about it. She hadn't called Mr. Shamble, from his 2 testimony. And there's a notation here from Judge 3 Kotelly, in her handwriting: "Let this be filed: 4 Judge Collar, C-o-l-l-a-r- C-o-t-e-l-l-y," January 5 27th, 2011. 6 So, there is an important point here in 7 that she claims she instructed people to do 8 nothing, drop all cases with Dan Austin in early 9 August, but that she herself was now appealing the 10 case that had been dismissed by Judge Kotelly. 11 It's totally inconsistent with testimony that she 12 gave with regard to Kathleen Staunton and 13 testimony that she got from me through documents 14 dealing with what Kathleen Staunton was told by 15 Ms. Sataki, that she didn't want to go back to LA, 16 that it was all my idea. 17 There's nothing here that makes sense 18 and it's clear on the record. Ms. Sataki's 19 testimony was inconsistent and untruthful. 20 MR. SMITH: Move to strike. This is 21 all editorial, not testimony. 22 CHAIRMAN FITCH: That's struck.</p>	<p style="text-align: right;">Page 1188</p> <p>1 Was this a timely notice of appeal? 2 THE WITNESS: No, I don't believe it 3 was. She missed the deadline, and that's why I 4 had to file it by the deadline, didn't want her to 5 lose her rights. 6 But it will tell you that she wanted to 7 appeal it, despite what she testified to. And I 8 couldn't communicate with her and neither could 9 Mr. Shamble. 10 MR. SMITH: Move to strike. 11 CHAIRMAN FITCH: I think that motion to 12 strike is denied. I think it's reasonable in the 13 scope of what was asked. 14 Just remind me, had you filed a notice 15 of appeal from anything at this point? 16 THE WITNESS: Yes, that's Exhibit 22. 17 CHAIRMAN FITCH: Twenty what? 18 THE WITNESS: Twenty-two. It was filed 19 timely. 20 CHAIRMAN FITCH: Oh, that's right, this 21 is from December. 22 THE WITNESS: Right.</p>
<p style="text-align: right;">Page 1187</p> <p>1 Let me ask counsel, on this document 2 RSUPX4, which is a notice of appeal signed by 3 Elham Sataki, and part of the notice says, "This 4 14th day of January, 2011," and then -- 5 THE WITNESS: Can I see it, Mr. Sujat? 6 CHAIRMAN FITCH: And then it says 7 "Received, mailroom, January 20th, 2011." 8 At the top, Mr. Sujat, can you tell 9 what date is being indicated in the court's 10 standard line, at the top of this document? 11 MR. SUJAT: I might need a magnifying 12 glass. 13 THE WITNESS: I think I can, your 14 Honor. 15 CHAIRMAN FITCH: It's printed over. 16 THE WITNESS: Yeah, it looks to me like 17 it says January 31st, 2011. 18 CHAIRMAN FITCH: Thirty-one was my best 19 guess. 20 THE WITNESS: Yes. 21 CHAIRMAN FITCH: I note for the record 22 that it is difficult to ascertain.</p>	<p style="text-align: right;">Page 1189</p> <p>1 CHAIRMAN FITCH: Go ahead, Mr. Sujat. 2 MR. SUJAT: That's all I have right now 3 on this. 4 THE WITNESS: No, we're going on to 5 other testimony. 6 MR. SUJAT: That's all with the 7 pleadings. 8 CHAIRMAN FITCH: Give me a chance to 9 wrap up my work here. 10 (Brief pause.) 11 CHAIRMAN FITCH: Returning to your 12 Exhibit RSUPX4... 13 THE WITNESS: Can I see it, Mr. Sujat? 14 CHAIRMAN FITCH: You agree that, with 15 respect to the statement, typewritten statement, 16 "This 14th day of January, 2011," if filed on that 17 day, it would have been timely. 18 THE WITNESS: Yes, but however this was 19 sent -- you actually raised a good point, which I 20 forgot to testify to. 21 It's signed "Elham Sataki, pro per." 22 She would have no way of knowing "pro per." She</p>

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<p style="text-align: right;">Page 1190</p> <p>1 wouldn't even know "pro se," because she doesn't 2 have a legal background. But pro per is the term 3 that's used in California for pro se. 4 CHAIRMAN FITCH: Mm-hmm. 5 THE WITNESS: So I'm only supposing 6 here that this was mailed in to the courthouse and 7 it took a while to get to Judge Kotelly and then a 8 while to file it. 9 But whoever was advising her -- and it 10 was likely Ms. Staunton and/or her cousin, Sam 11 Razavi -- obviously they were not giving her good 12 advice. 13 MR. TIGAR: Mr. Klayman, is VOA or the 14 Broadcasting Board of Governors an agency of the 15 United States? 16 THE WITNESS: Yes. 17 MR. TIGAR: So that if they're a party 18 to the proceeding, you have 60 days to appeal, 19 correct? 20 THE WITNESS: I believe they do. 21 CHAIRMAN FITCH: Oh, ok. 22 THE WITNESS: They do, but I don't</p>	<p style="text-align: right;">Page 1192</p> <p>1 email -- and I can't right now lay my hands on 2 it -- in which you tell her that she has the 24th 3 of October to do something. 4 Do you recall that? 5 THE WITNESS: I believe, without 6 looking at it, that was with regard to filing a 7 Title VII action. 8 MR. TIGAR: I tried to count on my 9 fingers how many months it was since the final 10 action of the ODC, or the OCR. 11 THE WITNESS: Yeah. 12 MR. TIGAR: Would you and Mr. Sujat 13 refresh my recollection by finding that document 14 and then I could -- we'll talk about it. 15 THE WITNESS: Well. May I do that in 16 the course of my testimony. During a break we'll 17 find it. 18 MR. TIGAR: Of course, during a break. 19 What was the date of that? 20 MR. SUJAT: October 22nd. I'm not sure 21 of the year. 22 THE WITNESS: We'll discuss it at</p>
<p style="text-align: right;">Page 1191</p> <p>1 believe the private plaintiff has 60 days to 2 appeal. I may be wrong on the government, too. 3 MR. TIGAR: I'm reading, just so that 4 we're clear, from 4(a)1B of "The notice of appeal 5 may be filed by any party within 60 days if one of 6 the parties is a United States agency." 7 THE WITNESS: That's a good point, Mr. 8 Tigar. It shows you that I don't know everything. 9 I did remember that -- actually I was a 10 Justice Department lawyer, so I should have known 11 that. 12 It does raise an important point. If 13 that's the case -- I have no reason to doubt what 14 you read -- then she had time to pursue the 15 appeal, and she could have done that with whoever 16 was helping her, pro per, pro se, or gotten her 17 another lawyer. 18 But obviously she abandoned the claim. 19 MR. TIGAR: If I can follow up on that. 20 THE WITNESS: Yeah. 21 MR. TIGAR: Later on in October of 22 2011, you wrote a letter to Ms. Sataki, an</p>	<p style="text-align: right;">Page 1193</p> <p>1 lunch. I was constantly aware. That's why I 2 wanted to contact her. She still had rights 3 beyond this case. 4 MR. TIGAR: I don't want to take time 5 up with it now. 6 THE WITNESS: Sure. 7 You can proceed, Mr. Sujat. 8 BY MR. SUJAT: 9 Q. So this next area will be some emails. 10 And Mr. Klayman, I'd like you to look at SX3? 11 A. I need the book. 12 Q. Ok, Mr. Klayman, I draw your attention 13 to Bar Supplemental Exhibit 3 and the first page. 14 A. Yes. 15 Q. And the first sentence. 16 CHAIRMAN FITCH: Wait a minute. I 17 don't think the Bar has a supplemental exhibit, 18 does it? 19 THE WITNESS: Yes. That was what they 20 presented the day of trial, a lot of 21 correspondence. 22 CHAIRMAN FITCH: He said the Bar. It's</p>

14 (Pages 1190 to 1193)

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<p style="text-align: right;">Page 1194</p> <p>1 not Bar.</p> <p>2 THE WITNESS: It is the Bar. It was</p> <p>3 that package that Mr. Smith provided the first day</p> <p>4 of trial.</p> <p>5 CHAIRMAN FITCH: Ok. I apologize, my</p> <p>6 error.</p> <p>7 THE WITNESS: Yes, this is an email</p> <p>8 that I wrote to Ms. Sataki on April 23rd, 2010,</p> <p>9 and it says, "You do not have to worry about</p> <p>10 money. I honor my commitments in all respects.</p> <p>11 Your apartment is prepaid for six months and I</p> <p>12 will pay any expense that must be paid as I</p> <p>13 prepare to go to the judge with full ammunition,"</p> <p>14 meaning, you know, take strong action legally.</p> <p>15 "I'm not trying to bribe you," blah,</p> <p>16 blah, blah. "I would be hurting myself if I let</p> <p>17 this happen."</p> <p>18 So this is an example of how I was</p> <p>19 never seeking to be paid back for these expenses.</p> <p>20 I say doing this pro bono.</p> <p>21 BY MR. SUJAT:</p> <p>22 Q. Mr. Klayman, I refer you to SX5 in the</p>	<p style="text-align: right;">Page 1196</p> <p>1 at me over trying to help her friend Kaveh, and</p> <p>2 other issues, then I said, "You know, you've got</p> <p>3 another lawyer," and I testified that.</p> <p>4 I might add, in the course of -- I'm</p> <p>5 not equating this to me, but in a famous case</p> <p>6 involving William Kennedy Smith, I believe that my</p> <p>7 friend, Roy Black in Miami, the criminal lawyer,</p> <p>8 afterwards fell in love with a juror and married</p> <p>9 her.</p> <p>10 You know, people are human. It doesn't</p> <p>11 mean he did anything wrong. He didn't. But</p> <p>12 that's people decide to love people. You can't</p> <p>13 really say why that happens. That's a miracle,</p> <p>14 you know.</p> <p>15 CHAIRMAN FITCH: Mr. Sujat, continue,</p> <p>16 please.</p> <p>17 BY MR. SUJAT:</p> <p>18 Q. Mr. Klayman, I refer you to SX5, the</p> <p>19 same book.</p> <p>20 A. Yes.</p> <p>21 This is an email that I sent on or</p> <p>22 about May 8th, 2010 to Ms. Sataki: "Ellie, in case</p>
<p style="text-align: right;">Page 1195</p> <p>1 same book.</p> <p>2 MR. TIGAR: Excuse me, before you go to</p> <p>3 that, would you look again at SX3, and the</p> <p>4 paragraph that begins, "I am human," and you can</p> <p>5 read that.</p> <p>6 What were you trying to convey here</p> <p>7 about your feelings about your client?</p> <p>8 THE WITNESS: That I had really strong</p> <p>9 feelings, believed in her and loved her. And I</p> <p>10 don't think there's any crime in loving someone</p> <p>11 and working really hard for them. And it</p> <p>12 certainly is not a slap at anybody. It's a</p> <p>13 compliment.</p> <p>14 So that's what I was trying to convey.</p> <p>15 I'm human. Things happen in life that you don't</p> <p>16 expect, and when they do, you have to deal with</p> <p>17 them.</p> <p>18 But in this case it actually made me</p> <p>19 work harder for her. And as Mr. Shamble</p> <p>20 confirmed, and also when I thought that the</p> <p>21 relationship was over the top, when she asked me</p> <p>22 to buy the car and things like that, and got mad</p>	<p style="text-align: right;">Page 1197</p> <p>1 you do not see my text this morning, I thought of</p> <p>2 someone who can take over your legal</p> <p>3 representation. His name is Tim Shea. Tim</p> <p>4 Shamble also knows him and he has experience with</p> <p>5 clients before VOA. I will ask him to call you on</p> <p>6 Monday.</p> <p>7 "Until all is resolved I will sent you</p> <p>8 a check every two weeks the equivalent of your</p> <p>9 paycheck. Your rent is paid for six months, and</p> <p>10 if you need help I will pay beyond that.</p> <p>11 "I wish you, your family and Kaveh" --</p> <p>12 that's her friend that she had lived with in DC.</p> <p>13 She asked me to help, and I helped Kaveh. "The</p> <p>14 best -- this is in your best interest."</p> <p>15 THE WITNESS: So that's what I'm</p> <p>16 saying, Mr. Tigar, you know, is that I felt we</p> <p>17 needed to get somebody else in there to represent</p> <p>18 her, for everyone's interest.</p> <p>19 CHAIRMAN FITCH: Go ahead. Keep going.</p> <p>20 THE WITNESS: And it also underscores</p> <p>21 again that I wasn't going to let her sink. I was</p> <p>22 taking money out of my own pocket, which</p>

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<p style="text-align: right;">Page 1198</p> <p>1 ultimately later caused me a lot of financial 2 issues personally, and I've never asked to be paid 3 back. 4 5 BY MR. SUJAT: 6 Q. Mr. Klayman, I refer to you Exhibit 7 SX10. 8 A. Yes. 9 That's an email I sent on May 19th, 10 2010, to Ms. Sataki. It stated here, "I'm working 11 on your case tonight with Vanessa and Alice, so 12 I'm still in the office." They were helping me 13 legally as assistants. "I told you that we had to 14 wait until your convalescence was over since VOA 15 and I would reevaluate your request to be in LA at 16 that time. I told you I would reimburse your pay 17 so you would not sink during this period if we did 18 not get VOA to reverse its position." 19 This shows two things: One, that I was 20 not going to let her thing, and I was not going to 21 ever ask her to pay the expenses. It's part of 22 the whole continuing to tell her that. It also</p>	<p style="text-align: right;">Page 1200</p> <p>1 CHAIRMAN FITCH: So it's not two. 2 MR. TIGAR: Are we at Page 12 of that 3 exhibit? 4 MR. SUJAT: Yes, your Honor, 23-12. 5 Now I'm referring to an article that was posted 6 December 25th, 2010. 7 THE WITNESS: Yes. 8 With regard to this article -- and what 9 I wanted to point out is that this article was 10 written on December 25th and, like all the other 11 articles, was extremely complimentary of Ms. 12 Sataki. It didn't reveal any confidential 13 information that was already out there -- that was 14 not already out there that she had approved. 15 We had testimony yesterday from Mr. 16 Shamble that they went up actually with the first 17 article I had written to try to get media 18 attention to try to coerce or coax, I should say, 19 Voice of America into a settlement. 20 But what's important here, the date, 21 December 25th, this was I think the last article 22 that I had written. It's part of the articles</p>
<p style="text-align: right;">Page 1199</p> <p>1 deals with the fact that she knew I was in LA. 2 That's where I was, and she met in the office from 3 time to time with Vanessa and with Alice, and me. 4 So she certainly knew where to find me 5 if she wanted to. 6 Q. Mr. Klayman I refer you now to a 7 different book. This would be Bar Exhibit 23 and 8 SUP Exhibit 2. 9 A. Yes. 10 CHAIRMAN FITCH: Which book are we in? 11 MR. SUJAT: This would be the Bar 12 exhibit, the blue book. 13 CHAIRMAN FITCH: Go ahead. What 14 exhibit number? 15 MR. SUJAT: And I refer you to Exhibit 16 2 and 23. 17 THE WITNESS: You mean the page number 18 two? 19 MR. SUJAT: Well, it's 23-11. 20 CHAIRMAN FITCH: I'm sorry, are we on 21 Exhibit 23 in the Bar's exhibits? 22 MR. SUJAT: Correct, your Honor.</p>	<p style="text-align: right;">Page 1201</p> <p>1 entered into evidence and it was written before -- 2 I still could not get in touch with Ms. Sataki, 3 and again I was getting things from her which 4 clearly did not come from her. We found out 5 during her testimony that Kathleen Staunton and 6 her cousin were behind things. And that's why 7 when January 23rd Mr. Shamble calls her -- or 8 sends her an email and says -- and we went through 9 that testimony, I won't belabor it, "Please 10 contact us. We need to know what to do," contact 11 Mr. Klayman, but she could have also contacted 12 him. 13 So it was still in that period of 14 Never-never Land, so to speak, where I didn't feel 15 I had been terminated, because I was getting stuff 16 from other people and it was so contradictory that 17 I needed to talk to her. 18 But I was still trying to advance her 19 interests, and this is extremely complimentary of 20 her. There's nothing confidential. 21 Now, there is a statement in the 22 Specification of Charges. It speaks for itself,</p>

16 (Pages 1198 to 1201)

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<p style="text-align: right;">Page 1202</p> <p>1 that somehow I was promoting myself with my book. 2 Well, WorldNetDaily had bought about 3 200 copies of my book. So they were inserting 4 this into my columns, trying to sell the books 5 themselves. I wasn't trying to sell the book for 6 my columns. It was WorldNetDaily who bought the 7 books and inserted them. 8 When I sold them the books, I didn't 9 know what they were going to put in there. They 10 put in advertisements. That's how they pay for 11 their website. But it's not me soliciting for to 12 buy my book there, so that's important. 13 CHAIRMAN FITCH: Which portion or 14 paragraph of this article are you referring to? 15 THE WITNESS: Yeah, maybe I'm talking 16 about another article, actually. 17 CHAIRMAN FITCH: Alright. 18 MR. SUJAT: Yeah, it wasn't in this 19 article, but in the later article, and some of 20 them, the Republican Establishment and Revolution, 21 "Larry Klayman Sees GOP Kingpin Still in Control 22 Despite Tea Party Victories." So, it not only</p>	<p style="text-align: right;">Page 1204</p> <p>1 Q. Next article is dated September 30th, 2 2011. 3 A. Yes, this is -- I can say this -- 4 CHAIRMAN FITCH: What exhibit number is 5 this? 6 MR. SUJAT: This is still 23. 7 MR. TIGAR: What page number? 8 MR. SUJAT: It's the next one, 23-14. 9 THE WITNESS: Yes, I just testified to 10 that. That's it. So I have no further testimony 11 on that. 12 CHAIRMAN FITCH: Ok, next. 13 BY MR. SUJAT: 14 Q. And then the next one, 23-16. 15 A. Yes. 16 That's THE October 14th article. Again 17 I make passing reference to the situation at Voice 18 of America. Again it's very complimentary of Ms. 19 Sataki. There's nothing that's confidential. And 20 I was not trying to sell my book there. 21 WorldNetDaily was trying to sell books that they 22 had purchased and owned.</p>
<p style="text-align: right;">Page 1203</p> <p>1 shows that I'm nonpartisan and very critical of my 2 own technically registered party, the republican 3 party, they way they act sometimes. I'm 4 nonpartisan. 5 In this one you'll see going down, it 6 says "Get Larry Klayman's "Fascinating Encounters 7 With the Powers That Be: Whores - How I Came to 8 Fight the Establishment." 9 So that was WorldNetDaily advertising 10 it, not me. 11 MR. TIGAR: At the time you wrote this, 12 did you still have a belief that Ms. Sataki had 13 meritorious claims of sexual harassment and the 14 related claims? 15 THE WITNESS: Yes. Yes, and, you know, 16 up to today, you know, in hearing her testimony, 17 and I don't mean again to be provocative, but to 18 editorialize, but to hear how untruthful it was, 19 in my opinion, and I now question, as of today, 20 the voracity of her claims of sexual harassment. 21 CHAIRMAN FITCH: Mr. Sujat, go ahead. 22 BY MR. SUJAT:</p>	<p style="text-align: right;">Page 1205</p> <p>1 And I'm not promoting my self-interest 2 in any of these articles. I'm promoting the 3 interests of Ms. Sataki and what I believe in in 4 terms of freedom in Iran, and she believed in 5 that, too, and so did the other broadcasters at 6 BOA that I represented, and continued to represent 7 at that time. 8 BY MR. SUJAT: 9 Q. Mr. Klayman, I next refer you to an 10 article, same day, October 14th, 2011, and it's on 11 Page 23-19. 12 A. This was posted October 1st, 2010. 13 Q. Posted October 1st, 2010. 14 A. That's correct. 15 So essentially it's the same testimony 16 as before, that everything I said was 17 complimentary to Ms. Sataki, not confidential. I 18 was trying to promote her interest, still trying 19 to bring about the possibility of a settlement. I 20 never kept -- I never stopped trying, because I 21 believed so much that this was the right thing to 22 do. People really paid attention and cared. But</p>

17 (Pages 1202 to 1205)

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<p style="text-align: right;">Page 1206</p> <p>1 in this town sometimes that doesn't happen in 2 particular. Or in other towns, but here there 3 seems to be sometimes politics that enter into 4 things, from my experience in 40 years. But 5 that's what it was about.</p> <p>6 In this particular article there's no 7 reference to my autobiography.</p> <p>8 Q. I refer you to the next article, posted 9 July 2nd, 2010. It's on Page 23-22.</p> <p>10 A. Yes. This is called "The Ultimate 11 Freedom Fighter: Larry Klayman Chronicles His 12 Transformation into Jewish Follower of Christ." 13 This gets into the testimony previously. I won't 14 repeat it, belabor it. I'm very proud, very happy 15 that I've had two experiences where he came to me 16 and spoke to me, and I'm saying that there is 17 something that influenced a lot of what I do and 18 how I'm able to take on powerful forces and not 19 worry about what can happen to me, because I 20 believe he is with me. He said he was. And I 21 believe that, obviously, coming from the Son of 22 God.</p>	<p style="text-align: right;">Page 1208</p> <p>1 me funny. That's probably why I'm a lawyer. 2 This is what I was talking about and I 3 was talking about the injustice here that had 4 occurred.</p> <p>5 So that's what this article is about. 6 Again, I'm not selling my book. It's 7 WorldNetDaily selling the books that they owned. 8 And again I make reference to Judge 9 Sporkin in 23-16. There are very few Judge 10 Sporkins alive on the bench these days, and I get 11 into the politics that give rise to judges being 12 appointed and confirmed. And I, myself, just to 13 say, it just didn't arise here, but I actually 14 recommended different ways to choose judges. It's 15 that I think that our founding fathers were 16 extremely intelligent, enlightened by God, but 17 they didn't get everything right. They weren't 18 God. And I think it was just a mistake, just to 19 be short, to give them life tenure and not have 20 them accountable for anything that they do.</p> <p>21 Because, as we know, either -- your 22 only resource is to file a motion for</p>
<p style="text-align: right;">Page 1207</p> <p>1 And this -- I might say I'm not the 2 only person in world history that he's ever come 3 to and talked to directly. With regard to my 4 Jewish background, God obviously had a pretty good 5 line of communication with Moses.</p> <p>6 And then again the book is being sold 7 by WorldNetDaily on the site, not me.</p> <p>8 Q. Mr. Klayman, I now refer you to the 9 article posted June 11th, 2010 is the next one.</p> <p>10 A. Yes.</p> <p>11 Q. It's Exhibit 23-25.</p> <p>12 A. That's posted June 11th, 2010, and 13 that's my article about "Cockroaches and Judges." 14 There was no disrespect to the many 15 fine people that are on the judiciary, whom many 16 of them are my friends at this point, including 17 Judge Royce Lamberth, who I had many cases with, 18 and Judge Sanders Sauls in Tallahassee, who is 19 retired, and people like that. But I tried to 20 bring humor to it. I made a joke.</p> <p>21 Actually I've done standup comedy 22 before in my life. I don't know if anybody found</p>	<p style="text-align: right;">Page 1209</p> <p>1 disqualification or a complaint with the Judicial 2 Council. And the Judicial Council is composed of 3 judges who are in the same courthouse, or friends 4 of the judge at issue, are not going to recommend 5 any kind of remedial action with regard to their 6 colleague. I've never seen it happen.</p> <p>7 And I also tried that with Kotelly, 8 too. I wanted her colleagues to correct this, 9 using that mechanism.</p> <p>10 So, just to be brief, I recommended 11 that we have independent panels that recommend 12 judges, that they serve two full terms of five 13 years each, renewable for good behavior.</p> <p>14 MR. TIGAR: I want to make clear that, 15 at least as far as I'm concerned, that the way the 16 federal judges are selected and confirmed really 17 has nothing to do with the issues in this case --</p> <p>18 THE WITNESS: I agree.</p> <p>19 MR. TIGAR: -- and our respective views 20 don't matter.</p> <p>21 THE WITNESS: Ok, but --</p> <p>22 MR. TIGAR: My son is a United States</p>

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<p style="text-align: right;">Page 1210</p> <p>1 judge who was chosen through this process, and I 2 want to make clear that -- 3 THE WITNESS: Yeah -- 4 MR. TIGAR: -- that didn't have any 5 impact on what's going on. 6 THE WITNESS: I'm sure he's a fine 7 judge. 8 Yes, and there are many fine judges who 9 were selected through that process. But there 10 were other judges who were selected based on 11 politics. 12 It's no reflection on your son. 13 MR. TIGAR: No, I didn't take it to 14 mean that. I just wanted to make it clear that 15 that has nothing to do with the burden here. 16 THE WITNESS: I'm sorry if I made it an 17 issue. 18 But there are many fine judges. Judge 19 Lamberth is one and Sullivan is another. He came 20 through that process. Judge Sporkin, he's 21 another. 22 But I do believe we need a system, and</p>	<p style="text-align: right;">Page 1212</p> <p>1 first. 2 Q. Yes, that's what I'm going to do. 3 A. And where were we? 4 Q. I believe we finished up the one that 5 was called -- or the one that's dated -- 6 CHAIRMAN FITCH: We last had testimony 7 on DS-25. 8 MR. SUJAT: Yes, 23-25. 9 THE WITNESS: And let me add to that, 10 and with regard to Mr. Tigar's observations, that 11 I actually believed judges are our most important 12 public servants, and I've written about them a 13 lot. That's no pandering. And they protect us 14 from the tyranny of the other two branches of 15 government. I'm not one of those conservatives 16 that believes that judges are inferior to the 17 other two branches of government. In fact I think 18 they're more important. 19 CHAIRMAN FITCH: Are we ready to go to 20 DSX27? 21 MR. SUJAT: Yes. 22 CHAIRMAN FITCH: DSX23-27. What's your</p>
<p style="text-align: right;">Page 1211</p> <p>1 I'll be brief, that he takes the politics out. 2 CHAIRMAN FITCH: Now that Mr. Klayman 3 has completed that answer, that answer is struck. 4 THE WITNESS: Ok. 5 CHAIRMAN FITCH: I think that we are 6 not going to finish the rest of the articles -- I 7 think we're going to finish them fairly quickly, 8 but if you don't mind, it's been a long time, and 9 we'll take a 12-, 15-minute break here at 11:29, 10 and then we will go to roughly 1:00 p.m., if 11 that's alright with everybody. 12 We stand in recess. 13 THE WITNESS: Thank you. 14 (Recess taken.) 15 CHAIRMAN FITCH: We are returning to 16 the record from our 11:29 break here at 11:46, and 17 I think Mr. Sujat is ready to resume his 18 examination, if I'm not mistaken. 19 MR. SUJAT: Yes, thank you, your Honor. 20 BY MR. SUJAT: 21 Q. Mr. Klayman, I refer you to the -- 22 A. Mr. Sujat, let's finish the articles,</p>	<p style="text-align: right;">Page 1213</p> <p>1 question? 2 MR. SUJAT: Yes. 3 THE WITNESS: You asked me about the 4 next article. It's May 28th, 2010, and it's "Man 5 the Barricades." 6 I want to point out with WorldNetDaily, 7 I'm not an owner of WorldNetDaily. I don't 8 benefit from them selling my books in anyway. 9 They keep the proceeds. 10 This is another article that I wrote: 11 Truthful, complimentary of Ms. Sataki; nothing 12 confidential. 13 And then turning to the next article, 14 "A Voice for Persian Freedom," this was one of the 15 first articles, May 21st, 2010. That's at 23-30. 16 23-32, same testimony as the prior 17 testimony about regard to the columns that I 18 wrote, articles, whatever you want to call them. 19 And then we have May 14th, 2010, "The 20 Government War on a Freedom-Loving Beauty: Larry 21 Klayman Goes to Bat for Harassed Broadcaster 22 Fighting for a Free Iran;" extremely</p>

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<p style="text-align: right;">Page 1214</p> <p>1 complimentary.</p> <p>2 Ms. Sataki knew of this and the other</p> <p>3 articles which I sent to her. This is the one</p> <p>4 where Mr. Shamble, along with Ms. Sataki, took to</p> <p>5 an event to promote her case and to try to coax</p> <p>6 the government into a favorable settlement.</p> <p>7 Same testimony as the prior testimony</p> <p>8 with regard to the columns and the articles.</p> <p>9 Then there's one written by someone, a</p> <p>10 reporter at WorldNetDaily, Rob Unruh, May 11,</p> <p>11 2010: "Lawyer Accuses VOA Manager of Pro-Iranian</p> <p>12 Bias. Claims Emerging Lawsuit Over Six</p> <p>13 Discrimination Allegations.</p> <p>14 Again, this is what Ms. Sataki wanted</p> <p>15 to alleviate, along with her other broadcasters.</p> <p>16 This is what they were there for, and they were</p> <p>17 broadcasting into Iran, which, you know, created</p> <p>18 some risk for them. So it really didn't hinge on</p> <p>19 the publicity with regard to her trying to get a</p> <p>20 settlement in her case.</p> <p>21 And I might also add, this was</p> <p>22 testimony by her. This is important --</p>	<p style="text-align: right;">Page 1216</p> <p>1 Ms. Sataki's case?</p> <p>2 THE WITNESS: No.</p> <p>3 What happened was, Esquire Magazine had</p> <p>4 allegedly defamed the publisher of WorldNetDaily,</p> <p>5 Joseph Farah, and a writer called Joseph Corsi,</p> <p>6 and --</p> <p>7 CHAIRMAN FITCH: But that was after --</p> <p>8 THE WITNESS: That was afterwards, yes.</p> <p>9 CHAIRMAN FITCH: Alright. So is it</p> <p>10 correct that you received no remuneration for or</p> <p>11 in association or connection with this group of</p> <p>12 articles?</p> <p>13 THE WITNESS: That is correct.</p> <p>14 CHAIRMAN FITCH: And is it true that,</p> <p>15 at least during this period of time that's</p> <p>16 relevant to this case, that you received no</p> <p>17 remuneration from this publisher for books by you</p> <p>18 that they published?</p> <p>19 THE WITNESS: Correct. Correct, that</p> <p>20 Larry Klayman did not.</p> <p>21 CHAIRMAN FITCH: Ok. Mr. Sujat.</p> <p>22 BY MR. SUJAT:</p>
<p style="text-align: right;">Page 1215</p> <p>1 CHAIRMAN FITCH: Well, wait a minute.</p> <p>2 THE WITNESS: Sorry, I'm going too</p> <p>3 fast?</p> <p>4 CHAIRMAN FITCH: Yes, you are.</p> <p>5 A moment ago, did you testify that you</p> <p>6 do not receive any remuneration from the sale by</p> <p>7 this publisher of books that you have written?</p> <p>8 THE WITNESS: Correct.</p> <p>9 CHAIRMAN FITCH: And did you receive</p> <p>10 any remuneration associated with these articles?</p> <p>11 THE WITNESS: At one point I did.</p> <p>12 CHAIRMAN FITCH: Any tangible</p> <p>13 remuneration.</p> <p>14 THE WITNESS: Intangible?</p> <p>15 CHAIRMAN FITCH: Tangible, like money.</p> <p>16 THE WITNESS: Yes, at one point I did.</p> <p>17 I don't believe I was during this period of time.</p> <p>18 Later, I had an agreement when I represented</p> <p>19 WorldNetDaily in a lawsuit that one way they could</p> <p>20 compensate me was to pay me \$100 per article, but</p> <p>21 that occurred after this article was written.</p> <p>22 CHAIRMAN FITCH: Was that related to</p>	<p style="text-align: right;">Page 1217</p> <p>1 Q. Yes, next article is posted May 11th I</p> <p>2 think.</p> <p>3 CHAIRMAN FITCH: What page is it on?</p> <p>4 MR. SUJAT: 23-36.</p> <p>5 THE WITNESS: Yes, I just identified</p> <p>6 that.</p> <p>7 CHAIRMAN FITCH: Wait a minute. Don't</p> <p>8 interrupt him. I can't hear him.</p> <p>9 Twenty-three dash what?</p> <p>10 MR. SUJAT: Thirty-six, 23-36.</p> <p>11 CHAIRMAN FITCH: I have Mr. Klayman's</p> <p>12 testimony in that connection.</p> <p>13 THE WITNESS: The next article then in</p> <p>14 this exhibit --</p> <p>15 CHAIRMAN FITCH: Well, actually I want</p> <p>16 some more testimony about that article.</p> <p>17 Did you arrange with Mr. Unruh, the</p> <p>18 author of the article, or prompt Mr. Unruh to</p> <p>19 write this article?</p> <p>20 THE WITNESS: Yes, I talked to him</p> <p>21 about it and I thought it would be helpful, to try</p> <p>22 to settle Ms. Sataki's case.</p>

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<p style="text-align: right;">Page 1218</p> <p>1 CHAIRMAN FITCH: Mr. Sujat.</p> <p>2</p> <p>3 BY MR. SUJAT:</p> <p>4 Q. Mr. Klayman, I refer you to the article</p> <p>5 posted with the date April 30, 2010.</p> <p>6 A. Correct, that's "How to Free the</p> <p>7 Iranian People" --</p> <p>8 CHAIRMAN FITCH: I have to interrupt</p> <p>9 you. For the record, this appears at DSX23-41.</p> <p>10 MR. SUJAT: Mm-hmm.</p> <p>11 CHAIRMAN FITCH: Go ahead.</p> <p>12 THE WITNESS: It's titled "How to Free</p> <p>13 the Iranian People."</p> <p>14 I really admire the Iranian people. I</p> <p>15 think that's pretty clear in everything I write.</p> <p>16 And I have many, many friends in the community,</p> <p>17 other than clients. And this was trying, again,</p> <p>18 to advance the cause of Ms. Sataki who believed in</p> <p>19 American -- in freedom and really held herself out</p> <p>20 for that.</p> <p>21 I was going to add something that I</p> <p>22 forgot to testify to yesterday, that, when she</p>	<p style="text-align: right;">Page 1220</p> <p>1 they already knew about that. And she firmly</p> <p>2 believed -- she told me that it was Falahati and</p> <p>3 Sajadi that were behind that. This was the way to</p> <p>4 try to intimidate her to get her to back off her</p> <p>5 claims.</p> <p>6 CHAIRMAN FITCH: And I note, Mr.</p> <p>7 Klayman, that there is a group of articles from --</p> <p>8 that the articles as they are put into</p> <p>9 Disciplinary Counsel's exhibit book are in reverse</p> <p>10 chronological order.</p> <p>11 So now that we have reached the end of</p> <p>12 those articles at DSX23-41, there are five</p> <p>13 articles between April 30 and May 28. And then</p> <p>14 there's another one just a few days later on June</p> <p>15 11th. So that's six articles in a month and 11</p> <p>16 days.</p> <p>17 Why was there that flurry?</p> <p>18 THE WITNESS: Well, because I write a</p> <p>19 column every week, every Friday.</p> <p>20 CHAIRMAN FITCH: Well, that's fine, but</p> <p>21 why was that there at that point?</p> <p>22 THE WITNESS: Oh, because I'm still</p>
<p style="text-align: right;">Page 1219</p> <p>1 said that she had been threatened and that they</p> <p>2 had posted her picture on websites with</p> <p>3 pornographic images, not only did I take her to</p> <p>4 the FBI on that -- that was the reference to the</p> <p>5 FBI. I didn't use the FBI to investigate her or</p> <p>6 any of her family or friends.</p> <p>7 She believed -- she told me that she</p> <p>8 believed it was coming from the harasser,</p> <p>9 Falahati, and the manager Sajadi, Ali Sajadi. And</p> <p>10 Sajadi, as she had advised me and other</p> <p>11 broadcasters had advised me, his father lived in</p> <p>12 Tehran and was advisor to the supreme leader, the</p> <p>13 Ayatollah Khomeini, and consequently that</p> <p>14 activity -- that's why I asked the FBI to</p> <p>15 investigate -- would have occurred regardless of</p> <p>16 any publicity that was trying to further her case</p> <p>17 and get a settlement, because they knew of her</p> <p>18 claims against them, both in terms of the internal</p> <p>19 complaints that had been filed initially by her</p> <p>20 with the Office of Human Resources, and then with</p> <p>21 OCR, Office of Civil Rights, and then in court.</p> <p>22 So, if they were going to retaliate,</p>	<p style="text-align: right;">Page 1221</p> <p>1 trying to settle this thing. I'm trying to get</p> <p>2 them to agree to give her what she wanted, and</p> <p>3 we're trying also --</p> <p>4 CHAIRMAN FITCH: Was this period that I</p> <p>5 just referred to sort of the height of the active</p> <p>6 settlement, including engagement with the other</p> <p>7 side?</p> <p>8 THE WITNESS: Yeah, they continued</p> <p>9 on --</p> <p>10 CHAIRMAN FITCH: Ok.</p> <p>11 THE WITNESS: They continued on. Mr.</p> <p>12 Shamble continued to attempt that.</p> <p>13 And if you look at Exhibit 21 --</p> <p>14 CHAIRMAN FITCH: Well, I'm not ready to</p> <p>15 look at that.</p> <p>16 THE WITNESS: Ok.</p> <p>17 CHAIRMAN FITCH: And then there are</p> <p>18 articles a month later on 7/2 and then three</p> <p>19 months later, 10/1, and 10/15, and in between that</p> <p>20 there was one on nine, nine as in September, 30.</p> <p>21 What was the reason for the more</p> <p>22 intermittent articles in that time?</p>

21 (Pages 1218 to 1221)

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<p style="text-align: right;">Page 1222</p> <p>1 THE WITNESS: As I just testified, that 2 we were still pursuing this. 3 And what I was going to refer to that I 4 hadn't testified to was Exhibit 21 of Bar 5 Counsel's exhibits, and that's not supplementary, 6 but the actual one. The order, the final order of 7 Judge Kotelly came down with regard to all of 8 these matters on December 21st, 2010. So these 9 all, except for that one article about Christmas, 10 written before that time period. This was still 11 ongoing into the courts. 12 And I was also hoping, not just to 13 influence Voice of America, but also to 14 influence -- because publicity does drive judges, 15 unfortunately, and they're good judges, such as 16 Mr. Tigar's son, and Mr. Sporkin and Judge 17 Lamberth and others, and Judge Sullivan who was 18 Clinton appointee, I have a great deal of respect 19 for -- they read the press. And that's the 20 reality of life. Everybody reads the press these 21 days and their decision-making can be influenced 22 by what's out there in the media.</p>	<p style="text-align: right;">Page 1224</p> <p>1 So I just wanted to point that out. 2 I'm not 100 percent sure that the earlier order on 3 June 1st was the day I had the auto accident. I 4 just wanted to say that. 5 But I was very upset both times, and I 6 felt badly for Ms. Sataki, and I felt badly, 7 frankly, for the American justice system. 8 CHAIRMAN FITCH: Where are we going 9 from here, Mr. Sujat? 10 MR. SUJAT: I have some other things 11 I'd like Mr. Klayman to look at. 12 BY MR. SUJAT: 13 Q. I refer you to the transcript of Ms. 14 Sataki dated May 31st, 2018, on Page 332, lines 15 five through nine. 16 MR. SMITH: I'd like a proffer about 17 where we're going about what the live testimony is 18 going to be, about the prior testimony of Ms. 19 Sataki. 20 CHAIRMAN FITCH: Start over again, 21 there, Mr. Sujat, for the slow guy here. 22 MR. SUJAT: I would like to refer Mr.</p>
<p style="text-align: right;">Page 1223</p> <p>1 That's why we see a lot now with regard 2 to the investigations of Robert Muller on both 3 sides. And also, you know, the prosecutions of 4 Paul Manafort and others, on both sides. 5 So that's what I was doing. I had a 6 dual purpose, and I do write a column every 7 Friday, and I also write for News Max. I have a 8 blog on News Max. That's recently. That wasn't 9 during this period, at all. That was much later. 10 So I'm a writer. I love writing. 11 CHAIRMAN FITCH: Mr. Sujat, have we 12 finished the articles? 13 MR. SUJAT: I believe so. 14 THE WITNESS: Yes. I want to add one 15 other thing, though. I want to go back to Exhibit 16 21 of the judge's order, last order. 17 And I believe I'm correct with regard 18 to my prior testimony, but I started thinking 19 about this, because this case is eight years old, 20 and memories fade, that this may have been the 21 trigger point when I crashed my car, after that 22 final order came out on December 21st, 2010.</p>	<p style="text-align: right;">Page 1225</p> <p>1 Klayman to the transcript where Ms. Sataki makes 2 some statements on Page 332. I think it's very 3 relevant to his case, and it, you know, shows a 4 pattern. 5 CHAIRMAN FITCH: Well, you can save 6 your argument. 7 MR. SUJAT: Yes. 8 CHAIRMAN FITCH: I think asking Mr. 9 Klayman about facts asserted by Ms. Sataki is 10 perfectly legitimate. 11 MR. SMITH: I do, too, but I don't 12 think that they need to refer to the transcript. 13 If they have specific questions from specific 14 subject matters -- 15 CHAIRMAN FITCH: No, no. It's not 16 uncommon to use a transcript to ask the witness so 17 and so, so and so. 18 So let's see where we go. 19 BY MR. SUJAT: 20 Q. I would like to know, Mr. Klayman, what 21 you think about that. I'd like you to read that. 22 MR. SMITH: Objection, that's a vague</p>

22 (Pages 1222 to 1225)

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<p style="text-align: right;">Page 1226</p> <p>1 question, what he thinks about that.</p> <p>2 CHAIRMAN FITCH: Ok, Mr. Smith, I'm</p> <p>3 with you. That question is struck.</p> <p>4 What page of the transcript?</p> <p>5 MR. SUJAT: It's on Page 332.</p> <p>6 CHAIRMAN FITCH: Do you have a copy of</p> <p>7 the transcript.</p> <p>8 MR. SUJAT: That's the only one I have.</p> <p>9 CHAIRMAN FITCH: Walk over there,</p> <p>10 please, take the transcript, and read into the</p> <p>11 record what you wish to ask Mr. Klayman about, so</p> <p>12 that we all know.</p> <p>13 CHAIRMAN FITCH: Someone needs to tell</p> <p>14 me what page and what lines I'm going to hear.</p> <p>15 THE WITNESS: Page 332.</p> <p>16 CHAIRMAN FITCH: And what lines am I</p> <p>17 going to hear?</p> <p>18 THE WITNESS: Lines five to nine.</p> <p>19 CHAIRMAN FITCH: Ok. And this is Ms.</p> <p>20 Sataki's testimony, correct?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MR. SUJAT: Correct.</p>	<p style="text-align: right;">Page 1228</p> <p>1 when she said, "that time"?</p> <p>2 THE WITNESS: What I believe is it was</p> <p>3 from the very inception, from the date I met her</p> <p>4 and had dinner with her at Clyde's Restaurant.</p> <p>5 That was my experience, that she would just break</p> <p>6 down in tears, before anything happened, you know,</p> <p>7 she testified to with regard to our legal and</p> <p>8 otherwise friendship, relationship.</p> <p>9 CHAIRMAN FITCH: And what is your</p> <p>10 question about that testimony?</p> <p>11 BY MR. SUJAT:</p> <p>12 Q. Well, my question is, is that your</p> <p>13 experience of what, you know --</p> <p>14 A. Yes. As I just testified to, this</p> <p>15 condition had nothing to do with me. I mean, it</p> <p>16 was existent the very first day I met her.</p> <p>17 And, you know, it shows that I'm not</p> <p>18 a -- I'm not a psychologist, and no disrespect,</p> <p>19 that she wasn't terribly stable.</p> <p>20 Q. In that regard I also refer to</p> <p>21 Respondent's Exhibit 30, Supplemental Exhibits 1</p> <p>22 and 2. Those are the emails relating to Ms.</p>
<p style="text-align: right;">Page 1227</p> <p>1 CHAIRMAN FITCH: What does that</p> <p>2 testimony say?</p> <p>3 THE WITNESS: It's dealing with and</p> <p>4 I'll just characterize it --</p> <p>5 CHAIRMAN FITCH: No, no, read me the</p> <p>6 testimony.</p> <p>7 THE WITNESS: "I was sobbing to every</p> <p>8 person" --</p> <p>9 CHAIRMAN FITCH: I can't hear you. I'm</p> <p>10 seventy-five years old.</p> <p>11 THE WITNESS: I'm sorry. I'm only</p> <p>12 seven behind you. Your eyes may be better than</p> <p>13 mine.</p> <p>14 CHAIRMAN FITCH: Read it clearly, Mr.</p> <p>15 Klayman.</p> <p>16 THE WITNESS: "I was sobbing to every</p> <p>17 person I was talking at the time, because I was</p> <p>18 going through a deep depression and every time I</p> <p>19 talk about that, I would cry. That's just how it</p> <p>20 was, not only with you, but with everybody."</p> <p>21 CHAIRMAN FITCH: Do you recall what</p> <p>22 time period she was referring to in that testimony</p>	<p style="text-align: right;">Page 1229</p> <p>1 Allred.</p> <p>2 A. Can you show me those, please. Yes, we</p> <p>3 went through this yesterday with Ms. Allred.</p> <p>4 MR. SMITH: What exhibits are we</p> <p>5 looking at?</p> <p>6 THE WITNESS: Respondent's Exhibit 2.</p> <p>7 It's the email --</p> <p>8 CHAIRMAN FITCH: Wait a minute. Are we</p> <p>9 in the white book?</p> <p>10 MR. SUJAT: These are supplemental to</p> <p>11 the white book, yes.</p> <p>12 THE WITNESS: Your Honor, those are not</p> <p>13 our exhibits. We can put them in a binder for you</p> <p>14 tonight, to make it easier for you.</p> <p>15 CHAIRMAN FITCH: Thank you.</p> <p>16 Alright, this document has, at the top</p> <p>17 of it, the denomination RSEX.2.</p> <p>18 MR. SUJAT: Right.</p> <p>19 CHAIRMAN FITCH: Ok. And what do you</p> <p>20 want me to look at.</p> <p>21 THE WITNESS: And as we identified with</p> <p>22 Ms. Sataki, at the bottom, the email that was sent</p>

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<p style="text-align: right;">Page 1230</p> <p>1 to Ms. Allred, who she identified, for Ms. Sataki, 2 on March 23rd, 2012, at 10:05 in the evening, 3 "Subject: Please let me meet you." This earlier 4 testimony is about her instability and dramatizing 5 her situation is also seen in this email. 6 And, for instance, "All my hope 7 regarding my case died and I'm on medication and 8 go to my therapist every week, just so I can stay 9 alive. And my mom -- and I love my mom the same 10 way your dotter" -- (sic), d-o-t-t-e-r, I think 11 she means daughter -- "loves you." This kind of 12 drama and -- 13 I mean, this is a long time after I 14 stopped representing her. And this was Ms. 15 Sataki. It wasn't my doing that she's this way. 16 And she apparently likes -- you know, tries to 17 bring people in to help her and into her fold by 18 being the victim and telling them that she's going 19 to kill herself or she's going to die, or 20 whatever. And that even came out -- that approach 21 came out recently with correspondence which was 22 submitted by Bar Counsel when I was trying to get</p>	<p style="text-align: right;">Page 1232</p> <p>1 apparently, lack of a better word, it was bang, 2 bang. There was a communication at 10:05 p.m., 3 and Ms. Allred responded on March 23rd, same day, 4 ten minutes later. I never found out about it. I 5 just learned of it recently. 6 CHAIRMAN FITCH: Go ahead, Mr. Sujat. 7 BY MR. SUJAT: 8 Q. Mr. Klayman, I'm going to refer you to 9 the transcript for Ms. Sataki, and this is May 10 30th, 2018, Page 200. 11 Would you please read this and 12 explain -- 13 CHAIRMAN FITCH: What lines? 14 MR. SUJAT: These would be lines one 15 through five. 16 THE WITNESS: Mr. Sujat, if you can 17 please show me that, because I don't have that. I 18 have May 31st, 2018. 19 CHAIRMAN FITCH: Question and answer, 20 please. 21 MR. SMITH: For the benefit of us who 22 don't have the transcript, if you could read the</p>
<p style="text-align: right;">Page 1231</p> <p>1 a 30-day continuance rescheduling, the drama, the 2 overstatement, trying to play on people's 3 sympathies. 4 You know, I was lured in. I was lured 5 in. I believed in her case and I believed in her 6 case. And I did everything I could, and I still 7 wish her the best, despite everything. 8 CHAIRMAN FITCH: I had noted also the 9 March 23, 2012 date of this email. 10 Am I correct that your examination of 11 Ms. Allred yesterday pertained to contacts with 12 Ms. Allred in 2010? 13 THE WITNESS: Correct. 14 CHAIRMAN FITCH: Ok. 15 THE WITNESS: That's correct. 16 CHAIRMAN FITCH: And with respect to 17 this March 23, 2012 email, were you aware of this 18 communication -- 19 THE WITNESS: I was not. 20 CHAIRMAN FITCH: -- from Sataki to 21 Allred? Were you aware in 2012 of this email? 22 THE WITNESS: I was not. And</p>	<p style="text-align: right;">Page 1233</p> <p>1 testimony into the record. 2 THE WITNESS: Yes, I will. 3 This is part of a question that was 4 asked by Mr. Smith on Page 199, the preceding 5 page, "Under what circumstances was it that you 6 got around to sending me that package of emails 7 that you recently sent to me?" 8 These are his supplemental exhibits. 9 And as part of that answer, which is 10 quite a long answer, she says, "I wanted" -- she's 11 characterizing the situation -- 12 MR. SMITH: Well, objection. Either 13 read it into the record or you're going to do -- 14 CHAIRMAN FITCH: I want it read in the 15 record, word for word. 16 THE WITNESS: Alright. The answer is, 17 "As you can see, this whole thing happened eight 18 years ago, and when I was finally rescued from Mr. 19 Klayman, I at that point was homeless, had no job, 20 and I slept in my car two nights later on. So my 21 focus during the last eight years was to recover 22 economically and get a job, and the only way that</p>

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<p style="text-align: right;">Page 1234</p> <p>1 I could survive and my doctors to help me not to 2 take so much medication, in a way maybe I think I 3 just brushed everything under the rug and put 4 everything aside so I can survive, because 5 otherwise there was a time that I was -- I wanted 6 to take my life, and that's how I wanted to have 7 revenge against Mr. Falahati and Mr. Klayman, 8 because I felt that those two, and -- and I had a 9 will, and I had all the evidence and the papers 10 there, and once I died, people are going to come 11 and see what they did to me, because I didn't have 12 the strength to do it and go through everything, 13 and I didn't for the past eight years."</p> <p>14 CHAIRMAN FITCH: Ok, now tell me what 15 lines you read from Page 200. You've read more 16 than one to five.</p> <p>17 THE WITNESS: I've read lines from Page 18 199, line one, through and including lines five on 19 200, Page 200.</p> <p>20 And your Honors, that's consistent with 21 Ms. Sataki in that she's always trying to explain 22 what she does -- from my experience, and what I've</p>	<p style="text-align: right;">Page 1236</p> <p>1 THE WITNESS: Yes, it's the original 2 blue exhibit book.</p> <p>3 MR. TIGAR: Oh, it's exhibit number D 4 as in dog.</p> <p>5 MR. SMITH: No, I think they're 6 referring to a different Exhibit 1. I could being 7 wrong.</p> <p>8 CHAIRMAN FITCH: In your book, Mr. 9 Smith, there's A, B, C, D?</p> <p>10 MR. SMITH: Right.</p> <p>11 CHAIRMAN FITCH: And D is denominated 12 Respondent's Answer and Affirmative Defense to 13 Specification of Charges.</p> <p>14 MR. SMITH: Correct.</p> <p>15 CHAIRMAN FITCH: I think that's what 16 we're talking about.</p> <p>17 MR. SUJAT: No, it's the tab number one 18 right after that.</p> <p>19 CHAIRMAN FITCH: Behind the tab that 20 says one?</p> <p>21 MR. SUJAT: Correct, your Honor.</p> <p>22 CHAIRMAN FITCH: Ok. In my book,</p>
<p style="text-align: right;">Page 1235</p> <p>1 heard -- is she's the ultimate victim, and that 2 was the way she explained not looking at documents 3 earlier to you.</p> <p>4 It's clear that what she wanted was to 5 have revenge against Mr. Falahati and Mr. Klayman, 6 and this Bar Counsel proceeding, in all respect, 7 is not here to mete out revenge.</p> <p>8 BY MR. SUJAT:</p> <p>9 Q. Mr. Klayman, I refer you to Exhibit D1, 10 Bar Exhibit D1, or Bar 1.</p> <p>11 A. Ok.</p> <p>12 Q. Mr. Klayman, would you please --</p> <p>13 A. Yes, this is Respondent's Answer and 14 Affirmative Defenses to Specification of Charges, 15 which denies the allegations of the Specification 16 of Charges and attaches and incorporates by 17 reference --</p> <p>18 CHAIRMAN FITCH: Alright, once again, 19 my DX1 is the initial inquiry. It's a letter from 20 Sataki.</p> <p>21 THE WITNESS: Oh.</p> <p>22 MR. SUJAT: This is not SX. This is D.</p>	<p style="text-align: right;">Page 1237</p> <p>1 page --</p> <p>2 MR. SUJAT: It would be Page 1.1 and 3 1.2, or 1-1 and 1-2.</p> <p>4 CHAIRMAN FITCH: Alright. Those are 5 documents executed by Sataki.</p> <p>6 What's your question?</p> <p>7 BY MR. SUJAT:</p> <p>8 Q. And my question is, Mr. Klayman, what 9 is the complaint at that time?</p> <p>10 A. I'm sorry, I may still be -- oh, here 11 it is. It's Exhibit 1 -- it's Exhibit 1 you're 12 looking at?</p> <p>13 Q. Yes.</p> <p>14 A. Yes, well, the complaint speaks for 15 itself, but I do remember hearing Ms. Sataki's 16 testimony that she couldn't tell us exactly who 17 wrote it. She didn't know whose handwriting it 18 was.</p> <p>19 And this is what, for many years, I 20 thought was her entire complaint until I was 21 notified by Mr. Smith of Bar Counsel's office that 22 in fact there had been a supplemental filing.</p>

25 (Pages 1234 to 1237)

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<p style="text-align: right;">Page 1238</p> <p>1 This is what I thought was out there at that time 2 with the DC Bar. Because this did not refer to 3 sending -- this particular one -- onto any other 4 Bar. The later one does. It says they're also 5 filing it with Florida and Pennsylvania. 6 Q. Mr. Klayman, you're referring to 7 Exhibit 23? 8 A. Yes. Number one. 9 So that's my testimony. 10 CHAIRMAN FITCH: Mr. Smith, I'm 11 allowing this question and answer because, even 12 though it addresses an issue that is beyond the 13 jurisdiction of this committee, he has a right, at 14 least to some extent, to make the record. 15 MR. SMITH: And I have not proposed an 16 objection. 17 CHAIRMAN FITCH: And you have not 18 objected. That's right. 19 Go ahead. 20 BY MR. SUJAT: 21 Q. Mr. Klayman, I refer you to Bar Exhibit 22 Number 43.</p>	<p style="text-align: right;">Page 1240</p> <p>1 send me what was in his file, documents, because 2 my documents had been lost or discarded after all 3 these years, six years. A lawyer doesn't 4 generally keep documents for six years if they 5 don't need to, and I didn't think there had been a 6 complaint pending in DC because Florida and 7 Pennsylvania had dismissed it. And I thought DC 8 had, too, honestly, I thought they had. 9 So, when Mr. Smith sent me some of the 10 documentation, he apparently inadvertently sent me 11 the draft Specification of Charges that had been 12 already prepared before I had been re-contacted, a 13 draft. Also he sent me documents -- and we'll 14 identify them, they're part of our exhibits, part 15 of Respondent's exhibits -- where he had retained 16 the expert who testified at the end of the first 17 session that we had here, Joel Bennett. 18 That raised alarm bells with me, 19 because, after six or seven years of not knowing 20 what was going on over there, without my even 21 being told, they apparently had prejudged the 22 issue and had already gone ahead and prepared a</p>
<p style="text-align: right;">Page 1239</p> <p>1 A. I'm there. 2 Q. Ok. And what does this letter from Mr. 3 Smith to you state about what is being considered 4 in the charges? 5 A. Well, the first email of December 12th, 6 2016 talks about -- let me put this in context, 7 ok, and I can speed the testimony along, and then 8 we'll look at the exhibits -- that I was notified 9 I believe shortly after the time when Ms. Sataki 10 came running over to that cafe where I was sitting 11 with my chief of staff, you know, screaming, 12 saying that I had ruined her life and I was the 13 worse person that ever lived, and asking my chief 14 of staff to contact her. 15 I believe I was notified by Mr. Smith 16 after that, and that there was -- they were 17 proceeding on this complaint. 18 On the supplemental complaint it asked 19 to give a response to the supplemental complaint, 20 the second complaint that had been filed that was 21 prepared by Kathleen Staunton and Ms. Sataki's 22 cousin, apparently. And I then asked Mr. Smith to</p>	<p style="text-align: right;">Page 1241</p> <p>1 Specification of Charges before I even had a 2 chance to respond to the supplemental complaint, 3 and they even hired an expert. So at that point, 4 you know, I communicated with Mr. Smith and I 5 said, "I'd like to come in and talk to you about 6 this." And I did. I talked to him, and I said, 7 "What is this really about?" It was in Bar 8 Counsel's office. And he said, "Well, really, Mr. 9 Klayman, the only issue is whether you zealously 10 and competently represented the client." They 11 thought I had abandoned Ms. Sataki, and I said 12 that's not the case. All of her rights were still 13 there. I couldn't get in touch with her. 14 And she still had, not just the 15 permanent injunction aspect of Wagner v. Taylor, 16 but she also had her civil rights complaint, OCR 17 complaint that could have been brought to court. 18 So I then submitted documentation -- 19 you know, we'll go through that -- to Mr. Smith 20 and Bar Counsel, showing that, and I thought that 21 resolved the issue. And then one day I get a call 22 from Mr. Smith. I believe it was right before the</p>

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<p style="text-align: right;">Page 1242</p> <p>1 July 4th weekend. I don't remember the exact 2 date. We have documentation. 3 CHAIRMAN FITCH: Of what year? 4 MR. TIGAR: Of what year? 5 THE WITNESS: Of 2017. 6 And he's telling me, "We're about ready 7 to start this case. Is there anything else that 8 you want to provide?" 9 He gave me the impression that he 10 wasn't really in charge of this case himself, he 11 always gave me that impression, that basically the 12 decisions were being made by Elizabeth Herman, 13 Deputy Bar Counsel and higher ups. 14 He's always said to me -- I will say I 15 have issues with Mr. Smith in the way this case 16 was brought, but he's always been a gentleman to 17 me. But he's always told me, "It's out of my 18 hands, Larry. It's the higher ups." 19 He's shaking his head, but I actually 20 have absolute proof of that. 21 So I said, "I'd like to meet with you 22 and Ms. Herman," and I said, "before you start</p>	<p style="text-align: right;">Page 1244</p> <p>1 hostility from Ms. Herman. And I'd never met her 2 before. I couldn't understand it. And I said to 3 her, "Have you met with Ms. Sataki? Ms. Sataki 4 can be very" -- she likes to portray herself as 5 this victim that wants to kill herself. So I 6 asked that question, and the response from Ms. 7 Herman was, "None of your business." 8 Then I asked, "Are you aware that 9 Florida and Pennsylvania dismissed this case years 10 ago?" 11 And she said, "I could care less." 12 Then I said, "Well, I want you to" -- 13 she made a comment to me. I said, "What's the 14 problem here?" And she said something to the 15 effect, "I don't like the way you practice law." 16 And I said, "The issue here is not 17 whether you like the way I practice law. It's 18 whether I violated the Code of Professional 19 Responsibility. So give me the opportunity to 20 make a supplemental submission with regard to Mr. 21 Shamble and others" -- and that's when Keya Dash's 22 affidavit was submitted as well -- "before you</p>
<p style="text-align: right;">Page 1243</p> <p>1 this thing. What's it about now?" And he said, 2 "Well, it's the publicity." 3 MR. TIGAR: What was the last words? 4 THE WITNESS: Publicity. 5 So I took it that they were moving the 6 goalpost back. They wanted some reason to proceed 7 against me, and, since the first one didn't 8 succeed, because it was clear I hadn't abandoned 9 the client, I represented her zealously, and 10 that's why it was taken out of this Specification 11 of Charges, while it was in the earlier one, they 12 didn't prepare even after they got a response from 13 me, after six years, with the supplemental 14 complaint. I said, "I need to meet with you." 15 So I met with Mr. Smith and Ms. Herman, 16 and I said, "With regard to the publicity, I'll 17 get you an affidavit from Tim Shamble, and you, 18 Mr. Smith, feel free to contact him, because this 19 was approved and he was a witness to that. But 20 please hold off on filing a complaint until I give 21 it to you." 22 Now during this meeting, I sensed this</p>	<p style="text-align: right;">Page 1245</p> <p>1 start the case. 2 "Because this is very costly. It's 3 very upsetting. You know, you're dealing here 4 with a very emotional issue. I'm recently 5 married, you know, and there are a lot of issues 6 here." 7 I then went back and begrudgingly I 8 asked for, I think it was ten days is my estimate, 9 and she didn't really want to give it to me. And 10 as I was walking out, Mr. Smith said to me, 11 "Larry, I'll get it for you, ok?" 12 And I said, "Thank you, Clay." 13 And I decided, rather than submitting 14 it to Ms. Herman, because I saw this hostility, 15 and Mr. Smith, that I would send a letter to the 16 Bar Counsel, the new Bar Disciplinary Counsel, 17 Hamilton Fox, thinking that Ms. Herman, who 18 appeared to be in charge of this -- that's what I 19 was led to believe, and also she came to the 20 meeting -- that maybe he might be able to exercise 21 some judgment here and not proceed with a 22 non-meritorious complaint which was now seven</p>

27 (Pages 1242 to 1245)

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<p style="text-align: right;">Page 1246</p> <p>1 years old, which any other Bar in this country 2 would have dismissed by then, based on my research 3 and Professor Rotunda's research. If not that, 4 based on laches. There are some bars, as you can 5 see from Professor Rotunda's opinion, that 6 actually put in rules, and then there's case 7 law -- Florida is one of them -- that you just 8 can't proceed against a lawyer after eight years. 9 It's not due process. It's not even a protection. 10 It's not a right. It's just general. It's 11 fairness. 12 So I wrote this letter to Bar Counsel, 13 Hamilton Fox. It's part of my -- attached to the 14 Answer to the Specification of Charges, which is 15 admitted into evidence in both Bar Counsel's books 16 and our book of exhibits. 17 I turn your attention to it in Bar 18 Counsel's book. It appears at Section D in the 19 beginning. It's been moved into evidence. 20 That's where I attached the letter I 21 had written to Mr. Fox and the supporting 22 documentation, the affidavits of Mr. Shamble, the</p>	<p style="text-align: right;">Page 1248</p> <p>1 Mr. Tigar's prior firm, Williams and Connolly, by 2 some lawyer named Ty Clevenger, and he had written 3 an article. And it was dismissed summarily, at 4 the last minute according to Mr. Kendall, by the 5 way who has always been polite towards me, and 6 I've been in many cases with him over the 7 Clintons, that she had destroyed documentation of 8 the 33,000 so-called missing emails. 9 MR. SMITH: Objection. 10 At some point is there going to be some 11 focus or -- 12 THE WITNESS: I'm going to get back to 13 that. 14 MR. SMITH: He's dovetailing into 15 stories and things that have nothing to do with 16 this case. 17 THE WITNESS: Well, it does. 18 CHAIRMAN FITCH: He has argument that 19 there's a context and that that context is 20 important. The Board may or may not agree with 21 that argument, but I think I'm required to let him 22 at least get it out.</p>
<p style="text-align: right;">Page 1247</p> <p>1 affidavit of Mr. Keya Dash, the opinion that I had 2 previously submitted to Mr. Smith and Ronald 3 Rotunda, who regrettably is deceased, and other 4 materials dealing with the fact that Florida and 5 Pennsylvania never had a disciplinary record for 6 me regarding this, and therefore it's clear they 7 dismissed this case. 8 So I sent it to Mr. Fox hoping that he 9 would take control. Because I sensed that maybe 10 Ms. Herman didn't like me. I had done a little 11 research, and you know, we're entitled to donate 12 campaign contributions to whomever we want. She 13 gave contributions to President Obama, and I had 14 sued President Obama, as I had other presidents. 15 And I also thought maybe I was getting wrapped up 16 into this whole "Me Too" thing, you know, that 17 somehow, I was a man, and this was a way to try to 18 make a point with a high-profile lawyer who had 19 taken positions which were not consistent with her 20 politics. 21 In that regard, I was also aware that a 22 complaint had been filed by David Kendall, from</p>	<p style="text-align: right;">Page 1249</p> <p>1 Even though we have no jurisdiction in 2 this matter, I do have the right and obligation to 3 administratively manage this matter. So I'm 4 taking into consideration those time 5 considerations. 6 But you may continue, Mr. Klayman. 7 THE WITNESS: Yes, sir. 8 CHAIRMAN FITCH: We are not going to 9 have any of these materials read into the record. 10 They speak for themselves. 11 THE WITNESS: Well, I'll just identify 12 them after I give this summary. 13 So therefore I felt like I had to go to 14 Mr. Fox to see whether he would exercise 15 independent judgment here. 16 So I wrote him the letter which is 17 attached to Exhibit D of Respondent's exhibit book 18 and also in our exhibits. I think it's one -- or 19 five rather -- 20 MR. SUJAT: 5R. 21 THE WITNESS: Five, yeah, which is in 22 evidence, and I said, "I'd like to meet with you</p>

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<p style="text-align: right;">Page 1250</p> <p>1 and hear the facts, and attach them to an answer." 2 I never got a response. And the next 3 thing I knew I was notified by Mr. Smith that this 4 proceeding had been commenced. I never had an 5 opportunity to meet with Bar Counsel. 6 Now I have spoken with other 7 practitioners about this, someone by the name of 8 George Clark, as a matter of fact. He was a 9 friend of Mr. Rotunda. He practices here and he 10 does a lot of ethics proceedings before this 11 Board. And I said to him, "Why do you think I 12 couldn't meet with Mr. Fox?" 13 He says, "Well, you know, it is policy 14 in the office that you at least get a meeting 15 before they start something." 16 I never got it. I never got a 17 response. 18 So after I was notified by Mr. Smith 19 that this matter had started, ultimately I came in 20 to accept service of process of the Specification 21 of Charges. But I requested the opportunity to 22 meet with Mr. Fox finally, thinking that maybe</p>	<p style="text-align: right;">Page 1252</p> <p>1 sign a waiver, because I have a conflict of 2 interest, potentially, myself." 3 I said "What's that?" 4 And he said, "I actually represented a 5 partner in my law firm, Sutherland, Asbill and 6 Brennan, on a case you had filed against Judicial 7 Watch for breach of your severance agreement when 8 you left Judicial Watch to run for the U.S. 9 Senate. I represented Mr. Beller at a 10 deposition," and then I remembered that in fact 11 that was the case. In fact his name was appearing 12 as copied on court pleadings in that case, you 13 know, off Pacer. He was getting copies through 14 the electronic filing system, Hamilton Fox. 15 So I said, "I'll sign a waiver." 16 And I believe he knew of this and 17 participated before I was asked to sign the 18 waiver, and I believe that he most likely does 19 have a conflict of interest here, but. I wanted 20 to be able to meet him, because I had never met 21 him, and I was hoping that fairness and justice 22 would prevail.</p>
<p style="text-align: right;">Page 1251</p> <p>1 this Specification of Charges would be withdrawn. 2 I had a meeting. Rather than having 3 Mr. Fox there, I had Mr. Smith there and Ms. 4 Herman again. During that meeting, I reiterated 5 that it looked like to me that the goalposts were 6 being moved, that they just wanted to bring a case 7 against me, after all this time, and, based on my 8 advocacy and my politics -- not really Mr. Smith, 9 but Ms. Herman and others in the office -- and 10 that this was totally unfair and I would like to 11 meet with Mr. Smith. 12 During that meeting it was reiterated 13 by -- I said to Ms. Herman, I said, "You don't 14 like the way I practice law, right?" 15 "Yeah." 16 I said, "Well, obviously you know 17 that's not the issue here. I am a particular type 18 of lawyer. I'm a public advocate here." 19 And Mr. Smith said to me kindly, "I'll 20 try to arrange a meeting with Mr. Fox." 21 Ultimately we arranged for a meeting, 22 and Mr. Fox said to me, "I can't meet unless you</p>	<p style="text-align: right;">Page 1253</p> <p>1 And I told him what went on and that 2 Pennsylvania and Florida had dismissed the matter 3 and that it was eight years old. And at that 4 point Professor Rotunda was still alive before he 5 had an unexpected death. He talked with Rotunda, 6 read the opinion, and he said he would go back and 7 look at it. 8 And after, I got the impression that 9 Mr. Smith wanted it dismissed, too. He made a 10 statement, he says, "You know, I got to do a lot 11 of preparation, because this hearings's coming 12 up." It's kind of like saying, you know, spare me 13 from having to work on this case. 14 But very shortly later I got a letter 15 back, very terse, "We're not going to do this. 16 We've looked at the evidence and we think it 17 warrants going forward." But it was a very, very 18 tough and a very abrupt letter, which I didn't 19 expect, because, you know, I'd had what I thought 20 was a cordial meeting. At that point I came to 21 the conclusion again, he's not in control. He's 22 the new Bar Counsel, and he's going along with</p>

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<p style="text-align: right;">Page 1254</p> <p>1 what Ms. Herman wants to do and others in the 2 office. I think that's natural when you're new, 3 to defer it to people who are working under you. 4 But nevertheless, he's part of this 5 decision to go forward, so I asked him to look 6 into it this and stop him. 7 To get to this summary, to identify 8 some of the communications, I had also noted, I 9 asked Mr. Sujat to show me that, that I was aware 10 of a document that had been produced which early 11 on said to Ms. Sataki -- it was part of our 12 supplemental exhibit. I think it's six -- 13 MR. SUJAT: It's 10. 14 THE WITNESS: No, not 10. It was 15 provided yesterday -- 16 CHAIRMAN FITCH: Keep going. 17 THE WITNESS: Well -- 18 CHAIRMAN FITCH: Keep going. We're 19 going to take care of any documents in a minute or 20 so. 21 MR. SUJAT: Ok. 22 THE WITNESS: It was a document that</p>	<p style="text-align: right;">Page 1256</p> <p>1 the emails. But I feel that this is very unfair 2 and it has denied me due process. 3 During this time period a lot of 4 documents have been lost, memories have faded. 5 Witnesses, some of them, I've got witness, but 6 some I don't know where they are. There's a lot 7 of witnesses on my behalf. And I had hoped that 8 Bar Counsel, Mr. Fox, would have exercised his 9 authority, but he didn't. 10 I believe that the person behind this 11 primarily is Ms. Herman, who didn't like me for my 12 politics, and perhaps for my gender, you know, in 13 this whole atmosphere we live in today. 14 That's why I brought in Ms. Allred. I 15 told her, "Look, one of my very good friends is 16 Ms. Allred. I believe in women's rights. That's 17 why I represented Ms. Sataki. I represented 18 others. I felt strongly about" -- I don't think 19 Gloria Allred would consider me a friend if I felt 20 otherwise. I have gotten to know her very well in 21 the last nine years. I invited her when I went to 22 LA -- I wanted to meet her -- to lunch. I said,</p>
<p style="text-align: right;">Page 1255</p> <p>1 was sent when the complaint was received by Ms. 2 Sataki, back in 2010, when Bar Counsel received 3 it. It says that, you know, "Attorney's going to 4 make a response" -- I did respond to the initial 5 complaint, "and if we don't hear from you, the 6 gist of it is that we assume you're not going to 7 proceed with this matter, that you've abandoned 8 the matter." And they never got anything from 9 her. 10 And then I learned from the 11 documentation that was produced, and Mr. Sujat 12 will identify that, so I can look at it, that in 13 2014, not hearing from Ms. Sataki for all that 14 time, they contacted her -- or tried to contact 15 her in 2009, and there are emails to that effect, 16 to resurrect this case. And that in fact, even 17 after they tried that it appears they couldn't get 18 ahold of her, and she didn't surface until 2016. 19 And if she had surfaced earlier, she would have 20 found all those letters that she says she found at 21 the last minute at the last hearing. 22 So that's the story, and I'll identify</p>	<p style="text-align: right;">Page 1257</p> <p>1 "You know, we've been on TV together over certain 2 issues and I'd like to say hello." We've become 3 very good friends. 4 Her politics are different than mine. 5 One thing we have in common is we believe in 6 women's rights and to be treated with dignity and 7 fairly, by men or anybody else. 8 So this whole thing is costing me a lot 9 of emotional distress. It's costing me a lot of 10 time and expense. It's created issues in terms of 11 the distress and that kind of thing, and it should 12 never have been brought. 13 And I believe that it is strategic. As 14 I've set forth in certain pleadings, Judicial 15 Watch has filed a complaint against me too, and 16 they're trying to pile on. 17 I mean, you saw Judicial Watch's person 18 sitting here. How did he know of this? This 19 isn't that public. I think that probably Ms. 20 Herman or somebody told them about it and they 21 came to see what they could get to use against me 22 sometime in the future.</p>

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<p style="text-align: right;">Page 1258</p> <p>1 Because we've had problems since I</p> <p>2 left, and I have a judgment for defamation against</p> <p>3 Judicial Watch in the Southern District of</p> <p>4 Florida, which included punitive damages.</p> <p>5 So, that's the story here. And Mr.</p> <p>6 Sujat can show me the documents.</p> <p>7 First, I ask that you can show me from</p> <p>8 the first supplemental exhibits, ours, where</p> <p>9 they're saying "Ms. Sataki, if we don't hear from</p> <p>10 you"...</p> <p>11 CHAIRMAN FITCH: Let me --</p> <p>12 BY MR. SUJAT:</p> <p>13 Q. That's right. That is Respondent's</p> <p>14 Supplemental Exhibit Number 5.</p> <p>15 CHAIRMAN FITCH: Let me --</p> <p>16 BY MR. SUJAT:</p> <p>17 Q. It's a letter dated July 15th, 2011.</p> <p>18 CHAIRMAN FITCH: Let me interject here.</p> <p>19 If this committee does a report, that</p> <p>20 report will include a subsection that informs the</p> <p>21 Board of any prejudicial delay that we find, or</p> <p>22 don't find, and why we recommend to the Board a</p>	<p style="text-align: right;">Page 1260</p> <p>1 thoroughly covered each and every count in the</p> <p>2 four-count Specification of Charges. One count</p> <p>3 relates to one of the actions. You've been</p> <p>4 through that. One count relates to the other</p> <p>5 action. You've been through that. The fourth</p> <p>6 count relates to publicity and articles. You've</p> <p>7 been through that. And the first count relates to</p> <p>8 the fee issue. You've been through that.</p> <p>9 I need to be convinced by a specific</p> <p>10 proffer of what other nonrepetitive evidence you</p> <p>11 have after several hours of evidentiary</p> <p>12 presentation, not to mention cross-examination.</p> <p>13 We will stand in recess until 2:00</p> <p>14 o'clock.</p> <p>15 MR. KLAYMAN: Thank you, your Honor.</p> <p>16 MR. SUJAT: Thank you, your Honor.</p> <p>17 CHAIRMAN FITCH: In recess until 2:00</p> <p>18 o'clock.</p> <p>19 (Whereupon at 12:46 p.m. a luncheon</p> <p>20 recess was taken.)</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 1259</p> <p>1 finding of no prejudicial delay or prejudicial</p> <p>2 delay. Otherwise, as I've pointed out earlier, we</p> <p>3 have no jurisdiction over the points you've raised</p> <p>4 over the past segment. But you have a right to</p> <p>5 raise them. There's no point about that.</p> <p>6 We're going to break now. It's a</p> <p>7 little bit before 1:00, and, after we return, you</p> <p>8 will be allowed to read into the record any and</p> <p>9 every exhibit number that you want and intend to</p> <p>10 bring to the attention of the Board in connection</p> <p>11 with points that Mr. Klayman has just made.</p> <p>12 We are not going to hear summaries of</p> <p>13 those documents, descriptions of those documents,</p> <p>14 wording of those documents or anything else about</p> <p>15 those documents. It's a waste of your time to</p> <p>16 have us listen to that, because we can't do</p> <p>17 anything about it. But you will be able to make</p> <p>18 whatever arguments you want to to the Board at the</p> <p>19 appropriate time.</p> <p>20 The other thing I will expect after</p> <p>21 lunch is a proffer as to what other evidence you</p> <p>22 think is needed in this matter. You have</p>	<p style="text-align: right;">Page 1261</p> <p>1 A F T E R N O O N S E S S I O N</p> <p>2 CHAIRMAN FITCH: I think that we are</p> <p>3 back on the record and all of the participants are</p> <p>4 present.</p> <p>5 Does someone from the Respondent's team</p> <p>6 wish to read into the record the list of exhibits</p> <p>7 that you wish to bring to the Board's attention</p> <p>8 with respect to the last subject matter of</p> <p>9 testimony?</p> <p>10 MR. KLAYMAN: We're prepared to do</p> <p>11 that, your Honor.</p> <p>12 May I raise a scheduling issue here for</p> <p>13 a minute?</p> <p>14 CHAIRMAN FITCH: Sure.</p> <p>15 THE WITNESS: Is that Mr. Keya Dash,</p> <p>16 I'm sending an Uber for him -- his car broke</p> <p>17 down -- so he can be here no later than 4:00</p> <p>18 o'clock, to allow for cross-examination of myself.</p> <p>19 He's not available tomorrow and I do</p> <p>20 believe that we'll wrap up tomorrow. I don't</p> <p>21 know, you know, what else may ensue, but we're</p> <p>22 going to wrap up our case tomorrow morning.</p>

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<p style="text-align: right;">Page 1262</p> <p>1 CHAIRMAN FITCH: Well, we'll discuss 2 that. 3 Why don't you give us that list right 4 at the beginning of the afternoon session. 5 THE WITNESS: Ok, thank you. 6 CHAIRMAN FITCH: So it will be readily 7 available for the Board. 8 THE WITNESS: I just want to say one 9 other thing. I will need to take a little break 10 around 2:30 to order the Uber for him on my cell 11 phone. It will take me about thirty seconds. 12 CHAIRMAN FITCH: Ok. 13 Mr. Sujat? 14 MR. SUJAT: Yes, Mr. Chair. We would 15 like to introduce into the record the Respondent 16 Exhibits 1 through 30, which would include all of 17 the exhibit books one through four, and also the 18 Respondent's supplemental exhibits, which should 19 be one through seven. 20 CHAIRMAN FITCH: Disciplinary Counsel? 21 Take your time. 22 MR. SMITH: Disciplinary Counsel</p>	<p style="text-align: right;">Page 1264</p> <p>1 as having moved it in. 2 MR. SUJAT: Thank you. 3 CHAIRMAN FITCH: But we'll hold it in 4 abeyance until we hear testimony. 5 Now is this a list of documents you 6 want to bring to the Board's attention relating to 7 the -- 8 MR. SUJAT: Yes. 9 CHAIRMAN FITCH: Read it into the 10 record, just like I asked you to. 11 MR. SUJAT: Ok, so the ones that we 12 would enter into the record would be Exhibit 5, 13 which includes letters, basically different 14 communications between Mr. Klayman and Mr. Smith. 15 CHAIRMAN FITCH: And when you say five, 16 what do you mean? 17 MR. SUJAT: Respondent's Exhibit Number 18 5 that we have presented to -- 19 CHAIRMAN FITCH: I thought that we had 20 admitted 1 through 30. 21 Oh, but you want to make a specific 22 list. Go ahead.</p>
<p style="text-align: right;">Page 1263</p> <p>1 doesn't have any objection to 1 through 30 or 2 Respondent's Supplemental Exhibits 1 through 6. 3 However, given the lateness of the -- I 4 know we've been doing last-minute production 5 ourselves, but given the production of Mr. Dash's 6 documents today, perhaps we could get just some 7 proffer or get a factual basis regarding Mr. Dash 8 about the circumstances under which those emails 9 were called up today. 10 CHAIRMAN FITCH: We're taking things 11 one at a time. 12 Respondent's Exhibits 1 through 30 are 13 admitted and Respondent's Supplemental Exhibits 1 14 through 6 are admitted. 15 MR. SUJAT: It's one through seven. 16 THE WITNESS: Yes, but we're holding 17 seven in abeyance until -- 18 MR. SUJAT: Ok, sure. 19 THE WITNESS: -- Mr. Dash testifies. 20 MR. SUJAT: No, I just want to make a 21 record that that's what we're asking for. 22 CHAIRMAN FITCH: No, you're on record</p>	<p style="text-align: right;">Page 1265</p> <p>1 MR. SUJAT: So the ones that deal with 2 the Bar Counsel communications. 3 CHAIRMAN FITCH: Which deal in any way 4 in your view with the subject matter of what Mr. 5 Klayman testified to before the lunch break. 6 MR. SUJAT: Before the lunch break, ok. 7 Alright, so that would be Respondent's 8 Exhibit 5, and it would be Respondent's Exhibit 9 10, Respondent's Exhibit 14, Respondent's Exhibit 10 15, Respondent's Exhibit 24, Respondent's Exhibit 11 27. 12 And with respect to the supplemental 13 respondent's exhibits -- 14 MS. LARKIN: Has 23 already been 15 entered in? 16 CHAIRMAN FITCH: It's already been 17 admitted. 18 MR. SUJAT: Twenty-three has previously 19 been entered in. 20 MS. LARKIN: Ok. 21 MR. SUJAT: That was the good standing 22 in Florida history.</p>

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<p style="text-align: right;">Page 1266</p> <p>1 MS. LARKIN: Ok.</p> <p>2 MR. SUJAT: Florida Bar history.</p> <p>3 CHAIRMAN FITCH: Any others?</p> <p>4 MR. SUJAT: Then we have this one here,</p> <p>5 the supplemental -- number six.</p> <p>6 CHAIRMAN FITCH: Ok. I think that will</p> <p>7 be helpful. If this gets to the Board stage, that</p> <p>8 would be helpful to the Board, and I'm sure that,</p> <p>9 if you happened to have overlooked one or two, the</p> <p>10 Board I predict will --</p> <p>11 MR. SUJAT: It's possible there might</p> <p>12 be some in the Bar's books.</p> <p>13 CHAIRMAN FITCH: I just thought having</p> <p>14 this list, if it gets to the Board stage, might be</p> <p>15 useful to someone on the Board who might have some</p> <p>16 responsibility for helping the entire Board to</p> <p>17 deal with the issues, if it gets that far.</p> <p>18 Do you have cross-examination, Mr.</p> <p>19 Smith?</p> <p>20 MR. SMITH: I do. Were you --</p> <p>21 CHAIRMAN FITCH: Ok.</p> <p>22 MR. SMITH: Give me a few seconds. I</p>	<p style="text-align: right;">Page 1268</p> <p>1 BY MR. SMITH:</p> <p>2 Q. Beginning in about May, 2010, you</p> <p>3 suggested to Ms. Sataki, that, because of your</p> <p>4 love for her, she should consider getting other</p> <p>5 counsel, correct?</p> <p>6 A. That's not correct, in large part.</p> <p>7 The reason was not just because there</p> <p>8 was a personal feeling there, but because I</p> <p>9 couldn't communicate with her. She became very</p> <p>10 difficult and very belligerent and disrespectful,</p> <p>11 and generally, as I testified to at great extent,</p> <p>12 I felt that it was better that she got other</p> <p>13 counsel.</p> <p>14 She blamed me for things that were</p> <p>15 going on in the case, and I was trying to do my</p> <p>16 best, and I was paying expenses, I was paying for</p> <p>17 apartment. I was being asked to buy cars. I was</p> <p>18 being asked to help her friend Kaveh, which she</p> <p>19 wasn't happy with when I tried to do that.</p> <p>20 So there are a lot of factors involved.</p> <p>21 Q. So let's take a look at Supplemental</p> <p>22 Exhibit 6.</p>
<p style="text-align: right;">Page 1267</p> <p>1 thought we were going to have a few more items.</p> <p>2 CHAIRMAN FITCH: Ok.</p> <p>3 (Brief pause.)</p> <p>4 CROSS-EXAMINATION BY DISCIPLINARY COUNSEL:</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Good afternoon, Mr. Klayman.</p> <p>7 A. Good afternoon, Mr. Smith.</p> <p>8 Q. I believe I saw in the supplemental</p> <p>9 exhibit that has not yet been admitted that you</p> <p>10 sued your own mother.</p> <p>11 A. I sued to get -- well, I object on</p> <p>12 relevancy.</p> <p>13 CHAIRMAN FITCH: What is the relevance</p> <p>14 of that?</p> <p>15 MR. SMITH: Character.</p> <p>16 CHAIRMAN FITCH: What's the relevance</p> <p>17 as to character to these charges?</p> <p>18 MR. SMITH: Credibility.</p> <p>19 CHAIRMAN FITCH: I don't see how that</p> <p>20 goes to credibility.</p> <p>21 Sustained.</p> <p>22 MR. SMITH: Ok.</p>	<p style="text-align: right;">Page 1269</p> <p>1 A. I got it.</p> <p>2 Q. So your first sentence in Supplemental</p> <p>3 Exhibit 6 is, "When someone loves you as much as I</p> <p>4 do"... correct? The first sentence there.</p> <p>5 A. Yes, yes. I mean it says what it says.</p> <p>6 Q. Then you go on to say, "It's not help</p> <p>7 for me. You'll get better representation from</p> <p>8 someone like Tim Shea who does not have an</p> <p>9 emotional conflict and can keep his mind clear,"</p> <p>10 correct?</p> <p>11 A. It says what it says.</p> <p>12 Q. But there's nothing in there about her</p> <p>13 not communicating about her?</p> <p>14 A. Well, there are other documents to --</p> <p>15 Q. There is nothing in this document that</p> <p>16 says there is --</p> <p>17 A. You don't need to raise your voice with</p> <p>18 me, Mr. Smith.</p> <p>19 Q. You're right, you're correct.</p> <p>20 There are no other reasons in this</p> <p>21 letter that suggests that you --</p> <p>22 A. I don't know. It says what it says.</p>

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<p style="text-align: right;">Page 1270</p> <p>1 What I was building into that was,</p> <p>2 there's emotional conflict because she's reacting</p> <p>3 to me in a way that is not respectful and doesn't</p> <p>4 understand how I'm trying to help her.</p> <p>5 So, yes, it's in there, but I also say</p> <p>6 in there that I love letter, and I felt --</p> <p>7 And that's why I don't understand why</p> <p>8 we're here, in part, because I said, "We should</p> <p>9 get another lawyer," here. And she didn't. She</p> <p>10 was always free to do that.</p> <p>11 Q. So you mentioned to her several times</p> <p>12 that she should get another lawyer, right, after</p> <p>13 this May --</p> <p>14 A. Yeah, I did suggest it several times.</p> <p>15 Yes.</p> <p>16 Q. And then on July 30th, 2010, she sent</p> <p>17 you a letter directing you to withdraw from all</p> <p>18 lawsuits, correct?</p> <p>19 A. Where is that?</p> <p>20 Q. Bar Exhibit Number 27.</p> <p>21 A. Supplemental 27?</p> <p>22 Q. No, Bar Exhibit 27.</p>	<p style="text-align: right;">Page 1272</p> <p>1 was her cousin, Sam Razavi, and/or Kathleen</p> <p>2 Staunton.</p> <p>3 So I couldn't take actions not having</p> <p>4 spoken with her, and that's why I was trying to</p> <p>5 get ahold of her, and that's why I ultimately</p> <p>6 asked Mr. Shamble to try to get ahold of her.</p> <p>7 Q. But didn't you just testify that you</p> <p>8 suggested to her earlier that she get other</p> <p>9 counsel?</p> <p>10 A. Yes, but she didn't apparently advise</p> <p>11 me whether she got it or not?</p> <p>12 Q. Did she have to advise you of that?</p> <p>13 A. Yeah, that's what you have to do when</p> <p>14 you get other counsel?</p> <p>15 Q. What rule requires that? What rule</p> <p>16 requires that?</p> <p>17 A. I object to the question. It's not</p> <p>18 that there has to be a rule. That's protocol with</p> <p>19 dealing with your lawyer. You have respect for</p> <p>20 your lawyer and you tell your lawyer what the</p> <p>21 situation is, and you should talk to him and tell</p> <p>22 him what you want to do.</p>
<p style="text-align: right;">Page 1271</p> <p>1 A. Ok. I'm reading it.</p> <p>2 Q. Paragraph three.</p> <p>3 A. Yeah, I would like to see it all in</p> <p>4 context, if I may, please.</p> <p>5 (Witness reads document.)</p> <p>6 A. Ok. Thank you.</p> <p>7 Q. So she asked you on this date to</p> <p>8 withdraw all lawsuits you had on her behalf and</p> <p>9 only file the harassment case against Mr.</p> <p>10 Falahati, the main harasser, and only Ali Sajadi</p> <p>11 and Susan Jackson, correct?</p> <p>12 A. In the context of my testimony, that's</p> <p>13 not correct, because I didn't know who this letter</p> <p>14 was coming from. It's in perfect English.</p> <p>15 You can see, you know, her English in</p> <p>16 the last email of your supplemental exhibit, and</p> <p>17 it doesn't match up here. And I thought this was</p> <p>18 coming from someone else. And it was inconsistent</p> <p>19 with other things I understood she wanted me to</p> <p>20 do.</p> <p>21 So it looked like someone had gotten</p> <p>22 control of her, and of course now we found out it</p>	<p style="text-align: right;">Page 1273</p> <p>1 And of course later we have an exhibit</p> <p>2 that comes up that she actually files an appeal.</p> <p>3 So she didn't want to do these things</p> <p>4 in fact showing that this is inconsistent with</p> <p>5 what I had been told and it was inconsistent with</p> <p>6 her own desires.</p> <p>7 So this thing was a total mess, and I</p> <p>8 needed to talk to her, and I represented her</p> <p>9 interests by trying to protect them.</p> <p>10 Q. Let's take a look at Supplemental</p> <p>11 Exhibit Number 25, please. Please take your time</p> <p>12 and read that.</p> <p>13 (Witness reads document.)</p> <p>14 Q. The first sentence, and this is a</p> <p>15 letter dated August 2nd, 2010, from Larry Klayman</p> <p>16 to Ellie Sataki, correct?</p> <p>17 A. Right.</p> <p>18 Q. And the first sentence, "I have</p> <p>19 followed your instructions and dismissed all of</p> <p>20 the cases against VOA, except the part about</p> <p>21 having you work in LA."</p> <p>22 A. What are we reading here? I thought it</p>

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<p style="text-align: right;">Page 1274</p> <p>1 was Exhibit 25.</p> <p>2 Q. It is Exhibit 25. I'm looking at a</p> <p>3 letter, Supplemental Exhibit 25.</p> <p>4 A. Oh, I didn't know it was supplemental.</p> <p>5 I see it. Let me read the whole thing.</p> <p>6 Q. I'm sorry?</p> <p>7 A. Let me read the whole thing, if I may.</p> <p>8 Q. Sure.</p> <p>9 A. I mean, you're reacting in this way.</p> <p>10 Q. Certainly.</p> <p>11 (Witness reads document.)</p> <p>12 A. Ok.</p> <p>13 Q. So this letter, or this email</p> <p>14 correspondence, you told her that you have</p> <p>15 followed her instructions and dismissed all the</p> <p>16 cases against VOA, except the part about having</p> <p>17 her work in LA.</p> <p>18 A. That's right and that's what I told</p> <p>19 her, and I told her earlier that we could continue</p> <p>20 on with a permanent injunction hearing, and that's</p> <p>21 why I was trying to get ahold of her. That's why</p> <p>22 there were pleadings in fact that you submitted in</p>	<p style="text-align: right;">Page 1276</p> <p>1 reconsider the dismissal. I was in fact pursuing</p> <p>2 the permanent injunction claims, and I told her to</p> <p>3 continue with that, and that's what the appeal was</p> <p>4 about.</p> <p>5 So, those claims were not dismissed as</p> <p>6 far as LA was concerned, and that's what I was</p> <p>7 proceeding on. But the rest of the case, at least</p> <p>8 in terms of the lower court level was gone, thanks</p> <p>9 to Judge Kotelly.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. The document speaks for itself, but</p> <p>12 this was inconsistent with what Ms. Sataki asked</p> <p>13 you to do in her July 30th, 2010 email to you</p> <p>14 where she instructed you to dismiss all cases.</p> <p>15 A. The documents do speak for themselves,</p> <p>16 but you're not characterizing them correctly, Mr.</p> <p>17 Smith.</p> <p>18 Q. And then you say --</p> <p>19 A. Wait a minute, can I finish?</p> <p>20 Q. No.</p> <p>21 CHAIRMAN FITCH: Yes, he can.</p> <p>22 MR. SMITH: Jesus Christ.</p>
<p style="text-align: right;">Page 1275</p> <p>1 your other pleadings to Judge Kotelly saying --</p> <p>2 Q. That wasn't consistent with her</p> <p>3 instructions. On you --</p> <p>4 A. I didn't finish my response, Mr. Smith.</p> <p>5 Q. You have gone beyond the scope of my</p> <p>6 question. I asked you a yes or no question and</p> <p>7 you have been editorializing?</p> <p>8 A. I'm not editorializing. I'm giving you</p> <p>9 an answer to my question.</p> <p>10 THE WITNESS: Your Honor, would you</p> <p>11 instruct him to allow me to finish my answer.</p> <p>12 I'll be brief. I just want to be able to finish</p> <p>13 the answer.</p> <p>14 CHAIRMAN FITCH: Go ahead, Mr. Klayman.</p> <p>15 THE WITNESS: Yes.</p> <p>16 I advised Judge Kotelly that we wanted</p> <p>17 to continue on. It's in the pleadings that are</p> <p>18 part of your exhibits as well as mine, in that she</p> <p>19 had dismissed the entire case herself against the</p> <p>20 board of governors, and I went back on</p> <p>21 reconsideration on that.</p> <p>22 She denied that and I asked her to</p>	<p style="text-align: right;">Page 1277</p> <p>1 CHAIRMAN FITCH: Go ahead, Mr. Klayman.</p> <p>2 THE WITNESS: Your Honor, I want this</p> <p>3 to proceed in a way that's respectful to each</p> <p>4 other.</p> <p>5 Now -- I kind of lose my train of</p> <p>6 thought when he says stuff like "Jesus Christ."</p> <p>7 Now -- what was your question? Please</p> <p>8 give me your question again.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. The question was, your actions after</p> <p>11 July 30th, 2010, instructions for you to dismiss</p> <p>12 the case, this response about your continuing the</p> <p>13 case about the work in LA, which was inconsistent</p> <p>14 with her instruction for you to dismiss the</p> <p>15 cases --</p> <p>16 A. Yeah, but I don't believe that the</p> <p>17 instructions were coming from her. That's the</p> <p>18 thing, ok? So I didn't do anything that</p> <p>19 prejudiced her rights. I was protecting her</p> <p>20 rights. And, you know, that's what lawyers are</p> <p>21 supposed to do, particularly if they're unclear in</p> <p>22 terms of who is communicating with them.</p>

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<p style="text-align: right;">Page 1278</p> <p>1 All I wanted to do was talk to her. 2 She knew where I was. I was in Los Angeles, and I 3 wasn't getting instructions from her. This is not 4 her handwriting that I was getting. It was 5 somebody else's. It's in perfect English. 6 Q. And so you never spoke with Ms. Sataki 7 again after that July 30th, 2010 email either, did 8 you? 9 A. My recollection is I didn't have a 10 communication after that. 11 But, you know, it was eight years, Mr. 12 Smith, and if this thing had been brought sooner 13 and it hadn't sat in your files for eight years, 14 we'd probably have better recollection. 15 Q. In your August 2nd, 2010 email 16 correspondence, you go on to tell Ms. Sataki, 17 "This aspect of the case is not against anyone 18 personal and I intend to appeal the judge's 19 decision to the higher court." 20 A. Where are you reading from? 21 Q. The second sentence in the first 22 paragraph.</p>	<p style="text-align: right;">Page 1280</p> <p>1 all of her rights go down the drain, that, as you 2 previously wrote in the Specification of Charges 3 in draft, before you even re-contacted me after 4 six years, we may have a different case here. 5 MR. SMITH: Move to strike as 6 nonresponsive. 7 CHAIRMAN FITCH: I agree. 8 I do want to ask you, Mr. Klayman -- 9 THE WITNESS: Yes. 10 CHAIRMAN FITCH: -- her email came to 11 you on Friday, July 30, correct? At least that's 12 what it shows on -- 13 THE WITNESS: Which one are we 14 referring to? 15 CHAIRMAN FITCH: D27. 16 THE WITNESS: D27 as in David? 17 MR. SMITH: DX27. 18 CHAIRMAN FITCH: -- no, DX27. 19 THE WITNESS: I have DX27 as -- 20 CHAIRMAN FITCH: It came from her to 21 you on Friday, July 30, right? 22 THE WITNESS: Yeah, I don't see that.</p>
<p style="text-align: right;">Page 1279</p> <p>1 A. Of the same exhibit? 2 Q. Yes, SX25. 3 A. Yes. I'm trying to advise her as best 4 I can that this is what I intend to do. 5 Q. But this is inconsistent with what she 6 had asked you to do in her letter discharging you 7 correct? 8 A. But again, I don't want to have to take 9 up everybody's time repeating my testimony, 10 because it's got to be at least ten to twelve 11 times. 12 Q. Is that inconsistent? 13 A. It's not inconsistent based on my 14 testimony of what the situation was at the time. 15 No, it's not inconsistent at all. 16 Q. Is it inconsistent with what Ms. Sataki 17 asked you to do? 18 A. Ms. Sataki did not send that letter, or 19 write it. So I needed to be able to talk to her 20 and I needed to be able to protect her rights. 21 Q. By the way -- 22 A. I suspect, Mr. Smith, that if I had let</p>	<p style="text-align: right;">Page 1281</p> <p>1 I'm going to 27 right now. 2 CHAIRMAN FITCH: It's the email, 3 DX27-1. You had it in front of you a minute ago. 4 THE WITNESS: Is this a supplemental 5 exhibit? 6 CHAIRMAN FITCH: No. I said DX27-1. 7 THE WITNESS: Ok, I'm sorry. 8 Yes, and I -- 9 CHAIRMAN FITCH: Alright. 10 THE WITNESS: Ok. 11 CHAIRMAN FITCH: My next question, look 12 at SX25. It purports to have been sent on Monday, 13 August 2, 2010, correct, SX25? 14 THE WITNESS: I'm looking at SX25? 15 CHAIRMAN FITCH: Ok. 16 THE WITNESS: Wait a minute. Let me 17 turn to it. 18 That's the email that I wrote to her. 19 CHAIRMAN FITCH: That's correct. 20 THE WITNESS: Ok. 21 CHAIRMAN FITCH: And it's dated August 22 2, 2010, correct.</p>

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<p>1 THE WITNESS: Correct.</p> <p>2 CHAIRMAN FITCH: Which is a Monday.</p> <p>3 THE WITNESS: I don't know whether it's</p> <p>4 a Monday -- oh, yes, it says Monday.</p> <p>5 CHAIRMAN FITCH: Right.</p> <p>6 So you received her email Friday, and</p> <p>7 you responded after the weekend on Monday,</p> <p>8 correct?</p> <p>9 THE WITNESS: Yes.</p> <p>10 CHAIRMAN FITCH: Do you have any</p> <p>11 recollection of whether there were any other</p> <p>12 communications with her in that period of time?</p> <p>13 THE WITNESS: I don't have any</p> <p>14 recollections.</p> <p>15 CHAIRMAN FITCH: Ok, my next question</p> <p>16 is to ask you --</p> <p>17 THE WITNESS: There might have been.</p> <p>18 CHAIRMAN FITCH: Well, "might have</p> <p>19 been" --</p> <p>20 THE WITNESS: I don't think so.</p> <p>21 CHAIRMAN FITCH: My next question is to</p> <p>22 ask you to carefully read the DX27 from Sataki,</p>	<p>1 testified to, it's not my view that there is a</p> <p>2 difference.</p> <p>3 If I may explain...</p> <p>4 CHAIRMAN FITCH: Go ahead.</p> <p>5 THE WITNESS: Is that I did continue on</p> <p>6 it. You know, I allowed, subject to appeal</p> <p>7 Kotelly's -- I had no control over dismissals.</p> <p>8 Yes, they were dismissed and I didn't pursue</p> <p>9 anything further in front of Kotelly planning to</p> <p>10 take an appeal.</p> <p>11 With regard to Mr. Falahati, I had</p> <p>12 filed a lawsuit against Mr. Falahati. I don't</p> <p>13 remember at that time whether that lawsuit was</p> <p>14 active or not, but I had filed a lawsuit against</p> <p>15 Mr. Falahati for her. So that's consistent.</p> <p>16 And in addition, I said at the end, in</p> <p>17 the middle paragraph there, on SX25, that "I'm</p> <p>18 still trying to settle this case." This is what I</p> <p>19 was saying this morning. I never gave up trying</p> <p>20 to do that. And I asked Mr. Shamble to seek a</p> <p>21 reasonable accommodation with VOA to try to get</p> <p>22 Ms. Sataki what she wanted, which was to go back</p>
Page 1283	Page 1285
<p>1 and carefully read the SX25 from you to Ms.</p> <p>2 Sataki, and tell me if there is any difference</p> <p>3 between what she or someone requested in that</p> <p>4 letter and what you say you were going to do.</p> <p>5 And Mr. Smith can make the same</p> <p>6 analysis and then, if he disagrees with your</p> <p>7 answer, he can pursue that.</p> <p>8 THE WITNESS: Yeah, let me just say</p> <p>9 with --</p> <p>10 CHAIRMAN FITCH: You could not possibly</p> <p>11 have read those two emails.</p> <p>12 THE WITNESS: I was going to first</p> <p>13 address the --</p> <p>14 CHAIRMAN FITCH: I want you to do what</p> <p>15 I asked you to do. I want you to carefully read</p> <p>16 the two emails.</p> <p>17 (Witness reads documents.)</p> <p>18 THE WITNESS: Ok, I've got it, your</p> <p>19 Honor.</p> <p>20 CHAIRMAN FITCH: Is there a difference</p> <p>21 between what was asked and what was done?</p> <p>22 THE WITNESS: Based on what I've</p>	<p>1 to work in LA and be outside of the presence of</p> <p>2 the harasser.</p> <p>3 And then at the end I say I will</p> <p>4 continue -- this is important, it's the bottom of</p> <p>5 the page, Page 1 -- SX25, "I continue to protect</p> <p>6 your interests and continue to pray for your</p> <p>7 wellbeing."</p> <p>8 So I was telling her, look, I've got to</p> <p>9 take actions here to do that.</p> <p>10 And I also asked her to contact me</p> <p>11 again in the paragraph before that, "I also</p> <p>12 offered to meet with you but you did not reply."</p> <p>13 So this is all consistent with what</p> <p>14 I've testified to.</p> <p>15 CHAIRMAN FITCH: Mr. Smith, you want to</p> <p>16 follow up with some questions?</p> <p>17 MR. SMITH: Well, I'll go back to Bar</p> <p>18 Exhibit Number 27 --</p> <p>19 THE WITNESS: Your Honor, I have to</p> <p>20 order that -- if we may, I can order that Uber for</p> <p>21 Mr. Dash. It will just take me thirty seconds.</p> <p>22 CHAIRMAN FITCH: Go ahead. We stand in</p>

37 (Pages 1282 to 1285)

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<p style="text-align: right;">Page 1286</p> <p>1 recess for a moment.</p> <p>2 THE WITNESS: Ok.</p> <p>3 (Recess taken.)</p> <p>4 BY MR. SMITH:</p> <p>5 Q. Mr. Klayman, please take a look at</p> <p>6 Supplemental Exhibit Number 26.</p> <p>7 A. Ok.</p> <p>8 Q. For the record, this is an email dated</p> <p>9 August 5th, 2010 from Larry Klayman to Ellie</p> <p>10 Sataki.</p> <p>11 A. Correct.</p> <p>12 Q. Have you had a chance to read that</p> <p>13 email?</p> <p>14 A. I testified at length about it</p> <p>15 yesterday. I'll look at it again.</p> <p>16 (Witness reads document.)</p> <p>17 A. Ok.</p> <p>18 Q. So in this letter you acknowledge</p> <p>19 having read the letter that Ms. Sataki wrote to</p> <p>20 Dan Austin dated August 4th, 2010, correct?</p> <p>21 A. Yes. I got it, I believe, from Mr.</p> <p>22 Shamble. He sent it to me.</p>	<p style="text-align: right;">Page 1288</p> <p>1 recollection -- number one, I stand by my</p> <p>2 testimony of yesterday in terms of how I could not</p> <p>3 conceive that this came from her, and secondly, I</p> <p>4 was not copied on this. She knew where to find</p> <p>5 me. She could have emailed it. And three, I had</p> <p>6 never been advised, as of that time, that I no</p> <p>7 longer represented her. That's the best of my</p> <p>8 knowledge here.</p> <p>9 So this came as a great surprise to me,</p> <p>10 and she said that, you know -- she's telling him</p> <p>11 that she told me not to represent her anymore, and</p> <p>12 I hadn't gotten any instruction to that effect, so</p> <p>13 obviously I had to protect her interest.</p> <p>14 Q. That was totally nonresponsive to my</p> <p>15 question.</p> <p>16 A. It was totally responsive to your</p> <p>17 question, because it's --</p> <p>18 CHAIRMAN FITCH: Repeat your question</p> <p>19 for me again.</p> <p>20 MR. SMITH: The question was whether or</p> <p>21 not he understood the letter that Ms. Sataki wrote</p> <p>22 to Dan Austin to direct him to withdraw all legal</p>
<p style="text-align: right;">Page 1287</p> <p>1 Q. In that letter Ms. Sataki, as you will</p> <p>2 recall, told Mr. Austin she was directing you to</p> <p>3 dismiss all actions against the agency, correct?</p> <p>4 A. Again, I didn't know that it came from</p> <p>5 her, and she didn't send it to me. Why wouldn't</p> <p>6 she send it to me? Why would she send it to</p> <p>7 Austin?</p> <p>8 Q. That was not the question that I asked</p> <p>9 you.</p> <p>10 A. Yeah, well, I didn't know that it was</p> <p>11 her letter that she wrote. It was written again</p> <p>12 in perfect English.</p> <p>13 Q. But the letter directed to you -- told</p> <p>14 Mr. Austin that she had directed you to dismiss</p> <p>15 all actions against the agency, correct?</p> <p>16 A. Can you me show the Austin letter.</p> <p>17 Q. Yeah, that would be Bar Exhibit Number</p> <p>18 28.</p> <p>19 A. Ok.</p> <p>20 Q. Last sentence, second page.</p> <p>21 (Witness reads document.)</p> <p>22 A. Well, if I may add, to the best of my</p>	<p style="text-align: right;">Page 1289</p> <p>1 actions that she had pending against the VOA.</p> <p>2 THE WITNESS: Yes, and I told you that</p> <p>3 I could not do that because it looked to me like</p> <p>4 this letter -- even though I never got it, and I</p> <p>5 got it apparently by Mr. Shamble -- it was not</p> <p>6 written by her.</p> <p>7 I had been, in and around this time</p> <p>8 period, threatened by somebody on her behalf. I</p> <p>9 didn't know who if anyone was behind what was</p> <p>10 going on, and it looked to me like it was such</p> <p>11 nonsensical request that, just as a matter of</p> <p>12 logic, I couldn't do that.</p> <p>13 In fact what's being said here is get</p> <p>14 rid of everything, and I just hope -- I believe in</p> <p>15 the innocence of strangers that they're going to</p> <p>16 help me. And we know that that wasn't the case.</p> <p>17 She was advised by Mr. Shamble,</p> <p>18 repeatedly, "This is a difficult agency. You have</p> <p>19 to fight to get what you want, and you don't</p> <p>20 unilaterally surrender," and this thing made no</p> <p>21 sense. It made no sense.</p> <p>22 CHAIRMAN FITCH: I think that when Mr.</p>

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<p style="text-align: right;">Page 1290</p> <p>1 Klayman has twice said "I couldn't do that," I 2 think that's the answer "yes" to your question. 3 MR. SMITH: Ok. 4 CHAIRMAN FITCH: If I understood, which 5 I think is the answer you were seeking. 6 MR. SMITH: That is what I was seeking 7 and that is not what I heard. 8 But if that's how the committee 9 receives his testimony -- 10 CHAIRMAN FITCH: Well, I'm hearing 11 "yes." 12 MR. SMITH: Well, if that's how the 13 committee receives his testimony -- 14 CHAIRMAN FITCH: And I agree that was a 15 rambling answer. 16 MR. SMITH: That's the bottom line. 17 CHAIRMAN FITCH: The record shows that. 18 THE WITNESS: And if I may add to my 19 answer, I could not do that as a matter of 20 professional responsibility. 21 CHAIRMAN FITCH: I strike that -- 22 THE WITNESS: Ok.</p>	<p style="text-align: right;">Page 1292</p> <p>1 CHAIRMAN FITCH: Mr. Smith is ready to 2 ask you a question. 3 THE WITNESS: Ok. 4 BY MR. SMITH: 5 Q. Please look at Supplemental Exhibit 6 Number 27. Let me know when you've had a chance 7 to finish reading that document. 8 For the record it is email 9 correspondence dated August 19th, 2010 from Larry 10 Klayman to Ellie Sataki. 11 A. Did I just read this before? 12 Q. No. 13 A. Twenty-seven? 14 Q. No. 15 CHAIRMAN FITCH: We understood it to be 16 SX27. 17 THE WITNESS: Oh, ok, it's the 18 supplemental one. I'll read it, hold on. 19 (Witness reads document.) 20 THE WITNESS: Ok. 21 CHAIRMAN FITCH: The question... 22 BY MR. SMITH:</p>
<p style="text-align: right;">Page 1291</p> <p>1 CHAIRMAN FITCH: -- as nonresponsive to 2 that question. 3 THE WITNESS: I understand. We can 4 strike it, your Honor. I just want to put it on 5 the record, in all due respect. 6 CHAIRMAN FITCH: I don't need to be 7 instructed as to these matters, Mr. Witness. 8 THE WITNESS: I'm not trying to be 9 disrespectful, your Honor. I'm just trying to put 10 something on the record. 11 CHAIRMAN FITCH: You're doing a good 12 imitation with comments like that. 13 Go ahead, Mr. Smith. 14 BY MR. SMITH: 15 Q. Let's take a look at Supplemental 16 Exhibit Number 27. 17 THE WITNESS: By the way, I wasn't 18 trying to criticize you. I was just -- 19 CHAIRMAN FITCH: Mr. Smith -- Mr. Smith 20 has already asked you a question. 21 THE WITNESS: That's fine. It was not 22 with regard to you, your Honor.</p>	<p style="text-align: right;">Page 1293</p> <p>1 Q. By August 19th, 2010, you understood 2 that you had been dumped by your client, correct? 3 A. I didn't understand that, because I had 4 never been informed by her through a communication 5 that was in her way of writing, or I hadn't been 6 communicated with, and neither had Mr. Shamble. 7 Q. So the first sentence -- 8 A. So I didn't -- 9 Q. -- where you add -- 10 A. I didn't receive it. 11 Q. "PS, please be careful not to harm my 12 reputation or Tim further. Tim told me that 13 Parashir (phon), his assistant, had heard inside 14 VOA that I was dumped. Obviously you or persons 15 close to you spread this rumor and VOA's 16 management is using this. Again, obviously you or 17 persons close to you spread this rumor." 18 A. You see, that can happen -- I'm 19 challenging her on this, because I want her to 20 communicate with me, ok. I was using a little bit 21 of psychology. 22 But that could have come from Falahati</p>

39 (Pages 1290 to 1293)

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<p style="text-align: right;">Page 1294</p> <p>1 or Sajadi or other people inside of the agency who 2 were trying to create discord between Ms. Sataki 3 and I. 4 I had no confirmation that I was 5 dumped. This was a rumor inside VOA. But I'm 6 challenging her to get back to me directly or get 7 back to Mr. Shamble directly. 8 Q. But again you didn't speak to Ms. 9 Sataki after her email of July 30th, 2010 telling 10 you to withdraw all lawsuits against VOA, correct? 11 A. I certainly, Mr. Smith, tried to, on a 12 number of occasions -- through making calls, 13 emails, texts -- I tied to get a line of 14 communication. 15 And at one point I went to Mr. Shamble, 16 because he hadn't heard anything either, and I 17 said, "Can you please try to email her so we can 18 find out what's going on," and she didn't even 19 respond to him. 20 Q. So the answer to my question is Ms. 21 Sataki did not speak with you again after July 22 30th, 2010, correct?</p>	<p style="text-align: right;">Page 1296</p> <p>1 instabilities? 2 A. What I said was I didn't believe them 3 at the time to be instabilities. In retrospect, I 4 do, because they have continued to today, by her 5 own admissions and emails that she's written. 6 My heart went out to her because she 7 took my hand and started crying and told me her 8 story. So I didn't realize that there was a -- 9 there was potentially a psychological disorder 10 there. 11 But in retrospect, I've come to believe 12 that. 13 Q. When did you first come to understand 14 that she was in need of psychiatric assistance? 15 A. When she asked me for that, when she -- 16 well, when she had that very emotional and had a 17 breakdown in Los Angeles, when she was there on 18 leave to -- 19 Q. Do you remember when that was? 20 A. Wait a minute. Let me finish. 21 When we learned that they weren't going 22 to put her back to work in LA, the first time we</p>
<p style="text-align: right;">Page 1295</p> <p>1 A. I don't believe she was speaking to me 2 on July, July 31. I don't believe she was. So 3 that's a loaded question. 4 CHAIRMAN FITCH: No, it's not. It's a 5 fair question. 6 Go ahead. 7 BY MR. SMITH: 8 Q. We can explore that. Because there 9 were a number of email exchanges between you and 10 Ms. Sataki throughout July. 11 Would you like to take a look at those 12 now? 13 THE WITNESS: Move to strike, your 14 Honor. That's editorializing. 15 MR. SMITH: We'll get back to that. 16 THE WITNESS: Move to strike those 17 comments. 18 CHAIRMAN FITCH: It's stricken. It's 19 not in evidence. 20 BY MR. SMITH: 21 Q. You testified that when you met Ms. 22 Sataki she was experiencing some mental</p>	<p style="text-align: right;">Page 1297</p> <p>1 got that response, and they weren't going to grant 2 a reasonable medical accommodation -- and they 3 also, it's in the record, said, "If you don't come 4 back to work at a certain point in Washington at 5 VOA there, we'll consider you AWOL and terminate 6 you." 7 So she had a breakdown. 8 And that's when I asked a friend of 9 mine, who is a doctor, who is Persian, named Ben 10 Kasanji (phon), did he know a psychiatrist. And 11 Ben is a very sweet person, a good guy, and he 12 recommended one to me. And that one wasn't 13 acceptable to her. He didn't seem high-powered 14 enough. 15 So then I asked a friend of mine who 16 had been going through psychological counseling, 17 who she might recommend. I called that doctor and 18 then she referred me to Dr. Aviera. And then 19 later on I got Ms. Sataki Dr. Long, who is a 20 psychiatrist; not just to help Ms. Sataki, but to 21 buttress her case to get her a reasonable medical 22 accommodation.</p>

40 (Pages 1294 to 1297)

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<p style="text-align: right;">Page 1298</p> <p>1 Q. This was about in February or March of 2 2010?</p> <p>3 A. You'll have to key me in on the 4 documents.</p> <p>5 Q. Well, I guess if you look at the 6 exhibits that you filed in the lawsuit, you might 7 see a date.</p> <p>8 MR. TIGAR: While counsel is looking 9 for that, Mr. Klayman, did you believe that first 10 night, when you met at Clyde's Restaurant in 11 Georgetown, that Ms. Sataki was vulnerable? Did 12 you see her as a vulnerable person?</p> <p>13 THE WITNESS: Not to me. I saw her as 14 vulnerable towards what happened to her. I didn't 15 think that she was vulnerable generally at that 16 time.</p> <p>17 MR. TIGAR: So you felt that she was 18 vulnerable in the sense that she was going through 19 a very difficult situation in her work place.</p> <p>20 THE WITNESS: That she was traumatized 21 by what she claimed was Mr. Falahati's behavior. 22 But I believed that she was a strong</p>	<p style="text-align: right;">Page 1300</p> <p>1 spoke, wasn't perfect. There were a lot of 2 grammatical errors.</p> <p>3 MR. TIGAR: So can you put a time on 4 your realization that her ability to express 5 herself in written English was questionable or not 6 perfect.</p> <p>7 THE WITNESS: Well, she told me that. 8 And she told me that that was a criticism of Susan 9 Jackson, one of her supervisors, in terms of her 10 work and why she wasn't going to be transferred to 11 LA.</p> <p>12 And I also was aware of that, because 13 when she turned down an opportunity to work in the 14 Central News Bureau, which was in English, she 15 said, "I can't do it in English. They're setting 16 up. I'm going to be fired."</p> <p>17 MR. TIGAR: You began to be aware of 18 this as early as that evening at Clyde's when she 19 was talking about her situation?</p> <p>20 THE WITNESS: I was aware at that time 21 that her English wasn't perfect, but she was able 22 to convey her thoughts to me.</p>
<p style="text-align: right;">Page 1299</p> <p>1 person at that time, because I had seen her out on 2 the mall doing interviews when I met her.</p> <p>3 Her type of work, to broadcast into 4 Iran a pro-American message to the radical regime 5 like that, is really putting herself on the line. 6 You've got to be fearless to do that.</p> <p>7 So I didn't believe that she was 8 vulnerable in general?</p> <p>9 MR. TIGAR: Did you notice at that time 10 that she had difficulty expressing herself in 11 English?</p> <p>12 THE WITNESS: Not -- yeah, she had 13 difficulty expressing herself in English in the 14 sense that she could write something that was in 15 good English, but she could express herself 16 verbally, ok. She could express herself verbally 17 well enough that I could understand. We heard her 18 on the witness stand in that regard.</p> <p>19 But in determines of written 20 communications, she couldn't write English very 21 well, you know, as we've seen in various exhibits. 22 And in addition, her English, when she</p>	<p style="text-align: right;">Page 1301</p> <p>1 And I might add, I have a lot of -- and 2 Mr. Sujat knows this -- I started off, after I did 3 litigation, in Miami. I was an international 4 trade lawyer for many years, and I still am. And 5 so I understand -- I can piece things together, 6 and I understand when foreigners talk to me, 7 because I represented a lot of them.</p> <p>8 But when I get a letter that's 9 obviously written by somebody else and didn't make 10 sense, I have to pull back and say, "Hey, I can't 11 throw the baby out with the bath water at that 12 point. I have to protect her interests."</p> <p>13 MR. TIGAR: Go ahead, Mr. Smith. 14 BY MR. SMITH:</p> <p>15 Q. If you could take a look at Bar Exhibit 16 4, at Page 4-34 --</p> <p>17 CHAIRMAN FITCH: Mr. Smith, may I 18 interject?</p> <p>19 Are you going to come back in SX27 in 20 one context or another? If not, I'm going to go 21 ahead and ask a question about SX27. That's the 22 August 19, the two August 19 emails.</p>

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<p style="text-align: right;">Page 1302</p> <p>1 MR. SMITH: No, I was not going to.</p> <p>2 CHAIRMAN FITCH: Ok, let me ask</p> <p>3 something.</p> <p>4 MR. SMITH: Go right ahead.</p> <p>5 CHAIRMAN FITCH: Look at SX27, please,</p> <p>6 Mr. Klayman.</p> <p>7 THE WITNESS: I have it, your Honor.</p> <p>8 CHAIRMAN FITCH: And look at the first</p> <p>9 email in time, the 12:46 p.m., email. It's the</p> <p>10 one at the bottom of the page.</p> <p>11 You see where that is?</p> <p>12 THE WITNESS: The one at the top of the</p> <p>13 page?</p> <p>14 CHAIRMAN FITCH: No, the bottom of the</p> <p>15 page.</p> <p>16 THE WITNESS: Where it says "</p> <p>17 Ellie"?</p> <p>18 CHAIRMAN FITCH: Yes.</p> <p>19 Do you see in the fourth paragraph, in</p> <p>20 the last sentence of the last paragraph on that</p> <p>21 page, "In addition I deserve to have costs and</p> <p>22 expenses reimbursed at a minimum, notwithstanding</p>	<p style="text-align: right;">Page 1304</p> <p>1 who I couldn't even find out who they were, and</p> <p>2 completely deep six everything that I did,</p> <p>3 obviously they should be responsible.</p> <p>4 That's what I was trying to say , not</p> <p>5 that she should have to pay me. That's why</p> <p>6 repeatedly I said, "You don't owe me anything."</p> <p>7 I'm a lawyer and I know if I write</p> <p>8 something like that, if I ever had to try to</p> <p>9 collect -- which I wouldn't do with her, which I</p> <p>10 have done with some other clients in the past --</p> <p>11 that that would completely negate my ability to</p> <p>12 collect, writing something like that.</p> <p>13 So, I wasn't intending to have her pay.</p> <p>14 But I was trying to tell her that, hey, you know,</p> <p>15 whoever is behind this, they're throwing</p> <p>16 everything for you and for me away, and I have put</p> <p>17 in a lot of time and expense and I believe in your</p> <p>18 case and I took it, and it's not right to have</p> <p>19 someone who doesn't even know what the case is all</p> <p>20 about, you know, cut the legs out from under you</p> <p>21 and cut them out from under me.</p> <p>22 CHAIRMAN FITCH: What would you point</p>
<p style="text-align: right;">Page 1303</p> <p>1 the hundreds of thousands of dollars in time I put</p> <p>2 in."</p> <p>3 THE WITNESS: Right.</p> <p>4 CHAIRMAN FITCH: Can you provide any</p> <p>5 explanation for how a reader of that would know</p> <p>6 that you were not seeking costs and expenses,</p> <p>7 especially since in other such instances, at least</p> <p>8 one other such instance, you had written in</p> <p>9 theory.</p> <p>10 THE WITNESS: Well, the reason that was</p> <p>11 written that way is because I was trying to show</p> <p>12 her just generally that I put in a lot of time and</p> <p>13 expense on her behalf.</p> <p>14 If someone was going to come in and</p> <p>15 interfere with it, what I was trying to say is --</p> <p>16 maybe I was inarticulate on that, that. If they</p> <p>17 were going to interfere in what I was doing, then</p> <p>18 they should have to pay me. Not her, not her.</p> <p>19 Because, to throw everything away,</p> <p>20 after I put in so much of my heart and soul, and</p> <p>21 whatever legal ability I had -- and Mr. Shamble</p> <p>22 testified to my efforts -- to have someone come in</p>	<p style="text-align: right;">Page 1305</p> <p>1 to in that sentence that would tell me or Ms.</p> <p>2 Sasaki that you meant in that sentence to say that</p> <p>3 some third person should pay costs and expenses?</p> <p>4 THE WITNESS: Well, I didn't say she</p> <p>5 had to pay me. And again there are other emails</p> <p>6 that say "You don't have to owe me anything ever,</p> <p>7 that I'm doing this pro bono."</p> <p>8 So what I was saying in the context of</p> <p>9 other communications that I was sending her, that,</p> <p>10 if there are people out there interfering with my</p> <p>11 representation and what I've invested and what I</p> <p>12 believe in, and I believe in you, then they should</p> <p>13 reimburse me, if you just want to throw everything</p> <p>14 away. And that's what I was trying to convey.</p> <p>15 So that's my answer.</p> <p>16 CHAIRMAN FITCH: Ok, alright.</p> <p>17 You've told me the context, and you</p> <p>18 have told me what you're trying to convey.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 CHAIRMAN FITCH: And that's perfectly</p> <p>21 alright.</p> <p>22 But I asked you, what is there in the</p>

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<p style="text-align: right;">Page 1306</p> <p>1 wording of that sentence that would suggest to a 2 reader that you were talking about other people 3 paying costs and expenses? 4 THE WITNESS: In the context of 5 everything else -- 6 CHAIRMAN FITCH: I didn't ask you that. 7 You told me about the context; perfectly 8 reasonable testimony. 9 What is there in that sentence, what 10 words that suggest that you were suggesting that 11 others would pay. 12 THE WITNESS: It's the omission of 13 words. I didn't say "you have to pay me." 14 CHAIRMAN FITCH: Ok. Thank you, Mr. 15 Klayman. 16 THE WITNESS: Sure. 17 BY MR. SMITH: 18 Q. Alright, I think the last question I 19 asked you is when you first became aware of Ms. 20 Sataki's need for mental health assistance, and I 21 have endeavored to find a document that would 22 perhaps jog your recollection.</p>	<p style="text-align: right;">Page 1308</p> <p>1 letter. 2 MR. SMITH: Thank you. 3 I note for the record that is Page 4 4-33, and it is a letter from Dr. Aviera dated 5 February 24th, 2010. 6 THE WITNESS: Correct. 7 BY MR. SMITH: 8 Q. So does that refresh your recollection 9 on when you first began to understand that Ms. 10 Sataki was having issues for which she required 11 some clinical psychology? 12 A. Yes. And that's consistent with what I 13 testified to that I took her to see Dr. Aviera, 14 paid for it initially myself, as well as the other 15 doctors, and I took her to see Dr. Aviera, not 16 just so she could have a psychological evaluation, 17 but also to be able to make a record that I could 18 give to VOA to convince them to put her back to 19 work in Los Angeles as a reasonable medical 20 accommodation. 21 So this document was written by Dr. 22 Aviera for purposes of litigation, and I asked her</p>
<p style="text-align: right;">Page 1307</p> <p>1 So I'll ask you about Disciplinary 2 Counsel Exhibit Number 4, at Page 4-34. 3 A. I just responded to you that it became 4 apparent to me, when I saw her have -- 5 Q. Would you please look at Bar Exhibit 6 Number 4-34, please. 7 A. Sure. 8 MR. TIGAR: I'm sorry, Bar exhibit 9 number? 10 MR. SMITH: Disciplinary Counsel 11 Exhibit 4, and it is a letter written by Arlene 12 Aviera dated March 14th, 2010. 13 THE WITNESS: I'll do that. Can I just 14 consult with Mr. Sujat just quickly -- 15 CHAIRMAN FITCH: No. 16 THE WITNESS: No, ok. Not on 17 testimony. 18 CHAIRMAN FITCH: Thank you. 19 I note for your information, Mr. 20 Klayman, that there's a preceding letter from Ms. 21 Aviera also. 22 He's asked you about the March 15th</p>	<p style="text-align: right;">Page 1309</p> <p>1 to do that. 2 She wouldn't ordinarily write this kind 3 of a thing, you know, for her notebook. And 4 that's why in fact I requested, you know, in 5 discovery, to get her file, because this was 6 something that was for litigation purposes. 7 MR. SMITH: I move to strike that 8 testimony as unresponsive. 9 CHAIRMAN FITCH: Yeah, that's struck. 10 Ask your question again. 11 MR. SMITH: I think he answered with 12 respect that it refreshed his recollection about 13 this document. 14 THE WITNESS: Yeah. 15 BY MR. SMITH: 16 Q. Now the reason Ms. Sataki was in need 17 of this psychiatric or psychological assistance 18 was because she was suffering from the 19 aftereffects of being sexually harassed on the job 20 by Mr. Falahati, correct? 21 A. It wasn't the only reason, as I 22 testified to.</p>

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<p style="text-align: right;">Page 1310</p> <p>1 Q. Was that one of the reasons?</p> <p>2 A. That was one of the stated reasons by</p> <p>3 Dr. Arlene Aviera.</p> <p>4 Ok, the thing speaks for itself.</p> <p>5 But it was also because she had been</p> <p>6 unfairly criticized, she claimed, for her work by</p> <p>7 Susan Jackson and that, you know, she got her job</p> <p>8 because of her looks, that, you know, she had</p> <p>9 other people doing packages for her, which was</p> <p>10 Kaveh, that she couldn't communicate well in</p> <p>11 Farsi, that her Farsi was no good.</p> <p>12 She developed a bleeding ulcer, and</p> <p>13 that -- that's what she claimed.</p> <p>14 So there were other factors there,</p> <p>15 other than the alleged sexual harassment.</p> <p>16 Q. Now Ms. Sataki had told you that she</p> <p>17 did not want people to know about her legal</p> <p>18 problems, right?</p> <p>19 A. She never said that, no. In fact -- I</p> <p>20 mean, you'll hear testimony to the contrary later</p> <p>21 on in my case -- but that she never said that, and</p> <p>22 that's false. That was completely false.</p>	<p style="text-align: right;">Page 1312</p> <p>1 A. Where is that?</p> <p>2 Q. Bar Exhibit Number 24, the very bottom</p> <p>3 of the page.</p> <p>4 (Witness reads document.)</p> <p>5 A. That was in the beginning. That was in</p> <p>6 the very beginning. But it changed, as she</p> <p>7 testified to. I advised her, and so did Tim, that</p> <p>8 the publicity could help her get a settlement.</p> <p>9 Q. But you just said it was false that she</p> <p>10 never spoke to you about her desire to keep her</p> <p>11 legal problems quiet?</p> <p>12 A. Maybe I didn't hear your question</p> <p>13 properly. I thought your question was saying that</p> <p>14 she always wanted to keep it quiet. That's the</p> <p>15 way I took it.</p> <p>16 But it wasn't true, and you'll hear --</p> <p>17 you heard testimony and you'll hear more testimony</p> <p>18 about this.</p> <p>19 Q. At some point you understood, though.</p> <p>20 At some point you understood she had some issues</p> <p>21 with respect to publicity about her case, correct?</p> <p>22 A. Right up front, in the first week or so</p>
<p style="text-align: right;">Page 1311</p> <p>1 Q. That was false, and -- completely</p> <p>2 false?</p> <p>3 A. Completely false.</p> <p>4 Q. She never said that?</p> <p>5 A. That's what I just said.</p> <p>6 Q. Let me ask you to look at Bar Exhibit</p> <p>7 Number 24, please.</p> <p>8 MR. SMITH: For the record it is a</p> <p>9 letter which has a date on it -- it looks like a</p> <p>10 facsimile dated April 7th, 2010, and it is</p> <p>11 addressed to Arlene -- I would imagine it's</p> <p>12 Aviera, and it is sent to her by Mr. Klayman. And</p> <p>13 it is a letter.</p> <p>14 BY MR. SMITH:</p> <p>15 Q. Alright, looking at the very last two</p> <p>16 lines under the heading number one on Page 24-1,</p> <p>17 the last sentence there where you are telling Dr.</p> <p>18 Aviera, "I found this very peculiar at the time as</p> <p>19 she did not want to otherwise let people know</p> <p>20 about her legal problems."</p> <p>21 A. Where is that?</p> <p>22 Q. You see that?</p>	<p style="text-align: right;">Page 1313</p> <p>1 we tried to settle it quietly, yes. But then it</p> <p>2 changed, the situation changed, and we had to put</p> <p>3 pressure on both, in terms of legal actions and in</p> <p>4 terms of positive public relations, to try to get</p> <p>5 the agency to do the right thing.</p> <p>6 Q. Did you put pressure on her to go</p> <p>7 public with the case?</p> <p>8 A. No, I never put any pressure on her. I</p> <p>9 cared for the girl, you know. Why would I put</p> <p>10 pressure on her? This wasn't about me. It was</p> <p>11 about her.</p> <p>12 Q. It's a rhetorical question.</p> <p>13 Let me ask you to look at Bar Exhibit</p> <p>14 Number 23, and I'll ask you to flip to the</p> <p>15 compendium of WorldNetDaily articles that begin on</p> <p>16 23-12 and on through 23-36 -- 23-41 actually.</p> <p>17 CHAIRMAN FITCH: I have a question</p> <p>18 about the previous exhibit, 24, please, in the</p> <p>19 last sentence that Mr. Smith asked about...</p> <p>20 That last sentence in those printed</p> <p>21 words --</p> <p>22 THE WITNESS: Which exhibit is this? I</p>

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<p style="text-align: right;">Page 1314</p> <p>1 just flipped it, your Honor.</p> <p>2 CHAIRMAN FITCH: Twenty-four. The last</p> <p>3 sentence that he just asked you about.</p> <p>4 THE WITNESS: Yes.</p> <p>5 CHAIRMAN FITCH: "I found this very</p> <p>6 peculiar at the time as it/she, did not want to</p> <p>7 otherwise let people know about her legal</p> <p>8 problems."</p> <p>9 Now that sentence as written makes no</p> <p>10 sense, as "it/she," did not want blah, blah, blah.</p> <p>11 Tell me whether it is a typo.</p> <p>12 THE WITNESS: Yeah, it's a typo.</p> <p>13 CHAIRMAN FITCH: What is it your</p> <p>14 testimony that that was meant to be?</p> <p>15 THE WITNESS: Well, it shouldn't be in</p> <p>16 there, ok.</p> <p>17 As I just testified to, in the very</p> <p>18 beginning she was reticent, and then we explained</p> <p>19 to her, Mr. Shamble and I --</p> <p>20 CHAIRMAN FITCH: Ok, so is your</p> <p>21 testimony that the mistake was including to the</p> <p>22 word i-t, "it," and that this sentence should</p>	<p style="text-align: right;">Page 1316</p> <p>1 THE WITNESS: Oh, no, he should be on</p> <p>2 his way.</p> <p>3 CHAIRMAN FITCH: I thought you wanted</p> <p>4 to do something?</p> <p>5 THE WITNESS: I did, I called him and</p> <p>6 told him I sent an Uber to his house.</p> <p>7 CHAIRMAN FITCH: I thought there was a</p> <p>8 later point you wanted --</p> <p>9 MR. TIGAR: May I ask a question about</p> <p>10 that paragraph.</p> <p>11 THE WITNESS: I asked him to call me</p> <p>12 when he gets here.</p> <p>13 CHAIRMAN FITCH: Ok, then we're all</p> <p>14 set.</p> <p>15 THE WITNESS: Let me just remind him of</p> <p>16 that.</p> <p>17 CHAIRMAN FITCH: Mr. Tigar has a</p> <p>18 question.</p> <p>19 MR. TIGAR: I'll wait until after he's</p> <p>20 done with that.</p> <p>21 THE WITNESS: Thank you for reminding</p> <p>22 me.</p>
<p style="text-align: right;">Page 1315</p> <p>1 read, "as she did not want to otherwise let people</p> <p>2 know"?</p> <p>3 THE WITNESS: Let me take a look at the</p> <p>4 whole sentence. I didn't read it.</p> <p>5 (Witness reads document.)</p> <p>6 THE WITNESS: I think -- yeah, I think</p> <p>7 "it" is superfluous there.</p> <p>8 I stand by my testimony that in the</p> <p>9 beginning she was reticent. But I explained to</p> <p>10 her that legal proceeding is public and you can't</p> <p>11 keep it away from public domains and public files</p> <p>12 when it was dealing with an agency. And, you</p> <p>13 know, she understood that she would have to accept</p> <p>14 that this was public.</p> <p>15 And then of course we advised her that</p> <p>16 publicity could help her case and get her a</p> <p>17 settlement.</p> <p>18 So things changed. This was in the</p> <p>19 very beginning.</p> <p>20 CHAIRMAN FITCH: It's a bit after 3:00.</p> <p>21 Do we need to do anything about this witness and</p> <p>22 his Uber trip?</p>	<p style="text-align: right;">Page 1317</p> <p>1 (Brief pause.)</p> <p>2 THE WITNESS: Ok, thank you.</p> <p>3 MR. TIGAR: One question: You said</p> <p>4 "During our first trip to LA together"; that's the</p> <p>5 beginning of numbered paragraph number one.</p> <p>6 THE WITNESS: Same exhibit?</p> <p>7 MR. TIGAR: Page-24-1.</p> <p>8 THE WITNESS: Right.</p> <p>9 MR. TIGAR: Numbered paragraph at the</p> <p>10 bottom of the page.</p> <p>11 THE WITNESS: Yes, I see that.</p> <p>12 MR. TIGAR: When was that trip. Do you</p> <p>13 recall?</p> <p>14 THE WITNESS: This -- I went out to LA</p> <p>15 at the same time. We took separate planes and</p> <p>16 all. But I went out to LA at the same time when</p> <p>17 she was taking leave, and, you know, she had that</p> <p>18 nervous reaction to not --</p> <p>19 MR. TIGAR: When approximately?</p> <p>20 THE WITNESS: That was right in the</p> <p>21 beginning. Yeah, in early -- it was in January or</p> <p>22 February.</p>

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<p style="text-align: right;">Page 1318</p> <p>1 CHAIRMAN FITCH: Ok.</p> <p>2 Go ahead, Mr. Smith.</p> <p>3 THE WITNESS: It was in January.</p> <p>4 CHAIRMAN FITCH: Ok.</p> <p>5 Go ahead, Mr. Smith.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. So you are familiar with the compendium</p> <p>8 of articles that appeared in WorldNetDaily,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you've testified that some of the</p> <p>12 references in these articles to your book, "Larry</p> <p>13 Klayman's Fascinating Encounter with the Battle</p> <p>14 With the Powers That Be, Whores: Why and How I</p> <p>15 Came to Fight the Establishment," was something</p> <p>16 that was inserted into these articles by the</p> <p>17 publisher?</p> <p>18 A. Correct. Many of them, yeah.</p> <p>19 Q. But you knew that these</p> <p>20 cross-references to your book were going to be in</p> <p>21 these articles, right?</p> <p>22 A. I actually didn't know that. I never</p>	<p style="text-align: right;">Page 1320</p> <p>1 Q. Let's take a look at Bar Exhibit Number</p> <p>2 23 at 12, 23-12, and in the second paragraph, last</p> <p>3 sentence of the second paragraph, it says -- well,</p> <p>4 let's start -- the next to last sentence, about</p> <p>5 four lines from the bottom, "I was in a very sad</p> <p>6 and angry mood" --</p> <p>7 A. Wait, 23-12? I don't see that.</p> <p>8 Q. 23-12. It's like the second paragraph,</p> <p>9 four lines from the bottom. It's the very</p> <p>10 beginning of the sentence, "I was in a very sad</p> <p>11 and angry mood."</p> <p>12 A. Oh, the reason I'm confused, it's five</p> <p>13 lines from the bottom. It's five lines from the</p> <p>14 bottom.</p> <p>15 Q. Are we on the same page now?</p> <p>16 A. Yeah, and it's five lines, just to</p> <p>17 identify further.</p> <p>18 Q. "I was in a very sad and angry mood,</p> <p>19 and I also thought about my life as a</p> <p>20 revolutionary, which has not been easy.</p> <p>21 "As I discuss in my recent book,</p> <p>22 "Whores: Why and How I Came to Fight the</p>
<p style="text-align: right;">Page 1319</p> <p>1 actually paid made much attention.</p> <p>2 I saw that they were doing that, but</p> <p>3 they had purchased books and they wanted to sell</p> <p>4 them, and I had no problem with them trying to</p> <p>5 sell them. But I didn't get any proceeds from</p> <p>6 them.</p> <p>7 Q. If you look at 23 --</p> <p>8 A. Larry Klayman didn't get any proceeds</p> <p>9 from them.</p> <p>10 Q. If you look at 23-14.</p> <p>11 A. Yes.</p> <p>12 Q. And towards the bottom of the page,</p> <p>13 right within the last paragraph, there's a little</p> <p>14 insert there, "Get Larry Klayman's Fascinating</p> <p>15 Encounter With His Battle With the Powers That</p> <p>16 Be," is that an example of what you're saying was</p> <p>17 kind of like an insert by the --</p> <p>18 A. Yes, that's inserted by the publisher</p> <p>19 of WorldNetDaily.</p> <p>20 Q. And it seems to be disconnected in the</p> <p>21 overall body of work that you have there?</p> <p>22 A. Right.</p>	<p style="text-align: right;">Page 1321</p> <p>1 Establishment," I have paid a personal price for</p> <p>2 my dissenting style."</p> <p>3 That's not an insert from the</p> <p>4 publisher, is it?</p> <p>5 A. No. And I frequently refer to my book.</p> <p>6 I'm proud of my book. It's my auto autobiography.</p> <p>7 And I wasn't selling my book. I said that in</p> <p>8 there. I was confirming that this has been my</p> <p>9 view of life. And I frequently talk about today</p> <p>10 what I wrote in that book.</p> <p>11 Because that was my life story up to</p> <p>12 that point in time. I wrote it 2004 after my</p> <p>13 Senate campaign and it was actually published in</p> <p>14 2009.</p> <p>15 Q. Alright, I think we have discussed</p> <p>16 already that certainly after August 5th, 2010, you</p> <p>17 understood that Ms. Sataki, or someone working</p> <p>18 with her, had sent you correspondence telling you</p> <p>19 to withdraw the cases that you had filed on her</p> <p>20 behalf, correct?</p> <p>21 A. I think -- I'm happy to answer again,</p> <p>22 but I've asked and answered this many, many</p>

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<p>1 times...</p> <p>2 I didn't believe that it came from her</p> <p>3 and I had to get confirmation as to what she</p> <p>4 wanted to do.</p> <p>5 I'm not going to repeat all my</p> <p>6 testimony.</p> <p>7 Q. But on or about August 5th you</p> <p>8 understood that that letter written by someone had</p> <p>9 come with those instructions, correct?</p> <p>10 A. I didn't see that it was written by</p> <p>11 her. I thought it was written by others. I got</p> <p>12 it secondhand. So that called into question the</p> <p>13 authenticity and also the content.</p> <p>14 CHAIRMAN FITCH: Wait, wait, wait. I'm</p> <p>15 going to strike that answer and I want a correct</p> <p>16 answer to your question.</p> <p>17 THE WITNESS: What was the question?</p> <p>18 MR. SMITH: Could you please read the</p> <p>19 question back.</p> <p>20 THE COURT REPORTER: "I think we have</p> <p>21 discussed already that certainly after August 5th,</p> <p>22 2010, you understood that Ms. Sataki, or someone</p>	<p>1 satisfied.</p> <p>2 But go ahead, Mr. Smith.</p> <p>3 BY MR. SMITH:</p> <p>4 Q. And you'll also remember that you had</p> <p>5 no further direct communications with Ms. Sataki</p> <p>6 after the July 30th, 2010 letter to you that was</p> <p>7 addressed by her?</p> <p>8 A. Where is that letter?</p> <p>9 Q. That is the Bar Exhibit 27.</p> <p>10 CHAIRMAN FITCH: Keep in mind, whenever</p> <p>11 it's a good time for you to break.</p> <p>12 MR. SMITH: Well, let's do it right</p> <p>13 now.</p> <p>14 (Recess taken.)</p> <p>15 BY MR. SMITH:</p> <p>16 Q. So I believe the last question on the</p> <p>17 table was, you did not have any further direct</p> <p>18 communications with Ms. Sataki after the July</p> <p>19 30th, 2010 correspondence that was sent to you by</p> <p>20 her or someone working for her.</p> <p>21 A. Ok, the reason that that question is</p> <p>22 difficult to answer is because it's loaded. It</p>
Page 1323	Page 1325
<p>1 working with her, had sent you correspondence</p> <p>2 telling you to withdraw the cases that you had</p> <p>3 filed on her behalf, correct?"</p> <p>4 THE WITNESS: The answer is no, because</p> <p>5 it wasn't sent to me.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Certainly after the --</p> <p>8 CHAIRMAN FITCH: Are you satisfied with</p> <p>9 that --</p> <p>10 MR. SMITH: Well, if that's his</p> <p>11 answer... You all will judge his credibility with</p> <p>12 respect to that.</p> <p>13 THE WITNESS: Your Honor, I think those</p> <p>14 editorial comments are just not right.</p> <p>15 CHAIRMAN FITCH: No, I asked him, and</p> <p>16 he shot right back. I can take it.</p> <p>17 THE WITNESS: Alright.</p> <p>18 CHAIRMAN FITCH: I prefer you answer</p> <p>19 that question yes or no.</p> <p>20 THE WITNESS: Well, I did. I answered</p> <p>21 it the way it was posed. Yes.</p> <p>22 CHAIRMAN FITCH: You did, and he's</p>	<p>1 says that I was communicating with "her." She</p> <p>2 communicated with me in that letter. I don't</p> <p>3 believe that that was a communication from her. I</p> <p>4 don't.</p> <p>5 Q. Did you --</p> <p>6 CHAIRMAN FITCH: That answer, with it's</p> <p>7 characterization of "a loaded question," is</p> <p>8 struck.</p> <p>9 THE WITNESS: Alright, I'll take out</p> <p>10 the "loaded question" part.</p> <p>11 It's that the --</p> <p>12 MR. SMITH: I'll withdraw that</p> <p>13 question.</p> <p>14 BY MR. SMITH:</p> <p>15 Q. Ms. Sataki did not contact you again</p> <p>16 after July 30th, 2010, correct?</p> <p>17 A. I don't recollect any. But it's so</p> <p>18 long ago, Mr. Smith, I don't recollect any.</p> <p>19 Q. Well, there's no communications in the</p> <p>20 record between you and Ms. Sataki communicating</p> <p>21 directly with you again until September 15th,</p> <p>22 2011.</p>

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<p style="text-align: right;">Page 1326</p> <p>1 A. Well, again you're presuming that it 2 came from her. 3 Where is the September 15th that you're 4 referring to? 5 Q. Supplementary Exhibit 38. 6 A. Ok. 7 Q. Notwithstanding the fact -- 8 CHAIRMAN FITCH: Now, wait a minute. I 9 haven't heard a question about that exhibit, where 10 the number is. 11 You want to ask a question about that? 12 MR. SMITH: Well, I thought I had, that 13 there had been no communication between July 30th, 14 2010, direct communication from Ms. Sataki to Mr. 15 Klayman from July 30th, 2010 to September of '11. 16 CHAIRMAN FITCH: Well, you had asked a 17 question about anything after July 30, and he said 18 no -- he said "don't recall it." And now you're 19 asking a similar question, but a lightly more 20 specific question, any after July 30 until 21 September 15, 2011; perfectly good question. 22 Do you know of any?</p>	<p style="text-align: right;">Page 1328</p> <p>1 it's compound. 2 CHAIRMAN FITCH: Well, you don't have 3 to answer. 4 BY MR. SMITH: 5 Q. On October 1st, 2010, you published 6 another article in WorldNetDaily, 23-19, Bar 7 Exhibit 23, Page 19. 8 A. Let me turn to it, thanks. Ok I see 9 it. 10 Q. In this article you discuss Ms. 11 Sataki's legal case, correct? 12 A. Let me look at it. I turned to it. 13 Now I want to read it. 14 (Witness reads document.) 15 A. I don't make specific reference -- 16 well, let me strike that. 17 In effect I am -- let me just try to be 18 precise. 19 I'm talking about the situation with 20 Mehdi Falahati and Ali Sajadi and what was going 21 on at Voice of America. 22 Q. And in this article --</p>
<p style="text-align: right;">Page 1327</p> <p>1 THE WITNESS: I don't recollect any, 2 no. 3 CHAIRMAN FITCH: Ok, there's the 4 answer. 5 THE WITNESS: And in fact, my email 6 there, your Honor, says "This is the first time 7 I've heard from you and it appears this email is 8 written by you and you're still experiencing some 9 emotional issues." 10 The reason why I knew this one did come 11 from her is because it's in her broken English. 12 BY MR. SMITH: 13 Q. So, despite the fact that you had 14 received this communication asking you to stop 15 representing her in those cases, you continued to 16 seek publicity in order to pressure the government 17 to settle cases that she no longer wanted you to 18 handle? 19 CHAIRMAN FITCH: Objection. That's too 20 argumentative, even for cross. 21 MR. SMITH: Alright. 22 THE WITNESS: I object, also, because</p>	<p style="text-align: right;">Page 1329</p> <p>1 A. Yeah, and I'm just talking about it in 2 that context of what's going on. Yeah. 3 Q. And in this article you also disclose 4 that Ms. Sataki had a severe depression and a 5 nervous breakdown, don't you? 6 A. That had been disclosed in other 7 articles and also in other publicity -- 8 Q. But you disclosed it in this article, 9 too, right? 10 A. Yeah, that's what it says. 11 Q. Thank you. 12 A. But it had been out there before -- 13 Q. Thank you. 14 A. -- in stuff that I wrote with her 15 permission, yeah. 16 There's no shame in that. 17 Q. And then on October 15th, 2010, you 18 wrote another article in WorldNetDaily. That 19 would be Exhibit 23-16. 20 A. Is that the article posted on October 21 15th, 2010? 22 Q. Excuse me, yes, 2010: "Evil Ground</p>

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<p style="text-align: right;">Page 1330</p> <p>1 ero" --</p> <p>2 A. Yes.</p> <p>3 Q. And in this article you mention Ms.</p> <p>4 Sataki.</p> <p>5 CHAIRMAN FITCH: For all of our sake,</p> <p>6 point out where you mean, Mr. Smith, please.</p> <p>7 MR. SMITH: I'm sorry?</p> <p>8 CHAIRMAN FITCH: For everybody's sake,</p> <p>9 point out where.</p> <p>10 MR. SMITH: Oh, on Page 2 --</p> <p>11 CHAIRMAN FITCH: 23-17?</p> <p>12 MR. SMITH: Yes, 23-17, which is three</p> <p>13 lines from the bottom.</p> <p>14 THE WITNESS: Fifteen?</p> <p>15 MR. SMITH: 23-17.</p> <p>16 THE WITNESS: 23-17, ok.</p> <p>17 CHAIRMAN FITCH: I actually don't see</p> <p>18 it, Mr. Smith. Oh, wait a minute.</p> <p>19 You were referring to the first</p> <p>20 paragraph on 23-17?</p> <p>21 MR. SMITH: Yes.</p> <p>22 CHAIRMAN FITCH: What is your question?</p>	<p style="text-align: right;">Page 1332</p> <p>1 paragraph.</p> <p>2 CHAIRMAN FITCH: And your question is?</p> <p>3 MR. SMITH: Well, after he's had a</p> <p>4 chance to read it, I'll ask him.</p> <p>5 (Witness reads document.)</p> <p>6 CHAIRMAN FITCH: Fair enough.</p> <p>7 THE WITNESS: Is there a question?</p> <p>8 BY MR. SMITH:</p> <p>9 Q. Yes. Have you read it?</p> <p>10 A. I skimmed it quickly. I mean, it</p> <p>11 speaks for itself.</p> <p>12 Q. Once again you discuss Ms. Sataki's</p> <p>13 case in this article, correct?</p> <p>14 A. I'm just looking at that.</p> <p>15 The facts that relate to that case,</p> <p>16 yes.</p> <p>17 Q. And you talk about how you met with</p> <p>18 congressmen trying to assist Ms. Sataki with</p> <p>19 her --</p> <p>20 A. Yeah. The document speaks for itself.</p> <p>21 You know, and I was still trying to get</p> <p>22 settlement for her at that time.</p>
<p style="text-align: right;">Page 1331</p> <p>1 MR. SMITH: That this article mentions</p> <p>2 Ms. Sataki. I was trying to assist the witness</p> <p>3 in --</p> <p>4 THE WITNESS: Yeah, I mean the article</p> <p>5 speaks for itself.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Let me ask you to look at Bar Exhibit</p> <p>8 23 again. This is 23-14, and for the record it is</p> <p>9 an article posted October 29th, 2010, in</p> <p>10 WorldNetDaily.</p> <p>11 MR. TIGAR: I'm sorry, counsel, what</p> <p>12 page is that?</p> <p>13 MR. SMITH: 23-14 is the beginning of</p> <p>14 that article.</p> <p>15 MR. TIGAR: Is that the article that</p> <p>16 says posted, October 29th?</p> <p>17 MR. SMITH: Yes.</p> <p>18 CHAIRMAN FITCH: Where do you want Mr.</p> <p>19 Klayman to look?</p> <p>20 BY MR. SMITH:</p> <p>21 Q. If you could look at Page 23-15, the</p> <p>22 second paragraph and the beginning of the third</p>	<p style="text-align: right;">Page 1333</p> <p>1 MR. TIGAR: Excuse me, was that at</p> <p>2 Morton's or Clyde's?</p> <p>3 THE WITNESS: Well I met her in</p> <p>4 Morton's, ok, but I actually later met with her</p> <p>5 and Mr. Keya Dash, who is going to be here</p> <p>6 momentarily, at Morton's. And we met, I testified</p> <p>7 at the beginning on the patio where you can smoke,</p> <p>8 because Keya smokes cigars, and that's where I met</p> <p>9 Boehner.</p> <p>10 MR. TIGAR: At what restaurant was it</p> <p>11 did Mr. Boehner kiss and offer to help? Morton's</p> <p>12 or Clyde's?</p> <p>13 THE WITNESS: Morton's, on Connecticut</p> <p>14 Avenue.</p> <p>15 CHAIRMAN FITCH: For the sake of the</p> <p>16 record, as an aide to myself, as I review the</p> <p>17 record, since Mr. Klayman said "the article speaks</p> <p>18 for itself," there are specific references to</p> <p>19 "Elham Sataki" and "Sataki" and "Elham."</p> <p>20 Next question, Mr. Smith.</p> <p>21 BY MR. SMITH:</p> <p>22 BY MR. SMITH:</p>

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<p style="text-align: right;">Page 1334</p> <p>1 Q. Moving on, during your testimony</p> <p>2 yesterday, when you were discussing the issue of</p> <p>3 love -- now you can direct me if I'm wrong -- but</p> <p>4 I thought that you compared the love that you had</p> <p>5 for Ms. Sataki as the love that you had for your</p> <p>6 doing Beverly.</p> <p>7 A. No, I didn't do that. That's very</p> <p>8 unfair.</p> <p>9 Q. Ok.</p> <p>10 A. What I'm saying is that there are lots</p> <p>11 of things in life that I love, ok, and I don't</p> <p>12 equate a human being such as Ms. Sataki with a</p> <p>13 dog, even though I love my dog a whole lot.</p> <p>14 Her name is Beverly. She's a</p> <p>15 Labradoodle.</p> <p>16 Q. When did you fall in love with Ms.</p> <p>17 Sataki?</p> <p>18 A. I can't say the exact time. It</p> <p>19 happens -- you know, it happens over time, that</p> <p>20 you start to care for somebody deeply. And that's</p> <p>21 the way I would more accurately describe it during</p> <p>22 the time I wasn't involved in the way I was being</p>	<p style="text-align: right;">Page 1336</p> <p>1 as very manipulative, that she wanted to get</p> <p>2 something from me, and she got a lot from me, and</p> <p>3 when she didn't get what she wanted at the end,</p> <p>4 she had to blame somebody, and she blamed me.</p> <p>5 It was not my fault that she didn't get</p> <p>6 what she wanted because she abandoned all of her</p> <p>7 cases, except for that notice of appeal. I mean,</p> <p>8 we still probably could have gotten a result in</p> <p>9 one manner, shape or form. It's not fair to blame</p> <p>10 me.</p> <p>11 Q. So you'll agree with me that you did</p> <p>12 have romantic intentions with Ms. Sataki, right?</p> <p>13 A. No, I will not agree with that.</p> <p>14 In fact it's clear in the various</p> <p>15 correspondence that I said, "I'm not your</p> <p>16 boyfriend." I said that. Did I love her? Yeah.</p> <p>17 "But I'm not your boyfriend," and I never, ever</p> <p>18 tried to get her to be my girlfriend.</p> <p>19 But there was a very close friendship,</p> <p>20 and I thought there was affection between us. And</p> <p>21 sometimes I couldn't understand why I was being</p> <p>22 insulted, like I was in Exhibit 38, accused of</p>
<p style="text-align: right;">Page 1335</p> <p>1 treated. Because it was a deep friendship, I</p> <p>2 thought, and I was being treated badly.</p> <p>3 And yes, I did love Ms. Sataki. I did.</p> <p>4 And I'm not making any apologies for that. I</p> <p>5 don't see that that in any way, from my</p> <p>6 perspective and the perspective of any Bar rules.</p> <p>7 I didn't engage in any sexual contact with her. I</p> <p>8 didn't ask for any. But to love somebody, you</p> <p>9 can't control that in real life.</p> <p>10 Q. But Ms. Sataki never told you that she</p> <p>11 loved you, did she?</p> <p>12 A. There was one email -- she never said</p> <p>13 that directly. She said, wait 'till this thing is</p> <p>14 over, and in effect then we'll see. There was one</p> <p>15 email to that effect during her testimony, just</p> <p>16 wait till this thing is over.</p> <p>17 And I think what she was suggesting --</p> <p>18 I don't know what she was suggesting, but it was</p> <p>19 suggestive. I leave it to her to decide what she</p> <p>20 meant by that.</p> <p>21 I do know this, if I may answer this</p> <p>22 question, is that, in retrospect, I see Ms. Sataki</p>	<p style="text-align: right;">Page 1337</p> <p>1 taking bribes and things like that, and it was</p> <p>2 upsetting.</p> <p>3 Q. Well, let's go through some of the</p> <p>4 emails and some of the things you said directly to</p> <p>5 Ms. Sataki or her psychologist about your feelings</p> <p>6 of love for her.</p> <p>7 Alright, let's take a look at Bar</p> <p>8 Exhibit Number 25.</p> <p>9 A. Didn't we talk about that before?</p> <p>10 Q. I haven't had a chance to talk to you</p> <p>11 about it, not in the context we're about to.</p> <p>12 (Witness reads document.)</p> <p>13 THE WITNESS: Ok, I just got a call</p> <p>14 from Mr. Dash. Let me call back.</p> <p>15 Can I go down and get him, your Honor?</p> <p>16 CHAIRMAN FITCH: I think we'll</p> <p>17 interrupt your testimony now. You should bring</p> <p>18 Mr. Dash up, and we'll get his testimony.</p> <p>19 THE WITNESS: You want to take his</p> <p>20 testimony now?</p> <p>21 CHAIRMAN FITCH: Right now. If he's</p> <p>22 downstairs, bring him up right now and we'll go</p>

50 (Pages 1334 to 1337)

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<p style="text-align: right;">Page 1338</p> <p>1 from there.</p> <p>2 THE WITNESS: Thank you. I will.</p> <p>3 CHAIRMAN FITCH: We are taking a break</p> <p>4 for a few minutes to facilitate the testimony of</p> <p>5 another witness and to accommodate the schedule.</p> <p>6 (Recess taken.)</p> <p>7 (Attorney for Respondent, Mr. Sujat,</p> <p>8 present in the court. Respondent, Larry Klayman,</p> <p>9 not present.)</p> <p>10 CHAIRMAN FITCH: I'm inclined, Mr.</p> <p>11 Smith, to recess after this witness' testimony.</p> <p>12 Does that screw you up at all?</p> <p>13 MR. SMITH: Not at all. I think that</p> <p>14 would be perfectly fine.</p> <p>15 CHAIRMAN FITCH: Thank you. We can go</p> <p>16 off the record.</p> <p>17 (Recess taken.)</p> <p>18 (Keya Dash on the witness stand.)</p> <p>19 CHAIRMAN FITCH: I believe, sir, you</p> <p>20 are Mr. Dash?</p> <p>21 THE WITNESS: Yes, sir.</p> <p>22 CHAIRMAN FITCH: Why don't you approach</p>	<p style="text-align: right;">Page 1340</p> <p>1 Whereupon,</p> <p>2 KEYA DASHTARA</p> <p>3 called as a witness on behalf of Respondent, and</p> <p>4 after having been first duly sworn, was examined</p> <p>5 and testified as follows:</p> <p>6 DIRECT EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>7 BY MR. KLAYMAN:</p> <p>8 Q. Mr. Dash, would you please state your</p> <p>9 full name.</p> <p>10 A. My name is Keya Dashtara.</p> <p>11 Q. Tell us a little bit about your</p> <p>12 background and your family.</p> <p>13 A. My dad came here in the '60s; my mother</p> <p>14 in the '70's. I was a businessman all my life,</p> <p>15 since adulthood. I suppose -- right after high</p> <p>16 school I went straight into business anyhow.</p> <p>17 Q. Right?</p> <p>18 A. And for the past twenty years, I've</p> <p>19 been a business owner. I've owned many different</p> <p>20 companies from retail to consulting, a full</p> <p>21 plethora.</p> <p>22 Q. Approximately when did I meet you and</p>
<p style="text-align: right;">Page 1339</p> <p>1 the witness stand. We appreciate your</p> <p>2 accommodating this this afternoon.</p> <p>3 THE WITNESS: No problem.</p> <p>4 CHAIRMAN FITCH: Wait right there just</p> <p>5 a minute, please. What is your full name?</p> <p>6 THE WITNESS: My name is Keya Dashtara,</p> <p>7 D-a-s-h-t-a-r-a. First name K-e-y-a.</p> <p>8 CHAIRMAN FITCH: If you would raise</p> <p>9 your right hand, please, sir.</p> <p>10 Do you swear or affirm that the</p> <p>11 testimony you are about to give will be the truth,</p> <p>12 the whole truth and nothing but the truth?</p> <p>13 THE WITNESS: Yes.</p> <p>14 CHAIRMAN FITCH: Please be seated, and</p> <p>15 Mr. Klayman will ask you questions.</p> <p>16 MR. KLAYMAN: May I ask, your Honor, I</p> <p>17 thought that I had another copy of Exhibit 7. I</p> <p>18 made copies, I gave one to Mr. Smith and I'm</p> <p>19 wondering if I could borrow one of your copies for</p> <p>20 Mr. Dash.</p> <p>21 CHAIRMAN FITCH: Sure.</p> <p>22 MR. KLAYMAN: Thank you.</p>	<p style="text-align: right;">Page 1341</p> <p>1 your family?</p> <p>2 A. At least a decade ago, a very long time</p> <p>3 ago. You were very close friends with my father,</p> <p>4 in fact.</p> <p>5 Q. Your father, actually, he's the one</p> <p>6 that founded Dash Clothing Designers?</p> <p>7 A. This is true. In the '70's he founded</p> <p>8 a chain of retail clothing stores called Dash's</p> <p>9 Designers. They were based in the metropolitan</p> <p>10 area, six locations. They were quite big at the</p> <p>11 time.</p> <p>12 Q. How did we meet? Do you know?</p> <p>13 A. Yes. You and I met through a mutual</p> <p>14 friend named Richard Miniter.</p> <p>15 Q. What was his position at the time, or</p> <p>16 had he just leave?</p> <p>17 A. He had just left the Washington Times.</p> <p>18 He's a journalist and an author.</p> <p>19 Q. Ok. And we used to get together at his</p> <p>20 house?</p> <p>21 A. Yes.</p> <p>22 Q. And we became good friends?</p>

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<p style="text-align: right;">Page 1342</p> <p>1 A. Yes, sir.</p> <p>2 Q. Your brother, he had, at the time that</p> <p>3 I met you, been working for Voice of America?</p> <p>4 A. That's right. He was working for the</p> <p>5 Broadcasting Board of Governors that oversees</p> <p>6 Voice of America.</p> <p>7 Q. Would it be fair to say that your</p> <p>8 family is a very prominent Persian family in the</p> <p>9 Washington, D.C. area?</p> <p>10 A. Yes.</p> <p>11 Q. Did there come a time when I asked you</p> <p>12 for help for Ms. Sataki?</p> <p>13 A. Yes, you did. You asked me to</p> <p>14 intervene with a friend I had on the broadcasting</p> <p>15 board whose name was Blanquita Cullum. My brother</p> <p>16 worked in the CFO's office for the Broadcasting</p> <p>17 Board of Governors and Blanquita was one of the</p> <p>18 governors.</p> <p>19 You had asked me to personally make the</p> <p>20 case to Blanquita as a friend to her.</p> <p>21 Q. We're going to get back to that, but</p> <p>22 for now I turn your attention -- and I will open</p>	<p style="text-align: right;">Page 1344</p> <p>1 strategy, and I'm aware, from having been in Ms.</p> <p>2 Sataki's presence, that her case was discussed and</p> <p>3 she approved it."</p> <p>4 Is that right?</p> <p>5 A. Yes.</p> <p>6 CHAIRMAN FITCH: If I may interject,</p> <p>7 "Given what I know about VOA and the Persia News</p> <p>8 Network and use of publicity to try to coax the</p> <p>9 managers into a settlement of Ms. Sataki's claim</p> <p>10 was a prudent strategy," that is opinion testimony</p> <p>11 and it is not going to be omitted.</p> <p>12 BY MR. KLAYMAN:</p> <p>13 Q. Based on your knowledge of VOA -- I'll</p> <p>14 ask it a different way -- and your brother having</p> <p>15 worked there, do you know this to be a very</p> <p>16 difficult agency to deal with?</p> <p>17 A. Yes, particularly very bureaucratic,</p> <p>18 cavernous.</p> <p>19 Q. Did there come a point in time when you</p> <p>20 met Ms. Sataki?</p> <p>21 A. Yes, I did meet her.</p> <p>22 Q. When was that?</p>
<p style="text-align: right;">Page 1343</p> <p>1 it up for you, to make it easier -- to Exhibit D</p> <p>2 of Bar Counsel's exhibits, Exhibit D in front.</p> <p>3 And it's also Exhibit 5 to Respondent's exhibits.</p> <p>4 A. I think they're not labeled the same</p> <p>5 way here.</p> <p>6 CHAIRMAN FITCH: D24 is the affidavit?</p> <p>7 MR. KLAYMAN: Exactly, your Honor.</p> <p>8 CHAIRMAN FITCH: The declaration.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. Take your time and review that, Mr.</p> <p>11 Dash.</p> <p>12 A. Yes.</p> <p>13 Q. Is this affidavit that you signed under</p> <p>14 oath accurate?</p> <p>15 A. Yes, it is true and correct. Yes.</p> <p>16 Q. You signed it on December 20th, 2016.</p> <p>17 A. That's right.</p> <p>18 Q. I turn your attention to paragraph six,</p> <p>19 initially, where you state, "Given what I know</p> <p>20 about VOA and the Persia News Network, the use of</p> <p>21 publicity to try to coax the managers into a</p> <p>22 settlement of Ms. Sataki's claims was a prudent</p>	<p style="text-align: right;">Page 1345</p> <p>1 A. Around February of 2010 I believe is</p> <p>2 when we met. We first met at Morton's Restaurant.</p> <p>3 Q. I had asked you to come to meet her?</p> <p>4 A. That's right.</p> <p>5 Q. Yes. And I was trying to get your help</p> <p>6 at that time?</p> <p>7 A. That's right.</p> <p>8 Q. Did we sit in a particular part of</p> <p>9 Morton's that you like to sit in?</p> <p>10 A. Yes. We sat on the enclosed patio,</p> <p>11 which is where I usually like to sit because you</p> <p>12 can smoke there.</p> <p>13 Q. Smoke cigars?</p> <p>14 A. That's right.</p> <p>15 CHAIRMAN FITCH: Is this the Morton's</p> <p>16 in Georgetown?</p> <p>17 THE WITNESS: No, the one on Wisconsin</p> <p>18 Avenue, on the patio that overlooks Connecticut.</p> <p>19 BY MR. KLAYMAN:</p> <p>20 Q. And you were sitting there -- I'm</p> <p>21 trying to speed it along -- with me and Ms.</p> <p>22 Sataki?</p>

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<p style="text-align: right;">Page 1346</p> <p>1 A. That's right.</p> <p>2 Q. Did there come a point in time when we</p> <p>3 noticed John Boehner?</p> <p>4 A. Yes.</p> <p>5 Q. Also smoking?</p> <p>6 A. Yes. He was smoking cigars and he was</p> <p>7 sitting a table over from us.</p> <p>8 Q. He was drinking a bit, too?</p> <p>9 A. A little more than a bit, but yes.</p> <p>10 Q. I then said -- you were there in my</p> <p>11 presence -- didn't I say to Ms. Sataki, "Let's</p> <p>12 didn't meet" --</p> <p>13 CHAIRMAN FITCH: That's a leading</p> <p>14 question.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. What did I say to Ms. Sataki about Mr.</p> <p>17 Boehner?</p> <p>18 A. "Let's go talk to Mr. Boehner."</p> <p>19 Q. With regard to helping her?</p> <p>20 A. That's right. To plead her case to him</p> <p>21 and enlist his support.</p> <p>22 Q. What did you observe at that point?</p>	<p style="text-align: right;">Page 1348</p> <p>1 with VOA and ask you for help?</p> <p>2 A. Yes. She told me in depth her issues</p> <p>3 and she sought my assistance in talking to</p> <p>4 Blanquita Cullum, in particular, Richard Minitier,</p> <p>5 also, who is a journalist friend, and others whom</p> <p>6 I might know.</p> <p>7 Q. At that time that I introduced you to</p> <p>8 Ms. Sataki, did you have any reservations about</p> <p>9 helping her?</p> <p>10 A. Yes. In the beginning I had quite a</p> <p>11 few reservations, based on her reputation.</p> <p>12 Q. What did you understand that reputation</p> <p>13 to be?</p> <p>14 A. Well, her reputation was something of</p> <p>15 an opportunist who advances herself, and when she</p> <p>16 reaches the point of no return, alleges sexual</p> <p>17 discrimination, sexual harassment. This was</p> <p>18 something I had told you at the time.</p> <p>19 Q. How did you come to that conclusion?</p> <p>20 How did you come to that understanding?</p> <p>21 A. She used to work at a TV station in Los</p> <p>22 Angeles before working at the Voice of America.</p>
<p style="text-align: right;">Page 1347</p> <p>1 Did we then go over and I introduced Ms. Sataki?</p> <p>2 A. I observed a couple of things: that you</p> <p>3 knew him, that you were friendly with him, that he</p> <p>4 heard the case. He seemed very interested in it.</p> <p>5 In fact he seemed to side with her. And that it</p> <p>6 was a good interaction.</p> <p>7 Q. Were you aware as to whether or not I</p> <p>8 then sought his help?</p> <p>9 A. Excuse me?</p> <p>10 Q. Are you aware whether or not we sought</p> <p>11 his help to resolve a situation with her at Voice</p> <p>12 of America after that?</p> <p>13 A. Yes, I am aware that that was the</p> <p>14 entire purpose.</p> <p>15 Q. Did there come another point in time</p> <p>16 when you met Ms. Sataki?</p> <p>17 A. Yes. There was another occasion that I</p> <p>18 met her with you at a French restaurant.</p> <p>19 Q. In Virginia?</p> <p>20 A. In Virginia.</p> <p>21 Q. During the two encounters that you had</p> <p>22 with her, did she explain to you her situation</p>	<p style="text-align: right;">Page 1349</p> <p>1 The TV station I believe was called NITV, which is</p> <p>2 National Iranian Television, and there was a</p> <p>3 gentleman who owned it names Mr. ia, -i-a,</p> <p>4 Attaby, A-t-t-a-b-y, and Mr. Attaby was a happily</p> <p>5 married man, until he met her, at which point he</p> <p>6 was divorced. Afterwards he was divorced, because</p> <p>7 of allegations of an affair and promiscuity on her</p> <p>8 part.</p> <p>9 Q. Is the Persian community a close-knit?</p> <p>10 A. Yes, it was very close-knit.</p> <p>11 Q. So those were the kinds of things that</p> <p>12 one learns about families in Washington, D.C.?</p> <p>13 A. Yes, sir.</p> <p>14 MR. SMITH: Objection, leading.</p> <p>15 BY MR. KLAYMAN:</p> <p>16 Q. After you met her, did you decide to</p> <p>17 help her, even with those reservations?</p> <p>18 A. So I had those reservations and I had</p> <p>19 reservations, also about the fact that my brother</p> <p>20 worked there and it might not be prudent.</p> <p>21 So, after meeting with her the second</p> <p>22 time, I was convinced to help her.</p>

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<p style="text-align: right;">Page 1350</p> <p>1 Q. Was it my urging that played a role in</p> <p>2 doing that?</p> <p>3 A. For the most part, yes.</p> <p>4 Q. What if anything did you do after that</p> <p>5 to try had to help her, with regard to Blanquita</p> <p>6 Cullum?</p> <p>7 Who is Blanquita Cullum, specifically?</p> <p>8 A. Blanquita Cullum was a governor of the</p> <p>9 Board of Broadcasting Governors. She's a radio</p> <p>10 host. She's a media personality. Very well</p> <p>11 known, especially known within the Latin</p> <p>12 community. But particularly she has a reputation</p> <p>13 on freedom movements in South America and Iran.</p> <p>14 These are areas of concern for her.</p> <p>15 Q. Did you understand her to be a member</p> <p>16 of the board of governors at VOA?</p> <p>17 A. Yes.</p> <p>18 Q. How did you know of that?</p> <p>19 A. How did I come to know that she</p> <p>20 works --</p> <p>21 Q. Yeah, that she was on the board of</p> <p>22 governors.</p>	<p style="text-align: right;">Page 1352</p> <p>1 reviewing those emails in general, before he's</p> <p>2 asked a specific question, the testimony about</p> <p>3 Sataki's reputation is not admitted as repetition</p> <p>4 testimony.</p> <p>5 It is admitted as relevant to other</p> <p>6 issues in the case such as actions that you've</p> <p>7 testified to that you took and so on.</p> <p>8 Have you had a chance to look at those?</p> <p>9 THE WITNESS: Excuse me?</p> <p>10 CHAIRMAN FITCH: Have you had an chance</p> <p>11 to take a look at those?</p> <p>12 THE WITNESS: Yes, sir.</p> <p>13 CHAIRMAN FITCH: Go ahead.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. You emailed these last night, correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And I didn't know that you had them.</p> <p>18 We discussed that, correct?</p> <p>19 A. That's true.</p> <p>20 Q. Look at the first page where it says,</p> <p>21 June 25th, 2018, from Keya Dash to Larry Klayman,</p> <p>22 "Larry, here's an email where I told you I</p>
<p style="text-align: right;">Page 1351</p> <p>1 A. She was appointed -- I know this</p> <p>2 because my brother was employed by her.</p> <p>3 Q. Did you ultimately decide to approach</p> <p>4 Blanquita Cullum to try to help Ms. Sataki?</p> <p>5 A. Yes, I did approach Ms. Cullum to help</p> <p>6 Ms. Sataki.</p> <p>7 Q. I'm going to show you what has been</p> <p>8 marked as Respondent's Exhibit 7.</p> <p>9 MR. KLAYMAN: It's not in evidence.</p> <p>10 THE WITNESS: Yes.</p> <p>11 CHAIRMAN FITCH: Am I correct in</p> <p>12 understanding you mean to say it's Supplemental</p> <p>13 Exhibit 7?</p> <p>14 MR. KLAYMAN: Yes, Respondent's</p> <p>15 Supplemental Exhibit 7.</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q. Now, take an opportunity to look at the</p> <p>18 dockets and the exhibits. They purport to be</p> <p>19 emails by and between you and me, and also there's</p> <p>20 an email from Ms. Sataki to you.</p> <p>21 (Witness reads documents.)</p> <p>22 CHAIRMAN FITCH: While the witness is</p>	<p style="text-align: right;">Page 1353</p> <p>1 couldn't intervene with BQ because of the fact</p> <p>2 that my brother worked there. He later did speak</p> <p>3 to her, and she passed it off as being in the</p> <p>4 hands of the lawyers and consequently claimed she</p> <p>5 couldn't speak about it. Keya."</p> <p>6 Do you remember that email that I sent</p> <p>7 you?</p> <p>8 A. That's right.</p> <p>9 Q. And then I wrote back to you --</p> <p>10 CHAIRMAN FITCH: Who is "her"?</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Who is the "her" we're talking about?</p> <p>13 A. We're speaking about Ms. Sataki.</p> <p>14 Q. And I had written to you earlier. It's</p> <p>15 below, the email of 2010. You see that, an email?</p> <p>16 "Keya, this matter only involves having</p> <p>17 the woman taken out of the DC office and put in</p> <p>18 LA. I don't want to have to sue. So if someone</p> <p>19 could get beyond the political nonsense, this</p> <p>20 would be in the best interest of all.</p> <p>21 "BQ, Blanquita Cullum, is very</p> <p>22 political, and at this point it's someone neutral</p>

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<p style="text-align: right;">Page 1354</p> <p>1 to show here that a woman's life is at stake.</p> <p>2 "Washington is a very cruel and cold</p> <p>3 place. BQ Blanquita Cullum, thinks only of</p> <p>4 herself, by doing this I wanted to avoid</p> <p>5 consequences for her. I wanted to avoid this."</p> <p>6 CHAIRMAN FITCH: Sir, going back to the</p> <p>7 area I just asked you about, when you wrote to Mr.</p> <p>8 Klayman, "I later did speak to her and she passed</p> <p>9 that off as being in the hands of all the</p> <p>10 lawyers," now is "her" Ms. Sataki or is that BQ?</p> <p>11 THE WITNESS: Oh, that "her" is BQ.</p> <p>12 CHAIRMAN FITCH: Ok.</p> <p>13 Go ahead, Mr. Klayman.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. And you aware that I considered myself</p> <p>16 to be a friend of BQ, too?</p> <p>17 A. Yes.</p> <p>18 Q. Did I ever tell you that I was on a</p> <p>19 radio show a lot with her?</p> <p>20 A. I wouldn't know.</p> <p>21 CHAIRMAN FITCH: Irrelevant, struck.</p> <p>22 BY MR. KLAYMAN:</p>	<p style="text-align: right;">Page 1356</p> <p>1 the 2nd of March from me to you, "Keya, I'm losing</p> <p>2 respect for Blanquita. If she thinks I won't sue</p> <p>3 her if necessary, then she does not know me very</p> <p>4 well. There is a human life involved here, and I</p> <p>5 will not hold back. I hope you're well enough in</p> <p>6 the next day. Best Larry."</p> <p>7 You remember receiving that?</p> <p>8 A. Yes.</p> <p>9 Q. And then there's, on the next page</p> <p>10 there's an email that I sent to Blanquita, "Please</p> <p>11 take steps to resolve this. I'm the guy who sued</p> <p>12 his own mother and if you think this will just go</p> <p>13 away, you don't know me very well. While you are</p> <p>14 a board of governors" --</p> <p>15 CHAIRMAN FITCH: I can read the whole</p> <p>16 thing.</p> <p>17 MR. KLAYMAN: Ok, that's fine.</p> <p>18 BY MR. KLAYMAN:</p> <p>19 Q. So you remember receiving this from me,</p> <p>20 correct, Keya?</p> <p>21 A. Yes.</p> <p>22 Q. Then there's an email below and that I</p>
<p style="text-align: right;">Page 1355</p> <p>1 Q. Ok. Then I'm going to turn your</p> <p>2 attention to the next page in the emails, an email</p> <p>3 from Larry Klayman to you on February 22nd, which</p> <p>4 states, "Keya, what happened with BQ? Thanks,</p> <p>5 Larry."</p> <p>6 Do you remember receiving that?</p> <p>7 A. Yes.</p> <p>8 Q. I'll turn your attention, flipping the</p> <p>9 page, to an email from you to me, on Monday, June</p> <p>10 25th, 2018, where you're writing to me saying, "In</p> <p>11 reviewing my files, I have this email below that</p> <p>12 you forwarded to me. In order that I speak to</p> <p>13 Blanquita, you copied journalist Richard Miniter,"</p> <p>14 M-i-n-i-t-e-r, "regarding an email and Mitch</p> <p>15 Baxter."</p> <p>16 Do you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. And Mitch Baxter, he was a friend of</p> <p>19 ours, too?</p> <p>20 A. That's right.</p> <p>21 Q. And he was also trying to help.</p> <p>22 Ok, so, then I wrote, this is an email</p>	<p style="text-align: right;">Page 1357</p> <p>1 forwarded to you which --</p> <p>2 CHAIRMAN FITCH: Let me ask you, sir,</p> <p>3 in that email Mr. Klayman -- this the March 2nd</p> <p>4 email -- Mr. Klayman wrote do you see in the final</p> <p>5 paragraph, "Any additional delay by the board or</p> <p>6 agency will put her over the edge. Her doctor</p> <p>7 already documented her suicidal state."</p> <p>8 Do you see where Mr. Klayman says that</p> <p>9 to you?</p> <p>10 (Witness nods head in the affirmative.)</p> <p>11 CHAIRMAN FITCH: Had you made any</p> <p>12 observations of Ms. Sataki or the board at this</p> <p>13 point in time, the January, February, very early</p> <p>14 March 2010 point in time?</p> <p>15 THE WITNESS: I had observed that she</p> <p>16 was very distraught, very nervous, easily</p> <p>17 agitated, very concerned.</p> <p>18 CHAIRMAN FITCH: I apologize for</p> <p>19 interrupting. Go ahead.</p> <p>20 MR. KLAYMAN: That's ok.</p> <p>21</p> <p>22 BY MR. KLAYMAN:</p>

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<p style="text-align: right;">Page 1358</p> <p>1 Q. And again this was early on. This was 2 back in February of 2010? 3 A. That's right. 4 Q. Then I write, at the bottom of the page 5 from the email, Tuesday, March 2nd, 2010, from me 6 to BQview (phon). That's the email of Blanquita 7 Cullum, correct? 8 A. Yes, I see that. 9 Q. I sent that to you. 10 I said, "Blanquita, please take steps 11 to resolve this." I'm not going to repeat the 12 email -- "remember, I'm the guy who sued my own 13 mother." My stepfather took my grandmother's 14 money. My grandmother had dementia and 15 Alzheimer's. 16 CHAIRMAN FITCH: Did you receive this 17 email? 18 THE WITNESS: Yes, sir, I did. 19 BY MR. KLAYMAN: 20 Q. And I say to her at the end, "As a 21 board of governor you have the ability to have 22 this resolved."</p>	<p style="text-align: right;">Page 1360</p> <p>1 And then the next one is an email from 2 you to me of June 25th, 2018: "Larry, below is 3 another email. Tim Shamble at Voice of America 4 wrote an email to Tim Shambles" -- he probably 5 meant VOA -- "supportive of Elham Sataki. He 6 forwarded that email to you and also then appealed 7 to you, so I could send it to my best friend, 8 Richard Miniter. (Inaudible) 9 "I'll bring the book if I can find it, 10 Keya." 11 I was trying to get Mr. Miniter to 12 write a positive article, too, for settlement, 13 correct? 14 A. That's right. 15 Q. And then there's an email, the next 16 email from Tim Shamble to Elham Sataki, which I 17 apparently forwarded to you, and it's Mr. Shamble 18 again appealing to Paul Kollmer-Dorsey, 19 K-o-l-l-m-e-r dash D-o-r-s-e-y, the general 20 counsel of Voice of America trying to settle this 21 matter." 22 Take a look at that.</p>
<p style="text-align: right;">Page 1359</p> <p>1 A. Mm-hmm. 2 Q. And then, on the next page, there's an 3 email that Ms. Sataki sent to you on February 4 21st, 2010: "This is Ellie Sataki. Thanks for the 5 push with Blanquita." 6 You see that? 7 A. Yes. 8 Q. And you got that from Ms. Sataki, 9 herself? 10 A. That's right. 11 Q. And then above that you're sending me 12 that email that you got from her. 13 A. That's right. I was forwarding it back 14 to you. 15 Q. Yeah, so that she thanked me. 16 And then the next email is attached. 17 Apparently I gave you that so you could watch her 18 videos. I got you that so you could watch her 19 videos of her appearances on TV, a glimpse. 20 A. Yes. I was already aware, but I did 21 watch those videos as well. 22 Q. Correct.</p>	<p style="text-align: right;">Page 1361</p> <p>1 (Witness reads document.) 2 CHAIRMAN FITCH: For the record, this 3 purports would be a February 26, 2010 email 4 dispatched at 10:29:36. 5 MR. KLAYMAN: Correct. It says 6 original message below, February 10, two days -- 7 three days -- 8 THE WITNESS: Oh, I see the one, yes. 9 BY MR. KLAYMAN: 10 Q. So did you take that to understand that 11 Mr. Shamble was trying to get a settlement from 12 VOA? 13 A. That's correct. 14 Q. So, Mr. Dash, you used your personal 15 efforts and the prestige of your family in the 16 Persian community to try to help Ms. Sataki? 17 A. Yes. I believe she knew I was 18 reluctant to help in the beginning and she tried 19 to have me coax them, and I did. I did speak to 20 her. 21 Q. What was your observation, in looking 22 that I was trying to help her, in terms of my</p>

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<p style="text-align: right;">Page 1362</p> <p>1 efforts to help her?</p> <p>2 A. You were very -- let me preface it.</p> <p>3 You've always been very concerned with</p> <p>4 your own affairs, and you've always been very</p> <p>5 passionate about the Iranian freedom movement.</p> <p>6 And so you've always been known to support the</p> <p>7 Iranian community, and I took it as just another</p> <p>8 example of that.</p> <p>9 Q. Did I work very hard for her?</p> <p>10 A. Yes, absolutely.</p> <p>11 Q. And I used my own personal --</p> <p>12 MR. SMITH: Objection.</p> <p>13 CHAIRMAN FITCH: Sustained.</p> <p>14 MR. KLAYMAN: Ok. No further guess.</p> <p>15 I move Respondent's Supplemental</p> <p>16 Exhibit 7 into evidence.</p> <p>17 MR. KLAYMAN: No objection.</p> <p>18 CHAIRMAN FITCH: Ok.</p> <p>19 Mr. Smith.</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 1364</p> <p>1 or longer?</p> <p>2 A. The same amount of time.</p> <p>3 Q. How did you come to meet him?</p> <p>4 A. I met him through a mutual friend</p> <p>5 called Richard Minter.</p> <p>6 Q. Do you often dine with him?</p> <p>7 A. With Mr. Klayman?</p> <p>8 Q. Yes.</p> <p>9 A. I don't know that I dine particularly</p> <p>10 much with him, no.</p> <p>11 Q. Did you hang out with him much?</p> <p>12 A. Yes, we've hung out a lot, sure.</p> <p>13 Q. What do you do when you're hanging out</p> <p>14 with Mr. Klayman?</p> <p>15 A. Mostly just talk, current events.</p> <p>16 Q. Do you hang out at bars?</p> <p>17 MR. KLAYMAN: Objection, relevance.</p> <p>18 MR. SMITH: I'm trying to figure out</p> <p>19 how they're depends, the nature the friendship.</p> <p>20 This is like discovery for me.</p> <p>21 CHAIRMAN FITCH: I allowed his</p> <p>22 question; I'm waiting for his answer now.</p>
<p style="text-align: right;">Page 1363</p> <p>1 CROSS-EXAMINATION BY DISCIPLINARY COUNSEL:</p> <p>2 BY MR. SMITH:</p> <p>3 Q. Good afternoon, Mr. Dash.</p> <p>4 A. Good afternoon, sir.</p> <p>5 Q. In your affidavit -- and I don't know</p> <p>6 if you still have it in front of you. I don't</p> <p>7 know whether you were looking --</p> <p>8 A. I have it here.</p> <p>9 MR. KLAYMAN: Let me help him.</p> <p>10 MR. SMITH: He's got it, ok.</p> <p>11 BY MR. KLAYMAN:</p> <p>12 Q. Paragraph five you said you've known</p> <p>13 Mr. Klayman for several years and knew him as a</p> <p>14 friend and consulted with him on matters in the</p> <p>15 past.</p> <p>16 A. Yes.</p> <p>17 Q. How long have you known him?</p> <p>18 A. At least ten years.</p> <p>19 Q. At least ten years. And you say your</p> <p>20 parents have know him as well?</p> <p>21 A. Yes.</p> <p>22 Q. They know him the same amount of time</p>	<p style="text-align: right;">Page 1365</p> <p>1 THE WITNESS: Excuse me?</p> <p>2 Can you repeat the question?</p> <p>3 BY MR. KLAYMAN:</p> <p>4 Q. Yeah, do you hang out with him at bars,</p> <p>5 for example?</p> <p>6 A. Not particularly.</p> <p>7 Q. Where do you hang out with him?</p> <p>8 A. At that time often at Mr. Minter's</p> <p>9 house, as an example, or at my own house.</p> <p>10 Q. Now, this declaration, it was prepared</p> <p>11 by Mr. Klayman, correct? You didn't write this</p> <p>12 yourself, did you?</p> <p>13 A. To be honest, I don't remember how it</p> <p>14 was prepared.</p> <p>15 Q. You don't remember how it was prepared?</p> <p>16 A. I might have added to it.</p> <p>17 Q. You might have added to it.</p> <p>18 A. Yeah.</p> <p>19 Q. But you didn't write the whole thing,</p> <p>20 yourself?</p> <p>21 A. I could have. Yeah, it's not very</p> <p>22 long.</p>

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<p>1 Q. Alright.</p> <p>2 Have you ever been to law school?</p> <p>3 A. No, sir.</p> <p>4 Q. No, ok.</p> <p>5 So Mr. Klayman told you about the --</p> <p>6 MR. TIGAR: Excuse me just a minute.</p> <p>7 I didn't understand your last answer.</p> <p>8 Who did the first draft of the declaration?</p> <p>9 THE WITNESS: I don't remember. But</p> <p>10 it's very straightforward and it's very short.</p> <p>11 But it's conceivable that I did write this because</p> <p>12 I do write this way, too.</p> <p>13 MR. TIGAR: But you don't remember one</p> <p>14 way or the other?</p> <p>15 THE WITNESS: I don't remember who</p> <p>16 wrote it in its initial stage, because this was</p> <p>17 2015. It was a few years ago.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. Do you know why you wrote this?</p> <p>20 A. I wrote it in order to memorialize my</p> <p>21 account, which is in the document.</p> <p>22 Q. Did Mr. Klayman ask you to write this?</p>	<p>1 he may have had with Ms. Sataki?</p> <p>2 A. I don't understand that question.</p> <p>3 Q. Look at paragraph five again and, when</p> <p>4 you've read the entire paragraph, let me know.</p> <p>5 (Witness reads document.)</p> <p>6 A. Yes, I've read it.</p> <p>7 Q. And there's a sentence that says, "With</p> <p>8 regard to Ms. Sataki, I was present with Larry and</p> <p>9 Ms. Sataki to discuss her case on more than one</p> <p>10 occasion. I observed that he always treated her</p> <p>11 with respect and was not in any way involved in a</p> <p>12 romantic relationship with her and nor did he seek</p> <p>13 one."</p> <p>14 A. Yes.</p> <p>15 Q. Why did you write that?</p> <p>16 A. He told me that one of the allegations</p> <p>17 was that there was a romantic relationship.</p> <p>18 I haven't read the complaint, but</p> <p>19 that's what he told me.</p> <p>20 Q. But that was one of the allegations,</p> <p>21 and he wanted you to --</p> <p>22 A. My understanding, yes.</p>
Page 1367	Page 1369
<p>1 A. Yes, Mr. Klayman asked.</p> <p>2 Q. Did he tell you why he wanted you to</p> <p>3 write this for him?</p> <p>4 A. I told me that there was a conflict</p> <p>5 with Ms. Sataki and he wanted me to write about</p> <p>6 what I remember about the issues that are in the</p> <p>7 document.</p> <p>8 Q. Did you read any materials that May</p> <p>9 have served as the basis for the complaint that</p> <p>10 was going --</p> <p>11 A. Are you asking if I read the complaint?</p> <p>12 Q. Yes.</p> <p>13 A. I have not read the complaint.</p> <p>14 Q. But you understood that you were</p> <p>15 supposed to be helping him respond to something?</p> <p>16 A. He asked me about my knowledge of</p> <p>17 certain things and I put it in the document.</p> <p>18 Q. Did he ask you whether or not he had a</p> <p>19 romantic relationship with Ms. Sataki?</p> <p>20 A. Are you asking if I asked him this?</p> <p>21 Q. No, did he ask you to put your</p> <p>22 recollections down about any romantic relationship</p>	<p>1 Q. He wanted you to talk about what your</p> <p>2 recollection was about his involvement with her</p> <p>3 regarding sexuality, right?</p> <p>4 A. Yes.</p> <p>5 Q. Now during your testimony earlier</p> <p>6 today, you talked about Ms. Sataki's reputation --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. And that she doesn't necessarily have a</p> <p>9 great reputation in the Persian community.</p> <p>10 You didn't think that was something</p> <p>11 important to put in the declaration in order to</p> <p>12 help your friend deal with an allegation about him</p> <p>13 being in a romantic relationship with her?</p> <p>14 MR. KLAYMAN: Compound question.</p> <p>15 THE WITNESS: Well, I think you're</p> <p>16 asking if something was left out?</p> <p>17 CHAIRMAN FITCH: Sir, there's an</p> <p>18 objection.</p> <p>19 BY MR. SMITH:</p> <p>20 Q. That's exactly what I'm asking.</p> <p>21 CHAIRMAN FITCH: I'm thinking about</p> <p>22 this, and it's always a slow process.</p>

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<p style="text-align: right;">Page 1370</p> <p>1 If you want to ask that question, Mr.</p> <p>2 Smith, I'm going to have to consider whether you</p> <p>3 have opened a door and that therefore I have to</p> <p>4 admit Mr. Dash's prior testimony about reputation</p> <p>5 for the purpose of reputation.</p> <p>6 You can ask that question in a few more</p> <p>7 minutes, or you can withdraw the question.</p> <p>8 MR. SMITH: No, I will ask that</p> <p>9 question.</p> <p>10 CHAIRMAN FITCH: Ok.</p> <p>11 MR. SMITH: The testimony is already in</p> <p>12 the record, so it will be received for how it's</p> <p>13 going to be received.</p> <p>14 CHAIRMAN FITCH: Ok.</p> <p>15 THE WITNESS: Are you asking me why</p> <p>16 something is not in the document?</p> <p>17 BY MR. SMITH:</p> <p>18 Q. Yeah.</p> <p>19 A. The subject of the document is Larry,</p> <p>20 and so, I think, in my own thought process, I</p> <p>21 wouldn't have put it, if that makes sense to you.</p> <p>22 It's centered around Larry.</p>	<p style="text-align: right;">Page 1372</p> <p>1 CHAIRMAN FITCH: That's a fair</p> <p>2 question.</p> <p>3 BY MR. SMITH:</p> <p>4 Q. Would you be surprised if I told you</p> <p>5 that Mr. Klayman was sending emails to --</p> <p>6 MR. KLAYMAN: Objection.</p> <p>7 BY MR. SMITH:</p> <p>8 Q. -- Ms. Sataki expressing his love --</p> <p>9 MR. KLAYMAN: Objection.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. -- his love for her?</p> <p>12 CHAIRMAN FITCH: I'll hear the</p> <p>13 objection. What is it? Tell me your objection.</p> <p>14 MR. KLAYMAN: He's editorializing.</p> <p>15 It's nothing he has knowledge of, based on his</p> <p>16 testimony.</p> <p>17 MR. SMITH: He's also testified about</p> <p>18 his character.</p> <p>19 CHAIRMAN FITCH: I think that that is</p> <p>20 probably a fair question on cross-examination and</p> <p>21 the objection is overruled.</p> <p>22</p>
<p style="text-align: right;">Page 1371</p> <p>1 Q. It doesn't matter whether it makes</p> <p>2 sense to me, sir.</p> <p>3 CHAIRMAN FITCH: Please.</p> <p>4 MR. SMITH: Alright.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. So, at the time that you wrote this</p> <p>7 document, you said that you were not aware that he</p> <p>8 was involved in a romantic relationship with Ms.</p> <p>9 Sataki, nor did he seek one.</p> <p>10 CHAIRMAN FITCH: No, your question was</p> <p>11 somewhat different from --</p> <p>12 MR. SMITH: No, I'm actually repeating</p> <p>13 what was in his affidavit.</p> <p>14 BY MR. KLAYMAN:</p> <p>15 Q. My question was, in your affidavit you</p> <p>16 state that "Mr. Klayman was not in any way</p> <p>17 involved in a romantic relationship with her,"</p> <p>18 meaning Ms. Sataki.</p> <p>19 CHAIRMAN FITCH: Ok.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. "Nor did he seek one."</p> <p>22 A. Yes.</p>	<p style="text-align: right;">Page 1373</p> <p>1 BY MR. SMITH:</p> <p>2 Q. So would you be surprised if I told</p> <p>3 that you Mr. Klayman was sending -- exchanging</p> <p>4 emails with Ms. Sataki wherein he expressed his</p> <p>5 love for her?</p> <p>6 MR. KLAYMAN: Objection.</p> <p>7 THE WITNESS: I don't know about it. I</p> <p>8 don't know about it.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Would you be surprised if that was the</p> <p>11 case?</p> <p>12 A. I'd be surprised.</p> <p>13 Q. Because, as far as you knew, he didn't</p> <p>14 have any romantic -- he did not concede a romantic</p> <p>15 relationship with her?</p> <p>16 A. That's correct.</p> <p>17 Q. Let me show you what's been marked</p> <p>18 Supplemental Exhibit Number 3. I don't know if</p> <p>19 you have in front of you.</p> <p>20 MR. KLAYMAN: Exhibit 3 in the --</p> <p>21 MR. SMITH: Supplemental Exhibit 3,</p> <p>22 Disciplinary Counsel's Supplemental Exhibit 3.</p>

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<p style="text-align: right;">Page 1374</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. SMITH:</p> <p>3 Q. Mr. Klayman never told you about these</p> <p>4 feelings that he may have been having for Ms.</p> <p>5 Sataki?</p> <p>6 A. I've only taken a cursory look at this,</p> <p>7 but I'm not sure that this says what you say it's</p> <p>8 saying.</p> <p>9 Q. Look at the second paragraph from the</p> <p>10 bottom.</p> <p>11 A. Ok.</p> <p>12 MR. SMITH: For the record, this is a</p> <p>13 letter from Elham Sataki -- April 23rd, 2010, and</p> <p>14 it's written by Larry Klayman.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. And it says, "I am human, you are, and</p> <p>17 this is to for the only woman that I have ever</p> <p>18 really loved. You know, when I walk down Beverly</p> <p>19 Hills, I see an attractive woman, my thoughts</p> <p>20 immediately flip to you. I see no one else. This</p> <p>21 has never happened like this with me before."</p> <p>22 Mr. Klayman never expressed those kinds</p>	<p style="text-align: right;">Page 1376</p> <p>1 would have known about that. He never expressed</p> <p>2 it to me.</p> <p>3 MR. SMITH: I have no further</p> <p>4 questions.</p> <p>5 CHAIRMAN FITCH: Redirect, Mr. Klayman?</p> <p>6 MR. KLAYMAN: Yes, just one question.</p> <p>7 REDIRECT EXAMINATION ON BEHALF OF RESPONDENT:</p> <p>8 BY MR. KLAYMAN:</p> <p>9 Q. Looking at the affidavit, is that</p> <p>10 accurate, what you wrote there?</p> <p>11 A. Yes. This is all accurate.</p> <p>12 Q. And you signed it under oath?</p> <p>13 A. I signed it under oath.</p> <p>14 And also I've been thinking about this</p> <p>15 while I've been testifying on other things. I</p> <p>16 think I showed this to an attorney, as well, my</p> <p>17 own attorney, as well. And it could be that he</p> <p>18 originated it.</p> <p>19 MR. KLAYMAN: Ok, I have no further</p> <p>20 questions.</p> <p>21 THE WITNESS: Sure.</p> <p>22 CHAIRMAN FITCH: Thank you, sir, for</p>
<p style="text-align: right;">Page 1375</p> <p>1 of emotions that he had for Ms. Sataki to you?</p> <p>2 A. The fact is I can only go based on what</p> <p>3 I've seen and what I know.</p> <p>4 Q. Ok.</p> <p>5 A. And what I have seen and therefore what</p> <p>6 I know is that his interactions were perfectly</p> <p>7 professional and he was a very zealous advocate.</p> <p>8 He was very passionate certainly about</p> <p>9 the case, but he was a very zealous advocate and</p> <p>10 that's what I knew him about.</p> <p>11 Q. In your affidavit which was dated</p> <p>12 September 20th, 2016, about six years after this</p> <p>13 email went out, you had no idea that this kind of</p> <p>14 email correspondence was going on between Mr.</p> <p>15 Klayman and Ms. Sataki, correct?</p> <p>16 A. I did not see this email before.</p> <p>17 Q. Yeah, and you had no idea of what his</p> <p>18 emotions may or may not have been towards Ms.</p> <p>19 Sataki, correct?</p> <p>20 A. Mr. Klayman and I are friends, and I</p> <p>21 think I would have come to know if there was some</p> <p>22 sort of over-romantic desire on his behalf. I</p>	<p style="text-align: right;">Page 1377</p> <p>1 coming down to be a witness at these proceedings.</p> <p>2 It has been helpful to our process, to say the</p> <p>3 least, and we all very much appreciate it.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 CHAIRMAN FITCH: You are excused. Have</p> <p>6 a pleasant evening.</p> <p>7 (Witness is excused.)</p> <p>8 MR. KLAYMAN: Let me just see him</p> <p>9 downstairs. I'll just be a minute.</p> <p>10 CHAIRMAN FITCH: A minute.</p> <p>11 MR. KLAYMAN: A minute.</p> <p>12 (Brief pause.)</p> <p>13 (Mr. Sujat, counsel for the Respondent,</p> <p>14 is present before the hearing committee. Mr.</p> <p>15 Klayman is not present.)</p> <p>16 CHAIRMAN FITCH: We are ready to start.</p> <p>17 Do you have any more testimony to</p> <p>18 present in your case?</p> <p>19 MR. SUJAT: No, I don't have anything</p> <p>20 further.</p> <p>21 CHAIRMAN FITCH: So you're prepared to</p> <p>22 rest?</p>

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<p style="text-align: right;">Page 1378</p> <p>1 MR. SUJAT: I am.</p> <p>2 CHAIRMAN FITCH: The Respondent has</p> <p>3 rested his case.</p> <p>4 MR. SMITH: I still have some</p> <p>5 cross-examination that I'm going to resume</p> <p>6 tomorrow.</p> <p>7 CHAIRMAN FITCH: That is a fair point.</p> <p>8 That is a fair point.</p> <p>9 Mr. Smith has further cross-examination</p> <p>10 of Mr. Klayman and we will take that tomorrow</p> <p>11 morning.</p> <p>12 Do you have any rebuttal case?</p> <p>13 MR. SMITH: No.</p> <p>14 (Mr. Klayman present before the hearing</p> <p>15 committee.)</p> <p>16 CHAIRMAN FITCH: We will have closing</p> <p>17 arguments at approximately 11:00 a.m. tomorrow</p> <p>18 morning. Closing arguments will be approximately</p> <p>19 half an hour each, with some flexibility.</p> <p>20 I will expect Mr. Smith to be prepared</p> <p>21 to specify for me -- he can say whatever he wants</p> <p>22 to in his closing argument, but to specify for me</p>	<p style="text-align: right;">Page 1380</p> <p>1 then we do a post-hearing brief.</p> <p>2 CHAIRMAN FITCH: Read the rules. The</p> <p>3 rules don't allow me to do that.</p> <p>4 MR. KLAYMAN: Ok.</p> <p>5 CHAIRMAN FITCH: I don't say I agree</p> <p>6 with the rules, but those are the rules.</p> <p>7 MR. KLAYMAN: It would make your life</p> <p>8 easier, but...</p> <p>9 CHAIRMAN FITCH: I think I'll have to</p> <p>10 disagree with you.</p> <p>11 MR. SMITH: Will we be meeting tomorrow</p> <p>12 at 9:30 tomorrow morning for the</p> <p>13 cross-examination? We have to leave time for the</p> <p>14 oral arguments --</p> <p>15 CHAIRMAN FITCH: Well, I hope that your</p> <p>16 cross-examination will --</p> <p>17 MR. KLAYMAN: I wanted to say one other</p> <p>18 thing.</p> <p>19 CHAIRMAN FITCH: Well, wait a minute --</p> <p>20 MR. SMITH: There's still one witness</p> <p>21 that's going to be here tomorrow, Ashley Klayman,</p> <p>22 so I want to present her.</p>
<p style="text-align: right;">Page 1379</p> <p>1 with respect to each of the four counts what the</p> <p>2 theory is and what the -- in general what the</p> <p>3 evidence is with respect to each of the charges in</p> <p>4 each of the counts.</p> <p>5 Do you have anything further, Mr.</p> <p>6 Klayman?</p> <p>7 MR. KLAYMAN: Yes, your Honor. I</p> <p>8 suppose after that we'll be doing a post-hearing</p> <p>9 brief.</p> <p>10 CHAIRMAN FITCH: If, "if" we make a</p> <p>11 finding tentatively of the possibility of some</p> <p>12 finding of violation, then we'll discuss a</p> <p>13 briefing schedule.</p> <p>14 If we don't reach a tentative</p> <p>15 conclusion that there is even one violation, then</p> <p>16 I don't know quite what happens.</p> <p>17 MR. SMITH: I think what happens if</p> <p>18 there is no violation, there's been no aggravation</p> <p>19 or mitigation --</p> <p>20 MR. KLAYMAN: Well, what I was going to</p> <p>21 request is, before you make that finding, one way</p> <p>22 or the other, whether it was a tentative ruling,</p>	<p style="text-align: right;">Page 1381</p> <p>1 CHAIRMAN FITCH: Who?</p> <p>2 MR. KLAYMAN: Ashley Klayman.</p> <p>3 CHAIRMAN FITCH: Who is she?</p> <p>4 MR. KLAYMAN: She's my sister. She's a</p> <p>5 lawyer and she was privy to discussions with Ms.</p> <p>6 Sataki. She is on the witness list.</p> <p>7 CHAIRMAN FITCH: And she'll be here.</p> <p>8 How long is your cross-examination</p> <p>9 going to be?</p> <p>10 MR. SMITH: It depends on the</p> <p>11 Respondent's answers.</p> <p>12 CHAIRMAN FITCH: But you're not going</p> <p>13 to be here roughly two days. I don't see any</p> <p>14 reason for the cross-examination to go more than</p> <p>15 an hour and a half, Mr. Smith.</p> <p>16 MR. SMITH: And I would not either, but</p> <p>17 it depends on the cooperation of the witness.</p> <p>18 CHAIRMAN FITCH: I would like to ask</p> <p>19 you to accommodate Mr. Klayman and have Ms.</p> <p>20 Klayman be available at around 11:00 a.m.</p> <p>21 Is that alright.</p> <p>22 MR. KLAYMAN: That's fine.</p>

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1 CHAIRMAN FITCH: And I anticipate we
2 will have closing argument after lunch.

3 MR. KLAYMAN: That works.

4 CHAIRMAN FITCH: We stand in recess.

5 (Whereupon at 4:35 p.m. the hearing was
6 in recess until Friday, June 27th, 2018, at 9:30
7 a.m.)
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Date: June 27, 2018

Case: In Re: Larry Klayman



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DISTRICT OF COLUMBIA COURT OF APPEALS

BOARD ON PROFESSIONAL RESPONSIBILITY

- - - - - X

In the Matter of, : Board Docket No.

LARRY E. KLAYMAN, : 17-BD-063

Respondent. : Vol VI

- - - - - X

Wednesday, June 27, 2018

Washington, DC

HEARING

Reported by

Kim M. Brantley, C.S.R.

In Re: Larry Klayman
June 27, 2018

<p style="text-align: right;">Page 1413</p> <p>1 Hearing, taken at the Board on Professional 2 Responsibility, 430 E Street, NW, Washington, DC, 3 commencing at 9:32 a.m., before the Ad Hoc Hearing 4 Committee, and before Kim M. Brantley, C.S.R., a 5 Court Reporter and Notary Public in and for the 6 District of Columbia, when were present on behalf 7 of the respective parties: 8 9 APPEARANCES: 10 AD HOC HEARING COMMITTEE: 11 WARREN ANTHONY FITCH, ESQUIRE 12 Chair 13 MARY LARKIN 14 Public Member 15 MICHAEL TIGAR, ESQUIRE 16 Attorney Member 17 18 On behalf of the DC Attorney Disciplinary 19 System: 20 H. CLAY SMITH, III, ESQUIRE 21 22</p>	<p style="text-align: right;">Page 1415</p> <p>1 I N D E X 2 WITNESSES: DIRECT: CROSS: 3 Larry Klayman 1532 1422 4 Joshua Ashley Klayman 1521 5 6 CLOSING ARGUMENTS: PAGE: 7 By Mr. Smith 1547 8 By Mr. Klayman 1569 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 1414</p> <p>1 APPEARANCES CONTINUED: 2 On behalf of Respondent: 3 FREDERICK J. SUJAT, ESQUIRE 4 Law Office of Frederick J. Sujat 5 1525 Windjammer Way 6 Hollywood, Florida 33019 7 (954) 815-5221 8 Email: fsujat@yahoo.com 9 ALSO PRESENT: 10 LARRY E. KLAYMAN, ESQUIRE 11 Respondent 12 and 13 MEGHAN BORRAZAS, 14 BOPR Staff 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 1416</p> <p>1 P R O C E E D I N G S 2 CHAIRMAN FITCH: Good morning. We are 3 now back on the record at 9:32 and ready to resume 4 Mr. Smith's cross-examination of Mr. Klayman. 5 First, any preliminary matters, Mr. 6 Smith? 7 MR. SMITH: Yes. 8 There was one document that I was going 9 to introduce during our case, and it is a letter 10 dated January 14th, 2011. It is the letter that 11 opened our investigation in this matter and the 12 cover letter, along with the ethical complaint, 13 which was not included. 14 So, I'm actually going to just ask this 15 to be -- I'm giving a copy to Respondent and his 16 counsel. 17 CHAIRMAN FITCH: Does this document 18 relate to the testimony by Respondent Klayman as 19 to the circumstances that are beyond the 20 jurisdiction of this committee? 21 MR. SMITH: It does not. 22 CHAIRMAN FITCH: What does it relate</p>

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<p style="text-align: right;">Page 1417</p> <p>1 to?</p> <p>2 MR. SMITH: This actually should have</p> <p>3 been a part of Bar Exhibit Number 1. It is a</p> <p>4 letter that we sent to Mr. Klayman in January of</p> <p>5 2011 opening the investigation.</p> <p>6 What we have as Exhibit 1 is just a</p> <p>7 copy of the ethical complaint. But for purposes</p> <p>8 of knowing exactly when we first --</p> <p>9 CHAIRMAN FITCH: I thought this was</p> <p>10 already in your exhibits.</p> <p>11 MR. SMITH: Not the cover letter. The</p> <p>12 complaint itself is, it's Bar Exhibit 1, but the</p> <p>13 cover letter was not.</p> <p>14 CHAIRMAN FITCH: Ok.</p> <p>15 MR. SMITH: And I would ask that this</p> <p>16 document be received as Disciplinary Counsel</p> <p>17 Exhibit 52.</p> <p>18 CHAIRMAN FITCH: Respondent?</p> <p>19 MR. KLAYMAN: No objection.</p> <p>20 CHAIRMAN FITCH: We are writing 52</p> <p>21 underneath the words Disciplinary Counsel Exhibit.</p> <p>22 Did you give one to Ms. Borrazas?</p>	<p style="text-align: right;">Page 1419</p> <p>1 and Mr. Sujat can keep track of when you should --</p> <p>2 is she going to call you?</p> <p>3 MR. KLAYMAN: Yes, she's going to call</p> <p>4 me.</p> <p>5 CHAIRMAN FITCH: Ok.</p> <p>6 MR. KLAYMAN: I'll leave my cell phone</p> <p>7 on silent.</p> <p>8 CHAIRMAN FITCH: So, Mr. Smith, just</p> <p>9 for your information, if you happen to go that</p> <p>10 long, your cross-examination, in terms of your</p> <p>11 organization and so on, keep in mind that there's</p> <p>12 a definite likelihood of a break in your</p> <p>13 examination.</p> <p>14 MR. SMITH: Alright.</p> <p>15 CHAIRMAN FITCH: Shortly before 11:00</p> <p>16 a.m., apparently.</p> <p>17 MR. SMITH: Alright, thank you.</p> <p>18 CHAIRMAN FITCH: Mr. Klayman, resume</p> <p>19 the stand.</p> <p>20 (Mr. Klayman resumes the stand.)</p> <p>21 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>22 Mr. Klayman remains under oath.</p>
<p style="text-align: right;">Page 1418</p> <p>1 MR. SMITH: I certainly will.</p> <p>2 CHAIRMAN FITCH: Alright then.</p> <p>3 I think we're set. Anything else?</p> <p>4 MR. KLAYMAN: Your Honor, just that --</p> <p>5 CHAIRMAN FITCH: Wait a minute.</p> <p>6 Anything else, Mr. Smith?</p> <p>7 MR. SMITH: Nothing else from</p> <p>8 Disciplinary Counsel.</p> <p>9 CHAIRMAN FITCH: Mr. Klayman?</p> <p>10 MR. KLAYMAN: Just that Ms. Klayman is</p> <p>11 on the way here from New York City. She will be</p> <p>12 here at the estimated time of 11:00 a.m. And if I</p> <p>13 may go down when she arrives here, I will go down</p> <p>14 and bring her up.</p> <p>15 CHAIRMAN FITCH: Is she training or</p> <p>16 planing?</p> <p>17 MR. KLAYMAN: She is coming by train.</p> <p>18 I just need to go down and get her. She doesn't</p> <p>19 know this courthouse.</p> <p>20 CHAIRMAN FITCH: No, given this</p> <p>21 construction...</p> <p>22 Why don't you resume the stand and you</p>	<p style="text-align: right;">Page 1420</p> <p>1 MR. TIGAR: Before you start, I have in</p> <p>2 front of me Disciplinary Counsel Exhibit 52, which</p> <p>3 has just been admitted, and Mr. Klayman, it was</p> <p>4 addressed to Post Office Box 2788, Washington,</p> <p>5 D.C., 200013.</p> <p>6 Now that's a new one?</p> <p>7 THE WITNESS: It is, yeah.</p> <p>8 MR. TIGAR: So can you tell me about</p> <p>9 that?</p> <p>10</p> <p>11 THE WITNESS: Yeah, at that time in my</p> <p>12 life I didn't have a virtual office at 2020</p> <p>13 Pennsylvania Avenue. There was a post office box,</p> <p>14 and I believe that post office box was for my</p> <p>15 group, Freedom Watch, so it was sent there, and</p> <p>16 for myself -- actually it was for myself, and I</p> <p>17 had used that, I believe, as the address with the</p> <p>18 Bar, and then I changed the address later with the</p> <p>19 Bar registration as to where I was located.</p> <p>20 MR. TIGAR: Thank you.</p> <p>21 CHAIRMAN FITCH: During what period of</p> <p>22 time did you have that as your post office</p>

3 (Pages 1417 to 1420)

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<p style="text-align: right;">Page 1421</p> <p>1 address? I mean the letter is dated the 11th.</p> <p>2 THE WITNESS: Yes, I don't remember the</p> <p>3 exact timeframe, but I'm not disputing --</p> <p>4 CHAIRMAN FITCH: Yeah, I know.</p> <p>5 THE WITNESS: -- that I got that.</p> <p>6 CHAIRMAN FITCH: No, I know.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 CHAIRMAN FITCH: This is January 2011.</p> <p>9 At that point in time had you had the post office</p> <p>10 box for a week, a year?</p> <p>11 THE WITNESS: I think I did. Well, I</p> <p>12 had it before. Yeah, I was using it before.</p> <p>13 CHAIRMAN FITCH: For how long before?</p> <p>14 Approximately how long before January?</p> <p>15 THE WITNESS: I don't recollect, you</p> <p>16 know. This has been eight years, this case. It's</p> <p>17 hard to remember exactly.</p> <p>18 But I may have had both addresses at</p> <p>19 the time, and it's probable that I did.</p> <p>20 But I'm just speculating now. This</p> <p>21 goes back eight years. I don't really remember</p> <p>22 specifically when I took the box out.</p>	<p style="text-align: right;">Page 1423</p> <p>1 CHAIRMAN FITCH: The blue book.</p> <p>2 THE WITNESS: In the blue book I only</p> <p>3 have up to 50.</p> <p>4 BY MR. SMITH:</p> <p>5 Q. It's not in that blue book?</p> <p>6 A. No. I've never seen 51. This was the</p> <p>7 book that was sent to me by you.</p> <p>8 MR. SMITH: Fifty-one was the exhibit</p> <p>9 that we added at the beginning of the hearing.</p> <p>10 Do you have another copy of your --</p> <p>11 MR. SUJAT: Let me see. This is my</p> <p>12 copy.</p> <p>13 CHAIRMAN FITCH: Now wait a minute.</p> <p>14 Fifty-one -- oh, he has it.</p> <p>15 MR. SUJAT: Yes.</p> <p>16 CHAIRMAN FITCH: Ok. Mr. Sujat has</p> <p>17 taken it from the Respondent's file and provided</p> <p>18 it to Mr. Klayman.</p> <p>19 Go ahead.</p> <p>20 THE WITNESS: Wait a second. Is this</p> <p>21 our exhibit or your exhibit?</p> <p>22 CHAIRMAN FITCH: It's Disciplinary</p>
<p style="text-align: right;">Page 1422</p> <p>1 But I was moving around a lot, and I</p> <p>2 was in Florida, which is my home state, and I was</p> <p>3 here, I was in California, I was in another</p> <p>4 states. So I needed a post office box to send</p> <p>5 things to, and then I felt that I needed an</p> <p>6 address, you know, a street address, so that's</p> <p>7 when I took out the virtual office on 2020</p> <p>8 Pennsylvania Avenue.</p> <p>9 But I don't remember the exact dates,</p> <p>10 your Honor.</p> <p>11 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>12 MR. SMITH: Thank you.</p> <p>13 CONTINUED CROSS-EXAMINATION</p> <p>14 BY DISCIPLINARY COUNSEL:</p> <p>15 BY MR. SMITH:</p> <p>16 Q. Mr. Klayman, I will ask you to look at</p> <p>17 Bar Exhibit Number 51. For the record, it is a</p> <p>18 letter dated December 19, 2016 from Mr. Klayman to</p> <p>19 the Office of Bar Counsel.</p> <p>20 A. Is this the new exhibit?</p> <p>21 Q. No. Fifty-one is the --</p> <p>22 A. I don't have 51 in the book.</p>	<p style="text-align: right;">Page 1424</p> <p>1 Counsel's Exhibit 51.</p> <p>2 MR. SMITH: Our Exhibit 51.</p> <p>3 BY MR. SMITH:</p> <p>4 Q. It's the letter you wrote to</p> <p>5 Disciplinary Counsel on December 19th, 2016.</p> <p>6 A. Ok, you also have that in your Exhibit</p> <p>7 D, which is in evidence, which is part of -- it</p> <p>8 was attached to my Answer and Affirmative Defenses</p> <p>9 to the Specification of Charges.</p> <p>10 Q. Ok.</p> <p>11 A. So it's there, as well.</p> <p>12 Q. Ok. Thanks.</p> <p>13 CHAIRMAN FITCH: Go ahead.</p> <p>14 BY MR. SMITH:</p> <p>15 Q. Have you had a chance to read that, or</p> <p>16 do you want some more time to read it?</p> <p>17 A. I'll read it.</p> <p>18 Q. I'd like to take your attention to --</p> <p>19 MR. SUJAT: Excuse me, Mr. Chair, I</p> <p>20 have one question if I could.</p> <p>21 CHAIRMAN FITCH: Sure.</p> <p>22 MR. SUJAT: I was looking at these</p>

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<p style="text-align: right;">Page 1425</p> <p>1 exhibits here. I do see that Exhibit 51 in the 2 binder that you sent me to Florida, remember I 3 asked for a copy that you sent, so I see here, and 4 I'm looking in probably what you had given Mr. 5 Klayman previously to look at, and this is all he 6 has right now. 7 I don't see 51 and I don't see it in 8 the index in the front -- if you look at the front 9 cover. 10 MR. SMITH: We amended it the first 11 day. We amended that the first day. 12 MR. SUJAT: Oh, I see, ok. 13 MR. SMITH: And, as Mr. Klayman pointed 14 out, there's a copy in Bar Exhibit D. 15 MR. SUJAT: Right. 16 MR. SMITH: Which is his answer to the 17 Specification of Charges. 18 MR. TIGAR: I'm having trouble finding 19 51. Would you mind referring to it as part of D, 20 using the D reference. 21 MR. SMITH: Ok. Yep, absolutely. 22 MR. TIGAR: If that's the case, does it</p>	<p style="text-align: right;">Page 1427</p> <p>1 were not in Exhibit D of Bar Counsel that's in the 2 book. 3 CHAIRMAN FITCH: Question. 4 THE WITNESS: I agree to have this in 5 the record as 51. 6 MR. SMITH: So, if we are looking at 7 either Exhibit D, I will ask those who are looking 8 at Exhibit D to look at Page D28. For those of us 9 who have Bar Exhibit 51, please look at Page 51-3. 10 And I would ask you to look at footnote 11 12 -- 12 BY MR. SMITH: 13 Q. Let me refer you to this. This was 14 your response to Disciplinary Counsel's inquiry 15 into Ms. Sataki's supplemental complaint, correct? 16 A. Correct. 17 There had been an earlier response at 18 the time that you identified that the initial 19 complaint, which was in handwriting, was sent to 20 my post office box, apparently. There had been an 21 initial response. 22 But this is in response to the</p>
<p style="text-align: right;">Page 1426</p> <p>1 begin at D26? Mr. Sujat is nodding yes. 2 MR. SUJAT: I've been having the same 3 problem, your Honor. 4 MR. SMITH: Yes, it begins at D26. 5 MR. TIGAR: If you wouldn't mind using 6 that for your basis of examination, that would be 7 more feasible. 8 CHAIRMAN FITCH: Well, now I'm 9 confused. My D26 has to nothing to do -- oh, DXD 10 is what -- 11 THE WITNESS: Actually, your Honor, I 12 have no problem. I liked 51 in the record. I 13 think that's good. I didn't realize it was 14 part -- 15 CHAIRMAN FITCH: Anyhow, we all have 16 the same document. 17 THE WITNESS: Yeah, two different 18 numbers. 19 CHAIRMAN FITCH: DXD and DX51. 20 Question. 21 THE WITNESS: Just one note, I think 22 there may be some things in 51 attachments that</p>	<p style="text-align: right;">Page 1428</p> <p>1 supplemental complaint after I was notified, after 2 six years, that this matter was still pending, 3 having believed that it had been dismissed, much 4 earlier. 5 Q. Alright, would you take a look at 6 footnote one, please. Let me know when you finish 7 reading that. 8 A. I don't see a footnote -- 9 Q. Footnote one on the third page of the 10 letter. 11 A. Oh, ok. 12 (Witness reads document.) 13 A. Yes. 14 Q. Now I take it that this footnote was in 15 response to the allegation in Ms. Sataki's 16 complaint that you wanted a romantic relationship 17 with her, correct? 18 A. I don't believe there was an allegation 19 in her complaint that I wanted a romantic 20 relationship. I think that's something that y'all 21 came up with. 22 Q. Ok, then this --</p>

5 (Pages 1425 to 1428)

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<p style="text-align: right;">Page 1429</p> <p>1 A. She never alleged that in either of her</p> <p>2 complaints.</p> <p>3 Q. So in response to the draft complaint,</p> <p>4 with respect to whether or not there was a</p> <p>5 romantic relationship, this was your response to</p> <p>6 that, correct?</p> <p>7 A. No. I don't know what you're talking</p> <p>8 about "draft complaint."</p> <p>9 CHAIRMAN FITCH: Well, let me cut</p> <p>10 through it.</p> <p>11 Mr. Klayman, in footnote number one --</p> <p>12 THE WITNESS: Right.</p> <p>13 CHAIRMAN FITCH: It appears that you</p> <p>14 wrote, I quote, "I notice the draft complaint you</p> <p>15 sent me makes the surprising claim that I</p> <p>16 announced to Ms. Sataki that I wanted a romantic</p> <p>17 relationship with her and that she declined my</p> <p>18 entreaties."</p> <p>19 THE WITNESS: Right.</p> <p>20 CHAIRMAN FITCH: "Let me make this</p> <p>21 clear: That is false."</p> <p>22 THE WITNESS: Ok.</p>	<p style="text-align: right;">Page 1431</p> <p>1 A. That's correct.</p> <p>2 Q. And you said, "Perhaps she is imagining</p> <p>3 these things," right? "Perhaps she imagines that</p> <p>4 people are sexually coming on to her when they are</p> <p>5 not".</p> <p>6 A. Correct, because I was confused when</p> <p>7 you first asked me about the draft complaint.</p> <p>8 This was the Specification of Charges that I was</p> <p>9 referring to that had been prepared before you</p> <p>10 even notified me that you were resurrecting this</p> <p>11 case, and that you inadvertently sent that to me</p> <p>12 when I asked you to send me some of the</p> <p>13 documentation that was in the file when I found</p> <p>14 out that this matter had been resurrected from the</p> <p>15 dead. Or I thought it was the dead, because</p> <p>16 Florida and Pennsylvania had dismissed it.</p> <p>17 So, yes. I mean, that's what I said,</p> <p>18 and I stand by it.</p> <p>19 Q. And you also suggested that "Perhaps</p> <p>20 she is just lying," correct?</p> <p>21 A. Yes, because over time I came to</p> <p>22 believe that she had not even told me the truth</p>
<p style="text-align: right;">Page 1430</p> <p>1 CHAIRMAN FITCH: And then there are</p> <p>2 about ten more lines in that footnote.</p> <p>3 THE WITNESS: Right.</p> <p>4 CHAIRMAN FITCH: Mr. Smith is asking</p> <p>5 you some question about that.</p> <p>6 Go ahead, Mr. Smith.</p> <p>7 THE WITNESS: Right, I guess I was</p> <p>8 confused, because I had --</p> <p>9 CHAIRMAN FITCH: Ok, he wants to ask</p> <p>10 you a question.</p> <p>11 THE WITNESS: Yeah, that's fine.</p> <p>12 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. And as part of your response to that</p> <p>15 allegation, you said, "Let me make this clear:</p> <p>16 That is false," correct?</p> <p>17 A. Correct.</p> <p>18 Q. And you said you did not pursue her,</p> <p>19 correct?</p> <p>20 A. That's correct.</p> <p>21 Q. You said you never kissed her on the</p> <p>22 lips.</p>	<p style="text-align: right;">Page 1432</p> <p>1 about the original harassment, and you heard the</p> <p>2 testimony of Mr. Dash yesterday in terms of, you</p> <p>3 know, what he perceived to be her way of doing</p> <p>4 things.</p> <p>5 He actually testified as to reputation,</p> <p>6 but the reputation part was ruled not part of this</p> <p>7 testimony --</p> <p>8 CHAIRMAN FITCH: Next question.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. She took a lie detector test in</p> <p>11 connection with the litigation, didn't she?</p> <p>12 A. She did. In fact I paid for it.</p> <p>13 Q. And she passed that lie detector test,</p> <p>14 didn't she?</p> <p>15 A. She did. Polygraph tests are not a</p> <p>16 hundred percent accurate. I mean they're not used</p> <p>17 in court --</p> <p>18 Q. You were prepared to use that evidence</p> <p>19 in support of her claim that she was telling the</p> <p>20 truth about her sexual harassment.</p> <p>21 Am I correct?</p> <p>22 A. Correct, because I'm zealously</p>

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<p style="text-align: right;">Page 1433</p> <p>1 representing her within the bounds and ethics of 2 the law, and I'm going to use everything I can to 3 try to get my client a good result. 4 Q. Let me ask you to look at Bar Exhibit 5 Number 24, please. 6 A. Bar Exhibit 24? 7 Q. Yeah, Bar Exhibit 24. 8 A. By the way, I'm not saying she wasn't 9 sexually harassed by Falahati or mental. What I'm 10 saying is, listening to her testimony, how 11 contradictory in many aspects how untruthful it 12 was, I have to question it now. 13 And the Office of Civil Rights found in 14 interviewing a lot of witness, and that's in the 15 record, their findings, that she was not truthful 16 about it. That was their conclusion. 17 Q. Have you had a chance to look at Bar 18 Exhibit Number 24. 19 A. I'm doing it, yes. Thank you. 20 (Witness reads document.) 21 A. Ok. 22 Q. Dr. Aviera was the psychologist that</p>	<p style="text-align: right;">Page 1435</p> <p>1 And we've seen, for instance, Exhibit 2 38, your Exhibit 38, the other side of Elham 3 Sataki, and that was exhibited several times 4 throughout the time I was trying to represent her, 5 zealously, and within the bounds of law. 6 Q. Take a at Supplemental Exhibit Number 7 1, please. For the record, this is an email dated 8 April 9th, 2010 from Mr. Klayman to Mr. Sataki. 9 MR. TIGAR: Mr. Smith, before you go to 10 that... 11 Mr. Klayman, at the bottom paragraph of 12 this Exhibit 24 that you were just looking at -- 13 THE WITNESS: Right. 14 MR. TIGAR: It says, "Because I do care 15 so much about Ellie, I, too, have trouble seeing 16 the proverbial forest from the trees." 17 What did you mean? 18 THE WITNESS: I meant it reached the 19 point, your Honor, when she was asking me to buy 20 her a car. And obviously my heart went out to 21 her. She had no credit. And she asked me for 22 other things, like helping Kaveh, her friend, that</p>
<p style="text-align: right;">Page 1434</p> <p>1 you had retained for Ms. Sataki to see for, among 2 other things, the issues that she was dealing with 3 because of her sexual harassment at PNN, correct? 4 A. Well, she had retained Dr. Aviera, of 5 course, but I put her in contact with Dr. Aviera 6 and paid for her coverage. 7 Q. And that was in part to help her with 8 her issues that she dealt with because of her 9 sexual harassment at the PNN, correct? 10 A. Right. 11 Q. In this letter to Dr. Aviera, is it 12 fair to say that you are complaining to her about 13 your inability to foster a better personal 14 relationship with Ms. Sataki? 15 A. That's not what I'm complaining about. 16 I'm complaining about a lack of 17 respect, is that we were I thought very close 18 friends. I thought we cared about each other, and 19 she treated me badly as if I didn't even exist. 20 That's what I'm saying, is that, you 21 know, I just wanted to be treated like her other 22 friends and have some courtesy.</p>	<p style="text-align: right;">Page 1436</p> <p>1 obviously that affected me. 2 Because I couldn't understand why 3 someone who was trying to do so much for her was 4 being berated for trying to help her, or being 5 asked to do things that were beyond the scope of 6 legal representation. 7 So at that point, that's what I felt, 8 and I felt that we needed to find another lawyer 9 here, that this wasn't working. 10 MR. TIGAR: Thank you. 11 MS. LARKIN: I have another question 12 also. 13 On the same document, paragraph one, 14 where it says, "That's why I've done what I have. 15 I've not helped her for money. I love Ellie." 16 THE WITNESS: Yes, and -- I'm sorry. 17 MS. LARKIN: Go on. 18 THE WITNESS: And that confirms that I 19 didn't do it for money, and I was doing it pro 20 bono, and I never expected to be paid anything, 21 and that's the case many, many years later. 22 Because I loved Ellie. I love many</p>

7 (Pages 1433 to 1436)

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<p style="text-align: right;">Page 1437</p> <p>1 people. Love is love. There's nothing wrong with 2 that, and it actually made me work harder, because 3 I felt that, you know, there was a need to help 4 her. 5 So the fact that you love somebody is 6 not negative. It's positive. 7 BY MR. SMITH: 8 Q. Bar Supplemental Exhibit Number 1. 9 A. Exhibit Number 1? 10 Q. Supplemental Exhibit Number 1. 11 A. I don't think I have that. I'll have 12 to get it. 13 (Brief pause.) 14 A. Ok. 15 Q. In this letter you are listing seven 16 things that you believed at the time constitute 17 what it meant to be a friend? 18 A. That's what I'm trying to do, yeah. 19 Q. And you're telling her that you want to 20 be her companion? 21 A. Where do I say that? I don't see that. 22 Q. "Friendship, companionship."</p>	<p style="text-align: right;">Page 1439</p> <p>1 being a friend was, and I was not being respected 2 in terms of being even a friend, when I was going 3 all out for her and working as hard as I could, as 4 Mr. Shamble testified to, spending my own money to 5 try to get her health care and do other things, to 6 get her an apartment, this and that. 7 You know, I cared about her as a close 8 friend, and yes, I felt love towards Ms. Sataki, 9 and I feel love to other people, too, you know, in 10 my life. 11 Q. Let's take a look at Supplementary 12 Exhibit Number 2. 13 MR. TIGAR: Mr. Smith, before we do 14 that... 15 There's a mention in this exhibit you 16 just looked at about a documentary in Turkey. 17 Was there a plan that Ms. Sataki was 18 going to go to Turkey to produce or participate in 19 a documentary? 20 THE WITNESS: That's a good question. 21 That was her idea, not mine. I have no contacts 22 in Turkey.</p>
<p style="text-align: right;">Page 1438</p> <p>1 Did you want to spend time with her? 2 A. Where is what you just said? 3 Q. It's not there. 4 A. Ok, then that's not -- 5 Q. I'm paraphrasing? 6 THE WITNESS: I object to that, your 7 Honor. It's editorializing and prejudicial, those 8 kind of remarks, Mr. Smith. 9 BY MR. SMITH: 10 Q. You tell her in this letter that you 11 want to "spend more time with her," "have more fun 12 with her." 13 A. The letter says what it says. I stand 14 by the letter and it says what it says, and you're 15 mischaracterizing it. 16 Q. And would Ms. Sataki be lying if she 17 thought that this was some sort of pursuit of her? 18 Would she get mad at that? 19 A. That's speculation. I don't know what 20 was in her mind then. 21 I was trying to say we were friends, we 22 were close friends, and this is what I thought</p>	<p style="text-align: right;">Page 1440</p> <p>1 MR. TIGAR: You had heard that that was 2 out there. 3 THE WITNESS: Right, and she wanted to 4 do that. 5 MR. TIGAR: And you wanted to go with 6 her to Turkey? 7 THE WITNESS: Well, to control what the 8 documentary said, so that it was favorable. Yes. 9 I mean, if she is going to do a 10 documentary to be used as evidence in her case, I 11 need to know how it's being structured. 12 And a lot of times people in the media 13 are not very sympathetic. You all know that on 14 both sides of the political spectrum. And I 15 myself have been subject to that from time to 16 time, and you probably have too, your Honor. 17 So you want to make sure it's done 18 right. And Turkey is a place, it's a very murky 19 place in terms of who is in charge of it. 20 MR. TIGAR: I just wanted to know. 21 THE WITNESS: Yeah, you don't know if 22 somebody is going to be favorable to her because</p>

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<p style="text-align: right;">Page 1441</p> <p>1 she was pro-Shah or favorable to her because of 2 other reasons.</p> <p>3 CHAIRMAN FITCH: And I have a question, 4 and this is an April 9, 2010 email, or purports to 5 be that. It was sent by Ms. Sataki a few years 6 later, May 24, 2018, and in that 2018 email it 7 says "Subject: Forward: Friendship and what it 8 means to me."</p> <p>9 Does that indicate that, even though 10 there's no subject matter set forth in the part of 11 this page that includes the 4/9/2010 email, that 12 your original email to her said "Friendship and 13 what it means to me"?</p> <p>14 THE WITNESS: Yeah. I mean, that's 15 what I was trying to convey, is that we were 16 friends. We were close friends, and I wasn't 17 being treated even like a friend.</p> <p>18 As I said, you know, other people were 19 treated much better than me, and I was doing the 20 work.</p> <p>21 CHAIRMAN FITCH: So is it your belief 22 that in your email, your subject matter, even</p>	<p style="text-align: right;">Page 1443</p> <p>1 Would that be what we looked at before, 2 the April 7th, 2010 email to Dr. Aviera?</p> <p>3 A. I don't know and at this time, eight 4 years later, I'm not sure.</p> <p>5 Q. In this letter, paragraph three, is it 6 fair to say that you are complaining that she 7 tells you that "You'll never be my boyfriend?"</p> <p>8 A. What I'm saying is it's unnecessary to 9 say that, because I didn't consider myself to be 10 her boyfriend, and I made that clear to Dr. Aviera 11 and to others. That, you know, it really was 12 irrelevant.</p> <p>13 And Mr. Tigar raised an important 14 point, which actually I had forgotten about, is 15 that she was the one that wanted to go to Turkey 16 to do a documentary, and for her to then testify 17 untruthfully that she wanted to keep everything 18 quiet.</p> <p>19 I mean, my God, to go to Turkey where 20 there are some very radical people that are 21 pro-regime, in Iran, and to do a documentary... 22 talk about risk, and that's why I wanted to go. I</p>
<p style="text-align: right;">Page 1442</p> <p>1 though it doesn't appear, right, as part of your 2 email --</p> <p>3 THE WITNESS: Right.</p> <p>4 CHAIRMAN FITCH: -- is it true that in 5 your email there was a part that said that subject 6 matter and what it means?</p> <p>7 THE WITNESS: I think that's part of 8 the case.</p> <p>9 CHAIRMAN FITCH: Yeah.</p> <p>10 THE WITNESS: And I think that confirms 11 what I thought we were as friends and I wanted to 12 have that to represent her, because I represented 13 friends before.</p> <p>14 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. Did you have a chance to look at 17 Supplemental Exhibit Number 2?</p> <p>18 (Witness reads document.)</p> <p>19 A. Yes.</p> <p>20 Q. And in the first sentence, you're 21 asking her to look at the email that you sent to 22 Dr. Aviera.</p>	<p style="text-align: right;">Page 1444</p> <p>1 was concerned about her safety. I was concerned 2 about what might be said, how it might be twisted 3 by the people in the Turkish media that would harm 4 our case.</p> <p>5 Q. And later on in this letter you say to 6 Ms. Sataki, "I am very sad because I really do 7 love you, Ellie," correct?</p> <p>8 A. Yes. And that's true, I was sad, 9 because, when you love somebody, you expect to get 10 at least common courtesy coming back and not to be 11 berated for how you're going all out for them.</p> <p>12 You saw in Exhibit 38 where I was 13 accused of taking bribes to take a dive on her 14 case.</p> <p>15 Q. Let's look at Bar Supplemental Exhibit 16 Number 3, please.</p> <p>17 A. Yes.</p> <p>18 Q. In the penultimate paragraph on that 19 page, you say, "I am human, you are, and this is 20 about the fact that you're the only woman I've 21 every really loved. You know, when I walk down 22 the street in Beverly Hills and I see an</p>

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<p style="text-align: right;">Page 1445</p> <p>1 attractive woman, my thoughts immediately flip to</p> <p>2 you. I see no one else. This has never happened</p> <p>3 like this with me before."</p> <p>4 Those are your words, right?</p> <p>5 A. They're my words, and see, here's what</p> <p>6 I don't understand, Mr. Smith, in the context of</p> <p>7 that, why you're trying to make loving someone</p> <p>8 into something that's dirty, in effect, and I take</p> <p>9 that --</p> <p>10 CHAIRMAN FITCH: That's nonresponsive</p> <p>11 and it's struck.</p> <p>12 MR. KLAYMAN: You know, and I've never</p> <p>13 said that I didn't love her, and you know that's</p> <p>14 why I worked so hard. But I never said I wanted</p> <p>15 to be her boyfriend, I didn't.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. And later on in the letter you say,</p> <p>18 last sentence, "My loving you has given me true</p> <p>19 meaning in my life."</p> <p>20 A. And I testified -- yes, I testified to</p> <p>21 this earlier that I was going through a very</p> <p>22 difficult time in my life, and I saw, when she</p>	<p style="text-align: right;">Page 1447</p> <p>1 that they too were being discriminated against.</p> <p>2 Q. On Page 2 and 3 of the exhibit, we have</p> <p>3 Ms. Sataki's reply to your letter. Have you had a</p> <p>4 chance to look at that?</p> <p>5 A. Well, you know --</p> <p>6 Q. It begins with the sentence, "I wish we</p> <p>7 didn't have this unfortunate problem?"</p> <p>8 A. I don't know that it's a reply. Look</p> <p>9 at the -- maybe I'm reading this thing wrong. I</p> <p>10 sent mine at 11:13 a.m., and hers seem to be at</p> <p>11 10:42, before I sent mine.</p> <p>12 CHAIRMAN FITCH: Or hers seems to be</p> <p>13 7:00 p.m. Pacific time, Pacific daylight time.</p> <p>14 THE WITNESS: Ok, well, mine may have</p> <p>15 been Pacific time, too. I guess my account didn't</p> <p>16 do what hers did in terms of setting the time.</p> <p>17 This may have been sent before I sent</p> <p>18 mine.</p> <p>19 I don't know. It's eight years down</p> <p>20 the line.</p> <p>21 CHAIRMAN FITCH: What does the subject</p> <p>22 matter say.</p>
<p style="text-align: right;">Page 1446</p> <p>1 grabbed my hand and started trying at Clyde's</p> <p>2 restaurant, that I could help somebody.</p> <p>3 And to some extent, if I can be a</p> <p>4 psychologist on my own behalf, is that I was kind</p> <p>5 of taking my problems away by trying to help</p> <p>6 somebody else. I was kind of sublimating the way</p> <p>7 I felt, and it made me feel good to help her.</p> <p>8 And that's why I also say, "I'm not</p> <p>9 trying to bribe you. I simply love you. I'm not</p> <p>10 saying you're owing me anything here. I'm doing</p> <p>11 this because, A, I'm a professional lawyer who</p> <p>12 believes in you and your case, and B, I care about</p> <p>13 you."</p> <p>14 And see, that's what's positive, is</p> <p>15 that when you care about somebody, you're going to</p> <p>16 try harder.</p> <p>17 And Mr. Shamble, boy, he said he never</p> <p>18 saw a lawyer that worked as hard as I did, he</p> <p>19 testified, and he recommended me to other clients</p> <p>20 at Voice of America because of that.</p> <p>21 And I had other clients come to me at</p> <p>22 Voice of America, other broadcasters who claimed</p>	<p style="text-align: right;">Page 1448</p> <p>1 THE WITNESS: It says -- I don't think</p> <p>2 there is a subject matter, unless I'm missing</p> <p>3 something -- oh, "Respond to your letter".</p> <p>4 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Now, if you look at the last two</p> <p>7 sentences of her letter --</p> <p>8 A. Let me read the whole letter.</p> <p>9 Q. Ok.</p> <p>10 (Witness reads document.)</p> <p>11 Q. Reading the letter in a whole, you will</p> <p>12 agree with me that she's asking you to stop</p> <p>13 pursuing her with this relationship and to</p> <p>14 concentrate on her case, correct?</p> <p>15 A. That's not what she's saying, Mr.</p> <p>16 Smith, and I take offense to that, because you're</p> <p>17 characterizing things that aren't in the letter.</p> <p>18 It's not right.</p> <p>19 Q. Ok. So you don't agree with me?</p> <p>20 A. No, I don't agree with you.</p> <p>21 Q. Ok. Please take a look at Supplemental</p> <p>22 Exhibit Number 4 --</p>

10 (Pages 1445 to 1448)

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<p style="text-align: right;">Page 1449</p> <p>1 A. Let me tell you why I don't agree with 2 you. 3 Q. I didn't ask you that. You'll have a 4 chance on redirect I would imagine. 5 CHAIRMAN FITCH: I think he may explain 6 his answer. 7 THE WITNESS: Yes. Is that clearly I'm 8 saying -- I'm saying "You always said I could 9 count on you as a friend." So it was clear, that 10 was the relationship in terms of friendship, in 11 addition to professional, and I can lean on you as 12 a friend. 13 And then it says, in the next page, 14 "Let me be clear one more time, right now I don't 15 and cannot see anything besides my case. That 16 doesn't mean I don't see your kindness, your hard 17 work -- your thoughtfulness and hard work..." 18 (inaudible). 19 So she recognized at that moment at 20 least that, yes, I was putting myself all out for 21 her. And she's apologizing and she's talking 22 about timing, you know.</p>	<p style="text-align: right;">Page 1451</p> <p>1 "concentrate on the case," she is saying "I don't 2 have a place to live," she's saying, "Go get me a 3 cheaper car. I have no credit." And then she is 4 saying, "Go help my friend, Kaveh," and then 5 berating me for. 6 Q. I don't see that anywhere in the 7 record. 8 CHAIRMAN FITCH: I think that's 9 nonresponsive. 10 THE WITNESS: But she does acknowledge 11 friendships. 12 BY MR. SMITH: 13 Q. Please look at supplemental Exhibit 14 Number 4. 15 A. Let me read it. 16 (Witness reads document.) 17 A. Ok. 18 Q. Is it fair to say this letter reflects 19 you again complaining about the lack of a personal 20 relationship that she is willing to have with you? 21 A. That's not at all -- please stop 22 mischaracterizing --</p>
<p style="text-align: right;">Page 1450</p> <p>1 She's in a bad way right now, and I 2 understood that, but there was also another side 3 of her, and that was the side that I've already 4 testified to, is that this was one of the few 5 times that she actually acknowledged my hard work 6 and the fact that I cared about her. But the rest 7 of the time it was berating me and putting me down 8 and things like that. 9 So, I'm glad that you brought that to 10 your attention, but the letter doesn't say what 11 she said. 12 BY MR. SMITH: 13 Q. So the last couple of sentences at the 14 bottom of Page 3, it says, "All I'm asking to 15 concentrate on the case now, so I have peace of 16 mind on our future projects. Thank you so much 17 for your help and understanding, my friend. 18 Please don't let anything else come between our 19 friendship." 20 A. Thank you for reading that. 21 "Friendships." She acknowledges friendships. 22 At the same time she is saying</p>	<p style="text-align: right;">Page 1452</p> <p>1 CHAIRMAN FITCH: He has a right to ask 2 that question. 3 THE WITNESS: Ok, then the answer is 4 no. 5 CHAIRMAN FITCH: You have a right to 6 say, "that's not correct." 7 THE WITNESS: The answer is no, and in 8 fact, I said, except for my role as a lawyer, I'm 9 a low priority. 10 I just wanted to be treated as a 11 friend, as a close friend, as someone who cared 12 about her. 13 That's what this is all about. 14 BY MR. SMITH: 15 Q. You also said, "Given all that I know 16 and feel, you do not want, however, to call me in 17 front of the rich Persian family for fear they 18 might think we have a personal relationship and 19 are boyfriend and girlfriend." 20 A. That's correct. And she was saying we 21 had a friendship. And I was saying every aspect 22 of what I did was like I had no importance at all,</p>

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<p style="text-align: right;">Page 1453</p> <p>1 except for that, you know, one acknowledgment in 2 that email, which appears to be written by 3 somebody else in the prior exhibit. She can't 4 write that. She's not capable of writing in that 5 English. 6 Q. Mr. Klayman, would you look at Bar 7 Exhibit 25, back in the blue book. 8 A. Let me read that. 9 (Witness reads document.) 10 Q. For the record, this is a letter dated 11 May 9th, 2010, written by Mr. Klayman to Dr. 12 Arlene Aviera. 13 A. Ok. 14 Q. Have you had a chance to read that? 15 A. I read it. 16 Q. Now in your letter, the second 17 paragraph, you say, "I want to ask you this 18 question:" -- this is Dr. Aviera -- "as to what I 19 have to do under the sad circumstances. Ellie has 20 never found someone who truly loves her and meets 21 her expectations of someone she wants to be with. 22 But suppose someone comes along who falls in love</p>	<p style="text-align: right;">Page 1455</p> <p>1 on his sleeve, is super human. How long can 2 anyone go along trying to be selfless without 3 getting anything back, but instead being hit over 4 the head constantly with the proverbial pot or 5 kettle?" 6 A. I'm glad you asked me that, too, 7 because it's consistent with what I've said. 8 Somebody that is doing as much as I 9 did, that cares about her, deserves some respect, 10 like Kaveh got, and understanding that that 11 person's there for you. 12 You can't be a whipping boy and 13 represent somebody in a case like this, because 14 this is an emotional case for her, and it's 15 emotional for me, and I was telling Dr. Aviera 16 that basically she needs to get another lawyer, 17 and that comes up in and around this time period. 18 So, I can't function when someone has 19 absolutely little to no appreciation for what I'm 20 doing for free. 21 Q. On the next page, you say in the second 22 paragraph, "So I come along, fall in love with</p>
<p style="text-align: right;">Page 1454</p> <p>1 with her and deeply loves her, and, more 2 importantly, wants to care for her because of who 3 she is as a person as opposed to just because she 4 is beautiful, and suppose it's not the right time 5 for a relationship, so the conventional 6 psychological wisdom goes"... 7 Is that person you that she's talking 8 about? 9 A. Where? In the last sentence? 10 Q. In this entire -- 11 A. Yeah, and it's recognizing it's not the 12 right time to have any kind of relationship with 13 her. It's romantic. I recognize that. 14 And if you go down in the paragraph 15 four, I say I just want to be treated like a 16 roommate, Kaveh, to be treated like Kaveh, to have 17 some understanding that I'm doing something for 18 her above, and beyond the call of duty. 19 So I'm glad you read that, Mr. Smith. 20 Q. And you go on later, a few paragraphs 21 down that begins with, "I'm sure you realize that 22 no man, particularly this one who wears his heart</p>	<p style="text-align: right;">Page 1456</p> <p>1 Ellie, and I am there to help lift her up because 2 I love her. I tell her that I love her so that 3 she does not think I am there to get something 4 from her. Is it ok, then, for Ellie to feel that 5 it's okay for her to feel something too? 6 "True love. Is that a term that has 7 many meanings across the emotional spectrum does 8 not come along at the right time. It happens when 9 you least expect it and it cannot be controlled 10 clinically. And should not love factor into 11 Ellie's well-being and rehabilitation? Love is 12 the strongest medicine, I believe." 13 Those are your words? 14 A. Correct. 15 But in the context of this letter and 16 everything else what I was trying to say is that, 17 yes, things happen in life. You do love people. 18 You fall in love with people. That's not 19 something which is to be disparaged. It's not 20 negative. It's a positive. That's what this 21 world is all about. 22 And to get, as I'm saying here, just</p>

12 (Pages 1453 to 1456)

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<p style="text-align: right;">Page 1457</p> <p>1 some minimal recognition of that, to be treated 2 like everybody else that's her friend -- and she 3 acknowledges the friendship -- we've just gone 4 through that -- that's what I'm asking for. 5 And it got to a point, where, at the 6 same time that I was getting no recognition, she 7 was asking me to do a lot of things which had 8 nothing to do with my role as a lawyer or even as 9 a friend. Because you don't ask somebody to go 10 out and buy you a car. You don't ask them to do 11 things for you because you have no credit. 12 I did it because it was in my heart to 13 do it and I didn't expect anything back from her. 14 Q. In the next paragraph you say, "I do 15 not believe that I met her by accident. Maybe I'm 16 overly romantic, or too religious, but I feel that 17 I was meant to help Ellie, and then I fell in love 18 with her, totally." 19 A. Yes, I am a romantic in thought. 20 That's why I do what I do. That's why I founded 21 Judicial Watch. That's why I ran for the Senate. 22 That's why I started Freedom Watch, because</p>	<p style="text-align: right;">Page 1459</p> <p>1 But we heard testimony that she wasn't 2 unemployed, that she had good jobs after this. I 3 tried to get her even better jobs. Sam Razavi, 4 her cousin, intervened. She could have had a 5 really great job with CBN. And you have to blame 6 somebody. 7 So what she testifies here, what she 8 said three weeks ago, what she wanted was revenge. 9 Well, that's not the purpose of a Bar proceeding 10 and, if she's unhappy with her life, that's not my 11 fault. 12 CHAIRMAN FITCH: I think that's 13 marginally responsive to the question, arguably. 14 Let me rephrase 34 Smith's question. 15 THE WITNESS: Ok. 16 CHAIRMAN FITCH: Did you have any basis 17 at the time for -- 18 And then what did you say, Mr. Smith? 19 What was your original question? 20 -- or understanding? Did you have any 21 knowledge or basis at the time for knowing what 22 her reaction was to this letter?</p>
<p style="text-align: right;">Page 1458</p> <p>1 everything I do comes from my heart. If it's not 2 there, I don't do it, and that's what I mean by 3 romantic, and also religious. 4 Because, I've testified at length about 5 my spiritual beliefs, and I believe that God uses 6 you and puts you in a place where you can help 7 people. I believe that what I'm doing now at 8 Freedom Watch is with the grace of God. I don't 9 do everything right all the time. Sometimes I 10 make mistakes. Sometimes I don't see things as 11 clearly as God may want me to see it. But I feel 12 that I'm trying to do things that he wants me to 13 do, and I pray every day that I'm trying to 14 fulfill his will. 15 That's what I meant. 16 Q. You would agree that Ms. Sataki may 17 have a different view of all these professions 18 of love? 19 A. I think that her view is ex post facto, 20 after the fact, and I think she's reactive and 21 wants to blame somebody because her life didn't 22 turn out exactly the way she wanted.</p>	<p style="text-align: right;">Page 1460</p> <p>1 Was that your question? 2 MR. SMITH: That's the gist of the 3 question, yes. 4 THE WITNESS: To the extent that she -- 5 CHAIRMAN FITCH: You can answer, "I 6 don't, that would be speculation," or do you have 7 some basis for understanding, for knowing what her 8 reaction was at the time to this series of 9 letters? 10 THE WITNESS: My reaction and 11 understanding was that Ms. Sataki, as happens 12 frequently with victims -- I've represented 13 victims before in sexual harassment cases in the 14 military and elsewhere -- they become very 15 self-centered, and the world revolves around them. 16 Everybody's to give them something. And I didn't 17 view that negatively towards her, but I tried to 18 understand that. 19 And I am a woman's advocate, so, you 20 know, Ms. Allred is my close friend. 21 So I tried to understand that. So I 22 tried to understand people that they're in a</p>

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<p style="text-align: right;">Page 1461</p> <p>1 difficult situation, and I'm not judgemental, but</p> <p>2 I did just simply want to be treated with respect,</p> <p>3 and let me --</p> <p>4 CHAIRMAN FITCH: No, no, no.</p> <p>5 What if any information did you have at</p> <p>6 the time for knowing what her reaction was to this</p> <p>7 series of letters?</p> <p>8 If you have none, just say "I have</p> <p>9 none." If you have some basis that you can</p> <p>10 identify, tell me.</p> <p>11 Now you said that you have this general</p> <p>12 experience with some clients falling into a victim</p> <p>13 syndrome. I think that's responsive.</p> <p>14 Any other basis at this time for</p> <p>15 understanding --</p> <p>16 THE WITNESS: Well --</p> <p>17 CHAIRMAN FITCH: I know I speak solely.</p> <p>18 I try to find the right word.</p> <p>19 THE WITNESS: You speak very well.</p> <p>20 CHAIRMAN FITCH: Bear with me.</p> <p>21 THE WITNESS: I will.</p> <p>22 CHAIRMAN FITCH: Any other basis at</p>	<p style="text-align: right;">Page 1463</p> <p>1 another instance, if your Honor would indulge me?</p> <p>2 CHAIRMAN FITCH: Go ahead.</p> <p>3 THE WITNESS: I represented Cliven</p> <p>4 Bundy in his criminal trial in Las Vegas, Nevada.</p> <p>5 We got a good result in the end in a number of</p> <p>6 different capacities.</p> <p>7 The first time I met him, he was under</p> <p>8 a lot of pressure. He was being criticized for</p> <p>9 something he said to the New York Times, which he</p> <p>10 didn't mean. And I was being introduced to him</p> <p>11 right after the federal government had left his</p> <p>12 property, and I walked in and I said, "Mr. Bundy,</p> <p>13 I think that the comment that you made in the New</p> <p>14 York Times, you've got to get out and clarify,</p> <p>15 ok?" And he did, but his reaction was, "I don't</p> <p>16 need to hear from no lawyers."</p> <p>17 Now, he didn't know me, but I</p> <p>18 understood he was under a lot of stress, and we</p> <p>19 have since become extremely close friends --</p> <p>20 CHAIRMAN FITCH: Did you understand --</p> <p>21 is the point of that comment or that observation,</p> <p>22 is the point of that that you understood that she,</p>
<p style="text-align: right;">Page 1462</p> <p>1 that time for knowing what her reactions to these</p> <p>2 letters were?</p> <p>3 THE WITNESS: I would say, you know, at</p> <p>4 the same time -- yes, to be honest, because I've</p> <p>5 been honest with you throughout this, yes, and I</p> <p>6 always try to be honest, and I realize I'm under</p> <p>7 oath, and I respect the legal profession and</p> <p>8 judges and others -- is that I knew she wanted --</p> <p>9 and that's what I meant by my response, because I</p> <p>10 didn't mean to take a shot at her. I really</p> <p>11 didn't. It was the contrary.</p> <p>12 What I was saying is, to me it was</p> <p>13 understandable that she might say, "We will just</p> <p>14 focus on my case," but at the same time she was</p> <p>15 claiming that I was her friend, and friend should</p> <p>16 be treated like your other friends.</p> <p>17 So that's what I understood all this to</p> <p>18 be.</p> <p>19 And I discount a lot when people are</p> <p>20 under that degree of, when they're in that kind of</p> <p>21 a situation.</p> <p>22 If I can give you one example of</p>	<p style="text-align: right;">Page 1464</p> <p>1 that Ms. Sataki, was under a lot of stress at that</p> <p>2 point?</p> <p>3 THE WITNESS: I understood that she was</p> <p>4 under a lot of -- yeah, that she was under a lot</p> <p>5 of stress in terms of what was being done to her.</p> <p>6 She thought that VOA was trying to destroy her and</p> <p>7 I was trying to be her knight in shining armor, so</p> <p>8 to speak, to take her out of that, so I just</p> <p>9 wanted minimum respect --</p> <p>10 CHAIRMAN FITCH: I didn't ask you what</p> <p>11 you wanted.</p> <p>12 THE WITNESS: Ok, that's my</p> <p>13 understanding.</p> <p>14 CHAIRMAN FITCH: I asked you what you</p> <p>15 understood, and you said you understood that she</p> <p>16 was under a lot of stress at the time.</p> <p>17 THE WITNESS: That's with regard to</p> <p>18 Voice of America, not from me.</p> <p>19 Because you see --</p> <p>20 CHAIRMAN FITCH: No, I understand.</p> <p>21 THE WITNESS: -- eight years later that</p> <p>22 she is still under stress and I had nothing to do</p>

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<p style="text-align: right;">Page 1465</p> <p>1 with that.</p> <p>2 MR. TIGAR: Mr. Smith, in your</p> <p>3 examination as it goes on, are you going to</p> <p>4 inquire about Supplemental Exhibit 8 and</p> <p>5 Supplemental Exhibit 15?</p> <p>6 MR. SMITH: Yes.</p> <p>7 MR. TIGAR: Well, in that case, they're</p> <p>8 related to what just went on and I'll wait for the</p> <p>9 examination.</p> <p>10 MR. SMITH: Ok.</p> <p>11 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>12 MR. SMITH: Thank you.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. Would you take a look at Supplemental</p> <p>15 Exhibit 7, please. For the record it is an email</p> <p>16 dated Sunday, May 9th, 2010. Subject, "Letter to</p> <p>17 Dr. Aviera," from Larry Klayman to Ellie Sataki.</p> <p>18 MR. TIGAR: I'm sorry, what exhibit is</p> <p>19 that?</p> <p>20 CHAIRMAN FITCH: Supplemental.</p> <p>21 MR. SMITH: Supplemental Exhibit 7.</p> <p>22 CHAIRMAN FITCH: SX7.</p>	<p style="text-align: right;">Page 1467</p> <p>1 Q. Alright, so can you take a look at</p> <p>2 Supplemental Exhibit Number 8, please.</p> <p>3 For the record it is an email dated May</p> <p>4 18th, 2010, Larry Klayman to Ellie Sataki.</p> <p>5 (Witness reads document.)</p> <p>6 A. Yes.</p> <p>7 Q. The sentence here, "By the way, the</p> <p>8 Luxe Hotel, Hotel Luxe, renamed the women's</p> <p>9 restroom in my honor. It's now called the Klayman</p> <p>10 Room. I could now use it for client meetings."</p> <p>11 Is that a joke?</p> <p>12 A. That was a joke, yes.</p> <p>13 Q. Is that a joke because you had chased</p> <p>14 Ms. Sataki into the women's room?</p> <p>15 A. No, it's because she had ran into the</p> <p>16 women's room. I never went into the women's room.</p> <p>17 I was trying to see that she was alright.</p> <p>18 And you know, she was very emotional.</p> <p>19 She's been emotional before, and she's been</p> <p>20 emotional here, and she was emotional with others.</p> <p>21 And I was concerned about her.</p> <p>22 But I didn't go into the women's room.</p>
<p style="text-align: right;">Page 1466</p> <p>1 BY MR. SMITH:</p> <p>2 Q. By this email are you sending a copy of</p> <p>3 your letter to Dr. Aviera to Ms. Sataki, your May</p> <p>4 9th letter that we just talked about to Ms.</p> <p>5 Sataki?</p> <p>6 A. Perhaps. I'm not absolutely sure at</p> <p>7 this point, eight years later. But perhaps.</p> <p>8 Q. And in the end you again begin to tell</p> <p>9 her that you love her? Ms. Sataki?</p> <p>10 A. Yes, I've told her that before. "I</p> <p>11 care about you. I love you. I want the best for</p> <p>12 you."</p> <p>13 And I say, "It's painful for me,</p> <p>14 because at this point I'm going to have to move on</p> <p>15 and I'm recommending to you other lawyers to</p> <p>16 represent you."</p> <p>17 That's what I'm saying.</p> <p>18 Q. This is what we talked about</p> <p>19 yesterday --</p> <p>20 A. Then we had communication problems, and</p> <p>21 my, you know, letting everything not go down the</p> <p>22 drain.</p>	<p style="text-align: right;">Page 1468</p> <p>1 That was just a joke.</p> <p>2 MR. SMITH: Mr. Tigar, you had some</p> <p>3 questions about this exhibit?</p> <p>4 Excuse me, Mr. Tigar, you said you had</p> <p>5 some questions about this exhibit?</p> <p>6 MR. TIGAR: This letter apparently</p> <p>7 relates to testimony that we have heard about an</p> <p>8 evening in which she got out of the car in Beverly</p> <p>9 Hills and went into the hotel.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 MR. TIGAR: And you no doubt remember</p> <p>12 the testimony.</p> <p>13 THE WITNESS: I do.</p> <p>14 MR. TIGAR: What happened?</p> <p>15 THE WITNESS: What happened was we were</p> <p>16 at this MovieGuide event. I took her there to try</p> <p>17 to meet people. That's Ted Baehr's event, I</p> <p>18 testified, MovieGuide. It's like the Academy</p> <p>19 Awards. I spent -- and money's not an issue with</p> <p>20 me, but I spent a lot of money to take her there.</p> <p>21 It cost \$1,000 a ticket. Ted Baehr discounts it</p> <p>22 for me because I'm on the board.</p>

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<p style="text-align: right;">Page 1469</p> <p>1 But she was so disrespectful to me</p> <p>2 there, not even acknowledging my presence and</p> <p>3 looking the other way, and we're trying to talk to</p> <p>4 people, I'm trying to introduce her to people,</p> <p>5 that, yes, I was upset.</p> <p>6 And then she got upset, as I was</p> <p>7 driving her home and, you know, got out of the car</p> <p>8 and went into the restroom --</p> <p>9 MR. TIGAR: Is it fair to say, then,</p> <p>10 the two of you had an argument.</p> <p>11 THE WITNESS: Yeah.</p> <p>12 CHAIRMAN FITCH: Go ahead, Mr. Smith.</p> <p>13 MR. SMITH: Thank you.</p> <p>14 THE WITNESS: And these kinds of</p> <p>15 things, to answer your other question, Mr. Tigar,</p> <p>16 is that I realized why I had to move on. That's</p> <p>17 why I referred her to Ms. Allred and Mr. Shea.</p> <p>18 She was always free to get another</p> <p>19 lawyer. And she had people helping her, Kathleen</p> <p>20 Staunton and her cousin. They could have found</p> <p>21 another lawyer.</p> <p>22 BY MR. SMITH:</p>	<p style="text-align: right;">Page 1471</p> <p>1 And then --</p> <p>2 Q. You're complaining that she won't allow</p> <p>3 you to come visit her while she's alone at her</p> <p>4 apartment?</p> <p>5 A. No.</p> <p>6 Read that portion to me, ok. What are</p> <p>7 you talking about --</p> <p>8 Q. The last sentence of the first</p> <p>9 paragraph, "And, you have made it clear of late</p> <p>10 that I cannot even enter the apartment when you</p> <p>11 are alone there. I am not welcome."</p> <p>12 A. Yes, but I never, ever asked to go into</p> <p>13 that apartment with her. That's why I didn't have</p> <p>14 the keys.</p> <p>15 But the fact that, you know, other</p> <p>16 people could go there, but I couldn't go there...</p> <p>17 You know, she had her brother who I had</p> <p>18 met, she had her mom, who I had met, she had her</p> <p>19 friends that were living there. She testified to</p> <p>20 that. The apartment person tried to break in, the</p> <p>21 manager, Mr. Hopper, while her roommate was naked;</p> <p>22 that other people had been in the apartment, she</p>
<p style="text-align: right;">Page 1470</p> <p>1 Q. Please take a look at Supplemental</p> <p>2 Exhibit Number 13.</p> <p>3 CHAIRMAN FITCH: DX or SX.</p> <p>4 MR. SMITH: SX, thank you. SX13.</p> <p>5 THE WITNESS: Let me read it.</p> <p>6 MR. SMITH: For the record, it is an</p> <p>7 email dated June 1st, 2019 from Mr. Klayman to Ms.</p> <p>8 Sataki.</p> <p>9 THE WITNESS: Ok.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. And you're complaining that she won't</p> <p>12 allow you to come visit her at her apartment when</p> <p>13 she's, are you not?</p> <p>14 A. I'm not complaining about that. I'm</p> <p>15 saying not to -- again to respect me because</p> <p>16 that's not right.</p> <p>17 I didn't have keys to her apartment. I</p> <p>18 never took keys to her apartment. I didn't expect</p> <p>19 anything in return.</p> <p>20 It's all in this context of respect and</p> <p>21 not making you feel like you're a leper, in</p> <p>22 effect. So this is what I'm trying to say.</p>	<p style="text-align: right;">Page 1472</p> <p>1 told me, that stole her diamond ring.</p> <p>2 So I couldn't understand, you know, why</p> <p>3 I was being treated differently.</p> <p>4 That's what it was all about. That's</p> <p>5 what all this was about, was I just wanted to be</p> <p>6 treated with respect.</p> <p>7 Q. But you did understand.</p> <p>8 The last sentence says "Larry, you did,</p> <p>9 and you had no problem with this until you started</p> <p>10 seeing someone else. Larry?"</p> <p>11 So you did have understanding?</p> <p>12 A. I'm trying to figure out what it's</p> <p>13 about. I've told her, "I'm not your boyfriend.</p> <p>14 I'm not a threat to you, or anybody else." That's</p> <p>15 what I told her.</p> <p>16 Later I got calls from someone else</p> <p>17 threatening me.</p> <p>18 Q. Let's take a look at Supplemental</p> <p>19 Exhibit Number 14. For the record, this is an</p> <p>20 email from Larry Klayman to Ellie Sataki dated</p> <p>21 June 16th, 2010, subject: "One more time."</p> <p>22 (Witness reads document.)</p>

16 (Pages 1469 to 1472)

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<p style="text-align: right;">Page 1473</p> <p>1 A. Ok, I read it.</p> <p>2 Q. It's fair to say that you're getting</p> <p>3 more and more frustrated with the lack of</p> <p>4 relationship you've been able to foster with her</p> <p>5 by this time, isn't it?</p> <p>6 A. That's unfair to say. In fact, it's</p> <p>7 unfair to say.</p> <p>8 The key here is the second page, and</p> <p>9 that's why I was upset, the third paragraph -- ok,</p> <p>10 I had, as I testified to, and as Ms. Sataki</p> <p>11 testified to, gotten emails --</p> <p>12 CHAIRMAN FITCH: Let him -- the second</p> <p>13 page may be of --</p> <p>14 THE WITNESS: Ok.</p> <p>15 CHAIRMAN FITCH: No, I stand corrected.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: Ok, I had gotten into a</p> <p>18 near-fatal auto accident, which resulted in my</p> <p>19 totaling my car on the 405, where it splits to Los</p> <p>20 Angeles and Ventura, the most dangerous</p> <p>21 intersection in the country, it's been ranked.</p> <p>22 And I came up the Haskell exit, which was close to</p>	<p style="text-align: right;">Page 1475</p> <p>1 one, everybody knows -- and Mr. Dash testified to</p> <p>2 this, he's Persian -- he knows my reputation in</p> <p>3 the Persian community. I really love the Persian</p> <p>4 people. I love what they're trying to do. I have</p> <p>5 many Persian friends.</p> <p>6 One of my best friends in LA, Benjamin</p> <p>7 Kasanji, is Persian, and in fact he helped her in</p> <p>8 the beginning to find the initial psychologist.</p> <p>9 So I'm saying this, you know, "You have</p> <p>10 to get out of that world. Don't wear yourself</p> <p>11 out. You have so much potential." And I was</p> <p>12 trying to get her that potential, and she slammed</p> <p>13 that in my face, too.</p> <p>14 Somebody called Mark Woodland of CBN</p> <p>15 and said, you know --</p> <p>16 Q. That's nonresponsive.</p> <p>17 A. Alright, that's fine.</p> <p>18 That's what it's about. It's not --</p> <p>19 there's a Jewish ghetto, and I'm a</p> <p>20 Jewish-Christian. There's a Polish ghetto. It's</p> <p>21 not a negative phrase. It's that when people wall</p> <p>22 themselves in one place and don't want to come out</p>
<p style="text-align: right;">Page 1474</p> <p>1 there, and I then learned the next day I had a</p> <p>2 concussion. But I was really dizzy and feeling</p> <p>3 like I might faint. And I called her because her</p> <p>4 apartment was right near the Haskell exit to ask</p> <p>5 her for help.</p> <p>6 I didn't have a car. She did. And,</p> <p>7 you know, she could help me. Now she admits that</p> <p>8 I called her and she didn't answer the phone. I</p> <p>9 left a message that I was in a serious accident</p> <p>10 and she didn't even respond. And that's exactly</p> <p>11 what I'm talking about, is that if your friends,</p> <p>12 and your friend, you know, had gotten into a</p> <p>13 serious accident, you at least answer the phone.</p> <p>14 So this is what got me upset there.</p> <p>15 BY MR. SMITH:</p> <p>16 Q. Well, staying on Page 2, you say, "Good</p> <p>17 luck burying yourself in the Persian ghetto."</p> <p>18 And then Ms. Sataki testified that she</p> <p>19 was offended by this.</p> <p>20 You'll agree this was insulting, right?</p> <p>21 A. No, it wasn't insulting.</p> <p>22 What I was saying to her was -- number</p>	<p style="text-align: right;">Page 1476</p> <p>1 and don't want to assimilate, it hurts them.</p> <p>2 Q. Well, let's look at Page 1 of the</p> <p>3 letter, and if you skip down to the third</p> <p>4 paragraph. There you say, "It appears that you're</p> <p>5 defining the term 'Persian ghetto'. As for use of</p> <p>6 the term 'Persian ghetto,' that's accurate, and</p> <p>7 you should take no offense. You've been with six</p> <p>8 or more Persian guys, all of whom have abused you,</p> <p>9 stole from you and harmed you."</p> <p>10 A. What I'm saying --</p> <p>11 Q. Is that something that she should not</p> <p>12 have been insulted about?</p> <p>13 A. It's not -- it's something she had to</p> <p>14 deal with because of what we were going through</p> <p>15 with the case, because there were allegations and</p> <p>16 apparently more than rumors, because we heard from</p> <p>17 Mr. Dash about NITV and Zia Attaby. We were</p> <p>18 dealing with that.</p> <p>19 What I'm saying is "I'm not abusing you</p> <p>20 as a friend. I'm not abusing you as somebody that</p> <p>21 cares for you. I'm not abusing you as somebody</p> <p>22 who loves you. But other people have and you're</p>

17 (Pages 1473 to 1476)

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<p style="text-align: right;">Page 1477</p> <p>1 projecting that onto me. It's not fair." 2 That's what I'm saying. 3 Q. Let's take a look -- 4 A. And then I say, "I recognize that Kaveh 5 is a very good person," and those are the kinds of 6 people she should hang with, Kaveh. 7 Q. You're telling her who she should be 8 friends with and who she shouldn't be friends 9 with? 10 A. I'm suggesting she should not be 11 friends with people who have abused her. 12 And here's what I don't understand, and 13 let me answer it from my perspective, I've had 14 many clients that have given me personal advice. 15 I've had many clients that I've given personal 16 advice, because we've become very close, right, 17 and that's the nature of even professional 18 relationships, that you want to try to help that 19 person, and if you can, you know, make a 20 suggestion, there's nothing wrong with it. And 21 this is obviously not something which should be 22 involved in a Bar proceeding, that I'm giving her</p>	<p style="text-align: right;">Page 1479</p> <p>1 CHAIRMAN FITCH: Move to strike, 2 nonresponsive. 3 THE WITNESS: No, no, I am putting it 4 in context. 5 CHAIRMAN FITCH: I fail to see the 6 context. Sustained. 7 THE WITNESS: Ok. 8 CHAIRMAN FITCH: SX15? 9 MR. SMITH: Fifteen, yes. For the 10 record it is an email dated June 21st, 2010, from 11 Mr. Klayman to Ms. Sataki. 12 (Witness reads document.) 13 THE WITNESS: I see it. 14 BY MR. SMITH: 15 Q. You wrote this email to Ms. Sataki? 16 A. Yes. 17 Q. At the end it says "anonymous"? 18 A. Anonymous, yeah -- this was tongue in 19 cheek, and I was trying to say, in a nice way, 20 that, as I said, "I regret to inform you that Mr. 21 Klayman died last week." It's joking to try to 22 make a point. Sometimes humor, even black humor,</p>
<p style="text-align: right;">Page 1478</p> <p>1 some advice to hang around with better people. 2 That's what I don't understand here, particularly 3 when it affects her case, because she's being 4 accused of sleeping around. She's being accused 5 of living with her roommate. 6 MR. SMITH: Objection, move to strike. 7 Now he's telling me what his case is -- 8 CHAIRMAN FITCH: I know it's close, but 9 you have suggested a certain characterization of 10 some of the statements in there, and, although 11 he's rambling, I think it's arguably responsive. 12 Go ahead, Mr. Klayman, if you wish. 13 THE WITNESS: Yes, so I'm basically 14 saying "This is not good for you. It's not good 15 for your case, in effect. Be around people like 16 Kaveh. He's a fine person." 17 BY MR. SMITH: 18 Q. Can you take a look at Supplementary 19 Exhibit Number 15, please. 20 A. Let me add one other thing... 21 She also accused one of her friends as 22 having --</p>	<p style="text-align: right;">Page 1480</p> <p>1 can make a point. "And as he was on his way off 2 to heaven -- hopefully he won't be going south -- 3 but he told me to tell you this: And what I'm 4 saying is I cared about you, Ms. Sataki. And 5 don't feel sorry for yourself. You've got a lot 6 of promise and you have a life ahead of you, and 7 I'm trying to help you by getting you another 8 job," but CNN -- I mean not CNN, but PNN is not 9 that great a place. It's the worst agency in 10 government and they treat people badly, and "your 11 salary is not that good. So I tried to help you. 12 And with a little bit of coaching," as I say in 13 the second page, "major English-speaking 14 television networks like CNN, BBC, ABC, CBS, NBC 15 and Fox could hire you. But you have to be 16 positive and look to the future and have faith in 17 God and yourself. 18 "That's why I wanted to take you to 19 events where you could meet people and help 20 yourself." That's the MovieGuide and other and 21 things. 22 And I'm saying "I died. You took the</p>

18 (Pages 1477 to 1480)

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<p style="text-align: right;">Page 1481</p> <p>1 life out of me because you weren't appreciative of 2 what I was trying to do for you and you weren't 3 respectful," and that's why in and around this 4 time period I'm saying, you know, "You've got to 5 move on and get another lawyer." 6 Q. And you did again express your love for 7 her? 8 A. Yes, that's not in dispute. 9 Q. And with tears in your eyes, you closed 10 your eyes and passed away. 11 You thought this was funny? 12 A. I'm trying to say that I've got to -- 13 you know, I've got to -- we both need to move on. 14 CHAIRMAN FITCH: Mr. Tigar, did you 15 have some questions about this exhibit? 16 MR. TIGAR: Mr. Klayman, in your law 17 practice, had you ever before this time told a 18 client with whom you were having this 19 understanding that you had died? 20 THE WITNESS: No. 21 I was trying to make a point, because 22 she was always saying, "I'm going to kill myself,"</p>	<p style="text-align: right;">Page 1483</p> <p>1 "Hopefully he won't be going south." That's me. 2 It's self-deprecating towards me. 3 "South" means h-e-l-l. 4 MS. LARKIN: I know what south means. 5 Thank you. 6 CHAIRMAN FITCH: Mr. Smith. 7 THE WITNESS: By the way, humor can be 8 very, very strong. Like I said, I've done 9 stand-up comedy before. 10 CHAIRMAN FITCH: Mr. Smith. 11 THE WITNESS: Makes a point. 12 CHAIRMAN FITCH: Mr. Smith. 13 BY MR. SMITH: 14 Q. Please take a look at Supplemental 15 Exhibit Number 16. For the record, it is a -- 16 A. Which number? 17 Q. Sixteen. It is a letter or email dated 18 June 23rd, 2010 from Mr. Klayman to Ms. Sataki, 19 and there's also at the bottom of the page a 20 response from Ms. Sataki to Mr. Klayman. 21 A. Ok. 22 Q. I'll ask you, was this something that</p>
<p style="text-align: right;">Page 1482</p> <p>1 so it was kind of playing off that. "Things 2 aren't that bad." That's what I was saying to 3 her. "You have a bright future." 4 MR. TIGAR: This was in a response then 5 to her saying that she was suicidal? 6 THE WITNESS: In effect, it was the 7 same theme. But I was trying to get the point 8 across in a humorous way. That's what I was 9 trying to do; that she should go out and make a 10 great life for herself. 11 I was willing to help her with that, 12 and I tried my best, and, you know, she just 13 walled herself in pity, and that's not good, 14 because I believe -- 15 CHAIRMAN FITCH: Another question. 16 THE WITNESS: I believe she had a great 17 potential. 18 CHAIRMAN FITCH: Another question. 19 MS. LARKIN: Just a question: What in 20 the letter would let Ms. Sataki know that you were 21 joking? 22 THE WITNESS: The fact that I said,</p>	<p style="text-align: right;">Page 1484</p> <p>1 you wrote after your accident? 2 You were inspired by your accident to 3 write those "words of inspiration"? 4 A. No, I was trying to give her a pep 5 talk, that she has a lot of potential and that I 6 see a lot in her, and she should realize that. 7 Q. In the next paragraph, you start off by 8 "Dear" -- not Ellie, not Ms. Sataki, but -- "Dear, 9 why do you think I am with you and come back even 10 when you push me away? I am not a masochist and I 11 have pride. When I have time to think and 12 reflect, I understand how you are feeling, and I 13 do feel your pain, but I am not here because I 14 feel sorry for you. It's not charity. It's 15 because you touched me with yourself, because you 16 were special in general and to me." 17 A. Well, I'm trying to show her that she 18 was. I call other people "dear," who weren't my 19 wife or, prior to that, girlfriend. 20 Also, you see I write here "Ellie 21 John," and it's a Persian way of saying dear, in 22 effect. It's kind of a familiar, warm way of</p>

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<p style="text-align: right;">Page 1485</p> <p>1 addressing somebody. So I was trying to show that 2 in fact I did love her and I wanted something 3 better for her. 4 But again I had to move on, you know, 5 and I just wanted her to know that she didn't owe 6 me anything. I wished her the best. I still wish 7 her the best, and that's what I was trying to 8 convey. 9 Q. Look at Supplementary Exhibit Number 10 18. 11 THE WITNESS: At some point, your 12 Honor, my sister may be here. I'd like to step 13 out and give her a call, because I don't see 14 anything coming on my cell phone. 15 CHAIRMAN FITCH: In a few minutes. 16 THE WITNESS: Take 30 minutes. 17 CHAIRMAN FITCH: How much more do you 18 have in this segment of your examination, Mr. 19 Smith? 20 MR. SMITH: Just a few more questions. 21 About two to four exhibits. 22 CHAIRMAN FITCH: Let's keep going.</p>	<p style="text-align: right;">Page 1487</p> <p>1 let me read it. Ok. 2 CHAIRMAN FITCH: He has a question 3 pending, which is as follows: Is it fair to say 4 that in this email you're complaining to Ms. 5 Sataki about the lack of a relationship? 6 MR. KLAYMAN: No, absolutely not. 7 Absolutely not. 8 What I'm saying is I want to be 9 respected, and Persians, by the way, and I know 10 the community very well, are very respectful 11 people, and I'm saying -- 12 CHAIRMAN FITCH: That's not responsive. 13 THE WITNESS: Yeah, ok, let me -- 14 "Just treat me like you're treating 15 other people and don't treat me like I'm a leper, 16 ok." "Because I'm truly trying to help you and 17 trying to do things," and it's coming -- you know, 18 "you're treating me really badly." 19 And I've testified to this several 20 times. 21 CHAIRMAN FITCH: Yes, you have. 22 Next question.</p>
<p style="text-align: right;">Page 1486</p> <p>1 Keep going, and take your time. 2 THE WITNESS: Let me just send a quick 3 text. Hopefully she will get it. 4 CHAIRMAN FITCH: I said that Mr. Smith 5 is proceeding. 6 THE WITNESS: No, I wasn't going to 7 stop anything. 8 CHAIRMAN FITCH: You're not going to 9 sit there on the cell phone when you're a witness. 10 THE WITNESS: Ok. 11 CHAIRMAN FITCH: Go ahead, Mr. Smith. 12 BY MR. SMITH: 13 Q. Please take a look at Supplementary 14 Exhibit 18. 15 A. Ok. 16 Q. Is it fair to say that, once again, 17 you're complaining to Ms. Sataki about the lack of 18 a relationship that you've been able to establish 19 with her? 20 A. Let me read this. 21 (Witness reads document.) 22 A. That's not what I was doing, no. But</p>	<p style="text-align: right;">Page 1488</p> <p>1 BY MR. SMITH: 2 Q. And it seems like she's been treating 3 you this way for quite some time? Isn't that 4 correct? 5 A. Well, and that's what I said, I 6 swallowed it, but it got to the point where I 7 couldn't any more. 8 You don't treat somebody like that and 9 then ask them to buy you a car. 10 Q. Let's look at the last paragraph of 11 this letter, Page 2: "Discuss this with Arlene." 12 You're suggesting that she discuss her 13 attitude towards you with her 14 psychiatrist/psychologist that she retained to 15 help her with the sexual harassment at the job? 16 A. Well, I was always hoping that Arlene, 17 who I got to know, would council her and deal with 18 some of the issues that we had gone through 19 before, which to me would have been very helpful 20 to Ellie. 21 I mean, for instance -- 22 Q. So, you wanted Dr. Aviera to intervene</p>

20 (Pages 1485 to 1488)

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<p style="text-align: right;">Page 1489</p> <p>1 in the relationship between you and Ms. Sataki?</p> <p>2 A. Can I finish my answer, please?</p> <p>3 Q. I'll ask it again.</p> <p>4 Go ahead, but I'll ask it again --</p> <p>5 A. You interrupted me.</p> <p>6 THE WITNESS: Can I answer, your Honor?</p> <p>7 CHAIRMAN FITCH: Go ahead.</p> <p>8 THE WITNESS: Yeah, what I'm saying is,</p> <p>9 "Ellie, you have a lot of potential here, and, you</p> <p>10 know, you're not treating me well," and, you know,</p> <p>11 there's a psychological aspect of that, and it's</p> <p>12 not right, and I was hoping that Arlene could help</p> <p>13 her with that.</p> <p>14 BY MR. SMITH:</p> <p>15 Q. So you wanted the psychologist to help</p> <p>16 with your relationship with Ms. Sataki?</p> <p>17 A. No. No, because I felt that it</p> <p>18 permeated everything she did. For instance, not</p> <p>19 getting out of the cocoon that she put herself in.</p> <p>20 And that was not helpful to her in terms of</p> <p>21 advancing her own career and the personal aspects</p> <p>22 of her being.</p>	<p style="text-align: right;">Page 1491</p> <p>1 (Witness reads document.)</p> <p>2 Q. In this letter you describe all of the</p> <p>3 potential problems with her case, correct?</p> <p>4 A. Some of them, yeah.</p> <p>5 Q. And you note that the defense will try</p> <p>6 to prove that she is promiscuous, and you go into</p> <p>7 detail, all of the evidence that the defendants</p> <p>8 have dug up, correct?</p> <p>9 A. The letter speaks for itself.</p> <p>10 As I testified I think at length that</p> <p>11 was a concern in representing her. It's a concern</p> <p>12 of anyone representing an alleged sexual</p> <p>13 harassment victim.</p> <p>14 So, yes, that was a concern. That's</p> <p>15 one of the reasons why I thought it would be good</p> <p>16 not to live with Kaveh, even though he's a very</p> <p>17 fine person and to, as she wanted to do from day</p> <p>18 one, be in LA working for PNN in their field</p> <p>19 office there.</p> <p>20 Q. And your last sentence, "With your</p> <p>21 approach and attitude you're unlikely to succeed</p> <p>22 professionally in this country. I wish you the</p>
<p style="text-align: right;">Page 1490</p> <p>1 Q. And then you conclude this letter with,</p> <p>2 "Thank God I love you or I would have been gone</p> <p>3 long ago. Being around you requires me to always</p> <p>4 swallow my pride and self respect."</p> <p>5 A. Right, that's exactly correct.</p> <p>6 Q. "I will not and do not do this with</p> <p>7 anyone else."</p> <p>8 A. That's correct.</p> <p>9 You know, because I cared about her</p> <p>10 deeply, you know. I took the lack of respect and</p> <p>11 the verbal abuse and other things for a very long</p> <p>12 time.</p> <p>13 But the straw that broke the camel's</p> <p>14 back, in terms of my realizing I had to move on,</p> <p>15 was when whether you're treated that way and</p> <p>16 someone asks you to buy them a car.</p> <p>17 Where the -- that's -- that's</p> <p>18 unbelievable.</p> <p>19 Q. Take a look at Supplementary Exhibit</p> <p>20 Number 19. For the record this is a letter dated</p> <p>21 June 29th, 2010, from Mr. Klayman to Ms. Sataki.</p> <p>22 A. Ok.</p>	<p style="text-align: right;">Page 1492</p> <p>1 best. Larry."</p> <p>2 Correct?</p> <p>3 A. Where is that?</p> <p>4 Q. Page 2, the last sentence.</p> <p>5 CHAIRMAN FITCH: Well, we see what it</p> <p>6 says, Mr. Smith. Do you have --</p> <p>7 THE WITNESS: I also --</p> <p>8 CHAIRMAN FITCH: Wait a minute, he</p> <p>9 hasn't asked you a question.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. You didn't profess your love in this</p> <p>12 letter, did you?</p> <p>13 A. The letter speaks for itself.</p> <p>14 I'm talking about a difficult Judge</p> <p>15 Kotelly. I'm talking about difficulties that we</p> <p>16 may have had to face in the case. I'm talking</p> <p>17 about trying to get her life going in a positive</p> <p>18 direction, so, you know, she could have a better</p> <p>19 future.</p> <p>20 That's what I'm doing.</p> <p>21 CHAIRMAN FITCH: Well, Mr. Klayman --</p> <p>22 wait a minute.</p>

21 (Pages 1489 to 1492)

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<p style="text-align: right;">Page 1493</p> <p>1 Mr. Klayman, you said, the first 2 sentence of your answer, the letter speaks for 3 itself, and that's fine. 4 THE WITNESS: Ok. 5 CHAIRMAN FITCH: But now you went on 6 and, notwithstanding it speaks for itself, you 7 should answer his question. 8 THE WITNESS: Ok. 9 CHAIRMAN FITCH: You don't say in this 10 letter that you love her, do you? 11 THE WITNESS: Correct. 12 CHAIRMAN FITCH: Go ahead, Mr. Smith. 13 BY MR. SMITH: 14 Q. Is it fair to say that you now 15 understood that Ms. Sataki was not going to return 16 your love? 17 A. No, not at all. It's an incorrect 18 characterization. 19 Q. You still believed that Ms. Sataki 20 might somehow fall in love with you? Is that 21 fair? 22 A. That was not my intent or approach. My</p>	<p style="text-align: right;">Page 1495</p> <p>1 MR. SMITH: Alright. 2 BY MR. SMITH: 3 Q. Take a look at Exhibit 20, 4 Supplementary Exhibit 20. 5 A. Yeah, let me read it. 6 (Witness reads document.) 7 MR. SMITH: These are two 8 correspondence, both dated July 26th, 2010, and 9 both from Mr. Klayman to Ms. Sataki. 10 THE WITNESS: Ok, I got it. 11 BY MR. SMITH: 12 Q. Alright. In these two letters, you 13 became aware that Ms. Sataki had been talking with 14 Kathleen Staunton from Congressman Rohrabacher's 15 office, correct? 16 A. Correct. I called Kathleen, Kathleen 17 Staunton, and I said, "Is Congressman Rohrabacher 18 going to do anything to help Ms. Sataki," because 19 I had gone up there to ask for his help. 20 Q. And based upon your conversation with 21 Ms. Staunton, Kathleen, you were inspired to write 22 a letter to Ms. Sataki indicating that she "needed</p>
<p style="text-align: right;">Page 1494</p> <p>1 approach was that I cared for her and that I 2 wasn't getting the respect and the interaction 3 that would be normal in even a friendship. 4 Q. Look at Supplementary Exhibit Number 5 20, please. 6 CHAIRMAN FITCH: SX20, correct? 7 MR. SMITH: SX20, yes. 8 CHAIRMAN FITCH: Are we pretty much 9 toward the end? 10 MR. SMITH: Yes, of this aspect of the 11 examination. 12 CHAIRMAN FITCH: Yeah, ok. 13 THE WITNESS: May I ask, just for 14 purposes of scheduling, your Honor, with my sister 15 who came from New York -- 16 CHAIRMAN FITCH: Now that it's 11:00, 17 Mr. Smith, I'm getting a little worried, how much 18 more do you have? 19 MR. SMITH: Not much more. I'm about 20 to wrap up. It depends on the answers that I get. 21 CHAIRMAN FITCH: I'm going to have to 22 break in about two or three minutes.</p>	<p style="text-align: right;">Page 1496</p> <p>1 to improve in the areas of honesty, class and 2 knowing who your friends are"? 3 A. No, that wasn't the purpose of my 4 letter. 5 The primary purpose is that, as it 6 states here, which you overlooked, is that the 7 email, very short, July 26th, 2010, 3:23 p.m., 8 Larry Klayman, "Talked with Kathleen about" -- 9 CHAIRMAN FITCH: He didn't ask you 10 about this email? 11 THE WITNESS: Ok, but that was the 12 purpose. It was a reaction to that, telling her 13 things that were patently untrue; that she didn't 14 want to go to LA, never wanted to file a court 15 case. That was false. 16 I was concerned about that because that 17 was perhaps the reason that Congressman 18 Rohrabacher didn't try to help her, and it was 19 probably the reason that Kathleen Staunton later 20 came after me, thinking that somehow I had done 21 things that she didn't want. 22 This is so false. And I'm glad that</p>

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<p style="text-align: right;">Page 1497</p> <p>1 you brought this letter in front of the 2 committee -- 3 BY MR. SMITH: 4 Q. Well, can you answer my question, so 5 then you can deal with whatever else it is you 6 want to deal with? 7 CHAIRMAN FITCH: Answer his question. 8 BY MR. SMITH: 9 Q. In neither one of these pieces of 10 correspondence do you profess your love for Ms. 11 Sataki, do you? 12 A. I do in the sense that -- 13 Q. Do you say the words "I love you" in 14 this letter? 15 A. No, I don't say that. And that's a 16 different question than what you just asked me. 17 I'm care about her. 18 CHAIRMAN FITCH: I think he has the 19 right to finish that first answer. 20 THE WITNESS: Yeah, I'm caring about 21 her. You don't have to use the word "love" to let 22 someone know you're caring about them.</p>	<p style="text-align: right;">Page 1499</p> <p>1 We are resuming Mr. Smith's examination 2 here at 11:12, with again the requisite persons 3 present. 4 CONTINUED CROSS-EXAMINATION 5 BY DISCIPLINARY COUNSEL: 6 BY MR. SMITH: 7 Q. Alright, take a look at Supplemental 8 Exhibit Number 7, please. And that is a two-page 9 document. 10 A. Supplemental Exhibit 7? I thought we 11 already went over that. 12 Q. Supplemental Exhibit 11. 13 A. Oh, 11:00. 14 THE WITNESS: She's calling me, your 15 Honor. Can I just take it real quickly? 16 CHAIRMAN FITCH: Go ahead. 17 (Brief pause.) 18 THE WITNESS: She's on her way. She 19 will wait in the witness room. 20 BY MR. SMITH: 21 Q. For the record, an email dated May 22 30th, 2010 from Ms. Sataki to Mr. Klayman.</p>
<p style="text-align: right;">Page 1498</p> <p>1 BY MR. SMITH: 2 Q. You're not telling her how beautiful 3 she is? 4 A. I always talked about that in context, 5 if I talked about it at all. 6 Q. You're not talking about how, you know, 7 much better your life is with -- 8 A. The letter says what it says, Mr. 9 Smith. I'm sorry. You're trying to put words 10 into my mouth. 11 MR. SMITH: Alright, we have dealt with 12 Supplementary Exhibit 21 yesterday, so I will 13 conclude this aspect of the examination. 14 CHAIRMAN FITCH: We will stand in 15 recess as we prepare for an interruption of Mr. 16 Klayman's testimony in order to accommodate 17 another witness, if the witness is here. 18 One way or the other, we will stand in 19 recess for at least nine minutes until 11:10. 20 (Recess taken.) 21 CHAIRMAN FITCH: Back on the record, 22 please.</p>	<p style="text-align: right;">Page 1500</p> <p>1 (Witness reads document.) 2 CHAIRMAN FITCH: So it's the email that 3 starts at the bottom of Page 1. 4 MR. SMITH: Yes. 5 CHAIRMAN FITCH: And continues on. 6 MR. SMITH: Yes. 7 BY MR. SMITH: 8 Q. And also look at the one right above 9 it, I'm sorry, the May 30th to Mr. Klayman from 10 Ms. Sataki. 11 (Witness reads document.) 12 A. Ok. 13 Q. Alright, in this letter the subject 14 line says: "No More Arguments," and you're 15 suggesting to her that she should not communicate 16 with you any further. 17 A. You got a question? 18 Q. Yes. 19 That's what you're doing. Is that 20 right? 21 A. At that point in time I was saying 22 also, "Deal with my associate at that time because</p>

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<p style="text-align: right;">Page 1501</p> <p>1 you don't know how to talk to me or deal with me." 2 I wasn't pushing her away from legal 3 representation. No. 4 Q. Ok, and you accused her of having a 5 diva mentality? 6 A. I didn't accuse her. She does have a 7 diva mentality. 8 Q. You described her as having a diva 9 mentality? 10 A. I said that, but she has a 11 self-centered approach to things. 12 Q. You're saying, "Unfortunately you have 13 a sick mind and because of that you make my mental 14 state worse too, especially with your meaningless 15 accusations." 16 A. Well, are you reading what she wrote? 17 Q. Yes. 18 A. Ok, you're not reading all of what she 19 wrote. I mean, she's accusing me of having a sick 20 mind, of needing professional help. It's 21 extremely insulting. 22 Q. But she's saying that you're making her</p>	<p style="text-align: right;">Page 1503</p> <p>1 pay me. 2 To the extent that I said that at the 3 end, it was to try to jog her into -- 4 Q. Let's look at Supplementary -- 5 A. If I could finish the respond, please. 6 It was simply to jog her into realizing 7 how much I had done for her. 8 Q. Let's take a look at Supplemental 9 Exhibit Number 12. Perhaps that is the point 10 you're trying to make. 11 A. I'll read it. 12 (Witness reads document.) 13 A. Ok. 14 Q. In the fifth line down it says, "Well, 15 this point I think that 50 percent of any recovery 16 is fair, and that is what I require." 17 You see that? 18 A. If this matter was going to go forward, 19 yes, but the representation, at least in terms of 20 her -- 21 Q. Well -- 22 A. Let me finish.</p>
<p style="text-align: right;">Page 1502</p> <p>1 mental state worse with all of your accusations? 2 A. I didn't make her metal state worse. 3 Her mental state is what it was, and it continues 4 today, and we saw that, in my opinion, in court. 5 Q. Alright, in the last paragraph of this 6 sentence, Ms. Sataki says, "Please let me finish 7 here by saying that please always remember you 8 will get 40 percent when you finish the case." 9 A. I never accepted that. I said I never 10 wanted to be paid. It's pro bono. She's trying 11 to lure me into continuing to represent her by 12 saying you'll get 40 percent. 13 We never got to the point of doing a 14 contingent fee agreement, because at that point we 15 went our separate ways. But I never intended to 16 be paid. I never intended to tae anything from 17 her. We were simply looking for equitable relief 18 to get her back to Los Angeles. 19 There was no money in it anyway, 20 assuming there was every any money in it, for 21 many, many years. And that was not what I was 22 attempting to do. I never, ever said she had to</p>	<p style="text-align: right;">Page 1504</p> <p>1 At least in terms -- 2 Q. I haven't asked a question, Larry. 3 THE WITNESS: I want to respond, your 4 Honor. 5 MR. SMITH: I have not asked a 6 question? 7 CHAIRMAN FITCH: I think the answer to 8 his question is that it does say that. 9 Now what's your question? 10 BY MR. SMITH: 11 Q. Now the question is, this is a 12 counteroffer to Ms. Sataki's statement in her 13 letter to you the day before that 40 percent is 14 what you all had agreed upon. 15 A. I never, ever agreed on 40 percent. I 16 didn't want anything. It was friendship, number 17 one. Number two, I never asked for anything. You 18 can see that, even to this day. 19 I could have brought a lawsuit if in 20 fact I thought I was owed anything to recuperate 21 it, because people were interfering with my 22 relationship -- I would never sue her -- my</p>

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<p style="text-align: right;">Page 1505</p> <p>1 professional relationship. And that's clear.</p> <p>2 But the relationship ended and we</p> <p>3 never -- I mean, at this point, it was clear that</p> <p>4 we had to go our separate ways. I'm just kind of</p> <p>5 challenging her, trying to get her to see that I</p> <p>6 had put in so much time and expense and that she</p> <p>7 didn't appreciate it.</p> <p>8 So therefore the terms of my previous</p> <p>9 pro bono relationship, if it went forward, I was</p> <p>10 challenging her that it would have to change. But</p> <p>11 it never went forward, other than the fact that I</p> <p>12 tried to protect her interest, because we didn't</p> <p>13 get any communication shortly thereafter.</p> <p>14 But even then I wasn't sending her</p> <p>15 anything to say I want to continue to represent</p> <p>16 you under these circumstances. I was protecting</p> <p>17 her. I was protecting her rights. And I think I</p> <p>18 had an ethical duty to do that, not to let her</p> <p>19 lose everything.</p> <p>20 As you previously just saw a few</p> <p>21 moments ago, she's telling Kathleen Staunton she</p> <p>22 never wanted to go to LA, she never wanted to</p>	<p style="text-align: right;">Page 1507</p> <p>1 getting her back to LA. That was equitable relief</p> <p>2 in terms of Wagner vs. Taylor. That's where my</p> <p>3 effort was right from the beginning.</p> <p>4 You saw the emails with Mr. Keya Dash,</p> <p>5 where I said --</p> <p>6 Q. You were --</p> <p>7 A. Wait a minute. Let me finish.</p> <p>8 -- where I said, "Look, what we really</p> <p>9 want is a settlement here to get her to LA."</p> <p>10 That's what the representation was gear to, the</p> <p>11 extent that I put in damage claims and things like</p> <p>12 that. That was to try to coax or properly coerce</p> <p>13 VOA to do the right thing and the board of</p> <p>14 governors.</p> <p>15 But that was not my motivation here.</p> <p>16 It was not to make money.</p> <p>17 Q. Do you recall the addendum clause that</p> <p>18 you had in your civil complaint against the</p> <p>19 defendants in this case, Ms. Sataki vs.</p> <p>20 Broadcasting Board of Governors case?</p> <p>21 A. I generally remember that, but a lot of</p> <p>22 what I did, based on my considerable experience,</p>
<p style="text-align: right;">Page 1506</p> <p>1 bring court cases. That is a blatant falsehood,</p> <p>2 and that's what I was dealing with in terms of</p> <p>3 getting communications from a number of people.</p> <p>4 But it's clear at this point she had to</p> <p>5 move on. I gave her other names. She was always</p> <p>6 free to get the other names and interview them and</p> <p>7 hire another lawyer. She had other people who</p> <p>8 could help her.</p> <p>9 MR. SMITH: Move to strike. My</p> <p>10 question had nothing to do with any of that. My</p> <p>11 question was whether or not it had to do with a</p> <p>12 counteroffer.</p> <p>13 CHAIRMAN FITCH: The part of the answer</p> <p>14 that essentially consisted of the relationship</p> <p>15 ended, other than my duty to protect her interest.</p> <p>16 The rest will not be considered and</p> <p>17 will be struck.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. You said this case was not worth</p> <p>20 anything. There was no expectation of making any</p> <p>21 money out of this case?</p> <p>22 A. No, because all my effort was geared to</p>	<p style="text-align: right;">Page 1508</p> <p>1 was to put pressure on VOA to settle the case.</p> <p>2 Q. Do you remember how much you asked for</p> <p>3 in damages for Ms. Sataki's case?</p> <p>4 A. I'm sure it was a lot, because I wanted</p> <p>5 them to realize they were at risk, so they would</p> <p>6 settle this matter.</p> <p>7 Q. You sought compensatory and actual</p> <p>8 damages in excess of \$150M. Is that right?</p> <p>9 A. I don't know. I don't have the</p> <p>10 complaint in front of me right now.</p> <p>11 Q. Look at Bar Exhibit 4, at Page 4-12.</p> <p>12 (Witness peruses document.)</p> <p>13 A. Ok. Yes, I put that -- I didn't know</p> <p>14 the amount because I hadn't seen the complaint for</p> <p>15 quite a while.</p> <p>16 Q. Did you have a basis in law or in fact</p> <p>17 to ask for \$150M?</p> <p>18 A. Yes, in terms of what the damage may</p> <p>19 have been. But I was also trying --</p> <p>20 Q. So therefore you were entitled to,</p> <p>21 according to your fee agreement, at last \$75M in</p> <p>22 the event that the case went to term and you got</p>

25 (Pages 1505 to 1508)

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<p style="text-align: right;">Page 1509</p> <p>1 \$150M, correct?</p> <p>2 CHAIRMAN FITCH: I'll strike that</p> <p>3 question because of the use of the term "fee</p> <p>4 agreement," which strikes me as not established,</p> <p>5 at least not yet.</p> <p>6 MR. TIGAR: Could I --</p> <p>7 CHAIRMAN FITCH: But wait a minute,</p> <p>8 let's if Mr. Smith -- he does have a perfectly</p> <p>9 legitimate question.</p> <p>10 BY MR. SMITH:</p> <p>11 Q. According to the terms of the fee</p> <p>12 agreement set forth in Mr. Klayman's letter to Ms.</p> <p>13 Sataki dated May 31st, Supplemental Exhibit Number</p> <p>14 12, you say that you were entitled to 50 percent</p> <p>15 of whatever is recovered in the case.</p> <p>16 A. There never was a fee agreement. I was</p> <p>17 throwing that out if I was to continue, and I was</p> <p>18 trying to get her to see that I had put in so much</p> <p>19 effort.</p> <p>20 But there never was an agreement to pay</p> <p>21 me 40 percent, or 50 percent. It was clear from</p> <p>22 the start that it was pro bono. I was doing it</p>	<p style="text-align: right;">Page 1511</p> <p>1 in context that I'm also suggesting that she</p> <p>2 should find another lawyer. It's clear that if</p> <p>3 I'm going to remain and if she's going to act in a</p> <p>4 proper way, that obviously there has to be some</p> <p>5 kind of an agreement.</p> <p>6 But there never was an agreement up to</p> <p>7 that point in time, and the relationship ended.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. I thought you were trying to get out of</p> <p>10 the case because of your emotional attachments to</p> <p>11 the --</p> <p>12 A. There were a lot of reasons why, and</p> <p>13 also because of hers.</p> <p>14 MR. SMITH: I'm sorry, Mr. Tigar?</p> <p>15 MR. TIGAR: Two matters of</p> <p>16 clarification.</p> <p>17 THE WITNESS: Sure.</p> <p>18 MR. TIGAR: The damages claim was</p> <p>19 necessary if you had a Bivens action, correct?</p> <p>20 THE WITNESS: Correct.</p> <p>21 MR. TIGAR: Because you couldn't have a</p> <p>22 Bivens action without damages?</p>
<p style="text-align: right;">Page 1510</p> <p>1 from the standpoint of what I thought was right in</p> <p>2 helping a woman that had no money, and again, the</p> <p>3 goal was not to go all the way through. I</p> <p>4 couldn't have even afforded that. I was by</p> <p>5 myself, essentially.</p> <p>6 CHAIRMAN FITCH: Why did you title this</p> <p>7 email "Legal Representation Agreement"?</p> <p>8 THE WITNESS: Well, because I'm saying</p> <p>9 if we go forward, if we go forward. We didn't</p> <p>10 have an agreement before then.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. You don't say that in the letter --</p> <p>13 A. I'm saying, the representation ended --</p> <p>14 Q. The letter doesn't say, "if we go</p> <p>15 forward," does it?</p> <p>16 A. The letter says what it says.</p> <p>17 Q. Ok.</p> <p>18 A. But I'm telling you where I was coming</p> <p>19 from.</p> <p>20 CHAIRMAN FITCH: Mr. Tigar had a</p> <p>21 question.</p> <p>22 THE WITNESS: My answer, if you put it</p>	<p style="text-align: right;">Page 1512</p> <p>1 THE WITNESS: Absolutely.</p> <p>2 MR. TIGAR: Number two, with respect to</p> <p>3 Supplemental Exhibit Number 12, I have focused on</p> <p>4 the language that "I will draw up the contract</p> <p>5 evidencing this 50% arrangement and email it to</p> <p>6 you. Then sign it so I know we are on the same</p> <p>7 page."</p> <p>8 THE WITNESS: Yeah. Well, we never --</p> <p>9 MR. TIGAR: Did you ever send that to</p> <p>10 her?</p> <p>11 THE WITNESS: No, we never got to that</p> <p>12 point, because the relationship effectively ended</p> <p>13 because of a lack of communication.</p> <p>14 MR. TIGAR: So at that point you</p> <p>15 understood that the relationship was over?</p> <p>16 THE WITNESS: It was ending, yes. And</p> <p>17 as you see from the difference correspondence,</p> <p>18 referral to Ms. Allred, referral to Mr. Shea,</p> <p>19 letters of referral to Dr. Aviera.</p> <p>20 So we never got to that point.</p> <p>21 MR. TIGAR: Thank you.</p> <p>22 MS. LARKIN: So I have a question.</p>

26 (Pages 1509 to 1512)

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<p style="text-align: right;">Page 1513</p> <p>1 If that relationship had not ended, 2 then Ms. Sataki would have been eligible to 3 receive the entire -- what million? 4 MR. SMITH: One hundred and fifty 5 million. 6 MS. LARKIN: One hundred and fifty 7 million without you receiving any remuneration for 8 the money you had put out? 9 THE WITNESS: That was my 10 understanding. 11 Based on reality, I didn't think we 12 would be litigating this thing for ten years. We 13 were trying to get a resolution of her going back 14 to Los Angeles. 15 I cared about her. That's what I was 16 trying to do. Not get damages. 17 CHAIRMAN FITCH: If in your view at the 18 time, as you said, the relationship had ended, why 19 did you say, "I'll draw up the contract evidencing 20 this 50% arrangement and email it. Then sign it 21 so I know we are on the same page as I go 22 forward"?</p>	<p style="text-align: right;">Page 1515</p> <p>1 MR. TIGAR: This is Supplemental 2 Exhibit 38? 3 CHAIRMAN FITCH: The very last one. 4 MR. TIGAR: Mine says September 15, 5 2011. 6 MR. SMITH: The bottom portion. 7 MR. TIGAR: Oh. 8 MR. SMITH: This is from Ms. Sataki to 9 Mr. Klayman. 10 MR. TIGAR: Thank you. 11 (Witness reads document.) 12 THE WITNESS: Ok, I see it. 13 BY MR. SMITH: 14 Q. You testified yesterday that you felt 15 insulted by Ms. Sataki's statement that "I don't 16 know if you're a Christian or Jewish, because 17 whatever it suits you best, you become one. But I 18 do believe in karma." 19 A. I didn't testify to that. 20 What I testified to was that I didn't 21 understand why "Jewish" was being highlighted and 22 I didn't see why that was any different in the</p>
<p style="text-align: right;">Page 1514</p> <p>1 MR. KLAYMAN: Yeah, I was upset and 2 didn't mean that literally. 3 What I meant was I put in so much time 4 and expense. I put my heart and soul into this 5 and never asked to be compensated. So that was 6 kind of a way of saying that, but there was no 7 agreement that I would get a contingent fee. 8 I didn't -- if you see, the 9 negotiations with VOA, I'm never asking them to 10 pay money. 11 You've got a lot in the record there. 12 That was not -- I was demanding of the settlement. 13 We would have gone away if they put her back to 14 work in Los Angeles, and that was our objective. 15 MR. SMITH: I'm going to wrap this up. 16 BY MR. SMITH: 17 Q. I'll ask you to take a look at Bar 18 Exhibit Number 38, Supplemental Exhibit Number 38, 19 please. 20 For the record it is the correspondence 21 from Ms. Sataki to Mr. Klayman on September 11th, 22 2011.</p>	<p style="text-align: right;">Page 1516</p> <p>1 context of this, other than being Christian. 2 So what was in her mind, I don't know. 3 But I thought she was -- it was pejorative in a 4 sense to do that. 5 And this is the way she would talk to 6 me -- 7 CHAIRMAN FITCH: Now stop there. He 8 asked you a question and you answered that 9 question -- 10 THE WITNESS: Ok. 11 CHAIRMAN FITCH: -- about what's said 12 there. 13 Next question. 14 BY MR. SMITH: 15 Q. Do you think it would be pejorative to 16 say that "Jewish people think they know 17 everything. That's why I generally don't hang 18 around them"? 19 A. Well, I was joking with that. I'm 20 self-deprecating many times. It's part of my 21 humor I said. 22 I'm very proud of being Jewish. Let me</p>

27 (Pages 1513 to 1516)

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<p style="text-align: right;">Page 1517</p> <p>1 tell you that.</p> <p>2 Q. I'm referring to Supplementary Exhibit</p> <p>3 Number 10 where that's what you said.</p> <p>4 A. I remember something to that effect.</p> <p>5 Q. Well, take a look at Supplementary</p> <p>6 Exhibit 10.</p> <p>7 A. That's fine. I'm happy to do it. You</p> <p>8 know, I'm trying to make people feel comfortable</p> <p>9 here.</p> <p>10 Q. I feel comfortable.</p> <p>11 A. Good.</p> <p>12 CHAIRMAN FITCH: What's the relevance</p> <p>13 of this?</p> <p>14 MR. SMITH: I just wanted to know</p> <p>15 whether, you know, the appropriateness with</p> <p>16 respect to -- you know, the asserted allegation</p> <p>17 that Ms. Sataki may have been saying something</p> <p>18 anti-Semitic was inappropriate, given that he</p> <p>19 seems to have talked loosely about the Jewish</p> <p>20 faith, himself, in conversations with Ms. Sataki.</p> <p>21 THE WITNESS: This was what, your</p> <p>22 Honor --</p>	<p style="text-align: right;">Page 1519</p> <p>1 something inappropriate about that. It seems to</p> <p>2 me that he had opened up the door.</p> <p>3 And perhaps it was a bad line of</p> <p>4 questioning. I withdraw it and I will conclude</p> <p>5 my --</p> <p>6 CHAIRMAN FITCH: I think that would be</p> <p>7 best.</p> <p>8 MR. SMITH: I will conclude my</p> <p>9 examination with that.</p> <p>10 MR. KLAYMAN: Let me see if my sister</p> <p>11 is here.</p> <p>12 CHAIRMAN FITCH: Let's check on that.</p> <p>13 MR. KLAYMAN: Then I can do any</p> <p>14 redirect that I may have.</p> <p>15 CHAIRMAN FITCH: Mm-hmm.</p> <p>16 (Recess taken.)</p> <p>17 (Joshua Ashley Klayman before the</p> <p>18 hearing committee.)</p> <p>19 CHAIRMAN FITCH: We're back on the</p> <p>20 record at 11:38.</p> <p>21 And why don't you step up, please.</p> <p>22 I'm speaking to a witness who we think</p>
<p style="text-align: right;">Page 1518</p> <p>1 CHAIRMAN FITCH: Wait a minute, wait a</p> <p>2 minute, wait a minute.</p> <p>3 I'm certainly not going to allow a</p> <p>4 question or answer about -- that could be</p> <p>5 construed as suggesting feelings of religious</p> <p>6 discrimination.</p> <p>7 MR. SMITH: And that was not the point.</p> <p>8 CHAIRMAN FITCH: Ok, so tell me again</p> <p>9 what the relevance is.</p> <p>10 MR. SMITH: That it seems that they</p> <p>11 both talked loosely about the Jewish faith.</p> <p>12 CHAIRMAN FITCH: Ok?</p> <p>13 MR. SMITH: And the first instance of</p> <p>14 that appears in the Bar exhibit that Mr. Klayman</p> <p>15 made to Ms. Sataki where he was talking about how</p> <p>16 he didn't like hanging around Jewish people.</p> <p>17 CHAIRMAN FITCH: And what's the</p> <p>18 relevance of that?</p> <p>19 MR. SMITH: Yesterday, when he was</p> <p>20 commenting upon Ms. Sataki's testimony, he was</p> <p>21 suggesting that it was inappropriate for her to</p> <p>22 talk about Jewish -- and he thought there was</p>	<p style="text-align: right;">Page 1520</p> <p>1 is our next witness, which we're taking slightly</p> <p>2 out of order before redirect of Mr. Klayman.</p> <p>3 What is your name, please?</p> <p>4 THE WITNESS: Joshua Ashley Klayman.</p> <p>5 CHAIRMAN FITCH: Lean down to that</p> <p>6 microphone.</p> <p>7 THE WITNESS: Joshua Ashley Klayman.</p> <p>8 CHAIRMAN FITCH: I missed your first</p> <p>9 name. Spell it.</p> <p>10 THE WITNESS: J-o-s-h-u-a. It's just</p> <p>11 like the man's name.</p> <p>12 CHAIRMAN FITCH: Would you raise your</p> <p>13 right-hand. I need to swear you in as a witness.</p> <p>14 Do you solemnly swear or affirm that</p> <p>15 the testimony you are about to give in this matter</p> <p>16 will be the truth, the whole truth and nothing but</p> <p>17 the truth?</p> <p>18 THE WITNESS: I do.</p> <p>19 CHAIRMAN FITCH: Now, sit down, if you</p> <p>20 would, please. Pull both of those microphones</p> <p>21 kind of close to you and we'll go from there.</p> <p>22 THE WITNESS: By the way, I've never</p>

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<p style="text-align: right;">Page 1521</p> <p>1 given witness testimony before, so if there is</p> <p>2 something I should be doing, please let me know.</p> <p>3 Whereupon,</p> <p>4 JOSHUA ASHLEY KLAYMAN</p> <p>5 called as a witness on behalf of Respondent, and</p> <p>6 after having been first duly sworn, was examined</p> <p>7 and testified as follows:</p> <p>8 EXAMINATION ON BEHALF OF THE RESPONDENT:</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q. Please state your name.</p> <p>11 A. My name is Joshua Ashley Klayman.</p> <p>12 Q. Are we related, Ms. Klayman?</p> <p>13 A. Yes, you're my brother.</p> <p>14 Q. And how old are you?</p> <p>15 A. I'm 41.</p> <p>16 Q. Run us through briefly your educational</p> <p>17 background.</p> <p>18 A. Sure. I got a Bachelor's degree from</p> <p>19 the University of Pennsylvania in 1999. I</p> <p>20 graduated summa cum laude. I went to Temple Law</p> <p>21 School. I was a law faculty scholar and I was on</p> <p>22 Law Review and I graduated in 2006.</p>	<p style="text-align: right;">Page 1523</p> <p>1 and went to Paul Hastings. I then went --</p> <p>2 CHAIRMAN FITCH: It's the way of the</p> <p>3 world these days.</p> <p>4 THE WITNESS: Yes, exactly.</p> <p>5 I then went to Allen Overy. My partner</p> <p>6 there left and took us to Morrison Foerster where</p> <p>7 I had a practice for five years.</p> <p>8 I left on Friday and I just launched my</p> <p>9 own law firm and consulting firm, and I'm now a</p> <p>10 consultant to Shearman Sterling, as well.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. What is your legal specialty? What is</p> <p>13 your specialty, your expertise?</p> <p>14 A. So traditionally it was leveraging</p> <p>15 finance and corporate, but I have in the past few</p> <p>16 years been working on block chain and crypto</p> <p>17 matters, and I actually founded Morrison</p> <p>18 Foerster's global block chain and contracts group.</p> <p>19 That's where I've taken this next step so that I</p> <p>20 can do that all the time.</p> <p>21 Q. Did there come a point in time when you</p> <p>22 met a Ms. Elham Sataki?</p>
<p style="text-align: right;">Page 1522</p> <p>1 CHAIRMAN FITCH: Really I'm having</p> <p>2 trouble hearing you.</p> <p>3 THE WITNESS: Oh, sorry. I'll speak</p> <p>4 up.</p> <p>5 Do you want me to repeat that?</p> <p>6 CHAIRMAN FITCH: Mm-hmm.</p> <p>7 THE WITNESS: Ok, sure.</p> <p>8 So I graduated in '99 from University</p> <p>9 of Pennsylvania, summa cum laude with a Bachelor's</p> <p>10 in arts. I went to Temple Law School as a law</p> <p>11 faculty scholar. I graduated in 2006 cum laude on</p> <p>12 the Law Review.</p> <p>13 BY MR. KLAYMAN:</p> <p>14 Q. Can you run us through your employment</p> <p>15 history after law school.</p> <p>16 A. Sure.</p> <p>17 Q. Take your time.</p> <p>18 A. Ok. So after law school I initially</p> <p>19 practiced for four years in Pennsylvania, at</p> <p>20 Pepper Hamilton. I then went to Cahill Gordon and</p> <p>21 Reindel, in New York City, to do leverage finance.</p> <p>22 I left there when some partners left</p>	<p style="text-align: right;">Page 1524</p> <p>1 A. Yes.</p> <p>2 Q. What was the circumstances of that?</p> <p>3 A. At the time I was dating someone in Los</p> <p>4 Angeles, so I was frequently flying over the</p> <p>5 weekend from Los Angeles to New York.</p> <p>6 My brother lived in Pacific Palisades,</p> <p>7 and I met her at his house.</p> <p>8 Q. During the meeting with Ms. Sataki, did</p> <p>9 she discuss the issue of her case and what was</p> <p>10 being done?</p> <p>11 A. Yes, quite openly. And I met her</p> <p>12 multiple times. It wasn't that I just met her one</p> <p>13 time.</p> <p>14 Yes, she was quite open with what the</p> <p>15 circumstances of her challenges were.</p> <p>16 Q. Did she discuss the issue of publicity</p> <p>17 in her case?</p> <p>18 A. She did. I mean, she was very, very</p> <p>19 open, which -- I'm not a litigator. I don't</p> <p>20 really know anything about litigations, but I was</p> <p>21 surprised that she was so open.</p> <p>22 Q. And did she say that she was approving</p>

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<p style="text-align: right;">Page 1525</p> <p>1 of publicity of her case in trying to get a 2 settlement of her claims? 3 MR. SMITH: Objection. That's a 4 leading question. 5 THE WITNESS: Ok, so -- 6 MR. SMITH: Objection. That's a 7 leading question. 8 CHAIRMAN FITCH: Rephrase the question. 9 BY MR. KLAYMAN: 10 Q. Did she make reference to using 11 publicity to try to get a positive result for her? 12 MR. SMITH: Objection. It's a leading 13 question. 14 BY MR. KLAYMAN: 15 Q. Ok, what did she say? 16 A. She was very interested in trying to 17 get a positive result and to pressure people into, 18 you know, giving her that result. 19 She certainly was publicizing 20 everything to my then boyfriend and me, but I 21 don't recall her explicitly saying, like, "Yes, 22 I," you know -- however she was actively</p>	<p style="text-align: right;">Page 1527</p> <p>1 either directly with her or through Larry and her 2 saying hi to me or something like that. It wasn't 3 that -- they were friends. 4 CHAIRMAN FITCH: Now ask a question, 5 Mr. Klayman. 6 MR. KLAYMAN: Ok. 7 CHAIRMAN FITCH: You've got the 8 foundation. 9 BY MR. KLAYMAN: 10 Q. During the times that you met with her, 11 I discussed publicizing her case? 12 A. Yes. I think you always discussed 13 publicizing cases. 14 Q. And she didn't object? 15 A. No. 16 Q. What was your impression of Ms. Sataki 17 interacting with me? 18 A. A few things: I thought she was 19 beautiful, right. I thought she seemed -- I 20 thought she was using you, which I said to you on 21 multiple occasions. And she definitely seemed to 22 be in a very unstable sort of way.</p>
<p style="text-align: right;">Page 1526</p> <p>1 publicizing it to me. And she seemed very onboard 2 with whatever the strategy was. 3 Q. But I also mentioned, did I not, the 4 publicity? 5 A. Yeah. 6 Q. Yes. 7 A. Yeah. 8 Q. She didn't object? 9 MR. SMITH: Objection. 10 THE WITNESS: I think -- 11 CHAIRMAN FITCH: Wait, wait. 12 Did there come a time when you had 13 conversations, one or more conversations with Mr. 14 Klayman and Ms. Sataki. 15 THE WITNESS: Yes. Yes. 16 CHAIRMAN FITCH: On approximately how 17 many occasions would you say. 18 THE WITNESS: I'm not sure offhand how 19 many in-person times, however she and Larry were 20 friends. I mean, they were -- that's why she was 21 over my boyfriend's house there. 22 So, I frequently had conversations</p>	<p style="text-align: right;">Page 1528</p> <p>1 But I -- I mean, I vacillated between 2 kind of liking her and being suspicious of her, 3 quite frankly, as your sister. 4 MR. KLAYMAN: I have no further 5 questions. 6 MR. SMITH: I have no questions. 7 MR. TIGAR: I have a couple, if I may. 8 CHAIRMAN FITCH: Go ahead, Mr. Tigar. 9 MR. TIGAR: I'm not sure I heard the 10 word. You thought that Ms. Sataki was using Mr. 11 Klayman? 12 THE WITNESS: Yes. 13 MR. TIGAR: What do you mean by that? 14 THE WITNESS: Well, she was -- I don't 15 know what she looks like now, but she was very 16 beautiful and she was just very forward in her 17 demands. I guess -- I shouldn't say demands. 18 But I believe at one point she asked 19 him to buy her a car, like, just -- she was very 20 forward in terms of requesting different things 21 for her personally. 22 MR. TIGAR: Were you aware of expenses,</p>

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<p style="text-align: right;">Page 1529</p> <p>1 of any expenses that Mr. Klayman was paying on her 2 behalf?</p> <p>3 THE WITNESS: I don't think I'm aware 4 independently of any kind of -- I don't know 5 whether I ever was aware, but I don't recall any 6 specific things. I just know he was, in my view, 7 he was going above and beyond, and I didn't 8 understand exactly why, because I felt like she 9 was a little bit, I don't know, not -- I just had 10 my sisterly like, what's happening here, you know?</p> <p>11 MR. TIGAR: Did you ever have the 12 feeling that Mr. Klayman, that your brother, was 13 in love with Ms. Sataki?</p> <p>14 THE WITNESS: Was in love with her? 15 No. I think he liked her a lot. Think 16 they were friends, but I don't think he was in 17 love with her.</p> <p>18 I didn't get that sense, but I think he 19 cared about her a lot. Maybe I'm wrong. I mean, 20 I thought he cared about her a lot.</p> <p>21 MR. KLAYMAN: Thank you. No further 22 questions.</p>	<p style="text-align: right;">Page 1531</p> <p>1 counsel wish to do before delivering their 2 respective, approximately half-hour closing 3 arguments.</p> <p>4 So let me ask again if all of that 5 tentative approach is satisfactory to everybody. 6 Mr. Smith? Is all of that satisfactory 7 to you?</p> <p>8 MR. SMITH: Satisfactory, yes.</p> <p>9 CHAIRMAN FITCH: I see nodding on the 10 other side of the podium.</p> <p>11 We stand in recess for approximately 15 12 minutes.</p> <p>13 (Recess taken.)</p> <p>14 CHAIRMAN FITCH: We can go back on the 15 record.</p> <p>16 It appears to me, and I'm very much 17 appreciative, that Mr. Klayman and Mr. Sujat are 18 prepared to proceed with redirect examination.</p> <p>19 You don't need your coat, don't have to 20 put it on. It's up to you.</p> <p>21 MR. SUJAT: Alright. Thank you, your 22 Honor.</p>
<p style="text-align: right;">Page 1530</p> <p>1 Thank you, sister.</p> <p>2 CHAIRMAN FITCH: Well, a fairly long 3 trip for a short testimony. I suppose it could 4 have been worse. It could have been a long trip 5 for a long testimony.</p> <p>6 We do appreciate witnesses helping us 7 out for these matters, and I believe that you can 8 now be excused.</p> <p>9 THE WITNESS: Right, thank you very 10 much.</p> <p>11 CHAIRMAN FITCH: Thank you. 12 (Witness is excused.) 13 (Brief pause.)</p> <p>14 CHAIRMAN FITCH: We are back on the 15 record and, after off-the-record discussions, with 16 the hearing committee and counsel and parties, we 17 are going to stand in recess for about 15 minutes 18 'till about five minutes after 12:00, and then 19 resume and do our very best to complete redirect.</p> <p>20 After that we will take a lunch break 21 and I'm assuming that the lunch break will be 22 adequate for any last minute preparation that</p>	<p style="text-align: right;">Page 1532</p> <p>1 CHAIRMAN FITCH: Sure.</p> <p>2 REDIRECT EXAMINATION BY RESPONDENT'S COUNSEL:</p> <p>3 BY MR. SUJAT:</p> <p>4 Q. Mr. Klayman, reference was made in 5 Respondent's Supplemental Exhibit 7 to your 6 mother.</p> <p>7 What is that all about?</p> <p>8 A. My mother had Alzheimer's, and my 9 stepdad had induced my grandmother, who was dying, 10 on her death bed, to give all of her money over to 11 him. And I had to bring a case to get my 12 grandmother's money back, because she had no money 13 for her nursing home and for her subsidy. She 14 saved a total of \$80,000 her entire life. She was 15 a dress salesman on Chestnut Street in 16 Philadelphia. That's where I was born.</p> <p>17 So it wasn't really a case against my 18 mother. It was that she was next of kin. I had 19 to do that to try to get my grandmother's money 20 back.</p> <p>21 My grandmother subsequently died. My 22 stepdad had also put a "do not resuscitate" order</p>

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<p style="text-align: right;">Page 1533</p> <p>1 on her chart. There was no reason she had to die 2 without treatment. 3 And that's what it was about. I was 4 standing in there for my grandmother. 5 So I wanted to explain that. 6 Q. Thank you, Mr. Klayman. 7 Mr. Klayman, I refer you to Bar Exhibit 8 Number 38, SX38. 9 A. Yes. 10 MS. LARKIN: Regular exhibit or Bar? 11 CHAIRMAN FITCH: This is SX38. 12 MR. SUJAT: Yes, SX38. 13 BY MR. SUJAT: 14 Q. Mr. Klayman, what did this mean to you 15 with respect to your interaction with Ms. Sataki? 16 A. It's demonstrative -- 17 CHAIRMAN FITCH: Are we talking about 18 the Sataki email to Mr. Klayman? 19 THE WITNESS: Yes. 20 CHAIRMAN FITCH: At 5:28 p.m. on 21 9/11/11? I assume we are. 22 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 1535</p> <p>1 she was doing, and frankly I think she used me in 2 retrospect. 3 So that's what it meant to me. 4 But most of this, I just wanted the 5 hearing committee to know that this is 6 demonstrative of the issue of what I testified to 7 about respect, about talking to someone in the 8 right way, about treating me like you would treat 9 your other friends and having a way of 10 appreciating what I was trying to do for her. 11 And for her even to say that I took a 12 bribe, that's the worst thing you can say to a 13 lawyer, and it just kind of cuts your entire 14 psyche out. 15 So that's why I'm very, actually, 16 grateful that Mr. Smith got that from Ms. Sataki, 17 because this tells it all. 18 BY MR. SUJAT: 19 Q. Mr. Klayman, what was your ultimate 20 purpose in bringing the litigation for Ms. Sataki? 21 A. It was always to get her back to work 22 in Los Angeles. That was my goal. I cared about</p>
<p style="text-align: right;">Page 1534</p> <p>1 CHAIRMAN FITCH: Ok, go ahead. 2 THE WITNESS: It's demonstrative how 3 she treated me, how she talked to me many times 4 during the time period that I represented her. 5 It also displays that her ability to 6 write English is poor. 7 And the underlining of the word 8 "Jewish," I'm not saying she's anti-Semitic. I 9 never said that, and, you know, I joke about 10 things to o. I'm very proud of being of Jewish 11 heritage and coming to Christ. I'm both. But I 12 thought it was unnecessary to highlight the Jewish 13 part of it, and it was kind of like sticking it to 14 me, in a way. 15 At the bottom it says, "I'm nobody. 16 I'm just a little girl that was retaliated and 17 harassment by some VOA employee, and you see that 18 you can help me"... This is how she took me in to 19 help her, you know, because that's an approach to 20 get sympathy, which was warranted, but certainly I 21 wouldn't say she was just a "little girl." I 22 think she was quite sophisticated and knew what</p>	<p style="text-align: right;">Page 1536</p> <p>1 her. 2 Right from the start in communications 3 that are part of Exhibit 7, with Mr. Dash, I'm 4 saying that all we really want is settlement to 5 get her back to LA. We don't want to have to sue 6 anybody. 7 We tried very hard. We tried even with 8 a mutual friend who was on the board of governors. 9 We tried lobbying Capitol Hill, prominent 10 senators, congressman, including Mr. Boehner, 11 including Mr. McCain, including Mr. Coburn. 12 We tried to use publicity to coax them 13 into a settlement. And we continued, of course, 14 to try to coax them into a settlement until the 15 very end, but it wasn't possible. 16 In the interim, it was felt and agreed 17 by her that we would bring litigation and that we 18 would bring a Bivens type of case. And I didn't 19 name anyone in particular. I just named the 20 entire board of directors who are responsible, and 21 I put on notice the board of governors what was 22 going on, that they should resolve it.</p>

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<p style="text-align: right;">Page 1537</p> <p>1 So there was no attempt to single out 2 Hillary Clinton or anybody else. My friend 3 Blanquita Cullum was also named, and I did it for 4 Ms. Sataki and actually destroyed a friendship. 5 But I did things based on what I think 6 are the merits, and I felt at that time that she 7 deserved my full and uncompromised representation. 8 That's what we were trying to do, was 9 to coax a settlement out of them, to tell the 10 board of governors that they're personally at risk 11 unless they settle this. That was the goal. It 12 wasn't for money. I didn't ask for money. You 13 can go through the exhibits, I went through them 14 several times to point it out. 15 I said, "You can go off and have a good 16 life," even at the time that I said you need to 17 get another lawyer, you know, and recommended Ms. 18 Allred and recommended Mr. Shea, and she was 19 always free to get another lawyer. 20 So, the fact that she would write me an 21 email like this, when you care about somebody, 22 even if that's your friend, it kind of cuts your</p>	<p style="text-align: right;">Page 1539</p> <p>1 so on. 2 So, Mr. Smith, please be sure to 3 address what secrets and/or confidences the Bar 4 contends were disclosed that ought not to have 5 been. 6 MR. SMITH: Alright. 7 MR. TIGAR: Please get to the question 8 of whether this was a contingent fee case, under 9 the rules. You heard the testimony. 10 And then, please define with some 11 clarity what personal interests you believe were 12 involved, because that's what you've alleged. 13 MR. SMITH: Alright. 14 MR. TIGAR: Mr. Sujat and Mr. Klayman, 15 I'd like to get clear at what point Mr. Klayman 16 felt that he was no longer serving as counsel for 17 Ms. Sataki. I think we've had a lot of testimony, 18 one way or another. It would be good to nail that 19 down. 20 And then, to the extent you can do so 21 briefly, could you characterize the different 22 offices that are Larry Klayman offices at</p>
<p style="text-align: right;">Page 1538</p> <p>1 heart out in a way. Because you tried so hard for 2 somebody. And that's the way I was being treated 3 throughout this case. 4 So that's what I wanted to say about 5 that. 6 MR. SUJAT: Thank you, Mr. Klayman. I 7 have no further questions. 8 CHAIRMAN FITCH: We will now stand in 9 lunch recess. We could do 45 minutes until 1:00, 10 or we could do an hour 'till 1:15. You could 11 twist my arm for an hour and 15 minutes to 1:30. 12 MR. KLAYMAN: We would like the latter, 13 your Honor, if that's agreeable. 14 CHAIRMAN FITCH: And if 1:30 doesn't 15 present any problem for Mr. Smith, we'll see you 16 at 1:30. We stand in recess -- 17 You had a question. I'm very sorry. 18 MR. TIGAR: I wanted to add something 19 and the chair agrees. 20 I hate when I go and argue and then the 21 tribunal raises some point that they probably 22 should have asked me about as the aggregate, and</p>	<p style="text-align: right;">Page 1540</p> <p>1 different points, just a list saying these were 2 all virtual offices or these were physical 3 offices, or whatever. 4 CHAIRMAN FITCH: Now, wait a minute, on 5 that point, they can certainly, in their argument, 6 and/or in their briefs, say what they think the 7 evidence shows about that. 8 MR. TIGAR: Yes. Oh, yes, I'm not 9 suggesting -- 10 CHAIRMAN FITCH: We can request 11 additional evidence from Mr. Klayman on that right 12 now, if you think the record is unduly devoid. 13 MR. TIGAR: No, I think -- 14 CHAIRMAN FITCH: Ok. Go ahead. Any 15 others? 16 MR. TIGAR: I take the Chair's -- as a 17 matter of fact, I'll strike that entirely. I 18 think the record is what the record is. 19 MR. KLAYMAN: Ok. 20 CHAIRMAN FITCH: Other points. 21 MR. TIGAR: That's it. 22 CHAIRMAN FITCH: Ok. Alright, now we</p>

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<p style="text-align: right;">Page 1541</p> <p>1 stand --</p> <p>2 MR. TIGAR: Wait a minute. I do want</p> <p>3 to ask -- may I ask Mr. Klayman one more question.</p> <p>4 Would you turn to Supplemental Exhibit</p> <p>5 SX38.</p> <p>6 CHAIRMAN FITCH: Let's make it clear</p> <p>7 that Mr. Klayman remains in his redirect</p> <p>8 examination and Mr. Tigar is asking a question</p> <p>9 about an exhibit which was covered in redirect.</p> <p>10 CONTINUED REDIRECT EXAMINATION OF MR. KLAYMAN:</p> <p>11 BY THE HEARING COMMITTEE MEMBERS:</p> <p>12 MR. TIGAR: Yes. I see, Mr. Klayman</p> <p>13 you write, "I believe you had a right of appeal</p> <p>14 and could probably appeal the lower court's</p> <p>15 decision. The appeal will not be dismissed</p> <p>16 finally until October 24, 2011."</p> <p>17 What do you mean by that?</p> <p>18 THE WITNESS: I was trying to give her</p> <p>19 a deadline to get the appeal in so she didn't lose</p> <p>20 her rights. I couldn't communicate with her then.</p> <p>21 MR. TIGAR: What appeal were you</p> <p>22 talking about?</p>	<p style="text-align: right;">Page 1543</p> <p>1 THE WITNESS: Because it was</p> <p>2 intending -- we were going to do a Title VII</p> <p>3 administratively. I would not go back.</p> <p>4 Based on my experience it's likely you</p> <p>5 will get a better result in court, where you have</p> <p>6 discovery and everything, in a much greater</p> <p>7 extent. By I'm not sure exactly of the appeal at</p> <p>8 this point, what it is, but I'm basically telling</p> <p>9 her to appeal generally, ok.</p> <p>10 And it could be that -- and I'm just</p> <p>11 speculating -- that there was an aspect of Judge</p> <p>12 Kotelly's earlier decision-making that could have</p> <p>13 been appealed in an interlocutory way, but also</p> <p>14 her ultimate decision in December could have --</p> <p>15 when she denied my motion for reconsideration of</p> <p>16 her denial of sending Ms. Sataki back to LA, that</p> <p>17 could have been appealed, too.</p> <p>18 But in any event, I couldn't contact</p> <p>19 her, and so I -- on my own, at my expense, filed a</p> <p>20 notice of appeal to protect her.</p> <p>21 If you might have noticed, she filed a</p> <p>22 notice of appeal, so, someone filed it. And Judge</p>
<p style="text-align: right;">Page 1542</p> <p>1 THE WITNESS: The appeal of Judge</p> <p>2 Kotelly's dismissal of her case.</p> <p>3 MR. TIGAR: Why did you choose the date</p> <p>4 the October 24th?</p> <p>5 THE WITNESS: I don't remember the</p> <p>6 calculation, but I obviously did a calculation and</p> <p>7 thought was the date to respond.</p> <p>8 MR. TIGAR: Thank you.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 CHAIRMAN FITCH: Wait, wait, wait, Mr.</p> <p>11 Klayman. Mr. Tigar's got me confused.</p> <p>12 There is an email that's dated</p> <p>13 September 15, '11. I would have thought this time</p> <p>14 for appeal advice was about the civil rights</p> <p>15 offices.</p> <p>16 THE WITNESS: You may be right about</p> <p>17 that. You may be right. I don't have that in</p> <p>18 front of me right now anyway. I guess I was</p> <p>19 trying to communicate that. You're probably</p> <p>20 right. And -- no, I wasn't talking about an</p> <p>21 appeal of the civil rights case.</p> <p>22 MR. TIGAR: Ok.</p>	<p style="text-align: right;">Page 1544</p> <p>1 Kotelly put it in the file. And Mr. Tigar noted</p> <p>2 that that was probably very timely, because of the</p> <p>3 fact that you have 60 days in a government case.</p> <p>4 But it also shows that what she was</p> <p>5 saying to -- what she purports to be saying -- and</p> <p>6 who knows who is saying it, because it wasn't in</p> <p>7 her writing or syntax -- to drop everything was</p> <p>8 not the case. She was getting bad advice.</p> <p>9 And it also shows you what she said to</p> <p>10 Kathleen Staunton wasn't true, that "I never</p> <p>11 wanted to file suit."</p> <p>12 So this all bears on credibility and my</p> <p>13 confusion about what to do.</p> <p>14 CHAIRMAN FITCH: But the notice of</p> <p>15 appeal in Sataki vs. BBG, the notice of appeal was</p> <p>16 filed on January 19th, 2011.</p> <p>17 THE WITNESS: Right, that's what I'm</p> <p>18 saying. I'm saying it may have been with regard</p> <p>19 to an earlier order.</p> <p>20 CHAIRMAN FITCH: No, this is nine</p> <p>21 months later. This is September 11th, 2000- --</p> <p>22 maybe I have the wrong email. What email --</p>

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<p style="text-align: right;">Page 1545</p> <p>1 You were asking about 38, weren't you?</p> <p>2 MR. TIGAR: Yes, SX38.</p> <p>3 Judge Kotelly denied the</p> <p>4 reconsideration motion on October 30th, 2010.</p> <p>5 CHAIRMAN FITCH: What?</p> <p>6 MR. TIGAR: 2010, July 30.</p> <p>7 CHAIRMAN FITCH: So this is a year</p> <p>8 later?</p> <p>9 MR. TIGAR: The notice of appeal was</p> <p>10 filed January, 2011.</p> <p>11 CHAIRMAN FITCH: Yes.</p> <p>12 MR. TIGAR: I'm wondering what the 180</p> <p>13 days were. We can look at the record. We don't</p> <p>14 need to take the evidence, but the adverse OCR</p> <p>15 decision was dated March 23rd, 2011. October 24th</p> <p>16 is seven months from that date, not six.</p> <p>17 So 180 days --</p> <p>18 THE WITNESS: I may have miscalculated</p> <p>19 that. It's possible. I don't remember.</p> <p>20 MR. TIGAR: Anyway the --</p> <p>21 THE WITNESS: Yeah, but that's a good</p> <p>22 point, to appeal the OCR, 180 days. So I may have</p>	<p style="text-align: right;">Page 1547</p> <p>1 A F T E R N O O N S E S S I O N</p> <p>2 (Whereupon at 1:34 p.m. the hearing</p> <p>3 resumed.)</p> <p>4 CHAIRMAN FITCH: We are reconvening.</p> <p>5 All requisite persons are present. I think there</p> <p>6 are no preliminary matters.</p> <p>7 We'll receive closing argument from</p> <p>8 Disciplinary Counsel.</p> <p>9 CLOSING ARGUMENT BY DISCIPLINARY COUNSEL:</p> <p>10 BY MR. SMITH:</p> <p>11 MR. SMITH: Good afternoon.</p> <p>12 In late 2009, early 2010, Elham Sataki</p> <p>13 formed an attorney/client relationship with</p> <p>14 Respondent, Mr. Klayman. At the time they met,</p> <p>15 she had been victimized at work, a victim of</p> <p>16 sexual harassment. She was vulnerable. She was</p> <p>17 fragile, and she needed and wanted to have her</p> <p>18 name vindicated and to have her job situation</p> <p>19 cleared up.</p> <p>20 Mr. Klayman and she agreed that he</p> <p>21 would represent her on a contingency fee basis for</p> <p>22 40 percent of the recovery. He did not provide</p>
<p style="text-align: right;">Page 1546</p> <p>1 miscalculated. But in any event I was constantly</p> <p>2 trying to contact her, communicating with her</p> <p>3 asking what to do.</p> <p>4 CHAIRMAN FITCH: Anything further on</p> <p>5 that, Mr. Sujat?</p> <p>6 MR. SUJAT: No, your Honor.</p> <p>7 CHAIRMAN FITCH: We stand in recess</p> <p>8 until 1:30.</p> <p>9 MR. KLAYMAN: Thank you, your Honors.</p> <p>10 (Whereupon at 12:21 p.m. a luncheon</p> <p>11 recess was taken.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 1548</p> <p>1 her with a writing setting forth the basis of the</p> <p>2 rate of the fee.</p> <p>3 Ms. Sataki told Mr. Klayman that,</p> <p>4 because of her culture, she wanted the case to be</p> <p>5 handled discreetly. She did not want a lot of</p> <p>6 people to know about it, because of the nature of</p> <p>7 the allegations, the sexual assault allegations.</p> <p>8 So she told him that.</p> <p>9 Nonetheless, with Mr. Klayman, that's</p> <p>10 not the way he practices law. He doesn't practice</p> <p>11 law in a quiet way. I doesn't practice law in a</p> <p>12 small way. Ultimately part of the strategy in</p> <p>13 advancing her claim meant that it was to going to</p> <p>14 be tried Larry Klayman's way, and that was</p> <p>15 politically, naming big names, naming big fish, in</p> <p>16 this case, Hillary Clinton, it means rubbing</p> <p>17 elbows with congressmen and senators, it means</p> <p>18 getting his name in the newspaper. He's going to</p> <p>19 try this case Larry Klayman's way.</p> <p>20 Ms. Sataki, relying on her counsel,</p> <p>21 went along with it, for sure. But not because she</p> <p>22 wanted to, and not because that was the way she</p>

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<p style="text-align: right;">Page 1549</p> <p>1 wanted to proceed.</p> <p>2 In or about late February/March, Mr.</p> <p>3 Klayman became smitten, if not before, with Ms.</p> <p>4 Sataki. You heard testimony that she was even</p> <p>5 more attractive than she presented at the hearing</p> <p>6 the other day. And Mr. Klayman could not control</p> <p>7 himself.</p> <p>8 Mr. Klayman, as the emails and the</p> <p>9 testimony demonstrates, from March through about</p> <p>10 the end of May, sent her a series of emails</p> <p>11 expressing his deep emotional attachment to her.</p> <p>12 He called it love. He even complained and sought</p> <p>13 the intervention of the very psychologist that he</p> <p>14 had referred Ms. Sataki to see in connection with</p> <p>15 the trauma that she had experienced as a result of</p> <p>16 the sexual harassment at her job.</p> <p>17 So it's kind of ironic. Ms. Sataki is</p> <p>18 hiring Mr. Klayman to represent her in a sexual</p> <p>19 harassment claim, and then becomes objectified by</p> <p>20 Mr. Klayman, for a sustained period, day after</p> <p>21 day, email after email, text message after text</p> <p>22 message, conversation after conversation.</p>	<p style="text-align: right;">Page 1551</p> <p>1 The conversations grew darker yet, and</p> <p>2 it got to the point where Ms. Sataki was obviously</p> <p>3 uncomfortable being around Mr. Klayman in his</p> <p>4 presence, so much so that Ms. Kathleen Staunton, a</p> <p>5 secretary at one of the congressman's offices that</p> <p>6 he went to visit in connection with her case,</p> <p>7 trying to push her case along, decided that she</p> <p>8 needed to pull her to the side. "What's going on?</p> <p>9 Are you ok? What's happening?" And Ms. Sataki</p> <p>10 told them about the harassment that she was</p> <p>11 getting from her own attorney.</p> <p>12 Sure, Ms. Staunton became her friend.</p> <p>13 Ms. Staunton became her only ally at that point.</p> <p>14 And Ms. Staunton encouraged her to file a Bar</p> <p>15 complaint. Ms. Staunton apparently encouraged her</p> <p>16 to let go of this abusive relationship with Larry</p> <p>17 Klayman.</p> <p>18 So in July, July 30th, she sent an</p> <p>19 email to him saying "It's over. Dismiss all the</p> <p>20 cases you have." She sent a letter on August 4th</p> <p>21 to the VOA director, Danforth Austin, "Look, I've</p> <p>22 instructed Larry Klayman to withdraw all claims</p>
<p style="text-align: right;">Page 1550</p> <p>1 And when the love was not being</p> <p>2 returned, when the love was unrequited, it started</p> <p>3 turning ugly. You started having incidents with</p> <p>4 him bickering with her. And you can see the</p> <p>5 darkness of the emails how, as time moves on, he</p> <p>6 becomes more accusatory, he becomes more bitter.</p> <p>7 There's no more talk of love.</p> <p>8 You can see from Ms. Sataki's</p> <p>9 testimony, he got angry with her and started</p> <p>10 arguing with her at some movie event, such that</p> <p>11 she felt in fear and had to jump from his car. He</p> <p>12 chased her into the bathroom of the Hotel Luxe in</p> <p>13 California. And he joked about it, calling the</p> <p>14 bathroom there his second office, or something to</p> <p>15 that degree.</p> <p>16 In any event, as it was clear that the</p> <p>17 love was not going to be returned, the fee issue</p> <p>18 became a little harsher. Ms. Sataki reminded him</p> <p>19 that he was entitled to a 40-percent recovery, and</p> <p>20 he responded, "Well, now I think I'm going to get</p> <p>21 50 percent." And all of that's in his own</p> <p>22 writing, in his own emails.</p>	<p style="text-align: right;">Page 1552</p> <p>1 against VOA." Alright?</p> <p>2 Now, there were questions, "Well, why</p> <p>3 didn't she hire another lawyer? Why didn't she</p> <p>4 find new counsel?" Well, I mean, not only was she</p> <p>5 psychologically damaged and deteriorated even more</p> <p>6 under this pressure that she was receiving from</p> <p>7 Mr. Klayman for a sustained period of March</p> <p>8 through July, 2010, when she was already in a</p> <p>9 fragile state, but, you know, it's hard to find</p> <p>10 somebody to take on your case at that stage of the</p> <p>11 game, especially if it's at the stage of the game</p> <p>12 that the litigation was pretty much lost, because</p> <p>13 the court had already decided that, you know,</p> <p>14 there was not a basis in law or fact to issue an</p> <p>15 injunctive relief in connection with the request</p> <p>16 to send Ms. Sataki to L.A.</p> <p>17 So, at that point, there really was no</p> <p>18 case to even be had at that point.</p> <p>19 So, after July and August, when you</p> <p>20 would think that the emails would stop, when you</p> <p>21 would think that the harassment would stop, Mr.</p> <p>22 Klayman continued to send the emails to Ms.</p>

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<p style="text-align: right;">Page 1553</p> <p>1 Sataki. And those are all laid out in the 2 supplemental exhibits. 3 By December of that year, Ms. Sataki 4 had had enough. She files a complaint and says, 5 "Look, please, I fired this lawyer and yet he 6 still sends me emails. He still sends me texts. 7 He's still using my case to promote his media 8 productions. 9 "Please tell him to stop. Please ask 10 him to leave me alone." That's what she asked Bar 11 Counsel to do for her. 12 Now, is this conduct actionable? Is 13 treating a woman the way Mr. Klayman treated Ms. 14 Sataki actionable? Under "Rule 1.74, Conflict of 15 Interest: A lawyer should not engage in a conflict 16 of interest where his professional judgment is 17 adversely affected by his personal interest." 18 In this case you can see that 19 Respondent's personal interest in Ms. Sataki, his 20 desire for a loving relationship, which began in 21 the earlier part of 2010 and ground its way 22 through June, wore his client down. Ms. Sataki</p>	<p style="text-align: right;">Page 1555</p> <p>1 issues were at that time. She just couldn't cope 2 with this situation anymore. And a lot of that 3 has to do with the way that Mr. Klayman just 4 ground her down, as her lawyer, the guy who is 5 supposed to be representing her, the guy who is 6 supposed to be her champion, the guy who is 7 supposed to be her knight in shining armor with 8 respect to the sexual harassment claim, he becomes 9 an inside harasser. 10 And I talked at the beginning about how 11 Ms. Sataki wanted this case handled quietly and 12 discreetly because of her cultural issues. She 13 testified about that. But of course this case was 14 going to be handled the Larry Klayman way. 15 Mr. Klayman has testified himself about 16 how he litigates matters. Everything's big. 17 Everything's grand. Everything is a federal case. 18 And in this case, what could have been a very 19 simple civil rights administrative proceeding, it 20 might not have moved along a fast track, but it 21 was going to be a case that could have moved along 22 that track, ultimately Mr. Klayman decided that it</p>
<p style="text-align: right;">Page 1554</p> <p>1 was an emotional wreck. She did not want to carry 2 forward with her case. All she wanted him to do 3 was handle her case. He wouldn't do that without 4 becoming "a much better friend," of inserting 5 himself into her life, into her community, with 6 her friends, with her family. She didn't want any 7 of that. She just wanted him to concentrate on 8 the case. 9 But it got to the point, where, "Hey, I 10 can't deal with this anymore. I don't want you as 11 my lawyer anymore. Withdraw everything. I just 12 can't deal with it. I can't deal with you," and 13 so she essentially shut down. 14 She couldn't even respond to, not just 15 Mr. Klayman's continued emails -- I mean, what was 16 it that she was going to get out of that? You saw 17 how he had been treating her before that, and then 18 you saw the emails that he sent her afterwards, 19 where she just was emotionally able to open up 20 just this year, right before the hearing. 21 She didn't want to deal with him. She 22 shut down. She became whatever her emotional</p>	<p style="text-align: right;">Page 1556</p> <p>1 would be a good idea for Ms. Sataki to move to LA. 2 He thought it would be a good idea to file a 3 lawsuit naming the board of governors, including 4 his archnemesis, Hillary Rodham Clinton, who, he's 5 testified during his direct case, he sued scores 6 of times, and is his nemesis. He couldn't resist. 7 And so he made a mountain out of a molehill. 8 Ms. Sataki, when she was asked about 9 what kind of conversation she had with Mr. Klayman 10 about his strategy, she didn't really. He told 11 her, "This is what is best." That's not really 12 what we consider to be a satisfactory explanation. 13 The record will bear out exactly what she said 14 with respect to that. But there wasn't much. 15 "Rule 1.2: A lawyer must abide by a 16 client's decisions with respect to the objectives 17 of the representation." 18 Certainly a client can't consent to a 19 lawyer's strategy, and a lawyer is entitled to his 20 strategy. But a client's desires -- and in this 21 case desire to keep a matter discreet, to keep a 22 matter relatively low key -- that is something</p>

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<p style="text-align: right;">Page 1557</p> <p>1 that the lawyer should respect. That's not the 2 way Mr. Klayman practices law. 3 In this case we feel that was a 4 violation of Rule 1.2(a). 5 Again, on July 30th, Mr. Klayman was 6 fired. He was told to withdraw all the cases, and 7 if he didn't get the message then, he certainly 8 got it when on August 4th Ms. Sataki sent the 9 letter to Mr. Danforth Austin, which he said he 10 also saw, and which of course you saw the email 11 where he's commenting on -- criticizing her for 12 the wisdom of withdrawing all of her cases, and 13 what that would mean for him and what that would 14 mean for his reputation at the VOA, et cetera. 15 But despite this, despite this, he 16 continued to push on with an aspect of the case 17 that he felt he wanted to handle. "I'll dismiss 18 this stuff," he said, "but you know I'm going to 19 keep one part of this case alive, because, you 20 know," essentially that was the one that he was 21 going to pursue involving the judge, because he 22 wanted to show that the judge was corrupt, that</p>	<p style="text-align: right;">Page 1559</p> <p>1 But, no, instead what you have is you 2 have these articles that seem to come out almost 3 on a weekly basis in the WorldNetDaily. And just 4 about every last one of them is hawking a book, a 5 book written by Mr. Klayman. 6 Now, the question of whether or not 7 this violates a rule, you know, assuming that this 8 was already a matter of public record, was this 9 really a confidence or secret that could be 10 violated? Well, absolutely. Rule 1.6 in the 11 District of Columbia, unlike other jurisdictions, 12 requires that confidences and secrets be given the 13 ultimate respect by a lawyer. And "secret" is 14 defined as "information gained in the professional 15 relationship that the client has requested be held 16 inviolate, or disclosure of which would be 17 embarrassing or would be likely to be detrimental 18 to the client." 19 So it's not just confidences in the 20 District of Columbia. It's also secrets. 21 In this case, Ms. Sataki again had 22 expressed to Mr. Klayman, "Hey, look. I don't</p>
<p style="text-align: right;">Page 1558</p> <p>1 the judge somehow -- that because the judge ruled 2 against him, that the judge must somehow be 3 corrupt, must somehow be a tool of the Clinton 4 administration, and that he is somehow the victim, 5 always the victim, always the one who's being 6 put-upon. 7 The WorldNetDaily: Ms. Sataki was not 8 at all happy about these articles in the 9 WorldNetDaily. Whatever the discussion was they 10 had about publicity, whatever discussion there 11 was, nobody -- not Ms. Sataki, not Mr. Klayman, 12 not any of his witnesses -- said that him writing 13 his own articles for the WorldNetDaily was going 14 to be a part of the publicity scheme. 15 Perhaps, if there had been some 16 discussion about "Well, we'll get some interviews 17 on the Washington Post, we'll try to get on 18 Nightline," things like that, these are the kinds 19 of things that one might expect if you're talking 20 about publicity, effective publicity, to be 21 something that a lawyer who's trying to put some 22 pressure on government to do.</p>	<p style="text-align: right;">Page 1560</p> <p>1 want a lot of publicity in this case." And let's 2 say for the sake of argument, let's say for the 3 sake of argument that there had been informed 4 consent, that there had been Ms. Sataki signing 5 some form of a waiver saying, "Sure, go ahead and 6 publicize my case," after July, 2010, when Mr. 7 Klayman no longer represented Ms. Sataki in these 8 matters, his continued pinning of articles and 9 having them published in periodical, which has an 10 online circulation of over five million, was 11 totally inappropriate. 12 What kind of secrets were in these 13 articles? Well, if you look at the articles, some 14 of them, they talked about, not just Ms. Sataki's 15 case, but the fact that she was experiencing 16 severe depression and that she had been sexually 17 harassed; the very kinds of things that people 18 might not want out there for the world to read and 19 see. 20 And you saw from Mr. Dash, you see how 21 people talk. Mr. Dash was dealing in nothing but 22 rumors. He has no personal knowledge of any of</p>

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<p style="text-align: right;">Page 1561</p> <p>1 the things that he was talking about on the 2 witness stand the other day, and I don't know why 3 they brought him up here, other than to try to 4 smear Ms. Sataki's reputation. But people do 5 talk. People do talk. And this is the kind of 6 thing that Ms. Sataki does not want people talking 7 about. And yet Mr. Klayman felt that he had every 8 right to do so, even after he had been terminated 9 as her lawyer.</p> <p>10 Finally we get to dishonesty.</p> <p>11 CHAIRMAN FITCH: I missed the word.</p> <p>12 Get to what?</p> <p>13 MR. SMITH: Dishonesty. Finally we get 14 to the dishonesty, or the violation of dishonesty, 15 Rule 8.4(c).</p> <p>16 The District of Columbia Court of 17 Appeals has held on a number of occasions that 18 members of the Bar are to be scrupulously honest, 19 that is more honest than a layperson.</p> <p>20 Mr. Klayman in one of his WorldNetDaily 21 articles accused the judge of issuing an order 22 that had no basis in fact or law. And we're all</p>	<p style="text-align: right;">Page 1563</p> <p>1 by the judge. It was, unlike Mr. Klayman's false 2 articles, based in both fact and law.</p> <p>3 And that's Disciplinary Counsel's case.</p> <p>4 You've heard the evidence. You've had 5 an opportunity to weigh the credibility of the 6 witnesses. You've seen witnesses who either don't 7 know what they're talking about or don't know all 8 of what it is they're talking about. You've seen 9 witnesses who have had genuine emotion. You've 10 had other witnesses who don't.</p> <p>11 I ask you to find the facts as I have 12 described them and that have been presented to you 13 today, and that you find that Mr. Klayman violated 14 all of the rules set forth in Disciplinary 15 Counsel's Specification of Charges.</p> <p>16 CHAIRMAN FITCH: Stay there for just a 17 minute, Mr. Smith, please.</p> <p>18 Off the top of your head, in addition 19 to your theory that one of the secrets improperly 20 revealed was, you charge, that she had experienced 21 severe depression.</p> <p>22 Off the top of your head, are there any</p>
<p style="text-align: right;">Page 1562</p> <p>1 lawyers here. So I didn't put on testimony for my 2 expert or cross examine Mr. Klayman about whether 3 or not there was a factual or legal basis for the 4 judge decision not to grant injunctive relief in 5 Ms. Sataki's case.</p> <p>6 You have the order, the memorandum 7 order of opinion, both the June memorandum of 8 opinion order and the July memorandum of opinion 9 order. And in both the court goes through 10 excruciating detail in setting forth the findings 11 of fact in the case. In fact, she even accepts as 12 true many of the facts advanced by Mr. Klayman in 13 support of the relief that he was seeking. And 14 she also has an extraordinarily detailed legal 15 analysis of why the relief was not going to be 16 made available: essentially that we will not 17 create the agency creating the position for this 18 particular plaintiff at this time, especially not 19 when you're talking about injunctive relief, 20 preliminary injunctive relief. The court just 21 wasn't going to do that and it explained why.</p> <p>22 It wasn't a false or dishonest opinion</p>	<p style="text-align: right;">Page 1564</p> <p>1 other instances of secrets being revealed?</p> <p>2 Let me point out to both parties, I 3 know that as you're doing your briefing and 4 parsing the record, additional facts, one side or 5 the other, may tend to support something. As long 6 as, you know, some notice is given, all that's 7 fair game.</p> <p>8 So I'm not going to hold you just to 9 the one example, but are there any other examples 10 of that?</p> <p>11 MR. SMITH: Well, the fact of the case 12 itself, any mention of Ms. Sataki, either in 13 connection with her political views, in connection 14 with her beauty, in connection with the fact that 15 she was, you know, having problems on the job, all 16 of this, this was nobody's business. This was 17 nobody's business.</p> <p>18 Again, even if you find that there had 19 been some limited or some type of a -- well, this 20 is all in the public view now. The rules in DC 21 are a little bit different, especially with 22 respect to secrets. And certainly after July,</p>

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<p style="text-align: right;">Page 1565</p> <p>1 certainly after July there was to reason at all 2 for Mr. Klayman to be writing the articles at that 3 ended up in the WorldNetDaily, you know, on a 4 regular basis, as it were. 5 MR. TIGAR: Mr. Smith, is there any 6 assertion in any of the WorldNetDaily articles 7 about Ms. Sataki that is not also included in the 8 civil complaint that was filed in court and/or the 9 filings in the VOA OCR proceeding? 10 MR. SMITH: Off the top of my head, I 11 can't answer that question. I know certainly much 12 of it was, much of it was the same stuff, the same 13 subject matter. 14 MR. TIGAR: And second, you cite here, 15 1.6(a)(12) -- 16 CHAIRMAN FITCH: Well, you would argue 17 that the severe depression was possibly post 18 lawsuit filing and therefore had not been put into 19 the law. 20 We may have to deal with -- 21 MR. SMITH: I have to look at the 22 record to see that.</p>	<p style="text-align: right;">Page 1567</p> <p>1 raise questions of fair notice, as in the Gentile 2 case. 3 MR. SMITH: Well, I am sure that during 4 the briefing process we will keep that in mind. 5 CHAIRMAN FITCH: When you say newspaper 6 articles, did you mean the WorldNetDaily -- 7 MR. TIGAR: The WorldNetDaily. The 8 WorldNetDaily media I should have said. 9 CHAIRMAN FITCH: Ok. 10 With respect to your 8.4(c) theory, I 11 take it your theory is that -- and you may have 12 said exactly this -- that, if the record shows -- 13 I guess it probably does. I'm really not sure. I 14 don't have all that in memory... 15 But if the record shows that Judge 16 Kotelly did legal analysis and factual analysis, 17 and if Mr. Klayman said that there's no legal 18 factual basis, that that's your dishonesty theory? 19 MR. SMITH: As the Court of Appeals 20 again holds us to a higher standard, as we're 21 officers of the court, as we are required to help 22 and assist in the proper administration of justice</p>
<p style="text-align: right;">Page 1566</p> <p>1 CHAIRMAN FITCH: That's an honest 2 answer. That's fair. 3 MR. SMITH: But I don't think it 4 matters. 5 CHAIRMAN FITCH: I was going to say, I 6 understand that, because you're emphasizing 7 "secret," that the court of appeals has made it 8 clear that it doesn't mean totally exclusive 9 secret in that -- 10 MR. SMITH: Well, we'll brief that. 11 CHAIRMAN FITCH: -- I guess the waiver 12 rules that apply to "confidences" may not apply to 13 "secret". 14 But we'll have to sort that through. 15 MR. SMITH: We'll sort that out in the 16 brief. 17 CHAIRMAN FITCH: Because it is crossing 18 my mind and I just want to let the other side know 19 that. 20 MR. SMITH: Alright. 21 MR. TIGAR: In addition to that, 22 1.6(a)(1) being applied to newspaper articles may</p>	<p style="text-align: right;">Page 1568</p> <p>1 for the respect of the courts and the system, the 2 legal system, yes. That to make that wild and 3 totally irresponsible an allegation was dishonest, 4 yes. 5 CHAIRMAN FITCH: I think I have no 6 further questions for you, Mr. Smith. 7 MR. SMITH: Thank you. 8 CHAIRMAN FITCH: Ok. Thank you -- 9 Let Mr. Smith go back up there, please, 10 Mr. Klayman. 11 The way you've organized your 12 complaint, Mr. Smith, you've got a count two 13 regarding the Falahati case, and that's the one 14 that started in superior court and got removed. 15 And you've got a count three that is organized 16 around the BBG case, which is what, the board of 17 governors, or something along those lines. And in 18 both of those you've got a 1.2(a) charge and a 19 1.4(b) charge. 20 Is there any evidence, in support of 21 your charges and your theory, that applies to one 22 of those cases but not to the other cases, or is</p>

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<p style="text-align: right;">Page 1569</p> <p>1 it just as these two cases were going along you</p> <p>2 charged that Mr. Klayman --</p> <p>3 MR. SMITH: The latter, that as they</p> <p>4 were going along.</p> <p>5 CHAIRMAN FITCH: Ok. I'm trying to</p> <p>6 think that, you know, if, if we were to agree that</p> <p>7 there is one of those violations, we would then</p> <p>8 have to get to sanction analysis, and one of the</p> <p>9 sanction factors is number of violations.</p> <p>10 I'm curious as to whether, since there</p> <p>11 are two cases, there would be two violations, or</p> <p>12 whether there would just be one violation that</p> <p>13 occurred with the same thing in two cases.</p> <p>14 You'll need to address that if we get</p> <p>15 that far.</p> <p>16 MR. SMITH: We'll address that in our</p> <p>17 brief.</p> <p>18 CHAIRMAN FITCH: Thank you.</p> <p>19 CLOSING ARGUMENT ON BEHALF OF RESPONDENT:</p> <p>20 BY MR. KLAYMAN:</p> <p>21 MR. KLAYMAN: May it please your</p> <p>22 Honors. I want to thank you for your courtesy and</p>	<p style="text-align: right;">Page 1571</p> <p>1 because we couldn't identify whose handwriting it</p> <p>2 was -- was sent a letter that said, "When we get a</p> <p>3 response from Mr. Klayman we're going to send it</p> <p>4 to you, and if you don't respond" -- I'm just</p> <p>5 paraphrasing in effect -- "we'll assume you're</p> <p>6 abandoning your complaint."</p> <p>7 She never responded.</p> <p>8 And in fact it was Bar Counsel in 2014</p> <p>9 that was asking, "Where is she? We haven't heard</p> <p>10 from her in four years." And there's no evidence</p> <p>11 that they even heard from her then when they tried</p> <p>12 to get in touch with her.</p> <p>13 The first time I find out about this</p> <p>14 case is in 2016, and I thought it had been</p> <p>15 dismissed, because -- and this is crucial -- both</p> <p>16 the Florida Bar and the Pennsylvania Bar dismissed</p> <p>17 it. No evidence was presented otherwise by Office</p> <p>18 of Disciplinary Counsel. And I submitted my</p> <p>19 disciplinary records in both jurisdictions,</p> <p>20 because in fact if they had proceeded and found</p> <p>21 any discipline, it would have shown up. Their</p> <p>22 files had been destroyed by that point, because</p>
<p style="text-align: right;">Page 1570</p> <p>1 the way you've conducted this proceeding.</p> <p>2 I want to thank Mr. Fitch, Ms. Larkin,</p> <p>3 and Mr. Tigar.</p> <p>4 As your Honors know very well, Bar</p> <p>5 Disciplinary Counsel, notwithstanding that I would</p> <p>6 prevail in my view under any analysis, has to</p> <p>7 prove by a clear and convincing evidence that a</p> <p>8 violation was committed. That's very close to</p> <p>9 beyond a reasonable doubt. It's a very high Bar</p> <p>10 to jump over.</p> <p>11 Coupled with that, we are now eight</p> <p>12 years into this proceeding, and during those eight</p> <p>13 years, they didn't see fit, at least for six of</p> <p>14 them, to come forward with any complaint. If this</p> <p>15 was so egregious, one, as a matter of common</p> <p>16 sense, would have thought they would have moved</p> <p>17 more quickly than that.</p> <p>18 Thirdly -- these will equitable, and</p> <p>19 I'm going to get to the Specification of Charges,</p> <p>20 because that doesn't hold up.</p> <p>21 Thirdly, Ms. Sataki, after she files</p> <p>22 that initial complaint -- assuming she did,</p>	<p style="text-align: right;">Page 1572</p> <p>1 even they were not keeping files at that point.</p> <p>2 That points out the prejudice and</p> <p>3 inequity of this entire proceeding, because I</p> <p>4 didn't keep my files either, for the most part. I</p> <p>5 had to recreate them. And at the last minute, Mr.</p> <p>6 Smith comes in -- I don't mean it in a personal</p> <p>7 way -- but he comes in with all these</p> <p>8 communications on the day of trial.</p> <p>9 So you have to ask yourself the</p> <p>10 question, notwithstanding the clear and convincing</p> <p>11 standard, whether, as a matter, not just of law,</p> <p>12 but equity, this matter does not warrant a finding</p> <p>13 against me. It doesn't.</p> <p>14 As a prefatory matter, we hear that</p> <p>15 basically what's at issue here, and I have said</p> <p>16 this in pleadings, is that Bar Counsel doesn't</p> <p>17 like the way I practice law.</p> <p>18 Well, I'm sure Mr. Tigar practices law</p> <p>19 in a particular way. You do, Mr. Fitch. Ms.</p> <p>20 Larkin, you're not a lawyer, fortunately for you.</p> <p>21 But that's not for Bar Counsel to decide. What is</p> <p>22 to be decided is whether you violated an ethical</p>

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<p style="text-align: right;">Page 1573</p> <p>1 rule. It's not to be a vendetta that you don't 2 like the fact that I've sued Mrs. Clinton in the 3 past, or sued Mr. Clinton or sued George W. Bush 4 or sued Dick Cheney. I've been an equal 5 opportunity public advocate. I have a philosophy 6 that differs from a lot of people in the Bar 7 Counsel's office, but that's not a reason to try 8 to remove me from the practice of law, and that's 9 what they're trying to do here. You see, they 10 don't like the way I practice law, and they have 11 said that to me. I have proof of that. And they 12 said it again.</p> <p>13 But let's get to the counts that were 14 pled. Because Mr. Smith went far beyond what he 15 pled in his Specification of Charges. I read them 16 again this morning.</p> <p>17 Number one, there is no allegation of 18 sexual harassment, never has been. Nothing 19 appears in any documents to that effect.</p> <p>20 I'm being accused of wanting to pursue 21 a romantic relationship. Well, I presented five 22 witnesses; five. He presented only Ms. Sataki.</p>	<p style="text-align: right;">Page 1575</p> <p>1 Remember, she's in that business. 2 She's in the business of trying to influence 3 thought and action. That was her job as a 4 broadcaster at Voice of America.</p> <p>5 So this allegation that somehow -- 6 CHAIRMAN FITCH: Can I have the 7 transcript cite again. 8 MR. KLAYMAN: Page 775. 9 This is an example -- those are two 10 examples so far of how the Specification of 11 Charges doesn't match up with Mr. Smith just 12 argued. He didn't apply the facts and he didn't 13 apply the charges. He went way beyond that and 14 had -- in desperation I believe, no disrespect 15 intended -- is trying to manufacture claims that 16 he never actually made and that don't hold up with 17 the great weight of the evidence, with four 18 witnesses, and none on his side, and including Ms. 19 Sataki, who admits that she agreed to publicity. 20 Case closed. 21 Now let's talk about what was 22 published. Mr. Tigar raised a good point.</p>
<p style="text-align: right;">Page 1574</p> <p>1 I mean, he presented an expert, and that expert in 2 my view was discredited in a matter of 30 seconds, 3 and he presented a so-called investigator who 4 simply said there were articles on WorldNetDaily 5 on the website. Well, once you put something on 6 the internet -- I got him to admit to that -- you 7 can never get it off.</p> <p>8 And we live in the real world, and we 9 know that publicity does influence tribunals. It 10 influences government agencies. It influences the 11 way we live today. We know that. We watch TV, 12 cable, 24/7. It can have a big impact on the way 13 people perceive things. So that argument doesn't 14 hold any weight.</p> <p>15 What's clear here is that -- several 16 witnesses testified here -- Mr. Shamble, Mr. Dash, 17 Mrs. Klayman, and myself, four witnesses -- that 18 she approved of the publicity. In fact she even 19 admitted it during the testimony in 20 cross-examination, at Page 775 of the transcript. 21 I urge your Honors to read that. She admitted it. 22 She approved it.</p>	<p style="text-align: right;">Page 1576</p> <p>1 Nothing was published that wasn't already public 2 in pleadings. She wasn't ashamed of this. She 3 used this to try to make her point.</p> <p>4 In fact, she disclosed to Keya Dash 5 exactly what had happened. She asked for his 6 help. She went to Blanquita Cullum. She 7 disclosed it to Mrs. Klayman, my sister, and her 8 boyfriend, not even related to me, and she 9 disclosed it to others.</p> <p>10 So, this is not something that was 11 confidential or secret.</p> <p>12 Now let's talk about count one, which 13 is the contingent fee. It's all over the record 14 that I never intending to charge anything. I was 15 doing it pro bono. And that I didn't intend to 16 charge her expenses.</p> <p>17 If some day they were recuperated, ok. 18 I made it clear, "You never owed me anything. You 19 never owed me anything."</p> <p>20 It wasn't contingent, because what we 21 were trying to do was get her back to work in Los 22 Angeles. That was the objective. Because she had</p>

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<p style="text-align: right;">Page 1577</p> <p>1 had a nervous reaction when she was denied to be 2 able to be transferred, and when they threatened 3 her that, unless she came back to Washington, D.C. 4 and worked in the presence of Mr. Falahati, that 5 she would be fired. She'd be AWOL'd.</p> <p>6 She obviously admitted that she wanted 7 to be in Los Angeles. That's all over the record.</p> <p>8 But then of course we find out from Ms. 9 Staunton, I find out that she told her something 10 else. Mrs. Sataki is simply not truthful, to put 11 it diplomatically. She says whatever she has to 12 say at any point in time to get people to do what 13 she wants them to do.</p> <p>14 And the issue of the contingent fee, as 15 we testified in great detail -- I testified in 16 great detail this morning -- I was actually 17 thankful for Mr. Smith getting into that again -- 18 it really didn't arise until the very end as to 19 whether or not I would continue. But at that 20 point I didn't view it as a possibility.</p> <p>21 We never entered into an agreement 22 because I was pro bono up to that point in time.</p>	<p style="text-align: right;">Page 1579</p> <p>1 raised by Mr. Smith, and when you get an email, 2 which obviously isn't written by Ms. Sataki -- 3 that's Respondent's Exhibit 27 of July 30th -- 4 that's not the way she writes. She can't write 5 English like that, and then you can't contact the 6 person to talk to them, you obviously can't deep 7 six all the cases. That would be unethical. You 8 have to protect her interest until you really find 9 out what's going on.</p> <p>10 And that's why -- and this was a 11 question that Mr. Tigar asked -- that when did I 12 consider the representation to end? Well, it 13 ended after I had Mr. Shamble -- for myself and 14 also for him, because he was representing her. We 15 were partners in trying to get her relief. Every 16 step of the way she could have called him and 17 instructed him. She didn't do that either. So he 18 was in the dark. I was in the dark.</p> <p>19 So on January 27th he wrote this email 20 saying, "Mr. Klayman's been trying to contact you. 21 I'm trying to contact you. We need to find out 22 where you want to go with this, because we don't</p>
<p style="text-align: right;">Page 1578</p> <p>1 She said "I'll pay you 40 percent." I said, "Don't 2 worry. Don't pay me anything. I don't want to be 3 paid. We're trying to get you back to LA," and 4 that's all she really wanted.</p> <p>5 But, as I think Mr. Tigar alluded to, 6 is that you bring Bivens cases on Constitutional 7 violations, and you have to put damages in there. 8 And I did that. I'm not attributing that to 9 anybody else's perception. But I did that because 10 I thought this would be, quote, "persuasive" of 11 getting Voice of America to put her back to work.</p> <p>12 We heard testimony from Mr. Shamble. 13 Weigh his credibility. He's a very credible 14 individual: Union representative, president of the 15 union. He said, "This is the worst agency in 16 government. I'm still being treated badly on 17 behalf of the employees that I represent, and you 18 basically have to take them to the mat to get them 19 to do anything, and they still sometimes don't do 20 it."</p> <p>21 So, when documents are coming through, 22 and I'm going to get to this, because this was</p>	<p style="text-align: right;">Page 1580</p> <p>1 want you to lose your rights, and you still have 2 rights. You didn't lose. You only lost round 3 one."</p> <p>4 It's like a football game. You know, 5 let's say the Philadelphia Eagles score first. It 6 doesn't mean that the Boston Patriots or -- pick a 7 team -- New England Patriots can't score later and 8 win.</p> <p>9 So we didn't lose this case. And 10 that's what I was concerned about, because I 11 wasn't getting communication and what was out 12 there obviously didn't come from her, and it was 13 contradictory. So therefore, you know, I sought 14 to find out what was going on.</p> <p>15 So when did the representation end? 16 Quite a while after January 27th, 2011. I was 17 still hoping to hear from her. But at some point 18 I never heard from her. So it's not certain when 19 she actually surfaced. And in fact she didn't 20 surface until Exhibit 38, vilifying me, accusing 21 me of taking bribes. And that was in 2011, well 22 into 2011.</p>

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<p style="text-align: right;">Page 1581</p> <p>1 So, the representation, in effect, 2 never ended. I never got actual notice. 3 And I was continuing to try to help her 4 and to get a result, and that gets into the issue 5 of, again, how I practice law. 6 CHAIRMAN FITCH: If you have it off the 7 top of your head, just for my convenience, what's 8 the exhibit number for the January 27th -- 9 MR. KLAYMAN: Thirteen, Bar Counsel's 10 exhibit I believe 13. This is a crucial 11 communication. 12 CHAIRMAN FITCH: That's why I asked. 13 MR. KLAYMAN: Ok. So consequently, we 14 never got to the point of having an agreement for 15 damages and splitting it up. That was not our 16 objective. That would have taken many years and 17 she couldn't withstand that. 18 She had actually said -- it's in the 19 record -- that, "If I'm forced to go back to 20 Washington, DC, I'll kill myself. And the offer 21 that they made at Central News Bureau, that I 22 would then broadcast in English, they were setting</p>	<p style="text-align: right;">Page 1583</p> <p>1 something which is dirty. Ok? It's not. It's a 2 beautiful thing that you care about somebody. And 3 I never, ever asked her for sexual relations. I 4 never, ever kissed her. I never touched her. I 5 never asked to hold her hand. That was absolutely 6 right. I respected her. 7 But I wanted to be respected, too. And 8 that was the difficulty. And that's why we had to 9 move on. That's why, when she asked me to buy her 10 a car, that was beyond the pale. You heard Mrs. 11 Klayman say that she heard the same thing. 12 And her testimony made no sense, 13 because first she said, "I didn't want you to buy 14 a car. My credit was bad. I wanted you to make 15 sure my car wasn't repossessed." 16 Then she said, "I need to buy a cheaper 17 car, to lower the payments." Well, who was going 18 to buy that? Me. Because she had no credit. So 19 that was false. 20 Consequently, there was no romantic 21 relationship, and we were friends, and I felt 22 deeply about her and I did love her and I still</p>
<p style="text-align: right;">Page 1582</p> <p>1 me up to fire me." That's actually in her 2 testimony. Those are her admissions. 3 So it's clear she wanted to be in LA 4 and she did not tell the truth to Ms. Staunton. 5 And these letters were reflecting things that were 6 completely contrary to what she's now admitted to 7 was her objective. 8 Her credibility, in all due respect, is 9 very, very low, almost zero, given all the 10 contradictions, all the false testimony, given the 11 way she acted in regard to communicating with Mr. 12 Shamble and I. That has to be taken into account, 13 and of course the clear and convincing standard on 14 top of that. 15 Now it's clear throughout, with regard 16 to the so-called romantic relationship, that, yes, 17 I cared very deeply about Ms. Sataki. We 18 considered each other friends. She says that 19 herself in one of the communications that we went 20 through this morning, and there is no crime in 21 loving someone. That's what kind of gets to me, 22 is that Bar Counsel's trying to make this into</p>	<p style="text-align: right;">Page 1584</p> <p>1 wish her well. And that's why I tried so hard. 2 And that's what's so ironic, because the Bar rules 3 suggest that some kind of relationship -- let me 4 read it. I'm going to go through the Bar rules, 5 because they weren't characterized correctly. 6 It says "The lawyer's professional 7 judgment on behalf of the client will be or 8 reasonably may be adversely affected by the 9 lawyer's responsibilities to or interests in a 10 third party or the lawyer's own financial, 11 business, proprietary or personal interests." 12 This is super important, because you 13 see, it never affected the way I was representing 14 her. I was representing herself zealously, within 15 the bounds of ethics and the law. 16 And it wasn't for me. It wasn't my 17 personal interest. I believed in her. That's why 18 I put myself out, and got her an apartment, and 19 paid for moving expenses, and paid in part for her 20 psychologists, and found them, and paid for a 21 polygraph; why I expended over \$30,000. 22 I believed in her. That wasn't for me.</p>

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<p style="text-align: right;">Page 1585</p> <p>1 I'm out \$30,000. There's testimony that put me in 2 a financial bad position. I was going to get 3 apples at the Hyatt. That's how little money I 4 had. I was sleeping on couches for a period of 5 time. 6 And I didn't pursue my personal 7 interest. What I was pursuing was to get her a 8 result because I cared about her. 9 So it's actually the reverse: the fact 10 that I deeply cared about her made me work harder. 11 But when I realized that we couldn't continue on, 12 that it was untenable, I then said, "Perhaps Ms. 13 Allred will represent you." 14 I contacted Ms. Allred. You've seen 15 the communications. Ms. Allred didn't take the 16 case. Then I said there was Tim Shea. And she 17 was always free. She had Kathleen Staunton. She 18 had her cousin. There were others. They could 19 have gotten another lawyer if she didn't feel 20 capable of doing that. 21 The case was not all that complex at 22 that point. The case is not that complex.</p>	<p style="text-align: right;">Page 1587</p> <p>1 hearing -- and we heard Judge Sporkin say he would 2 have granted a hearing, too much was at stake, and 3 this was not -- this was in effect -- he didn't 4 use those words, but he did with me, and I 5 testified to that -- "This is a chip shot. Of 6 course I would put her back to work. It Preserves 7 the status quo, under Wagner v. Taylor." 8 What harm would that do? She was 9 agreeing to work in a facility away from the 10 harasser. Usually they move the harasser himself 11 away. She was being accommodating to VOA, and she 12 had a need to be here, to see her doctors and be 13 with her friends and everything else. 14 Mr. Smith did not read this, that "A 15 lawyer shall abide by a client's decisions 16 concerning the objective of representation, 17 subject to paragraph C, D and E, and shall consult 18 with the client as to the means by which they are 19 legally pursued. 20 "A lawyer may take" -- this is 21 crucial -- "The lawyer may take such action on 22 behalf of the client as is impliedly authorized to</p>
<p style="text-align: right;">Page 1586</p> <p>1 So consequently, my personal judgment 2 was not affected in terms of the relationship that 3 I had, this deep friendship that I had with her 4 and feeling that I had with her. It actually made 5 my professional judgment more acute in trying to 6 get her relief. 7 And then there's the issue of -- and 8 this kind of shows you the motivation for this 9 case, to be respectful, is that Judge Kotelly -- I 10 advised her, it's in the record -- that I had had 11 problems with Judge Kotelly before, that she was a 12 very partisan judge and didn't like me because of 13 what I had done with Bill Clinton. I advised her 14 right up front. 410, Page 410 of the transcript. 15 She admits that, that I told her about Kotelly. 16 And this is where Mr. Smith did not 17 read you every aspect of the rule that's 18 applicable, is that I reasonably believed that I 19 had authorization to move to get another judge, 20 which I did -- Ms. Sataki missed knowing about 21 that -- Judge Roberts. And then, when the 22 decision came down and she wouldn't grant a</p>	<p style="text-align: right;">Page 1588</p> <p>1 carry out the representation." "Impliedly 2 authorized." 3 So, she knew of the problems with 4 Kotelly. I told her about that. She knew that I 5 tried to get the case transferred to another 6 judge. That wasn't successful. She knew the 7 decision was made against her. I couldn't 8 communicate with her. I had to make a decision to 9 try to get another judge to get those orders. If 10 I succeeded in having her disqualified, there was 11 a good chance all of the orders would have been 12 vacated and I could have had the case decided by 13 another judge in the courthouse. 14 Now with respect to my statement in the 15 media, that column that I wrote, number one I 16 wasn't selling any book. That's clear. I got no 17 remuneration out of that. There was no personal 18 interest. I was trying to influence settlement 19 and move things along. And VOA is a difficult 20 agency, to put it nicely. 21 But to give my opinion that there was 22 no factual or legal basis, lawyers do that all the</p>

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<p style="text-align: right;">Page 1589</p> <p>1 time. That's something that they do outside the 2 courthouse when they don't get the ruling that 3 they want. 4 And this was in the context of a 5 lawsuit. It wasn't Larry Klayman just saying it 6 out of the blue. This was in a lawsuit and that 7 qualified privilege in that regard. 8 What was important was that, attached 9 to the motion of qualification, I had about 17 10 pages of factual errors that Judge Kotelly had 11 made. And she legally erred. She had no basis 12 not to preserve the status quo under Wagner v. 13 Taylor. That was my opinion, and I'm entitled to 14 it. 15 Factually and legally, there was no 16 basis to do what she did. And frankly, you know, 17 it was in line with what I had seen her before 18 with her. I had hoped, as I testified to, that as 19 a woman she would appreciate the gravity of this. 20 Women can appreciate it. I can appreciate it. 21 That's why Ms. Allred is my friend and why I've 22 done these cases before.</p>	<p style="text-align: right;">Page 1591</p> <p>1 Kotelly's ruling appear, because I have a feeling 2 that there is a possibility that the exact wording 3 of Mr. Klayman's alleged statements, wherever they 4 may alleged appear, may be important? 5 MR. TIGAR: Perhaps it was in the 6 December 25th, 2010 posting: "Open Your Heart to 7 Him This Christmas." 8 I don't know if you had been referring 9 to "An ultra leftist, pro-Clinton and ethically 10 corrupt federal judge, Colleen Kollar-Kotelly." 11 MR. KLAYMAN: Yeah, it may have been 12 there. 13 CHAIRMAN FITCH: Well, Mr. Smith said 14 what he's charging is that -- these are my notes, 15 it's not a quote, unfortunately -- that Mr. 16 Klayman accused Judge Kotelly of having no legal 17 or factual basis. 18 That's different from what you read, 19 Mr. Klayman. 20 MR. SMITH: He didn't finish reading 21 the sentence. He just read the first half of the 22 sentence.</p>
<p style="text-align: right;">Page 1590</p> <p>1 But I was hoping that would be the 2 case. But no, she couldn't put her own biases 3 aside. 4 So again, I was zealously representing 5 the client. 6 I did not engage in dishonesty. I was 7 giving my opinion, and that's a bizarre 8 interpretation. And the fact that I named Hillary 9 Clinton -- I mean, this tells you where Bar 10 Counsel's coming from. They don't like me because 11 I have been a thorn in the side of the powers to 12 be in this town, and they think I may have been 13 more of a thorn in the side of the Clintons than 14 others. 15 But I've been an equal opportunity guy, 16 and I don't think George Bush cared for me very 17 much either. 18 CHAIRMAN FITCH: Let me go back. I 19 don't want you to get too far away from 8.4(c). 20 I'd appreciate one or both of you, if 21 you can -- although I'll go do it myself, I will 22 anyway -- where the statements about Judge</p>	<p style="text-align: right;">Page 1592</p> <p>1 CHAIRMAN FITCH: Ok. 2 MR. KLAYMAN: I'll get back to that. 3 CHAIRMAN FITCH: Ok. 4 MR. KLAYMAN: Before I'm done. 5 In any event, I was doing that in the 6 context of litigation. I wasn't doing that in the 7 context of somebody at the White House or somebody 8 anywhere else that was trying to pursue a 9 political objective. I wasn't doing that. 10 I was representing my client. I was 11 trying to convince VOA and the courts when I would 12 go back that there was a valid claim. And that's 13 why I brought Judge Sporkin if here, because he 14 clearly felt that, when I talked to him, I gave 15 him the facts -- it's eight years ago -- and he 16 told me, "This is a chip shot. I'd put her back 17 to work." 18 But I'd urge you to read the factual 19 errors, to look at them in detail. So I didn't 20 have no basis for that. And the legal basis was 21 that Wagner v. Taylor required her to go back to 22 work. This is what equity is about in this</p>

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<p style="text-align: right;">Page 1593</p> <p>1 country, not to let a woman sink into quicksand.</p> <p>2 As far as Ms. Sataki's emotional</p> <p>3 psyche, eight years later -- and certainly I've</p> <p>4 been removed for eight years from any contact with</p> <p>5 her -- it's still the same, and she still has</p> <p>6 emotional issues. You can tell. I mean, we saw</p> <p>7 that on the stand. And she has a hard time</p> <p>8 telling the truth. And I cannot be held</p> <p>9 accountable for that.</p> <p>10 She herself, you know, claims "My</p> <p>11 life's been ruined" to everybody. She sent an</p> <p>12 email to Gloria Allred in 2012, and this shows</p> <p>13 that in fact she didn't want to abandon her</p> <p>14 claims, and I was getting letters that obviously</p> <p>15 didn't come from her. She says, "Can you</p> <p>16 represent me now?" And Ms. Allred said, "It's too</p> <p>17 late." This is in our supplemental exhibits.</p> <p>18 She then files a notice of appeal,</p> <p>19 after she says drop everything.</p> <p>20 You know, so what was I to believe? I</p> <p>21 couldn't let her rights go into the drain.</p> <p>22 Quite apart from her, I have a</p>	<p style="text-align: right;">Page 1595</p> <p>1 not heard, and I don't understand necessarily Mr.</p> <p>2 Smith's or his office's Rule 1.6(a)(3) charge in</p> <p>3 count three, what the factual theory is.</p> <p>4 So I wanted you to hear -- maybe you've</p> <p>5 already heard and I just missed it -- but I wanted</p> <p>6 you to hear it so you have a chance to answer it,</p> <p>7 in case you don't understand it, because I don't</p> <p>8 understand it.</p> <p>9 MR. KLAYMAN: No, I --</p> <p>10 CHAIRMAN FITCH: If you do, go ahead.</p> <p>11 MR. KLAYMAN: It's so confusing and so</p> <p>12 murky --</p> <p>13 CHAIRMAN FITCH: Mr. Smith, if I may do</p> <p>14 this -- it's a little unusual -- is your theory</p> <p>15 about the Rule 1.16(a)(3) alleged violation in</p> <p>16 connection with the BBG case that Mr. Klayman</p> <p>17 should have filed a motion to withdraw at some</p> <p>18 point in time after some occurrence?</p> <p>19 MR. SMITH: And he should have stopped</p> <p>20 working on the case. Yes, he should have</p> <p>21 withdrawn from the case and he should have stopped</p> <p>22 working on it.</p>
<p style="text-align: right;">Page 1594</p> <p>1 professional duty and responsibility. I respect</p> <p>2 myself, I respect the legal system. That's why I</p> <p>3 do what I do, because I'm trying to make it a</p> <p>4 little bit better, and I have an obligation not to</p> <p>5 let her rights expire and to make it go away.</p> <p>6 But the inconsistencies here, the false</p> <p>7 testimony, the contradictions, the fact that I</p> <p>8 didn't get letters from her obviously,</p> <p>9 addresses... all those different things, I didn't</p> <p>10 know what to think. So I protected her interests.</p> <p>11 To this day, I've never heard from her</p> <p>12 directly that I was terminated, except on the</p> <p>13 stand.</p> <p>14 Now, to sum it all up -- let me just</p> <p>15 make sure I covered all the Bar rules, because</p> <p>16 your Honor asked us to do that.</p> <p>17 The confidences which they claim --</p> <p>18 CHAIRMAN FITCH: I have one concern,</p> <p>19 and I raise it now, and you could handle it the</p> <p>20 way you want to.</p> <p>21 MR. KLAYMAN: Ok.</p> <p>22 CHAIRMAN FITCH: I think that we have</p>	<p style="text-align: right;">Page 1596</p> <p>1 And he should have stopped working on</p> <p>2 anything that had to do with -- Ms. Sataki was no</p> <p>3 longer a client after July 30th.</p> <p>4 CHAIRMAN FITCH: As of -- so late July,</p> <p>5 early August.</p> <p>6 MR. SMITH: Right.</p> <p>7 Whatever a lawyer must do, if they've</p> <p>8 been fired by the client, if there is no matter</p> <p>9 pending in court, they just stop working on the</p> <p>10 case. If there is a matter pending in court --</p> <p>11 CHAIRMAN FITCH: Now, Mr. Klayman.</p> <p>12 MR. KLAYMAN: Your Honor, that begs the</p> <p>13 issue. I'm glad Mr. Smith said that. I never got</p> <p>14 definitive word that I was fired.</p> <p>15 I was hearing from other people. It</p> <p>16 was contradictory. Mr. Shamble was not</p> <p>17 communicated with. He was representing her too.</p> <p>18 I couldn't let her rights go into the tank.</p> <p>19 I'm surprised -- and I don't want to be</p> <p>20 too facetious or humorous -- I'm surprised I'm not</p> <p>21 getting an award from the Bar, as opposed to being</p> <p>22 prosecuted with this, what I consider to be, a</p>

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<p style="text-align: right;">Page 1597</p> <p>1 non-meritorious and calculated attempt at 2 prosecution. 3 Let me just say a few other points and 4 I'll sum up. 5 I would like to turn your attention to 6 these pages of the transcript hat, at Page 496 of 7 the transcript, Ms. Sataki says that she wanted 8 revenge. That's not the purpose of why we're 9 here. She wanted revenge against me and Falahati. 10 And that tells you that, you know, what 11 I was dealing with, like in Exhibit 38, is that 12 Ms. Sataki has more than one -- I don't know how 13 to say it -- I'm not a doctor. I don't mean it in 14 a negative way -- she has more than one 15 personality. And you're not seeking revenge -- I 16 know you're not -- and we shouldn't be here for 17 that reason, and neither should Bar Counsel. 18 She admitted at Page 539 of the 19 transcripts that I was trying to reach her, even 20 though she never responded, to protect her legal 21 rights. She admitted that. 22 And remember, she wasn't responding to</p>	<p style="text-align: right;">Page 1599</p> <p>1 "You've got a lot of potential here, Ellie. Get 2 out and get something that will make your life 3 better." 4 So Larry Klayman -- if I may use the 5 third person -- should not be disciplined for, A, 6 caring deeply about somebody, putting himself on 7 the line, and doing everything he could to try to 8 help her, and then being called all these names, 9 that I took bribes and everything else, and then 10 being asked to buy a car. And that's really a 11 crucial point in terms of how she also reacted. 12 So let me sum it up -- 13 CHAIRMAN FITCH: Let me observe that I 14 think that we know that you're not being charged 15 with destroying a life or so on, as a rule. 16 MR. KLAYMAN: It bears on credibility. 17 CHAIRMAN FITCH: I think some of those 18 statements, bear, one way or the other, on 19 credibility. You're right. And I think that 20 maybe, from Bar Counsel's view, they are relevant 21 to some other charges. 22 But we certainly are not judging you on</p>
<p style="text-align: right;">Page 1598</p> <p>1 me, even when I had a near-fatal car cash. I 2 mean, look, whatever she may think, I'm a fellow 3 human being. Answer the phone when I try to call 4 her and leave a message that I'm seriously injured 5 and that I crashed my car. 6 But she didn't, because I was trying to 7 reach her to protect her legal rights. 8 And then, for all of her claims which 9 she's made, to Ms. Allred, in 2012 and elsewhere, 10 this seems to be a statement, "My life is ruined. 11 I want to kill myself. Mr. Klayman's 12 responsible." 13 The fact is, there was evidence that 14 was presented that from the very start she was 15 gainfully employed by Andisheh TV doing what she 16 did at Voice of America. She went back there 17 twice. 18 She's an accomplished salesman of 19 cosmetics. She works for Hermes and she's got a 20 new company. She's making \$65,000 a year, plus 21 health insurance. Her life has not been ruined. 22 And that will tell you why, I told her,</p>	<p style="text-align: right;">Page 1600</p> <p>1 destroying anybody's life. 2 Go ahead. 3 MR. KLAYMAN: Anyway, you asked about 4 the 1.16(3), the lawyer's discharge. There never 5 was any revelation from her, and we tried to get 6 one. 7 Here's the bottom line. Here's the 8 summary: There is clearly no clear and convincing 9 evidence that I violated any Bar rule. 10 Bar Counsel doesn't like the way I 11 practice law, they can do it the way they want to 12 practice law. And I do it the way I consider to 13 be appropriate and zealous and honest and fair. 14 I've always been up against very 15 powerful interests, and the Voice of America is a 16 very powerful agency that's been ranked the worst 17 in government by the GAO. It was published in the 18 Washington Post. That's an exhibit. 19 Mr. Shamble congratulated me and said 20 he's never seen a lawyer work that hard, and he 21 referred me to other broadcasters in VOA, who I 22 worked closely with.</p>

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<p style="text-align: right;">Page 1601</p> <p>1 This case is eight years old. Memories 2 have faded. Documents have been lost, misplaced. 3 There's been a denial of due process, through no 4 fault of my own. Through no fault of your own, 5 Honors, but there has been a denial of due process 6 by virtue of the way this matter has been handled. 7 As set forth in the opinion of 8 Professor Ronald Rotunda, who was one of the top, 9 if not the top experts in professional ethics, of 10 the lawyers in the United States, before he 11 tragically and suddenly died, there are tens of 12 states that would not even allow this case to 13 proceed. They would have thrown it out. 14 And there are court decisions. There's 15 also one in Florida, where I'm also licensed, and 16 they dismissed Ms. Sataki's complaint alone in 17 Pennsylvania, immediately, early. 18 It says that Bar Counsel is to adhere 19 to the same rules that the accused, accused 20 lawyers are to adhere to. They have to adhere to 21 the same rules, and that's called respect for due 22 process and equal protection, and moving cases</p>	<p style="text-align: right;">Page 1603</p> <p>1 are in the record. They were hiring experts. 2 CHAIRMAN FITCH: I wouldn't read the 3 superseding draft. 4 MR. KLAYMAN: Yeah, it shows you -- I'm 5 sorry. 6 CHAIRMAN FITCH: Mr. Klayman. 7 MR. KLAYMAN: It shows you that there's 8 an ulterior motive here eight years down the line. 9 We live in an age where it's very 10 polarized here in this country. And I'm on one 11 side, Bar Counsel appears to be on the other side. 12 But we should all be on the same side. And we 13 shouldn't seek revenge. We should respect each 14 other. 15 I respected Ms. Sataki. I wanted her 16 to respect me. I've been a member in good 17 standing of this Bar for 38 years. I currently 18 have no disciplinary record, no finding, final 19 finding. 20 This is a case that hinges as much on 21 the law and on the facts as just what's right. 22 What happened here was not right. And it's caused</p>
<p style="text-align: right;">Page 1602</p> <p>1 along to a conclusion, and not resurrecting them 2 when, for whatever reason, you think it may be 3 strategic to do so at that point in time. 4 And that's important, because Ms. 5 Sataki never, ever communicated with them. They 6 had to find her after the original complaint. 7 So that's a crucial point, also in 8 terms of credibility. 9 And of course I want you to consider 10 that they prejudged me. Before I was even 11 notified this case was still active -- I thought 12 it was dismissed -- they were writing a 13 Specification of Charges, which don't have bearing 14 on the ultimate Specification of Charges. Because 15 the first one said that I had abandoned her and 16 that I didn't represent herself zealously and 17 competently. 18 When I told Mr. Smith -- 19 CHAIRMAN FITCH: I assure you we're not 20 going to consider that, and I didn't even know 21 that until you told me. 22 MR. KLAYMAN: Yeah, all these documents</p>	<p style="text-align: right;">Page 1604</p> <p>1 me a lot of emotional distress. It's caused me a 2 lot of financial loss. Not just, you know, with 3 regard to Mr. Sujat's time, with my time, because 4 I can't make a living and spend all of my time 5 defending what I view to be a non-meritorious case 6 that was brought for ulterior purposes, eight 7 years down the line, after two other bars have 8 dismissed it. 9 When I asked his supervisor, Elizabeth 10 Herman, who signed the Specification of Charges, 11 "Wasn't that relevant?" She said "We could care 12 less." 13 Thank you. 14 CHAIRMAN FITCH: Do you have rebuttal? 15 MR. SMITH: No thank you. 16 CHAIRMAN FITCH: Thank you, Mr. 17 Klayman. Thank you Mr. Smith. 18 We have the following obligation at 19 this point under Rule XI.11. At the conclusion of 20 the evidentiary portion of the hearing, and after 21 hearing such final argument as the hearing 22 committee chair shall permit, the hearing</p>

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<p style="text-align: right;">Page 1605</p> <p>1 committee shall go into executive session and 2 decide preliminarily whether it finds a violation 3 of any disciplinary rule that has been proven by 4 Disciplinary Counsel. 5 I do what I'm told. The three of us 6 are ready to go into executive session, and this 7 is one of the few occasions when we have a little 8 work to do and you have no work to do, so please 9 accommodate us by letting us stay here and 10 stepping outside and waiting for us. 11 And we are off the record. 12 (Recess taken.) 13 CHAIRMAN FITCH: Back on the record. 14 The hearing committee has followed the 15 instructions in Rule XI.1 and conferred as to 16 whether it may find a violation of any, as in one 17 or more than one, disciplinary rule has been 18 proven by Disciplinary Counsel. 19 We think preliminarily that we may find 20 that Disciplinary Counsel has proven at least one 21 violation. 22 We need now to talk about briefing.</p>	<p style="text-align: right;">Page 1607</p> <p>1 anything about that. Too much speculation. 2 The rule requires that this stage be 3 completed in 120 days. That is one of those rules 4 frankly that, from what very little I know, is 5 honored more in breach than in the observance. 6 But I think we should take a shot at it. 7 I propose 30 days from today for Mr. 8 Smith's brief, 40 days thereafter for Respondent's 9 brief, and 10 days thereafter for the reply brief. 10 Ten days alright, Mr. Smith? 11 MR. SMITH: Yeah, but I guess if 12 there's more -- 13 CHAIRMAN FITCH: I'm sorry? 14 MR. SMITH: I do believe that should 15 be, but I'm sure that the committee will consider 16 motions for extension, if warranted. 17 CHAIRMAN FITCH: Well, I never had any 18 choice but to consider those. 19 Meghan, I misplaced it. Where is that 20 rule about 120 days? 21 MS. BORRAZAS: I believe it was Page 22 164?</p>
<p style="text-align: right;">Page 1606</p> <p>1 The length of briefs is by rule 50 2 pages, with a reply brief of 20 pages, and I'm 3 inclined to go to 50 pages, unless someone's got a 4 real strong argument. I'd be happy to limit it to 5 10, but I'm inclined to go to 50. 6 MR. KLAYMAN: That's fine, your Honor. 7 MR. SUJAT: That's fine, your Honor. 8 CHAIRMAN FITCH: The briefs will 9 consist of an opposed finding of facts section and 10 a legal argument section. And when Mr. Smith 11 submits his brief and serves it, the Respondent's 12 expected to admit or deny, with explanation, with 13 each of those PFFs, proposed findings of fact, of 14 the ODC, and then probably should propose its own 15 additional findings of fact. And then in its 16 reply, ODC will make its response to those PFFs of 17 the Respondent's team and say whatever else it has 18 to say in its reply brief, which is limited to 20 19 pages. 20 Mr. Smith, you can file 19.99 pages if 21 you want, but 20 strikes me as long for this 22 amount. It's up to you. Obviously I won't do</p>	<p style="text-align: right;">Page 1608</p> <p>1 CHAIRMAN FITCH: No, that's not it. 2 MS. BORRAZAS: Sixty-four, at the 3 bottom. Is that it? 4 CHAIRMAN FITCH: That's in the 5 Board's -- the rules applying to the board. 6 Let's leave it at ten days. 7 MS. BORRAZAS: The date for -- do you 8 want the brief or the -- 9 CHAIRMAN FITCH: Length of briefs or 10 scheduling of briefs. 11 MS. BORRAZAS: So 12 is scheduling but 12 also 19 point -- 13 MR. TIGAR: Are we now talking days? 14 I calculate 30 days is the 27th of 15 July. 16 CHAIRMAN FITCH: Alright. 17 MR. TIGAR: I calculate 40 days 18 thereafter is the 5th of September. 19 MR. TIGAR: I calculate that ten days 20 after is the 15th of September -- or August, 21 August. 22 CHAIRMAN FITCH: What day of the week,</p>

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<p style="text-align: right;">Page 1609</p> <p>1 the 5th of September?</p> <p>2 MS. BORRAZAS: That is a Wednesday.</p> <p>3 MR. TIGAR: September 5th is a</p> <p>4 Wednesday.</p> <p>5 CHAIRMAN FITCH: So Labor Day is</p> <p>6 Monday, September 3rd.</p> <p>7 MR. TIGAR: That's right.</p> <p>8 CHAIRMAN FITCH: I think that</p> <p>9 Respondent's brief should be due on Monday,</p> <p>10 September 10th, rather than --</p> <p>11 MR. KLAYMAN: That's our opposition,</p> <p>12 your Honor, or response?</p> <p>13 CHAIRMAN FITCH: Your brief should be</p> <p>14 filed or may be filed as late as September 10th.</p> <p>15 MR. KLAYMAN: Alright.</p> <p>16 CHAIRMAN FITCH: Otherwise you'd be</p> <p>17 obligated to file a brief two days after Labor</p> <p>18 Day.</p> <p>19 So September 10, and we'll give Mr.</p> <p>20 Smith 10 days for his reply.</p> <p>21 MR. TIGAR: The 20th.</p> <p>22 CHAIRMAN FITCH: June the 20th. And</p>	<p style="text-align: right;">Page 1611</p> <p>1 through the process with Judicial Watch. That's</p> <p>2 why they were sitting here, in part. I don't know</p> <p>3 how they knew of it. Most people don't know of</p> <p>4 these things, if they weren't told.</p> <p>5 So there's two issues here actually,</p> <p>6 and that is not complete. It's in front of the</p> <p>7 Court of Appeals right now in this building.</p> <p>8 So Mr. Smith advised me that he was</p> <p>9 going to introduce the finding of the Board, which</p> <p>10 is just a recommendation. It's not a final</p> <p>11 decision.</p> <p>12 I think that's inappropriate to put</p> <p>13 that in the record at this time, and it's intended</p> <p>14 to try to prejudice you in your ultimate</p> <p>15 deliberations.</p> <p>16 When I told him I didn't think that was</p> <p>17 ethical, he screamed out in middle of the</p> <p>18 courtroom, using the F word, "Leave me the F</p> <p>19 alone." And there were several witnesses,</p> <p>20 including the court reporter, and I believe Meghan</p> <p>21 and others.</p> <p>22 CHAIRMAN FITCH: Well, let me say the</p>
<p style="text-align: right;">Page 1610</p> <p>1 we'll do our best on our end. And we'll consider</p> <p>2 whatever the parties have to tell us.</p> <p>3 MR. KLAYMAN: Your Honor, may I address</p> <p>4 a small issue?</p> <p>5 CHAIRMAN FITCH: I'm sorry?</p> <p>6 MR. KLAYMAN: When appropriate, may I</p> <p>7 address a small issue.</p> <p>8 CHAIRMAN FITCH: Sure, but I have one</p> <p>9 other issue.</p> <p>10 Does Bar Counsel have any information</p> <p>11 about prior discipline?</p> <p>12 MR. KLAYMAN: That's my issue. Before</p> <p>13 he does that.</p> <p>14 CHAIRMAN FITCH: What's your issue?</p> <p>15 MR. KLAYMAN: The rule says, and this</p> <p>16 is alluded to pleadings in the case -- I assume</p> <p>17 you all have read them -- that bringing this case</p> <p>18 was -- you want me to stand at the podium?</p> <p>19 CHAIRMAN FITCH: Yeah, of course.</p> <p>20 MR. KLAYMAN: As I said in the</p> <p>21 pleadings, there is another disciplinary</p> <p>22 proceeding, which is not final. It's still going</p>	<p style="text-align: right;">Page 1612</p> <p>1 following. I think this will resolve the concern.</p> <p>2 I think it's a legitimate issue.</p> <p>3 If there is another proceeding and if</p> <p>4 it has not been resolved by the Court of Appeals,</p> <p>5 then, before anything else about that proceeding</p> <p>6 is brought to the attention of the hearing</p> <p>7 committee, I hereby require Disciplinary Counsel</p> <p>8 to submit a pleading arguing why an incomplete</p> <p>9 disciplinary proceeding constitutes prior</p> <p>10 discipline.</p> <p>11 There may be a Court of Appeals case</p> <p>12 out there that says exactly that. But I'd like to</p> <p>13 see it.</p> <p>14 So, Mr. Smith, you have 10 days from</p> <p>15 today for you and your office to submit that</p> <p>16 pleading showing why information about incomplete</p> <p>17 non-final disciplinary proceeding constitutes</p> <p>18 prior discipline. Ok?</p> <p>19 MR. SMITH: Ok.</p> <p>20 MR. TIGAR: May I suggest, may I</p> <p>21 suggest in that respect that you look at the</p> <p>22 statement of judgements, because there is a</p>

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<p style="text-align: right;">Page 1613</p> <p>1 considerable body of literature on the preclusive 2 effect or non-effect of an interlocutory decision 3 that is still in the process of appeal. 4 That's one of the civil procedure 5 professor's nightmare scenarios, and there's a lot 6 of debate about that. 7 MR. KLAYMAN: Thank you. Thank you for 8 that suggestion. 9 I wanted to add one other thing, when I 10 asked him why he's doing that, I just want this on 11 the record, he told me "My supervisors told me to 12 do it." 13 MR. SMITH: Jesus Christ. You know 14 what? I do have some public discipline that -- 15 MR. KLAYMAN: Well, I'm not finished 16 yet. I'm not finished yet. 17 MR. SMITH: Is he finished yet? 18 He's made his objection. You've made 19 your ruling with respect to these documents. And 20 I will respect that ruling. 21 Now I would like to do as you already 22 asked. I want to submit public discipline in</p>	<p style="text-align: right;">Page 1615</p> <p>1 it's a very low threshold to get to this section 2 of the proceeding, and I just wanted to make it 3 clear on the record that, because my former 4 colleagues may use this for publicity purposes, 5 that's why they were sitting here, just to put it 6 on the record that it is a low threshold, so if 7 anybody sees these transcripts or whatever, they 8 know that you didn't make a finding against me 9 yet. 10 CHAIRMAN FITCH: Mr. Smith, I want to 11 hear from you in just a minute. 12 Are you representing that documents 13 that you have constitute final discipline? 14 MR. SMITH: This is different from the 15 document that Ms. Sataki was talking about -- 16 CHAIRMAN FITCH: Well, you're mumbling. 17 MR. SMITH: This is different from the 18 document that Mr. Klayman was referring to that 19 you have issued your order with respect to. 20 CHAIRMAN FITCH: Well, I didn't ask you 21 that. 22 Does that material constitute -- don't</p>
<p style="text-align: right;">Page 1614</p> <p>1 aggravation of misconduct. 2 CHAIRMAN FITCH: I'm sorry? 3 MR. KLAYMAN: I'm not finished yet. 4 MR. SMITH: I said, he has made his 5 motion, you have made your ruling. We are going 6 to respect that ruling, but there is public 7 discipline that I would like to submit in 8 aggravation of the misconduct at this time. 9 CHAIRMAN FITCH: There is what that 10 constitutes -- 11 MR. SMITH: Public discipline. 12 MR. KLAYMAN: Yes, I have no 13 disciplinary record, other than one in Florida, 14 which was a reprimand that I agreed to. That's 15 the only one that has ever happened in 40 years, 16 and it was because I paid late on an agreement to 17 pay a small portion of a client matter. I was in 18 financial difficulty. I agreed to it. That's the 19 only discipline in 40 years. 20 So if he's going to throw into the 21 record other things, that's inappropriate. 22 What I wanted to ask is, because I know</p>	<p style="text-align: right;">Page 1616</p> <p>1 show it to me -- does it constitute final -- 2 MR. SMITH: Yes. 3 CHAIRMAN FITCH: -- decision by a 4 disciplinary authority -- 5 MR. SMITH: Yes. 6 CHAIRMAN FITCH: Such as the Board and 7 the Board's hearing committee? 8 MR. SMITH: Yes, it does. 9 MR. KLAYMAN: Yes, I'll stipulate to 10 that, your Honor. 11 That's what I said. There's one in 12 Florida many years back where I was -- from 2008. 13 CHAIRMAN FITCH: And what do your 14 submissions consist of? What kinds of things? 15 MR. SMITH: It is a consent judgment 16 from the Supreme Court of Florida, the Florida Bar 17 vs. Larry Elliott Klayman, number SC11 247. 18 CHAIRMAN FITCH: I ask because it looks 19 to be kind of thick. 20 MR. SMITH: It is kind of thick. And I 21 have copies for everyone on the committee and for 22 the Board. Respondent's already been given a</p>

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<p style="text-align: right;">Page 1617</p> <p>1 copy.</p> <p>2 If may I approach?</p> <p>3 CHAIRMAN FITCH: Probably, yes, but in</p> <p>4 just a minute.</p> <p>5 (Brief pause.)</p> <p>6 CHAIRMAN FITCH: Yeah, Rule XI.11, as I</p> <p>7 recall, in fact does instruct or direct the</p> <p>8 "hearing committee shall immediately resume the</p> <p>9 hearing after the executive conference and permit</p> <p>10 Disciplinary Counsel to present evidence of prior</p> <p>11 discipline, if any."</p> <p>12 Even though the word "shall" does not</p> <p>13 appear before "permit," the sentence does read</p> <p>14 "shall immediately resume the hearing and permit</p> <p>15 Disciplinary Counsel to present evidence of prior</p> <p>16 discipline."</p> <p>17 Now I read the rule to be saying "shall</p> <p>18 permit."</p> <p>19 You may tender a document constituting</p> <p>20 final discipline by consent or otherwise --</p> <p>21 MR. SMITH: Thank you.</p> <p>22 CHAIRMAN FITCH: -- to the hearing</p>	<p style="text-align: right;">Page 1619</p> <p>1 MR. TIGAR: Is it your application that</p> <p>2 the Chair place on the record the text of XI.11.</p> <p>3 CHAIRMAN FITCH: Yes.</p> <p>4 MR. TIGAR: That "the determination</p> <p>5 that was made is a preliminary nonbinding</p> <p>6 determination"?</p> <p>7 MR. KLAYMAN: Correct, that's it.</p> <p>8 Because I know that my colleagues will</p> <p>9 use it.</p> <p>10 MR. TIGAR: Well, that's what rule</p> <p>11 XI.11 says. And that's what it says.</p> <p>12 MR. KLAYMAN: So thank you very much</p> <p>13 for that.</p> <p>14 And if I may address what Mr. --</p> <p>15 CHAIRMAN FITCH: You may, but the order</p> <p>16 of procedure is, is this anything else being</p> <p>17 offered at this time in aggravation?</p> <p>18 MR. SMITH: Given the Chair's ruling,</p> <p>19 nothing else at this time.</p> <p>20 CHAIRMAN FITCH: Does Respondent wish</p> <p>21 to address at this time the allegedly aggravating</p> <p>22 material that's been submitted and/or wish to</p>
<p style="text-align: right;">Page 1618</p> <p>1 committee and to Ms. Borrazas.</p> <p>2 MR. SMITH: For the record, this has</p> <p>3 been marked as Disciplinary Counsel Exhibit 53.</p> <p>4 MR. KLAYMAN: Can I have a copy, Mr.</p> <p>5 Smith? You got it?</p> <p>6 MR. SUJAT: Yeah.</p> <p>7 MR. KLAYMAN: Your Honor, the only</p> <p>8 other thing I ask, because of the potential for</p> <p>9 publicity here -- I'm not usually shy, one way or</p> <p>10 the other -- my ex colleagues, I got a verdict</p> <p>11 against them for defamation. I mentioned that in</p> <p>12 my testimony.</p> <p>13 CHAIRMAN FITCH: Mm-hmm.</p> <p>14 MR. KLAYMAN: I just would ask you as a</p> <p>15 courtesy just to state on the record that whatever</p> <p>16 the low threshold is, it's a low threshold to get</p> <p>17 to this point. It's just a tentative ruling.</p> <p>18 CHAIRMAN FITCH: I'm sorry, what do you</p> <p>19 want me to do?</p> <p>20 MR. KLAYMAN: On the record, just state</p> <p>21 what the threshold is to get to this part of the</p> <p>22 proceeding.</p>	<p style="text-align: right;">Page 1620</p> <p>1 address at this time any matters or bring to the</p> <p>2 hearing committee's attention any matters in</p> <p>3 potential mitigation of potential sanction</p> <p>4 analysis.</p> <p>5 MR. KLAYMAN: Yes, I do.</p> <p>6 CHAIRMAN FITCH: Both parties should</p> <p>7 keep in mind that these representations do not</p> <p>8 preclude the repetition, elaboration or addition</p> <p>9 of such considerations in the briefing.</p> <p>10 MR. KLAYMAN: Understood, your Honor.</p> <p>11 Did you give a copy to Mr. Sujat?</p> <p>12 Apparently he misplaced it.</p> <p>13 CHAIRMAN FITCH: You can have my copy,</p> <p>14 Mr. Sujat.</p> <p>15 MR. KLAYMAN: Here, I got it. I'm</p> <p>16 borrowing this one.</p> <p>17 To put this in context, your Honor, I</p> <p>18 had a client in Florida named Natalia Hum. She</p> <p>19 was charged with jumping bail and also making --</p> <p>20 arranging for illegal marriages with immigrants to</p> <p>21 get them citizenship. I defended her in a</p> <p>22 criminal proceeding, and there was a \$25,000</p>

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<p style="text-align: right;">Page 1621</p> <p>1 nonrefundable retainer, which you can take in 2 Florida. It can be nonrefundable. And I did a 3 considerable amount of work. 4 I had been the second lawyer. She had 5 another lawyer who had actually negotiated a plea 6 agreement for her, and that's when she jumped bail 7 and went to Belize, and they had to bring her back 8 to Miami, and they arrested her. 9 Ultimately her case was transferred to 10 Orlando, and, for convenience purposes, she got a 11 lawyer up in Orlando. 12 I was going through financial 13 difficulty at the time. It was in and around the 14 time period of the collapse in this country, 15 financially. I was doing badly. I have testified 16 to that. And I entered into -- she wanted to get 17 her \$25,000 back and said I hadn't done any work, 18 which wasn't true. 19 I agreed with a mediator to remit 5,000 20 back, and I couldn't pay it timely because I was 21 on the verge of bankruptcy, and I took longer to 22 do it than I had agreed to.</p>	<p style="text-align: right;">Page 1623</p> <p>1 (Whereupon at 3:21 p.m. the hearing was 2 adjourned.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p style="text-align: right;">Page 1622</p> <p>1 I was moving around, as you've seen 2 from my different addresses. I didn't actually 3 get notice that the Bar had started an action 4 here. And things matured to the point that there 5 was a complaint that was filed. 6 And I agreed to -- I agreed, consent 7 agreement, to public reprimand. And in that 8 public reprimand, you will see there is no showing 9 of any dishonesty. There are a lot of mitigating 10 circumstances, including the fact that her lawyer 11 in Orlando had said to me, "Larry, if I were you, 12 I wouldn't pay it back." Because, she tried the 13 same thing with her prior lawyer. She had filed a 14 Bar complaint with him to get back the equivalent 15 of his \$25,000 retainer. 16 So it's not, you know -- it's not a 17 matter of dishonesty. It's not an egregious 18 thing. I simply agreed to just to move on. It's 19 cheaper to do that than to fight it. So... 20 CHAIRMAN FITCH: There appearing to be 21 no other matters, this evidentiary proceeding is 22 adjourned.</p>	

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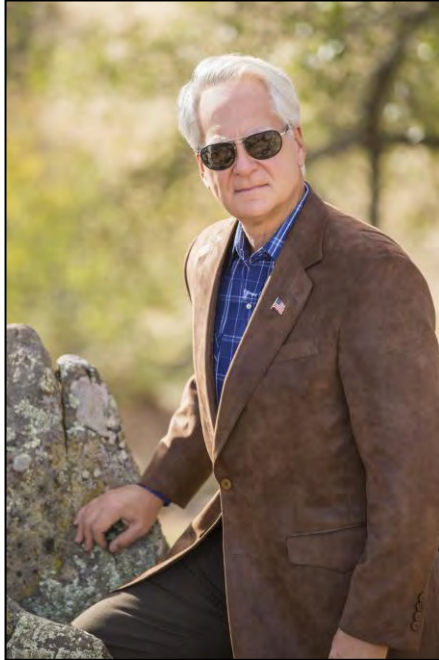
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ABOUT LARRY KLAYMAN

Larry Klayman, founder of Judicial Watch and Freedom Watch, is known for his strong public interest advocacy in furtherance of ethics in government and individual freedoms and liberties. During his tenure at Judicial Watch, he obtained a court ruling that Bill Clinton committed a crime, the first lawyer ever to have done so against an American president. Larry became so famous for fighting corruption in the government and the legal profession that the NBC hit drama series "West Wing" created a character after him: [Harry Klaypool of Freedom Watch](#). His character was played by actor John Diehl.



In 2004, Larry ran for the U.S. Senate as a Republican in Florida's primary. After the race ended, he founded Freedom Watch.

Larry graduated from Duke University with honors in political science and French literature. Later, he received a law degree from Emory University. During the administration of President Ronald Reagan, Larry was a Justice Department prosecutor and was on the trial team that succeeded in breaking up the telephone monopoly of AT&T, thereby creating competition in the telecommunications industry.

Between Duke and Emory, Larry worked for U.S. Senator Richard Schweiker (R-Pa.) during the Watergate era. He has also studied abroad and was a stagiaire for the Commission

of the European Union in its Competition Directorate in Brussels, Belgium. During law school, Larry also worked for the U.S. International Trade Commission in Washington, D.C.

Larry speaks four languages—English, French, Italian, and Spanish—and is an international lawyer, among his many areas of legal expertise and practice.

The author of two books, *Fatal Neglect* and *Whores: Why and How I Came to Fight the Establishment*, Larry has a third book in the works dealing with the breakdown of our political and legal systems. His current book, *Whores*, is on

now sale at WND.com, Amazon.com, BarnesandNoble.com, Borders.com, and all major stores and booksellers.

Larry is a frequent commentator on television and radio, as well as a weekly columnist, on Friday, for WND.com. He also writes a regular blog for Newsmax called "Klayman's Court."

Larry has been credited as being the inspiration for the Tea Party movement. (See "[Larry Klayman - The One Man TEA Party](#)," by Dr. Richard Swier, <http://fwusa.org/KFA>)



**Support the work of
Freedom Watch at
www.FreedomWatchUSA.org**

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

In the Matter of:

LARRY E. KLAYMAN, ESQ.

Respondent.

**A Member of the Bar of the District of
Columbia Court of Appeals
(Bar Registration No. 334581)**

**No. 20-BG-583
Board Docket No17-BD-063
BDN: 2011-D028**

**EMERGENCY MOTION OF RESPONDENT LARRY KLAYMAN TO RESCIND
TEMPORARY SUSPENSION ORDER OF JANUARY 7, 2021**

Respondent Larry Klayman, by and through counsel, respectfully moves on an emergency basis, given the continuing severe harm and damages to him and his clients as a result of the violation of his constitutional and other legal rights, to rescind the temporary suspension order based on the compelling and irrefutable substantial factual evidence and legal reasons and analysis set forth in detail in Respondent's Initial Brief of February 8, 2021.

The constitutional and other rights that were violated, through state action, include but are not limited to, as set forth in Respondent's Initial Brief of February 8, 2021, violation of his right to due process, equal protection based on sex and religion, his right to a Sixth Amendment counsel of his choice, and last but not least his First Amendment right to free speech, which he heretofore, before this Court imposed a non-meritorious temporary suspension, exercised in all courts and tribunals of the District of Columbia, including this Court, through his conservative and non-partisan public interest and private legal advocacy.

WHEREFORE Respondent Larry Klayman respectfully requests, on an emergency basis, that the January 7, 2021 temporary suspension order be rescinded no later than 5:00 p.m. Friday February 12, 2021, based on the substantial evidence showing no clear and convincing evidence of a violation of the District of Columbia Rules of Professional Responsibility, as well as the compelling legal reasons and analysis as set forth and detailed his Initial Brief of February 8, 2021.

This immediate rescission of temporary suspension as ordered against Mr. Klayman is required to prevent further unnecessary and unjustified severe harm and damages to him and his clients as this case proceeds to a final disposition.

Dated: February 9, 2021

Respectfully submitted,

/s/ Melissa Isaak
Melissa Isaak, Esq.
2815-B Zelda Road
Montgomery, AL 36106
Tel: 334-262-8200
Melissa@protectingmen.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was filed electronically and served to all parties and counsel of record via the Court's e-service protocols on February 10, 2021.

/s/ Melissa Isaak, Esq..

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

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 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
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 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

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_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. __________
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. __________
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
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 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No._____
Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No._____
Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

EXHIBIT B

FILED

JUL 23 2021

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of Larry Klayman,
Member of the Bar of the
United States District Court
for the District of Columbia

Attorney Grievance
AG No. 21-07

FINAL ORDER OF RECIPROCAL DISCIPLINE

PER CURIAM:

I.

This matter came before the Court upon receipt of a certified/exemplified copy of an order of the District of Columbia Court of Appeals (DCCA) suspending Respondent Larry Klayman from the practice of law pending final resolution of the disciplinary proceedings. *See In the Matter of Larry E. Klayman*, 20-BG-583, dated January 7, 2021.

On April 6, 2021, this Court issued a Temporary Suspension and Show Cause Order (TSSC) directing Respondent to explain within thirty days why the imposition of identical discipline by this Court would be unwarranted and the reasons therefor. The Order was emailed and mailed by certified mail addressed to Respondent, and a timely response was received.

In response to the TSSC, Respondent submitted two pages of argument along with over 1,000 pages of exhibits, including, among other filings, a complaint he filed in another proceeding in this District, various filings he submitted before DCCA, the D.C. Board of Professional Responsibility's (Board) opinion recommending his

suspension from the practice of law, an assortment of emails, and hundreds of pages of transcripts from D.C. bar disciplinary proceedings. Respondent argues reciprocal discipline is not appropriate, that the Court should defer any action pending a final decision by the DCCA, and that the temporary suspension should be vacated immediately. Specifically, Respondent contends that the DCCA's suspension pending final disposition is "a violation of his due process and equal protection rights, as he is presumed innocent until proven guilty." Respondent also argues that this Court should "defer consideration of" reciprocal discipline until his claims in *Klayman v. Blackburne-Rigsby, et al.*, 21-cv-409 (ABJ), challenging the legality of the DCCA interim suspension, are "fully litigated," and he "request[s] that the Court thoroughly review" the pleadings in that case.

II.

To begin, the complaint Respondent filed against several DCCA judges in *Klayman v. Blackburne-Rigsby*, has now been dismissed. See Memorandum Opinion at 9, Dkt. 29, *Klayman v. Blackburne-Rigsby*, 21-cv-409 (ABJ). As a result, Respondent's request that this Court defer ruling on the appropriateness of reciprocal discipline until the conclusion of that matter is now moot.

Turning to Respondent's due process arguments, the Court concludes that the procedure afforded Respondent was not "so lacking in notice and opportunity to be heard as to constitute a deprivation of due process." See LCvR 83.16(c)(4)(i). Respondent has failed to identify any deficiencies in D.C.'s disciplinary process. Instead, his response attaches 1,650 pages of transcripts from the underlying Hearing

Committee proceedings in which Respondent was granted the opportunity to present testimony, cross-examine the complainant, make legal arguments, and propose findings of fact and conclusions of law. The Hearing Committee's findings were then adopted by the Board in a 34-page report and recommendation that addressed each alleged violation and notably, that reduced Respondent's recommended sanction from a 33-month suspensory sanction to one of 18 months. Neither has Respondent identified any due process violation stemming from the DCCA's reliance on the Board's action to impose an interim suspension. Simply put, Respondent's disagreement with the Hearing Committee's findings of fact and conclusion of law, the Board's adoption of them, and the DCCA's determination that they supported an interim suspension pending final disposition does not constitute a due process violation. *See Sobin v. District of Columbia*, 480 F. Supp. 3d 210, 219 (D.D.C. 2020) ("Events may not have unfolded as [Respondent] wished, but such dissatisfaction does not inevitably form the basis for a due process violation.") (brackets and internal quotation marks omitted)); *cf. In re Klayman*, 991 F.3d 1289, 1293 (D.C. Cir. 2021) ("[T]he state court's substantive findings are entitled to a high degree of respect.").

The interim nature of Respondent's suspension does not make reciprocal discipline inappropriate in this matter. The D.C. Bar Rules authorize temporary suspension of an attorney "[u]pon receipt of a report from the Board recommending discipline in the form of disbarment, suspension requiring proof of fitness as a condition of reinstatement, or suspension of one year or more without a fitness requirement." D.C. Bar Rule XI, § 9(g). And this Court's Local Rules authorize

reciprocal discipline if an attorney “has been suspended for more than 30 days or disbarred by another court.” LCvR 83.16(c)(1). Based on the plain text of the rule, then, an interim suspension that lasts for more than 30 days triggers reciprocal discipline in this Court. Other courts apply their own rules to impose reciprocal discipline in similar circumstances. *See, e.g., In re SimmsParris*, 448 F. App’x 268 (3d Cir. 2011); *In re Stafford*, 789 F. App’x 281 (2d Cir. 2019).

Likewise, Respondent’s due process objections concerning the seven-year delay in instituting proceedings against him are unpersuasive. As the D.C. Circuit has explained, “[u]ndue delay . . . result[s] in a due process violation when the respondent demonstrates *actual prejudice*—that is, that the delay in prosecution impaired [his] defense.” *See In re Klayman*, 991 F.3d at 1295 (emphasis added and internal quotation marks omitted). Here, Respondent has made no specific showing of how delay impaired his defense. Though he invokes the doctrine of laches in filings attached to his response, there is no case in the District of Columbia that “applies laches to disciplinary proceedings.” *Id.* Even if the defense of laches applied, it “requires proof of (1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense.” *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 121–22 (2002) (internal quotation marks omitted). Respondent has not demonstrated either element here.¹

¹ Respondent provides no argument as to why the DCCA’s suspension pending final disposition of this disciplinary matter is “a violation of his . . . equal protection rights,” and based on a review of the record, the Court concludes his other claims also lack merit.

Based on “the face of the record on which discipline is predicated,” it does not “clearly appear[]” that any of the factors listed in LCvR 83.16 (c)(4)(i-v) exist. Thus, upon consideration of the entire record and Respondent’s submission, the Court concludes that reciprocal discipline is appropriate under the standard set forth in LCvR 83.16(c)(5).

III.

For the foregoing reasons, it is hereby

ORDERED, pursuant to LCvR 83.16, that the Temporary Suspension and Show Cause Order dated April 6, 2021, is vacated; and it is

FURTHER ORDERED, pursuant to LCvR 83.16, that Respondent is reciprocally suspended from the Bar of the United States District Court for the District of Columbia pending final resolution of the proceedings before the DCCA and this Court; and it is

FURTHER ORDERED, that Respondent shall promptly advise this Court of the final resolution of the proceedings before DCCA; and it is

FURTHER ORDERED, that reinstatement shall be conditioned upon satisfaction of the requirements listed in LCvR 83.18, including proof that Respondent has been reinstated in the Bar of the District of Columbia; and it is;

FURTHER ORDERED, that the Clerk shall cause a copy of this order to be served upon Respondent in accordance with LCvR 83.16(a), thereby giving Respondent notice of the provisions of LCvR 83.16 and 83.18.

So ORDERED, this 23rd day of July, 2021.



Timothy J. Kelly

Judge Timothy J. Kelly



T. N. McFadden

2021.07.23

13:50:48 -04'00'

Judge Trevor N. McFadden



Dabney L. Friedrich

Judge Dabney L. Friedrich

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

* * * * *

JOSEPH MICHAEL ARPAIO,)	
Plaintiff,)	Civil Action
vs.)	No. 18-2894
)	
JEFF ZUCKER, et al.,)	July 25, 2019
)	
Defendants.)	10:36 a.m.
)	Washington, D.C.
)	

* * * * *

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE ROYCE C. LAMBERTH,
UNITED STATES DISTRICT COURT SENIOR JUDGE

APPEARANCES:

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Official Court Reporter
Washington, D.C. 20001

Proceedings reported by machine shorthand,
transcript produced by computer-aided transcription.

1 THE COURT: Thank you very much, Mr. Jassy.

2 MR. JASSY: Thank you, Your Honor.

3 THE COURT: All right. Mr. Klayman.

4 MR. KLAYMAN: Thank you, Your Honor.

5 THE COURT: I haven't had you here in a long time.

6 It's a pleasure to have you again. I know some judges don't

7 say that to you, but I will say it.

8 MR. KLAYMAN: Mutual, Your Honor.

9 At the outset, Your Honor, I want to point out an
10 inaccuracy by CNN's counsel; perhaps they inadvertently made
11 a mistake. But, in paragraph 22, we allege: As of today,
12 the CNN broadcast is still available through defendant's
13 CNN's website, and no efforts have been taken by defendant
14 CNN, defendant Cuomo, or defendant Zucker to correct this
15 false statement. So, yes, it is in the complaint that this
16 is still up on the website.

17 THE COURT: The original?

18 MR. KLAYMAN: The original.

19 THE COURT: The original four-minute segment --

20 MR. KLAYMAN: Which does not have the correction
21 by Chris Cuomo at the end.

22 THE COURT: Okay.

23 MR. KLAYMAN: Now, let me get into this particular
24 issue, and I will move on generally.

25 Once something goes up on the Internet, it