

EXHIBIT RR

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
C.A. NO. 1:19-CV-10203-IT

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SONYA LARSON,

Plaintiff,

vs.

DAWN DORLAND PERRY, et. al.,

Defendants.

* * * * *

DEPOSITION OF: SONYA C. LARSON
Conducted Remotely
161 Mountain Side Drive
Warren, Vermont
Friday, July 30, 2021 10:09 a.m.

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

23

1	kindest" in early 2015, and I believe your	10:31:47
2	testimony, roughly, was that your idea sort of arose	10:31:50
3	out of the question of whether the dress was blue	10:31:54
4	and black or white and gold, correct?	10:31:57
5	A. Yes.	10:32:00
6	Q. Okay. And at that time, did you have any	10:32:01
7	plan to have any type of kidney donation in that	10:32:09
8	story?	10:32:15
9	A. No.	10:32:15
10	Q. Okay. And when did you have the idea to	10:32:16
11	insert the donation of a kidney in that story?	10:32:19
12	A. When I saw Ms. Dorland posting on Facebook	10:32:23
13	about her own kidney donation.	10:32:29
14	Q. And what did you see posted on Facebook?	10:32:40
15	A. Can you clarify the question.	10:32:44
16	Q. So you testified that you first had the	10:32:47
17	idea to insert a kidney donation into your story	10:32:50
18	when you saw postings by Ms. Dorland on Facebook.	10:32:54
19	What posts -- can you describe the posts that you	10:32:59
20	saw?	10:33:02
21	A. I saw her posting that she had donated her	10:33:04
22	kidney.	10:33:10
23	Q. And where was that posted on Facebook?	10:33:19
24	A. I saw it on my feed.	10:33:23

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

30

1	donation." Is that something that was also in the	10:46:37
2	letter that Dawn Dorland posted?	10:46:40
3	A. I don't remember.	10:46:42
4	Q. If you look down a few lines, there's a	10:46:54
5	couple of lines that start with ellipses. Do you	10:46:57
6	see them?	10:47:01
7	A. Yes.	10:47:02
8	Q. So the second one, it says, "There were	10:47:02
9	some things about the MGA Transplant Team, the	10:47:06
10	logistics of paired exchange...." Do you see	10:47:09
11	that?	10:47:14
12	A. Yes.	10:47:14
13	Q. In 2015 when you wrote this, what was your	10:47:15
14	understanding of what a paired exchange was?	10:47:19
15	A. I didn't know.	10:47:21
16	Q. So how was it that you would have included	10:47:22
17	that in this story if you didn't know what it was?	10:47:25
18	A. That phrase is language from Dorland's	10:47:28
19	letter.	10:47:31
20	Q. Okay. The next line in this exhibit says,	10:47:33
21	"Personally, my childhood was marked by trauma and	10:47:37
22	abuse." Is that a phrase that you crafted	10:47:41
23	yourself?	10:47:45
24	A. I don't remember.	10:47:46

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

31

1	Q. Was that phrase used in Dawn Dorland's	10:47:48
2	letter?	10:47:52
3	A. I don't have it in front of me.	10:47:54
4	Q. I'm asking you based on your memory.	10:48:00
5	A. Could you repeat the question.	10:48:06
6	Q. The phrase, "Personally, my childhood was	10:48:08
7	marked by trauma and abuse," did you create that	10:48:15
8	phrase or did you take it from Dawn Dorland's	10:48:19
9	letter?	10:48:24
10	A. I believe that is -- that language is in	10:48:25
11	Dorland's letter.	10:48:28
12	Q. When you were looking at Dawn Dorland's	10:48:29
13	Facebook posts, did you talk to anyone about them?	10:48:34
14	A. Yes.	10:48:38
15	Q. In 2015?	10:48:40
16	A. Yes.	10:48:41
17	Q. And who did you talk to?	10:48:42
18	A. Sari Boren, Whitney Scharer, Allison	10:48:48
19	Murphy.	10:48:54
20	Q. And did you have conversations with each of	10:49:06
21	those individuals separately or were there	10:49:08
22	conversations together with more than one of them at	10:49:11
23	a time?	10:49:14
24	A. I believe they were mostly separately.	10:49:14

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

33

1	document.	10:51:25
2	(Document marked as Exhibit 2	10:51:30
3	for identification)	10:51:30
4	BY MS. ELOVECKY:	10:51:39
5	Q. I've just shared what's been marked as	10:51:39
6	Exhibit 2. Do you have that on your screen?	10:51:41
7	A. Yes.	10:51:44
8	Q. Okay. And do you recognize this	10:51:45
9	document?	10:51:47
10	MR. EPSTEIN: Excuse me. Suzanne, we will	10:51:48
11	get copies of these documents at the end, won't we?	10:51:51
12	MS. ELOVECKY: of course, like with every	10:51:55
13	deposition.	10:51:57
14	MR. EPSTEIN: Okay. Fine. Thank you.	10:51:57
15	BY MS. ELOVECKY:	10:52:03
16	Q. Ms. Larson, do you recognize this	10:52:03
17	document?	10:52:05
18	A. Yes.	10:52:05
19	Q. And what is it?	10:52:06
20	A. It is a text message exchange.	10:52:07
21	Q. Between who?	10:52:10
22	A. Myself and Sari Boren.	10:52:12
23	Q. And your statements are the ones that are	10:52:16
24	in blue, is that correct?	10:52:18

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

34

1	A. Yes.	10:52:21
2	Q. And Sari -- that's how you say her name,	10:52:22
3	Sari?	10:52:26
4	A. Yes.	10:52:26
5	Q. Hers are in gray, is that correct?	10:52:27
6	A. Yes.	10:52:30
7	Q. So this text exchange is dated July 20th of	10:52:31
8	2015, is that right?	10:52:36
9	A. Yes.	10:52:37
10	Q. Okay. And you state, "Dawn just emailed me	10:52:39
11	to say hello. Does she know," with two question	10:52:43
12	marks. Do you see that?	10:52:48
13	A. Yes.	10:52:50
14	Q. And then Sari Boren responds, "Hahaha.	10:52:50
15	Holy shit," is that correct?	10:52:55
16	A. Yes.	10:52:57
17	Q. And what were you asking, "Does she know?"	10:52:58
18	What was that referring to? Does she know what?	10:53:03
19	A. I don't remember. I believe it was in	10:53:07
20	reference to a short story that I wanted to write.	10:53:24
21	Q. So prior to -- I'm sorry. I didn't mean to	10:53:28
22	talk over you. You can go ahead.	10:53:32
23	A. That's all.	10:53:34
24	Q. In this exchange, you then say, (as read)	10:53:35

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

35

1 "I know, ellipses, me feel weird." Did I state that 10:53:39
2 correctly? 10:53:44
3 A. Yes. 10:53:45
4 Q. And then you say -- you state, "But I'm 10:53:46
5 going to start that story tomorrow anyhow. I'm 10:53:49
6 excited! Did you start the essay?" Did I read that 10:53:53
7 correctly? 10:53:56
8 A. Yes. 10:53:56
9 Q. So would it be fair to say that, as of 10:53:57
10 July 20 of 2015, you had not started writing the 10:53:59
11 story? 10:54:06
12 A. I don't know. 10:54:07
13 Q. You said in this text message that you were 10:54:07
14 going to start it tomorrow, correct? 10:54:09
15 A. Yes. 10:54:12
16 Q. So is it not a reasonable assumption that 10:54:13
17 it had not yet been started the day before you said 10:54:15
18 you were going to start it? 10:54:16
19 A. That's reasonable. 10:54:18
20 Q. So you had spoken with Sari Boren 10:54:19
21 concerning the story that you planned to write prior 10:54:22
22 to this text exchange, is that true? 10:54:26
23 A. Yes. 10:54:28
24 Q. Okay. And what did you -- what was that 10:54:29

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

39

1	BY MS. ELOVECKY:	10:59:26
2	Q. Okay. I am now sharing what has been	10:59:26
3	marked as Exhibit 3. Do you have that on your	10:59:28
4	screen?	10:59:31
5	A. Yes.	10:59:31
6	Q. Okay. Do you recognize this document?	10:59:32
7	A. Yes.	10:59:34
8	Q. And what is it?	10:59:34
9	A. It is a text message exchange with Whitney	10:59:36
10	Scharer.	10:59:46
11	Q. And, once again, your statements are in	10:59:46
12	blue and the Whitney share statements are in gray,	10:59:49
13	is that correct?	10:59:54
14	A. Yes.	10:59:54
15	Q. All right. On your first message you	10:59:55
16	actually start it saying, "Hey Sari," is that	10:59:57
17	correct?	11:00:03
18	A. Yes.	11:00:04
19	Q. Was Sari a party to this text chain?	11:00:04
20	A. I don't know.	11:00:07
21	Q. Okay. The next paragraph that you write	11:00:08
22	says, (as read) "I think I'm *DONE* with the kidney	11:00:12
23	story but I feel nervous about sending it out	11:00:15
24	because it literally has sentences that I verbatim	11:00:17

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

40

1 grabbed from Dawn's letter on Facebook." Sorry. It 11:00:21
2 says, "FB." And then next sentence says, I've tried 11:00:26
3 to change it but I can't seem to. That letter was 11:00:29
4 just too damn good. I'm not sure to do, ellipses, 11:00:32
5 feeling morally compromised, slash, like a good 11:00:37
6 artist but a shitty person...." Did I read that 11:00:40
7 correctly? 11:00:44
8 A. Yes. 11:00:44
9 MR. EPSTEIN: The word, done, has two 11:00:46
10 asterisks next to it and it's in capital letters. 11:00:52
11 MS. ELOVECKY: I'm sorry. 11:00:54
12 MR. EPSTEIN: You read it correctly, except 11:00:54
13 the word done has asterisks on either side and it's 11:00:56
14 capitalized. 11:01:01
15 MS. ELOVECKY: That's correct. Thank you 11:01:05
16 for that observation. 11:01:06
17 BY MS. ELOVECKY: 11:01:08
18 Q. So was -- were these statements true 11:01:08
19 statements? 11:01:14
20 A. Can you clarify the question. 11:01:15
21 Q. The paragraph that I read out loud that you 11:01:16
22 typed, were those true statements that you wrote to 11:01:19
23 your friend? 11:01:22
24 A. I believe so. 11:01:23

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

		41
1	Q. Okay. So you verbatim grabbed sentences	11:01:24
2	from Dawn's letter on Facebook, correct?	11:01:28
3	A. Yes.	11:01:32
4	Q. And you chose not to change that -- that	11:01:35
5	language, is that correct?	11:01:40
6	A. No.	11:01:41
7	Q. All right. So I'll just revisit that	11:01:42
8	sentence. It's about in the middle of the paragraph	11:01:45
9	and it says, "I've tried to change it but I can't	11:01:48
10	seem to." Did I read that correctly?	11:01:52
11	A. Yes.	11:01:54
12	Q. So you -- you did not make changes to the	11:01:55
13	statements that you grabbed, correct?	11:01:57
14	A. No.	11:02:00
15	Q. Okay. So, then, why did you say, "I've	11:02:01
16	tried to change it but I can't seem to"?	11:02:04
17	A. The story wasn't finished at this moment.	11:02:08
18	Q. But we're talking about this moment. When	11:02:13
19	you wrote these words, were they true?	11:02:16
20	A. At this moment, yes.	11:02:19
21	Q. And after that, Whitney Scharer states,	11:02:24
22	"Sari will have good advice! I bet Alexandria will	11:02:33
23	too." Did I read that correctly?	11:02:37
24	A. Yes.	11:02:39

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

43

1	Thank you. That helps. Got it. I'm on there.	11:04:03
2	BY MS. ELOVECKY:	11:04:07
3	Q. Okay. Are you at the third page,	11:04:07
4	Ms. Larson? All right. So the third paragraph on	11:04:11
5	that page states, (as read) "My gift, comma, which	11:04:16
6	begat yours, comma, trails no strings." Do you see	11:04:20
7	that?	11:04:25
8	A. Yes.	11:04:26
9	Q. Did you write these words or is this one of	11:04:26
10	the phrases that you verbatim took from	11:04:29
11	Ms. Dorland's letter?	11:04:31
12	A. I believe that is language that is in	11:04:33
13	Dorland's letter.	11:04:35
14	Q. And did you and Whitney Scharer as of the	11:04:37
15	time that the conversation in Exhibit 3 took place,	11:04:43
16	which was January 23rd of 2016, have any	11:04:49
17	conversations concerning that language?	11:04:53
18	A. I don't believe so.	11:04:56
19	Q. Had Whitney Scharer read your short story	11:05:09
20	as of that time?	11:05:12
21	A. Yes.	11:05:13
22	Q. And when did she read it?	11:05:18
23	A. In the fall of 2015.	11:05:20
24	Q. I'm going to share the next exhibit.	11:05:55

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

45

1 (As read) "Hey Sonya! thinking of you, how 11:08:41
2 is your summer, question mark. I remember you 11:08:44
3 saying at the Muse that it would be chill and afford 11:08:46
4 you some writing time... I hope that all that" -- 11:08:50
5 sorry. "I hope that all good things are underway!" 11:08:54
6 Did I read that correctly. 11:08:59
7 A. Yes. 11:09:01
8 Q. And that's dated July 20th, correct? 11:09:04
9 A. Yes. 11:09:07
10 Q. And that's the same date as what's 11:09:08
11 reflected on Exhibit 2, isn't that right? 11:09:14
12 MR. EPSTEIN: I think I'm a little confused 11:09:20
13 here. I'm sorry to interrupt your train of thought, 11:09:22
14 but I see emails from July 21st, not from July 20th. 11:09:26
15 MS. ELOVECKY: So, Drew, if you look at 11:09:32
16 Page 2 at the very bottom of the page -- 11:09:35
17 MR. EPSTEIN: Yeah. Oh, Monday, 11:09:41
18 July 20th. 11:09:44
19 MS. ELOVECKY: Yes. 11:09:45
20 MR. EPSTEIN: Dawn wrote "Hey, Sonya." 11:09:46
21 Okay. Got it sorry. 11:09:47
22 BY MS. ELOVECKY: 11:09:50
23 Q. okay. All right. And that is the same 11:09:50
24 date as your texts with Sari Boren where you stated 11:09:52

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

46

1	that you would start writing the kidney story,	11:09:55
2	quote, tomorrow, isn't that right?	11:09:59
3	A. Yes.	11:10:01
4	Q. Okay. So, in response to that email, you	11:10:01
5	stated, (as read) "Hello, Dawn! It's so fantastic	11:10:04
6	to hear from you, period. And yes, I've been	11:10:07
7	writing like made this July, since I have three	11:10:11
8	precious weeks off to concentrate on that. It's	11:10:14
9	amazing. How have you been, comma, my dear?" Did I	11:10:19
10	read that correctly?	11:10:24
11	A. Yes.	11:10:25
12	Q. And you -- you had been at that time	11:10:27
13	reviewing the Facebook posts that Ms. Dorland had	11:10:29
14	made, correct?	11:10:33
15	MR. EPSTEIN: Objection.	11:10:34
16	Q. You testified to that earlier, correct?	11:10:37
17	A. I'm sorry. Drew said, "Objection."	11:10:43
18	Q. Yes, but you can still answer.	11:10:45
19	MR. EPSTEIN: You can answer the question.	11:10:47
20	I'm just objecting to the form of the question.	11:10:49
21	A. I had seen her posts, yes.	11:10:53
22	Q. Okay. In response, Dawn responds and says,	11:10:56
23	(as read) "Hooray! That's awesome! I think you're	11:11:05
24	aware that I donated my kidney this summer, comma,	11:11:08

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

49

1	A. Yes.	11:14:36
2	Q. Does that at all refresh your recollection	11:14:37
3	as to whether or not you had started writing the	11:14:39
4	short story at or about the time that you were	11:14:41
5	emailing with Dawn Dorland?	11:14:45
6	A. No, but I presume it was sometime around	11:14:46
7	this time.	11:14:50
8	Q. If we look at Exhibit 1 again, which is	11:15:06
9	what has been marked as the first draft of the	11:15:11
10	story, and you look at the second page -- and,	11:15:15
11	again, where -- are you at that document,	11:15:23
12	Ms. Larson?	11:15:25
13	A. Yes.	11:15:26
14	Q. Okay. So around the middle of the page is	11:15:27
15	where it states, "Dear Recipient." Do you see	11:15:30
16	that?	11:15:34
17	A. Yes.	11:15:35
18	Q. And then the next line states, "My name is	11:15:35
19	Dawn Rothario." Did I read that correctly?	11:15:38
20	A. Yes.	11:15:43
21	Q. So, at this point, at the time of your	11:15:44
22	first draft, the kidney donor was named Dawn in your	11:15:46
23	story, isn't that right?	11:15:51
24	A. Yes.	11:15:51

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

51

1	the -- the kidney story, correct?	11:17:26
2	A. Yes.	11:17:29
3	Q. Okay. And when was that reading?	11:17:31
4	A. June of 2016.	11:17:36
5	Q. And where was it?	11:17:39
6	A. At Trident bookstore.	11:17:42
7	Q. And how did that reading come about?	11:17:45
8	A. A writer named Sarah Green contacted me and	11:17:49
9	another writer to arrange it.	11:17:57
10	Q. Who was the other writer?	11:18:05
11	A. Jonathan Escoffery.	11:18:12
12	Q. And you read from -- was it already titled	11:18:17
13	"The Kindest" by June of 2016?	11:18:21
14	A. Yes.	11:18:23
15	Q. So you read an excerpt from "The Kindest,"	11:18:23
16	correct?	11:18:27
17	A. Yes.	11:18:28
18	Q. How many people were at that reading?	11:18:29
19	A. I don't know.	11:18:33
20	Q. Was it more than 10?	11:18:33
21	A. Yes.	11:18:35
22	Q. Was it more than 20?	11:18:36
23	A. Yes.	11:18:45
24	Q. Was it more than 30?	11:18:46

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

52

1	A. I don't know.	11:18:48
2	Q. And at some point, someone posted about	11:18:54
3	that reading on Facebook, is that correct?	11:19:01
4	A. Yes.	11:19:04
5	Q. And who was that?	11:19:05
6	A. Tom Meek.	11:19:09
7	Q. And who is Tom Meek?	11:19:17
8	A. He is a GrubStreet student and writer.	11:19:19
9	Q. And what was his post, if you remember?	11:19:30
10	A. He commented on my reading and asked if	11:19:33
11	Ms. Dorland was part of the inspiration for the	11:19:41
12	story.	11:19:50
13	Q. Did you respond?	11:19:51
14	A. No.	11:19:53
15	Q. Okay. As of that time in June of 2016,	11:19:54
16	you'd entered into an agreement to publish that	11:20:12
17	story, correct?	11:20:17
18	A. I don't remember.	11:20:18
19	Q. Just give me one moment while I look for	11:20:36
20	the next exhibit.	11:20:39
21	You entered into an agreement with Plympton	11:21:01
22	at some point, isn't that right?	11:21:05
23	A. Yes.	11:21:08
24	Q. And Plympton agreed to publish three of	11:21:08

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

53

1 **your stories, is that correct?** 11:21:12

2 A. No. 11:21:14

3 Q. Okay. So what did they agree to publish? 11:21:14

4 **A. They agreed to work with Audible.com to try** 11:21:18

5 **to get these stories recorded in audio format.** 11:21:22

6 **Q. For what purpose?** 11:21:29

7 **A. To be released on Audible.com as audible --** 11:21:32

8 **excuse me -- audio books.** 11:21:38

9 Q. And do you not see that as a character -- 11:21:43

10 as a publication? 11:21:46

11 A. Can you restate. 11:21:48

12 MR. EPSTEIN: Objection. 11:21:50

13 Q. So, when something is released as an audio 11:21:50

14 book, in your view, is that a publication? 11:21:54

15 A. Yes. 11:21:58

16 Q. And what were the stories that were the 11:22:04

17 subject of this agreement? 11:22:06

18 A. "Gabe Dove," "The Kindest", and "It's 11:22:12

19 Better to be Lucky Than Good." 11:22:15

20 Q. When did you send "The Kindest" to either 11:22:19

21 Plympton or Audible? 11:22:24

22 A. I don't remember the exact timing, but I 11:22:35

23 believe it was in 2016. 11:22:37

24 Q. And what was the purpose of sending the 11:22:46

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

54

1	story?	11:22:49
2	A. They asked me to send stories for	11:22:50
3	consideration.	11:22:56
4	Q. And so you sent the stories upon their	11:22:58
5	request for consideration, correct?	11:23:01
6	A. Yes.	11:23:04
7	Q. And "The Kindest" was accepted to be	11:23:05
8	included in this project, correct?	11:23:11
9	A. Yes.	11:23:14
10	Q. And it was accepted in the form that you	11:23:17
11	sent to them, correct?	11:23:20
12	A. Yes.	11:23:21
13	MS. ELOVECKY: Okay. So I'd like to take	11:23:42
14	just a five-minute break now, just a bathroom break.	11:23:44
15	Can we reconvene at 11:30?	11:23:49
16	MR. EPSTEIN: Sure.	11:23:53
17	THE WITNESS: Yeah.	11:23:55
18	MS. ELOVECKY: Okay.	11:23:55
19	(Recess, 11:23 a.m. - 11:35 a.m.)	11:23:57
20	BY MS. ELOVECKY:	11:29:15
21	Q. Okay. I'm going to share the next	11:29:15
22	document.	11:35:32
23	(Document marked as Exhibit 6	11:35:53
24	for identification)	11:35:53

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

55

1	BY MS. ELOVECKY:	11:35:53
2	Q. Okay. You should have on your screen	11:35:53
3	what's been marked as Exhibit 6. Do you see that?	11:35:55
4	A. Yes.	11:36:03
5	Q. Okay. Ms. Larson, have you seen this	11:36:03
6	before?	11:36:08
7	A. Yes.	11:36:09
8	Q. And what is this?	11:36:11
9	A. This is the -- this is a Facebook post by	11:36:14
10	Dawn Dorland.	11:36:23
11	Q. And what's contained in the post?	11:36:24
12	A. The letter that she wrote.	11:36:27
13	Q. Okay. So we're going to be flipping back	11:36:31
14	to this one occasionally today, as I'm sure you can	11:36:46
15	imagine.	11:36:51
16	I'm going to now share the next document.	11:36:52
17	(Document marked as Exhibit 7	11:36:58
18	for identification)	11:36:58
19	BY MS. ELOVECKY:	11:37:11
20	Q. Okay. So what's been marked as Exhibit 7	11:37:11
21	should now be on your screen. Do you have that,	11:37:15
22	Ms. Larson?	11:37:19
23	A. Yes.	11:37:20
24	Q. Okay. This is a 23-page document; so if	11:37:20

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

59

1 Q. Okay. And is it still true that Chuntao in 11:45:24
2 "The Kindest" is not the same Chuntao that you've 11:45:30
3 used in stories before? 11:45:32

4 A. Yes. 11:45:35

5 Q. Okay. So, if we go to the back of this 11:45:36
6 email chain to the last page of the emails which 11:45:43
7 is -- actually, I want to go to Page 4 of the 11:45:47
8 document. Are you there? 11:45:51

9 A. Yes. 11:46:03

10 Q. So the -- so the last email reflected on 11:46:03
11 this page is still November 30th where you wrote, 11:46:06
12 (as read) "Hi Yael!! Dude: It was wonderful to 11:46:06
13 partake in Thai food and gossip with you" -- I 11:46:10
14 believe that should say -- "last week. We must do 11:46:13
15 again, over Skype, please." And then a new 11:46:17
16 paragraph that says, "In the meantime, I'm sending 11:46:20
17 you a 3rd story in case Audible is still looking for 11:46:23
18 more possibilities. Feel no pressure if they, 11:46:29
19 slash, you have already had their fill," and then 11:46:31
20 you say, "Onward with BOTH our writing. Sonya." 11:46:34
21 Did I read that correctly? 11:46:39

22 A. Yes. 11:46:40

23 Q. I filled in the letters where the 11:46:41
24 formatting was wonky, but I think I got the 11:46:43

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

60

1	substantive gist. And you attached a copy of "The	11:46:46
2	kindest," correct?	11:46:52
3	A. Yes.	11:46:52
4	Q. And that was November 30th of 2015,	11:46:53
5	correct?	11:46:56
6	A. Yes.	11:46:56
7	Q. Okay. So now I just want to look at this	11:46:57
8	attachment. There isn't a date within the draft;	11:47:03
9	however, when you look at Page 5 of the document, it	11:47:08
10	shows within carets what looks to be the title of	11:47:12
11	the attachment, and it states, (as read) "'The	11:47:16
12	kindest,' comma, 11, dot, 30, dot, 15." Did I read	11:47:20
13	that right?	11:47:24
14	A. Yes.	11:47:25
15	Q. So is it fair to say this draft is dated	11:47:26
16	November 30th, 2015?	11:47:29
17	A. Yes.	11:47:31
18	Q. Okay. So, then, if we go to Page 9 of the	11:47:32
19	document and it's Page 4 of the story. Are you	11:47:38
20	there?	11:48:19
21	A. Yes.	11:48:19
22	Q. Oh. I was waiting for you. All right. So	11:48:20
23	this is where you have a letter within the short	11:48:24
24	story, correct?	11:48:27

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

61

1	A. Yes.	11:48:28
2	Q. All right. This letter opens with the	11:48:29
3	paragraph that states, "My name is Rose Rothario"	11:48:34
4	with no M. "I'm a 36-year-old white female and I	11:48:38
5	live in Greater Boston," correct?	11:48:43
6	A. Yes.	11:48:47
7	Q. And then it goes on to say, "In 2015, I	11:48:47
8	read my first article about living kidney	11:48:54
9	donation..., " is that correct?	11:48:57
10	A. Yes.	11:48:59
11	Q. And then it says, "...and in the years	11:48:59
12	since I've been constantly reminded of the dire need	11:49:01
13	for kidneys in our country," is that correct?	11:49:04
14	A. Yes.	11:49:09
15	Q. And then it states, "Armed with this	11:49:09
16	knowledge, I knew that I could make a maximum impact	11:49:11
17	on another's life with only minimal risk to myself,"	11:49:12
18	is that correct?	11:49:17
19	A. Yes.	11:49:18
20	Q. Are any of these phrases that I just read	11:49:19
21	phrases that you lifted verbatim from Dawn Dorland's	11:49:23
22	letter?	11:49:27
23	MR. EPSTEIN: Objection.	11:49:28
24	Q. You can still answer.	11:49:34

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

62

1	A. There are words in here that were in	11:49:37
2	Dorland's letter.	11:49:41
3	Q. Which ones?	11:49:44
4	A. I don't have her letter in front of me.	11:49:49
5	Q. Well, it's marked as Exhibit 6. Feel free	11:49:53
6	to flip over.	11:49:56
7	A. I believe the phrase, "living kidney	11:51:04
8	donation," and "maximum impact on another's life	11:51:08
9	with only minimal risk to myself."	11:51:12
10	Q. Okay. But -- so, if you look at both	11:51:16
11	Exhibit 6 and Exhibit 7, you see that where you	11:51:19
12	write, (as read) "In 2015, I read my first article	11:51:22
13	about living kidney donation, comma, and in the	11:51:26
14	years since I" -- "I've been constantly	11:51:29
15	reminded...." I'm stopping there. Other than the	11:51:39
16	word, 2015, and the contraction of I -- I've instead	11:51:43
17	of I have, that's exactly the same as Exhibit 6,	11:51:47
18	isn't it?	11:51:54
19	A. I have to flip back and forth right now --	11:51:55
20	Q. Go ahead.	11:52:01
21	A. -- between the documents; so it's difficult	11:52:02
22	for me to track between them.	11:52:04
23	Q. I can wait.	11:52:06
24	A. The answer is no. Dorland's letter	11:52:19

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

63

1 includes additional language. 11:52:21

2 Q. I stopped after the word, reminded, and I 11:52:25

3 asked about that paragraph up to the word, reminded. 11:52:30

4 That was my question. 11:52:34

5 A. Could you repeat the question. 11:52:36

6 Q. If you look at Dawn Dorland's letter and 11:52:39

7 this excerpt in "The kindest" that we're looking at, 11:52:45

8 you included in your story the following: "In 2015, 11:52:50

9 I read my first article about living kidney 11:52:56

10 donation, and in the years since I've been 11:53:00

11 constantly reminded...." I'm pausing there. 11:53:03

12 other than the change of the date of the 11:53:09

13 article that was read, that phrase is identical to 11:53:10

14 Dawn Dorland's letter, correct? 11:53:18

15 A. Yes. 11:53:19

16 Q. Okay. And then Dawn Dorland's letter goes 11:53:20

17 on to say, "Whether triggered by my reading I am a 11:53:24

18 writer or through the stories of people I know of 11:53:28

19 the harrowing experience of dialysis and the dire 11:53:32

20 need in our country for kidneys...," you in your 11:53:37

21 letter in "The kindest" skipped most of that but 11:53:44

22 picked up again at the word, "of," so that, of the 11:53:49

23 dire need for kidneys, is still captured in your 11:53:56

24 version, correct? 11:54:01

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

64

1	A. Those few words are also in Dorland's	11:54:02
2	letter.	11:54:09
3	Q. And as you pointed out, the phrase that	11:54:13
4	says, "make a maximum impact on another's life with	11:54:19
5	only minimal risk to myself, was also in Dawn	11:54:24
6	Dorland's letter, correct?	11:54:28
7	A. Similar language that's in Dorland's	11:54:30
8	letter.	11:54:34
9	Q. Now, let's switch to Page 10. Here it	11:54:34
10	states, "I'm so grateful to the MGH Transplant Team,	11:54:44
11	who gave me such attentive care throughout the eight	11:54:50
12	months spanning from my first test to the date of	11:54:53
13	our paired exchange." Did I read that correctly?	11:54:57
14	A. Yes.	11:55:01
15	Q. Okay. So you stated that, in 2015 when you	11:55:01
16	did your first draft of "The Kindness," you did not	11:55:04
17	know what a paired exchange was, correct?	11:55:09
18	A. Yes.	11:55:13
19	Q. Do you know today what a paired exchange	11:55:14
20	is?	11:55:17
21	A. No.	11:55:18
22	Q. But you used the language anyway?	11:55:19
23	A. Yes.	11:55:22
24	Q. Those on Exhibit 7, Page 10, resuming, you	11:55:31

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

65

1	included in your story, "My own childhood was marked	11:55:39
2	a trauma and abuse," correct?	11:55:43
3	A. Yes.	11:55:47
4	Q. And if you look at Dawn Dorland's letter	11:55:54
5	which is Exhibit 6, she states, "Personally, my	11:55:57
6	childhood was marked by trauma and abuse,"	11:56:03
7	correct?	11:56:07
8	A. Yes.	11:56:08
9	Q. Did you -- in 2015, did you have any	11:56:09
10	knowledge about Dawn Dorland's background?	11:56:12
11	MR. EPSTEIN: Objection.	11:56:16
12	You can answer, if you know.	11:56:19
13	A. I had some knowledge.	11:56:21
14	Q. And what knowledge did you have?	11:56:23
15	A. I knew that she had grown up in the	11:56:27
16	midwest. I believe I knew that she had been in	11:56:30
17	advertising.	11:56:38
18	Q. Do you have any idea as to whether or not	11:56:47
19	she was well-off when she was growing up?	11:56:49
20	A. I don't remember.	11:56:54
21	Q. You used that phrase in your letter, didn't	11:57:02
22	you, in the story?	11:57:05
23	A. There is --	11:57:08
24	MR. EPSTEIN: Objection. I don't know what	11:57:10

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

66

1 you're referring to. 11:57:13

2 Q. The phrase, "my childhood was marked by 11:57:14

3 trauma and abuse," that's one of the phrases that 11:57:17

4 you lifted and put into your short story, correct? 11:57:20

5 MR. EPSTEIN: Objection. 11:57:24

6 A. How should I proceed? 11:57:30

7 Q. You should answer the question. 11:57:32

8 A. That is language that is in my story. 11:57:34

9 Q. And it -- it goes on to say, "I didn't have 11:57:39

10 the opportunity to form secure attachments with my 11:57:42

11 family of origin," correct? 11:57:45

12 A. Yes. 11:57:49

13 Q. And this phrase is also identical to what 11:57:50

14 was in Dawn Dorland's letter, correct? 11:57:52

15 A. Yes. 11:57:55

16 MR. EPSTEIN: Objection. 11:57:56

17 Q. And you sent this draft to Yael Goldstein 11:58:00

18 Love at Audible, correct? 11:58:10

19 A. No. 11:58:14

20 Q. You sent this story, this version of the 11:58:14

21 story, to Yael Goldstein Love, correct? 11:58:18

22 A. Yes. 11:58:26

23 Q. Just continuing to track the letters, Dawn 11:58:38

24 Dorland's letter states, "A positive outcome of my 11:58:40

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

67

1	early life is empathy...." You included that in	11:58:43
2	your story as well, correct?	11:58:48
3	A. That language is in my story.	11:58:50
4	Q. Okay. And it goes on to say, (as read)	11:58:53
5	"while perhaps many more people would be motivated	11:58:59
6	to donate an organ to a friend or a family member in	11:59:02
7	need, comma, to me, comma, the suffering of	11:59:07
8	strangers is just as real." That's what's contained	11:59:10
9	in Dawn Dorland's letter. Do you see that in	11:59:16
10	Exhibit 6?	11:59:19
11	A. I see some of that language in this draft.	11:59:20
12	Q. Oh. And when you say, "this draft," you're	11:59:25
13	talking about the version you sent to Yael?	11:59:28
14	A. Yes.	11:59:30
15	Q. Okay. So -- so you -- you used that	11:59:32
16	language as well?	11:59:33
17	A. Can you be specific.	11:59:34
18	Q. There are slight differences, but where you	11:59:37
19	included the phrase, "Others might be motivated" --	11:59:42
20	sorry. My page flipped -- "while others might be	11:59:46
21	motivated to donate to a friend or family member,	11:59:51
22	but to me, the suffering of strangers is just as	11:59:54
23	real," that is extremely close and in many portions	11:59:59
24	identical to Dawn Dorland's letter, correct?	12:00:03

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

68

1	MR. EPSTEIN: Objection.	12:00:07
2	You can answer, if you can.	12:00:08
3	A. Some of this language is in my draft, this	12:00:10
4	draft.	12:00:13
5	Q. When you say, "draft," you corrected me	12:00:14
6	earlier to say that this is not a draft, correct?	12:00:17
7	A. No.	12:00:19
8	Q. This is something you sent to Yael	12:00:20
9	Goldstein Love for purposes of publication,	12:00:23
10	correct?	12:00:28
11	A. Yes.	12:00:29
12	Q. Okay.	12:00:30
13	A. Whenever you send a draft in the hopes of	12:00:31
14	it being considered for publication, it is still a	12:00:37
15	draft.	12:00:41
16	Q. And you sent it to Audible, correct?	12:00:47
17	A. No.	12:00:49
18	Q. You sent it to Yael, correct?	12:00:50
19	A. Yes.	12:00:53
20	Q. Who worked at Audible, correct?	12:00:54
21	A. No.	12:00:56
22	Q. Okay. We can go look at the email again.	12:00:58
23	Exhibit 7, Page 4. There's an email from you to	12:01:07
24	Yael, correct?	12:01:17

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

70

1	Q. Okay. So on Page 1 of this document	12:05:19
2	there's an email from you to Jennifer 8.Lee and Yael	12:05:26
3	Goldstein Love, correct?	12:05:33
4	A. Yes.	12:05:35
5	Q. And you sent them a new version of "The	12:05:36
6	kindest" which is now dated in the document title	12:05:44
7	December 27th, 2015, is that correct?	12:05:49
8	A. Yes.	12:05:53
9	Q. And in your -- the body of your email on	12:05:54
10	Page 1 under No. 3 you say, "Attached is the tighter	12:05:56
11	story," is that correct?	12:06:02
12	A. Yes.	12:06:04
13	Q. So you had made some revisions to the story	12:06:04
14	during the month of December, is that correct?	12:06:08
15	A. Yes.	12:06:11
16	Q. Okay. what changes did you make?	12:06:12
17	A. I made many.	12:06:14
18	Q. Do you remember what they were?	12:06:18
19	A. No.	12:06:19
20	Q. Okay. And if you look at Page 5 of the	12:06:20
21	story -- I'm sorry -- starting at Page 4, can you	12:06:23
22	identify any changes that you made since the last	12:06:30
23	version that was sent to Audible which is Exhibit 7	12:06:36
24	to the letter contained in your story?	12:06:40

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

71

1 A. I don't know. 12:06:45

2 Q. I'm sorry. I don't -- you don't know or 12:06:46

3 you don't see any changes? 12:06:48

4 A. I don't -- I would need some time to review 12:06:52

5 them. 12:06:58

6 Q. Okay. You can take the time. It's not 12:06:59

7 that long. 12:07:02

8 A. Okay. All right. I do not see any changes 12:07:03

9 to the letter portion of this draft. 12:09:13

10 Q. Okay. So it's the same as Exhibit 7, the 12:09:15

11 letter portion? 12:09:18

12 A. To the best of my knowledge, yes. 12:09:20

13 Q. Okay. And now, just in continuing to walk 12:09:22

14 through the letter which is identical in Exhibits 7 12:09:28

15 and 8 -- 12:09:32

16 MR. EPSTEIN: Objection. 12:09:34

17 Q. -- when we last -- 12:09:36

18 MS. ELOVECKY: I'm sorry? 12:09:38

19 MR. EPSTEIN: I -- I didn't mean to object 12:09:40

20 until question until you finished your question. I 12:09:41

21 thought you had. I apologize. 12:09:43

22 BY MS. ELOVECKY: 12:09:46

23 Q. Okay. So I would like continue to look at 12:09:46

24 the language of the letter, but we can continue to 12:09:48

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

72

1	do so on Exhibit 8 since there are no identified	12:09:48
2	changes between the two.	12:09:52
3	So I'd like to start with the paragraph	12:09:55
4	that says, "Throughout my preparation...." Do you	12:09:57
5	see that?	12:10:06
6	A. Yes.	12:10:06
7	Q. So in your letter, (as read) "The kindest,"	12:10:07
8	you included the phrase or the paragraph,	12:10:11
9	"Throughout my preparation, I was most exciting that	12:10:14
10	the deserving recipient would come off the list of	12:10:18
11	Deceased Donors, period. I focused my mental energy	12:10:21
12	on imagining and celebrating YOU." Did I read that	12:10:26
13	correctly?	12:10:32
14	A. No.	12:10:32
15	Q. What did I get wrong?	12:10:33
16	A. The word, excited.	12:10:35
17	Q. Okay. Sorry about that. What did I --	12:10:37
18	so -- okay. I'll read it again. "Throughout my	12:10:43
19	preparation, I was most excited that the deserving	12:10:46
20	recipient would come off the list of Deceased	12:10:51
21	Donors. I focused my mental energy on imagining and	12:10:54
22	celebrating YOU." Did I read that correctly?	12:10:59
23	A. Yes.	12:11:03
24	Q. Okay. Those phrases are also found in Dawn	12:11:04

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

73

1	Dorland's letter, correct?	12:11:07
2	MR. EPSTEIN: Objection.	12:11:08
3	A. I don't know.	12:11:09
4	Q. Okay. It's Exhibit 6. You can take a	12:11:10
5	look.	12:11:14
6	A. No. Those aren't -- those aren't the same.	12:11:47
7	Q. So, in Dawn Dorland's letter, she states,	12:11:51
8	"Throughout my preparation..." Do you see that?	12:11:56
9	A. Yes.	12:12:00
10	Q. And you include that phrase, correct?	12:12:01
11	A. Yes.	12:12:03
12	Q. And then you -- you don't include	12:12:04
13	everything that's in her letter, but you do pick up	12:12:07
14	at, "I was most excited..." correct?	12:12:11
15	A. Yes.	12:12:17
16	Q. And then you had to make some changes	12:12:18
17	because you only had one recipient in your story; so	12:12:21
18	you -- you make a slight tweak, "that the deserving	12:12:26
19	recipient" instead of "the recipient," but you do	12:12:30
20	say that your character was excited that the	12:12:33
21	deserving recipient would come off the list of	12:12:37
22	deceased donors, correct?	12:12:41
23	MR. EPSTEIN: Objection.	12:12:44
24	A. What is the question?	12:12:45

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

74

1	Q. In your letter, you state, "I was most	12:12:48
2	excited..., " which is also in Dawn Dorland's letter,	12:12:54
3	correct?	12:12:57
4	A. That language is also in Dorland's letter,	12:12:57
5	yes.	12:13:00
6	Q. And then, while you make slight and I would	12:13:01
7	say necessary tweaks, you continue to track Dawn	12:13:06
8	Dorland's language by saying that the recipient	12:13:09
9	would come off the list of Deceased Donors,	12:13:11
10	correct?	12:13:15
11	MR. EPSTEIN: Objection.	12:13:16
12	A. Some of that language is in this draft.	12:13:17
13	Q. Then you have the sentence, "I focused my	12:13:22
14	mental many energy and imagining and celebrating	12:13:26
15	YOU," correct?	12:13:31
16	A. Yes.	12:13:33
17	Q. And Dawn Dorland's letter states, "I	12:13:33
18	focused a majority of my mental energy on imagining	12:13:35
19	and celebrating *you*," correct?	12:13:41
20	A. Yes.	12:13:46
21	Q. Those are nearly identical, correct?	12:13:48
22	A. They are similar.	12:13:51
23	Q. Those are nearly identical, correct?	12:13:52
24	MR. EPSTEIN: Objection.	12:13:55

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

75

1	A. They are similar.	12:13:55
2	Q. You removed the words, "majority of," or "a	12:13:56
3	majority of," correct?	12:14:02
4	A. Yes.	12:14:04
5	Q. And, otherwise, they are identical,	12:14:04
6	correct?	12:14:07
7	A. Yes.	12:14:08
8	Q. Okay. Except for the slight change of the	12:14:08
9	asterisks around the word, "you," in Dawn Dorland's	12:14:11
10	letter and the capitalization and underlying of the	12:14:15
11	word, "YOU," in your story, correct?	12:14:18
12	A. Yes.	12:14:21
13	Q. And then the story goes on. You say, "I	12:14:22
14	stared at the YOU, underlined three times," and then	12:14:25
15	the story states, (as read) "My gift, comma, which	12:14:29
16	begat yours, comma, trails no strings," correct?	12:14:32
17	A. Yes.	12:14:36
18	Q. And in Dawn Dorland's letter which is	12:14:37
19	Exhibit 6, it says, (as read) "My gift, comma, which	12:14:39
20	begat," -- and then there's a redacted name --	12:14:43
21	"comma, trails no strings," correct?	12:14:47
22	A. Yes.	12:14:50
23	Q. So, once again, other than one small change	12:14:50
24	which removes a name and includes the word, "yours,"	12:14:55

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

76

1	that's identical, correct?	12:14:58
2	MR. EPSTEIN: Objection.	12:14:59
3	A. The language is similar.	12:15:01
4	Q. Other than the one change that removes the	12:15:04
5	word, "redacted," and puts in the word, "yours,"	12:15:07
6	it's identical, correct?	12:15:11
7	MR. EPSTEIN: Objection.	12:15:13
8	A. They're similar.	12:15:18
9	Q. Okay. My question wasn't whether or not	12:15:19
10	they were similar. My question is: other than the	12:15:23
11	one word that is different, they are identical,	12:15:26
12	correct?	12:15:28
13	MR. EPSTEIN: Objection.	12:15:29
14	A. Could you repeat the question.	12:15:36
15	Q. Other than the one word that you changed	12:15:38
16	from the, "redacted," in brackets to the word,	12:15:41
17	"yours," these two sentences are identical,	12:15:46
18	correct?	12:15:49
19	A. Yes.	12:15:51
20	Q. In your story, it goes on to say, "You	12:15:55
21	deserve a healthy and extended life simply for	12:16:02
22	existing," correct?	12:16:06
23	A. Yes.	12:16:08
24	Q. And Dawn Dorland's letter says, "You are	12:16:08

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

77

1	deserving of an extended and healthy life simply for	12:16:11
2	being here," correct?	12:16:15
3	A. Yes.	12:16:30
4	Q. And those are -- are similar phrases,	12:16:30
5	correct?	12:16:33
6	MR. EPSTEIN: Objection.	12:16:34
7	A. A few of the words are similar.	12:16:39
8	Q. And a few are swapped in order, right?	12:16:41
9	MR. EPSTEIN: Objection.	12:16:48
10	A. What is the question?	12:16:50
11	Q. A couple letters you swapped the order --	12:16:51
12	I'm sorry -- a couple of the words you swapped the	12:16:54
13	order, correct?	12:16:57
14	MR. EPSTEIN: Objection.	12:16:59
15	A. The words aren't the same.	12:17:01
16	Q. So Dawn Dorland states, "You are deserving	12:17:03
17	of an extended and healthy life...", and you say,	12:17:07
18	"healthy and extended life," correct?	12:17:12
19	A. Yes.	12:17:15
20	Q. So it's the same words; they are in a	12:17:16
21	different order, correct?	12:17:19
22	A. They were not the exact same words.	12:17:20
23	Q. "Healthy and extended life" are the same;	12:17:23
24	you just switched the words?	12:17:31

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

78

1	A. I apologize. I'm trying to flip back and	12:17:34
2	forth between these documents as you're speaking.	12:17:36
3	If you'll allow me some time.	12:17:39
4	Q. Of course.	12:17:43
5	A. So what was the question?	12:18:19
6	Q. "Healthy and extended life" is in your --	12:18:24
7	your story, correct?	12:18:27
8	A. Yes.	12:18:29
9	Q. And Dawn Dorland's is "extended and healthy	12:18:30
10	life," correct?	12:18:33
11	A. Yes.	12:18:34
12	Q. You swapped the order of those words,	12:18:35
13	correct?	12:18:38
14	MR. EPSTEIN: Objection.	12:18:39
15	A. The order of those words is syntactically	12:18:40
16	flipped between the two texts.	12:18:45
17	Q. And, instead of, "for being here," which is	12:18:51
18	included in Dawn Dorland's letter, you included the	12:18:58
19	phrase, "for existing," correct?	12:19:01
20	A. Yes.	12:19:04
21	Q. And would you agree that those are	12:19:05
22	similar?	12:19:07
23	A. They are similar.	12:19:08
24	Q. So, when you drafted this letter that's in	12:19:11

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

83

1	Q. Okay. So Exhibit 9 is an email exchange	12:29:43
2	between you and Emily Zeller, correct?	12:29:47
3	A. Yes.	12:29:50
4	Q. And who is Emily Zeller?	12:29:52
5	A. She is a voice actor.	12:29:57
6	Q. And why are you writing to her?	12:30:03
7	A. I believe that she wrote to me to ask for	12:30:08
8	direction how to read this story.	12:30:20
9	Q. So she was the voice actor assigned to this	12:30:25
10	story, "The Kindest," correct?	12:30:28
11	A. Yes.	12:30:35
12	Q. In this email that you send to Emily, you	12:30:36
13	include an attachment, correct?	12:30:40
14	A. Yes.	12:30:42
15	Q. And the attachment is yet another version	12:30:43
16	of "The Kindest," correct?	12:30:50
17	A. Yes.	12:30:54
18	Q. And you're asking for this version to be	12:30:54
19	used instead, correct?	12:30:57
20	A. Yes.	12:30:58
21	Q. Okay. Can you identify for me in the	12:30:59
22	attachment what changes were made from Exhibit 8 to	12:31:01
23	Exhibit 9 in the story.	12:31:04
24	A. There were many.	12:31:09

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

88

1	that the deserving recipient would come off of the	12:45:13
2	list of Deceased Donors." The sentence	12:45:17
3	placement-wise that comes at that moment in the new	12:45:22
4	draft is, "As I prepared to make this gift, what	12:45:28
5	sustained me was the knowledge that my recipient	12:45:33
6	would be getting a second chance at life."	12:45:36
7	Q. why did you make that change?	12:45:43
8	A. I don't remember.	12:45:44
9	Q. Did you do any research into kidney	12:45:45
10	donations when you were drafting this story?	12:45:48
11	A. Yes.	12:45:51
12	Q. what research did you do?	12:45:52
13	A. I looked at example letters and template	12:45:54
14	letters on-line.	12:45:57
15	Q. Okay. So that wasn't my question. My	12:45:59
16	question was: Did you do research into kidney	12:46:05
17	donations? Not letters, donations.	12:46:10
18	A. No.	12:46:12
19	Q. No research at all?	12:46:13
20	MR. EPSTEIN: Objection.	12:46:15
21	A. I don't believe so.	12:46:19
22	Q. Did you -- do you identify any other	12:46:26
23	changes in this letter?	12:46:29
24	A. The next sentence is changed from, "I	12:47:11

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

89

1	focused my mental energy on imagining and	12:47:24
2	celebrating YOU," to "I channeled my energies to	12:47:28
3	imagining and celebrating *you*."	12:47:38
4	Q. why did you make that change?	12:47:41
5	A. I don't remember.	12:47:43
6	Q. Do you have any other changes that you can	12:47:48
7	identify?	12:47:50
8	A. I'm looking.	12:47:52
9	The next steps -- excuse me. The next	12:48:09
10	sentence is also changed. (As read) "My gift which	12:48:11
11	begat yours trails no strings," to "My gift, you	12:48:24
12	must know, trails no strings."	12:48:37
13	Q. That's the same language that you	12:48:40
14	previously testified that you inserted, "which begat	12:48:42
15	yours," because you thought it sounded right,	12:48:47
16	correct?	12:48:51
17	MR. EPSTEIN: Objection.	12:48:52
18	A. You had just asked me about the word,	12:48:53
19	"yours."	12:48:55
20	Q. Okay. But your testimony was that you felt	12:48:57
21	the former version was right. You used the word,	12:48:58
22	right, that it sounded right, correct?	12:49:13
23	A. The word, "yours," sounded right.	12:49:14
24	Q. Okay. So why did you make that change?	12:49:14

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

115

1 mentioned it to other people. 14:06:46

2 Q. And in that first paragraph here -- it's, I 14:06:50

3 guess, the second sentence -- you say that you did 14:06:56

4 remember joining the Facebook group, correct? 14:06:59

5 A. Yes. 14:07:02

6 Q. And that statement was true? 14:07:03

7 A. I believe so. 14:07:05

8 Q. Okay. Looking at the second paragraph, you 14:07:06

9 state, (as read) "And I love the idea that we all 14:07:09

10 deserve such gifts, dash, it's an idea that seems 14:07:13

11 seldom entertained when people debate which organ 14:07:18

12 recipients may be more, quote, deserving than 14:07:21

13 others, and for what reasons, period. My" -- well, 14:07:23

14 I'll just stop there. Did I read that correctly? 14:07:28

15 A. Yes. 14:07:31

16 Q. Okay. The next sentence states, "My doctor 14:07:31

17 friends tell me, for example, that they won't 14:07:35

18 perform transplant surgery on someone they suspect 14:07:38

19 won't take steadfast care of the new organ." Did I 14:07:41

20 read that correctly? 14:07:45

21 A. Yes. 14:07:46

22 Q. So who are your doctor friends that you 14:07:46

23 talked to about this? 14:07:49

24 A. I don't remember exactly, but I remember 14:07:50

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

122

1	true?	14:16:49
2	A. Yes.	14:16:50
3	Q. And so both that she did message you and,	14:16:51
4	also, that you did not respond, you agree with the	14:16:55
5	truth of both of those statements?	14:16:58
6	A. At this moment, yes.	14:17:01
7	Q. Okay. "I assumed at the time" -- I'm going	14:17:02
8	to go on with the email. "I assumed at the time	14:17:04
9	that you might not have seen any of the private	14:17:07
10	kidney posts; you've just confirmed that you did."	14:17:10
11	Did I read that correctly?	14:17:14
12	A. Yes.	14:17:16
13	Q. Okay. Was anything untrue there that you	14:17:17
14	know of?	14:17:24
15	A. Can you clarify your question.	14:17:25
16	Q. So -- so she says, "I assumed at the time	14:17:26
17	that you might not have seen any of the private	14:17:29
18	kidney posts; you've just confirmed that you did."	14:17:32
19	Was that true?	14:17:35
20	A. Was what -- was what --	14:17:37
21	Q. Do you agree that you confirmed that you	14:17:39
22	did see the private kidney posts?	14:17:40
23	A. Yes.	14:17:43
24	Q. Because in your prior email, you said that	14:17:44

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

130

1	of every page.	14:34:25
2	A. Okay.	14:34:26
3	okay. I'm ready.	14:35:03
4	Q. Okay. So this is an email chain between	14:35:04
5	yourself, Jennifer 8.Lee at Plympton and Chaz Curet	14:35:08
6	at Plympton, is that correct?	14:35:17
7	A. Yes.	14:35:20
8	Q. And I want to look at the email from you at	14:35:20
9	the bottom of that page. This document indicates	14:35:23
10	that this email was sent by you on July 15th of	14:35:26
11	2016, is that correct?	14:35:30
12	A. Yes.	14:35:33
13	Q. So there's two initial paragraphs	14:35:34
14	concerning covers. I'm not going to read those for	14:35:36
15	the record. I want to start at the third paragraph	14:35:40
16	where you state, "I do have one major question,	14:35:45
17	however; one of my stories ("The kindest") contains	14:35:52
18	a letter sent from one character to another, which	14:35:56
19	includes a couple of sentences that I'd excerpted	14:35:59
20	from a real-life letter. I'm now realizing that for	14:36:03
21	ethical reasons I am uncomfortable keeping those	14:36:06
22	lines in, and would very much like to revise them.	14:36:09
23	I know that the story has already been recorded, but	14:36:11
24	is there any way that those few lines might be	14:36:15

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

131

1	re-recorded with the new lines?" Did I read that	14:36:18
2	paragraph correctly?	14:36:24
3	A. Yes.	14:36:25
4	Q. why did you send this email?	14:36:25
5	A. I sent this email because I had just had a	14:36:27
6	email conversation with Ms. Dorland in which she	14:36:32
7	expressed upsettedness at the idea of me writing a	14:36:40
8	story with a kidney donation in it, and I knew that,	14:36:46
9	in earlier drafts of the story, I had played with	14:36:51
10	some of the language from her letter, and I wanted	14:37:02
11	to change it. I knew or I suspected that she would	14:37:05
12	be upset to see similar language.	14:37:11
13	Q. So let's look at Exhibit 11 again. I'd	14:37:20
14	like for you to point for me where in this exhibit	14:37:26
15	Dawn Dorland tells you that she's upset that you	14:37:32
16	wrote a story about a kidney donation.	14:37:35
17	A. I'll start on -- hang on one second. I'll	14:37:55
18	start on Page 5 --	14:38:17
19	Q. Okay. I'm on Page 5.	14:38:26
20	A. -- in which Ms. Dorland writes, (as read)	14:38:30
21	"I agree that your process of writing fiction	14:38:34
22	sparked by my or anyone's donation needn't have	14:38:36
23	anything to do with me or my particular situation in	14:38:39
24	an artistic sense -- I'm talking about what this	14:38:39

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

184

1	A. Yes.	16:20:25
2	Q. And then the next message says, (as read)	16:20:25
3	"I think I'm, asterisk, all caps, DONE, another	16:20:28
4	asterisk, with this kidney story but I feel nervous	16:20:32
5	about sending it out because it literally has	16:20:35
6	sentences that I verbatim grabbed from Dawn's letter	16:20:39
7	on FB. I've tried to change it but I can't seem to,	16:20:43
8	dash, dash, that letter was just too damn good. I'm	16:20:44
9	not sure what to do. Feeling morally compromised,	16:20:47
10	slash, like a good artist but a shitty person." Did	16:20:50
11	I read that accurately?	16:20:55
12	A. Yes.	16:20:57
13	Q. And that was on January 23rd of 2016,	16:20:58
14	correct?	16:21:01
15	A. Yes.	16:21:02
16	Q. And then, if we go back now to the most	16:21:03
17	recent Exhibit 18, that's from -- it's an email from	16:21:08
18	Sari to you dated the next day, January 24th, 2016,	16:21:13
19	is that accurate?	16:21:19
20	A. Yes.	16:21:20
21	Q. Okay. After those text messages with Sari	16:21:21
22	that seem to be addressed to Sari -- it's not clear	16:21:27
23	on that document whether she was part of that	16:21:34
24	conversation or not; but after those texts, did you	16:21:39

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

191

1	BY MS. ELOVECKY:	16:29:53
2	Q. So Sonya --	16:29:53
3	A. Yes.	16:29:55
4	Q. Ms. Larson, is it your testimony that you	16:29:55
5	did not have ethical concerns about incorporating	16:29:58
6	Dawn Dorland's language that outlined her childhood	16:30:06
7	trauma and abuse in your short story?	16:30:09
8	MR. EPSTEIN: Objection.	16:30:12
9	A. My character of Rose Ann Rothario is also	16:30:14
10	marked by trauma and abuse.	16:30:25
11	Q. You, however, removed that language, did	16:30:31
12	you not?	16:30:35
13	A. Yes.	16:30:36
14	Q. Okay. And you removed it after you told	16:30:37
15	Audible that you had ethical concerns about the	16:30:42
16	excerpts from a real-life letter, correct?	16:30:47
17	A. Yes.	16:30:53
18	Q. Okay. Going back to Exhibit 18, Page 2 --	16:30:53
19	are you there?	16:31:19
20	A. Yes.	16:31:20
21	Q. Okay. So Sari states in the third line of	16:31:21
22	Page 2, "If you also don't want to make it so	16:31:28
23	obvious that it's about Dawn, maybe you shouldn't	16:31:33
24	make Rose's character name alliterative, like,	16:31:36

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

192

1	Dawn's? That's kind of funny. But do you need to?"	16:31:42
2	Did I read that correctly?	16:31:48
3	A. Yes.	16:31:49
4	Q. Did you -- at that time -- this is	16:31:52
5	January 24th of 2016 -- did you want to have it be	16:31:55
6	obvious that, as Sari wrote, it's about Dawn?	16:32:03
7	MR. EPSTEIN: Objection.	16:32:09
8	A. No. And it's not about Dawn.	16:32:10
9	Q. It's what's written on this page.	16:32:14
10	A. It was not written by me.	16:32:17
11	Q. Did you correct Sari?	16:32:19
12	A. I don't remember.	16:32:22
13	Q. Did you take her advice?	16:32:25
14	A. Her advice being?	16:32:29
15	Q. "Maybe you shouldn't make Rose's character	16:32:34
16	name alliterative, like, Dawn's," which is in the	16:32:37
17	third to fourth line of Exhibit 18 on Page 2.	16:32:43
18	A. No. I kept -- I kept the name.	16:32:47
19	Q. Did you talk it through with Sari?	16:32:50
20	A. I don't remember. I don't believe so.	16:32:52
21	Q. Sari then in the -- in the next -- after a	16:33:03
22	break, there's a line break and then it says, "One	16:33:06
23	technical comment:" Do you see that?	16:33:11
24	A. Yes.	16:33:15

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

195

1	A. I don't remember.	16:35:18
2	Q. I'm looking to see if I have that. When	16:35:30
3	did you hear from them, ASF, that they were going to	16:35:42
4	publish?	16:35:46
5	A. I don't remember. I believe it was	16:35:48
6	sometime in 2017.	16:35:51
7	(Document marked as Exhibit 19	16:36:16
8	for identification)	16:36:16
9	BY MS. ELOVECKY:	16:36:16
10	Q. Okay. I'm sharing another document. This	16:36:16
11	has been marked as Exhibit 19, and it should be on	16:36:19
12	your screen. Do you see it?	16:36:21
13	A. Yes.	16:36:23
14	Q. And have you seen this document before?	16:36:24
15	A. Yes.	16:36:26
16	Q. At the top of the text conversation	16:36:30
17	reflected in this document there's a date, June	16:36:33
18	16th, 2017, is that accurate?	16:36:35
19	A. Yes.	16:36:38
20	Q. And then you state, "I have news, my	16:36:38
21	dear -- my kidney story is getting published." Did	16:36:41
22	I read that correctly?	16:36:46
23	A. Yes.	16:36:47
24	Q. And Sari responded and said, "OMG. where?"	16:36:48

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

196

1	Did I read that correctly?	16:36:51
2	A. Yes.	16:36:53
3	Q. And you responded "American Short Fiction,"	16:36:53
4	correct?	16:36:58
5	A. Yes.	16:36:58
6	Q. And then Sari responded, "Cool," correct?	16:36:59
7	A. Yes.	16:37:03
8	Q. And your response was, "I am excited but	16:37:04
9	also worried that DD is going to murder me." Did I	16:37:06
10	read that correctly?	16:37:16
11	A. Yes.	16:37:17
12	Q. And does DD stand for Dawn Dorland?	16:37:17
13	A. Yes.	16:37:20
14	Q. And did you truly believe that Dawn Dorland	16:37:21
15	would murder you?	16:37:24
16	A. No.	16:37:25
17	Q. Were you worried about Dawn Dorland's	16:37:26
18	reaction?	16:37:29
19	A. Yes.	16:37:29
20	Q. And what was your concern?	16:37:30
21	A. I already knew from our email exchange in	16:37:33
22	the summer of 2016 that Dawn was upset by the idea	16:37:37
23	of me writing a story in the first place that	16:37:45
24	contained a kidney donation, and I -- I suspected	16:37:50

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

197

1	that that upsettedness had not gone away.	16:37:58
2	Q. Sari responds to your message and says,	16:38:05
3	"Eh. whatever. Just don't use her note." Did I	16:38:08
4	read that correctly?	16:38:13
5	A. Yes.	16:38:14
6	Q. what was your understanding when you	16:38:14
7	received that message from Sari as to what she was	16:38:16
8	referring to?	16:38:19
9	A. I think she was referring to the fact that	16:38:20
10	I had said that I found some of the words and	16:38:23
11	phrases in her letter to be compelling, that I had	16:38:28
12	played with them in earlier drafts and, as we'd had	16:38:32
13	seen in earlier exhibits, that I personally felt	16:38:41
14	like a good artist but that this would be upsetting	16:38:46
15	to Dawn.	16:38:50
16	Q. So when Sari says, "Just don't use her	16:38:53
17	note," you believe she was referring to the	16:38:56
18	letter?	16:39:01
19	A. Yes.	16:39:01
20	Q. You did the not remove a letter from your	16:39:04
21	short story, correct?	16:39:07
22	A. Yes.	16:39:09
23	Q. Did you consider doing that at this time,	16:39:11
24	meaning on June 16th, in response to Sari's text?	16:39:14

Sonya Larson vs
Dawn Dorland Perry, et al

Sonya C. Larson
July 30, 2021

209

1 COMMONWEALTH OF MASSACHUSETTS)
2 SUFFOLK, SS.)

3 I, Valerie Rae Johnston, Shorthand Reporter and
4 Notary Public in and for the Commonwealth of
5 Massachusetts, do hereby certify that there came
6 before me on the 30th day of July 2021, at 10:09
7 a.m., the person hereinbefore named, who was by me
8 duly sworn to testify to the truth and nothing but
9 the truth of her knowledge touching and concerning
10 the matters in controversy in the cause; that she
11 was thereupon examined upon her oath, and her
12 examination reduced to typewriting under my
13 direction; and that the deposition is a true record
14 of the testimony given by the witness.

15 I further certify that I am neither attorney or
16 counsel for, nor related to or employed by, any
17 attorney or counsel employed by the parties hereto
18 or financially interested in the action.

19 In witness whereof, I have hereunto set my hand
20 and affixed my notarial seal this ____ day of August
21 2021.

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