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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
BEFORE THE HONORABLE **WILLIAM MONAHAN**, JUDGE  
DEPARTMENT NUMBER 18

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**CAROL NYE-WILSON; DALE WILSON,** )  
 )  
 ) PLAINTIFFS, )  
 )  
 ) VERSUS ) **1-07-CV-089064**  
 )  
 ) **WESTERN SEMINARY; LYNN RUARK; STEVE** )  
 ) **KORCH; GARY TUCK; AND DOES 1 - 50** )  
 ) **INCLUSIVE,** )  
 )  
 ) DEFENDANTS. )  
 )

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

**HELD ON: FEBRUARY 9, 2010**

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APPEARANCES:  
FOR THE PLAINTIFF: **SETH WIENER**  
ATTORNEY AT LAW  
FOR THE DEFENDANTS: **SAMUEL PHILLIPS**  
ATTORNEY AT LAW  
OFFICIAL COURT REPORTER: LINDA GAY CYTRON  
C.S.R. 4791

1 SAN JOSE, CALIFORNIA

FEBRUARY 9, 2010

2 F I R S T M O R N I N G S E S S I O N

3 (WHEREUPON, PURSUANT TO ADJOURNMENT COURT  
4 RECONVENED AND THE FOLLOWING PROCEEDINGS ENSUED:)

5 THE COURT: ALL RIGHT.

6 AND GOOD MORNING, LADIES AND GENTLEMEN.

7 WELCOME TO DEPARTMENT 18. THIS IS A SPECIALLY SET MATTER  
8 OF CAROL NYE-WILSON VERSUS WESTERN SEMINARY, LINE 1.

9 MR. PHILLIPS: GOOD MORNING, YOUR HONOR.

10 SAM PHILLIPS ON BEHALF OF THE DEFENDANTS,  
11 WESTERN SEMINARY, ET AL.

12 MR. WIENER: SETH WIENER FOR PLAINTIFF, CAROL  
13 NYE-WILSON.

14 THE COURT: AND LET ME GET THE SPELLING --

15 MR. WIENER: SURE.

16 THE COURT: -- OF YOUR NAME.

17 MR. WIENER: YES.

18 MY LAST NAME IS -- FIRST IS SETH, S-E-T-H.  
19 LAST NAME IS WIENER, W-I-E-N-E-R.

20 THE COURT: ALL RIGHT.

21 AND YOU'RE ON BEHALF OF THE PLAINTIFF CAROL  
22 NYE-WILSON?

23 MR. WIENER: YES.

24 THE COURT: YES. OKAY.

25 SO WE HAVE A MOTION FOR PROTECTIVE ORDER THAT'S  
26 BEEN FILED BY THE DEFENDANTS. WE ALSO HAVE A REQUEST FOR  
27 MONETARY SANCTIONS BY THE DEFENDANTS AND ALSO -- A  
28 CALENDAR REQUEST FOR MONETARY SANCTIONS BY THE PLAINTIFF.

1 THE COURT HAS REVIEWED BOTH SIDES' PAPERS AND  
2 SO I'VE READ BOTH OF THEM. AND SO LET'S START WITH THE  
3 MOVING PARTY. IT'S YOUR MOTION.

4 MR. PHILLIPS: YES, YOUR HONOR.

5 THE COURT: UNLESS YOU BOTH WANT TO SUBMIT ON  
6 YOUR PAPERS. I HAVE READ THEM.

7 MR. PHILLIPS: NO, I HAVE ADDITIONAL COMMENTS  
8 TO SAY ABOUT THE OPPOSITION AT LEAST.

9 THE COURT: ALL RIGHT. GO AHEAD.

10 MR. PHILLIPS: WE WANT TO POINT OUT -- AND I  
11 DON'T KNOW IF IT'S CLEAR IN OUR MOTION -- THAT I ALSO  
12 BELIEVE THAT THE NOTICES ARE UNTIMELY UNDER CALIFORNIA  
13 LAW FOR PRODUCTION OF DOCUMENTS.

14 THERE'S A RAFT OF DOCUMENTS THAT WERE REQUESTED  
15 OF THESE PARTIES -- OF THESE NON-PARTIES, INCLUDING THEIR  
16 FINANCIAL RECORDS, DONATIONS, ET CETERA, AND ALSO A LIST  
17 OF ALL THE PARTICIPANTS.

18 THIS IS OF GREAT CONCERN TO THOSE PARTIES THAT  
19 THE PLAINTIFFS ARE REQUESTING THEIR FINANCIAL RECORDS AND  
20 DONATIONS AND ALSO THE TOTAL AMOUNT THAT WAS INCURRED FOR  
21 THIS RETREAT. IT'S WAY BEYOND THE SCOPE OF THIS TRIAL.  
22 AND IN THIS CASE, THAT THEY'RE ASKING THESE NON-PARTIES  
23 WHO HAD ONE INCIDENT THAT WAS CONNECTED VERY LOOSELY, IF  
24 AT ALL, TO THIS MATTER AS TO THIS RETREAT AND ASKING FOR  
25 THE RECORDS IS OUTRAGEOUS.

26 IN CALIFORNIA IF YOU HAVE A DEPOSITION NOTICE  
27 RIGHT BEFORE TRIAL, WHICH WE ARE TO GO TO TRIAL ON MARCH  
28 15TH, THE LAST DAY TO REQUEST ANY DEPOSITION NOTICE UNDER

1 CALIFORNIA LAW IS 25 DAYS -- YOU HAVE TO GIVE 25-DAYS'  
2 NOTICE.

3 THE ONLY NOTICE GIVEN BY THE PLAINTIFF WAS  
4 20-DAYS' NOTICE. IT WAS AN UNTIMELY REQUEST FOR  
5 PRODUCTION IN ASSOCIATION WITH THE DEPO NOTICE. I WANT  
6 TO BRING IT OUT THAT NO NEW DOCUMENTS SHOULD BE PRODUCED  
7 AT THESE DEPOSITIONS.

8 THE COURT: NOW I DIDN'T SEE ANY OF THAT IN  
9 YOUR PAPERS. WHY ISN'T THAT RAISED BEFORE NOW?

10 MR. PHILLIPS: WE DID TALK ABOUT THE UNTIMELY  
11 DEPOSITION, ITSELF. AND I DIDN'T DO THAT BECAUSE MY  
12 PARTNER PREPARED THESE DOCUMENTS WHILE WE WERE -- WE WERE  
13 IN DEPOSITIONS IN PHOENIX AND SO I DIDN'T HAVE TIME TO  
14 ADD THAT PART TO THE PAPERWORK ABOUT THE ACTUAL DOCUMENT.

15 I DID WRITE IT IN MY LETTER TO THEM, MEET AND  
16 CONFER LETTER TO MR. WIENER THOUGH, ABOUT MY OBJECTIONS  
17 ABOUT THE DOCUMENTS.

18 ALSO -- AND ALSO FROM DAY ONE THE FIRST TIME I  
19 WAS INFORMED THERE WAS A PROBLEM I SAID, "I THINK YOUR  
20 DEPOSITION NOTICE WAS UNTIMELY." THAT'S WHAT I MEANT WAS  
21 THAT THE DOCUMENT NOTICE ITSELF WAS UNTIMELY UNDER  
22 CALIFORNIA LAW AND THAT THAT WOULD BE UNACCEPTABLE ALONG  
23 WITH THE ISSUE THAT IT WAS SHORT NOTICE FOR AN  
24 OUT-OF-STATE DEPOSITION WITHOUT TELLING US THAT THEY WERE  
25 TAKING IT.

26 THAT'S MY MAIN POINT.

27 I DISAGREE, YOU KNOW, WITH -- MRS. NYE-WILSON  
28 HAS MADE A DECLARATION THAT IS IN MY MIND COMPLETELY

1 FALSE BECAUSE WITH THE LITIGATION -- IN THIS CASE SHE  
2 MAKES A STATEMENT ABOUT STEVE KORCH COULD BE SOME KIND OF  
3 POSSIBLE REOFFENDER.

4 FOR 30 YEARS HE'S BEEN A PASTOR. HE'S BEEN A  
5 PROFESSOR AT LOS GATOS. AND, IN FACT, WE HAD TOOK HIS  
6 DEPOSITION YESTERDAY. AND ONE OF THE E-MAILS THAT CAME  
7 IN WAS THERE HAS BEEN NO INDICATION AT ALL IN THE LAST 30  
8 YEARS THAT HE'S EVER DONE ANYTHING OTHER THAN THIS ONE  
9 ALLEGED INCIDENT WHERE HE WAS IN COLLEGE AND SHE WAS IN  
10 HIGH SCHOOL.

11 SO FOR HER TO MAKE A STATEMENT ABOUT HIM BEING  
12 A POSSIBLE REOFFENDER IS JUST OUTRAGEOUS AND A COMPLETE  
13 LIE BECAUSE THERE'S BEEN NO INDICATION OF IT. THERE'S  
14 BEEN NO FACTS TO INDICATE THAT. SHE JUST COMPLETELY MADE  
15 IT UP.

16 AND I'M REALLY OFFENDED THAT SHE MADE THAT  
17 STATEMENT IN HER DECLARATION BECAUSE IT'S BASED ON ZERO  
18 FACTS. SO I THINK -- I DEFINITELY CAN TELL YOU THAT FOR  
19 30 YEARS THERE'S BEEN ZERO CLAIM, ANYTHING ABOUT MR.  
20 KORCH.

21 AND THAT'S WHY A LOT OF THIS STUFF IS SO REMOTE  
22 BECAUSE NOTHING HAS HAPPENED -- WELL, 35 YEARS. ACTUALLY  
23 IT'S BEEN 35 YEARS THERE'S BEEN NO INCIDENT. SO LIKE I  
24 SAY, IT'S AN OUTRAGEOUS COMMENT SHE'S MAKING.

25 THAT'S ALL, YOUR HONOR.

26 THE COURT: WELL, LET'S HEAR FROM THE OTHER  
27 SIDE.

28 MR. WIENER: SURE. WE DID BRIEFLY ADDRESS IN

1 OUR OPPOSITION PAPERS THE FACT THAT THE DEPOSITION NOTICE  
2 WAS TIMELY UNDER CODE OF CIVIL PROCEDURE 2020.220 WHICH  
3 REQUIRES THAT SERVICE OF A DEPOSITION SUBPOENAE SHALL BE  
4 AFFECTED A SUFFICIENT TIME IN ADVANCE OF THE DEPOSITION  
5 TO PROVIDE THE DEPONENT A REASONABLE OPPORTUNITY TO  
6 LOCATE AND PRODUCE ANY DESIGNATED RECORDS.

7 THERE'S NO STRICT TIME LIMIT. IF IT WAS SOLELY  
8 A DOCUMENT SUBPOENAE, THERE WOULD BE A 20-DAY-TIME LIMIT,  
9 WHICH WE DID ALSO COMPLY WITH. BUT -- BUT DEPO NOTICES  
10 WERE SERVED ON THE DEPONENTS MORE THAN 20 DAYS PRIOR.

11 (WHEREUPON, COURT REPORTER INTERRUPTS AND ASKS  
12 PERSON TO SLOW DOWN AND TO SPEAK UP.)

13 IT'S ALSO CORRECT THAT WE DID TAKE MR. KORCH'S  
14 DEPOSITION YESTERDAY. WE'RE STILL RUNNING INTO THE SAME  
15 ISSUE WHICH IS HE WON'T ADMIT THAT -- WHAT OCCURRED IN  
16 1975.

17 WE BELIEVE IT IS DIRECTLY PERTINENT TO MRS.  
18 WILSON'S CLAIMS THAT THIS SETTLEMENT AGREEMENT IS PART  
19 AND PARCEL OF A COVER-UP OF MR. KORCH'S MOLESTATION OF A  
20 CHILD IN 1975.

21 THE DEFENDANTS HAVE INTIMIDATED THE VICTIM OF  
22 THIS CRIME BY REPEATEDLY PUBLICIZING HER NAME AND WE'RE  
23 NOT SURE WE'LL BE ABLE TO SECURE HER TESTIMONY IN LIGHT  
24 OF THAT. WE DO NEED WHATEVER EVIDENCE WE CAN OBTAIN THAT  
25 THE ACT DID OCCUR.

26 WITH RESPECT TO THE CLAIM THAT MR. KORCH  
27 CONTINUES TO SUFFER FROM THESE PEDOPHILE ISSUES, THE  
28 E-MAIL THAT MR. PHILLIPS IS REFERRING TO ACTUALLY STATES

1 THAT MR. KORCH, HIMSELF, DOES NOT TRUST HIMSELF TO BE  
2 ALONE WITH WOMEN IN A CLOSED ROOM.

3 I CONGRATULATE HIM ON TAKING VERY APPROPRIATE  
4 STEPS TO ENSURE THAT THE SEXUAL MISCONDUCT DOES NOT OCCUR  
5 AGAIN. BUT CLEARLY HE, HIMSELF, ACKNOWLEDGES THERE'S  
6 SOME RISK TO THAT REOCCURRING, WHICH IS WHY WE INCLUDED  
7 THAT IN OUR DECLARATION.

8 IT'S CERTAINLY NOT A MATTER WE COULD LEND TO --  
9 THESE ARE NOT HOLLOW ALLEGATIONS THAT WE'RE MAKING  
10 AGAINST MR. KORCH. IT'S SOMETHING THAT HIS WESTERN  
11 SEMINARY -- THE DEFENDANT HAS ADMITTED OCCURRED. BUT  
12 THEY'VE COUCHED IT IN MUCH GENERAL TERMS AND FAILED TO  
13 ACKNOWLEDGE THE FACTS.

14 INSTEAD THEY'VE MADE REPEATED EFFORTS TO SWEEP  
15 THIS UNDER THE CARPET, WHICH IT IS THE SAME THING THAT  
16 THE OREGON WITNESSES PERCEIVED WHICH IS WHY WE WANT TO  
17 TAKE THEIR DEPOSITIONS TO OBTAIN EVIDENCE.

18 REALLY, THIS ENTIRE SETTLEMENT AGREEMENT IS  
19 DESIGNED TO PREVENT THIS FROM COMING INTO THE PUBLIC  
20 LIGHT.

21 AND THERE'S CASE LAW THAT SAYS THAT -- FIRST,  
22 THE STATEMENTS HE MADE TO THE OREGON WITNESSES WERE NOT  
23 MADE AT A PROTECTED RELIGIOUS EVENT. THEY WERE MADE AT A  
24 MEN'S RETREAT. THEY WEREN'T MADE SOLELY TO CLERGY  
25 MEMBERS SUCH THAT THE CLERGY ADMIN (PHONETIC) PRIVILEGE  
26 WOULD APPLY.

27 AND SECOND, THERE'S NO PROTECTIVE ORDER OR  
28 SETTLEMENT AGREEMENT THAT CAN PREVENT SOMEBODY, AS THIS

1 ONE PURPORTS TO DO, FROM REPORTING CRIMES OR PUBLICIZING  
2 THEM. AND THERE'S A CALIFORNIA COURT OF APPEALS CASE  
3 DIRECTLY ON POINT DISCUSSING THAT ISSUE.

4 I WOULD ALSO NOTE THAT MISS WILSON OVERCAME A  
5 MOTION FOR SUMMARY JUDGMENT UNDER CLAIM TO RESCIND THE  
6 SETTLEMENT AGREEMENT BASED ON THE GROUND THAT IT'S  
7 CONTRARY TO PUBLIC POLICY IN THAT IT'S A COVER-UP FOR MR.  
8 KORCH'S CHILD MOLESTATION.

9 THE COURT: ALL RIGHT. ANYTHING FURTHER?

10 MR. PHILLIPS: WELL, YOU KNOW, IT'S -- YOU  
11 KNOW, MY BIGGEST -- I GUESS MY RESPONSE WOULD BE THAT  
12 IT'S NONSENSE.

13 BUT TO MAKE IT A LONGER STATEMENT THAN IT'S  
14 SIMPLY NONSENSE IS IF, IN FACT, THERE'S ONE SECTION OF  
15 THE SETTLEMENT AGREEMENT THAT WAS INAPPROPRIATE,  
16 UNCONSCIONABLE, THERE IS A SEVERABILITY CLAUSE. AND  
17 SIMPLY THE CLAIM IS TO BRING A MOTION AGAINST -- TO SEVER  
18 THAT ONE SECTION RATHER THAN TO BRING IN AN ENTIRE CASE  
19 ABOUT ONE PARAGRAPH OF THE SETTLEMENT AGREEMENT WHICH HAS  
20 A NON-DISPARAGEMENT CLAUSE.

21 BY THE WAY, THE PLAINTIFF HASN'T FOLLOWED THE  
22 NON-DISPARAGING CLAUSE ANYWAY. SHE'S MADE COMMENTS TO  
23 EVERY SINGLE PUBLIC AGENCY IN THE WORLD. SHE'S SENT  
24 E-MAILS TO EVERYONE. SO SHE HASN'T FOLLOWED IT A BIT  
25 SINCE THE SETTLEMENT. SO I AM NOT ENTIRELY SURE HOW YOU  
26 CAN BE DAMAGED IF YOU ACTUALLY DIDN'T FOLLOW IT ONE BIT.

27 AND SO IT'S AN INTERESTING COMMENT THAT SHE  
28 CLAIMS THAT THAT WAS THE PURPOSE. LAST -- THE SAME --



1 I'M NOT SURE IF IT WAS THIS WEEK -- LAST WEEK OR -- BURT  
2 DOWNS (PHONETICS) WAS DEPOSED.

3 AND HE SAID, WHEN HE WAS ASKED WHETHER THIS IS  
4 THE PURPOSE OF THE SETTLEMENT HE DOES -- DID NOT -- AGREE  
5 THAT THE PRIMARY PURPOSE WAS FOR PEOPLE TO GET ON WITH  
6 THEIR LIVES. OBVIOUSLY THE SETTLEMENT WAS A LARGE AMOUNT  
7 OF MONEY AND ALSO A DEGREE FOR MR. CHAPLIN, TO GET AN  
8 EDUCATIONAL DEGREE, 50 PERCENT OF WHICH HE WENT AND GOT,  
9 THE REST HE DIDN'T. BUT THAT WAS THE PURPOSE OF THE  
10 SETTLEMENT WAS FOR A GENTLEMAN -- WHO WAS KICKED OUT OF  
11 THE UNIVERSITY -- TO GET TWO DEGREES.

12 AND I THINK AS A SIDE LIGHT THAT THERE WERE --  
13 THERE WERE OTHER THINGS INCLUDED BECAUSE THE PLAINTIFFS  
14 WERE RUNNING WEB SITES AND STILL RUN WEB SITES. SO I  
15 GUESS IT'S AN INTERESTING ISSUE.

16 BUT I THINK IT'S MOSTLY A GREAT RED HEARING.  
17 AND WITH THIS GREAT RED HERRING WE'RE NOW GOING TO HAVE  
18 TO TRAVEL ALL THE WAY UP TO OREGON. THAT'S THE PROPOSAL  
19 AT LEAST.

20 THE COURT: ALL RIGHT. IS IT SUBMITTED?

21 MR. WIENER: I'LL JUST -- DOES YOUR HONOR MIND  
22 IF I BRIEFLY ADDRESS THE CONTENT OF THE SETTLEMENT  
23 AGREEMENT?

24 THE COURT: WELL, I'VE READ YOUR PAPERS SO JUST  
25 IF YOU HAVE SOMETHING BEYOND WHAT'S IN YOUR PAPERS.

26 MR. WIENER: SURE. WELL, THERE'S ACTUALLY TWO  
27 CLAUSES OF THE SETTLEMENT AGREEMENT THAT COVER MR.  
28 KORCH'S SEXUAL MISCONDUCT. THE FIRST IS THE

1 NON-DISPARAGING CLAUSE.

2 THE SECOND IS THERE'S ALSO A CLAUSE PREVENTING  
3 MY CLIENTS FROM MAKING REPORTS TO ANY GOVERNMENTAL  
4 AGENCIES, ANY EDUCATIONAL-LICENSING INSTITUTIONS AND SO  
5 FORTH REGARDING THIS MISCONDUCT.

6 SO IT'S NOT A MATTER OF JUST SEVERING ONE  
7 CLAUSE OF THE AGREEMENT. THE ENTIRE AGREEMENT IS PART  
8 AND PARCEL OF THE COVER-UP.

9 THE COURT: ALL RIGHT. IS IT SUBMITTED?

10 MR. PHILLIPS: THAT'S IT, YOUR HONOR.

11 THE COURT: OKAY. SO LET ME -- I'LL TAKE IT  
12 UNDER SUBMISSION FOR 15 MINUTES. I'LL GIVE YOU -- I'LL  
13 COME BACK OUT IN 15 MINUTES, OKAY?

14 MR. WIENER: SURE.

15 MR. PHILLIPS: THANK YOU, YOUR HONOR.

16 MR. WIENER: THANK YOU, YOUR HONOR.

17 (WHEREUPON, COURT PROCEEDINGS ADJOURNED AT THIS  
18 TIME AND A RECESS WAS TAKEN.)

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1 SAN JOSE, CALIFORNIA

FEBRUARY 9, 2010

2 **F I R S T M O R N I N G S E S S I O N**

3 (WHEREUPON, PURSUANT TO ADJOURNMENT COURT  
4 RECONVENED AND THE FOLLOWING PROCEEDINGS ENSUED:)

5 THE COURT: ALL RIGHT. AND SO WE'RE CALLING  
6 AGAIN LINE 1. THIS IS NYE-WILSON VERSUS WESTERN  
7 SEMINARY. WE HAVE THE PLAINTIFF, CAROL NYE-WILSON'S  
8 ATTORNEY, SETH WIENER PRESENT.

9 I'LL CALL HER PLAINTIFF --

10 MR. WIENER: SURE.

11 THE COURT: -- FOR SIMPLICITY, SINCE SHE'S THE  
12 ONLY ONE THAT'S OPPOSING IT.

13 WE ALSO HAVE SAMUEL PHILLIPS PRESENT WHO  
14 APPEARED EARLIER. HE'S THE COUNSEL FOR THE DEFENDANTS,  
15 WESTERN SEMINARY, LYNN RUARK, R-U-A-R-K, STEVE KORCH,  
16 K-O-R-C-H, AND GARY TRUCK, T-R-U-C-K, (SIC) WHO ALL  
17 COLLECTIVELY ARE CALLED DEFENDANTS. THEY'RE THE PEOPLE  
18 WHO BROUGHT THE MOTION FOR PROTECTIVE ORDER.

19 AND WE HAVE THE DEFENDANT'S MOTION FOR  
20 PROTECTIVE ORDER AND REQUEST FOR MONETARY SANCTIONS. WE  
21 ALSO HAVE THE OPPOSITION AND REQUEST FOR MONETARY  
22 SANCTIONS BY PLAINTIFF, CAROL NYE-WILSON, WHO I'M GOING  
23 TO BE CALLING PLAINTIFF.

24 SO THE MATTER HAVING BEEN SUBMITTED THE COURT  
25 ORDERS AS FOLLOWS:

26 DEFENDANTS' MOTION FOR PROTECTIVE ORDER IS  
27 DENIED.

28 DEFENDANTS' REQUEST FOR MONETARY SANCTIONS IS

1 DENIED.

2 PLAINTIFF'S REQUEST FOR MONETARY SANCTIONS IS  
3 GRANTED IN THE AMOUNT OF 1,925 DOLLARS.

4 DEFENDANTS AND THEIR COUNSEL SHALL PAY THIS  
5 AMOUNT TO COUNSEL FOR PLAINTIFF WITHIN 20 CALENDAR DAYS  
6 OF THIS ORDER.

7 I'M SIGNING AN ORDER TO THAT EFFECT NOW. I'M  
8 GOING TO BE GIVING IT TO COUNSEL FOR PLAINTIFF, CAROL  
9 NYE-WILSON, WHO IS THE PREVAILING PARTY SO HE CAN SERVE  
10 NOTICE OF ENTRY.

11 SO YOU'LL NEED TO TAKE THAT OVER, FILE IT, AND  
12 SERVE NOTICE OF ENTRY.

13 ALL RIGHT. THAT'S THE ONLY MATTER ON THE NINE  
14 O'CLOCK CALENDAR. COURT IS IN RECESS.

15 (WHEREUPON, PROCEEDINGS CONCLUDED AT THIS  
16 TIME.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF SANTA CLARA ) SS.  
3 )  
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7 I, LINDA CYTRON, DO HEREBY CERTIFY THAT:  
8

9 I AM AN OFFICIAL COURT REPORTER OF THE  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE  
11 COUNTY OF SANTA CLARA, AND THAT AS SUCH I REPORTED IN  
12 STENOTYPE THE PROCEEDINGS HAD IN THIS MATTER AT THE TIME  
13 AND PLACE THEREIN SET FORTH; AND THAT THE SAME IS A FULL,  
14 TRUE AND CORRECT TRANSCRIPTION OF SAID STENOTYPE AS  
15 REPORTED BY ME TO THE BEST OF MY ABILITY.

16 I FURTHER CERTIFY THAT I HAVE COMPLIED WITH CCP  
17 237 (A) (2) IN THAT ALL PERSONAL JUROR IDENTIFYING  
18 INFORMATION HAS BEEN REDACTED, IF APPLICABLE.

19 DATED: THIS 22ND DAY OF FEBRUARY 2010.  
20

21  
22 \_\_\_\_\_  
LINDA CYTRON, C.S.R. 4791  
23

24  
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26  
27 **PLEASE DO NOT COPY THIS TRANSCRIPT:**

28 **GOVERNMENT CODE 69954(D) ...SHALL NOT OTHERWISE PROVIDE  
OR SELL A COPY OR COPIES TO ANY OTHER PARTY OR PERSON.**

**I N V O I C E**

**LINDA CYTRON, OFFICIAL COURT REPORTER**  
SUPERIOR COURT -- **DEPARTMENT 18**  
191 NORTH FIRST STREET  
SAN JOSE, CA 95113

TELEPHONE: 408-882-2305

DATE: FEBRUARY 22, 2010

TO: **JAMES CAI**  
SCHEIN & CAI, LLP  
111 W. ST. JOHN STREET, SUITE 1250  
SAN JOSE, CA 95113  
436-0758

CASE NO.: **CV089064**  
CASE NAME: **NYE-WILSON VS. WESTERN SEMINARY**  
HELD ON: **FEBRUARY 9, 2010**

COST FOR SERVICES RENDERED: \$ **64.00**

RECEIVED CHECK 6412 DATED 2-16-10, \$64.00