

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO - CENTRAL

STEVEN STERPKA,
Plaintiff, Case No.
37-2009-00100230-CU-BT-CTL
vs.
THE UPPER DECK COMPANY;
COLLECTORS UNIVERSE, INC.;
and DOES 2 through 10,
Defendants.

DEPOSITION OF STEVEN GRAD
San Diego, California
Thursday, March 31, 2011

Reported By:
PATRICIA M. BECK
CSR No. 12090
Job No. 159875

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6 vs.
7 THE UPPER DECK COMPANY;
COLLECTORS UNIVERSE, INC.;
8 and DOES 2 through 10,
9 Defendants.

13 Deposition of STEVEN GRAD, taken on behalf of the
14 Plaintiff at 402 West Broadway, Suite 900, San Diego,
15 California, beginning at 10:15 a.m. and ending at
16 1:30 p.m., on Thursday, March 31, 2011, before
17 Patricia M. Beck, Certified Shorthand Reporter
18 No. 12090.

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1 SAN DIEGO, CALIFORNIA,
2 THURSDAY, MARCH 31, 2011
3 10:15 A.M. - 1:30 P.M.

4
5 STEVEN GRAD,
6 having been administered an oath, was examined and
7 testified as follows:

8
9 EXAMINATION

10 BY MR. JAFFE:

11 Q. Would you state your name for the record and
12 spell your name.

13 A. Steven, S-t-e-v-e-n, Grad, G-r-a-d.

14 Q. Good morning, Mr. Grad. Have you ever had
15 your deposition taken before?

16 A. Yes, twice.

17 Q. Let me remind you that you've taken an oath
18 to tell the truth, and just as if you were in a court
19 of law, that your testimony is under penalty of
20 perjury.

21 Do you understand that?

22 A. Yes.

23 Q. Because the way the court reporter takes
24 things down, all of your responses have to be verbal
25 and in English.

1 A. Sure.

2 Q. Unless you tell me otherwise, it will be my
3 understanding you understood the question. We don't
4 want you to guess, but we are entitled to an estimate.

5 Do you understand the difference between an
6 estimate and a guess?

7 A. Yes.

8 Q. Those two depositions that you talked about,
9 when were they?

10 A. One was in maybe 1997, approximately. Maybe
11 '96. I really can't remember the year.

12 Q. What did that involve?

13 A. Radio work that I did in Chicago.

14 Q. Were you being sued?

15 A. No.

16 Q. You were testifying for your employer?

17 A. No.

18 Q. Who were you testifying for?

19 A. The person suing the radio station.

20 Q. What were they suing the radio station for?

21 A. Being made fun of.

22 Q. And the other deposition was when?

23 THE WITNESS: Do you remember what year it
24 was?

25 I don't recall the year.

1 Do you understand that?

2 A. Yes.

3 Q. Because the way the court reporter takes
4 things down, it doesn't really work if we're speaking
5 at the same time. If you would allow me to get to the
6 end of the question, even if you know where the
7 question is going, that way you'll be able to respond
8 to that question. Counsel can assert any objections,
9 if any. Unless they tell you otherwise, you have to
10 respond.

11 Do you understand?

12 A. Yes.

13 Q. Is there any reason why you can't give true
14 and correct testimony today?

15 A. No.

16 Q. The court reporter will prepare a booklet
17 which has all the questions and the answers,
18 everything that's on the record here, and you can
19 review it and make any changes to your responses.

20 But I caution you that if you do so, we can
21 comment upon those changes at trial, and it may make
22 you look bad in front of the judge or the jury.

23 Do you understand?

24 A. Yes.

25 Q. We want your best testimony today. Okay?

1 MR. ATTLESEY: Don't guess.

2 THE WITNESS: Don't remember.

3 BY MR. JAFFE:

4 Q. Was that on behalf of PSA/DNA Collectors
5 Universe?

6 A. Yes.

7 Q. And if I refer to it as "PSA" or "PSA/DNA,"
8 do you understand I'll be referring to Collectors
9 Universe and its affiliated entity PSA/DNA?

10 A. Yes.

11 Q. What did that deposition on behalf of PSA
12 involve? What the case involved in that case where
13 you were being deposed.

14 A. It involved a guy named Bill Daniels, and I
15 don't recall the details of the case except that it
16 was -- had to do with an auction lot in an auction
17 catalog.

18 Q. Did you do any authentication work on behalf
19 of PSA in the Bill Daniels' case?

20 A. We didn't do any work for Bill Daniels.

21 Q. Did you do any authentication work that was
22 involved in that case?

23 A. At an auction house.

24 Q. What auction house?

25 A. Mastro Auction in Chicago.

1 Q. How many signatures were involved, if any,
 2 in the Bill Daniels' case?
 3 MR. ATTLESEY: Objection. Not reasonably
 4 calculated to lead to the discovery of admissible
 5 evidence. Irrelevant.
 6 BY MR. JAFFE:
 7 Q. You can answer.
 8 MR. ATTLESEY: Lacks foundation.
 9 THE WITNESS: Don't recall.
 10 BY MR. JAFFE:
 11 Q. Do you recall what Mr. Daniels was alleging
 12 PSA did wrong in the Bill Daniels' case?
 13 MR. ATTLESEY: Objection. Lacks foundation.
 14 Irrelevant. Not reasonably calculated to lead to the
 15 discovery of admissible evidence.
 16 BY MR. JAFFE:
 17 Q. You can answer.
 18 A. Don't recall.
 19 Q. Was Upper Deck in any way involved in the
 20 Bill Daniels' case?
 21 A. Not that I'm aware of.
 22 Q. Have you given any testimony at trial?
 23 A. No.
 24 Q. Have you been convicted of a felony?
 25 A. No.

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1 Q. With regard to your educational background,
 2 do you have a degree from Columbia College?
 3 A. Broadcast journalism.
 4 Q. Is that a degree that you obtained from that
 5 institution?
 6 A. I believe so.
 7 Q. When did you get that degree?
 8 A. I'd have to guess. I'm not quite sure of
 9 the year.
 10 Q. Do you have an estimate?
 11 A. Mid-'90s.
 12 Q. Do you have any other degrees?
 13 A. No.
 14 Q. Did you begin work right after you got your
 15 degree from Columbia College, or did you do some type
 16 of further education?
 17 A. Worked in radio.
 18 Q. Have you received any formal education after
 19 your -- after you obtained your degree from Columbia
 20 College?
 21 MR. ATTLESEY: Objection. Vague and
 22 ambiguous.
 23 You can respond.
 24 THE WITNESS: No.
 25 ///

Page 10

1 BY MR. JAFFE:
 2 Q. How long did you work in radio?
 3 A. About seven or eight years.
 4 Q. When did you start working for PSA/DNA?
 5 A. March 1st, 2002.
 6 Q. Prior to March 1st of 2002, did you have any
 7 experience, education, or training involved in
 8 authenticating signatures?
 9 MR. ATTLESEY: Objection. Compound,
 10 conjunctive, disjunctive, vague and ambiguous.
 11 You can respond.
 12 THE WITNESS: My experience is on the
 13 streets.
 14 BY MR. JAFFE:
 15 Q. What was that experience?
 16 A. Chasing autographs.
 17 Q. What do you mean by "chasing autographs"?
 18 A. Obtaining autographs in person.
 19 Q. Any other experience, education, or training
 20 that you had in authenticating signatures prior to
 21 March 1, 2002, other than what you just testified to?
 22 MR. ATTLESEY: Same objections.
 23 You can respond.
 24 THE WITNESS: I worked at Mastro Auction
 25 House. Prior to that I worked under Dan Knoll, Bill

Page 11

1 Mastro, who both helped and tutored me.
 2 BY MR. JAFFE:
 3 Q. When did you work at Mastro Auction House?
 4 A. Roughly May of 2000 through February of
 5 2002.
 6 Q. What did you do for Mastro Auction House?
 7 A. Authentication, consignments, writing.
 8 Q. Had you worked in authentication prior to
 9 starting at Mastro Auctions?
 10 MR. ATTLESEY: Do you mean for another
 11 company?
 12 BY MR. JAFFE:
 13 Q. Right.
 14 A. I had my own company.
 15 Q. What was your own company?
 16 A. Sold autographs that I obtained myself.
 17 Q. What was the name of that company?
 18 A. Gradink, i-n-k, one word.
 19 Q. When did you operate that business?
 20 A. Approximately '97 through 2000.
 21 Q. Did you go right from your broadcast radio
 22 work to Gradink?
 23 A. That was overlapping for a few years, and
 24 then I decided to break off from radio.
 25 Q. What type of work did Gradink do?

Page 12

1 A. Sold autographs.
 2 Q. That you personally obtained?
 3 A. Yes.
 4 Q. Were there any that you sold that you did
 5 not personally obtain?
 6 A. Yes.
 7 Q. With regard to those signatures that you did
 8 not obtain, how did you determine whether they were
 9 authentic at that time for Gradink?
 10 MR. ATTLESEY: Objection. Not reasonably
 11 calculated to lead to the discovery of admissible
 12 evidence. Irrelevant.
 13 MR. JAFFE: You can answer.
 14 MR. ATTLESEY: Vague and ambiguous.
 15 You can respond.
 16 THE WITNESS: I knew the autographs.
 17 BY MR. JAFFE:
 18 Q. How is it that you say you knew the
 19 autographs?
 20 MR. ATTLESEY: Same objections.
 21 THE WITNESS: My experience.
 22 BY MR. JAFFE:
 23 Q. So you just compared them to autographs that
 24 you had already obtained from the same people?
 25 MR. ATTLESEY: Objection. Misstates the
 Page 13

1 witness's testimony, lacks foundation, vague and
 2 ambiguous, irrelevant. Not reasonably calculated to
 3 lead to the discovery of admissible evidence.
 4 BY MR. JAFFE:
 5 Q. You can answer.
 6 MR. ATTLESEY: Argumentative as well.
 7 Go ahead.
 8 THE WITNESS: Yes.
 9 BY MR. JAFFE:
 10 Q. Did you obtain any signatures that you
 11 didn't observe the person supply that you were not
 12 familiar with during your work for Gradink?
 13 A. No.
 14 Q. Were all the signatures that were involved
 15 in your work for Gradink sports related?
 16 MR. ATTLESEY: Not reasonably calculated to
 17 lead to the discovery of admissible evidence.
 18 Irrelevant, vague and ambiguous.
 19 You can respond.
 20 THE WITNESS: Sports, entertainment,
 21 political.
 22 BY MR. JAFFE:
 23 Q. When you started your work for Mastro
 24 Auction House, what kind of work did you do for them?
 25 MR. ATTLESEY: Asked and answered.
 Page 14

1 BY MR. JAFFE:
 2 Q. How is it different than the work you were
 3 doing for Gradink?
 4 MR. ATTLESEY: Objection. Lacks foundation.
 5 You can respond.
 6 THE WITNESS: I wasn't chasing autographs
 7 for them.
 8 BY MR. JAFFE:
 9 Q. Is it pronounced Maestro or Mastro?
 10 A. Mastro.
 11 Q. Did Mastro Auction House give you any
 12 education or training with regard to authenticating
 13 autographs?
 14 A. As I stated, I worked under Bill Mastro.
 15 Q. What education or training did he give you
 16 with regard to authenticating autographs?
 17 A. He exposed me to everything they see, what
 18 to look out for, different consignments that came in.
 19 It was very educational.
 20 Q. Anything in writing?
 21 A. No.
 22 Q. What did he educate you to look out for?
 23 MR. ATTLESEY: Calls for a narrative. Not
 24 reasonably calculated to lead to the discovery of
 25 admissible evidence. Irrelevant, vague and ambiguous.
 Page 15

1 BY MR. JAFFE:
 2 Q. You can answer.
 3 A. I don't recall specifics.
 4 Q. You don't recall?
 5 A. Specifics, no.
 6 Q. What do you recall generally?
 7 A. Just what to watch out for.
 8 Q. What was that?
 9 MR. ATTLESEY: Same objections. Asked and
 10 answered.
 11 BY MR. JAFFE:
 12 Q. You can answer.
 13 A. Forgeries to look out for, telltale signs.
 14 Q. What were the telltale signs?
 15 MR. ATTLESEY: Same objections.
 16 THE WITNESS: Inks used, different mediums.
 17 BY MR. JAFFE:
 18 Q. Anything else?
 19 A. Not that I recall.
 20 Q. What do you mean by "inks used"?
 21 A. Fountain pens, ballpoint pens, different
 22 inks that forgers use to make things look old.
 23 Q. Did it depend on who was the person who was
 24 allegedly the signer of the item you were
 25 authenticating with regard to inks used?
 Page 16

1 MR. ATTLESEY: Objection. Vague and
 2 ambiguous, lacks foundation.
 3 BY MR. JAFFE:
 4 Q. You can answer.
 5 A. I don't understand it.
 6 Q. What's that? You need to speak up.
 7 A. I don't understand your question.
 8 Q. When you indicate that the education or
 9 training you received with regard to forgeries
 10 involved inks used, did it make any difference in that
 11 analysis as to who was the person who may or may not
 12 have performed the signature?
 13 MR. ATTLESEY: Objection. Vague and
 14 ambiguous, incomplete hypothetical, calls for
 15 speculation, lacks foundation.
 16 You can respond.
 17 THE WITNESS: I don't get it. Sorry.
 18 BY MR. JAFFE:
 19 Q. Did Mr. Mastro indicate to you to look for
 20 certain types of inks or pens generally, or was it
 21 specific to specific signers?
 22 A. It would depend on when someone died.
 23 Q. How so?
 24 A. Well, Lou Gehrig couldn't use a ballpoint
 25 pen. He died in 1938. Ballpoint pen was invented in
 Page 17

1 the mid-'40s.
 2 Q. Anything else with regard to inks used?
 3 MR. ATTLESEY: Calls for a narrative. Not
 4 reasonably calculated to lead to the discovery of
 5 admissible evidence. Irrelevant, it lacks foundation,
 6 vague and ambiguous.
 7 BY MR. JAFFE:
 8 Q. You can answer.
 9 A. No.
 10 Q. What type of inks were used that forgers
 11 would use to make it look older?
 12 MR. ATTLESEY: Objection. Lacks foundation,
 13 incomplete hypothetical, vague and ambiguous,
 14 irrelevant.
 15 BY MR. JAFFE:
 16 Q. You can answer.
 17 A. Again, it depends on when that person died.
 18 You have to be specific.
 19 Q. Well, other than if the ink didn't exist at
 20 the time the person was alive, what else would be
 21 something that you would have gotten education or
 22 training from Bill Mastro regarding inks used in
 23 looking for forgeries?
 24 MR. ATTLESEY: Incomplete hypothetical,
 25 compound, vague and ambiguous. Not reasonably
 Page 18

1 calculated to lead to the discovery of admissible
 2 evidence. Irrelevant.
 3 BY MR. JAFFE:
 4 Q. You can answer.
 5 A. I'm completely lost by your question. No
 6 idea.
 7 Q. What were the different mediums?
 8 MR. ATTLESEY: Vague and ambiguous. Lacks
 9 foundation.
 10 BY MR. JAFFE:
 11 Q. You can answer.
 12 A. Anything is a medium.
 13 Q. Well, you discussed when looking for
 14 forgeries, when getting education or training with
 15 Bill Mastro, you talked about looking for different
 16 mediums. What did you mean by looking for different
 17 mediums?
 18 A. Anything is a medium. A piece of paper, a
 19 baseball bat, a ball, a photo, a hat, a jersey.
 20 Q. What were you looking for with regard to
 21 those mediums when looking for forgeries?
 22 MR. ATTLESEY: Calls for a narrative. Not
 23 reasonably calculated to lead to the discovery of
 24 admissible evidence. Irrelevant, lacks foundation,
 25 vague and ambiguous.
 Page 19

1 BY MR. JAFFE:
 2 Q. You can answer.
 3 A. Is a medium possible.
 4 Q. Anything else?
 5 MR. ATTLESEY: Same objections.
 6 THE WITNESS: No.
 7 BY MR. JAFFE:
 8 Q. What do you mean by whether the medium was
 9 possible?
 10 MR. ATTLESEY: Same objections.
 11 THE WITNESS: Photographs, if they're
 12 available when the person was alive. Possibly the
 13 paper. Are they using old book cuts. Was the bat
 14 manufactured before the person died. Same with the
 15 baseball, was it manufactured post death.
 16 BY MR. JAFFE:
 17 Q. Did you work for anyone else that we haven't
 18 discussed prior to March 1, 2002?
 19 A. No.
 20 Q. Prior to March 1 of 2002, had you ever
 21 authenticated a Charles Lindbergh signature?
 22 A. Not that I recall.
 23 Q. Prior to March 1, 2002, had you done any
 24 work to determine whether a Charles Lindbergh
 25 signature was authentic or not authentic?
 Page 20

1 A. Not that I recall.
 2 Q. Have you worked for any other person or
 3 entity other than PSA/DNA since March 1, 2002?
 4 A. No.
 5 Q. What are your current job responsibilities
 6 with PSA/DNA?
 7 A. Principal authenticator.
 8 Q. What are your job responsibilities currently
 9 as a principal authenticator for PSA?
 10 A. Authenticate autographs.
 11 Q. Have your job responsibilities changed since
 12 March 1 of 2002 to present?
 13 A. From about that date, which would be
 14 March 1st, 2002, through May of '05 I was a senior
 15 authenticator.
 16 Q. When did you become a principal
 17 authenticator?
 18 A. Post May 2005.
 19 Q. Do you recall when? Did it start as of
 20 May 2005 and you've been a principal authenticator
 21 since then?
 22 A. Approximately.
 23 Q. Are there other principal authenticators for
 24 PSA/DNA currently?
 25 A. No.

Page 21

1 Q. Did you receive any education or training
 2 from PSA/DNA with regard to how to authenticate
 3 signatures?
 4 A. No.
 5 Q. Does PSA/DNA currently have any written
 6 policies or procedures with regard to how autographs
 7 should be authenticated?
 8 MR. ATTLESEY: Objection. Vague and
 9 ambiguous.
 10 You can respond.
 11 THE WITNESS: Yes.
 12 BY MR. JAFFE:
 13 Q. What are those called?
 14 A. Authentication of the autograph. Adherence
 15 of the sticker and DNA swab. Issue of a letter of
 16 authenticity or rejection, and verification in our
 17 online database.
 18 MR. ATTLESEY: I think he asked you what are
 19 the policies and procedures called, and you just
 20 described the authentication process. Is that
 21 accurate?
 22 THE WITNESS: Yes.
 23 BY MR. JAFFE:
 24 Q. Do the policies and procedures have a name?
 25 A. I don't believe so.

Page 22

1 Q. And do the policies and procedures tell you
 2 how to authenticate the signature?
 3 MR. ATTLESEY: Vague and ambiguous.
 4 You can respond.
 5 THE WITNESS: The policies that we have are
 6 more in place for placement of the cert sticker, the
 7 DNA swab that we use.
 8 BY MR. JAFFE:
 9 Q. I understand they may be more for that, but
 10 are there policies and procedures in place currently
 11 by PSA/DNA with regard to the first step, which you
 12 said was the authentication of the signature?
 13 A. Not that I'm aware.
 14 Q. Have there ever been?
 15 MR. ATTLESEY: Calls for speculation.
 16 BY MR. JAFFE:
 17 Q. Since you started with PSA/DNA, to your
 18 knowledge?
 19 A. Not that I'm aware of.
 20 Q. Are there any documents that you use
 21 currently to authenticate signatures?
 22 MR. ATTLESEY: Vague and ambiguous. Calls
 23 for a narrative. Not reasonably calculated to lead to
 24 the discovery of admissible evidence. Irrelevant.
 25 ///

Page 23

1 BY MR. JAFFE:
 2 Q. You can answer.
 3 A. Documents pertaining to -- I'm not sure I
 4 understand the documents question. Can you be
 5 specific?
 6 Q. Are there any PSA/DNA forms that you use in
 7 the first step which was authentication of the
 8 signature?
 9 MR. ATTLESEY: It's vague and ambiguous.
 10 You can respond.
 11 THE WITNESS: We have a work sheet that we
 12 use, and we also have a program that's in place at our
 13 office only. We don't use the work sheet. It's kind
 14 of like a built-in program for the work sheet.
 15 BY MR. JAFFE:
 16 Q. What is the work sheet?
 17 A. It's what we fill out for an item.
 18 Q. What information does it contain?
 19 A. The pertinent information about the item.
 20 Q. What is the pertinent information about an
 21 item that you include on the work sheet?
 22 A. What the item is.
 23 Q. What do you mean by "what the item is"?
 24 A. It's self-explanatory. If it's a 3-by-5
 25 baseball, baseball bat, jersey, hat, helmet, program

Page 24

1 document.
 2 Q. You mean what the item is that has been
 3 signed. Is that it?
 4 A. Correct.
 5 Q. What other information is on the work sheet?
 6 A. Place to enter certain number where it's
 7 signed at: Front, back, maybe on the inside. If it's
 8 going to be issued a letter. If it's being issued a
 9 letter of rejection, why it fails. Ink used, color,
 10 number of signatures.
 11 Q. And did you represent -- did you reference a
 12 cert number? Is that what you said?
 13 A. Yes. A certification number that's assigned
 14 to an item when we deem it authentic.
 15 Q. Does PSA/DNA assign everything that it
 16 reviews a number?
 17 MR. ATTLESEY: Vague and ambiguous.
 18 BY MR. JAFFE:
 19 Q. You can answer.
 20 MR. ATTLESEY: Do you understand?
 21 THE WITNESS: Yeah, if it passes
 22 authentication, yes.
 23 BY MR. JAFFE:
 24 Q. So if it doesn't pass authentication, does
 25 it receive a number?

Page 25

1 A. Not that I'm aware of.
 2 Q. What's the program that's used?
 3 A. I have no idea the name of it.
 4 Q. Is it some type of computer program?
 5 A. Yes.
 6 Q. What is it that you do with this program as
 7 part of authentication of signatures?
 8 MR. ATTLESEY: Objection. Lacks foundation.
 9 Not reasonably calculated to lead to the discovery of
 10 admissible evidence. Irrelevant. It's vague and
 11 ambiguous.
 12 BY MR. JAFFE:
 13 Q. You can answer.
 14 A. We enter the information about the item,
 15 each item.
 16 Q. From the work sheet?
 17 A. That is the work sheet.
 18 Q. So is the work sheet printed from the
 19 information that you enter into the program?
 20 A. Not that I'm aware of.
 21 Q. So you fill out the work sheet by hand; is
 22 that correct?
 23 MR. ATTLESEY: Vague and ambiguous.
 24 Misstates the witness's testimony. He says he fills
 25 it out on the computer.

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1 THE WITNESS: It depends. We just started
 2 using a new program maybe a year ago, so it would
 3 depend. It also depends, as I stated before, where we
 4 use it. We only use it in the office.
 5 BY MR. JAFFE:
 6 Q. So you do authentications that are not in
 7 the office; is that correct?
 8 A. That is correct.
 9 Q. So for authentications that you performed
 10 prior to about a year ago when you started the
 11 program, would you just have been using the work
 12 sheet?
 13 A. Yes.
 14 Q. Would the information from the work sheet,
 15 prior to you getting the program, have been entered
 16 into any other record?
 17 MR. ATTLESEY: Vague and ambiguous.
 18 BY MR. JAFFE:
 19 Q. You can answer.
 20 A. If the item passed, then it's entered into
 21 our online database, the certification number is.
 22 Q. What information, other than the
 23 certification number, is contained in the online
 24 database regarding signatures that passed?
 25 A. The person's name, number of signatures.

Page 27

1 Q. By the person's name, do you mean the person
 2 signing?
 3 A. The item or person certified, yes.
 4 Q. What did you mean by adherence of the
 5 sticker?
 6 A. It would depend where the client wants the
 7 sticker placed.
 8 Q. What sticker are we talking about?
 9 A. Certification sticker with the number that
 10 goes in the online database.
 11 Q. So this is a sticker that's created by
 12 PSA/DNA; is that correct?
 13 MR. ATTLESEY: Vague and ambiguous. Lacks
 14 foundation. Calls for speculation.
 15 THE WITNESS: We have them made, if that's
 16 what you mean.
 17 BY MR. JAFFE:
 18 Q. What information, if any, is on the sticker
 19 itself?
 20 A. Certification number.
 21 Q. Anything else?
 22 A. It says "PSA/DNA."
 23 Q. So for each signature that's verified as
 24 authentic, a sticker is placed on it that indicates
 25 the certification number from PSA/DNA, correct?

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1 A. Incorrect.
 2 Q. How is it incorrect?
 3 A. As I stated before, it depends on the
 4 customer's discretion. If the customer asks that the
 5 sticker goes in the letter, we place it in the letter.
 6 If a customer states they want it on the item, we
 7 place it on the item.
 8 Q. So it either has to go on the signature
 9 itself or on the letter. Is that it?
 10 MR. ATTLESEY: Objection. Misstates the
 11 witness's testimony.
 12 THE WITNESS: It wouldn't go on the
 13 signature. It would go on the item that the signature
 14 is on, and it was at their discretion.
 15 BY MR. JAFFE:
 16 Q. It would either go on the item that contains
 17 the signature or on the letter, but it has to be one
 18 of the two, correct?
 19 MR. ATTLESEY: Misstates the witness's
 20 testimony. Asked and answered.
 21 THE WITNESS: Yes.
 22 BY MR. JAFFE:
 23 Q. You talked about a DNA swab. Do you recall
 24 that?
 25 A. Yes.

Page 29

1 Q. What's involved in the DNA swab with regard
 2 to your work for PSA/DNA?
 3 MR. ATTLESEY: Calls for a narrative. Lacks
 4 foundation. Vague and ambiguous.
 5 You can respond.
 6 THE WITNESS: Synthetic DNA that's
 7 manufactured, it's in a pen form much like a paint pen
 8 with a felt tip on it. And that felt tip sucks the
 9 DNA down, gets soaked where it's wet, and then you
 10 apply it to the item. The ink fades. And then if it
 11 comes up in the future, depending if the customer
 12 didn't cut it off or, you know, cut down the item or
 13 depends what it is, we could use a laser light or lamp
 14 depending -- about a size of a pen. And it
 15 illuminates the area where the DNA was put as green or
 16 red.
 17 BY MR. JAFFE:
 18 Q. And the illuminating light, is that only
 19 something that you can do at PSA/DNA, or is there one
 20 that's portable?
 21 A. Are you talking about the pen-size thing?
 22 It's portable, yes.
 23 Q. I'm talking about the light that shows the
 24 DNA that was applied by the pen.
 25 MR. ATTLESEY: You're asking about the tool

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1 that you use to see if the DNA was applied?
 2 THE WITNESS: Right. It's called a laser
 3 light, and it's portable. It's a size of a pen. They
 4 also make a new one that's about the size of a
 5 small -- maybe the size of a telephone. A little
 6 smaller.
 7 BY MR. JAFFE:
 8 Q. Is the item that applies the DNA, is that
 9 portable?
 10 A. Yes, it's a pen. Just size of a regular
 11 pen. Maybe a little thicker.
 12 Q. How do you decide where on the item to put
 13 the DNA swab?
 14 A. Those procedures were laid out years ago in
 15 the authentication guideline for placing the swab and
 16 sticker, as I stated before. It depends what the item
 17 is.
 18 Q. What about on the 3-by-5 card?
 19 A. Bottom corner, right or left. Usually on
 20 the back of the piece.
 21 Q. What's involved in the verification step
 22 that you talked about?
 23 A. In terms of the -- seeing the DNA on the
 24 item.
 25 Q. So the verification is to use the laser

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1 light?
 2 MR. ATTLESEY: Wait. Misstates the
 3 witness's testimony.
 4 THE WITNESS: I'm not sure what
 5 verification.
 6 BY MR. JAFFE:
 7 Q. You talked about authenticating the
 8 signature, then adherence of the sticker, and then the
 9 DNA swab, and then verification. I'm asking what you
 10 meant by verification.
 11 A. That's what I meant. With the DNA pen.
 12 Q. With the DNA pen is the DNA swab, right?
 13 A. Yes.
 14 Q. And then the laser light verifies that it's
 15 on there, is that it?
 16 A. If we need to, but we don't use that every
 17 day.
 18 Q. So is there anything else that's done after
 19 the DNA swab with regard to authentication of the
 20 signature?
 21 A. The signature is entered into our online
 22 database. A certain number is, actually, and the
 23 signature name, if it's single or multi.
 24 Q. Do you ever, in your work for PSA/DNA,
 25 perform an authentication analysis for purposes of a

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1 letter of authentication without having the actual
 2 item?
 3 MR. ATTLESEY: Vague and ambiguous. Lacks
 4 foundation.
 5 You can respond if you understand.
 6 THE WITNESS: We view scans.
 7 BY MR. JAFFE:
 8 Q. If you use a scan, what do you put the DNA
 9 swab on?
 10 A. It doesn't receive our full authentication.
 11 Q. So are there different levels of
 12 authentication at PSA/DNA?
 13 A. Yes.
 14 Q. What are the levels?
 15 A. Well, there's a small cert for lesser value
 16 items. Stan Musial baseball, for example, photo
 17 signed by Jeff Bagwell, those are lesser items.
 18 Q. Why are they lesser?
 19 A. They don't carry much value. So we do a
 20 small cert which carries the number, a sticker, and a
 21 small cert card in the DNA. It's also placed on our
 22 online database. There's the full LOA, which we
 23 discussed. If you submitted a Babe Ruth ball or a Lou
 24 Gehrig ball or a 1927 Yankee team ball, we would do a
 25 full letter on it. And then there's precertified for

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1 auction houses.
 2 Q. Now, the small cert you said depends on the
 3 value of the item?
 4 A. We have a price structure for whoever you
 5 submit. It's dictated by them. And the customer can
 6 also request a full cert on any item they want. It's
 7 more of a fee they have to pay for the letter.
 8 Q. Is there any difference between a full cert
 9 and a full LOA?
 10 A. That's the same thing.
 11 Q. Are the steps that you take different when
 12 you're doing a small cert as opposed to a full cert?
 13 MR. ATTLESEY: Calls for a narrative, vague
 14 and ambiguous, overbroad.
 15 You can respond.
 16 THE WITNESS: Well, full cert receives a
 17 picture of the item on the letter of authenticity.
 18 The small cert or letter of authenticity doesn't.
 19 BY MR. JAFFE:
 20 Q. Any other difference?
 21 MR. ATTLESEY: Same objections.
 22 THE WITNESS: It's the same process other
 23 than the letter size and the photo and the signature.
 24 There's no live signature on a small cert card.
 25 ///

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1 BY MR. JAFFE:
 2 Q. What do you mean by a "live signature"?
 3 A. Full letter features a live signature of a
 4 representative. The small cert card just states the
 5 information "Collectors Universe PSA/DNA."
 6 Q. Is there any differences between what you
 7 described for those and the precertified for auction
 8 houses?
 9 A. Precertified is an easy way for auction
 10 houses to have their items looked at by PSA/DNA and
 11 not have to pay the full fee for the full letters. So
 12 we precertify items. And the winner of that auction
 13 lot is eligible, if they wish, to pay for an upgrade
 14 to send it in to us, and we will issue the letters
 15 they desire.
 16 MR. ATTLESEY: Can we take a break?
 17 MR. JAFFE: Sure.
 18 (Recess taken.)
 19 BY MR. JAFFE:
 20 Q. Do you need to have the actual item being
 21 authenticated to issue the full LOA?
 22 MR. ATTLESEY: Vague and ambiguous.
 23 BY MR. JAFFE:
 24 Q. You can answer.
 25 A. We view scans for precertifying.

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1 Q. I was asking about the full LOA.
 2 A. We view scans for precertify.
 3 Q. You issue full LOAs for precertify?
 4 A. We do.
 5 Q. Is there any other time when a full LOA
 6 would be issued and PSA/DNA did not have the actual
 7 item?
 8 A. Not that I'm aware of.
 9 Q. For the small certification, would the
 10 actual item be required?
 11 A. It would.
 12 Q. So the only time PSA/DNA would certify when
 13 it didn't have the actual item would be with regard to
 14 a precertification for auction houses; is that
 15 correct?
 16 A. For the most part, yes.
 17 Q. How is that? What do you mean, "for the
 18 most part"? What are examples where it wouldn't be
 19 correct?
 20 A. If it's a letter of rejection that's
 21 requested.
 22 Q. How often do you have situations where
 23 someone asks you for a letter of rejection?
 24 A. It would just apply to auction houses.
 25 Q. How often have you seen that?

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1 A. I don't recall.
 2 Q. Do you have any estimate?
 3 A. No.
 4 Q. So it may have only happened once; is that
 5 correct?
 6 A. I don't recall.
 7 Q. Do you have people who work for you?
 8 A. That report to me?
 9 Q. Yes.
 10 A. I do.
 11 Q. Are those the senior authenticators?
 12 A. Yes.
 13 Q. Who else?
 14 A. That's it.
 15 Q. If you give a live signature on a full
 16 letter of authentication, does that mean that you
 17 personally have reviewed the item in question?
 18 MR. ATTLESEY: You can respond.
 19 THE WITNESS: No.
 20 BY MR. JAFFE:
 21 Q. Why not?
 22 A. Signing on behalf of the staff, we have
 23 other authenticators.
 24 Q. Is it correct that you -- let me rephrase.
 25 Are all the letters of authentication you

1 sign with a live signature, are those all ones that
 2 you have not actually reviewed the item in question?
 3 MR. ATTLESEY: "You" being Mr. Grad?
 4 BY MR. JAFFE:
 5 Q. Yes.
 6 MR. ATTLESEY: Do you understand?
 7 THE WITNESS: No.
 8 BY MR. JAFFE:
 9 Q. Do you actually perform authentications
 10 personally, or are you just signing on full LOAs for
 11 the staff, as you indicated, based upon their work?
 12 MR. ATTLESEY: It's vague and ambiguous.
 13 You can respond if you understand.
 14 THE WITNESS: If the item is authenticated
 15 by one of our authenticators on the road or at an
 16 on-site or to a show and I'm not there, we generate
 17 the letter, I'll sign off on it, yes.
 18 BY MR. JAFFE:
 19 Q. But are you currently performing
 20 authentications of items that you actually review?
 21 A. Yes, of course.
 22 Q. Was James Spence ever the principal
 23 authenticator for PSA/DNA?
 24 A. I believe at the time he was the lead
 25 authenticator. I don't think he went by that, but

1 it's the same thing, yes.
 2 Q. Was he working there when you were working
 3 there?
 4 A. Yes.
 5 Q. When was he working there?
 6 MR. ATTLESEY: "There" being PSA?
 7 BY MR. JAFFE:
 8 Q. Yes.
 9 A. I don't know his hire date.
 10 Q. Do you have any estimate?
 11 A. No.
 12 Q. Do you know when he stopped working for
 13 PSA/DNA?
 14 A. May of 2005.
 15 Q. Do you know why he stopped working for
 16 PSA/DNA?
 17 A. Started his own company.
 18 Q. Any other reasons?
 19 MR. ATTLESEY: Calls for speculation.
 20 THE WITNESS: Not that I'm aware of.
 21 BY MR. JAFFE:
 22 Q. Did you say it's the DNA swab that's on a
 23 3-by-5 card usually placed in the bottom left or right
 24 corner?
 25 A. Yes.

1 Q. And then where is the sticker placed on such
 2 a card?
 3 A. At the customer's discretion.
 4 Q. If it's on the 3-by-5 card -- I understand
 5 you said it could be on the letter or on the item. If
 6 it's on the 3-by-5 card, where would it be?
 7 MR. ATTLESEY: Asked and answered.
 8 THE WITNESS: At the customer's discretion.
 9 BY MR. JAFFE:
 10 Q. So you have to contact the customer for each
 11 item regarding where the sticker should be placed. Is
 12 that it?
 13 MR. ATTLESEY: Misstates the witness's
 14 testimony. Lacks foundation.
 15 THE WITNESS: They'll state on the
 16 submission form typically where they want the cert
 17 stickers placed.
 18 BY MR. JAFFE:
 19 Q. Did you communicate with anyone other than
 20 counsel in preparation for your deposition today?
 21 A. Spoke with counsel and Joe Orlando,
 22 president of PSA.
 23 Q. When did you speak with Mr. Orlando
 24 regarding preparation for your deposition?
 25 MR. ATTLESEY: To the extent those

1 conversations were with counsel, you can testify when
 2 the conversations occurred, but not the substance of
 3 the conversations. If you had any conversations with
 4 Mr. Orlando outside my presence about this deposition,
 5 you can testify about that as well.
 6 THE WITNESS: No.
 7 BY MR. JAFFE:
 8 Q. When did you have meetings with counsel
 9 regarding preparation for your deposition?
 10 A. Yesterday.
 11 Q. Where did those meetings take place?
 12 A. Collectors Universe.
 13 Q. Who was present?
 14 A. Keith Attlesey and, for a portion, Joe
 15 Orlando.
 16 Q. Anyone else?
 17 A. No, sir.
 18 Q. Did you review any documents in preparation
 19 for your deposition today?
 20 A. Yes.
 21 Q. What documents did you review in preparation
 22 for your deposition?
 23 A. Same copies that Keith showed me.
 24 Q. What documents were those?
 25 A. Submission form, work sheets, copies of the

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1 Lindbergh card, and a photograph of the Lindbergh
 2 signature.
 3 Q. Anything else?
 4 A. I don't believe so.
 5 Q. Do you know who Bob Eaton is?
 6 A. Yes.
 7 Q. Is Bob Eaton a PSA/DNA representative?
 8 MR. ATTLESEY: Vague and ambiguous as to the
 9 term "representative."
 10 BY MR. JAFFE:
 11 Q. You can answer.
 12 A. He's a consultant.
 13 Q. Is he a senior authenticator for PSA/DNA
 14 currently?
 15 A. No.
 16 Q. Has he ever been a senior authenticator for
 17 PSA/DNA?
 18 A. No.
 19 Q. Has he ever been an authenticator for
 20 PSA/DNA?
 21 MR. ATTLESEY: Vague and ambiguous. Calls
 22 for speculation.
 23 THE WITNESS: No.
 24 BY MR. JAFFE:
 25 Q. Who were the people who signed letters of

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1 authentication on behalf of PSA/DNA?
 2 MR. ATTLESEY: At what time?
 3 BY MR. JAFFE:
 4 Q. Currently.
 5 A. Myself. Zach Rullo, Joe Orlando, Kevin
 6 Lowe, Brian Sobrero.
 7 Q. Anyone else?
 8 A. Not that I'm aware of.
 9 Q. The letters of authentication -- has that
 10 changed since 2002 when you first started?
 11 A. When I started, just Jim Spence would sign
 12 the letters. And then they switched to Jim and
 13 myself, and then they switched back to Jim.
 14 Q. And then they switched to what's currently
 15 going on. Is that it?
 16 A. Yes, sir.
 17 Q. Any other changes?
 18 A. Not that I'm aware of.
 19 Q. The letters of authentication contain
 20 signatures of people other than the ones you just
 21 named, correct?
 22 MR. ATTLESEY: Not original signatures.
 23 MR. JAFFE: Well, Counsel, please refrain
 24 from trying to testify.
 25 MR. ATTLESEY: Well, you ask a question like

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1 that, that's what's going to happen. That's a trick
 2 question.
 3 MR. JAFFE: What's going to happen is we're
 4 going to go into court.
 5 MR. ATTLESEY: Good, let's go. That's a
 6 trick question. We're not here for you to trick my
 7 witness.
 8 MR. JAFFE: You're not here to testify. If
 9 you have an objection, make it. Speaking objections
 10 are improper.
 11 MR. ATTLESEY: Thank you, Counsel. I'm
 12 aware of the rules.
 13 BY MR. JAFFE:
 14 Q. You can answer.
 15 A. Facsimile or live signatures?
 16 Q. Any signatures of any kind or type.
 17 A. You have to specify.
 18 Q. Are you familiar with letters of
 19 authentication from PSA/DNA?
 20 A. Yes.
 21 Q. They have signatures other than the ones
 22 from people you just talked about, correct?
 23 A. Incorrect.
 24 Q. How is that incorrect?
 25 A. Facsimile or live signatures? You have to

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<p>1 specify. 2 Q. Are you saying it's not a signature if it's 3 not live? 4 A. It's a facsimile of their signature. 5 Q. But it is a signature, isn't it? 6 A. It's a facsimile. 7 Q. Wouldn't you agree it's a signature? 8 MR. ATTLESEY: Argumentative, asked and 9 answered, irrelevant. Not reasonably calculated to 10 lead to the discovery of admissible evidence. 11 BY MR. JAFFE: 12 Q. You can answer. 13 A. Facsimile. 14 Q. So they're facsimiles. So they're faxed to 15 PSA/DNA, and then you put them out with your live 16 signature. Is that it? 17 MR. ATTLESEY: Objection. Counsel has 18 raised his voice at my witness. He's harassing him. 19 This is argumentative. The question has been asked 20 and answered. Counsel is aware of the form. The 21 document speaks for itself. The witness has testified 22 as to the items that are contained on the letter of 23 authenticity. 24 BY MR. JAFFE: 25 Q. You can answer.</p> <p style="text-align: right;">Page 45</p>	<p>1 Q. Do you know who John Reznikoff is? 2 A. I do. 3 Q. Is John Reznikoff a PSA/DNA representative? 4 MR. ATTLESEY: Objection. Vague and 5 ambiguous as to the term "representative." 6 THE WITNESS: Consultant. 7 BY MR. JAFFE: 8 Q. Has he ever been an authenticator for 9 PSA/DNA? 10 A. Not that I'm aware of. 11 Q. When was the last time you communicated in 12 any way with John Reznikoff? 13 A. Recently. 14 Q. Have you ever communicated with John 15 Reznikoff about anything having to do with this case? 16 A. I sent him a scan originally of a piece. 17 Q. Did you have any other communications other 18 than just sending him a scan? 19 A. Not that I'm aware of. 20 Q. How did you know to send him a scan? 21 MR. ATTLESEY: You can respond. 22 THE WITNESS: In the case of this, the 23 submission was more high-profile, historical mostly, 24 so I sent those off to John. 25 ///</p> <p style="text-align: right;">Page 47</p>
<p>1 A. Facsimile signature or live signature? 2 Q. I'm asking you: Is it the procedure that 3 when you say it's facsimile signature, that the people 4 who have signed it fax it to PSA/DNA, and then you put 5 the live signature on it? 6 A. Never used the word "fax." I use the word 7 "facsimiles." They're two different words. 8 Q. How are they different to you? 9 A. A fax is transmitted. It's a facsimile 10 signature, though. There's a big difference. We're 11 not talking about a fax that you transmit via machine. 12 We're talking about a facsimile signature. 13 Q. What do you mean by "facsimile signature"? 14 A. It is a copy of the signature. 15 Q. When was the last time you spoke to Bob 16 Eaton? 17 A. Via e-mail. 18 Q. When was the last time you communicated in 19 any way with Bob Eaton? 20 A. No idea. 21 Q. Do you have an estimate? 22 A. No. 23 Q. Have you ever communicated with Bob Eaton 24 about anything involved in this case? 25 A. Not that I recall.</p> <p style="text-align: right;">Page 46</p>	<p>1 BY MR. JAFFE: 2 Q. When was that? 3 A. Whenever that happened, '08. 4 Q. Since 2008 have you ever communicated with 5 Mr. Reznikoff about anything involved in this case? 6 A. Not that I recall. 7 (Exhibit 1 was marked for identification.) 8 BY MR. JAFFE: 9 Q. Let me show you what we'll mark as 10 Exhibit 1. Exhibit 1 is an Amended Notice of 11 Deposition of Defendant Collectors Universe, Inc. 12 Have you ever seen that document before? 13 A. I believe I've seen the front of it. 14 Q. Do you understand you're testifying here 15 today as a representative of PSA/DNA and also 16 regarding your personal knowledge of facts in this 17 case? 18 A. Yes. 19 Q. On pages 1 through 2, there's some 20 categories of topics. On which topics are you the 21 person most qualified on behalf of PSA/DNA to testify 22 here today? 23 MR. ATTLESEY: If you know, you can respond. 24 Let me just state we submitted an objection 25 to this deposition notice, including each of the</p> <p style="text-align: right;">Page 48</p>

1 categories identified in the document demand. Each
2 document demand, actually.

3 And I can tell you, if you're interested,
4 Mr. Jaffe, what areas Mr. Grad is here to testify on
5 behalf of the company pursuant to this notice and
6 subject to our objections.

7 MR. JAFFE: I'd like to hear from him.

8 MR. ATTLESEY: If you know, you can tell
9 him.

10 THE WITNESS: 4, 6, 17.

11 MR. ATTLESEY: Is that it?

12 THE WITNESS: Yes.

13 BY MR. JAFFE:

14 Q. That's it?

15 A. That's it.

16 Q. Have you brought any documents here today in
17 response to the documents that are requested in
18 Exhibit 1?

19 MR. ATTLESEY: Previously provided documents
20 in this case which are responsive to this request, and
21 we have one additional document to provide to you now,
22 Counsel, today. I'll give you two copies. I have one
23 for the court reporter. I have one for Mr. Rikos as
24 well. For the record, it's an e-mail exchange dated
25 April 29th, 2008.

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1 Q. Do you have any estimate?

2 A. I don't.

3 Q. Might have been within the last 30 days?

4 A. I don't recall.

5 Q. Is this what you're referring to when you
6 indicated that -- when you referred to category 17?

7 A. Yes.

8 Q. Are there any other documents which reflect
9 any communications between you personally and any
10 person and/or entity regarding any and all Lindbergh
11 signatures?

12 MR. ATTLESEY: Objection. Overbroad, vague
13 and ambiguous. Not reasonably calculated to lead to
14 the discovery of admissible evidence. Irrelevant.

15 To the extent that you're requesting
16 information about Lindbergh signatures other than the
17 one at issue in this case, I'm going to instruct the
18 witness not to answer about those. You can respond as
19 to the Lindbergh signature at issue in this case.

20 MR. JAFFE: Before you answer, we would
21 immediately take this up with the judge if you're
22 going to have him -- if you're directing him not to
23 testify, first of all, doesn't involve a privilege.
24 If you're going to seek a protective order, then go do
25 it. But we're entitled to know what experience he has

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1 MR. JAFFE: Let's mark the record what has
2 now been produced as Exhibit 2, e-mail that counsel
3 just produced.

4 (Exhibit 2 was marked for identification.)

5 BY MR. JAFFE:

6 Q. Do you have any idea why this wasn't
7 previously produced?

8 A. No.

9 Q. Do you have any idea why this wasn't in the
10 file of John Reznikoff when his deposition was taken?

11 MR. ATTLESEY: Calls for speculation.

12 THE WITNESS: No.

13 BY MR. JAFFE:

14 Q. Did you obtain this document?

15 MR. ATTLESEY: Vague and ambiguous.
16 You can respond.

17 THE WITNESS: It was in my e-mail.

18 BY MR. JAFFE:

19 Q. When did you obtain it from your e-mail?

20 A. It's been there since that date right there,
21 April 29, 2008.

22 Q. When did you print that out?

23 A. I don't recall.

24 Q. Might have been yesterday?

25 A. No, it wasn't yesterday.

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1 with Lindbergh signatures.

2 And the judge has already ruled several
3 times that he should come here, and she's looked over
4 these deposition topics. So he should not be directed
5 not to answer.

6 MR. ATTLESEY: Well, your statement
7 completely misstates what's happened in this case, the
8 judge's involvement. The witness, through this
9 document, is indicating that he's not the one who
10 authenticated this particular item.

11 MR. JAFFE: Well, we'll get into that.

12 BY MR. JAFFE:

13 Q. But what -- my question was regarding any
14 other communications you've had regarding any
15 Lindbergh signatures. And have you had any such
16 communications?

17 MR. ATTLESEY: Same objections.
18 You can respond.

19 THE WITNESS: Not that I'm aware of.

20 BY MR. JAFFE:

21 Q. Have you ever authenticated a Lindbergh
22 signature?

23 A. I'm quite sure I have.

24 Q. How often?

25 A. No idea.

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1 Q. And can you give me any items on which the
 2 Lindbergh signature was on --
 3 MR. ATTLESEY: Vague and ambiguous.
 4 BY MR. JAFFE:
 5 Q. -- that you were involved in in
 6 authenticating?
 7 MR. ATTLESEY: Vague and ambiguous. Not
 8 reasonably calculated to lead to the discovery of
 9 admissible evidence. Irrelevant. Goes way beyond the
 10 scope of the issues in this case, particularly summary
 11 judgment motion.
 12 You can respond.
 13 THE WITNESS: I have no idea. Photographs,
 14 books, envelopes.
 15 BY MR. JAFFE:
 16 Q. Who provided those items for you to
 17 authenticate that had Lindbergh signatures on them?
 18 MR. ATTLESEY: Same objections.
 19 THE WITNESS: I have no idea.
 20 BY MR. JAFFE:
 21 Q. So what are the items that you personally
 22 have authenticated that had a Lindbergh signature on
 23 them?
 24 MR. ATTLESEY: Asked and answered. Same
 25 objections.

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1 BY MR. JAFFE:
 2 Q. You can answer.
 3 A. I answered that.
 4 Q. What were they?
 5 MR. ATTLESEY: Asked and answered. Same
 6 objections. This is now argumentative.
 7 BY MR. JAFFE:
 8 Q. You can answer.
 9 A. I answered.
 10 Q. I thought you were indicating that those
 11 were possible items. You were saying -- you remember
 12 specifically authenticating a Lindbergh signature
 13 other than involved in this case; is that correct?
 14 MR. ATTLESEY: Misstates the witness's
 15 testimony. Counsel has now raised his voice again.
 16 MR. JAFFE: I'm not raising my voice.
 17 MR. ATTLESEY: Yes, you did toward my
 18 witness. It's harassing. I'll let it continue, but
 19 if this goes on, we're going to cease this deposition.
 20 If you understand the question, you can
 21 respond.
 22 THE WITNESS: We have authenticated Charles
 23 Lindbergh signatures in the past.
 24 BY MR. JAFFE:
 25 Q. I'm asking about you personally.

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1 A. Yes.
 2 Q. You say you can't recall the number; is that
 3 correct?
 4 A. That's correct.
 5 Q. And can you recall any items that
 6 specifically you authenticated that had a Charles
 7 Lindbergh signature on it?
 8 MR. ATTLESEY: Asked and answered. Same
 9 objections.
 10 THE WITNESS: I answered that.
 11 BY MR. JAFFE:
 12 Q. What were the items that you specifically
 13 recall that you authenticated that had a Lindbergh
 14 signature on it?
 15 MR. ATTLESEY: Asked and answered,
 16 argumentative. If you do it again, Counsel, we're
 17 done.
 18 THE WITNESS: I answered the question.
 19 MR. JAFFE: Let's go back to that part where
 20 there was a question and answer. We'll read it back.
 21 (Record read.)
 22 BY MR. JAFFE:
 23 Q. Just reviewed the record where you gave a
 24 response, "I have no idea. Photographs, books,
 25 envelopes." Are you saying that you personally have

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1 authenticated a photograph that had a Lindbergh
 2 signature on it?
 3 MR. ATTLESEY: No. What he said is he had
 4 no idea, with the question mark said "photographs,
 5 envelopes," et cetera.
 6 BY MR. JAFFE:
 7 Q. You can answer the question.
 8 A. Those items have likely been submitted to
 9 PSA/DNA in the past. I don't know specifics.
 10 Q. I'm asking specifically for whether you
 11 personally have ever authenticated a photograph that
 12 contained a Lindbergh signature.
 13 A. I can't say for certain, but I'm sure I
 14 have.
 15 Q. Why would you say you're sure you have if
 16 you can't remember?
 17 A. You should ask me what I ate for breakfast
 18 five years ago. I don't recall. Through the course
 19 of the years of PSA/DNA --
 20 MR. ATTLESEY: You've answered the question.
 21 THE WITNESS: -- Lindbergh autographs --
 22 MR. ATTLESEY: You've answered the question.
 23 THE WITNESS: -- and other autographs. I
 24 don't recall.
 25 MR. ATTLESEY: Mr. Grad, you've answered the

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1 question.
 2 BY MR. JAFFE:
 3 Q. What books contained the Lindbergh signature
 4 that you personally have authenticated?
 5 A. I don't recall the specifics.
 6 Q. Do you recall generally?
 7 A. I don't.
 8 Q. Can you give me a title of a book --
 9 MR. ATTLESEY: He just said he doesn't
 10 recall.
 11 BY MR. JAFFE:
 12 Q. -- that contained a Lindbergh signature that
 13 you authenticated?
 14 MR. ATTLESEY: Objection. Argumentative.
 15 THE WITNESS: I don't recall.
 16 BY MR. JAFFE:
 17 Q. Do you recall any envelopes that contained a
 18 Lindbergh signature that you authenticated personally?
 19 A. I don't recall specifics.
 20 Q. Do you recall anything generally about any
 21 envelopes that supposedly contained a Lindbergh
 22 signature that you authenticated?
 23 A. I don't recall specifics.
 24 Q. Do you recall anything generally about that?
 25 A. I don't recall anything generally.

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1 Q. So as you sit here today, you don't have any
 2 specific recollection regarding ever authenticating a
 3 Charles Lindbergh signature; is that correct?
 4 MR. ATTLESEY: Misstates the witness's
 5 testimony.
 6 BY MR. JAFFE:
 7 Q. You can answer.
 8 MR. ATTLESEY: Vague and ambiguous.
 9 THE WITNESS: I answered that already.
 10 BY MR. JAFFE:
 11 Q. You can answer.
 12 A. I did.
 13 Q. You can answer.
 14 A. I did.
 15 Q. You can answer.
 16 A. I did.
 17 MR. ATTLESEY: Both of you, stop.
 18 BY MR. JAFFE:
 19 Q. Please answer the question.
 20 MR. ATTLESEY: You can respond to the
 21 question.
 22 THE WITNESS: I don't recall specific items.
 23 MR. JAFFE: Thank you.
 24 MR. ATTLESEY: I need to take a break.
 25 MR. JAFFE: Sure.

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1 (Recess taken.)
 2 BY MR. JAFFE:
 3 Q. Of the Lindbergh signatures that you may
 4 have reviewed, you personally, in order to determine
 5 if they're authentic or not, do you recall any that
 6 did not pass PSA/DNA authentication?
 7 A. I don't recall.
 8 Q. Do you have any understanding that the --
 9 let me rephrase it.
 10 Do you know what an Upper Deck hair cut
 11 signature card is?
 12 A. I believe it contains a cut signature and a
 13 piece of hair.
 14 Q. Other than any signatures involved
 15 specifically in this case regarding Lindbergh, have
 16 you personally authenticated any of the other
 17 signatures for the hair cut signature cards?
 18 A. I don't recall. I don't know the specific
 19 cards. I've seen the one copy.
 20 Q. Which one? The one involved in this case?
 21 A. Yes.
 22 Q. Have you seen any other Upper Deck hair cut
 23 signature cards?
 24 A. The finished product, no.
 25 Q. Is it correct that you don't know whether

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1 specifically signatures that you reviewed personally
 2 were ever put into an Upper Deck signature card; is
 3 that correct?
 4 A. I don't recall.
 5 Q. Going back to Exhibit 2, what were you
 6 conveying to Mr. Reznikoff when you sent this e-mail?
 7 A. I asked him to review scans.
 8 Q. Did you have the actual items that you sent
 9 scans to Mr. Reznikoff to review?
 10 A. Yes.
 11 Q. And was one of those a Charles Lindbergh
 12 item?
 13 A. Yes.
 14 Q. How do you know?
 15 A. From all the reference, the work sheets that
 16 I've seen, yes.
 17 Q. Other than sending the scans -- let me
 18 rephrase it.
 19 Did you personally make the scan of the
 20 Lindbergh signature, or was it somebody else at
 21 PSA/DNA?
 22 A. I believe I did.
 23 Q. Why did you feel it was necessary to send
 24 the scans to Mr. Reznikoff?
 25 A. I wanted John's thoughts on them.

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1 Q. Why couldn't you just determine whether they
 2 were authentic -- whether they were authentic without
 3 Mr. Reznikoff's input?
 4 A. Because we use John for high-profile pieces.
 5 Especially, as I stated, in the Upper Deck -- in the
 6 e-mail about Upper Deck as Exhibit 2.
 7 Q. When you say, quote: "Upper Deck is now
 8 using PSA/DNA to authenticate for them," end quote,
 9 had Upper Deck not been using PSA/DNA previously, to
 10 your knowledge?
 11 A. To my knowledge they had not.
 12 Q. Do you recall who dropped off the items
 13 where it says: "They dropped off some items today"?
 14 A. I do not.
 15 Q. Where it says: "Keep in mind these are all
 16 going into cards at some point," why did you feel it
 17 was necessary to point that out to him?
 18 A. Because I think it's important that we are
 19 correct in our assessment of the autographs.
 20 Q. What specifically about them going into
 21 cards made it something that you wanted to point out
 22 to John?
 23 A. Because Upper Deck is high profile.
 24 Q. By "high profile," you mean it's going to
 25 consumers, right?

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1 MR. ATTLESEY: Objection. Misstates the
 2 witness's testimony.
 3 THE WITNESS: Ultimately that's their end
 4 point.
 5 BY MR. JAFFE:
 6 Q. Did you bring with you any of the documents
 7 you reviewed in preparation for your deposition other
 8 than what's in Exhibit 2?
 9 A. No, sir.
 10 MR. ATTLESEY: We previously produced those
 11 documents, Counsel.
 12 (Exhibit 3 was marked for identification.)
 13 BY MR. JAFFE:
 14 Q. Let me show you what we'll mark as
 15 Exhibit 3. Do you recognize Exhibit 3?
 16 A. I recognize it as a submission form for
 17 PSA/DNA.
 18 Q. Is that the submission form that you were
 19 referring to regarding Upper Deck submitting the
 20 Charles Lindbergh signature that you were discussing?
 21 MR. ATTLESEY: I don't recall any testimony
 22 from the witness about a submission form by Upper
 23 Deck.
 24 You can respond.
 25 THE WITNESS: I didn't say that

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1 specifically.
 2 BY MR. JAFFE:
 3 Q. Do you believe that Upper Deck used a
 4 submission form in order to submit the Charles
 5 Lindbergh signature involved in this case to PSA/DNA?
 6 MR. ATTLESEY: Calls for speculation.
 7 You can respond.
 8 THE WITNESS: It would appear they have,
 9 yes.
 10 BY MR. JAFFE:
 11 Q. Is this the form?
 12 A. That's our submission form.
 13 Q. Is this the form which refers to Upper Deck
 14 submitting a Charles Lindbergh signature to Upper
 15 Deck?
 16 Let me rephrase it. Is this the form which
 17 indicates that Upper Deck submitted a Charles
 18 Lindbergh signature to PSA/DNA for purposes of
 19 authentication?
 20 MR. ATTLESEY: Calls for speculation.
 21 Document speaks for itself. The witness already
 22 testified he's unaware of this submission form.
 23 You can go ahead. You can respond.
 24 MR. RIKOS: Also lacks foundation. Join.
 25 ///

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1 BY MR. JAFFE:
 2 Q. You can answer.
 3 A. Yeah, I would believe it to be the one they
 4 submitted with the item.
 5 Q. Do you know who signed that document?
 6 A. No idea.
 7 Q. There's a box on this document which refers
 8 to what you were talking about previously as to the
 9 placement of the sticker, correct?
 10 A. Yes.
 11 Q. And this one seems to be checked on item
 12 parenthesis "S," correct?
 13 A. Yes.
 14 Q. Do you know what it says below that? Is
 15 that "directly below signature"?
 16 A. It looks like "behind signature."
 17 Q. "Directly behind signature." Got it. Thank
 18 you.
 19 Did you put that signature -- excuse me.
 20 Did you put that sticker on the Lindbergh item in this
 21 case?
 22 MR. ATTLESEY: Meaning Mr. Grad did it?
 23 BY MR. JAFFE:
 24 Q. Yes.
 25 A. I would assume so, but I don't recall doing

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1 it.
 2 Q. Do you have any knowledge of anyone else on
 3 behalf of PSA/DNA putting that sticker on the
 4 Lindbergh item involved in this case?
 5 A. I don't recall.
 6 Q. Did you do anything to authenticate the
 7 Lindbergh item on or about April 29, 2008, which is
 8 the date of Exhibit 2?
 9 MR. ATTLESEY: Other than what he's already
 10 testified to?
 11 BY MR. JAFFE:
 12 Q. Anything.
 13 MR. ATTLESEY: Other than what you've
 14 already testified to.
 15 THE WITNESS: Correct.
 16 BY MR. JAFFE:
 17 Q. What did you do? Other than sending that
 18 e-mail and doing the scan, did you do anything else?
 19 A. I filled out a submission form.
 20 Q. Which you filled out something that is not
 21 Exhibit 3?
 22 A. Work sheet. My bad. Misspoke.
 23 Q. That's all right.
 24 A. Work sheet for the specific item.
 25 Q. Why did you do -- or fill out the work sheet

1 (Exhibit 4 was marked for identification.)
 2 BY MR. JAFFE:
 3 Q. You referred to a work sheet which I'll mark
 4 as Exhibit 4. Is that your handwriting on Exhibit 4?
 5 A. It is.
 6 Q. Is this the autograph examination work sheet
 7 that you filled out regarding the Lindbergh item that
 8 we've been talking about?
 9 A. Yes, sir.
 10 Q. And the date up in the right-hand corner?
 11 A. This -- my writing is not that good, so...
 12 Q. What do you think it is?
 13 A. The 28th. Whatever date I put here.
 14 Q. I'm asking you what date you put.
 15 A. It appears to be 4/28.
 16 Q. That would correspond to the date of
 17 April 29, 2008, on Exhibit 2. Wouldn't you agree?
 18 A. Well, there are two different dates, but,
 19 yeah, I started the form, and then I would send the
 20 scan and wait for approval.
 21 Q. Did Mr. Reznikoff fill out a work sheet with
 22 regard to this item?
 23 A. No.
 24 Q. Why not?
 25 A. He's not required to.

1 if you were not performing the authentication?
 2 MR. ATTLESEY: Well, lacks foundation.
 3 Misstates the witness's testimony.
 4 You can respond.
 5 THE WITNESS: I was filling the work sheet
 6 out on behalf of PSA/DNA.
 7 BY MR. JAFFE:
 8 Q. Did you do the authentication of this item
 9 in or about April of 2008, or was it done by
 10 Mr. Reznikoff?
 11 A. I deferred to Mr. Reznikoff for his expert
 12 opinion.
 13 Q. So did you both do the authentication, or
 14 was it only him? You say you deferred to him. I
 15 don't understand what that means. So did he do the
 16 authentication, or did you both do it, or did you only
 17 do it? Sounds like you're saying you didn't only do
 18 it.
 19 So my question is: Did Mr. Reznikoff only
 20 do the authentication of the Lindbergh item that we're
 21 speaking of here that was done in or around April of
 22 2008?
 23 A. Yes.
 24 Q. Only Mr. Reznikoff?
 25 A. Yes.

1 Q. Isn't filling out a work sheet part of the
 2 authentication process for PSA/DNA?
 3 A. Depending on what item.
 4 Q. With regard to a 3-by-5 card, there should
 5 have been a work sheet that was filled out by the
 6 person actually doing the authentication; isn't that
 7 correct?
 8 MR. ATTLESEY: Misstates the witness's
 9 testimony, argumentative, lacks foundation.
 10 BY MR. JAFFE:
 11 Q. You can answer.
 12 A. I was filling out a form on behalf of
 13 PSA/DNA.
 14 Q. Even though you weren't doing the
 15 authentication, right, correct?
 16 A. Correct.
 17 Q. Do you have any recollection of what the
 18 card looked like back in April of 2008 as you sit here
 19 today?
 20 A. Not the full form, no, I don't.
 21 Q. Do you have any recollection of what the
 22 item looked like when it was received and you looked
 23 at it, by PSA/DNA?
 24 A. Just from the images that I've seen.
 25 Q. What did you do to determine that the box

1 "steel-tip fountain pen" should be checked?
 2 A. I looked at the piece and determined it was
 3 signed in steel-tip fountain pen and checked that out.
 4 Q. What did you do to determine that?
 5 A. I looked at it.
 6 Q. Anything else?
 7 A. Not that I recall.
 8 Q. How is this certification number determined
 9 which is up in the upper right-hand box?
 10 A. We're just given a roll of stickers. I just
 11 go a number. 27 is before it. 29 is after it.
 12 Q. Based upon what Mr. Reznikoff told you, you
 13 issued a letter of authentication regarding this item,
 14 correct?
 15 A. Yes.
 16 (Exhibit 5 was marked for identification.)
 17 BY MR. JAFFE:
 18 Q. Show you what we've marked as Exhibit 5. Is
 19 Exhibit 5 the letter of authentication -- excuse me.
 20 Is Exhibit 5 the letter of authenticity for the item
 21 we've been talking about?
 22 A. Yes.
 23 Q. Did you sign that document?
 24 A. That is my signature.
 25 Q. Is that your live signature?

1 item, correct?
 2 MR. ATTLESEY: At least that you can recall.
 3 He's asking for your best testimony.
 4 THE WITNESS: That I can recall, yes, sir.
 5 BY MR. JAFFE:
 6 Q. Did PSA/DNA put the DNA daub on this item?
 7 A. I would assume so, yes, sir.
 8 Q. Do you have any specific recollection of you
 9 personally putting the DNA daub on this item?
 10 A. I don't.
 11 Q. Do you feel it would have been likely that
 12 you were the one who did it, or would it have been
 13 likely that somebody else at PSA/DNA would have done
 14 it?
 15 A. In all likelihood it would have been me
 16 doing it.
 17 Q. Were you the one who altered the form to put
 18 in information specific to this item?
 19 MR. ATTLESEY: Altered the form?
 20 BY MR. JAFFE:
 21 Q. You can answer.
 22 MR. ATTLESEY: It's vague and ambiguous.
 23 THE WITNESS: I have no idea what you're
 24 talking about.
 25 ///

1 A. On the original.
 2 Q. Do you know what exemplars, if any,
 3 Mr. Reznikoff used in authenticating this item?
 4 A. I do not.
 5 Q. Where did you get the information where it
 6 says, quote: "The signature(s) is/are consistent
 7 considering slant, flow, pen pressure, letter size,
 8 and other characteristics that are typical of the
 9 other exemplars that we have examined in our hobby and
 10 professional career," end quote. Where did you get
 11 that?
 12 A. You'd have to direct that to Joe Orlando.
 13 Q. So this is just a form that's used. Is that
 14 it?
 15 A. Correct.
 16 Q. You didn't get any information from
 17 Mr. Reznikoff that there was -- that the signature was
 18 consistent considering slant, flow, pen pressure,
 19 letter size, and other characteristics that are
 20 typical of the other exemplars that PSA/DNA examined
 21 in its hobby and professional career, correct?
 22 A. John didn't used those words, no. He used
 23 "okay."
 24 Q. And "okay" was the only information you got
 25 from Mr. Reznikoff regarding this signature and this

1 BY MR. JAFFE:
 2 Q. There's a form letter you indicated
 3 regarding letter of authenticity, right, that PSA/DNA
 4 uses? The one where you said go talk to Joe Orlando.
 5 A. Yes.
 6 Q. In the first paragraph, it specifically
 7 refers to "Charles A. Lindbergh." Do you see that?
 8 A. Yes, sir.
 9 Q. So is it correct that the form had to be
 10 adapted to this specific item?
 11 MR. ATTLESEY: Objection. Vague and
 12 ambiguous as to the term "adapted," altered.
 13 If you can respond.
 14 THE WITNESS: I would assume so, but I don't
 15 make the letters.
 16 BY MR. JAFFE:
 17 Q. The information at the very least had to be
 18 inserted, right?
 19 A. Correct.
 20 Q. Who inserted the information?
 21 A. I have no idea.
 22 Q. Do you know who would know regarding who
 23 inserted the information into the letter of
 24 authenticity form regarding this item?
 25 A. It's possible Joe Orlando could know.

1 Q. Is it possible he did it?
 2 A. No.
 3 Q. If it wasn't done by you, who else possibly
 4 could have done it?
 5 MR. ATTLESEY: Calls for speculation.
 6 THE WITNESS: I don't manufacture the
 7 letters. We have a processing staff that does that.
 8 BY MR. JAFFE:
 9 Q. How large is that staff?
 10 A. Currently?
 11 Q. Yes.
 12 A. Six to eight processors.
 13 Q. How large was it in May of 2008?
 14 A. I have no idea.
 15 Q. On Exhibit 4 you wrote in -- yes, you wrote
 16 in under "genre" -- what is that word?
 17 A. I believe it was short for famous, f-a-m.
 18 Q. What color ink did you write there?
 19 A. I can't read it. I'm sorry.
 20 Q. Did there come a time where you were asked
 21 to review another Lindbergh signature after the item
 22 we've been talking about?
 23 A. Not that I recall.
 24 (Exhibit 6 was marked for identification.)
 25 ///

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1 BY MR. JAFFE:
 2 Q. Show you what we'll mark as Exhibit 6, a
 3 PSA/DNA document dated July 8, 2009. Recognize that
 4 document?
 5 A. I do.
 6 Q. Does it contain your live signature?
 7 A. Exhibit 6 is a copy. The original is a live
 8 signature.
 9 Q. Does this refresh your recollection that you
 10 performed a review of the Lindbergh signature which is
 11 listed on -- reflected on this document?
 12 A. This was a mistake.
 13 Q. Sir, I just asked you whether it refreshed
 14 your recollection as to whether you performed any
 15 review.
 16 A. No, no.
 17 Q. So although you signed it, you weren't in
 18 any way involved in the review of this signature; is
 19 that correct?
 20 MR. ATTLESEY: Calls for speculation.
 21 THE WITNESS: Not that I recall.
 22 BY MR. JAFFE:
 23 Q. I think we had some double negatives. Do
 24 you recall being involved in any way in the review of
 25 this signature on or about the date of July 8, 2009,

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1 which is reflected in Exhibit 6?
 2 A. Not that I recall.
 3 Q. So who did on behalf of PSA/DNA?
 4 MR. ATTLESEY: Calls for speculation.
 5 THE WITNESS: I have no idea.
 6 BY MR. JAFFE:
 7 Q. Have you done any investigation to find out?
 8 A. The person who handles the account for R.R.
 9 is Andrea Weaver. This was generated by her.
 10 Q. How do you know that?
 11 A. Because she handles the R.R. account.
 12 Q. Does Andrea Weaver currently work for
 13 PSA/DNA?
 14 A. Yes, she does.
 15 Q. How long has she worked for PSA/DNA?
 16 A. I'm not sure.
 17 Q. Is she an authenticator?
 18 A. No.
 19 Q. Is she qualified to determine whether the
 20 Lindbergh signature reflected in Exhibit 6 is
 21 authentic or not?
 22 A. No.
 23 Q. So who on behalf of PSA/DNA made the
 24 determination that's set forth in Exhibit 6?
 25 MR. ATTLESEY: Asked and answered. Calls

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1 for speculation.
 2 THE WITNESS: I don't know.
 3 BY MR. JAFFE:
 4 Q. Do you normally do a live signature on
 5 documents that you have absolutely no idea whether
 6 they're true or not?
 7 MR. ATTLESEY: Argumentative, assumes facts
 8 not in evidence, lacks foundation, irrelevant.
 9 BY MR. JAFFE:
 10 Q. You can answer.
 11 MR. ATTLESEY: Not reasonably calculated to
 12 lead to the discovery of admissible evidence.
 13 Overbroad.
 14 THE WITNESS: It was a mistake.
 15 BY MR. JAFFE:
 16 Q. It was a mistake for you to sign it. Is
 17 that it?
 18 MR. ATTLESEY: Misstates the witness's
 19 testimony, argumentative.
 20 BY MR. JAFFE:
 21 Q. Is that correct?
 22 A. It was a mistake.
 23 Q. Do you have any independent knowledge of how
 24 this item got to PSA/DNA to review in July of 2009, in
 25 or about?

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1 A. I believe it was done via e-mail
 2 correspondence with R.R. with Andrea Weaver.
 3 Q. Who is R.R.?
 4 A. Auction house.
 5 Q. Do you know who the owner of R.R. is?
 6 A. Bob Eaton.
 7 Q. Bob Eaton's signature is right there on
 8 Exhibit 6, isn't it?
 9 A. His facsimile signature is.
 10 Q. What makes you say Exhibit 6 is a mistake?
 11 A. It was a mistake. We've already issued a
 12 letter of authenticity on it.
 13 Q. So you should have gone back and looked for
 14 the letter of authenticity which was Exhibit 5,
 15 correct?
 16 MR. ATTLESEY: Objection. Lacks foundation,
 17 argumentative, vague and ambiguous. It's nonsense.
 18 BY MR. JAFFE:
 19 Q. You can answer.
 20 A. You didn't ask me a question.
 21 Q. I certainly did. You want her to read it
 22 back?
 23 A. Yeah, go for it.
 24 (Record read.)
 25 MR. ATTLESEY: Same objections. Sounds like
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1 argument.
 2 You can respond.
 3 THE WITNESS: I'm not sure how to answer
 4 that.
 5 BY MR. JAFFE:
 6 Q. How do you know it was a scan that was
 7 reviewed for purposes of Exhibit 6?
 8 MR. ATTLESEY: The witness already testified
 9 he doesn't recall. Lacks foundation, vague and
 10 ambiguous, misstates the witness's testimony.
 11 You can respond.
 12 THE WITNESS: Based on this stack of papers
 13 that I've seen.
 14 BY MR. JAFFE:
 15 Q. What in the papers lead you to believe that
 16 the actual item wasn't reviewed for purposes of
 17 Exhibit 6?
 18 A. It would have been submitted with a
 19 submission form in our office.
 20 Q. So if there is a submission form, then the
 21 actual item was there, correct?
 22 A. Not correct.
 23 Q. How is that not correct?
 24 A. Because we bill R.R. Auction for the auction
 25 services.
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1 (Exhibit 7 was marked for identification.)
 2 BY MR. JAFFE:
 3 Q. You were looking for a submission form
 4 regarding the item for Exhibit 6. And I'll show you
 5 what's marked as Exhibit 7. Isn't that the submission
 6 form?
 7 A. That is the submission form.
 8 Q. That refers to the Charles Lindbergh
 9 signature on the fourth one down, correct?
 10 A. It appears to be.
 11 MR. ATTLESEY: Could you read back the
 12 witness's response to -- not that question, but the
 13 question before.
 14 (Record read. "That is the submission.
 15 form.")
 16 MR. ATTLESEY: He said "a" submission form.
 17 MR. JAFFE: Don't change it.
 18 MR. ATTLESEY: That's what he said. That's
 19 why I asked the question. I thought there may be a
 20 mistake there.
 21 MR. JAFFE: I disagree.
 22 MR. ATTLESEY: Well, you're wrong.
 23 MR. JAFFE: It's taken down on the record as
 24 she has it.
 25 MR. ATTLESEY: The record is incorrect.
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1 MR. JAFFE: It's not.
 2 MR. ATTLESEY: Yes, it is.
 3 MR. RIKOS: I heard "a" submission form.
 4 MR. ATTLESEY: Thank you, Mr. Rikos.
 5 MR. JAFFE: The record reflects what it is.
 6 She read it back.
 7 MR. ATTLESEY: What was your testimony,
 8 Mr. Grad? Did you say "the" or "a"?
 9 THE WITNESS: "A."
 10 MR. ATTLESEY: Thank you.
 11 BY MR. JAFFE:
 12 Q. Do you know who filled out Exhibit 7?
 13 A. I do not.
 14 Q. By what means did PSA/DNA receive Exhibit 7?
 15 A. I don't recall.
 16 Q. Is there any handwriting on Exhibit 7 that's
 17 yours?
 18 A. Doesn't appear to be.
 19 Q. Do you know what's being referred to here
 20 when it says: "The \$35 price on Lincoln and Ruth is
 21 per Scott for error"?
 22 A. No.
 23 Q. Is Exhibit 6 a form that PSA/DNA uses and
 24 then inserts information about the item actually on
 25 the form?
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1 MR. ATTLESEY: Vague and ambiguous. Lacks
2 foundation. Calls for speculation.
3 You can respond.
4 THE WITNESS: It appears to be.
5 BY MR. JAFFE:
6 Q. So does PSA/DNA have a form which lists all
7 ten items which are listed here and then you just
8 insert the name of the item?
9 MR. ATTLESEY: Calls for speculation.
10 THE WITNESS: Those are chosen or they're
11 off the work sheet which is right there.
12 BY MR. JAFFE:
13 Q. Where is the work sheet that corresponds to
14 Exhibit 6?
15 A. I have no idea.
16 Q. There should be one, right?
17 MR. ATTLESEY: Calls for speculation.
18 THE WITNESS: I have no idea.
19 BY MR. JAFFE:
20 Q. Shouldn't there be one if a --
21 A. It was a mistake. I have no idea.
22 Q. If the item which is Exhibit 6 is issued
23 with your signature, there should be a work sheet that
24 refers to the findings which are set forth in the
25 document, correct?

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1 MR. ATTLESEY: Asked and answered.
2 BY MR. JAFFE:
3 Q. Isn't that correct?
4 MR. ATTLESEY: Asked and answered, calls for
5 speculation, argumentative. The witness has already
6 said this is a mistake.
7 BY MR. JAFFE:
8 Q. Isn't that correct?
9 A. I have no idea.
10 Q. You have no idea as to whether there should
11 be a work sheet. I'm saying in general. In general,
12 when there is a rejection such as Exhibit 6, there
13 should be a work sheet that corresponds to it,
14 correct?
15 MR. ATTLESEY: In general you're asking?
16 BY MR. JAFFE:
17 Q. Yes, at PSA/DNA.
18 A. I would assume so, yes, sir.
19 Q. That's the proper procedure at PSA/DNA,
20 correct?
21 MR. ATTLESEY: In general? Is that what
22 you're asking?
23 THE WITNESS: Specific for small cert item
24 or a full cert item?
25 ///

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1 BY MR. JAFFE:
2 Q. When there is this type of rejection which
3 is Exhibit 6, in general, there should be a work sheet
4 that corresponds to that, correct?
5 A. You're not being specific. Do you mean a
6 full cert item or a small cert item? Because there's
7 a difference.
8 MR. ATTLESEY: He's asking you about this
9 type of item.
10 THE WITNESS: This type of item there should
11 be, yes.
12 BY MR. JAFFE:
13 Q. Did you consider this to be a small cert
14 item in this case?
15 A. No.
16 Q. This was a full cert item, right?
17 MR. ATTLESEY: Are we talking -- just
18 clarification, are we talking about the original
19 authentication of the item or the rejection?
20 BY MR. JAFFE:
21 Q. The original authentication, that was with a
22 full cert, right?
23 A. That is correct.
24 Q. This was not a small cert?
25 A. That's correct.

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1 Q. When the work that was done with regard to
2 Exhibit 6 was done, was that a small cert or a full
3 cert, or neither?
4 A. I don't recall.
5 Q. Who would know?
6 MR. ATTLESEY: Calls for speculation.
7 THE WITNESS: Whoever handled the order,
8 which would be Andrea Weaver because she handles R.R.
9 Auctions.
10 MR. ATTLESEY: Need to take a break.
11 MR. JAFFE: Okay.
12 (Recess taken.)
13 BY MR. JAFFE:
14 Q. What's the purpose of putting a live
15 signature on a PSA/DNA document?
16 A. I wouldn't be able to answer that. That's
17 Joe Orlando's department.
18 Q. What's the purpose of putting a live
19 signature on a PSA/DNA letter of authenticity?
20 MR. ATTLESEY: Calls for speculation.
21 THE WITNESS: That's up to Joe Orlando.
22 Those are procedures they have in place.
23 BY MR. JAFFE:
24 Q. So you're signing it, but you don't have any
25 idea what it means for you to sign it. Is that it?

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1 MR. ATTLESEY: Objection. Misstates the
 2 witness's testimony, argumentative, lacks foundation.
 3 You can respond.
 4 THE WITNESS: That's the way it's always
 5 been done. We sign the letters of authenticity or the
 6 letters of rejection.
 7 BY MR. JAFFE:
 8 Q. It's got all kinds of signatures on there,
 9 facsimile signatures as you said. What's the purpose
 10 of adding a live signature?
 11 MR. ATTLESEY: Asked and answered. Calls
 12 for speculation.
 13 BY MR. JAFFE:
 14 Q. You can answer.
 15 A. I did.
 16 Q. You don't know?
 17 A. You have to speak to Joe Orlando.
 18 Q. That's not answering the question.
 19 MR. ATTLESEY: You can say "I don't know" if
 20 you don't know.
 21 THE WITNESS: I don't know.
 22 BY MR. JAFFE:
 23 Q. So if a letter of authenticity has your live
 24 signature on it, are you saying it does not mean that
 25 you agree that the item is authentic?

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1 MR. ATTLESEY: Misstates the witness's
 2 testimony, vague and ambiguous.
 3 BY MR. JAFFE:
 4 Q. You can answer.
 5 A. I don't understand the question.
 6 Q. So although you're signing a letter of
 7 authenticity, it may mean that you don't consider the
 8 item to be authentic; is that correct?
 9 A. No.
 10 Q. So by signing it, you are indicating that
 11 the item is authentic when you sign a letter of
 12 authenticity; is that correct?
 13 MR. ATTLESEY: Misstates the witness's
 14 testimony. Lacks foundation. The document speaks for
 15 itself. Opinions are offered on absolutes.
 16 BY MR. JAFFE:
 17 Q. You can answer.
 18 A. On behalf of the PSA/DNA autograph
 19 authentication team.
 20 Q. What about that are you indicating is
 21 meaningful to you?
 22 A. I'm signing on behalf.
 23 Q. You're signing on behalf of them indicating
 24 that the document is correct. Isn't that it?
 25 MR. ATTLESEY: That is the belief that it's

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1 correct.
 2 THE WITNESS: The opinion, yes.
 3 BY MR. JAFFE:
 4 Q. And the same applied to your belief that the
 5 item on Exhibit 6 wasn't authentic, for the team you
 6 were indicating that, correct?
 7 MR. ATTLESEY: That was a mistake, as he
 8 testified.
 9 MR. JAFFE: Please stop. If you have an
 10 objection, make an objection.
 11 MR. ATTLESEY: Question is vague and
 12 ambiguous, misstates the witness's testimony.
 13 THE WITNESS: It's a mistake.
 14 BY MR. JAFFE:
 15 Q. How do you know it's a mistake? You're
 16 saying you don't know, right? The only thing you
 17 know -- I understand your counsel has told you to say
 18 it's a mistake, but that's all you can say. Why is it
 19 that you can't indicate that when you signed Exhibit 6
 20 you thought it was accurate?
 21 MR. ATTLESEY: Objection. I never made a
 22 statement to this witness as to what to testify to.
 23 There's no indication of that. I resent counsel's
 24 comment to the contrary. It's inappropriate. It's
 25 unprofessional. It's also unethical.

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1 The witness has testified about this
 2 document. The question has been asked and answered.
 3 It's now argumentative. Counsel, you've now raised
 4 your voice again. I've already warned if this
 5 continues we're going to terminate this deposition.
 6 I've been more than lenient. I will give you one last
 7 chance, and I mean it this time.
 8 MR. JAFFE: Your speaking objections have
 9 been clear for the record, and improper. Your
 10 testimony has been improper. And therefore this -- I
 11 need to ask these questions.
 12 Let's read back the question.
 13 MR. ATTLESEY: Who are you speaking to? Me
 14 or my witness now?
 15 MR. JAFFE: I'm making a record.
 16 MR. ATTLESEY: Who was that comment
 17 addressed to? Me or my witness?
 18 MR. JAFFE: I made my record in response to
 19 you making an inaccurate record.
 20 MR. ATTLESEY: Are you saying that my client
 21 is testifying inappropriately, or are you saying that
 22 I'm testifying?
 23 MR. JAFFE: I indicated that you were
 24 testifying.
 25 MR. ATTLESEY: I haven't taken the oath. I

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1 haven't offered any testimony.
 2 MR. JAFFE: You tried to, and that's
 3 improper.
 4 MR. ATTLESEY: The record will speak for
 5 itself.
 6 MR. JAFFE: It certainly does.
 7 MR. ATTLESEY: As you are making them over
 8 and over and over to my valid objections. It's been
 9 like this for this whole case, Mr. Jaffe, and we're
 10 not going to let it continue.
 11 MR. JAFFE: Let's go back to the question,
 12 and you can answer.
 13 (Record read.)
 14 BY MR. JAFFE:
 15 Q. Let me reask. By signing this document
 16 which is Exhibit 6, you were indicating that at the
 17 time you signed it, you thought it was correct, true?
 18 MR. ATTLESEY: Asked and answered,
 19 argumentative, lacks foundation. I instruct the
 20 witness not to answer because you're harassing him.
 21 BY MR. JAFFE:
 22 Q. Isn't that correct?
 23 MR. ATTLESEY: Same objections. He's
 24 already answered this question.
 25 MR. JAFFE: No, he has not answered that

1 Please answer the question.
 2 A. Mistake was made.
 3 Q. Are you going to answer the question?
 4 A. I did.
 5 Q. That doesn't respond to the question.
 6 MR. ATTLESEY: This is argumentative.
 7 BY MR. JAFFE:
 8 Q. Did you think that document was correct when
 9 you signed it?
 10 A. Mistake was made.
 11 Q. That doesn't answer the question. Did you
 12 think that this document, Exhibit 6, was correct when
 13 you signed it?
 14 MR. ATTLESEY: Asked and answered,
 15 argumentative, lacks foundation.
 16 You can respond.
 17 Did you think it was accurate at the time
 18 you signed it?
 19 THE WITNESS: I don't recall, and a mistake
 20 was made.
 21 MR. ATTLESEY: I need to take a break.
 22 (Recess taken.)
 23 (Exhibit 8 was marked for identification.)
 24 BY MR. JAFFE:
 25 Q. Let me show you what we've marked as

1 question.
 2 MR. ATTLESEY: Yes, he has. You've asked
 3 him over and over.
 4 MR. JAFFE: Then we will make a point of
 5 that when the summary judgment response is due that he
 6 refused to answer, and that may cause an issue of
 7 fact.
 8 MR. ATTLESEY: Refuse to answer what,
 9 Mr. Jaffe?
 10 MR. JAFFE: That you directed him not to
 11 answer.
 12 MR. ATTLESEY: A question you've asked and
 13 had an answer to multiple times? Do you disagree that
 14 you've asked that question before?
 15 MR. JAFFE: I completely disagree, so he
 16 needs to answer the question.
 17 MR. ATTLESEY: What's the question?
 18 MR. JAFFE: Read it back.
 19 (Record read.)
 20 MR. ATTLESEY: Lacks foundation. Asked and
 21 answered. Argumentative.
 22 You can respond again.
 23 THE WITNESS: Mistake was made.
 24 BY MR. JAFFE:
 25 Q. That doesn't answer the question, sir.

1 Exhibit 8. Do you recognize that document?
 2 A. Yes, I've seen it subsequently.
 3 Q. When did you first see this document?
 4 A. Recently.
 5 Q. How recent?
 6 A. Recent.
 7 Q. How recent?
 8 A. Last couple of months.
 9 Q. Who showed it to you?
 10 A. Keith.
 11 Q. Can anyone just make a request to PSA/DNA to
 12 issue a finding that an item is not authentic and
 13 PSA/DNA will do it?
 14 MR. ATTLESEY: You can respond.
 15 THE WITNESS: No.
 16 BY MR. JAFFE:
 17 Q. So the fact that this was -- let me
 18 rephrase.
 19 The fact that Tricia Eaton was requesting a
 20 finding that the Charles Lindbergh cut was not
 21 authentic, that wasn't enough for PSA/DNA to simply
 22 issue such a finding, correct?
 23 MR. ATTLESEY: In this specific case or in
 24 general?
 25 MR. JAFFE: In this case.

1 MR. ATTLESEY: If you know.
 2 THE WITNESS: I have no recollection.
 3 BY MR. JAFFE:
 4 Q. Do you know who Tricia Eaton is?
 5 A. She works for R.R. Auctions.
 6 Q. Is she related to Bob Eaton in any way?
 7 A. I believe she is.
 8 Q. What's their relationship?
 9 A. I believe she's his daughter.
 10 Q. If Bob Eaton had found the item -- let me
 11 rephrase it.
 12 If Bob Eaton had found the signature
 13 involved in this case of Charles Lindbergh to not be
 14 authentic, would that be enough for you to issue a
 15 report which indicates the item is not authentic?
 16 MR. ATTLESEY: Objection. Incomplete
 17 hypothetical, lacks foundation.
 18 You can respond.
 19 THE WITNESS: I have no idea.
 20 BY MR. JAFFE:
 21 Q. So it might be; is that correct?
 22 MR. ATTLESEY: You can respond.
 23 THE WITNESS: I would assume that, but I
 24 have no idea.
 25 ///

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1 BY MR. JAFFE:
 2 Q. Can you authenticate the item which is in --
 3 Let me rephrase it. Can you authenticate
 4 that Charles Lindbergh's signature, sitting here
 5 today, based upon Exhibit 5?
 6 MR. ATTLESEY: Mr. Grad is not here to
 7 authenticate signatures.
 8 BY MR. JAFFE:
 9 Q. But can you do it?
 10 MR. ATTLESEY: You're asking is it possible
 11 with the information he has right there in front of
 12 him?
 13 MR. JAFFE: Right.
 14 MR. ATTLESEY: On that single document?
 15 BY MR. JAFFE:
 16 Q. Right.
 17 A. No.
 18 Q. Why not?
 19 A. I'm not here to offer an opinion.
 20 Q. Why couldn't you do it based upon just that
 21 document?
 22 A. I don't have this item here. I don't have
 23 the submission, and this isn't a paid authentication.
 24 You're not paying for my authentication of the item.
 25 Q. If I was paying you, you would be able to do

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1 it?
 2 MR. ATTLESEY: Objection. Misstates his
 3 testimony. That's absolutely not what he said.
 4 BY MR. JAFFE:
 5 Q. If we were paying you and there was a
 6 submission form which indicates what's being
 7 submitted, could you do it based upon just what's
 8 there in Exhibit 5?
 9 MR. ATTLESEY: Could Mr. Grad provide
 10 authentication services? Is that what you're asking?
 11 BY MR. JAFFE:
 12 Q. Could you authenticate it?
 13 MR. ATTLESEY: That's a different question.
 14 MR. JAFFE: Answer the question.
 15 Please stop with your speaking objections.
 16 MR. ATTLESEY: No. I'm not speaking
 17 objection ---
 18 MR. JAFFE: Those are speaking objections.
 19 When you say can you do that, that's a speaking
 20 objection. Just make an objection.
 21 MR. ATTLESEY: Counsel, I've had enough of
 22 your commentary.
 23 MR. JAFFE: I really don't care whether
 24 you've had enough.
 25 MR. ATTLESEY: You should care because it

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1 has a direct impact on this case and what's going to
 2 happen when this case is over.
 3 MR. JAFFE: It's very clear that you're
 4 making speaking objections. Please stop it. I've
 5 directed you not to. I've asked you not to.
 6 MR. ATTLESEY: I don't take directions from
 7 you, Counsel.
 8 MR. JAFFE: You should, but you don't.
 9 MR. ATTLESEY: I'm making an objection
 10 because your question is ridiculous and makes no
 11 sense. It's vague and ambiguous, it's argumentative,
 12 it lacks foundation.
 13 I wanted some clarification to try and
 14 smooth the record, but you chose to argue with me
 15 instead, just as you have for the past year. If
 16 there's a question there, I'm willing to listen to it,
 17 but I haven't heard one yet.
 18 MR. JAFFE: Counsel's improperly making
 19 speaking objections. If you were being --
 20 MR. ATTLESEY: Calling the kettle black.
 21 MR. JAFFE: I'm not making objections, sir.
 22 MR. ATTLESEY: You sure are. You're
 23 objecting to what I have to say.
 24 MR. JAFFE: Because you shouldn't be --
 25 MR. ATTLESEY: Go ahead. Run all over my

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1 witness.
 2 BY MR. JAFFE:
 3 Q. If you were being paid and you had a
 4 submission form and there was the --
 5 MR. ATTLESEY: Incomplete hypothetical.
 6 MR. JAFFE: I'm not done.
 7 MR. ATTLESEY: You can't finish the
 8 question. It's an incomplete hypothetical. You can't
 9 go anywhere with the way you started this question.
 10 MR. JAFFE: Sir, please don't interrupt.
 11 MR. ATTLESEY: Ask a valid question.
 12 BY MR. JAFFE:
 13 Q. If you were being paid --
 14 MR. ATTLESEY: Incomplete hypothetical.
 15 MR. JAFFE: Please stop interrupting me.
 16 MR. ATTLESEY: No. That's an invalid
 17 question. You can't get past it. Go ahead. Finish
 18 your question. I'll make my objection when you're
 19 done.
 20 MR. JAFFE: Thank you.
 21 BY MR. JAFFE:
 22 Q. If you were being paid for authentication
 23 services and you had the submission form that you've
 24 talked about, and you had this item which is this scan
 25 reflected by Exhibit 5, could you do an

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1 authentication?
 2 MR. ATTLESEY: Objection. Incomplete
 3 hypothetical, lacks foundation, vague and ambiguous
 4 entirely.
 5 BY MR. JAFFE:
 6 Q. You can answer.
 7 MR. ATTLESEY: Irrelevant. Not reasonably
 8 calculated to lead to the discovery of admissible
 9 evidence.
 10 THE WITNESS: I have no answer to that.
 11 BY MR. JAFFE:
 12 Q. Why don't you have an answer?
 13 MR. ATTLESEY: Same objections. Asked and
 14 answered as well.
 15 BY MR. JAFFE:
 16 Q. Why don't you have an answer?
 17 A. I have no answer.
 18 Q. Do you have any reason to believe the
 19 signature reflected by Exhibit 5 is not the same
 20 signature as the Lindbergh -- let me rephrase it.
 21 Do you have any reason to believe that the
 22 Charles Lindbergh signature reflected on Exhibit 5 is
 23 not the same signature -- Charles Lindbergh signature
 24 on Exhibit 6, other than the date being cut off?
 25 MR. ATTLESEY: You can respond to that.

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1 THE WITNESS: Appears to be my signature on
 2 both documents.
 3 BY MR. JAFFE:
 4 Q. I didn't ask about your signature. I'm
 5 asking specifically about the Lindbergh signature. Do
 6 you have any reason to believe that the Lindbergh
 7 signature on Exhibit 5 is not the same signature as
 8 the Lindbergh signature on Exhibit 6, except for the
 9 date being cut off?
 10 MR. ATTLESEY: You can respond.
 11 THE WITNESS: It's a crude scan, but they
 12 appear to be the same thing.
 13 BY MR. JAFFE:
 14 Q. Have you done anything to determine whether
 15 the signatures on Exhibit 5 and 6 regarding Charles
 16 Lindbergh have a typical letter slant, angle and/or
 17 pitch?
 18 A. Anything -- I'm not sure I understand the
 19 "anything."
 20 Q. I mean anything.
 21 MR. ATTLESEY: I'm not going to be able to
 22 help because you won't let me speak, Counsel, so I'll
 23 just object instead.
 24 MR. JAFFE: Thank you.
 25 MR. ATTLESEY: Even though I know what I

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1 have to offer would be helpful to you. Objection.
 2 Vague and ambiguous, overbroad, calls for a narrative,
 3 lacks foundation.
 4 BY MR. JAFFE:
 5 Q. You can answer.
 6 A. The letter was done in error. It's a
 7 mistake, Exhibit 6.
 8 Q. But at any time have you done anything to
 9 determine whether the signatures in Exhibit 5 or 6
 10 have a typical letter slant, angle, and/or pitch?
 11 A. I don't --
 12 MR. ATTLESEY: Same objections.
 13 BY MR. JAFFE:
 14 Q. What was your answer?
 15 A. I don't recall.
 16 Q. Does the same answer go to the other
 17 2 through 10 items as to whether you had done
 18 investigations?
 19 MR. ATTLESEY: Same objections.
 20 BY MR. JAFFE:
 21 Q. What was your answer?
 22 A. I don't recall.
 23 Q. Do you know what happened to the date that's
 24 reflected on the signature which is contained in
 25 Exhibit 5 regarding Mr. Lindbergh?

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1 A. I have no idea.
 2 MR. JAFFE: Let's take a break.
 3 (Recess taken.)
 4 BY MR. JAFFE:
 5 Q. I have here the original card. Have you
 6 ever seen this before, the actual original?
 7 A. The original, no. Just a copy.
 8 Q. If you look on the back of that card, it
 9 should have the PSA/DNA sticker, right?
 10 A. According to their submission form, it
 11 should, yes, sir.
 12 Q. Is that the same signature as the signature
 13 in Exhibit 6 regarding Mr. Lindbergh?
 14 MR. ATTLESEY: Mr. Grad is not here to
 15 testify as an expert witness, and that requires expert
 16 testimony.
 17 BY MR. JAFFE:
 18 Q. Let me rephrase it then. Do you have any --
 19 will you be taking the position that the signature of
 20 Mr. Lindbergh reflected by Exhibit 6 is not the same
 21 as the signature on the original card which is in
 22 front of you?
 23 MR. ATTLESEY: Calls for speculation. Calls
 24 for work product privilege. Lacks foundation. Calls
 25 for expert witness testimony.

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1 BY MR. JAFFE:
 2 Q. You can answer.
 3 MR. ATTLESEY: If you know.
 4 THE WITNESS: Can I see it?
 5 MR. ATTLESEY: You need to listen to the
 6 question, Mr. Grad.
 7 THE WITNESS: I'm not sure how to answer
 8 that.
 9 BY MR. JAFFE:
 10 Q. We're entitled to know what your testimony
 11 is going to be at trial. Are you going to be
 12 testifying regarding whether the signature on
 13 Exhibit 6 regarding Mr. Lindbergh is not the same as
 14 the original card as reflected in front of you?
 15 MR. ATTLESEY: Calls for speculation. Work
 16 product privilege. He has no idea what he's going to
 17 be asked at trial. Also attorney-client privilege.
 18 BY MR. JAFFE:
 19 Q. You can answer.
 20 MR. ATTLESEY: Do you know?
 21 THE WITNESS: It's a crude scan, so I would
 22 not be able to make that evaluation.
 23 BY MR. JAFFE:
 24 Q. Can you authenticate the signature on the
 25 original card that's in front of you?

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1 MR. ATTLESEY: As we sit here today?
 2 BY MR. JAFFE:
 3 Q. As you sit here today.
 4 A. I'm not here as an authenticator today. I'm
 5 not authenticating autographs.
 6 Q. But could you do it if you were paid, just
 7 based upon what you have in front of you on the
 8 original card?
 9 A. Sure, I would. I would do the same thing I
 10 did originally right here.
 11 Q. You wouldn't need any tools of any kind; is
 12 that correct?
 13 A. I would consult with our team. Specifically
 14 John Reznikoff.
 15 Q. Is the DNA daub on the signature which is on
 16 the original card in front of you?
 17 A. I'm afraid I can't answer that.
 18 Q. Why not?
 19 A. I don't know how they cut it down.
 20 Q. What kind of material is the signature on in
 21 the original item that's right in front of you?
 22 MR. ATTLESEY: Calls for speculation. It's
 23 in a holder.
 24 If you know, you can respond.
 25 THE WITNESS: I have to see it without the

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1 holder.
 2 MR. JAFFE: I don't have any further
 3 questions.
 4 MR. ATTLESEY: I'm assuming that's the card
 5 you're producing in response to our document demand?
 6 MR. JAFFE: That's it.
 7 MR. ATTLESEY: I'd like to copy that card
 8 and attach it to the record here as the next exhibit
 9 in order. Copy the front and back.
 10 MR. JAFFE: Sure.
 11 (Exhibit 9 was marked for identification.)
 12 MR. ATTLESEY: I have no questions.
 13 MR. RIKOS: No questions.
 14 MR. JAFFE: Propose the standard
 15 stipulation. The court reporter be relieved of her
 16 duties under the Code, and the original transcript be
 17 sent to Mr. Attlesey's office for signature by the
 18 witness within two weeks of your receipt of the
 19 original. And we're to be informed during that time
 20 of any changes.
 21 If the original is lost, misplaced or
 22 otherwise unavailable, a certified copy can be used in
 23 lieu of the original. So stipulated?
 24 MR. ATTLESEY: So stipulated.
 25 MR. RIKOS: So stipulated.

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1 (The deposition of STEVEN GRAD concluded at
 2 1:30 p.m.)
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1 I, the undersigned, a Certified Shorthand
 2 Reporter of the State of California, do hereby
 3 certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place herein set forth; that
 6 any witnesses in the foregoing proceedings, prior to
 7 testifying, were duly sworn; that a record of the
 8 proceedings was made by me using machine shorthand
 9 which was thereafter transcribed under my direction;
 10 that the foregoing transcript is a true record of the
 11 testimony given.
 12 Further, that if the foregoing pertains to
 13 the original transcript of a deposition in a Federal
 14 Case, before completion of the proceedings, review of
 15 the transcript [] was [] was not requested.
 16 I further certify I am neither financially
 17 interested in the action nor a relative or employee of
 18 any attorney or party to this action.
 19 IN WITNESS WHEREOF, I have this date
 20 subscribed my name.
 21 Dated: _____
 22
 23 _____
 24 PATRICIA M. BECK
 25 CSR NO. 12090

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1
 2
 3 I, STEVEN GRAD, do hereby declare under the penalty of
 4 perjury that I have read the foregoing transcript;
 5 that I have made any corrections as appear noted, in
 6 ink, initialed by me, or attached hereto; that my
 7 testimony as contained herein, as corrected, is true
 8 and correct.
 9 Executed on this ____ day of _____,
 10 2011, at _____, California.
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 13 _____
 14 STEVEN GRAD
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