

Exhibit B

In The Matter Of:

Melendres vs.

Arpaio

Mike Zullo

Vol. II

November 9, 2015

Griffin & Associates, LLC

2398 E. Camelback Road

Suite 260

Phoenix, AZ 85016

Original File MZ110915.txt

Min-U-Script® with Word Index

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1] COUNSEL APPEARING (Cont'd):
 2] For Brian Sands:
 3] LEWIS, BRISBOIS, BISGAARD & SMITH
 4] By: Mr. Craig Murdy
 and Mr. Dane Dodd
 2929 North Central Avenue
 Suite 1700
 Phoenix, Arizona 85012
 6]
 7] For the United States of America:
 8] UNITED STATES DEPARTMENT OF JUSTICE
 By: Mr. Paul Killebrew
 and Ms. Maureen Johnston
 950 Pennsylvania Avenue
 5th Floor
 Washington, DC 20530-0001
 10]
 11]
 12]
 13] Also present: Craig Onuschak, videographer
 14]
 15]
 16]
 17]
 18]
 19]
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 21]
 22]
 23]
 24]
 25]

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1] THE VIDEOTAPED DEPOSITION OF MIKE ZULLO, VOLUME II,
 2] was taken at 9:05 a.m., on November 9, 2015, at the Offices
 3] of LEGAL VIDEO SPECIALISTS, 3033 North Central Avenue,
 4] Suite 100, Phoenix, Arizona, 85012, before CATHY J. TAYLOR, a
 5] Certified Reporter in and for the State of Arizona, County of
 6] Maricopa, pursuant to the Rules of Civil Procedure.
 7]
 8] COUNSEL APPEARING:
 9] For Plaintiff(s):
 10] COVINGTON & BURLING
 By: Mr. Stanley Young
 11] and Ms. Michelle L. Morin
 333 Twin Dolphin Drive
 12] Suite 700
 Redwood Shores, California 94065
 13]
 14] For Defendants Maricopa County:
 15] WALKER & PESKIND
 By: Mr. Charles W. Jirauch
 16] 16100 North 71st Street
 Scottsdale, Arizona 85254
 17]
 18] For Defendant Joseph M. Arpaio:
 19] JONES, SKELTON & HOCHULI
 By: Mr. John T. Masterson
 20] and Mr. Andrew Melvin McDonald
 2901 North Central Avenue
 21] Suite 800
 Phoenix, Arizona 85012
 22]
 23]
 24]
 25]

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1] (Mr. Dodd not present when proceedings
 2] commence.)
 3]
 4] P R O C E E D I N G S
 5]
 6] THE VIDEOGRAPHER: This is the videotaped
 7] deposition of Michael Zullo taken by the plaintiffs in Cause
 8] Number CV-07-2513-PHX-GMS styled Manuel de Jesus Ortega
 9] Melendres, et al., vs. Joseph M. Arpaio, et al., filed in the
 10] United States District Court for the District of Arizona.
 11] Today is November 9th, 2015, at 9:05 a.m.
 12] Our location is 3033 North Central Avenue, Phoenix, Arizona.
 13] Cathy Taylor is the certified shorthand reporter with
 14] Griffin and Associates, 2398 East Camelback Road, Phoenix,
 15] Arizona. Craig Onuschak is the certified legal video
 16] specialist with Legal Video Specialists, 3033 North Central
 17] Avenue, Phoenix, Arizona.
 18] Counsel may state their name, firm, and whom
 19] they represent beginning with plaintiffs' counsel, please.
 20] MR. YOUNG: Stanley Young, Covington &
 21] Burling, for plaintiffs.
 22] MS. MORIN: Michelle Morin, Covington &
 23] Burling, for plaintiffs.
 24] MS. JOHNSTON: Maureen Johnston for the
 25] Department of Justice.

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<p>1] MR. KILLEBREW: Paul Killebrew with the 2] Department of Justice. 3] MR. McDONALD: Mel McDonald making a special 4] appearance for Sheriff Arpaio. 5] MR. MASTERSON: John Masterson for 6] Sheriff Arpaio and the individual alleged contemnors. 7] MR. JIRAUCH: Charles Jirauch, Walker & 8] Peskind, on behalf of Maricopa County. 9] MR. MURDY: Craig Murdy on behalf of Brian 10] Sands. 11] THE VIDEOGRAPHER: Thank you. 12] You may swear the witness. 13] 14] MIKE ZULLO, 15] a witness herein, having been first duly sworn to speak the 16] truth and nothing but the truth, was examined and testified 17] as follows: 18] 19] E X A M I N A T I O N 20] BY MR. YOUNG: 21] Q. Good morning, Mr. Zullo. 22] A. Good morning, sir. 23] Q. I will have a number of questions for you today. 24] Are you represented by counsel here? 25] A. No, I'm not.</p>	<p>1] investigation by Sheriff Arpaio? 2] A. Pleading the Fifth, sir. 3] Q. Okay. What did Sheriff Arpaio ask you to do with 4] respect to the Seattle investigation? 5] A. Pleading the Fifth, sir. 6] Q. Did you communicate with Sheriff Arpaio throughout 7] the Seattle investigation? 8] A. Pleading the Fifth, sir. 9] Sir, I'd like to take a blanket Fifth 10] Amendment and not answer any questions. 11] Q. Okay. 12] A. Not entertain any questions. 13] Q. Okay. I understand. 14] MR. JIRAUCH: On behalf of the County, we 15] would request that you assert the privilege as to each 16] question so that we have a clear record as to what it is that 17] you're asserting. 18] MR. MASTERSON: Join. 19] MR. KILLEBREW: Join. 20] BY MR. YOUNG: 21] Q. During the course of this Seattle investigation, 22] how did you communicate with the sheriff? 23] A. Taking the Fifth, sir. 24] Q. Are you still presently communicating with 25] Sheriff Arpaio with respect to the Seattle investigation?</p>
<p>Page 31</p> <p>1] Q. Okay. Is there any reason that prevents you from 2] giving complete and truthful testimony today? 3] A. No, sir. 4] Q. Did you do anything to prepare for your deposition? 5] A. No, sir. 6] Q. Are you currently employed? 7] A. Sir, I am going to put forth my Fifth Amendment 8] privilege against self-incrimination and then wish not to 9] answer any questions at this time. 10] Q. What is your e-mail address? 11] A. Sir, I really don't feel comfortable answering any 12] questions at this time. 13] Q. Is your e-mail address 1tick@earthlink.net? 14] A. You've e-mailed me before, sir. 15] Q. Okay. Can I get an answer to that question? 16] Is your e-mail address 1tick@earthlink.net? 17] A. I'm not going to answer any questions, sir. 18] Q. Okay. I'll assume whenever you say you won't 19] answer that you're pleading the Fifth Amendment; is that 20] correct? 21] A. Yeah, that would make it easier. 22] Q. Okay. 23] A. Thank you. 24] Q. Great. 25] Were you asked to work on the Seattle</p>	<p>Page 33</p> <p>1] A. Taking the Fifth, sir. 2] Q. How about Chief Sheridan? Are you still 3] communicating with Chief Sheridan about the Seattle 4] investigation? 5] A. Taking the Fifth, sir. 6] Q. When was the first time you heard about Judge Snow? 7] A. Taking the Fifth, sir. 8] MR. MASTERSON: Form. 9] BY MR. YOUNG: 10] Q. Did Sheriff Arpaio ask you to see whether Dennis 11] Montgomery had information or could get information about 12] Judge Snow? 13] A. Taking -- 14] MR. MASTERSON: Form. 15] THE WITNESS: -- the Fifth, sir. 16] BY MR. YOUNG: 17] Q. Brian Mackiewicz has testified that you came up 18] with the idea of searching in Dennis Montgomery's database 19] for information about Judge Snow. 20] Did Sheriff Arpaio ask you to do that? 21] A. Taking -- 22] MR. MASTERSON: Form. 23] THE WITNESS: -- the Fifth -- 24] MR. MASTERSON: Foundation. 25] THE WITNESS: -- sir.</p>

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1] MR. JIRAUCH: Mr. Zullo, could I make a
 2] request, and I think I speak for all of the attorneys here
 3] today, is that if a lawyer's making an objection, you wait
 4] until the lawyer's finished and then plead --
 5] THE WITNESS: Sure.
 6] MR. JIRAUCH: -- the Fifth.
 7] It will not affect your --
 8] THE WITNESS: Yeah, absolutely.
 9] MR. JIRAUCH: And I --
 10] THE WITNESS: I apologize.
 11] MR. JIRAUCH: Just as --
 12] THE WITNESS: Yes.
 13] MR. JIRAUCH: -- a courtesy. It's not a
 14] problem. I understand. Thank you.
 15] BY MR. YOUNG:
 16] Q. Did Sheriff Arpaio tell you that he wanted personal
 17] information about Judge Snow?
 18] MR. MASTERSON: Form.
 19] THE WITNESS: Taking the Fifth.
 20] BY MR. YOUNG:
 21] Q. Did Sheriff Arpaio tell you that he wanted you to
 22] obtain banking information about Judge Snow?
 23] A. Taking the Fifth.
 24] Q. Did you ever see any information about Judge Snow
 25] in what Dennis Montgomery showed you?

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1] A. Taking the Fifth.
 2] Q. After finding information or what you thought was
 3] information about Judge Snow in what Dennis Montgomery showed
 4] you, did you talk to Sheriff Arpaio about that information?
 5] A. Taking --
 6] MR. MASTERSON: Form. Foundation.
 7] THE WITNESS: Taking the Fifth.
 8] BY MR. YOUNG:
 9] Q. Did you tell Sheriff Arpaio that Dennis Montgomery
 10] had found information about Judge Snow?
 11] A. Taking the Fifth.
 12] Q. Did you tell Sheriff Arpaio that Dennis Montgomery
 13] had information about Earl Wilcox?
 14] A. Taking the Fifth.
 15] Q. Are you currently working on a final report as to
 16] the Seattle investigation?
 17] A. Taking the Fifth.
 18] Q. Have you discussed the Melendres lawsuit with
 19] Sheriff Arpaio?
 20] A. Taking the Fifth.
 21] MR. MASTERSON: Form.
 22] BY MR. YOUNG:
 23] Q. Have you discussed the current contempt proceeding
 24] with Sheriff Arpaio?
 25] MR. MASTERSON: Form.

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1] THE WITNESS: Taking the Fifth.
 2] BY MR. YOUNG:
 3] Q. There were a number of documents that we recently
 4] received which were not turned over in response to the
 5] monitor's document requests earlier this year.
 6] Why did you not give those documents to
 7] Chief Knight earlier?
 8] A. You know how bad I want to answer your questions?
 9] I'm taking the Fifth.
 10] Q. Mr. Zullo, you're here pursuant to a subpoena;
 11] correct?
 12] A. Yes, sir.
 13] Q. Okay. Did you provide a number of documents that
 14] had been called for in that subpoena to the Jones Skelton law
 15] firm?
 16] A. I'm taking the Fifth, sir.
 17] Q. I'm going to give you a document previously marked
 18] as Exhibit 2714.
 19] (Exhibit 2714 marked for identification.)
 20] BY MR. YOUNG:
 21] Q. It consists of a number of clippings from
 22] newspapers. There's some handwriting on the top of the first
 23] page in the right-hand corner that appears to say MZ, and
 24] then it appears to have Sheriff Arpaio's initials under it.
 25] And throughout, the name Chad Snow is circled.

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1] Do you see that?
 2] A. No. I'm not even looking at it.
 3] Q. Did you ever discuss Chad Snow with Sheriff Arpaio?
 4] A. I'm taking the Fifth.
 5] Q. Did you receive this document from Sheriff Arpaio?
 6] A. Taking the Fifth.
 7] Q. Did you ever investigate Chad Snow on behalf of
 8] Sheriff Arpaio?
 9] A. Taking the Fifth.
 10] MR. MASTERSON: Form.
 11] (Exhibit 2858 marked for identification.)
 12] BY MR. YOUNG:
 13] Q. Another document that I've put in front of you is
 14] Exhibit 2858. It's already been admitted in evidence in this
 15] case, but it refers to a number of meetings that were on
 16] Sheriff Arpaio's calendar. There is at least -- there are a
 17] couple of meetings that -- that are mentioned that include
 18] you, and then there are also some other meetings that mention
 19] Brian Mackiewicz. And this is all in connection with the
 20] Seattle investigation.
 21] Did you attend those meetings or phone calls
 22] with Sheriff Arpaio that are mentioned in Exhibit 2858?
 23] A. I'm not even --
 24] MR. MASTERSON: Form.
 25] THE WITNESS: -- looking at it.

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1] Go ahead, sir. I'm sorry.
 2] MR. MASTERSON: Form. Foundation.
 3] THE WITNESS: I'm not even looking at it, so
 4] I'm taking the Fifth.
 5] BY MR. YOUNG:
 6] Q. I'm now showing you -- or at least putting in front
 7] of you Exhibit 2074A.
 8] (Exhibit 2074A marked for identification.)
 9] BY MR. YOUNG:
 10] Q. Sheriff Arpaio has testified that Exhibit 2074A was
 11] faxed to him by Dennis Montgomery on November 5, 2013.
 12] Were you aware of that fax?
 13] A. I'm taking --
 14] MR. MASTERSON: Foundation.
 15] THE WITNESS: I'm taking the Fifth, sir.
 16] Could I ask, could we take a break and go off
 17] the record a minute?
 18] MR. YOUNG: Sure.
 19] THE VIDEOGRAPHER: The time is 9:18 a.m.
 20] We're now going off record ending media 1.
 21] (Recess from 9:18 a.m. to 9:23 a.m.)
 22] THE VIDEOGRAPHER: The time is 9:23 a.m.
 23] We're now back on the record beginning media 2.
 24] MR. YOUNG: We had a discussion off the record
 25] now just a moment ago in which we discussed possible ways

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1] of -- of getting around having to ask Mr. Zullo various
 2] questions I've been asking him, and I -- I suggested that one
 3] way of doing it would be perhaps a stipulation to certain
 4] documents being admissible and certain facts, and Mr. Jirauch
 5] asked that we go back on the record for that purpose.
 6] I don't think I said anything during the break
 7] beyond what I just said. And if Mr. Jirauch has a statement,
 8] or anyone else has a statement they want to make on the
 9] record, this would be the time to do it.
 10] MR. JIRAUCH: No, other than the fact I don't
 11] think you said as much as you just said you said, unless I
 12] missed something.
 13] MR. YOUNG: Oh, okay.
 14] MR. JIRAUCH: And I'm not sure what documents
 15] that you're speaking of, and so -- and I don't know what the
 16] question for us on this side of the table is. If you want us
 17] to stipulate to the admissibility of documents that we've
 18] never seen, I don't know how I can do that.
 19] MR. YOUNG: Okay.
 20] BY MR. YOUNG:
 21] Q. All right. Well, as to Exhibit 2074A, did you ask
 22] Mr. Montgomery to send that to Sheriff Arpaio?
 23] A. Sir, I'm taking the Fifth.
 24] Q. Did Sheriff Arpaio ask you to have Mr. Montgomery
 25] send him that information?

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1] A. I'm taking the Fifth.
 2] Q. Did you give either Sheriff Arpaio's fax number or
 3] his cell phone number to Mr. Montgomery?
 4] A. Taking the Fifth.
 5] Q. I'm showing you now -- or putting in front of you
 6] Exhibit 2074B, which Sheriff Arpaio has stated are some
 7] handwritten notes and typewritten notes prepared by him --
 8] no. I'm sorry. Wrong exhibit.
 9] (Exhibit 2074B marked for identification.)
 10] BY MR. YOUNG:
 11] Q. Yeah, okay. Well, actually, maybe it's the right
 12] exhibit, 2074B, which is the sheriff's handwritten and
 13] typewritten notes referring to Judge Snow and Jon Kyl and
 14] other people.
 15] Did you ever talk to Sheriff Arpaio about Jon
 16] Kyl?
 17] MR. MASTERSON: Form. Foundation.
 18] MR. JIRAUCH: Join.
 19] THE WITNESS: I'm taking the Fifth.
 20] BY MR. YOUNG:
 21] Q. Did you ever talk to Judge -- sorry. Strike that.
 22] Did you ever talk to Sheriff Arpaio about
 23] whether any relatives of Judge Snow worked for the
 24] Covington & Burling law firm?
 25] A. I'm taking the Fifth.

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1] Q. Did you meet several times with Judge Royce
 2] Lamberth of the FISA Court about Dennis Montgomery?
 3] A. I'm taking the Fifth.
 4] Q. During the course of any meeting with
 5] Judge Lamberth, did you present to him certain information
 6] that had been provided by Dennis Montgomery?
 7] A. Taking --
 8] MR. MASTERSON: Form.
 9] THE WITNESS: -- the Fifth.
 10] Sorry.
 11] BY MR. YOUNG:
 12] Q. At some point did you conclude that the information
 13] that you had given to Judge Lamberth was incorrect?
 14] MR. MASTERSON: Form.
 15] THE WITNESS: Taking the Fifth.
 16] BY MR. YOUNG:
 17] Q. Did you ever have a discussion with Larry Klayman
 18] and/or Dennis Montgomery about needing to go back to
 19] Judge Lamberth to correct any of the information that had
 20] been provided to Judge Lamberth?
 21] A. Taking the Fifth.
 22] MR. MASTERSON: Form.
 23] BY MR. YOUNG:
 24] Q. Did Mr. Klayman and/or Mr. Montgomery disagree with
 25] you on whether you should go back to Judge Lamberth to

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1] correct whatever information had been provided to him?
 2] MR. MASTERSON: Foundation.
 3] THE WITNESS: Taking the Fifth.
 4] BY MR. YOUNG:
 5] Q. Did you ever go back to Judge Lamberth to correct
 6] the information that had been provided to him that Dennis
 7] Montgomery had provided to you?
 8] MR. MASTERSON: Form.
 9] THE WITNESS: Taking the Fifth.
 10] BY MR. YOUNG:
 11] Q. Did Judge Lamberth say anything that you know of
 12] about any alleged wiretap that Judge Snow had ordered of
 13] Judge -- of Sheriff Arpaio?
 14] MR. MASTERSON: Form.
 15] THE WITNESS: Taking the Fifth.
 16] BY MR. YOUNG:
 17] Q. Mr. Zullo, you sent some text messages to
 18] Sergeant Travis Anglin in which you said the sheriff was
 19] calling you almost every day wanting updates on what you were
 20] finding on Dennis Montgomery; is that true?
 21] A. Taking the Fifth.
 22] Q. I'm going to show you Exhibit 2083.
 23] (Exhibit 2083 marked for identification.)
 24] BY MR. YOUNG:
 25] Q. And in Exhibit 2083, Mr. Montgomery wrote to you

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1] with a version of some timelines in this case, Exhibit -- or
 2] version 1.5A, and he tells you that Covington is now
 3] included, and then he talks about how people are talking ex
 4] parte to Judge Snow.
 5] Did -- did you ask Mr. Montgomery to include
 6] Covington in one of the timelines that Mr. Montgomery
 7] provided to you?
 8] MR. MASTERSON: Form. Foundation.
 9] THE WITNESS: I'm taking the Fifth.
 10] BY MR. YOUNG:
 11] Q. Over time, did you come -- come to the conclusion
 12] that the information that Mr. Montgomery had provided to you
 13] regarding Judge Snow was incorrect?
 14] MR. MASTERSON: Form.
 15] THE WITNESS: Taking the Fifth.
 16] BY MR. YOUNG:
 17] Q. Well, Sheriff Arpaio testified that you and
 18] Detective Mackiewicz eventually came to the conclusion that
 19] Mr. Montgomery had just made it all up; is that correct?
 20] A. Taking the Fifth.
 21] MR. MASTERSON: Foundation.
 22] BY MR. YOUNG:
 23] Q. Exhibit 2921 is a document entitled Checklist for
 24] Elmer.
 25] (Exhibit 2921 marked for identification.)

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1] BY MR. YOUNG:
 2] Q. Did you provide that document to Sheriff Arpaio?
 3] A. Taking the Fifth.
 4] Q. Item 19 reads, quote, "Any and all timelines that
 5] you have created to show the relationships and events in
 6] reference to the Maricopa County Sheriff Office and the
 7] ongoing federal lawsuit," end quote.
 8] Was that a request that you made to
 9] Mr. Montgomery?
 10] A. Could I ask you to repeat that?
 11] Q. Yeah. Item 19 in Exhibit 2921 reads, quote, "Any
 12] and all timelines that you have created to show the
 13] relationships and events in reference to the Maricopa County
 14] Sheriff Office and the ongoing federal lawsuit," end quote.
 15] A. Yeah. I'm taking the Fifth.
 16] MR. JIRAUCH: Counsel, I have high -- on the
 17] first page highlighting in yellow. Was that on the original,
 18] or was that something that was added by your office?
 19] MR. YOUNG: That was not added by our office.
 20] I believe this is a -- a piece of a document that the monitor
 21] provided to the Court. And it would not be surprising to me
 22] if the monitor did the highlighting, but I don't know that.
 23] MR. JIRAUCH: Okay. Thank you.
 24] (Mr. Dodd joins proceedings.)
 25] MR. YOUNG: Okay. And I have a new exhibit

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1] that I'm going to ask the court reporter to mark now.
 2] (Exhibit 2959 marked for identification.)
 3] BY MR. YOUNG:
 4] Q. So Exhibit 2959 is a document with Bates numbers
 5] ZULLO_001546 through 1551, and it has a subject Jon Kyl.
 6] MR. JIRAUCH: I'm sorry, counselor. What was
 7] the Exhibit Number again?
 8] MR. YOUNG: 2959.
 9] MR. JIRAUCH: Thank you.
 10] BY MR. YOUNG:
 11] Q. It appears to be a timeline -- well, an e-mail --
 12] the cover e-mail appears to be from Mr. Montgomery to you
 13] dated January 2, 2014. And in it, Mr. Montgomery says to
 14] you, quote, "Updated to include calls to and from John Kyl
 15] and Covington," end quote.
 16] Did you ask Mr. Montgomery to provide that
 17] information?
 18] MR. MASTERSON: Form. Foundation.
 19] THE WITNESS: Taking the Fifth.
 20] (Mr. Murdy leaves proceedings.)
 21] MR. JIRAUCH: Counsel, I'd like to ask a
 22] question since this is your exhibit. At 001548 there is a --
 23] apparently a coding designated there; red, green, blue. And
 24] I see that there's some of these entries that are
 25] highlighted.

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11 Do you know if the original had that color so
21 that we could determine what it was?
31 MR. YOUNG: That I don't know. I think we
41 would need to go back to the production that the Jones
51 Skelton firm made and -- and take a look at that.
61 MR. JIRAUCH: Okay. Thank you.
71 MR. YOUNG: I don't know that as we sit here.
81 MR. JIRAUCH: All right.
91 MR. MASTERSON: What are you looking at?
101 MR. JIRAUCH: Pardon?
111 MR. MASTERSON: What is it?
121 MR. JIRAUCH: Different highlighting. I was
131 just trying to figure out which was which.
141 BY MR. YOUNG:
151 Q. I'm now giving you Exhibit 2098.
161 (Exhibit 2098 marked for identification.)
171 BY MR. YOUNG:
181 Q. Mr. Zullo, is Exhibit 2098 an e-mail exchange
191 between you and Mr. Montgomery that you had in connection
201 with the Seattle investigation?
211 A. I'm not viewing any documents. I've taken the
221 Fifth.
231 Q. Do you have any reason to doubt the authenticity of
241 this document?
251 A. I'm taking the Fifth.

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11 MR. MASTERSON: Form. Foundation.
21 BY MR. YOUNG:
31 Q. In the e-mail string, you told Mr. Montgomery,
41 quote, "Sheriff really put his neck on the line with Rand,"
51 end quote.
61 Was that Rand Paul?
71 A. I'm taking the Fifth.
81 Q. Okay. The e-mail refers, and this is on page
91 MELC202273, refers to a meeting with Rand on Friday.
101 Did you have a meeting with Rand -- someone
111 named Rand relating to Mr. Montgomery's work?
121 A. I'm taking the Fifth.
131 Q. I'm going to show you Exhibit 2256, which we also
141 looked at briefly in your last deposition when you were here
151 earlier.
161 (Exhibit 2256 marked for identification.)
171 BY MR. YOUNG:
181 Q. Now, in that e-mail to you, which is an e-mail that
191 Mr. Montgomery -- in which Mr. Montgomery forwarded you an
201 e-mail he had previously drafted for himself, he says that
211 he's being attacked for not producing information on
221 Judge Snow.
231 Was the sheriff attacking Mr. Montgomery for
241 not producing information on Judge Snow?
251 MR. MASTERSON: Form. Foundation.

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11 THE WITNESS: I'm taking the Fifth.
21 BY MR. YOUNG:
31 Q. Okay. Were you attacking him for pro- -- not
41 producing information on Judge Snow?
51 MR. MASTERSON: Form.
61 THE WITNESS: I'm taking the Fifth.
71 BY MR. YOUNG:
81 Q. Okay. Was Sergeant Anglin trying to tell
91 Mr. Montgomery not to investigate Judge Snow?
101 MR. MASTERSON: Form. Foundation.
111 THE WITNESS: I'm taking the Fifth.
121 BY MR. YOUNG:
131 Q. Okay. Did you have a disagreement with
141 Sergeant Anglin on that issue?
151 MR. MASTERSON: Form.
161 THE WITNESS: I'm taking the Fifth.
171 BY MR. YOUNG:
181 Q. Do you have any reason to doubt that this is an
191 authentic copy, Exhibit 2256, of an e-mail that
201 Mr. Montgomery sent to you on June 29, 2014?
211 MR. MASTERSON: Foundation.
221 THE WITNESS: I'm not looking at any
231 documents. I'm taking the Fifth.
241 BY MR. YOUNG:
251 Q. That e-mail, by the way, is MELC202132.

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11 Was this one of the documents that you did
21 provide to the MCSO in response to the monitor's earlier
31 requests for information about the Seattle investigation?
41 A. I'm taking the Fifth.
51 Q. During the course of -- of the Seattle
61 investigation or at any time, have you been aware of anybody
71 impersonating your e-mail address, that is, any e-mails that
81 were either to or from your e-mail address that really were
91 not to or from you?
101 A. I'm taking the Fifth.
111 MR. MASTERSON: Foundation.
121 BY MR. YOUNG:
131 Q. So if an e-mail shows it being sent to -- or sent
141 from your 1tick@earthlink.net e-mail address, would you have
151 any reason to doubt that that's an e-mail that you actually
161 did send or receive?
171 MR. MASTERSON: Foundation.
181 THE WITNESS: I'm taking the Fifth.
191 BY MR. YOUNG:
201 Q. Did you ask Sheriff Arpaio to remove
211 Sergeant Anglin from the Seattle investigation?
221 A. I'm taking the Fifth.
231 Q. This is another new exhibit.
241 (Exhibit 2960 marked for identification.)
251 (Next page, please.)

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1] BY MR. YOUNG:
 2] Q. It's Exhibit 2960, and it's a single page Bates
 3] numbered ZULLO_002995.
 4] Is this a -- an authentic -- I -- sorry. Is
 5] this a true and correct copy of an e-mail exchange that you
 6] had with Mr. Montgomery on July 8, 2014?
 7] A. Taking the Fifth.
 8] Q. Well, in that -- the first e-mail, Mr. Montgomery
 9] appears to tell you that Travis, i.e. Travis Anglin, told him
 10] to dump the information on Judge Snow but -- which he did,
 11] but then he's now redoing that original work to obtain the
 12] prior dumped information.
 13] Did you have a discussion with Mr. Montgomery
 14] about that?
 15] MR. MASTERSON: Form.
 16] THE WITNESS: I'm taking the Fifth.
 17] BY MR. YOUNG:
 18] Q. Okay. Did you tell Mr. Montgomery to recover the
 19] information on Judge Snow that he had dumped in response to
 20] Sergeant Anglin's instruction?
 21] A. I'm taking the Fifth.
 22] MR. MASTERSON: Form.
 23] BY MR. YOUNG:
 24] Q. What was the information on Judge Snow that you and
 25] Mr. Montgomery were discussing on July 8, 2014?

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1] A. I'm taking the Fifth.
 2] Q. Now, in your e-mail back to Mr. Montgomery, you
 3] asked him when did Travis Anglin tell Mr. Montgomery to dump
 4] the information on Judge Snow; is that right?
 5] A. I'm taking the Fifth.
 6] Q. Was that information personal identifying
 7] information with respect to Judge Snow?
 8] A. I'm taking the Fifth.
 9] MR. MASTERSON: Form. Foundation.
 10] BY MR. YOUNG:
 11] Q. Did Mr. Montgomery, in fact, recover the
 12] information about Judge Snow that's referred to in this
 13] e-mail string?
 14] MR. MASTERSON: Foundation.
 15] THE WITNESS: I'm taking the Fifth.
 16] BY MR. YOUNG:
 17] Q. Did you ever see such infor- -- did you ever see
 18] such information?
 19] A. I'm taking the Fifth.
 20] MR. MASTERSON: Form.
 21] (Exhibit 2961 marked for identification.)
 22] BY MR. YOUNG:
 23] Q. Exhibit 2961 is a page MELC187428, and it has a
 24] handwritten note on it, which appears to be signed by
 25] Chief Sheridan. It's dated August 15, 2014, and it reads,

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1] quote, "M Zullo is authorized for all travel expenses related
 2] to this investigation to be paid by the Maricopa County
 3] Sheriff's Office," end quote. And the note refers to travel
 4] and assistance to Brian Mackiewicz.
 5] Did Chief Sheridan authorize the payment to
 6] you of all travel expenses related to the Seattle
 7] investigation?
 8] A. I'm taking the Fifth.
 9] Q. I'm putting in front of you Exhibit 2939.
 10] (Exhibit 2939 marked for identification.)
 11] BY MR. YOUNG:
 12] Q. It is an e-mail dated August 24, 2014, from
 13] Mr. Montgomery copying you, but to Detective Mackiewicz. It
 14] bears the Bates numbers ZULLO_003120 to 3125.
 15] Is this a true and correct copy of an e-mail
 16] that Mr. Montgomery sent to you and Detective Mackiewicz on
 17] August 24, 2014, attaching a timeline?
 18] A. I'm taking the Fifth.
 19] (Discussion off the record to locate
 20] Exhibit 2939.)
 21] (Exhibit 2962 marked for identification.)
 22] BY MR. YOUNG:
 23] Q. Exhibit 2962 is a document consisting of
 24] ZULLO_000793 to ZULLO_000818. It is a September 4, 2014,
 25] e-mail from Detective Mackiewicz to you with a subject

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1] Elmer's case summary.
 2] This is a true and correct copy of a case
 3] summary that --
 4] (Mr. McDonald leaves proceedings.)
 5] BY MR. YOUNG:
 6] Q. -- that Detective Mackiewicz sent to you on that
 7] date?
 8] A. I'm taking the Fifth.
 9] Q. That case summary discusses, among other things, a
 10] meeting between Sheriff Arpaio and Timothy Blixseth at which
 11] you were present, and some other meetings, including with the
 12] Arizona Attorney General involving Mr. Montgomery.
 13] Are -- are those descriptions of those
 14] meetings accurate?
 15] A. I'm taking the Fifth.
 16] MR. JIRAUCH: Counsel, what page?
 17] MR. MASTERSON: Form. Foundation.
 18] MR. YOUNG: Various pages in the document.
 19] MR. JIRAUCH: Oh, okay. I thought you were
 20] referring to something specific.
 21] (Exhibit 2963 marked for identification.)
 22] BY MR. YOUNG:
 23] Q. Exhibit 2963 is a document with Bates number
 24] ZULLO_003149 through 3156. It's a September 21, 2014, e-mail
 25] from Mr. Montgomery to you with the subject updated Rev 3A.

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<p>1] Is this a -- an updated whistleblowers 2] chronicle timeline that Mr. Montgomery sent to you on 3] September 21, 2014. 4] MR. MASTERSON: Form. 5] THE WITNESS: I'm taking the Fifth. 6] MR. JIRAUCH: What is that exhibit number, 7] that last one? 8] MR. MASTERSON: 2963. 9] MR. JIRAUCH: 63? 10] MR. MASTERSON: Yes. 11] MR. JIRAUCH: Thank you. 12] BY MR. YOUNG: 13] Q. I'm going to give you a copy of Exhibit 2258. 14] (Exhibit 2258 marked for identification.) 15] BY MR. YOUNG: 16] Q. Exhibit 2258 is an October 30, 2014, e-mail string 17] between you and Mr. Montgomery; correct? 18] A. I'm taking the Fifth. 19] Q. Okay. You have no reason to doubt the authenticity 20] of this document; correct? 21] A. Taking -- 22] MR. MASTERSON: Foundation. 23] THE WITNESS: Taking the Fifth. 24] BY MR. YOUNG: 25] Q. Okay. In his 12:27 p.m. e-mail to you,</p>	<p>1] Sheriff Arpaio on November 4, 2014? 2] A. I'm taking the Fifth. 3] Q. Okay. 4] MR. MASTERSON: Form. 5] BY MR. YOUNG: 6] Q. What was the software that you were referring to -- 7] or he was referring to? 8] A. I'm taking the Fifth. 9] Q. Did Larry Klayman ever threaten you during the 10] course of your dealings with him with respect to 11] Mr. Montgomery? 12] MR. MASTERSON: Form. 13] THE WITNESS: I'm taking the Fifth. 14] (Exhibit 2965 marked for identification.) 15] BY MR. YOUNG: 16] Q. Exhibit 2965 is another e-mail string between you 17] and Mr. Montgomery, ZULLO_002742 to 2743. 18] Is this a true and correct copy of an e-mail 19] exchange you had with Mr. Montgomery on November 5th, 2014? 20] A. Taking the Fifth. 21] Q. Now, in -- in the e-mail in the middle of the 22] second page, you said that you had to speak to the sheriff at 23] 4:00 p.m. and that you wanted to know from Mr. Montgomery 24] where he was on the software as of today. 25] Did you speak with the sheriff then about that</p>
<p>1] Mr. Montgomery says, quote, "I can see the sheriff being 2] pounded by the court. He should have let" -- "he should have 3] help me finish the work," end quote. 4] What is the work that Mr. Montgomery is 5] referring to in that e-mail? 6] MR. MASTERSON: Foundation. 7] THE WITNESS: I'm taking the Fifth. 8] BY MR. YOUNG: 9] Q. Did Mr. Montgomery subsequently resume or continue 10] work that he was doing that would be relevant to the sheriff 11] being pounded by the Court? 12] MR. MASTERSON: Form. 13] THE WITNESS: I'm taking -- 14] MR. MASTERSON: Foundation. 15] THE WITNESS: -- the Fifth. 16] (Exhibit 2964 marked for identification.) 17] BY MR. YOUNG: 18] Q. Exhibit 2964 is another e-mail exchange between you 19] and Mr. Montgomery dated November 4, 2014. It's Bates number 20] ZULLO_002647 to 2648. It says in the middle of the first 21] page in the 3:41 p.m. e-mail that you spoke to the sheriff 22] for two hours today, that is November 4, 2014, and he said to 23] you, quote, "Mike just get him to get me the software and 24] will keep paying him and that's no bullshit," end quote. 25] Did you have that conversation with</p>	<p>1] issue? 2] A. I'm taking the Fifth. 3] Q. Then at 3:00 p.m. toward the top of the first page 4] of the e-mail string, you told Mr. Montgomery, quote, "Okay 5] Dennis I'll just tell the sheriff that you're refusing to let 6] us verify the information thanks," end quote. 7] Did you have that discussion with the sheriff? 8] A. I'm taking the Fifth. 9] Q. Was this discussion with Mr. Montgomery in this 10] e-mail string about the banking investigation? 11] A. Taking the Fifth. 12] Q. Did you become aware in November 2014 that 13] Mr. Montgomery was a complete and total fraud with respect to 14] the information he had been giving you about the alleged 15] banking inves- -- the alleged banking data? 16] MR. MASTERSON: Form. Foundation. 17] THE WITNESS: Taking the Fifth. 18] BY MR. YOUNG: 19] Q. Did you discuss that fact with Sheriff Arpaio? 20] A. Taking the Fifth. 21] MR. MASTERSON: Form. Foundation. 22] BY MR. YOUNG: 23] Q. On November 14, 2014, Detective Mackiewicz wrote 24] you an e-mail referring to some findings by some former NSA 25] employees that Mr. Montgomery was a complete and total fraud.</p>

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<p>1] Mr. Mackiewicz then told you, quote, "This is going to burn 2] Klayman and Elmer's house down to the ground," end quote. 3] And that's actually Exhibit 2266, which has 4] been admitted into evidence in this proceeding. 5] Did you agree with Mr. -- or 6] Detective Mackiewicz's conclusion that that report would 7] destroy the credibility of Klayman and Elmer? 8] MR. MASTERSON: Form. Foundation. 9] BY MR. YOUNG: 10] Q. Elmer being Mr. Montgomery? 11] A. I'm taking the Fifth. 12] Q. Did you discuss that subject with Sheriff Arpaio? 13] A. Taking the Fifth. 14] MR. MASTERSON: Form. 15] (Exhibit 2966 marked for identification.) 16] BY MR. YOUNG: 17] Q. Exhibit 2966 is a December 9, 2014, e-mail string 18] between you and Mr. Montgomery, ZULLO_002875 to 2876. 19] Is that a true and correct copy of an e-mail 20] string that you had with Mr. Montgomery on that date? 21] A. I'm taking the Fifth. 22] Q. In that e-mail, you told Mr. Montgomery that he 23] had, quote, "an extremely short window of opportunity to work 24] in and the choice is yours. All you have to do is produce 25] what you said you were going to produce in exchange for the</p>	<p>1] you were just telling Mr. Montgomery? 2] A. Taking the Fifth. 3] Q. Did you discuss that issue with Sheriff Arpaio? 4] A. Taking the Fifth. 5] MR. MASTERSON: Form. 6] BY MR. YOUNG: 7] Q. Do you have any reason to doubt the authenticity of 8] this December 9, 2014, e-mail exchange? 9] MR. MASTERSON: Foundation. 10] THE WITNESS: Taking the Fifth. 11] MR. JIRAUCH: Counsel, could we take a 12] break -- 13] THE WITNESS: Please. 14] MR. JIRAUCH: -- at a time that's convenient 15] for you and the witness. 16] MR. YOUNG: We could take a break now if you 17] want. 18] MR. JIRAUCH: Whatever's convenient for you 19] and the witness. 20] MR. YOUNG: Well -- 21] MR. JIRAUCH: Now is -- now is as good -- 22] MR. YOUNG: -- the more breaks we take, the 23] longer this will take. 24] MR. JIRAUCH: Well, at some point we're going 25] to have to take a break, because my comfort is --</p>
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<p>1] dollars you received," end quote. 2] What was it that you were asking -- well, 3] strike that. 4] Were you asking Mr. Montgomery to produce the 5] information that would help verify that his allegations with 6] respect to Judge Snow were correct? 7] A. I'm taking -- 8] MR. MASTERSON: Form. 9] THE WITNESS: -- the Fifth. 10] BY MR. YOUNG: 11] Q. Were you asking him to produce information 12] verifying that what he was saying with respect to the banking 13] information was correct? 14] A. I'm taking the Fifth. 15] MR. MASTERSON: Form. 16] BY MR. YOUNG: 17] Q. In the last paragraph of that e-mail, you said to 18] Mr. Montgomery, quote, "I have to stress to you time is of 19] the essence. We have been instructed to write up our final 20] report and be ready to hand it over to a different agency," 21] end quote. 22] Where did you get that instruction? 23] A. I'm taking the Fifth. 24] Q. Did you actually contemplate handing over the 25] investigation to a different agency, or was that something</p>	<p>1] MR. YOUNG: Well -- 2] MR. JIRAUCH: -- is being stretched. 3] MR. YOUNG: -- if -- if your comfort would be 4] advantaged by a break now -- 5] MR. JIRAUCH: It would -- 6] MR. YOUNG: -- I wouldn't -- 7] MR. JIRAUCH: It would. 8] MR. YOUNG: -- mind taking a break. 9] MR. JIRAUCH: It would definitely be 10] advantaged. 11] THE VIDEOGRAPHER: The time is 10:14 a.m. We 12] are now going off the record ending media 2. 13] (Recess from 10:14 a.m. to 10:24 a.m.) 14] (Mr. Dodd and Mr. Killebrew not present when 15] proceedings resume.) 16] THE VIDEOGRAPHER: The time is 10:24 a.m. 17] We're now back on record beginning media 3. 18] (Exhibit 2967 marked for identification.) 19] BY MR. YOUNG: 20] Q. Mr. Zullo, Exhibit 2967 -- 21] (Mr. Killebrew returns to proceedings.) 22] BY MR. YOUNG: 23] Q. -- is a -- an e-mail string dated July -- 24] December 16, 2014. It actually starts on December 15, 2014, 25] between you and Mr. Zullo [sic]; correct?</p>

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<p>1] A. I'm taking the Fifth, sir.</p> <p>2] Q. Is Exhibit 2967 a true and correct copy of an</p> <p>3] e-mail string that you exchanged or had with Mr. Montgomery</p> <p>4] on December 15 and 16, 2014?</p> <p>5] A. Taking the Fifth.</p> <p>6] Q. Okay. Do you have any reason to doubt the</p> <p>7] authenticity of this e-mail string --</p> <p>8] MR. MASTERSON: Foundation.</p> <p>9] BY MR. YOUNG:</p> <p>10] Q. -- this copy?</p> <p>11] A. I'm taking the Fifth.</p> <p>12] Q. In that e-mail string on December 16 at 2:41 p.m.,</p> <p>13] this is in the middle of page ZULLO_000091, Mr. Montgomery</p> <p>14] says, quote, "MCSO pursued sensitive information a guy" --</p> <p>15] "against Judge Snow and we both know it. In fact you</p> <p>16] produced some of it to the DC judge in August," end quote.</p> <p>17] Was that a true statement?</p> <p>18] A. I'm taking the Fifth.</p> <p>19] MR. MASTERSON: Form.</p> <p>20] BY MR. YOUNG:</p> <p>21] Q. Did -- did you discuss information relating to</p> <p>22] Judge Snow in your meeting involving Mr. Montgomery and</p> <p>23] Judge Lamberth?</p> <p>24] A. I'm taking the Fifth.</p> <p>25] Q. In that same e-mail, Mr. Montgomery says, quote,</p>	<p>1] MR. MASTERSON: Form. Foundation.</p> <p>2] THE WITNESS: I'm taking the Fifth.</p> <p>3] Excuse me. I'm sorry. It's --</p> <p>4] BY MR. YOUNG:</p> <p>5] Q. Okay.</p> <p>6] A. -- just -- just a joke. I'm -- I'm sorry.</p> <p>7] Q. Okay. Well, I understand you're taking the Fifth,</p> <p>8] but these are important questions for us.</p> <p>9] A. I'm not talking about your questions. It's just</p> <p>10] this -- this whole e-mail chain is just bullshit.</p> <p>11] Q. Well, then you responded to Mr. Montgomery at</p> <p>12] 2:17 p.m., quote, "LOL whatever. You made it all up Dennis.</p> <p>13] We know it... Nite," end quote.</p> <p>14] Did that accurately reflect your view as to</p> <p>15] what Mr. Montgomery had been giving you?</p> <p>16] A. It is so hard for me to keep taking this Fifth.</p> <p>17] I don't know where I put myself, Mr. Young, if</p> <p>18] I answer anything on this. I think that document pretty much</p> <p>19] tells you where I was as far as he was concerned.</p> <p>20] Q. Okay.</p> <p>21] (Exhibit 2968 marked for identification.)</p> <p>22] BY MR. YOUNG:</p> <p>23] Q. Exhibit 2968 is a one-page e-mail string</p> <p>24] ZULLO_002711.</p> <p>25] Is this a true and correct copy of an e-mail</p>
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<p>1] "I'm amazed that" -- "I am amazed that you could recruit some</p> <p>2] ex NSA people to help you collect more information on</p> <p>3] Judge Snow," end quote.</p> <p>4] Did you do that?</p> <p>5] A. Taking the Fifth.</p> <p>6] MR. MASTERSON: Form.</p> <p>7] BY MR. YOUNG:</p> <p>8] Q. Now, in a later e-mail on December 16, and the time</p> <p>9] stamp on that is 1:54 -- it's at the bottom of page</p> <p>10] ZULLO_000090 -- you tell Mr. Montgomery, quote, "LOL" --</p> <p>11] exclamation points -- "You mean the phony information you</p> <p>12] handed MCSO about Snow... LOL. Dennis, you don't fool me.</p> <p>13] You think you do... Making up e-mails as you went along.</p> <p>14] Please" -- exclamation points, end quotes, and it goes on.</p> <p>15] Was it your belief at that point that</p> <p>16] Mr. Montgomery was and had been giving you false information</p> <p>17] about Judge Snow?</p> <p>18] A. I'm taking the Fifth.</p> <p>19] Q. Then Mr. Montgomery tells you, quote, "Go coerce</p> <p>20] someone else. I am tired of your threats and innuendos. Go</p> <p>21] back to spying on Judge Snow and the court monitor. Seems</p> <p>22] like you have no regard for the law," end quote.</p> <p>23] Was Mr. Montgomery accurate when he said that</p> <p>24] you had been spying on the court monitor as well as</p> <p>25] Judge Snow?</p>	<p>1] exchange that you had with Mr. Montgomery on January 6th,</p> <p>2] 2015?</p> <p>3] A. Taking --</p> <p>4] MR. MASTERSON: Foundation.</p> <p>5] THE WITNESS: -- the Fifth.</p> <p>6] BY MR. YOUNG:</p> <p>7] Q. Okay. In that e-mail string, Mr. Montgomery refers</p> <p>8] to having a good call with you.</p> <p>9] Did you have a call with him on that date?</p> <p>10] A. I'm taking the Fifth.</p> <p>11] Q. Okay. And then you told Mr. Montgomery, quote,</p> <p>12] "Yes. Glad the fighting is over," end quote.</p> <p>13] Do you see that?</p> <p>14] A. Taking the Fifth, sir.</p> <p>15] Q. What were you referring to there?</p> <p>16] A. Taking the Fifth, sir.</p> <p>17] Q. Did you have a reconciliation of some sort with</p> <p>18] Mr. Montgomery on January 6th, 2015?</p> <p>19] A. Taking the Fifth, sir.</p> <p>20] Q. Did Mr. Montgomery tell you something during that</p> <p>21] call that led you to believe that it would be productive to</p> <p>22] continue working with Mr. Montgomery?</p> <p>23] MR. MASTERSON: Form.</p> <p>24] THE WITNESS: Taking the Fifth, sir.</p> <p>25] (Next page, please.)</p>

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<p>1] BY MR. YOUNG: 2] Q. Was Sheriff Arpaio on the call that you had with 3] Mr. Montgomery on January 6th or thereabouts that's 4] referred to in this e-mail string? 5] MR. MASTERSON: Foundation. 6] THE WITNESS: Taking the Fifth. 7] BY MR. YOUNG: 8] Q. All right. How about Detective Mackiewicz? 9] MR. MASTERSON: Foundation. 10] THE WITNESS: Taking the Fifth. 11] BY MR. YOUNG: 12] Q. Did Sheriff Arpaio tell you that you should keep 13] working with Mr. Montgomery as a result of the call that you 14] had with him about this time? 15] MR. MASTERSON: Form. Foundation. 16] THE WITNESS: Taking the Fifth. 17] BY MR. YOUNG: 18] Q. The fighting that you said was over, was that 19] fighting about whether Mr. Montgomery was providing useful 20] information for purposes of your investigation? 21] MR. MASTERSON: Form. 22] THE WITNESS: Taking the Fifth. 23] BY MR. YOUNG: 24] Q. Do you have any reason to doubt the authenticity of 25] Exhibit 2968?</p>	<p>1] Q. Do you have any reason to doubt the authenticity of 2] this e-mail string, Exhibit 2969? 3] A. Taking -- 4] MR. MASTERSON: Foundation. 5] THE WITNESS: Taking the Fifth. 6] (Exhibit 2970 marked for identification.) 7] BY MR. YOUNG: 8] Q. Exhibit 2970 is another e-mail exchange between you 9] and Mr. Montgomery, ZULLO_002947 to 2950; correct? 10] A. I'm taking the Fifth. 11] Q. Okay. Is this a true and accurate copy of an 12] e-mail string that you had with Mr. Montgomery on that date? 13] MR. MASTERSON: Foundation. 14] THE WITNESS: Taking the Fifth. 15] BY MR. YOUNG: 16] Q. Okay. Do you have any reason to doubt the 17] authenticity of this e-mail ex- -- string? 18] MR. MASTERSON: Foundation. 19] THE WITNESS: Taking the Fifth. 20] BY MR. YOUNG: 21] Q. At the top of the first page in the e-mail that you 22] wrote to Mr. Montgomery on January 19, 2015, at 12:57 p.m., 23] you told Mr. Montgomery, quote, "It was me you tried to 24] protect you and get you to the judge," end quote. 25] That's Judge Lamberth; correct?</p>
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<p>1] MR. MASTERSON: Foundation. 2] THE WITNESS: Taking the Fifth. 3] (Exhibit 2969 marked for identification.) 4] BY MR. YOUNG: 5] Q. Exhibit 2969 is a January 7, 2015, e-mail string 6] between you and Mr. Montgomery. 7] Is this a true and correct copy of an e-mail 8] string that you exchanged with Mr. Montgomery on that date? 9] MR. MASTERSON: Foundation. 10] THE WITNESS: Taking the Fifth. 11] BY MR. YOUNG: 12] Q. Okay. Now, that e-mail string also attaches an 13] e-mail to you from Michael Flynn and your response back to 14] Michael Flynn, which you forwarded to Mr. Klayman and 15] Mr. Montgomery; is that correct? 16] A. I'm taking the Fifth. 17] Q. Now, in your January 7, 2015, 3:06 p.m. Mountain 18] Time e-mail to Mr. Flynn -- actually, Mr. Flynn had 19] previously been a lawyer for Mr. Montgomery; correct? 20] A. Yes. 21] Q. Okay. In that e-mail to Mr. Flynn, you wrote that 22] Mr. Montgomery, quote, "is continuing to work with the 23] sheriff's office at this time," end quote. 24] Was that a true statement? 25] A. I'm taking the Fifth.</p>	<p>1] A. Yes, sir. 2] Q. Okay. And then you said to Mr. Montgomery, quote, 3] "I stop them going to the Feds because it would hurt you. I 4] need things to get this back on track," end quote. 5] Did -- did you stop someone from going to the 6] federal authorities about Mr. Montgomery? 7] A. I'm taking the Fifth, sir. 8] Q. Were you aware at that time that Mr. Montgomery had 9] lied to Judge Lamberth? 10] MR. MASTERSON: Form. 11] THE WITNESS: Taking -- 12] MR. MASTERSON: Foundation. 13] THE WITNESS: I'm taking the Fifth, sir. 14] BY MR. YOUNG: 15] Q. Were you trying to ensure that Mr. Montgomery would 16] be able to continue working with you and that's why you did 17] what you could to stop any investigations of Mr. Montgomery? 18] MR. MASTERSON: Form. Foundation. 19] THE WITNESS: I'm taking the Fifth. 20] BY MR. YOUNG: 21] Q. Okay. What were you thinking in writing that 22] e-mail? 23] A. Taking the Fifth. 24] Q. What were you trying to get back on track? 25] A. Taking the Fifth.</p>

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<p>1] Q. Exhibit 2858, which is the calendar entries of 2] Sheriff Arpaio, says that two days later, on January 21, you 3] had a meeting with the sheriff. 4] Did you discuss this subject matter with him 5] at that time? 6] A. I'm taking the Fifth. 7] Q. Okay. 8] (Exhibit 2269 marked for identification.) 9] BY MR. YOUNG: 10] Q. I've put in front of you what's previously been 11] marked as Exhibit 2269. 12] Is this a true and correct copy of an e-mail 13] string that you had on January 22, 2015, with Mr. Montgomery? 14] A. Taking the Fifth. 15] MR. MASTERSON: Foundation. 16] BY MR. YOUNG: 17] Q. You -- you have no reason to doubt the authenticity 18] of this document; correct? 19] MR. MASTERSON: Foundation. 20] THE WITNESS: Taking the Fifth. 21] BY MR. YOUNG: 22] Q. Now, the January 22, 1:12 p.m., e-mail, which is 23] the bottom of page MELC200001 says -- and this is you talking 24] to Mr. Montgomery, quote, "Met with the Sheriff yesterday and 25] he is hoping we can get you where you need to go," end quote.</p>	<p>1] were you -- 2] A. Sir, those are privileged -- privileged 3] conversations in the judge's chambers. I'm not going to 4] discuss those. 5] Q. Well, I -- I know you're speaking -- you're 6] representing yourself and you don't have a lawyer. I'll tell 7] you that I don't think that calls for privileged information. 8] A. Okay. Well, I'm taking the Fifth then. 9] Q. Well, what did you discuss with Sheriff Arpaio on 10] January 21, 2015? 11] A. Taking the Fifth. 12] Q. Okay. How long did your meeting with Judge -- with 13] Sheriff Arpaio last? 14] A. Taking the Fifth. 15] Q. Was anyone else there during your meeting with 16] Sheriff Arpaio on January 21, 2015? 17] A. Taking the Fifth. 18] (Exhibit 2971 marked for identification.) 19] BY MR. YOUNG: 20] Q. In Exhibit 2971, which is ZULLO_001520 -- 21] MR. MASTERSON: Wait a minute. 71? 22] THE COURT REPORTER: Yes. 23] MR. MASTERSON: Got it. Thank you. Sorry, 24] Stan. 25] (Next page, please.)</p>
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<p>1] So you did have a meeting with the sheriff on 2] January 21 in which you discussed Mr. Montgomery; correct? 3] A. Taking the Fifth. 4] Q. Okay. And where you and the sheriff hoped you 5] could get Mr. Montgomery, was that immunity from prosecution 6] so that Mr. Montgomery could continue to assist you in your 7] investigation? 8] MR. MASTERSON: Foundation. 9] THE WITNESS: Taking the Fifth. 10] BY MR. YOUNG: 11] Q. In that investigation, you were hoping that 12] Mr. Montgomery would find further verifiable information 13] about Judge Snow; is that correct? 14] A. Hell, no. 15] MR. MASTERSON: Form. 16] THE WITNESS: No. No. 17] BY MR. YOUNG: 18] Q. Okay. What was the information or what was the 19] help that you were hoping to get from Mr. Montgomery at that 20] time? 21] A. What date is that? 22] Q. January 22, 2015. 23] A. It would have to -- that would have to be around 24] Judge Lamberth. Around that date. 25] Q. And what information with respect to Judge Lamberth</p>	<p>1] BY MR. YOUNG: 2] Q. You wrote on the second page an e-mail -- on 3] January 26th, 2015, at 10:28 a.m. an e-mail to 4] Mr. Montgomery in which you said, "Ok waiting to get a 5] meeting with the sheriff to discuss that other idea," end 6] quote. 7] What was the other idea that you were waiting 8] to discuss with the sheriff? 9] A. Taking the Fifth. 10] Q. Later in that string at 11:01 a.m. on 11] January 26th, you told Mr. Montgomery that, quote, "as far 12] as I can see without the Sheriff any hope of immunity is 13] dashed," end quote. 14] Why was that your view? 15] A. Taking the Fifth. 16] Q. Okay. I'm handing you now an exhibit that's 17] previously been marked as 2271. 18] (Exhibit 2271 marked for identification.) 19] BY MR. YOUNG: 20] Q. This is an e-mail string that you had with 21] Mr. Montgomery on February 2, 2015; correct? 22] A. Taking the Fifth. 23] Q. Okay. Do you have any reason to doubt that 24] Exhibit 2271 is a true and correct and authentic copy of an 25] e-mail string that you had with Mr. Montgomery on February 2,</p>

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1] 2015?
2] MR. MASTERSON: Foundation.
3] THE WITNESS: Taking the Fifth.
4] BY MR. YOUNG:
5] Q. On page MELC202288, there's an e-mail that you
6] sent -- it's actually -- I'm sorry -- Mr. Montgomery sent to
7] you on February 2, 2015, at 11:02 a.m., and he refers there
8] to something that is called the BC.
9] That's the birth certificate; correct?
10] A. Taking the Fifth.
11] Q. Okay. And then Mr. Montgomery says to you, quote,
12] "I wasn't doing just the BC. I was also working on the data
13] mining data, for Arpaio," end quote.
14] What was the, quote, data mining data, end
15] quote, that you were discussing with Mr. Montgomery?
16] A. Taking --
17] MR. MASTERSON: Foundation.
18] THE WITNESS: Taking the Fifth.
19] BY MR. YOUNG:
20] Q. Did the data mining data have anything to do with
21] Judge Snow?
22] MR. MASTERSON: Foundation.
23] THE WITNESS: Taking the Fifth.
24] MR. MASTERSON: Form.
25] (Next page, please.)

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1] BY MR. YOUNG:
2] Q. So at this time, is it fair to say that
3] Mr. Montgomery was doing at least a couple of things for you:
4] One of them involved the birth certificate, and the other
5] involved some data mining project perhaps related to the
6] banking investigation; is that correct?
7] MR. MASTERSON: Form. Foundation.
8] THE WITNESS: I'm taking the Fifth.
9] BY MR. YOUNG:
10] Q. I'm now giving you what was previously marked as
11] Exhibit 2090. It's an e-mail string with Bates numbers
12] MELC202222 through 202224.
13] (Exhibit 2090 marked for identification.)
14] BY MR. YOUNG:
15] Q. Is this a true and correct copy of an e-mail string
16] that you had with Mr. Montgomery on February 2, 2015?
17] A. Taking the Fifth.
18] Q. If you'll look at the beginning of that e-mail
19] string, which has a time stamp of 6:41 p.m. on February 2,
20] Mr. Montgomery sends you a link about the contempt proceeding
21] that we have in this case, and he says, quote, "It looks like
22] Arpaio is trying to solve his differences with Judge Snow."
23] And then after the link, he asks you, quote,
24] "Why keep processing the data then? Seems like it would only
25] upset the judge more if the work was ever disclosed," end

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1] quote.
2] Was Mr. Montgomery processing some data that
3] would be relevant to the contempt proceeding between
4] Judge Snow and Sheriff Arpaio?
5] MR. MASTERSON: Form. Foundation.
6] THE WITNESS: I'm taking the Fifth.
7] BY MR. YOUNG:
8] Q. Okay. What was the data that Mr. Montgomery was
9] referring to in that e-mail?
10] MR. MASTERSON: Foundation.
11] THE WITNESS: Taking the Fifth.
12] BY MR. YOUNG:
13] Q. Did you concur with him that it would upset the
14] judge more if the work was ever disclosed?
15] MR. MASTERSON: Form. Foundation.
16] THE WITNESS: Taking the Fifth.
17] BY MR. YOUNG:
18] Q. Was that data that Mr. Montgomery was referring to
19] in his discussion with you data relating to Judge Snow's
20] banking information?
21] MR. MASTERSON: Form. Foundation.
22] THE WITNESS: Taking the Fifth.
23] BY MR. YOUNG:
24] Q. Okay. Was the data with reference to a possible
25] conspiracy between Judge Snow and -- and others, including

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1] the Department of Justice and Covington & Burling?
2] MR. MASTERSON: Form.
3] THE WITNESS: Taking the Fifth.
4] MR. MASTERSON: Foundation.
5] BY MR. YOUNG:
6] Q. In your 6:21 p.m. e-mail back to Mr. Montgomery --
7] and there are a couple of intervening e-mails, but it's on
8] page 202223, you say, quote, "No Dennis I don't think he is
9] solving jack shit I think they're looking to get rid of this
10] bullshit contempt charge. This guy is never going to leave
11] him alone," end quote. [as read]
12] By "this guy," you're referring to Judge Snow;
13] correct?
14] A. Taking the Fifth.
15] Q. Okay. And you're talking about the contempt
16] proceeding in this case; correct?
17] A. Taking the Fifth.
18] Q. Okay. In his response to that, Mr. Montgomery's
19] time stamp 7:29 p.m. on February 2, 2015, Mr. Montgomery
20] writes back to you, quote, "I understand now. So is it your
21] desire to continue processing the data, or should I assume
22] just the BC," end quote.
23] What is that data that he's referring to
24] there?
25] MR. MASTERSON: Foundation.

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1] THE WITNESS: Taking the Fifth.
 2] BY MR. YOUNG:
 3] Q. Okay. Then your response a couple of minutes later
 4] at 7:32 p.m., which is at the bottom of page 202222, is,
 5] quote, "BC to get sheriff back and then we will go for data.
 6] I will share plan once I get him back in the game," end
 7] quote.
 8] Was that the sheriff you were referring to
 9] getting back into the game?
 10] A. Taking the Fifth.
 11] Q. Now, you told Mr. Montgomery that first you would
 12] want him to deal with the birth certificate in order to get
 13] the sheriff back and then you would go for the data that
 14] related to the contempt proceeding with Judge Snow; is that
 15] correct?
 16] A. Taking the Fifth.
 17] Q. Well, then Mr. Montgomery at 8:46 p.m. says, quote,
 18] "Okay. That will take time. Need to deconstruct 3 different
 19] versions of Adobe (9, 10, and 11) using 2 different formats
 20] each. Just complicated. Just hold on to your plan for now,
 21] I guess," end quote.
 22] And then you say to him, and the time stamp is
 23] 8:14 p.m. -- and there must be a difference between Arizona
 24] and Washington time -- quote, "This plan is going to kill two
 25] birds with one stone," end quote.

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1] When you said that to Mr. Montgomery, what
 2] plan were you referring to?
 3] A. Taking the Fifth.
 4] Q. Okay. How was that plan going to kill two birds
 5] with one stone?
 6] A. Taking the Fifth.
 7] Q. Okay. Was it your view that Mr. Montgomery could
 8] help you with something that would deal both with the birth
 9] certificate and with Judge Snow?
 10] A. Taking the Fifth.
 11] Q. Did Sheriff Arpaio ever tell you that it would
 12] upset Judge Snow more if the work you were doing with
 13] Mr. Montgomery was ever disclosed?
 14] A. Taking the Fifth.
 15] MR. MASTERSON: Form.
 16] BY MR. YOUNG:
 17] Q. Did the sheriff ever tell you to keep the work that
 18] you were doing with Mr. Montgomery a secret?
 19] MR. MASTERSON: Form.
 20] THE WITNESS: Taking the Fifth.
 21] BY MR. YOUNG:
 22] Q. Okay. Did he ever tell you that you should keep it
 23] a secret because it related to Judge Snow?
 24] MR. MASTERSON: Form.
 25] THE WITNESS: Taking the Fifth.

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1] BY MR. YOUNG:
 2] Q. Sheriff Arpaio testified that he may have talked
 3] with you about Judge Snow in that time period in connection
 4] with the banking investigation because he knew that you were
 5] trying to track down information related to that.
 6] Is that -- do you agree with that?
 7] MR. MASTERSON: Foundation.
 8] THE WITNESS: Taking the Fifth.
 9] BY MR. YOUNG:
 10] Q. Did you ever discuss with Sheriff Arpaio your view
 11] that the contempt charge was bullshit?
 12] A. Taking the Fifth.
 13] MR. MASTERSON: Form.
 14] BY MR. YOUNG:
 15] Q. Did you ever discuss the contempt proceeding with
 16] Judge -- with Sheriff Arpaio at all?
 17] A. Taking the Fifth.
 18] Q. Did you and Sheriff Arpaio discuss the possibility
 19] of somehow using information that Mr. Montgomery would
 20] provide in order to serve as protection against a possible
 21] contempt finding by Judge Snow?
 22] MR. MASTERSON: Form.
 23] THE WITNESS: Taking the Fifth.
 24] BY MR. YOUNG:
 25] Q. I'm handing you now a previously marked exhibit,

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1] 2273.
 2] (Exhibit 2273 marked for identification.)
 3] BY MR. YOUNG:
 4] Q. 2273 is a January 11, 2015, e-mail string between
 5] you and Mr. Montgomery.
 6] Is this a true and correct copy of an e-mail
 7] exchange that you had with Mr. Montgomery on February 11,
 8] 2015?
 9] A. Taking the Fifth.
 10] Q. Okay. You have no reason to doubt the authenticity
 11] of this document, Exhibit 2273; correct?
 12] MR. MASTERSON: Foundation.
 13] THE WITNESS: Taking the Fifth.
 14] BY MR. YOUNG:
 15] Q. In that e-mail string at the bottom, at 11:45 a.m.,
 16] you mentioned to Mr. Montgomery that you put in an e-mail to
 17] Larry asking for a conference call.
 18] That's Larry Klayman; correct?
 19] A. Taking the Fifth.
 20] Q. And you tell Mr. Montgomery that you, quote, "need
 21] to know if you're going to follow through and finish the work
 22] that you said you were going to do back in January," end
 23] quote.
 24] And then you tell him, quote, "We don't have
 25] an open-ended time frame here," end quote.

<p style="text-align: right;">Page 82</p> <p>1] You were trying to hurry Mr. Montgomery so 2] that he would finish the work that he was doing; correct? 3] A. Taking the Fifth. 4] Q. Yeah. Then Mr. Montgomery responded to you that he 5] was working on it when he had time and that he was packing 6] and looking for a place to move. He was telling you at the 7] time that he was having trouble finding someplace to live, 8] and that's why he -- in part why he was delayed in getting 9] back to you; is that right? 10] A. Taking the Fifth. 11] Q. Okay. And then he wrote you another e-mail on -- 12] on February 11, 2015, at 1:22:43 p.m., quote, "I presume you 13] were talking the BC stuff and not Judge Snow info," question 14] mark, end quote. 15] What was the Judge Snow info that 16] Mr. Montgomery referred to in his e-mail back to you? 17] A. Taking the Fifth. 18] MR. MASTERSON: Foundation. 19] BY MR. YOUNG: 20] Q. Was the Judge Snow info part of what you were 21] asking him to finish doing? 22] A. Taking the Fifth. 23] MR. MASTERSON: Form. 24] BY MR. YOUNG: 25] Q. The BC stuff was the birth certificate issue;</p>	<p style="text-align: right;">Page 84</p> <p>1] (Exhibit 2274 marked for identification.) 2] BY MR. YOUNG: 3] Q. Is that a true and accurate copy of an e-mail 4] exchange that you had with Mr. Montgomery on that date? 5] A. Taking the Fifth. 6] Q. You have no reason to doubt the authenticity of 7] Exhibit 2274; correct? 8] A. Taking the Fifth. 9] Q. You responded in that e-mail string to 10] Mr. Montgomery saying it was not that clear yet whether the 11] contempt proceeding involving Sheriff Arpaio would be 12] resolved. 13] Did you discuss that topic with 14] Sheriff Arpaio? 15] A. Taking the Fifth. 16] Q. Did you talk to Sheriff Arpaio about your 17] discussion with Mr. Montgomery on this issue? 18] MR. MASTERSON: Form. 19] THE WITNESS: Taking the Fifth. 20] BY MR. YOUNG: 21] Q. Did you keep Sheriff Arpaio informed as to the 22] status of your work with Mr. Montgomery insofar as it related 23] to Judge Snow? 24] MR. MASTERSON: Form. Foundation. 25] THE WITNESS: Taking the Fifth.</p>
<p style="text-align: right;">Page 83</p> <p>1] right. 2] A. Taking the Fifth. 3] Q. Now, Sheriff Arpaio testified that he presumed that 4] what you and Mr. Montgomery were talking about in this e-mail 5] string was information with respect to Judge Snow as to the 6] banking investigation. 7] Do you have any reason to disagree with that? 8] MR. MASTERSON: Form. Foundation. 9] THE WITNESS: Taking the Fifth. 10] BY MR. YOUNG: 11] Q. You did discuss with Mr. Montgomery your desire to 12] obtain banking-related information with respect to 13] Judge Snow; correct? 14] A. Taking the Fifth. 15] MR. MASTERSON: Form. 16] BY MR. YOUNG: 17] Q. Okay. Do you have any reason to doubt or disagree 18] with Detective Mackiewicz's testimony that it was your idea 19] to have Mr. Montgomery pull up information from his database 20] about Judge Snow? 21] MR. MASTERSON: Form. Foundation. 22] THE WITNESS: Taking the Fifth. 23] BY MR. YOUNG: 24] Q. Exhibit 2274 is a February 27, 2015, e-mail 25] exchange between you and Mr. Montgomery.</p>	<p style="text-align: right;">Page 85</p> <p>1] BY MR. YOUNG: 2] Q. Did Sheriff Arpaio ask you to continue your work 3] with Mr. Montgomery insofar as it related to Judge Snow? 4] MR. MASTERSON: Form. Foundation. 5] THE WITNESS: Taking the Fifth. 6] BY MR. YOUNG: 7] Q. You were working in this regard under 8] Sheriff Arpaio's direction; correct? 9] MR. MASTERSON: Form. 10] THE WITNESS: Taking the Fifth. 11] MR. MASTERSON: Foundation. 12] BY MR. YOUNG: 13] Q. If Sheriff Arpaio had told you to stop 14] investigating with respect to Judge Snow, you would have 15] followed that instruction; correct? 16] A. Taking the Fifth. 17] MR. MASTERSON: Form. 18] BY MR. YOUNG: 19] Q. Exhibit 2276 is an e-mail string that is dated 20] March 4, 2015. Actually, it starts on March 3. 21] (Exhibit 2276 marked for identification.) 22] BY MR. YOUNG: 23] Q. That's also an e-mail string between you and 24] Mr. Montgomery; correct? 25] A. Taking the Fifth.</p>

<p style="text-align: right;">Page 86</p> <p>1] Q. Exhibit -- is Exhibit 2276 -- strike that. 2] You have no reason to doubt that Exhibit 2276 3] is an authentic, true and correct copy of an e-mail string 4] that you and Mr. -- well, strike that. Let me take that 5] back. I'll start over again. 6] Exhibit 2276 has some e-mails between you and 7] Mr. Montgomery, but the top of it actually is an e-mail 8] exchange between you and Larry Klayman. 9] Are the e-mails that are set forth in 10] Exhibit 2276 true and correct copies of e-mails that you had 11] with Mr. Montgomery and Mr. Klayman? 12] A. Taking the Fifth. 13] MR. MASTERSON: Form. Foundation. 14] BY MR. YOUNG: 15] Q. Now, in that e-mail string, you on March 3rd, 16] 2015, at 6:10 p.m. told Mr. Klayman that in order to keep 17] this, meaning this investigation, alive for Mr. Montgomery, 18] you needed Mr. Montgomery to finish something; is that right? 19] A. Taking the Fifth. 20] Q. Were you trying to get Mr. Klayman to get 21] Mr. Montgomery to finish the work that he had told you he was 22] doing? 23] A. Taking the Fifth. 24] Q. Were you trying to keep money flowing to 25] Mr. Montgomery for the investigation from the MCSO?</p>	<p style="text-align: right;">Page 88</p> <p>1] full right now with his problems," end quote. 2] And in your response to that, you tell 3] Mr. Montgomery, quote, "So then it's pretty obvious that 4] Larry has been jerking us off having you do all kinds of 5] bullshit for him while we're still waiting," end quote. 6] Were you complaining to Mr. Montgomery that 7] Larry Klayman was having you -- him do other things that 8] was -- were diverting away effort that you wanted 9] Mr. Montgomery to devote to the things that you were doing? 10] MR. MASTERSON: Form. 11] THE WITNESS: Taking the Fifth. 12] (Exhibit 2279 marked for identification.) 13] BY MR. YOUNG: 14] Q. Exhibit 2279 is an April 20, 2015, e-mail string 15] involving you and Larry Klayman and Mr. Montgomery; correct? 16] A. Taking the Fifth. 17] Q. You have no reason to doubt that this Exhibit 2279 18] is an authentic e-mail string among you and Mr. Klayman and 19] Mr. Montgomery; correct? 20] MR. MASTERSON: Foundation. 21] THE WITNESS: Taking the Fifth. 22] BY MR. YOUNG: 23] Q. In that e-mail string, you were asking 24] Mr. Montgomery to finish the work that he was doing; correct? 25] A. Taking the Fifth.</p>
<p style="text-align: right;">Page 87</p> <p>1] A. Taking the Fifth. 2] Q. You kept Sheriff Arpaio informed about your 3] discussions on this subject; correct? 4] MR. MASTERSON: Form. 5] THE WITNESS: Taking the Fifth. 6] BY MR. YOUNG: 7] Q. I'm giving you Exhibit 2278, which is an e-mail 8] string dated March 31 and April 1, 2015, between you and 9] Mr. Montgomery. 10] (Exhibit 2278 marked for identification.) 11] BY MR. YOUNG: 12] Q. Is Exhibit 2278 a true and correct copy of that 13] e-mail string? 14] A. Taking the Fifth. 15] Q. You don't have any reason to doubt the authenticity 16] of Exhibit 2278; correct? 17] MR. MASTERSON: Foundation. 18] THE WITNESS: Taking the Fifth. 19] BY MR. YOUNG: 20] Q. In one of your e-mails to Mr. Montgomery, you say, 21] "Can you get to" -- and then there's an -- an FI or an FL. 22] What is that? 23] A. Taking the Fifth. 24] Q. Mr. Montgomery tells you on April 1 at 5:27 p.m., 25] quote, "Take care of the Sheriff, you have got your hands</p>	<p style="text-align: right;">Page 89</p> <p>1] Q. Okay. You told Mr. Klayman that Mr. Montgomery 2] needed validation like a drowning man needs oxygen. 3] Was that your effort to obtain some 4] verification of the information that Mr. Montgomery had 5] previously provided to you? 6] A. Taking the Fifth. 7] Q. You provided a deadline to Mr. Montgomery of 8] Wednesday, April 22, 2015. You knew that there was a 9] contempt hearing that was scheduled for that week; correct? 10] A. Taking the Fifth. 11] Q. On page 202143, you told Mr. Klayman that, quote, 12] "Per our phone conversation, I need to know Dennis's 13] intentions on moving forward on a timely basis and honor his 14] agreement with us and set a hard date to complete the paid 15] work on the BC as he agreed to perform," end quote. 16] The BC's the birth certificate; correct? 17] A. Taking the Fifth. 18] Q. Okay. Then you say, quote, "This work has nothing 19] to do with the other issues he is dealing with and as of last 20] month, he was one week away from completion. That week as 21] others came and went," end quote. [as read] 22] Did that other work pertain to Judge Snow? 23] A. Taking the Fifth. 24] Q. On the top of page 202144, you refer in your e-mail 25] to Mr. Montgomery to, quote, "our contact in DC," quote --</p>

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<p>1] end quote, which you say, quote, "is now very long on the 2] tooth and unproductive for us, as you have again failed to 3] deliver anything as agreed," end quote. 4] Was that contact in D.C. Judge Lamberth? 5] A. Taking the Fifth. 6] Q. Okay. In that sentence, you refer to an agreement 7] between Mr. Montgomery and the sheriff's office to forego 8] official notification to the contact in D.C. 9] Did you have an agreement with Mr. Montgomery 10] that you would hold off on notifying Judge Lamberth about the 11] falsities in what Mr. Montgomery had previously said to him? 12] MR. MASTERSON: Form. 13] THE WITNESS: Taking the Fifth. 14] BY MR. YOUNG: 15] Q. Did that agreement to hold off on notifying the 16] D.C. contact ever run out? 17] A. Taking the Fifth. 18] MR. MASTERSON: Form. 19] BY MR. YOUNG: 20] Q. Did you talk to Sheriff Arpaio about 21] Mr. Montgomery's work as referenced in this April 20, 2015, 22] e-mail string? 23] MR. MASTERSON: Form. Foundation. 24] THE WITNESS: Taking the Fifth. 25] (Next page, please.)</p>	<p>1] contact him in this time frame, late April 2015? 2] A. Taking the Fifth. 3] Q. I'm showing you what was previously marked as 4] Exhibit 2281. 5] (Exhibit 2281 marked for identification.) 6] BY MR. YOUNG: 7] Q. On page MELC730572, you have an e-mail to Amy Lake, 8] who works for Sheriff Arpaio, in which you send him [sic] a 9] link to a Phoenix New Times article about a meeting involving 10] Attorney General Tom Horne and Dennis Montgomery. 11] Why did you do that? 12] A. Taking the Fifth. 13] Q. It's dated May 6th, 2015. 14] A. Taking the Fifth. 15] (Exhibit 2972 marked for identification.) 16] BY MR. YOUNG: 17] Q. Exhibit 2972 is an e-mail string dated May 22, 18] 2015, bearing Bates number ZULLO_000125 to 128. 19] Is this an e-mail exchange you had with 20] Mr. Montgomery on that date? 21] A. Taking the Fifth. 22] Q. Okay. You -- you have no reason to doubt the 23] authenticity of Exhibit 2972; correct? 24] MR. MASTERSON: Foundation. 25] THE WITNESS: Taking the Fifth.</p>
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<p>1] BY MR. YOUNG: 2] Q. Okay. You knew that Mr. Klayman also represented 3] Sheriff Arpaio on some other matters; correct? 4] A. Taking the Fifth. 5] Q. Okay. 6] MR. MASTERSON: Form. 7] BY MR. YOUNG: 8] Q. Did you and Sheriff Arpaio ever discuss your 9] discussions with Mr. Klayman with respect to the issues 10] discussed in Exhibit 2279? 11] A. Taking the Fifth. 12] MR. MASTERSON: Form. 13] BY MR. YOUNG: 14] Q. Was Sheriff Arpaio part of any of your discussions 15] with Mr. Klayman and/or Mr. Montgomery about these issues? 16] MR. MASTERSON: Form. 17] THE WITNESS: Taking the Fifth. 18] BY MR. YOUNG: 19] Q. How about Chief Sheridan? Was Chief Sheridan ever 20] part of those discussions? 21] A. Taking -- 22] MR. MASTERSON: Form. 23] THE WITNESS: -- the Fifth. 24] BY MR. YOUNG: 25] Q. Did Sheriff Arpaio ask you to call Larry Klayman or</p>	<p>1] BY MR. YOUNG: 2] Q. In that e-mail string, you and Mr. Montgomery have 3] some discussion about the recusal motion that had been filed 4] relating to Judge Snow. And then he tells you that he's 5] upset that Sheriff Arpaio and Chief Sheridan claim that the 6] information he had provided was junk. Then at 12:19 p.m. on 7] Friday, May 22, 2015, you said the following to 8] Mr. Montgomery: Quote, "I had that conversation with them 9] yesterday and advised them that that is not what I'm going to 10] testify to. Neither is Brian. I talked to him today we're 11] both on the same page," end quote. 12] Was that something you were just telling 13] Mr. Montgomery you were -- you had said to Sheriff Arpaio and 14] Chief Sheridan in order to keep Mr. Montgomery talking to 15] you? 16] A. Taking the Fifth. 17] Q. Did you actually discuss with Sheriff Arpaio and -- 18] and Chief Sheridan what you were planning to testify to about 19] Mr. Montgomery's work? 20] A. Taking the Fifth. 21] MR. MASTERSON: Form. 22] BY MR. YOUNG: 23] Q. Were you still interested in May 22, 2015, in 24] keeping Mr. Montgomery working with you? 25] A. Taking the Fifth.</p>

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<p>1] Q. Did you tell Sheriff -- Sheriff Arpaio or 2] Chief Sheridan that Mr. Montgomery was unhappy that they had 3] testified the way they had about Mr. Montgomery's work? 4] A. Taking the Fifth. 5] Q. At 1:36 p.m. on May 22, Mr. Montgomery writes to 6] you about Sheriff Arpaio and Chief Sheridan saying that their 7] testimony that the data was bogus hurt him, and then he 8] complains that they implied that he was slow playing the 9] work. 10] And then he says, quote, "Ironic the very 11] thing that may have hurt them may be the thing that ends the 12] Judge Snow contempt hearings," end quote. 13] Did you discuss that with Sheriff Arpaio and 14] Chief Sheridan? 15] MR. MASTERSON: Form. 16] THE WITNESS: Taking the Fifth. 17] BY MR. YOUNG: 18] Q. Okay. Are you still talking to Dennis Montgomery? 19] A. Taking the Fifth. 20] Q. Okay. Is Mr. Montgomery still doing work relating 21] to the banking investigation or Judge Snow or the birth 22] certificate or anything else? 23] MR. MASTERSON: Form. Foundation. 24] THE WITNESS: Taking the Fifth. 25] (Next page, please.)</p>	<p>1] MR. JIRAUCH: Great. Thank you. 2] BY MR. YOUNG: 3] Q. Now, at some point, as shown in this memo, you told 4] Captain Skinner that you would not be providing additional 5] documents with respect to the Seattle investigation; is that 6] right? 7] A. Taking the Fifth. 8] Q. But previous to that, you -- you had provided some 9] documents to others in the MCSO for them to give to the 10] monitor; is that right? 11] A. Taking the Fifth. 12] (Exhibit 2974 marked for identification.) 13] BY MR. YOUNG: 14] Q. Exhibit 2974 is MELC677718. It is an August 5th, 15] 2015, memo from you to Captain Skinner with respect to 16] another document request from the monitor; is that right? 17] A. Taking the Fifth. 18] Q. Is Exhibit 2974 a true and correct copy of a 19] response that you sent to Captain Skinner with respect to a 20] document request that the court monitor had made? 21] A. Taking the Fifth. 22] Q. Okay. And that request, ITR number 8, relates to 23] work product of yourself, including memoranda, reports, 24] notes, and photographs from the investigation and activities 25] conducted in Seattle, Washington, referred to in the article</p>
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<p>1] BY MR. YOUNG: 2] Q. Now, Sheriff Arpaio's calendar, Exhibit 2858, 3] references a June 29, 2015, appointment between 4] Sheriff Arpaio and yourself. 5] Did you meet with Sheriff Arpaio on that date? 6] A. I'm taking the Fifth. 7] Q. Okay. Did you discuss the Montgomery investigation 8] with Sheriff Arpaio on June 29, 2015? 9] A. Taking the Fifth. 10] Q. Yeah. Did you tell Sheriff Arpaio the status of 11] your work with Mr. Montgomery on that date? 12] A. Taking the Fifth. 13] (Exhibit 2973 marked for identification.) 14] BY MR. YOUNG: 15] Q. Exhibit 2973 is a document that's a response to 16] document request regarding ITR 63. It's a memo from you to 17] Captain Russ Skinner. 18] Is that a true and correct copy of a 19] memorandum that you sent to Captain Skinner on June 29, 2015? 20] A. Taking the Fifth. 21] MR. JIRAUCH: I'm sorry, counsel. What was 22] that number, exhibit number? 23] MR. YOUNG: 2973. 24] MR. JIRAUCH: Thank you. 25] MR. YOUNG: And it's MELC6622480.</p>	<p>1] by Stephen Lemons in the Phoenix New Times dated June 4, 2] 2014, end quote, which we'll shortcut refer to as the 3] monitor -- the Seattle investigation. 4] Your response to Captain Skinner was, quote, 5] "I have no such records," end quote. 6] That statement was false; correct? 7] A. I'm taking the Fifth. 8] Q. Okay. You, in fact, had records relating to that 9] investigation when you told Captain Skinner that you did not 10] have such records; is that right? 11] A. I'm taking the Fifth. 12] Q. Okay. Why did you tell Captain Skinner that you 13] did not have any such records? 14] A. I'm taking the Fifth. 15] Q. Did Sheriff Arpaio tell you to tell Captain Skinner 16] that you had no such records? 17] A. I'm taking the Fifth. 18] Q. Did you understand that documents that had been 19] sent to your personal e-mail account, your 1tick e-mail 20] account, should, nonetheless, be handed over to 21] Captain Skinner in order to respond to the monitor's document 22] requests? 23] MR. MASTERSON: Form. Foundation. 24] THE WITNESS: Taking the Fifth. 25] (Next page, please.)</p>

<p style="text-align: right;">Page 98</p> <p>1] BY MR. YOUNG: 2] Q. Okay. Did Sheriff Arpaio or Chief Sheridan ever 3] tell you that you should withhold documents that were from 4] your 1tick@earthlink.net account? 5] A. Taking the Fifth. 6] Q. In that prior document that we looked at, or at 7] least I looked at, Exhibit 2973, you referred to a matter 8] being reviewed by independent third-party counsel and telling 9] Captain Skinner that you were not going to be giving him 10] anything at that point. 11] Who were the third-party counsel? 12] A. Taking the Fifth. 13] Q. Was it Jones Skelton? 14] A. Taking the Fifth. 15] Q. Was it Michele lafrate? 16] A. No. Taking the Fifth. 17] Q. Okay. I'll tell you, Mr. Zullo, I thought you 18] might have whispered no before saying you were going to take 19] the Fifth, and that'll be on video too. So if you're -- 20] A. I don't know -- 21] Q. Okay. 22] A. -- what I said. 23] I'm just taking the Fifth in everything you're 24] asking me here. I've been wanting a blanket Fifth from the 25] beginning.</p>	<p style="text-align: right;">Page 100</p> <p>1] A. Taking the Fifth. 2] Q. You don't have any reason to doubt the authenticity 3] of this document; correct? 4] MR. MASTERSON: Foundation. 5] THE WITNESS: Take -- taking the Fifth. 6] BY MR. YOUNG: 7] Q. Why did you send that to Detective Mackiewicz? 8] A. Taking the Fifth. 9] (Exhibit 2976 marked for identification.) 10] BY MR. YOUNG: 11] Q. Exhibit 2976 is a copy of an October 28, 2015, 12] Associated Press article entitled, quote, "Detective: 13] Arpaio's Investigation Wasn't Focused on Judge," end quote. 14] And it's with Jacques Billeaud. It's by Jacques Billeaud -- 15] Billeaud. 16] Did you talk to Mr. Billeaud around that date? 17] A. I'm taking the Fifth. 18] Q. Okay. At the end of that article, Mr. Billeaud 19] quotes you as saying, quote, "The man is truly innocent in 20] this," end quote. And that's referring to Sheriff Arpaio. 21] Is that an accurate quotation? 22] A. Taking the Fifth. 23] Q. Okay. What did you mean when you said that? 24] A. Taking the Fifth. 25] Q. Okay. Are you still trying to protect</p>
<p style="text-align: right;">Page 99</p> <p>1] Q. Okay. Well, I understand that, but I -- I do need 2] to ask you the questions. And you should just know that, you 3] know, whatever you do or say, you're being filmed right now. 4] It's actually going to be available -- 5] A. I don't -- 6] Q. -- for anyone else -- 7] A. -- care. 8] Q. -- to look at. 9] A. I really -- yeah -- 10] Q. Okay. 11] A. -- it doesn't bother me. 12] Q. Okay. 13] (Exhibit 2975 marked for identification.) 14] MR. JIRAUCH: A little color. 15] BY MR. YOUNG: 16] Q. Exhibit 2975 is Bates number ZULLO_002996, and it 17] is an August 20, 2015, e-mail from Brian Mackiewicz to you 18] responding to an e-mail that you apparently sent to him that 19] contains a screen shot of that footnote that we referred 20] to -- you referred to last time relating to various criminal 21] laws that might have been violated in connection with the 22] Montgomery investigation. 23] Is this a true and correct copy of an e-mail 24] exchange that you had on that subject with 25] Detective Mackiewicz on August 20, 2015?</p>	<p style="text-align: right;">Page 101</p> <p>1] Sheriff Arpaio in connection with this contempt proceeding 2] that's currently pending? 3] MR. MASTERSON: Form. 4] THE WITNESS: Taking the Fifth. 5] BY MR. YOUNG: 6] Q. Have you discussed with Sheriff Arpaio in the last 7] month or two any aspect of your possible testimony or 8] participation in this proceeding? 9] MR. MASTERSON: Form. 10] THE WITNESS: Taking the Fifth. 11] BY MR. YOUNG: 12] Q. Has Sheriff Arpaio asked you to make a public 13] statement that he was innocent? 14] MR. MASTERSON: Form. 15] THE WITNESS: Taking the Fifth. 16] BY MR. YOUNG: 17] Q. What else did you say to Jacques Billeaud during 18] that interview? 19] A. Taking the Fifth. 20] Q. In July 2015, you told Carl Gallup that you thought 21] Dennis Montgomery had brought a broad base of information to 22] your investigation. 23] Did you believe that to be the case? 24] A. Taking the Fifth. 25] Q. Okay. You thought that Dennis Montgomery had</p>

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<p>1] actually provided at least some information that merited 2] follow-up; is that right? 3] A. Taking the Fifth. 4] Q. When you said that to Carl Gallup, were you 5] referring to the information about Judge Snow? 6] MR. MASTERSON: Form. 7] THE WITNESS: Taking the Fifth. 8] BY MR. YOUNG: 9] Q. All right. I'm going to ask you about some audio 10] recordings. And in order to do that, I'm going to have the 11] court reporter mark copies of CDs. And I'm going to give 12] those to counsel present, and I'm also going to have one 13] marked as an exhibit to the deposition. And I'm going to 14] refer to them by the Bates numbers that they were produced 15] with. 16] And the first one has a Bates number of 17] ZULLO_003715, and I'm going to ask the court reporter to put 18] a label on that for purposes of having an exhibit number in 19] this proceeding. 20] (Exhibit 2977 marked for identification.) 21] BY MR. YOUNG: 22] Q. So this particular audio actually lasts for more 23] than an hour, but I'm going to ask you to listen to the 24] beginning part of it and then ask you to identify -- 25] MR. JIRAUCH: Counsel, could we listen to the</p>	<p>1] Detective Mackiewicz that occurred in October 2013; is that 2] right? 3] A. Taking the Fifth. 4] Q. Okay. You recorded that conversation; correct? 5] A. Taking the Fifth. 6] Q. Okay. You recorded that conversation in 7] Sheriff Arpaio's office; correct? 8] A. Taking the Fifth. 9] Q. Okay. Did you inform the other people in that 10] conversation that you had taken that recording? 11] A. Taking the Fifth. 12] Q. You don't have any reason to doubt the authenticity 13] of that recording; correct? 14] A. Taking the Fifth. 15] MR. MASTERSON: Foundation. 16] BY MR. YOUNG: 17] Q. Does Sheriff Arpaio have a recording system in his 18] office? 19] MR. MASTERSON: Foundation. 20] THE WITNESS: Taking the Fifth. 21] BY MR. YOUNG: 22] Q. We're going to skip to a portion in the middle of 23] the recording at about 33 minutes. I'm going to ask you to 24] listen to that, Mr. Zullo. 25] (Audio played.)</p>
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<p>1] whole thing? 2] MR. YOUNG: I'm sorry? 3] MR. JIRAUCH: Could we listen to the whole 4] thing? 5] MR. YOUNG: I don't think we need to do that 6] today. We might do it later on, but for right now, I just 7] want to ask Mr. Zullo about what the audio is. 8] MR. MASTERSON: Before we start, this is being 9] referenced as the Bates number as opposed to an exhibit 10] number? Is that what we're doing? 11] MR. YOUNG: Well, actually, we have an exhibit 12] number at this point, don't -- what's the Exhibit Number? 13] THE COURT REPORTER: 2977. 14] MR. MASTERSON: Okay. 15] MR. YOUNG: So Exhibit 2977 is an audio that's 16] over an hour long that also when it was produced to us had 17] the Bates number ZULLO_003715. 18] And let's start to play it. 19] (Audio played.) 20] BY MR. YOUNG: 21] Q. Okay. So we played about the first minute and 22] 20 seconds of that audio, and -- and it goes on for some 23] amount of time after that. 24] That's a -- a recording of a conversation 25] between Timothy Blixseth, Sheriff Arpaio, yourself, and</p>	<p>1] BY MR. YOUNG: 2] Q. All right. That -- what we just listened to was 3] Timothy Blixseth telling Sheriff Arpaio and the others in 4] that meeting that Dennis Montgomery had hacked into Eric 5] Holder's and Lanny Breuer's something, having to do with 6] them. 7] Did you discuss that with Sheriff Arpaio? 8] A. Taking the Fifth. 9] Q. Okay. Part of what you and Sheriff Arpaio were 10] interested in getting from Mr. Montgomery was information 11] that would be relevant to the Department of Justice lawsuit 12] that was then pending against the sheriff's office; correct? 13] MR. MASTERSON: Form. Foundation. 14] THE WITNESS: No. Taking the Fifth. 15] BY MR. YOUNG: 16] Q. Okay. Now, I'll tell you that there was a 17] discussion, I don't know exactly where it is in that 18] recording, where Mr. Blixseth makes the observation that 19] Lanny Breuer then left the Justice Department and went back 20] to the Covington & Burling law firm. 21] You were aware of that at the time; is that 22] right? 23] A. No. Taking the Fifth. 24] Q. Okay. 25] MR. JIRAUCH: I'm sorry.</p>

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1] BY MR. YOUNG:
 2] Q. Did you --
 3] MR. JIRAUCH: I'm sorry. I couldn't hear your
 4] answer.
 5] THE WITNESS: I said, "Taking the Fifth."
 6] MR. JIRAUCH: Okay. Thank you.
 7] BY MR. YOUNG:
 8] Q. Did you discuss that with the sheriff in the
 9] October 2013 time period?
 10] A. Taking the Fifth.
 11] Q. There was some discussion about Carl Cameron during
 12] that meeting. Carl Cameron was a journalist for Fox News
 13] that Mr. Montgomery was trying to get to run a story with
 14] respect to Mr. Montgomery's allegations; correct?
 15] A. Taking the Fifth.
 16] Q. Okay.
 17] MR. MASTERSON: Foundation.
 18] BY MR. YOUNG:
 19] Q. Mr. Montgomery -- Mr. Cameron later came to the
 20] conclusion that Mr. Montgomery was unreliable and, therefore,
 21] never ran that story; correct?
 22] MR. MASTERSON: Foundation.
 23] THE WITNESS: Taking the Fifth.
 24] BY MR. YOUNG:
 25] Q. Okay. Did you ever talk to Carl Cameron yourself?

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1] A. Taking the Fifth.
 2] (Exhibit 2099 marked for identification.)
 3] BY MR. YOUNG:
 4] Q. So Exhibit 2099 contains an e-mail that you sent to
 5] Detective Mackiewicz on July 17, 2014, at 13:52:34. That's
 6] on page MELC198244. And it contains an e-mail that
 7] Mr. Montgomery sent to you forwarding an e-mail from
 8] Mr. Cameron to Mr. Montgomery basically telling
 9] Mr. Montgomery that Mr. Cameron was not believing what
 10] Mr. Montgomery was telling him.
 11] You sent that e-mail on to Mr. --
 12] Detective Mackiewicz; correct?
 13] A. Taking the Fifth.
 14] Q. Exhibit 2099 is a true and correct copy of an
 15] e-mail string that you sent to Mr. Mackiewicz containing all
 16] of that?
 17] There's another e-mail string above that
 18] containing -- or between Detective Mackiewicz and Travis
 19] Anglin, but I'm not asking about that. I'm just asking about
 20] the part that you sent to Mr. Mackiewicz.
 21] That is authentic; correct?
 22] MR. MASTERSON: Foundation.
 23] THE WITNESS: Taking the Fifth.
 24] (Exhibit 2978 marked for identification.)
 25] (Next page, please.)

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1] BY MR. YOUNG:
 2] Q. I'm going to play for you a portion of the next
 3] audio exhibit, which has been marked 2978. It has the Bates
 4] number ZULLO_003716.
 5] (Audio played.)
 6] BY MR. YOUNG:
 7] Q. We just played the first minute of that video.
 8] That's a shorter video. It lasts about 20 minutes. That's
 9] an audio, rather.
 10] The -- Exhibit 2978, which bears the Bates
 11] number ZULLO_003716, that is another portion of a meeting
 12] between Mr. Blixseth, Sheriff Arpaio, yourself, and
 13] Detective Mackiewicz, correct, at which the work of Dennis
 14] Montgomery is introduced to you all; is that right?
 15] A. Taking the Fifth.
 16] Q. Do you have any reason to doubt the authenticity of
 17] that recording?
 18] MR. MASTERSON: Foundation.
 19] THE WITNESS: Taking the Fifth.
 20] BY MR. YOUNG:
 21] Q. Okay. You kept the recordings that we've listened
 22] to of the meeting involving Sheriff Arpaio and Mr. Blixseth
 23] and yourself and Detective Mackiewicz; correct?
 24] A. Taking the Fifth.
 25] Q. Okay. Did you make those recordings yourself?

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1] A. Taking the Fifth.
 2] Q. Did you make those recordings using a cell phone?
 3] A. Taking the Fifth.
 4] Q. Have you ever told Sheriff Arpaio that you had
 5] those recordings?
 6] A. Taking the Fifth.
 7] MR. MASTERSON: Form.
 8] BY MR. YOUNG:
 9] Q. Did anybody else knew that you had -- know that you
 10] had those recordings?
 11] MR. MASTERSON: Form.
 12] THE WITNESS: Taking the Fifth.
 13] (Exhibit 2979 marked for identification.)
 14] MR. JIRAUCH: Counsel, is this last one that
 15] we just listened to a continuation of the first meeting?
 16] MR. YOUNG: I think it -- it has a Bates
 17] number that is subsequent, but I -- my guess, based on the
 18] content, that it is prior to --
 19] MR. JIRAUCH: Ah.
 20] MR. YOUNG: -- the first one. So this -- and,
 21] again, I don't know this since I'm not a witness and --
 22] MR. JIRAUCH: Yeah.
 23] MR. YOUNG: -- but my --
 24] MR. JIRAUCH: No, I understand.
 25] MR. YOUNG: -- deduction based on the content

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<p>1] is that the sequence is ZULLO_3716 and then ZULLO_3715 --</p> <p>2] MR. JIRAUCH: Right.</p> <p>3] MR. YOUNG: -- but I can't be sure of that.</p> <p>4] MR. JIRAUCH: Thank you.</p> <p>5] (Exhibit 2979 marked for identification.)</p> <p>6] BY MR. YOUNG:</p> <p>7] Q. All right. The next audio, and we'll listen to the</p> <p>8] first part of it. It's about 10 minutes and 48 seconds long.</p> <p>9] It is Bates numbered ZULLO_004643, and it is Exhibit 2979.</p> <p>10] And this one does not involve Mr. Blixseth or Sheriff Arpaio.</p> <p>11] But why don't we take a -- a listen to that.</p> <p>12] (Audio played.)</p> <p>13] MR. YOUNG: Okay. Stop.</p> <p>14] BY MR. YOUNG:</p> <p>15] Q. All right. We just listened to the first minute</p> <p>16] and 40 seconds of that. That's a recording -- and we're</p> <p>17] talking about Exhibit 2979, ZULLO_004643. That's a recording</p> <p>18] of a discussion among you and Mr. Montgomery and some other</p> <p>19] people; is that right?</p> <p>20] A. Taking the Fifth.</p> <p>21] Q. Okay. Did you make that recording?</p> <p>22] A. Taking the Fifth.</p> <p>23] Q. Okay. Just before we -- we stopped playing it, it</p> <p>24] appears that you asked Mr. Montgomery, "Why would they tell</p> <p>25] you to slow it down?"</p>	<p>1] And there's some reference to cash in that discussion as</p> <p>2] well.</p> <p>3] What was that about?</p> <p>4] A. Taking the Fifth.</p> <p>5] Q. Okay. Did Lockheed have any involvement in the</p> <p>6] work that you were doing with Mr. Montgomery?</p> <p>7] A. Taking the Fifth.</p> <p>8] Q. Okay. Was there something in Los Angeles relating</p> <p>9] to the work that you were doing with Mr. Montgomery?</p> <p>10] A. Taking the Fifth.</p> <p>11] Q. Well, let's keep playing the tape. Actually, we</p> <p>12] may play the whole thing. It's only 10 minutes or so long.</p> <p>13] A. Could a get a cup of coffee while you're doing</p> <p>14] that?</p> <p>15] Q. Sure.</p> <p>16] THE VIDEOGRAPHER: Just going to go off</p> <p>17] record?</p> <p>18] THE WITNESS: You can play it. It's not like</p> <p>19] I don't know what's on it.</p> <p>20] MR. YOUNG: Okay. Go ahead.</p> <p>21] (Audio played.)</p> <p>22] BY MR. YOUNG:</p> <p>23] Q. All right. We went up to about five minutes into</p> <p>24] the recording, Mr. Zullo.</p> <p>25] That's -- that's you talking to</p>
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<p>1] And Mr. Montgomery responded, "That's because</p> <p>2] at that time I'm doing Snow stuff," end quote.</p> <p>3] What was the Snow stuff that Mr. Montgomery</p> <p>4] referred to in his response to you?</p> <p>5] MR. MASTERSON: Form.</p> <p>6] THE WITNESS: Taking the Fifth.</p> <p>7] MR. MASTERSON: Form. Foundation.</p> <p>8] BY MR. YOUNG:</p> <p>9] Q. And your response was an expletive.</p> <p>10] Why -- why was your response the way it was?</p> <p>11] A. Taking the Fifth.</p> <p>12] Q. Okay. Did you make that recording using a cell</p> <p>13] phone?</p> <p>14] A. Taking the Fifth.</p> <p>15] Q. It sounds like maybe you were ordering frozen</p> <p>16] yogurt at the time.</p> <p>17] Were you out and about wandering --</p> <p>18] A. No.</p> <p>19] Q. -- with Mr. Montgomery?</p> <p>20] A. Taking the Fifth.</p> <p>21] Q. Okay. Who else was in that discussion? There was</p> <p>22] some other voices there too.</p> <p>23] A. Taking the Fifth.</p> <p>24] Q. There's a reference in the recording that we just</p> <p>25] heard to a trip to Los Angeles, perhaps involving Lockheed.</p>	<p>1] Mr. Montgomery; right?</p> <p>2] A. Taking the Fifth.</p> <p>3] Q. Okay. And you told him that he should play it dumb</p> <p>4] when they get here and that you will talk to Joe on</p> <p>5] Wednesday.</p> <p>6] Joe is Sheriff Arpaio?</p> <p>7] A. Taking the Fifth.</p> <p>8] Q. Okay. And then you said, "We got Klayman Monday."</p> <p>9] That's Larry Klayman; right?</p> <p>10] A. Taking the Fifth.</p> <p>11] Q. Did you tell Sheriff Arpaio after this conversation</p> <p>12] with Mr. Montgomery that you had found out that</p> <p>13] Sergeant Anglin had told Mr. Montgomery to stop looking into</p> <p>14] Judge Snow, and you were going to talk to the sheriff and did</p> <p>15] talk to the sheriff and convince him that Mr. Montgomery</p> <p>16] should be allowed to continue?</p> <p>17] MR. MASTERSON: Form.</p> <p>18] THE WITNESS: Taking the Fifth.</p> <p>19] BY MR. YOUNG:</p> <p>20] Q. Did this discussion relate to the banking</p> <p>21] information?</p> <p>22] A. Taking the Fifth.</p> <p>23] Q. All right. We have another video -- audio, rather.</p> <p>24] I keep saying video when I mean audio.</p> <p>25] (Exhibit 2980 marked for identification.)</p>

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1] BY MR. YOUNG:
 2] Q. This is Bates numbered ZULLO_004644. It is
 3] Exhibit 2980. It's also about 10-and-a-half minutes long.
 4] Maybe a little longer than that. And this one, I'll tell
 5] you, appears to be a phone call, but let's -- let's start by
 6] playing the beginning of it.
 7] (Audio played.)
 8] BY MR. YOUNG:
 9] Q. Okay. Exhibit 2980 is a recording of a phone call
 10] that you had with Mr. Montgomery; correct?
 11] A. Taking the Fifth.
 12] Q. Okay. You -- Mr. Montgomery tells you about
 13] Sheridan saying not to do it.
 14] What was it that you were talking about there?
 15] A. Taking the Fifth.
 16] Q. Is this a true and correct copy of a -- of a phone
 17] call that you had -- a true and correct recording of a phone
 18] call that you had with Mr. Montgomery?
 19] MR. MASTERSON: Foundation.
 20] THE WITNESS: Taking the Fifth.
 21] BY MR. YOUNG:
 22] Q. Okay. Did you record some of your phone calls with
 23] Mr. Montgomery as well as some of your meetings?
 24] A. Taking the Fifth.
 25] Q. Yeah. Did -- did Mr. Montgomery know that you were

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1] recording some of his phone calls?
 2] A. Taking the Fifth.
 3] Q. All right.
 4] MR. MASTERSON: Foundation.
 5] BY MR. YOUNG:
 6] Q. Well, did you tell Mr. Montgomery that you were
 7] recording some of your phone calls with him?
 8] A. Taking the Fifth.
 9] Q. And, again, this recording also referred to, quote,
 10] the L.A. thing, end quote.
 11] What was that?
 12] A. Taking the Fifth.
 13] Q. Did you know of any diversion of funds that had
 14] been intended for Mr. Montgomery to some other purpose?
 15] MR. MASTERSON: Form.
 16] THE WITNESS: Taking the Fifth.
 17] BY MR. YOUNG:
 18] Q. Did you receive any of the funds that were intended
 19] for the Seattle investigation?
 20] A. No.
 21] Q. Okay. Do you know of anyone else who received
 22] funds that were supposed to go to Mr. Montgomery that instead
 23] went to someone else?
 24] A. No. Taking the Fifth.
 25] Q. Was part of what you were discussing with

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1] Mr. Montgomery something that Chief Sheridan indicated that
 2] he wanted to happen but he didn't want the MCSO or the MCSO
 3] brass to be involved in?
 4] MR. MASTERSON: Form. Foundation.
 5] THE WITNESS: Taking the Fifth.
 6] I have a question. And I don't -- I don't
 7] know if it's possible. I don't know -- I don't really
 8] understand how all this stuff works.
 9] If I were to describe for you the
 10] circumstances of that recording -- not the recording itself
 11] but the circumstances -- would that waive my privilege?
 12] Because you're going off in a direction that it just
 13] doesn't -- it doesn't run.
 14] BY MR. YOUNG:
 15] Q. You know, Mr. Zullo, I can't really advise you on
 16] that issue. And you should not be looking to me for advice,
 17] because I --
 18] A. Well --
 19] Q. -- represent --
 20] A. -- there's, like, nine of you here, so I was
 21] just -- I'm asking it --
 22] Q. Well --
 23] A. -- because --
 24] Q. -- I -- I -- I can speak for myself and, I think,
 25] Ms. Morin. And if you want to ask that to others who are

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1] here, you can -- you can do that if you want. I don't want
 2] to spend too much time doing that, though, because I want to
 3] get this deposition finished.
 4] A. No more --
 5] Q. But --
 6] A. -- than I do.
 7] Q. -- go ahead. Feel --
 8] A. No, I can't take -- no, I just -- I need -- I
 9] don't know -- have a way to clarify that, so...
 10] MR. JIRAUCH: Mr. Zullo, I can tell you I'm
 11] not a criminal lawyer. I have no experience.
 12] THE WITNESS: Right.
 13] MR. JIRAUCH: I can tell you a little bit
 14] about traffic court, but that's about the extent of it. And
 15] so I can't advise --
 16] THE WITNESS: Right.
 17] MR. JIRAUCH: -- you and wouldn't if I could.
 18] I'm just not in a position to do that.
 19] MR. KILLEBREW: We're not permitted to --
 20] THE WITNESS: Oh --
 21] MR. KILLEBREW: -- advise you.
 22] THE WITNESS: -- I'm sure you're not. I
 23] wasn't even looking at you guys.
 24] All right. Let's just keep going.
 25] How much longer do you think we have,

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<p>1] counselor?</p> <p>2] MR. YOUNG: We're -- we're not going to have</p> <p>3] to do this very much longer.</p> <p>4] THE WITNESS: Okay.</p> <p>5] BY MR. YOUNG:</p> <p>6] Q. I mean, I -- I should state this, Mr. Zullo: You</p> <p>7] know, it would be my desire for you to have counsel in this.</p> <p>8] I know the County has said that it does not want to provide</p> <p>9] counsel or pay for counsel. I know Judge Snow told you last</p> <p>10] week that if you wanted counsel in this, you -- you would</p> <p>11] need to arrange for that yourself.</p> <p>12] Frankly, our preference would be that you get</p> <p>13] counsel who can give you advice on what questions to answer</p> <p>14] and what questions not to answer. Our hope would be actually</p> <p>15] to get answers to more of these questions than we've been</p> <p>16] getting, but I understand your position. And, you know, we</p> <p>17] just both have to keep doing what we're doing.</p> <p>18] A. I appreciate that.</p> <p>19] Q. Okay.</p> <p>20] A. Thank you.</p> <p>21] MR. JIRAUCH: I won't make a self-serving</p> <p>22] statement like counsel has just done.</p> <p>23] THE WITNESS: Oh, no. Let's not fight, guys.</p> <p>24] Come on?</p> <p>25] MR. JIRAUCH: Oh, it's no fight. Just</p>	<p>1] MR. YOUNG: So let's play the first part of</p> <p>2] Exhibit 2981, which is ZULLO-4656.</p> <p>3] (Audio played.)</p> <p>4] BY MR. YOUNG:</p> <p>5] Q. Okay. Mr. Zullo, Exhibit 2981 is a recording of a</p> <p>6] discussion among you, Mr. Montgomery, and</p> <p>7] Detective Mackiewicz taken in Mr. Montgomery's office or</p> <p>8] garage while he was showing you some things on his computers;</p> <p>9] is that correct?</p> <p>10] A. Taking the Fifth, sir.</p> <p>11] Q. Okay. Did you make that recording?</p> <p>12] A. Taking the Fifth, sir.</p> <p>13] Q. Is that recording a true and accurate recording of</p> <p>14] that discussion?</p> <p>15] MR. MASTERSON: Foundation.</p> <p>16] THE WITNESS: Taking the Fifth, sir.</p> <p>17] BY MR. YOUNG:</p> <p>18] Q. I'm going to ask you now to listen to a portion</p> <p>19] that starts about eight minutes and 50 seconds into the</p> <p>20] recording.</p> <p>21] (Audio played.)</p> <p>22] BY MR. YOUNG:</p> <p>23] Q. Mr. Zullo, you asked Mr. Montgomery a question</p> <p>24] about what could you do if you wanted to destroy the life of</p> <p>25] someone -- someone with the information that Mr. Montgomery</p>
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<p>1] observation.</p> <p>2] (Exhibit 2981 marked for identification.)</p> <p>3] BY MR. YOUNG:</p> <p>4] Q. Okay. We next have an audio recording that's about</p> <p>5] an hour and 20 minutes long, but we're certainly not going to</p> <p>6] play the whole thing. But we'll play the beginning of it and</p> <p>7] then a couple minutes further in. It is Exhibit 2981, and it</p> <p>8] bears a Bates number ZULLO_004656.</p> <p>9] MR. JIRAUCH: I'm sorry. I thought the last</p> <p>10] one was 2981. Did I miss one somewhere? Oops.</p> <p>11] MR. YOUNG: Yeah. I think 2- -- 2981 is</p> <p>12] ZULLO-4656. 2980 is ZULLO-4644.</p> <p>13] MR. JIRAUCH: Okay. Thank you.</p> <p>14] So what was ZULLO-4643?</p> <p>15] MR. YOUNG: That was --</p> <p>16] MR. JIRAUCH: Ah --</p> <p>17] MR. YOUNG: -- 2- --</p> <p>18] MR. JIRAUCH: -- 79.</p> <p>19] MR. YOUNG: Yeah, that was 2979.</p> <p>20] MR. JIRAUCH: Ah. I never was good at</p> <p>21] arithmetic or counting.</p> <p>22] MR. YOUNG: Okay. Are we all straight now?</p> <p>23] MR. JIRAUCH: Yep.</p> <p>24] MR. YOUNG: Okay.</p> <p>25] MR. JIRAUCH: Thank you.</p>	<p>1] had.</p> <p>2] Did you have anyone in particular in mind --</p> <p>3] A. Oh, God.</p> <p>4] Q. -- when you asked that question?</p> <p>5] A. Not -- I'm taking the Fifth.</p> <p>6] Q. Well, the same question about your question to</p> <p>7] Mr. Montgomery about financially destroying someone.</p> <p>8] Did you have anyone in particular in mind when</p> <p>9] you asked that question?</p> <p>10] A. Taking the Fifth.</p> <p>11] Mr. Young, that recording should scare the</p> <p>12] hell out of you, because it scared the hell out of me.</p> <p>13] Q. And what was it that scared the hell --</p> <p>14] A. I'm not going to --</p> <p>15] Q. -- out of you?</p> <p>16] A. You're a smart guy. People with that capability.</p> <p>17] You're -- you're a smart guy.</p> <p>18] Q. Well, you thought that you might be able to employ</p> <p>19] that capability against Judge Snow; correct?</p> <p>20] MR. MASTERSON: Form. Foundation.</p> <p>21] THE WITNESS: I'm taking the Fifth.</p> <p>22] BY MR. YOUNG:</p> <p>23] Q. Well, I'm going to play you a portion starting at</p> <p>24] about 56 minutes and 30 seconds and ask you some questions</p> <p>25] about that.</p>

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<p>11 (Audio played.) 21 BY MR. YOUNG: 31 Q. All right. In that recording -- or that portion of 41 that recording, Exhibit 2981, Mr. Montgomery and you and 51 Detective Mackiewicz are having some discussion about what 61 information you would like to have. And you said that the 71 details on Arpaio's phone would be interesting, and 81 Detective Mackiewicz then said, "Monitor's, Arpaio's, 91 whatever." 101 (Cell phone.) 111 MR. MASTERSON: It's the CIA calling. 121 MR. JIRAUCH: I'm going to let the judge know. 131 BY MR. YOUNG: 141 Q. Did you discuss with Detective Mackiewicz and 151 Mr. Montgomery collecting information about the monitors in 161 this case? 171 A. Taking the Fifth. 181 Q. Okay. Well, as I listen to that, it's -- it 191 sounds, Mr. Zullo, to me that you were interested in getting 201 information from Mr. Montgomery that would implicate 211 somebody, perhaps the federal government or federal 221 officials, in some wrongful act which could then be used on 231 behalf of the sheriff; is that right? 241 MR. MASTERSON: Form. 251 THE WITNESS: Taking the Fifth.</p>	<p>11 for 10 minutes or so. 21 THE VIDEOGRAPHER: The time is 12:30 p.m. 31 We're now going off record ending media 3. 41 (Recess from 12:30 p.m. to 12:44 p.m.) 51 THE VIDEOGRAPHER: The time is 12:44 p.m. 61 We're now back on record beginning media 4. 71 BY MR. YOUNG: 81 Q. Mr. Zullo, you took some pictures relating to the 91 various meetings you had with Mr. Montgomery as well; 101 correct? 111 A. I'm taking the Fifth, sir. 121 (Exhibit 2982 marked for identification.) 131 BY MR. YOUNG: 141 Q. Now, Sheriff Arpaio has testified that he did meet 151 with Dennis Montgomery one time at a hotel in the Phoenix 161 area. 171 Exhibit 2982 is a true and correct copy of a 181 photograph that you took of that meeting; is that right? 191 A. I'm taking the Fifth, sir. 201 Q. That is Dennis Montgomery in that photo; right? 211 A. I'm taking the Fifth, sir. 221 Q. And he's there talking to Sheriff Arpaio; correct? 231 A. Taking the Fifth, sir. 241 MR. YOUNG: So at this time, Mr. Zullo, I 251 don't have any further questions for you. I'm sure I would</p>
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<p>11 BY MR. YOUNG: 21 Q. Yeah. All right. Now, we've looked at -- or, 31 actually, we've listened to five different audio recordings. 41 Oh, by the way -- no. Strike that. 51 We've listened to five different audio 61 recordings, Exhibits 2977, 2978, 2979, 2980, and 2981. Those 71 are all authentic copies of recordings that you made of 81 discussions that you had; correct? 91 MR. MASTERSON: Form. Foundation. 101 THE WITNESS: Taking the Fifth. 111 BY MR. YOUNG: 121 Q. Okay. You also made some video recordings of you 131 and Detective Mackiewicz and Mr. Montgomery in his garage or 141 home office; correct? 151 A. Taking the Fifth. 161 Q. Okay. Did you ever discuss with Sheriff Arpaio or 171 Chief Sheridan working with Mr. Montgomery to get information 181 about the court monitors? 191 MR. MASTERSON: Form. 201 THE WITNESS: Taking the Fifth. 211 MR. YOUNG: All right. Mr. Zullo, I think 221 we're going to take a break here, both for personal comfort 231 and also to see whether I have any further questions. 241 THE WITNESS: Sure. 251 MR. YOUNG: So why don't we go off the record</p>	<p>11 if you were able to testify in response to some of the ones I 21 asked earlier, but I certainly reserve the right to ask you 31 to come back. I will tell you that you did answer a couple 41 questions during the course of the deposition, and I -- I 51 recognize that you're representing yourself. 61 I'm going to look at this transcript after 71 we're done here and see whether there's grounds for me to 81 have you come back and answer further questions. I don't 91 know that that's the case, but I do want to let you know that 101 in case I look at it and decide I want to ask you something 111 else. 121 And I -- I also reserve the right to ask you 131 follow-ups based on any further questions that you may be 141 asked today, but thank you for your time. 151 THE WITNESS: Thank you, sir. 161 MR. MASTERSON: Is this photograph 171 Exhibit 2982? 181 THE COURT REPORTER: Yes. 191 MR. MASTERSON: Thank you. 201 MS. JOHNSTON: I'm Maureen Johnston 211 representing the Department of Justice. 221 231 E X A M I N A T I O N 241 BY MS. JOHNSTON: 251 Q. Mr. Zullo, my name is Maureen Johnston, and I work</p>

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1] for the Civil Rights Division at the Department of Justice
2] with Mr. Killebrew. And in this litigation, I'm representing
3] the United States of America as the plaintiff intervenor.
4] Now, I know that you have expressed some
5] concern about testifying here today, and I hope that you will
6] be pleased to hear that I'm not going to be asking you any
7] questions about the Dennis Montgomery investigation. I
8] actually want to focus my questions with you today on
9] understanding how it is that you came to be in the Cold Case
10] Posse and also how it is that you came to be sitting here
11] today answering the questions for us without an attorney
12] present.
13] So if we could start with the Cold Case Posse.
14] Just generally, what is the Cold Case Posse?
15] A. Ma'am, I'm not sure if my answering your questions
16] invalidates my Fifth Amendment assertion that I just took. I
17] don't -- I don't know if I could answer any questions.
18] Q. And I can't advise you about that.
19] A. I --
20] Q. I --
21] A. -- apologize. Then I'm going to just error on the
22] side of caution.
23] Q. Okay. I understand.
24] A. Uh-huh.
25] Q. I'm going to continue to ask --

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1] A. Sure.
2] Q. -- the questions, as Mr. Young did. And if you
3] feel like you can't answer them, then you can make that
4] decision at that time. Thank you.
5] What is -- when was the first time that you
6] met Sheriff Arpaio?
7] A. Taking the Fifth, ma'am.
8] Q. And what was Sheriff Arpaio's role in creating the
9] Cold Case Posse?
10] A. I take the Fifth, ma'am.
11] Q. And you've known Sheriff Arpaio since at least that
12] time, if not before?
13] A. Take the Fifth, ma'am.
14] Q. How many cases have you worked on in your capacity
15] in the Cold Case Posse?
16] A. Take the Fifth, ma'am.
17] Q. Okay. Can you help me understand the difference
18] between the Cold Case Posse and the Volunteer Posse?
19] A. I take the Fifth, ma'am.
20] Q. Is the membership different?
21] A. Take the Fifth, ma'am.
22] Q. Is the funding different?
23] A. Take the Fifth, ma'am.
24] Q. When you became part of the Cold Case Posse, did
25] you swear any sort of oath?

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1] A. Take the Fifth, ma'am.
2] Q. Did you make any promises to the sheriff in terms
3] of the types of work that you would be doing?
4] A. Take the Fifth, ma'am.
5] Q. Did you promise to keep the sheriff informed about
6] the kind of work that you would be doing?
7] A. Take the Fifth, ma'am.
8] Q. What was your chain of command in the Cold Case
9] Posse?
10] A. Take the Fifth, ma'am.
11] Q. Did you earn money in your capacity as a Cold Case
12] Posse?
13] A. Take the Fifth, ma'am.
14] Q. How did you make a living while you were serving as
15] commander of the Cold Case Posse?
16] A. Take the Fifth, ma'am.
17] Q. I also want to understand a little bit better your
18] relationship with the sheriff. I understand that you have
19] quite a close relationship with him; is that right?
20] MR. MASTERSON: Form.
21] THE WITNESS: Take the Fifth, ma'am.
22] BY MS. JOHNSTON:
23] Q. How often do you talk to the sheriff?
24] A. Take the Fifth, ma'am.
25] Q. Are you still talking to the sheriff about this

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1] case?
2] A. Take the Fifth, ma'am.
3] MR. MASTERSON: Form.
4] BY MS. JOHNSTON:
5] Q. Did you talk to the sheriff about invoking the
6] Fifth in the deposition here today?
7] A. Take the Fifth, ma'am.
8] Q. You have a lot of loyalty to the sheriff; right?
9] MR. MASTERSON: Form.
10] THE WITNESS: Take the Fifth, ma'am.
11] BY MS. JOHNSTON:
12] Q. I want to show you an e-mail. It's -- the Bates
13] mark is ZULLO_003874.
14] (Exhibit 2983 marked for identification.)
15] BY MS. JOHNSTON:
16] Q. So, Mr. Zullo, what you're looking at is
17] Exhibit 2983, and it's an e-mail that you sent to
18] Detective Mackiewicz on October 28th, 2014.
19] Do you recognize this e-mail?
20] A. I'm going to take the Fifth, ma'am.
21] Q. Is that your e-mail address, 1tick@earthlink.net?
22] A. I'm going to take the Fifth, ma'am.
23] Q. So in this e-mail, at the bottom of the -- of the
24] e-mail, there's a forwarded message from David Webb, who's
25] Dennis Montgomery. And I'm not -- I'm not going to ask you

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1] about Dennis Montgomery and your interaction with him.
 2] I'm -- I'm mostly concerned with the language
 3] that Detective -- or Detective Mackiewicz at the top wrote to
 4] you, and I quote, "I will personally burn down his house. No
 5] one threatens u, me, or the boss."
 6] Do you recognize this e-mail?
 7] A. I'm going to take the Fifth, ma'am.
 8] Q. And you responded, quote, "I know."
 9] A. I'm going to take the Fifth, ma'am.
 10] Q. When Detective Mackiewicz wrote, "No one threatens
 11] u, me, or the boss," did you understand him to be referring
 12] to Sheriff Arpaio?
 13] MR. MASTERSON: Foundation.
 14] THE WITNESS: Take the Fifth, ma'am.
 15] BY MS. JOHNSTON:
 16] Q. Now, Mr. Zullo, I understand that a couple of days
 17] prior to the first deposition you were informed that you were
 18] not going to be represented by Jones Skelton; is that
 19] correct?
 20] A. Take the Fifth, ma'am.
 21] Q. And you said that it came to you as a surprise.
 22] Can you tell me a little bit more about what
 23] happened? How did they inform you that you were not going to
 24] be represented by counsel?
 25] MR. MASTERSON: You're -- you're asking a

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1] question. Now, this -- this gets into the interesting area
 2] of the attorney-client privilege in that we represent the
 3] sheriff, and the sheriff holds the privilege. But with
 4] respect to this witness, when we speak to this witness, it's
 5] privileged. Even though we don't specifically represent him
 6] civilly or criminally, we represent -- it's a communication
 7] with an employee -- well, a volunteer employee of the MCSO.
 8] So his communications with us are protected.
 9] MS. JOHNSTON: What I'm asking are the
 10] communications in which he was informed that he was not being
 11] personally represented.
 12] MR. MASTERSON: Well, but it's still a
 13] communication by counsel.
 14] MS. JOHNSTON: Are you -- are you directing
 15] him not to answer that question?
 16] MR. MASTERSON: Yes.
 17] MS. JOHNSTON: Okay.
 18] MR. YOUNG: Actually, will Mr. Zullo follow
 19] that instruction?
 20] THE WITNESS: I am going to take the Fifth.
 21] MS. JOHNSTON: Okay. I have no more
 22] questions.
 23] MR. JIRAUCH: The County has none at this
 24] point. We'll have to look at the transcript to decide --
 25] MR. MASTERSON: No questions.

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1] MR. JIRAUCH: -- whether we have some later.
 2] MR. YOUNG: All right. Well, Mr. Zullo, just
 3] so that you know, we have a call in -- or I have a -- I have
 4] sent an e-mail to the Court asking whether Judge Snow has
 5] some availability this afternoon. He indicated to us last
 6] week that he might so that we can discuss your situation.
 7] At this point I think that we will want you to
 8] continue to reserve tomorrow afternoon --
 9] THE WITNESS: Uh-huh.
 10] MR. YOUNG: -- for possible -- possibly coming
 11] into the court. If we reach a -- a -- a resolution among the
 12] parties and with the Court that would change that, we'll
 13] certainly let you know. And so we'll e-mail you -- we have
 14] your e-mail address -- with whatever it is we find out.
 15] THE WITNESS: All right. Thank you.
 16] MR. YOUNG: Oh, yeah. And, actually, not just
 17] tomorrow, but Thursday and Friday, depending on how the
 18] witnesses go tomorrow. And we'll do our best -- I'm sure
 19] everybody here will do their best to inform you as to when we
 20] might want you to appear.
 21] THE WITNESS: In regards to tomorrow, what is
 22] it? 1:00 o'clock? Is that -- I don't remember what it was.
 23] MR. YOUNG: I think it would be 1:00 o'clock.
 24] THE WITNESS: Okay.
 25] MR. YOUNG: There is another witness who will

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1] come before you regardless of what happens with you, and I
 2] believe he will take the whole morning.
 3] Mr. Masterson, does that sound right?
 4] MR. MASTERSON: I suspect that is correct.
 5] MR. YOUNG: Yes.
 6] THE WITNESS: Okay. Thank you.
 7] MR. YOUNG: Okay. Thank you very much.
 8] THE WITNESS: Thank you.
 9] MR. JIRAUCH: Yeah.
 10] THE VIDEOGRAPHER: The time is 12:55 p.m.
 11] This concludes the deposition with media 4.
 12] (Deposition concluded at 12:55 p.m.)
 13]
 14] _____
 15] (Signature Waived)
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