

1 IN THE COURT OF COMMON PLEAS OF
 2 LEHIGH COUNTY, PENNSYLVANIA
 CIVIL DIVISION

3 DONALD D. HARRISON, : NO. 2006-C-2564
 4 :
 Plaintiff :
 5 vs. :
 6 ALLEN J. BOTNICK, STEPHEN :
 BARRETT, CHIROBASE and :
 7 QUACKWATCH, :
 8 Defendants :



9 Deposition of DONALD D. HARRISON,
 10 Ph.D., D.C., M.S.E., VOLUME I, taken at the law
 11 offices of Seidel, Cohen, Hof & Reid, L.L.C.,
 12 CrownPointe Corporate Center, 3101 Emrick
 13 Boulevard, Suite 205, Bethlehem, Pennsylvania, on
 14 Wednesday, October 31, 2007, at 10:05 a.m.,
 15 before Jennifer L. Sfarra, Professional Court
 16 Reporter and Notary Public.

17 A-P-P-E-A-R-A-N-C-E-S:
 18 SEIDEL, COHEN, HOF & REID, L.L.C.
 19 By: CHRISTOPHER M. REID, ESQ.
 CrownPointe Corporate Center
 20 3101 Emrick Boulevard, Suite 205
 Bethlehem, PA 18020
 21 and
 SWANKIN & TURNER
 22 By: JAMES S. TURNER, ESQ.
 1400 16th Street, N.W., Suite 101
 23 Washington, D.C. 20036
 24 -- Representing the Plaintiff
 25 RADER REPORTING
 PROFESSIONAL COURT REPORTERS

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2

3 ROWLEY & GOODMAN
 By: KENNETH A. GOODMAN, ESQ.
 4 110 Love Road, Unit G
 Reading, PA 19607
 5 -- Representing the Defendant Stephen
 Barrett

6

7 ALSO PRESENT:

8 STEPHEN BARRETT, M.D.
 9 JUDITH BARRETT

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25 RADER REPORTING
 PROFESSIONAL COURT REPORTERS

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1 Holder case?
2 A. Yes. That was one of the three.
3 Q. Okay. The Steven Troyanovich case, did
4 you also give a deposition in that case?
5 A. Two.
6 Q. Two in that case. Okay. When you
7 testified for your patients in whiplash cases,
8 were those cases involving your patients' claims
9 for personal injury --
10 A. Correct.
11 Q. -- from a car accident, things like that?
12 A. Correct.
13 Q. Did you testify as an expert witness in
14 those cases?
15 A. As their doctor. Yes.
16 Q. As their doctor. Okay. I'm going to give
17 you some brief instructions, although I know you
18 heard this drill before, to make the deposition
19 go by smoother and quicker; okay?
20 A. (Witness shakes head.)
21 Q. Please keep your responses verbal; all
22 right?
23 A. Yes.
24 Q. As you know, there's a court reporter
25 sitting to your left. She is transcribing

1 DONALD D. HARRISON, Ph.D., D.C.,
2 M.S.E., having been duly sworn, was examined and
3 testified as follows:
4 EXAMINATION
5 BY MR. GOODMAN:
6 Q. Could you state your full name, please?
7 A. Donald D. Harrison.
8 Q. Dr. Harrison, my name is Ken Goodman. I'm
9 an attorney from Berks County, Pennsylvania. I
10 represent Defendant Stephen Barrett in a lawsuit
11 you brought against Dr. Barrett, Allen J.
12 Botnick, Chirobase, and Quackwatch in Lehigh
13 County. As you know, we're here to take what's
14 called your discovery deposition. Have you ever
15 given a deposition or testimony under oath before
16 today?
17 A. Yes.
18 Q. Okay. How many times roughly do you think
19 you've given a deposition in your life?
20 A. Let's see. Two in the range of 2001, 2002
21 and -- well, maybe three during that time and
22 then for patients in whiplash cases two, three,
23 four. I can't remember. It's quite a few years
24 back.
25 Q. Did you give a deposition in the Jay

1 everything that's being said. There will be a
2 booklet as you know of the testimony today which
3 can be used by either Mr. Reid, Mr. Turner, or I
4 at trial, so please keep your responses verbal.
5 We all tend to just nod our heads and just go
6 uh-huh or unh-unh as opposed to yes or no, but
7 for today please give us a verbal response so
8 your answers are accurately transcribed; okay,
9 Doctor?
10 A. Okay.
11 Q. Great. If you want to take any breaks,
12 let us know. Although we're in your attorney's
13 office and it's relatively informal, do you
14 understand that the oath you took would be the
15 same oath you would take in a court of law?
16 A. Yes.
17 Q. Great. Another instruction, and I will
18 try to give you the same courtesy, is people talk
19 over each other during normal human conversation
20 sometimes. A lot of times you'll anticipate what
21 the substance of my question is and you'll want
22 to give me a response before I complete my
23 question. When that happens we'll both be
24 talking at the same time and it's very difficult
25 for the court reporter to transcribe that

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1 accurately, so for today please be patient with
2 me if you can and let me complete my question
3 before you answer, and I'll try to give you the
4 same courtesy and I'll let you finish your answer
5 before I ask my next question so we're not
6 talking over each other; okay?

7 A. Yes.

8 Q. And please keep your voice up like you're
9 doing so she can hear you. Are you on any
10 medications today that you understand could
11 affect your ability to hear, understand, and
12 answer questions?

13 A. No.

14 Q. What's your current address?

15 A. 200 Ridgecrest, Evanston, Wyoming.

16 Q. How long have you lived there?

17 A. Since 2000.

18 Q. Where was your residence before Evanston,
19 Wyoming at that address?

20 A. Huntsville, Alabama.

21 Q. How long did you live in Huntsville,
22 Alabama for?

23 A. November of '92 until July of 2000.

24 Q. Then you moved to Wyoming?

25 A. Yes.

1 Q. Okay. When you say this one you are
2 pointing at Harrison 2, which says curriculum
3 vitae Donald D. Harrison, Ph.D., D.C., M.S.E.?

4 A. That's made by me.

5 Q. Right.

6 A. This one I've never seen before, but I
7 assume my Web master made it for me.

8 Q. Okay. Harrison 2, the one that you have
9 seen before, has that been updated in the last
10 year or so and does it accurately reflect your
11 current curriculum vitae?

12 A. Well, I've got a few more publications
13 than 74 on page 8 and some recent things I had
14 come out in journals and then I stopped --
15 letters to indexed journal editors, which is
16 number 26, there's probably more of those, but I
17 don't know what they are. I stopped putting
18 those in there a couple years ago.

19 Q. Have you updated your CV to reflect the
20 updated publications in any form?

21 A. When they come out I usually go into this
22 word file and add them, so yeah, there might be
23 75, 76, but I would have to check.

24 Q. Okay. If I could ask you as a supplement
25 to discovery when you have an opportunity at some

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1 Q. What led you to move from Alabama to
2 Wyoming?

3 A. Well, the reason why I went to Huntsville,
4 Alabama was to attend the University of Alabama
5 in Huntsville. Then after I graduated it took my
6 wife and I a couple years to get our act back
7 together to move to Wyoming.

8 Q. Okay. What degree did you get at the
9 University of Alabama?

10 A. Two. I got a master's degree in
11 mechanical engineering and I got a Ph.D. in
12 applied math.

13 Q. Okay. Just to save some time I'm going to
14 hand you, Dr. Harrison, exhibits which I'm going
15 to ask the court reporter to mark as Exhibits
16 Harrison 1 and Harrison 2. If I could ask you to
17 identify the -- I'll give your attorney a copy as
18 well. Just for the record, Harrison 1 I found on
19 the Ideal Spine Web site, which I think goes
20 through your resume, and then Harrison 2 I think
21 would be the resume that your attorney produced
22 in discovery in this case. Just briefly, have
23 you seen those documents before?

24 A. This one comes out of my computer that I
25 made myself.

1 point after today if you could check and see if
2 you have updated your CV and then could you
3 produce that to your attorneys?

4 A. No problem.

5 Q. Thank you.

6 MR. REID: Ken, is the CV Harrison 1
7 and then this Harrison 2 did you --

8 MR. GOODMAN: No. I'm sorry.

9 MR. REID: No problem.

10 MR. GOODMAN: The CV he is familiar
11 with is two and then the other one from the Ideal
12 Spine Web site is Harrison 1. Thanks.

13 MR. REID: Okay.

14 Q. Dr. Harrison, the last type of degree that
15 you got, was that your doctor of philosophy?

16 A. Yes.

17 Q. Okay. And that was one of the two degrees
18 you got at the University of Alabama in
19 Huntsville?

20 A. That's correct.

21 Q. Okay. And I'm assuming this is all
22 correct, that you received your doctor of
23 chiropractic in 1979; is that correct?

24 A. That's correct.

25 Q. How many years did it take you at Western

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1 States Chiropractic College to get that degree?
 2 A. Because I went straight through the
 3 summers I did four quarters a year for three
 4 years, so I did my 12 quarters in three years.
 5 Q. Okay. Is there a board certification to
 6 become a doctor of chiropractic?
 7 A. Most states -- I believe all states have a
 8 state board exam. Yes.
 9 Q. And did you take any state board exams
 10 once you graduated from Western States
 11 Chiropractic College?
 12 A. Yes. Four.
 13 Q. Were those in the four states that are
 14 listed on your CV that you have been licensed in
 15 the past for professional state chiropractic
 16 licenses, Washington, California, Wyoming, and
 17 Alabama?
 18 A. That's correct.
 19 Q. Okay. Have you ever been licensed as a
 20 doctor of chiropractic in any other states other
 21 than those four states on your CV?
 22 A. No.
 23 Q. Okay. Your resume also reflects that you
 24 had two private practices; is that correct?
 25 A. That's correct.

1 rounded things off.
 2 Q. Okay. No problem. And have you worked at
 3 all as I'll just call it a private practice
 4 doctor of chiropractic since Evanston
 5 Chiropractic Center?
 6 A. No.
 7 Q. And what's the reason why you haven't
 8 worked in that capacity since?
 9 A. Well, from '93 to '98 I was getting those
 10 degrees from the University of Huntsville -- the
 11 University of Alabama in Huntsville and then
 12 since then I talked to my wife, would you rather
 13 go back to practice or try to make a living doing
 14 seminars and research, and she chose the second.
 15 Q. Okay. As you sit here today, do you have
 16 any intention to go back to work in the future as
 17 a doctor of chiropractic?
 18 A. No. I'm 61 and a half now.
 19 Q. Okay. And I guess as a quick family
 20 background, according to your CV, Harrison 2, you
 21 have your wife's name is -- how do you pronounce
 22 that?
 23 A. Sanghak.
 24 Q. Sanghak O. Harrison and she is also a
 25 doctor of chiropractic as well?

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1 Q. The first in California in Sunnyvale, Bell
 2 Plaza Chiropractic Office, it says from 1979 to
 3 1985; is that correct?
 4 A. That's correct.
 5 Q. Did you practice any form of chiropractic
 6 biophysics while working as a chiropractor at
 7 that facility?
 8 A. Yes, I did.
 9 Q. Okay. And why did you then move from
 10 California to Wyoming?
 11 A. It was personal reasons, for my son.
 12 Q. Okay. And then did you open up your own
 13 practice in Evanston, Wyoming or did you join
 14 another practice?
 15 A. I opened my own.
 16 Q. That was Evanston Chiropractic Center?
 17 A. Yes.
 18 Q. And you practiced CBP there as well?
 19 A. Yes.
 20 Q. Okay. And your last year -- is it correct
 21 the last year that you worked as a private
 22 practice doctor of chiropractic would have been
 23 in 1993?
 24 A. Actually, when I put '86 to '93 it's like
 25 December of '85 to November of '92, so I just

1 A. Yes.
 2 Q. And you have three children, two boys and
 3 a girl?
 4 A. Well, two of mine and one of hers.
 5 Q. Okay. And Deed is one of your sons?
 6 A. Yes.
 7 Q. Okay. And chiropractic biophysics,
 8 respectfully if I can call it -- if it's okay
 9 with you can I call it CBP?
 10 A. That's what I call it.
 11 Q. Is it okay with you if I call it that?
 12 A. Yes.
 13 Q. When did you first begin utilizing the CBP
 14 technique on your patients, what year?
 15 A. It would be March of 1980.
 16 Q. Okay. Are you the founder of CBP?
 17 A. Yes.
 18 Q. What is the CBP technique?
 19 A. That's a broad question. Can you pin it
 20 down just a little bit more?
 21 Q. Sure. If you were sitting with someone
 22 and -- I guess like myself, but if you were
 23 sitting with someone and they asked you generally
 24 what type of chiropractic treatment is
 25 encompassed with the CBP technique, is that

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1 something you can answer in a paragraph or less?
 2 Just give me a blueprint of it if you will.
 3 A. Okay. I will give it a try. I would say
 4 that it encompasses things that I learned in
 5 chiropractic college like spinal manipulation,
 6 but I did some new things which I got from my
 7 background in math and mechanical engineering and
 8 I call it mirror image posture work, and in the
 9 sagittal curve traction there's a difference,
 10 which I and several of my followers have
 11 originated.
 12 Q. Okay. How many followers have you had
 13 over the years if you are able to give us an
 14 estimation of the CBP technique?
 15 A. Well, I did ask my wife that question and
 16 she thinks that we've had about 6,000 attend our
 17 seminars.
 18 Q. That includes not just domestically but
 19 internationally?
 20 A. I don't think that includes international.
 21 Q. Okay. We will get to that in a moment,
 22 but aren't there some international seminars on
 23 the schedule for 2008?
 24 A. I believe so.
 25 Q. Australia and New Zealand?

1 which I haven't done.
 2 Q. When Deed gives a seminar and discusses
 3 the CBP technique to the attendees, is your name
 4 usually mentioned in some fashion?
 5 A. If I'm not there I don't know for sure,
 6 but I would imagine.
 7 Q. Okay. When Deed is giving a seminar, does
 8 he play any video of you explaining the CBP
 9 technique or the history or a video of you in any
 10 other fashion to the attendees?
 11 A. I would say no because all our videos like
 12 that are older.
 13 Q. Have you ever in the past ever been on any
 14 local or regional radio shows to discuss,
 15 advertise, or answer questions about the CBP
 16 technique?
 17 A. I can't ever remember being on a radio
 18 show.
 19 Q. Okay. Do you know if you've ever been on
 20 any local, regional, national, or other cable
 21 television shows again to discuss the CBP
 22 technique, answer questions about the CBP
 23 technique, or just make a pitch and kind of
 24 solicit other chiropractors or patients to the
 25 CBP technique?

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1 A. And London and maybe Italy.
 2 Q. Okay. Have you ever taught a seminar
 3 prior to today internationally?
 4 A. Yes, I have.
 5 Q. In how many different countries in the
 6 past have you taught CBP seminars?
 7 A. Canada, Korea, Australia, England. That's
 8 mine, me personally.
 9 Q. All right. Have other CBP seminars been
 10 taught by people other than you internationally?
 11 A. Yes.
 12 Q. Can you give me some sense as to in what
 13 other if any countries those seminars have been
 14 taught by other individuals in the past?
 15 A. Well, my son does more of that than I do.
 16 I don't like flying very much anymore.
 17 Q. Is that Deed?
 18 A. Yeah.
 19 Q. Okay.
 20 A. So he does all the overseas seminars now.
 21 Q. And where has he gone do you know just
 22 roughly to the best of your recollection before
 23 today?
 24 A. He's gone to those places that I talked
 25 about except he's done extra things in Europe

1 A. Not for that reason. No.
 2 Q. But have you been on other television
 3 programs in the past?
 4 A. Around 1982 or perhaps '83 I was on the
 5 Dean Edell show. Have you ever heard of Dean
 6 Edell?
 7 Q. No. That's D-E-L-L, Dell?
 8 A. I'm not sure. He's an M.D.
 9 MR. BARRETT: E-D-E-L-L.
 10 Q. And where was that show broadcast?
 11 A. Now, don't quote me because this is years
 12 ago --
 13 Q. No problem.
 14 A. -- and I'm getting older, but I believe
 15 it's Channel 7 San Francisco.
 16 Q. What was the purpose of why you were on
 17 that show?
 18 A. He called me up and said that he heard I
 19 was doing something different and wanted to come
 20 down and interview some of my patients.
 21 Q. Okay. Did you have an opportunity to
 22 speak and answer questions on that show?
 23 A. This is a long time back. I can't
 24 remember if he just showed me adjusting and
 25 interviewed my patients or if he interviewed me.

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1 I can't remember that.
 2 Q. But you were on camera?
 3 A. Oh, yeah.
 4 Q. Okay. Did you see a rebroadcast or
 5 videotape of it after you were on the show that
 6 day?
 7 A. Yes.
 8 Q. Do you still have a copy of that?
 9 A. No. I never kept a copy.
 10 Q. Do you know anyone that may have a copy,
 11 like your son or anybody else?
 12 A. No. My son was really little then.
 13 Q. Okay. Do you know about how many people
 14 may have seen that show? Did you discuss that
 15 with Dr. Edell or anybody?
 16 A. No.
 17 Q. All right. Was that one of the -- now,
 18 back in the early '80s I guess that was around
 19 the time cable was starting to grow. Do you know
 20 if Channel 7 was a cable station or just one of
 21 the three or four main stations in San Francisco
 22 at that time?
 23 A. I think it was like one of those, NBC,
 24 ABC. Yeah.
 25 Q. To the best of your recollection, Doctor,

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1 have you been on any other TV shows in the last
 2 24, 25 years since that one show?
 3 A. No.
 4 Q. You don't believe you've ever been on any
 5 radio broadcasts?
 6 A. No.
 7 Q. How about an Internet broadcast which
 8 would give you an opportunity to speak to other
 9 chiropractors or other patients about the CBP
 10 technique? Have you ever been on any Internet
 11 broadcasts?
 12 A. Just recently my Web master started what
 13 we call a podcast, so I've been on a few of
 14 those.
 15 Q. Okay. Do you know about how many you've
 16 been on?
 17 A. Three or four I'd say. Don't quote me.
 18 It's close to that.
 19 Q. Okay. What year were you on your first
 20 podcast?
 21 A. Oh, that was this year.
 22 Q. This year?
 23 A. Yes. That was probably April or May and
 24 then since then.
 25 Q. What was the purpose of the podcast?

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1 A. It was my Web master's idea to keep in
 2 contact with our followers, so I believe it's on
 3 our Web site and then they can download it and
 4 listen to me in their car or something if they
 5 want to.
 6 Q. Have you received any statistics as to how
 7 many people may have viewed the podcast?
 8 A. Not me. My Web master would know that.
 9 Q. Okay. What is your Web master's name?
 10 A. Joe Ferrantelli, Joseph Ferrantelli.
 11 Q. He is a chiropractor?
 12 A. Yes, he is.
 13 Q. Is he a CBP practitioner?
 14 A. Yes, he is.
 15 Q. How long has he been your Web master?
 16 A. I can't remember what year he graduated,
 17 but since his graduation.
 18 Q. Do you know what decade that may have been
 19 in?
 20 A. Well, I believe it's in the 2000s, so
 21 probably less than seven years.
 22 Q. Okay. Did you have a Web master before
 23 Joe Ferrantelli?
 24 A. (Witness shakes head.) No.
 25 Q. You are doing a great job by the way of

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1 keeping your responses verbal. Thank you. I'm
 2 not saying that to -- I'm just being sincere.
 3 Do you know if Dr. Ferrantelli has
 4 ever shared with you statistics in the past as
 5 far as how many people have viewed your podcasts?
 6 A. He wrote little sections of that in our
 7 quarterly newspaper so it would be there, but I
 8 don't read it.
 9 Q. Is that the American Journal of Clinical
 10 Chiropractic?
 11 A. Yes, it is.
 12 Q. I will talk to you about that in a
 13 second. Were you interacting with your followers
 14 during the podcast or were you just kind of
 15 giving a speech if you will? Were you taking
 16 questions or how did that work?
 17 A. I sat down with a short outline and it
 18 usually comes from the Web master, he gives me
 19 ideas, and I just speak into a recorder. Then I
 20 send it to him and then he puts it together with
 21 edits and stuff and he might put some of our
 22 products inside there for advertising and then he
 23 makes it available to be downloaded, and I've
 24 never downloaded one. I don't even know how it
 25 comes out.

1 Q. Okay. So you're not interacting --
 2 A. No.
 3 Q. -- with any of your followers?
 4 A. No. None of that.
 5 Q. Do you have any understanding as to
 6 whether your primary audience for these three or
 7 four podcasts, I think you said three or four,
 8 are practitioners themselves or patients or both?
 9 A. I don't know for sure, but I would assume
 10 it's practitioners because that's who I address.
 11 I say good evening, doctors, and then that's how
 12 I start, so I would assume it's doctors.
 13 Q. Okay. Did you ever try to do any podcasts
 14 before 2005?
 15 A. No. 2007.
 16 Q. Right. 2007 was the first one?
 17 A. Yes.
 18 Q. Okay. Do you have any plans to have any
 19 other podcasts in the foreseeable future?
 20 A. My Web master's trying to do one twice a
 21 month and I'm just too busy and I don't get
 22 around to it that often. I don't even get around
 23 to it once a month.
 24 Q. Is there a fee someone would have to pay
 25 to download and view the podcast?

1 A. I don't think so.
 2 Q. Okay. Has the number of DCs that receive
 3 the paper grown over the years?
 4 A. Yes.
 5 Q. Has it grown since 2005?
 6 A. I would say that it's probably two or
 7 three thousand more since then by my wife
 8 updating lists from the state boards.
 9 Q. Do you have any statistics to show that
 10 any DCs have asked to be taken off of the
 11 circulation list since Dr. Barrett's article came
 12 out in 2005?
 13 A. I don't think my wife keeps stuff like
 14 that. People call up and say I want to be off.
 15 She doesn't even ask them why. She just takes
 16 them off.
 17 Q. Does the paper have any advertisements in
 18 it from other sources other than CBP?
 19 A. A few.
 20 Q. And do those advertisers pay someone or
 21 some entity to advertise in that paper?
 22 A. They pay us.
 23 Q. Okay. And who is us?
 24 A. My wife and I.
 25 Q. But is that check made out to a particular

1 A. No. They're free.
 2 Q. The American Journal of Clinical
 3 Chiropractic, are you the publisher of that
 4 paper?
 5 A. Yes.
 6 Q. Are you the founder of that paper?
 7 A. Yes.
 8 Q. All right. How many people subscribe to
 9 that paper?
 10 A. It's a free publication, so if it's
 11 overseas and they want us to send it then it's
 12 extra postage, so my wife tells anybody who wants
 13 it from overseas that they'll have to pay the
 14 postage four times a year, so that's the only
 15 time there's a fee and it's for postage.
 16 Q. Okay. Do you know about how many people
 17 in the United States subscribe, although I
 18 recognize it's free so subscribe might not be the
 19 best word, but receive it, receive the paper?
 20 A. In the past we've had different mailing
 21 lists and now my wife keeps her own from the
 22 state boards and so I think it's circa 68,000
 23 DCs.
 24 Q. Do you know if the paper gets circulated
 25 to any nonpractitioners, to patients instead?

1 entity like CBP Technique or someone else --
 2 A. Well --
 3 Q. -- for the ad?
 4 A. -- it would be to the American Journal of
 5 Clinical Chiropractic.
 6 Q. Do you know if your advertising revenue
 7 has dropped for that paper since my client's
 8 article came out in 2005?
 9 A. I'd have to go back and check.
 10 Q. Okay. Who would keep that information for
 11 you to check?
 12 A. My wife.
 13 Q. Can you tell us generally at the present
 14 time what your annual advertising revenue is
 15 that's generated from advertisements in that
 16 paper?
 17 A. It used to be about 25,000 an issue and
 18 then the costs are more than the revenue, and
 19 then recently we went up two or three thousand.
 20 Q. Okay. And I apologize if I'm not clear on
 21 your answer. When you went up two to three
 22 thousand, is that on the gross revenue from the
 23 ads themselves?
 24 A. Yes.
 25 Q. And when you say gone up two to three

1 thousand, since when is that an annual estimated
2 increase?
3 A. Since the October issue this year, so that
4 was about the same. I was losing about ten
5 thousand an issue -- between seven and ten
6 thousand an issue until October I did better.
7 Q. October of 2007, this month?
8 A. Yes.
9 Q. Okay. Have you ever made a profit on that
10 newspaper prior to this past month, October of
11 '07?
12 A. I can't recall ever making a profit on it.
13 Q. Okay. And you said it's a quarterly
14 paper?
15 A. Yes.
16 Q. So are you saying that every quarter you
17 would have about 25,000 in revenue from the
18 advertisements, but until this month the costs
19 were higher than the revenue?
20 A. In the past always the costs were higher
21 than the revenue, and don't quote me because I
22 don't do the math on this stuff, my wife does,
23 but I'm giving you estimates. At this time I did
24 better in the loss column, but I still had a
25 loss.

1 today.
2 A. Yeah.
3 Q. Okay. Thank you.
4 A. Can I make a request that you send me a
5 request for that?
6 MR. REID: Why don't we do this,
7 Ken. If you would after just follow up with a
8 letter to me of what you want and then I can go
9 ahead, just for clarity's sake.
10 MR. GOODMAN: That's fine. Okay.
11 Q. Have you, Dr. Harrison, published any
12 textbooks in connection with the CBP technique?
13 A. Several.
14 Q. Okay. How many do you think you've
15 published?
16 A. Right now we're selling four, but in the
17 past there's been precursors to those.
18 Q. What year did you first publish your first
19 book on the CBP technique?
20 A. It was about '81 or '82, somewhere in
21 there.
22 Q. Can you give us some estimation as to how
23 many books you think you've published under your
24 name, not just solely under your name
25 necessarily, since 1981, 1982?

1 Q. Okay. Is there a separate entity that
2 shows a profit or loss on your tax return in
3 connection with the newspaper itself?
4 A. I don't keep that. My wife does.
5 Q. Okay. Do you have an accountant?
6 A. Yes.
7 Q. Does your accountant handle not just your
8 personal income tax return but any other entity's
9 tax return, whether it be CBP Technique or any
10 other entity?
11 A. Yeah. All those are under the same S
12 corporation and my wife does it, and then she
13 goes to the accountant and he helps her finish
14 it.
15 Q. What's the name of your accountant?
16 A. His last name is Cameron. I don't know
17 what his first name is.
18 Q. That's C-A-M-E-R-O-N, Cameron?
19 A. Cameron. Yeah. I'm pretty sure that's
20 it.
21 Q. And would your wife have that information
22 at home?
23 A. Yes, she would.
24 Q. I would ask you to please get that
25 information and supply it to Attorney Reid after

1 A. I would say approximately ten.
2 Q. Are these textbooks that are used in
3 chiropractic colleges and universities and/or
4 other clients as well?
5 A. Some of them were used in colleges and
6 universities.
7 Q. Of the four current textbooks -- just for
8 the record, to save time my client just handed me
9 a copy of one of the US income tax return form
10 1120Ss that was produced by Attorney Reid and
11 that does have the name and address of Cameron &
12 Associates, so I don't need you to spend any time
13 on that --
14 A. Okay. Great.
15 Q. -- but I appreciate that. Of the four
16 current textbooks that are I guess in circulation
17 if you will now, how many of those are used in
18 chiropractic colleges and universities?
19 A. Probably three of those.
20 Q. Which universities and/or colleges are
21 utilizing those three?
22 A. Well, Life West and Life University. Life
23 West is in Hayward, California and Life
24 University is in Marietta, Georgia. Some of the
25 other -- of the four would be used in Cleveland

1 Chiropractic College. Cleveland Chiropractic
 2 College is in Kansas City and one's in Los
 3 Angeles.
 4 Q. The Cleveland Chiropractic Colleges, are
 5 those Internet based or do they actually have --
 6 A. They have campuses.
 7 Q. Okay. Do you have any idea how many
 8 students, we'll start with Life West, are
 9 currently using the textbook at that academic
 10 institution?
 11 A. CBP is core curriculum at Life West, so
 12 eventually every student would have to have some
 13 of those books.
 14 Q. Do you know about how many students
 15 currently attend Life West?
 16 A. No. I sure don't.
 17 Q. Okay. How about Life University in
 18 Georgia?
 19 A. That's an elective, so it would be
 20 whatever percentage of the students take the CBP
 21 elective there, so I don't know that either.
 22 Q. Okay. How about at Cleveland Chiropractic
 23 College either in Kansas City or Los Angeles?
 24 A. The same thing, that's an elective there,
 25 so whatever percentage take the elective compared

1 A. Oh, some of it started in '82 probably and
 2 I sold it up until probably 1998, around in
 3 there.
 4 Q. And why did you stop selling that volume
 5 two around 1998?
 6 A. Because the last Medline searches of the
 7 literature I did to write chapters in there was
 8 1990 and then it started getting to be older
 9 information and I need to update those and I
 10 haven't yet.
 11 Q. Have you updated that now since you have
 12 now come out with this volume one?
 13 A. No. The volume two would be an update of
 14 the one that I don't sell anymore.
 15 Q. Okay. So at the present time -- if I
 16 misunderstood your answer I apologize. Are you
 17 now selling a textbook to the seminar attendees
 18 though at the present time?
 19 A. Volume one.
 20 Q. Volume one. Okay.
 21 A. Yeah.
 22 Q. And that deals with the CBP technique?
 23 A. No. It's Spinal Biomechanics for
 24 Clinicians.
 25 Q. But is there anything in that textbook,

1 to what's the number of students taking, you
 2 know, the whole curriculum there. I don't know
 3 that.
 4 Q. Do all three of those textbooks that are
 5 used at those universities all deal with the CBP
 6 technique?
 7 A. Yes.
 8 Q. Now, since you have four textbooks I think
 9 now in circulation, the other one that might not
 10 be used at a college or university, who's that
 11 sold to?
 12 A. People at my seminars.
 13 Q. What's the name of that publication?
 14 A. I think that it's something like
 15 Biomechanics -- Spinal Biomechanics for
 16 Clinicians. That's very close to the title.
 17 Q. How many versions of that textbook used
 18 for seminars have you written over the years?
 19 How many editions I guess I should say?
 20 A. What I'm selling now is called volume one
 21 and that's the only version of that, but there
 22 was a volume two that had different versions, but
 23 I quit selling that until I upgrade it.
 24 Q. Okay. What years were you selling volume
 25 two?

1 chapter or otherwise, that discusses the CBP
 2 technique?
 3 A. I don't believe so. It's mainly spinal
 4 biomechanics from my engineering background.
 5 Q. Okay. So between 1998 and until recently
 6 is it fair to say that you weren't selling any
 7 textbooks or at least to seminar attendees?
 8 A. Incorrect.
 9 Q. The volume one that you're currently
 10 selling, Spinal Biomechanics for Clinicians --
 11 A. Right.
 12 Q. -- how many years have you been selling
 13 that or offering that book to seminar attendees?
 14 A. I believe that one was written in 2002.
 15 Q. Do you have or does your wife or anyone
 16 else have documentation which would reveal the
 17 amount of revenue that has been generated over
 18 the years selling textbooks to seminar attendees?
 19 A. I know that's all included in our taxes
 20 each year, I know that, but does she go back and
 21 keep track of all the books she's ever sold? I
 22 don't think so. I don't know that.
 23 Q. All right. Do you know if you're making
 24 an allegation in this lawsuit that the revenue
 25 generated from selling textbooks to seminar

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1 attendees has fallen off because of the article
 2 generated by my client in 2005?
 3 A. I'd have to go back and ask my wife to
 4 check on that.
 5 Q. Okay. Again, if I could ask you, and I'll
 6 send a letter to Chris, to confer with your wife
 7 and see if there's any documentation with regard
 8 to revenue or income generated from the sale of
 9 textbooks and produce that to your attorney, I'd
 10 appreciate that.

11 MR. REID: Ken, just for the record
 12 I believe answers to certain discovery requests
 13 that were propounded by you do indicate that
 14 there was a loss of revenue from seminars. To
 15 the extent that that --

16 MR. GOODMAN: Right.

17 MR. REID: -- number includes
 18 textbook revenue, we will identify it as such.
 19 To the extent that there is a separate and not
 20 yet identified number, we'll provide you with the
 21 same.

22 MR. GOODMAN: Okay. Fine. Just for
 23 the record, I think we can both agree that to
 24 date we haven't received any detailed information
 25 other than some tax records, some tax returns and

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1 S corporation documents, things like that, that
 2 specify any losses specific to seminars, and
 3 we're still waiting for you to supplement -- to
 4 provide us with that information.

5 MR. REID: I thought that there was
 6 a letter that went out to you with the demand
 7 that had that information, but I'll check and we
 8 can address that.

9 MR. GOODMAN: Thanks.

10 MR. REID: Okay.

11 BY MR. GOODMAN:

12 Q. With regard to the textbooks, Dr.
 13 Harrison, I know I just asked you about whether
 14 there might be records kept as to revenue
 15 generated from textbooks sold to seminar
 16 attendees, but can I ask you the same question,
 17 do you have any documentation or does anyone that
 18 you know have documentation indicating revenue
 19 generated from selling textbooks to chiropractic
 20 colleges and universities such as the ones you
 21 mentioned today?

22 A. Again, I would have to ask my wife if she
 23 keeps records like that.

24 Q. Okay. Has anyone advised you that there
 25 has been a drop-off in the number of chiropractic

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1 students taking either elective CBP technique
 2 courses or taking core CBP courses, whether it be
 3 at Life West where it would be core curriculum,
 4 Life University where it's an elective, or any of
 5 the Cleveland Chiropractic Colleges since my
 6 client's article came out in 2005?

7 A. Yes. There's been a drop in those.

8 Q. Do you have any documentation or do you
 9 have any -- are you aware of anyone that has
 10 documentation that would reveal the drop-off in
 11 the attendance of those courses since my client's
 12 article came out in 2005?

13 A. I guess I would have to have my attorney,
 14 Attorney Reid, contact those colleges and ask for
 15 that information.

16 Q. Okay. How is it that you are aware you
 17 said today that there has been a drop-off?

18 A. Because I usually keep in contact with the
 19 instructors of those courses.

20 Q. Okay. Was there any noticeable drop-off
 21 in attendance in those courses between the time
 22 that Dr. Botnick's article came out in November
 23 of 2003 but before my client's article came out
 24 in 2005?

25 A. We'd have to check.

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1 Q. Okay. And do you have any documentation
 2 or do you know anyone that has documentation that
 3 would reveal whether or not there was a drop-off
 4 in student attendance as to the CBP courses at
 5 the universities we just discussed between Dr.
 6 Botnick's article coming out in November of '03
 7 and just before my client's article came out in
 8 2005?

9 A. The same answer. We'd have to check with
 10 the colleges and see if they keep stats like
 11 that. Hopefully they do. That would be good to
 12 know.

13 Q. Okay. Have you advertised for the CBP
 14 technique in your own quarterly newspaper over
 15 the years?

16 A. Yes. That's mainly its purpose.

17 Q. Now, I think you mentioned that 68,000 or
 18 so chiropractors receive that quarterly
 19 newspaper?

20 A. Approximately.

21 Q. All right. How many chiropractors are
 22 there in the -- how many doctors of chiropractic
 23 are there in the United States, do you know
 24 roughly?

25 A. No, except for what we've done is

1 contacted the state boards and usually there's a
 2 fee. We pay for that list and then we put that
 3 list into our computer, and so hopefully I'm
 4 reaching most of them.
 5 Q. Do you know about how many there are
 6 nationally?
 7 A. No.
 8 Q. Let me ask you this. There are 68,000 DCs
 9 that receive the quarterly newspaper. Do you
 10 know if that's more than half or less than half
 11 of the number of chiropractors or DCs there are
 12 in the United States?
 13 A. I'm hoping that I have most of the DCs in
 14 the US and Canada in that 68,000.
 15 Q. Okay. Does that newspaper go anywhere
 16 overseas?
 17 A. No, except for like I told you if somebody
 18 overseas wants to get it then my wife
 19 individually makes them pay for the postage, but
 20 as a general send-out we don't do that overseas.
 21 Q. Okay. Have you over the years sent out
 22 mailers to chiropractors in addition to the
 23 newspaper like a letter, a postcard, anything
 24 that you were using to solicit chiropractors that
 25 maybe weren't CBP practitioners to becoming a CBP

1 1989 where you've stopped doing seminars?
 2 A. No.
 3 Q. Is it fair to say that you've done
 4 advertising on the Internet over the years with
 5 regard to your seminars?
 6 A. Through the Web site.
 7 Q. Okay. That's ideaspine.com?
 8 A. Yes.
 9 Q. Have you done any other advertising for
 10 the seminars over the years on any other Web
 11 sites other than ideaspine.com?
 12 A. I don't believe so.
 13 Q. Have you advertised in any local
 14 newspapers over the years, like if you go to
 15 North Carolina or Alabama or some state, to
 16 solicit attendees to the seminars in addition to
 17 mailers or --
 18 A. No.
 19 Q. All right. So you've never paid money to
 20 advertise in a local newspaper in a particular
 21 state that you may be going to before a seminar?
 22 A. No.
 23 Q. Are you trying to solicit when you have a
 24 seminar patients to go to the seminars or is it
 25 solely chiropractors that you want to get to go

1 practitioner?
 2 A. Yes.
 3 Q. All right. And what would be your target
 4 audience in sending out mailers and what type of
 5 mailers were they? That was a double question,
 6 but you can answer that if you can.
 7 A. Okay. Sometimes we'll send out to our
 8 whole United States list like postcards saying
 9 we're going to be in your area and we'll list
 10 like three or four seminars, so hopefully in each
 11 region we might hit near their area, and
 12 sometimes I might take -- like for instance if I
 13 go to Atlanta I might take South Carolina,
 14 Alabama, Florida, and my Georgia list and send
 15 them a postcard and say I'm going to be in
 16 Atlanta coming up, please attend, that kind of
 17 thing. Is that what you are talking about?
 18 Q. Yes. You may have answered this. I'm
 19 trying not to be repetitious here. What year did
 20 you begin doing seminars? Is that when you
 21 stopped practicing as a chiropractor in 1993?
 22 A. I started doing seminars about 1980, '81.
 23 Then I stopped for a while and then I started up
 24 again in 1989.
 25 Q. Have there been any other periods since

1 to the seminars?
 2 A. Solely chiropractors. We believe that it
 3 would be over a patient's head.
 4 Q. Okay. Have you ever over the years given
 5 seminars targeting insurance companies to educate
 6 them on understanding the CBP technique?
 7 A. No.
 8 Q. Have you ever attempted to solicit an
 9 automobile insurance company like State Farm,
 10 Allstate, Nationwide, or anyone else to attend a
 11 seminar or to meet with you or any one of your
 12 followers to get them educated on the CBP
 13 technique?
 14 A. I think one time a person from State Farm
 15 came because of Steve Troyanovich, that he knew
 16 Steve's wife or something like that, but not me
 17 personally.
 18 Q. Okay. Did you meet with that individual
 19 from State Farm?
 20 A. It was quite a few years ago and I may
 21 have introduced myself at the seminar and talked
 22 to him for a few minutes, but that's -- that's
 23 hazy in my memory.
 24 Q. Okay. Have you ever over the years
 25 conducted peer reviews on behalf of automobile

1 liability insurance companies that may have been
 2 contesting the reasonableness or necessity of
 3 chiropractic treatment by another chiropractor?
 4 A. I don't believe so.
 5 Q. Have you ever been employed as a
 6 contractor or a subcontractor doing work for an
 7 automobile insurance company with regard to any
 8 form of peer reviews or IMES, independent medical
 9 examinations, in connection with first party
 10 medical benefits claims being made by an insured
 11 injured in a car accident?
 12 A. No.
 13 Q. All right. Do you consider yourself as a
 14 well-known expert in the field of chiropractic in
 15 the United States?
 16 A. Well, one hopes so, but a lot of times
 17 when I talk to other people they've never heard
 18 of me, so it's disappointing.
 19 Q. Okay. Of the 68,000 or so DCs that
 20 receive your paper, do you have any idea over the
 21 years how many of them you've ever spoken to over
 22 the years?
 23 A. Wow. I never thought about that. I have
 24 no idea.
 25 Q. And the number of 6,000 that you think

1 have attended your seminars over the years, have
 2 you met most of those people?
 3 A. Because I taught most of the seminars I
 4 would at least see their faces and chitchat a
 5 little bit with each one.
 6 Q. Okay. And how often do you personally
 7 give seminars now?
 8 A. I would say that number is only three or
 9 four a year because my son does most of the
 10 seminars now. I go, but I don't speak much.
 11 Q. Okay. I'm going to hand you what I'm
 12 going to ask the court reporter to mark, and it's
 13 a little bit out of order, as Harrison 4, which I
 14 believe is the list of Harrison CBP seminars
 15 schedules that was produced in discovery. I will
 16 give a copy to Chris as well. Have you seen --
 17 and again I know that I just handed this to you.
 18 This incorporates seminars schedules from 2001
 19 through 2007. Have you seen this document
 20 before?
 21 A. Yes. My wife and I had produced this.
 22 Q. Now, on the top underneath where it says
 23 registration only it has a Web site of
 24 chiropracticbiophysics.com, not ideaspine.com.
 25 What's that Web site?

1 A. The same one.
 2 Q. Oh, it's the same one. Okay.
 3 A. It's two different names. It goes to the
 4 same Web site.
 5 Q. Okay.
 6 A. But where did you see that?
 7 Q. It's right there. Do you see it on there?
 8 A. Oh, yeah. I see that now. Yes.
 9 Q. Okay. Do you send a seminar schedule out
 10 or does someone on your behalf send a seminar
 11 schedule out in advance of that particular
 12 calendar year to your target seminar attendees?
 13 A. We put this in our journal four times a
 14 year.
 15 Q. When you say the journal, the newspaper?
 16 A. American Journal of Clinical Chiropractic.
 17 Q. Okay. That is the newspaper so we are
 18 talking about the same thing?
 19 A. Yes.
 20 Q. Okay. Do you try to go to the same states
 21 or locations and repeat your seminars every year
 22 or if not what's your goal in terms of where you
 23 want -- which geographic territories you want to
 24 hit when you give these seminars?
 25 A. What my wife and I do is sit down and

1 break the country into regions and then try to do
 2 some in each region so that doctors don't have to
 3 fly too far.
 4 Q. Okay. Have you personally gotten Deed
 5 more involved in actually going to the seminars
 6 where you've kind of slowed down your
 7 participation over the years?
 8 A. I still go and I check people in and I
 9 sell my books there, but the last few years he
 10 does more and more of the teaching because I'm
 11 getting older and I want to retire in three
 12 years.
 13 Q. Okay. Is Deed an employee or officer of
 14 any corporation that you own or are a shareholder
 15 in?
 16 A. I don't believe he's an officer, but we
 17 pay him for teaching so -- I believe though it's
 18 a 1099. I'll have to check with my wife.
 19 Q. Okay. When you say we, the CBP seminars
 20 and revenue generated from that, what entity does
 21 that revenue go to at least in terms of a tax
 22 return?
 23 A. That's our S corporation. When I say we,
 24 that's my wife and I.
 25 Q. All right. Now, I also found a seminar

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1 schedule for 2007 and 2008 on your Web site and
2 I'm going to hand that to you. I'm going to have
3 this marked as Harrison 5.

4 MR. REID: Where is three by the
5 way?

6 MR. GOODMAN: I'm sorry.

7 MR. REID: Where is Harrison 3?

8 MR. GOODMAN: I skipped three for
9 now.

10 MR. REID: Okay.

11 MR. GOODMAN: I have a copy of the
12 front page of one of his journals, but we've
13 already discussed the journals so I didn't want
14 to waste time on that.

15 MR. REID: Okay.

16 Q. I'm going to give this to you and your
17 attorney and this again is entitled 2007-2008 CBP
18 seminar schedule. Have you seen this document in
19 some form or fashion before today?

20 A. Not from the Web site, but my wife and I
21 make -- what exhibit did you call this right
22 here?

23 Q. That one was Harrison 4.

24 A. Okay. So my wife and I make it out like
25 Harrison 4 and then I think what she does is give

1 biophysics, mirror image seminars. Is there a
2 fee that attendees pay for each module?

3 A. Yes.

4 Q. And if they want to buy all nine modules
5 they can get that at one fee?

6 A. No.

7 Q. No?

8 A. If they buy all five technique modules we
9 give them one free if they do it in advance.

10 Q. Have the fees gone up since 2005 for
11 attendees?

12 A. Yes.

13 Q. And do you intend to increase the fees for
14 the 2008 attendees that go to the seminars?

15 A. I don't plan to do that.

16 Q. Okay. The list that I have here in
17 Harrison 5 for the 2008 schedule has roughly 19
18 different seminars through the end of September.

19 I guess my question then would be are you
20 intending to add other seminars for the last
21 three months of 2008, and if so would you then
22 reveal those additional seminars on a seminar
23 schedule on the Internet or in some other
24 fashion?

25 A. Yes.

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1 it to the Web master and he makes up this.

2 Q. Okay. Has the number of seminars that
3 you've given on an annual basis changed at all
4 since 2005?

5 A. My seminars started going down in a lot of
6 different areas so I cut back, so yes, they're
7 reduced.

8 Q. Well, my question is the number of
9 seminars that you have on your schedule for any
10 calendar year, has that number of seminars in
11 particular geographic areas dropped --

12 A. Yes.

13 Q. -- since 2005?

14 A. Yes.

15 Q. All right. What's your understanding as
16 to why the number of seminar dates has dropped
17 from your testimony since 2005?

18 A. Some of the areas got to be not
19 profitable, so I dropped them.

20 Q. What areas are those?

21 A. I would have to go through the exact list
22 again.

23 Q. Well, let's do this. Exhibit Harrison 5
24 that I got from the Internet states there are
25 nine independent modules in CBP, chiropractic

1 Q. And do you customarily do that, in other
2 words, give kind of a preliminary list and then
3 update it as the year goes on?

4 A. We try to do it all at once, but we have
5 to advertise our seminars in advance to give
6 doctors a chance to get their airplane tickets
7 and make their plans. Then there's license
8 renewal considerations through the colleges and
9 the states and they -- they have different
10 deadlines and so we try to do our first half of
11 the year right away in the fall.

12 Q. Okay. Now, I think you mentioned this.
13 The 68,000 people that receive the journal, are
14 those 68,000 people primarily or solely in the
15 United States or does that include people
16 overseas?

17 A. It includes our Canada list. We have
18 nobody overseas.

19 Q. Okay. Given that there are seminars
20 scheduled in Sydney, Australia, in New Zealand,
21 in Rome, Italy, and in London, is it your
22 intention to start to have people receive -- have
23 chiropractors receive your journal at least in
24 those countries in 2008?

25 A. No.

1 Q. How are you going to without sending them
 2 your journal solicit attendees for your seminars
 3 in countries other than Canada such as the ones
 4 I've named here and that are on your seminar
 5 schedule in 2008?
 6 A. What we do is send out to the doctors who
 7 have attended before and say we're going to be in
 8 your area, here's the date, we don't go overseas
 9 very often so this is your limited opportunity
 10 and would you please solicit a friend or two to
 11 come to the seminar.
 12 Q. Is 2008 the first year that you have
 13 actually put -- that you are putting on a seminar
 14 in a country other than the United States or
 15 Canada?
 16 A. No.
 17 Q. In what countries have you had seminars
 18 taking place in the past other than the United
 19 States and Canada?
 20 A. From about 1990 to '94, '95 I did them in
 21 Korea. In that same era I did some in Australia,
 22 Sydney, and then in the past few years my son has
 23 done Australia, New Zealand, and London, and
 24 recently we had one that I wasn't available with,
 25 I think it was Norway, but it wasn't me that

1 in Rome or in Italy at the present time that are
 2 CBP technique practitioners?
 3 A. Yes. There are a few.
 4 Q. Okay. The same question with respect to
 5 England.
 6 A. There's usually between 40 and 60 that
 7 take our seminars in London.
 8 Q. Okay. Have you ever given a seminar in
 9 the past in Rome?
 10 A. Not me.
 11 Q. But has Deed or other people?
 12 A. I don't think on CBP. He might have gone
 13 there for orthopedic or chiropractic conferences
 14 but not a CBP seminar.
 15 Q. What type of advertising if any have you
 16 done thus far in Rome to get people to go to the
 17 seminar in February?
 18 A. My wife and I, I don't think we've done
 19 any. I think that's up to my son to do.
 20 Q. Are you familiar with what he's done thus
 21 far to solicit attendees at that seminar?
 22 A. No. I'm not sure.
 23 Q. Okay.
 24 A. You'd have to ask him.
 25 Q. The same with London. You said 40 to 60

1 taught that and it wasn't my son. It was a
 2 fellow from Ireland.
 3 Q. Was there a period of time between the mid
 4 '90s and now where you just did not have any
 5 seminars overseas?
 6 A. When I was getting close to my Ph.D. I had
 7 a lot of work for my exams and my dissertation,
 8 so I didn't do any overseas then. From about
 9 probably '95 or '96 until '98, '99 we didn't do
 10 much there. Then my son started doing them
 11 because I didn't want to fly that long anymore.
 12 Q. Can you give us some sense as to what your
 13 expectations are for how many seminar attendees
 14 you expect to get for we'll start with Rome,
 15 Italy? Is there a goal that you have of how many
 16 attendees you want to get in Rome in February or
 17 do you already have an idea because it's only
 18 three months away?
 19 A. Of course you want to break even, you want
 20 to make a profit, and so I don't know what that
 21 would be. This is planned all by my son.
 22 Q. Okay.
 23 A. So lately when he does overseas seminars
 24 we let him handle that.
 25 Q. Are you aware are there any chiropractors

1 in the past have attended past CBP seminars in
 2 London?
 3 A. Yes.
 4 Q. Is it your intention to try to grow that
 5 number in 2008 now at the next seminar?
 6 A. We hope so. We've contacted them with
 7 letters and e-mails directly, the past
 8 attendees.
 9 Q. Have you, Deed, or anyone ever given CBP
 10 seminars in the past in Australia?
 11 A. Yes.
 12 Q. And approximately how many attendees have
 13 you had in Australia for your past CBP seminars?
 14 A. I would say depending on the seminar and
 15 the year between 40 and 75.
 16 Q. The same question with New Zealand. Have
 17 you ever given seminars there before?
 18 A. Deed has.
 19 Q. And in terms of the number of attendees?
 20 A. I'm not even sure on that because I didn't
 21 go.
 22 Q. Are there countries that have
 23 chiropractors that have recently accepted or
 24 embraced the CBP technique into their own
 25 chiropractic practice?

1 A. From the Internet, Ideal Spine, we're
2 reaching out to more countries with people that
3 see our Web site and so there's been interest
4 from some different countries. Yes.
5 Q. Okay. And would you agree just from
6 looking at I think what was marked as Harrison 2
7 from the Web site that as part of the Web site
8 that your Web master I guess put your CV on and
9 that that's your picture?
10 A. That's my picture.
11 Q. Okay. And do you know is your picture
12 still on the front page of the idealspine.com Web
13 site?
14 A. This might sound stupid to you, but I
15 don't go to that Web site so I have no idea.
16 Q. Okay. Do you have any reason to think --
17 would you have any reason to believe that your
18 picture is not on the Web site anymore?
19 MR. REID: Objection to the form.
20 You can answer if you know.
21 A. I have no reason to think he would take it
22 off, but it's my Web master doing that.
23 Q. Right. Now, I printed off this document,
24 Harrison 2, from the Ideal Spine Web site on
25 October 26, just last week. How many years have

1 you had the Ideal Spine Web site up and running,
2 do you know?
3 A. Well, this Web master is the guy that did
4 it and so he did it I'm pretty sure at the --
5 around the time of his graduation, so I'm not
6 sure exactly what it is, but I believe it's
7 somewhere around 2000, 2001 that we've had this
8 Web site.
9 Q. Do you have any idea or any statistics of
10 how many individuals access the Web site on
11 either a weekly, monthly, daily, or other basis,
12 any statistics on that?
13 A. I don't have them, but I think my Web
14 master has that.
15 Q. Has he ever shared any of those prior
16 statistics with you?
17 A. He's put those and past years in our
18 magazine, American Journal of Clinical
19 Chiropractic, so I read them then in there, but
20 otherwise I don't keep up on that.
21 Q. Okay. Just so we're talking about the
22 same thing, when you say American Journal of
23 Clinical Chiropractic and you said the word
24 magazine --
25 A. Newsletter, journal, newspaper.

1 Q. Okay. So there's no different publication
2 under that name other than what looks like a --
3 at least in the form looks like a newspaper?
4 A. Yes. That's it.
5 Q. And is your picture occasionally on the
6 front page of the journal?
7 A. Not lately, but it used to be.
8 Q. All right. When is the last time or last
9 year I should say that you remember seeing your
10 picture on any of the quarterly publications of
11 your journal?
12 A. I think when I got an award from the ICA
13 in 2006 it was on there.
14 Q. Pardon me being naive. What's the ICA?
15 A. International Chiropractors Association.
16 Q. What award did you receive?
17 A. One year I got researcher of the year and
18 the next year I got chiropractor of the year.
19 Q. And the one in 2006, what award did you
20 get then?
21 A. I think that was chiropractor of the year.
22 Q. Would you agree that you received that
23 award after the publication of my client's
24 article?
25 A. That's correct.

1 Q. Okay. Where was that meeting held where
2 you received that award?
3 A. Those two years the ICA meeting was in the
4 Washington, D.C. area.
5 Q. Do you know about how many people attended
6 that meeting?
7 A. They have what they call a representative
8 assembly and so they try to have a representative
9 from each state and then there would be the
10 officers in the ICA and the board members, so say
11 50 plus 20.
12 Q. So about 70 people?
13 A. Yes.
14 Q. All chiropractors?
15 A. Yes.
16 Q. All right.
17 A. Except for the staff of the ICA.
18 Q. Do you know if that meeting where you
19 received that award was broadcast in any fashion,
20 whether it be on the Internet, TV, radio,
21 anything like that?
22 A. Not like that, but the ICA has something
23 they call the ICA Choice, which is another
24 newsletter like mine that they send out. I was
25 in there.

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1 Q. Was there a picture of you receiving the
2 award in the ICA Choice publication?
3 A. I believe so.
4 Q. Do you know how many people receive that
5 publication?
6 A. No. I sure don't.
7 Q. Are you on that list of receiving that
8 publication at all?
9 A. Yes.
10 Q. Who publishes the ICA Choice, do you know?
11 A. The International Chiropractors
12 Association does.
13 Q. Where is their office located, do you
14 know?
15 A. Arlington, Virginia, but I don't know the
16 address.
17 Q. Did you or did someone on your behalf
18 advise the 68,000 or so people, the DCs that
19 receive your journal, that you received that
20 award in 2006?
21 A. Repeat that again now.
22 Q. Yes. Did you or anyone on your behalf let
23 the 68,000 DCs that receive your journal know
24 that you received that award in 2006,
25 chiropractor of the year?

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1 A. Yes. My wife and I did. We put it on our
2 front page.
3 Q. Of the journal?
4 A. AJCC, yes, American Journal of Clinical
5 Chiropractic. I shortened that to AJCC.
6 Q. Okay. That's the quarterly journal that
7 comes out; right?
8 A. Yes.
9 Q. When you put that on the front page, I'm
10 assuming that was in 2006 when you did that?
11 A. Yes.
12 Q. All right. What was the other award that
13 you received from the ICA?
14 A. Researcher of the year.
15 Q. What year was that?
16 A. I believe that was 2005.
17 Q. Okay. Do you know if you received that
18 award before or after the date of my client's
19 article?
20 A. Before.
21 Q. Did you also put in your journal, the
22 AJCC, a press release of some sort that you
23 received that award as well?
24 A. Yes. I was proud of those two awards.
25 Q. Okay. Do you know if you -- if that

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1 award, researcher of the year, was released in
2 the AJCC before or after my client's article was
3 published?
4 A. Before.
5 Q. All right. How many people attended that
6 meeting where you received researcher of the
7 year? How many DCs I should say?
8 A. About the same as the last number you
9 asked me.
10 Q. 50 to 70?
11 A. Yes.
12 Q. Have you received any other awards in
13 connection with your work as a chiropractor,
14 whether it be research or work with CBP research,
15 anything else other than those two awards let's
16 say within the last five years?
17 A. I don't recall any.
18 Q. What was the criteria -- let's go back to
19 the chiropractor of the year award in 2006. What
20 was your understanding as to how you got that
21 award? In other words, were there finalists?
22 Did you have to give a speech or do anything in
23 particular before you were advised that you were
24 going to be receiving that award?
25 A. It has to do with guidelines developments

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1 that I've been writing for the ICA.
2 Q. What do you mean by guidelines
3 developments? I ask you that as a layperson
4 obviously.
5 A. We started writing out plain film
6 radiography guidelines for the chiropractic
7 profession. Then I started writing what's known
8 as best practices or practice guidelines for the
9 chiropractic profession with a slant on the
10 position of the International Chiropractors
11 Association.
12 Q. How did you find out that you were going
13 to be receiving that award as chiropractor of the
14 year? Did someone from the ICA contact you?
15 A. No. Just at the meeting.
16 Q. Was it a surprise?
17 A. Yes.
18 Q. Have you ever been a finalist or were you
19 ever considered to the best of your knowledge as
20 chiropractor of the year by the ICA prior to
21 2006?
22 A. I have no knowledge of that.
23 Q. Who's the individual that presented you
24 with that award from the ICA, do you know?
25 A. The president of the ICA.

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1 Q. Who's that?
 2 A. John Maltby, M-A-L-T-B-Y.
 3 Q. Is he a chiropractor?
 4 A. Yes.
 5 Q. Do you know what state he practices in?
 6 A. It's a small town, B-L-Y-T-H-E,
 7 California.
 8 Q. Do you know if he is a CBP practitioner?
 9 A. No, he's not.
 10 Q. Okay. Mr. Maltby, is he the one who also
 11 presented you with researcher of the year?
 12 A. The reason why I am hesitating is I'm
 13 trying to remember when he was elected. I
 14 believe that he was the president at that time.
 15 Q. Okay. What was your understanding as to
 16 how you received the -- or why you received the
 17 ICA award in 2005 as researcher of the year?
 18 A. Because of all my publications over a
 19 period of years and they were appreciative of
 20 that and that's why I got that award.
 21 Q. Were you surprised when you received that
 22 as well or did you have advanced notice that you
 23 were going to be receiving it at that meeting?
 24 A. No. I was surprised.
 25 Q. You were surprised?

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1 A. Yes.
 2 Q. Have you ever been advised that you were a
 3 finalist or were considered to be researcher of
 4 the year by the ICA before 2005?
 5 A. No.
 6 Q. All right.
 7 A. I don't know that.
 8 Q. Have any other chiropractic organizations
 9 ever given you any other awards, whether it be
 10 chiropractor of the year, researcher of the year,
 11 or any others over the years for your work in the
 12 field of chiropractic?
 13 A. No. I don't belong to any other
 14 organizations besides the ICA.
 15 Q. How many years have you been a member of
 16 the ICA?
 17 A. Since 1977.
 18 Q. Okay. Have you ever served on any boards
 19 or committees for the ICA over the years?
 20 A. I was the Wyoming representative -- state
 21 representative from about 1986 to about 1992.
 22 Q. Are you still on the faculty of any
 23 chiropractic colleges or universities?
 24 A. Let me make two categories up for you to
 25 answer that question.

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1 Q. Okay.
 2 A. Full-time faculty, no. What they call
 3 extension faculty for postgraduate, yes.
 4 Q. And extension faculty as set forth in your
 5 resume or CV, is that at Life Chiropractic
 6 College?
 7 A. It was at one time.
 8 Q. Okay.
 9 A. Actually, right now I'm going to start
 10 with them in January again. I've done it with
 11 different colleges different years.
 12 Q. Okay. Are you considered quote/unquote an
 13 adjunct professor at these colleges since you are
 14 not full time?
 15 A. I don't know that they call it that. See,
 16 what happens is you're teaching seminars that are
 17 approved through their college and then they're
 18 the ones that -- their continuing education
 19 department then writes to the state boards and
 20 tries to get your program approved. Then they're
 21 the sponsoring college. Then I have to send in
 22 my resume and get approved and everything and
 23 then they're sponsoring my seminars and that's
 24 where the doctors get their license renewal who
 25 take my seminars, through that college.

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1 Q. When you work as a professor are you
 2 teaching chiropractic technique, CBP technique,
 3 or other forms of chiropractic care or both?
 4 A. I personally teach five techniques, CBP
 5 technique seminars, and then a biomechanics
 6 seminar.
 7 Q. When you say seminar, I want to make sure
 8 we are talking about the same thing. I'm asking
 9 you specific to you working as a professor in
 10 some fashion for a university or college.
 11 A. Yeah. And I'm trying to tell you that
 12 those two are different. When I say faculty no
 13 teaching at the college, but extension faculty is
 14 postgrad so most of the attendees would be
 15 doctors that they're getting their license
 16 renewal. In most states you have to have 12
 17 hours each year, so then if they come to my
 18 seminars they can get credit for those 12 hours
 19 through the college back to the state.
 20 Q. I got you. Okay. Have you been denied
 21 any opportunities to teach in that fashion as
 22 extension faculty since my client's article came
 23 out in 2005?
 24 A. No.
 25 Q. Your resume also lists that you're a

1 certified IME claims reviewer, certified since
 2 September of 1981. Going back to my earlier
 3 question, what was your understanding of what
 4 that was as part of your CV, the certified IME
 5 claims reviewer? What did you do?
 6 A. Well, at that time the ICA had a guy who
 7 taught a 12 hour seminar and laid out what a
 8 person would do to do a claims review. It was a
 9 12 hour seminar. I took that -- and, by the way,
 10 since that time that person passed away.
 11 Q. Okay.
 12 A. But I took that seminar back in 1981 and
 13 got certified to do that.
 14 Q. And did you ever work in any fashion as a
 15 claims reviewer after you went through that
 16 seminar?
 17 A. No.
 18 Q. All right.
 19 A. Well, not as a request from an insurance
 20 company, but I defended some doctors for state
 21 boards complaints.
 22 Q. Okay. And have you ever been called as a
 23 witness in court on behalf of any doctors who had
 24 litigation with or against state boards?
 25 A. No, because my report was enough. The

1 state boards backed off.
 2 Q. Okay. How many times have you been
 3 retained by -- is it primarily chiropractors
 4 involved in litigation with state boards in some
 5 fashion?
 6 A. Uh-huh.
 7 Q. How many times over the years do you think
 8 you've been retained?
 9 A. Five.
 10 Q. Five times. Okay. When is the last time
 11 you think you were retained to do that?
 12 A. When you say retained --
 13 Q. Well, asked by a chiropractor to write a
 14 letter or report in connection with their dispute
 15 with the state boards.
 16 A. Sometimes I did it no charge, so I would
 17 say last year for a guy in England.
 18 Q. All right. How many times have you been
 19 asked to do that since my client's article came
 20 out in 2005 other than that one time with that
 21 gentleman in England?
 22 A. That's it, once.
 23 Q. Have you had any CBP technique articles
 24 published in any peer-reviewed indexed journals?
 25 A. Several.

1 Q. Have you had any published since my
 2 client's article came out in 2005?
 3 A. Several.
 4 Q. What's the criteria to get an article
 5 published in a peer-reviewed indexed journal, to
 6 get approval to get it published?
 7 A. First of all, you have to have a research
 8 design. You have to collect data. You have to
 9 analyze that data. Then you write a manuscript
 10 up. Usually there's several versions of that to
 11 finalize. Then you send it to the journal and
 12 most journals will have three to five reviewers
 13 who try to pick apart your paper. Sometimes
 14 you're rejected and they give you the reasons why
 15 and sometimes you're given the reasons why and
 16 then if you fix them you have a chance to get it
 17 published, so you rewrite your paper by the
 18 reviewers' comments. Then you send it back and
 19 then you may be accepted or rejected again.
 20 Q. And your articles that you've had
 21 published over the last few years for example in
 22 peer-reviewed indexed journals dealt primarily
 23 with the CBP technique?
 24 A. I have done analyses of things that I
 25 thought were questionable in chiropractic. I've

1 done reliability studies on x-rays. I've done
 2 reliability studies on posture. I've done
 3 technique type CBP studies, clinical studies.
 4 I've done mathematical modeling of the spine and
 5 I've done modeling studies where we were
 6 comparing stresses and strains on the tissues in
 7 different postures. I've done a variety of
 8 different things.
 9 Q. Have you ever published an article in a
 10 peer-reviewed indexed journal criticizing other
 11 forms of chiropractic technique different from
 12 the CBP technique?
 13 A. Several.
 14 Q. And has anyone ever threatened to bring a
 15 defamation or slander suit against you in
 16 connection with any articles that you've
 17 published criticizing other chiropractic
 18 techniques?
 19 A. Not in the Index Medicus.
 20 Q. Okay. In general have you ever --
 21 A. Yeah. Jay Holder from my AJCC articles on
 22 him.
 23 Q. Okay. And that's mentioned I think in
 24 your responses to discovery. Was that the case
 25 of Jay Holder versus Donald D. Harrison in the

1 U.S. District Court in Oregon?
 2 A. Yes.
 3 Q. And that was for defamation?
 4 A. That's what he claimed. Yes.
 5 Q. Okay. Did you retain an attorney to
 6 defend you with regard to that lawsuit?
 7 A. Yes.
 8 Q. Who was your attorney?
 9 A. Jeez, you know, that was about four, five
 10 years ago and I believe the guy's name was
 11 McCaffrey or McLean. I would have to check.
 12 Q. Where was that attorney's office located?
 13 A. Portland, Oregon.
 14 Q. Do you know if -- I'm assuming Dr. Holder
 15 had an attorney as well?
 16 A. I remember his attorney's name.
 17 Q. What was his name?
 18 A. Because it was something C. Force, so that
 19 was interesting to me, Force, you know.
 20 Q. F-O-R-C-E?
 21 A. Yes.
 22 Q. Just the way it sounds?
 23 A. Yes.
 24 Q. Was that attorney's office also in
 25 Portland, Oregon?

1 A. I don't believe so.
 2 Q. All right. What was your understanding as
 3 to what Dr. Holder was claiming in that suit
 4 against you?
 5 A. He had a number of 750,000 down that I was
 6 defaming him. I think his real goal was to stop
 7 me harassing him.
 8 Q. What articles was he referring to in your
 9 journal in connection with his defamation suit?
 10 A. I put on my front page an investigation of
 11 some of his claimed degrees.
 12 Q. And what type of research had you done
 13 before you published those articles about his
 14 claimed degrees?
 15 A. Oh, boy. That's a long story. My wife
 16 and I wrote to the places where he claimed to
 17 have a Ph.D. and an M.D. and we tracked him down.
 18 Q. Okay. Did you attend his deposition?
 19 A. Yes.
 20 Q. Do you remember my client, Dr. Barrett,
 21 volunteering or advising you that he would help
 22 you out in some way if you wanted him to in
 23 connection with the Holder lawsuit?
 24 A. Yes. There was a phone call I believe a
 25 few years ago.

1 A. I don't think so. I think it was Eugene
 2 or Salem.
 3 Q. Do you remember the first name?
 4 A. No. I just remember his middle initial
 5 was C. I can't remember the first name.
 6 Q. Did that case settle at trial or before
 7 trial or after trial?
 8 A. Right after -- right after depositions
 9 they had a mediator who was an ex-federal judge.
 10 Q. Okay. Had your deposition been taken
 11 before the case settled?
 12 A. Yeah. His and mine.
 13 Q. Okay. Do you know if any other witnesses'
 14 depositions had been taken before that case
 15 settled?
 16 A. On the Holder versus --
 17 Q. Yes.
 18 A. No.
 19 Q. All right. Did you retain an expert or
 20 did your attorney retain an expert on your behalf
 21 before that case settled?
 22 A. No.
 23 Q. Now, that settlement to the best of your
 24 understanding wasn't settled pursuant to a
 25 confidentiality agreement, was it?

1 Q. Do you remember the substance of that
 2 phone call at all?
 3 A. No. It's been quite a few years ago. No.
 4 Q. All right. What was your understanding as
 5 to what my client -- what Dr. Barrett was
 6 offering when he called you?
 7 A. Well, it seemed like just support to me
 8 because I don't think he had tracked down
 9 Holder's degrees like I did. I think that he was
 10 probably reprinting some of my articles on
 11 Holder. I don't believe he had any extra
 12 information that he had tracked down himself.
 13 Q. Do you know if Holder sued anyone else,
 14 any separate lawsuits in connection with any
 15 alleged defamatory statements made against him?
 16 A. I wouldn't know that.
 17 Q. Okay. Has any other chiropractor over the
 18 years aside from Jay Holder ever at least
 19 threatened to sue you for any alleged defamatory
 20 remark or statement?
 21 A. Not that I'm aware of.
 22 Q. The lawsuit that you filed against Dr.
 23 Troyanovich in Illinois, was that strictly for
 24 copyright infringement?
 25 A. Yes.

<p style="text-align: right;">Page 77</p> <p>1 Q. It had nothing to do with defamation or 2 anything like that?</p> <p>3 A. No.</p> <p>4 Q. Now, you have written or published books 5 over the years with Dr. Troyanovich?</p> <p>6 A. Yes.</p> <p>7 Q. All right. Did that case have anything -- 8 I recognize that it's stated on here that the 9 terms of the settlement are confidential. I'm 10 not going to ask you about the terms, but what 11 was the gist of your lawsuit against him? Did it 12 have anything to do with him trying to copy the 13 CBP technique?</p> <p>14 A. Yes. His book was very close to mine, 15 including the number of chapters, the titles of 16 the chapters and the titles of the section heads 17 within the chapters and the illustrations, and 18 even sometimes he used my exact words. He got 19 lazy and didn't rewrite enough of it.</p> <p>20 Q. Do you know if you or Dr. Troyanovich gave 21 any deposition before that case settled out of 22 court?</p> <p>23 A. We had depositions. I filed in 2001. We 24 had depositions in 2002.</p> <p>25 Q. Did you retain an attorney in that case on</p>	<p style="text-align: right;">Page 79</p> <p>1 CBPs and the CBP technique?</p> <p>2 A. This is the first.</p> <p>3 Q. Okay. Are there any other potential 4 lawsuits that you intend to file in the 5 foreseeable future against any other individuals 6 or entities in connection with any other alleged 7 defamatory statements made either about you or 8 CBP in general?</p> <p>9 A. Defamation, no.</p> <p>10 Q. Okay. Others aside from defamation?</p> <p>11 A. Yes, yes. Aetna and some other people 12 have been citing Dr. Barrett's article, and after 13 I win this suit I'm going after them.</p> <p>14 Q. Would those be the -- any particular 15 insurance companies?</p> <p>16 A. Aetna is one of them.</p> <p>17 Q. Any others?</p> <p>18 A. Yes. There's some others.</p> <p>19 Q. BlueCross?</p> <p>20 A. It's possible.</p> <p>21 Q. Okay.</p> <p>22 A. Managed care organizations. Yes.</p> <p>23 Q. What's ASHN?</p> <p>24 A. A managed care organization, American 25 Specialty Health Network.</p>
<p style="text-align: right;">Page 78</p> <p>1 your behalf?</p> <p>2 A. Yes.</p> <p>3 Q. Who was that?</p> <p>4 A. His name was Muskal, I think it's James, 5 and it was -- he was with an attorney firm in 6 Chicago.</p> <p>7 Q. Can you spell Muskal?</p> <p>8 A. Don't quote me, but I believe it's 9 M-U-S-C-A-L, but it might be K-A-L. I think he's 10 retired now because he was 64 then.</p> <p>11 Q. Okay. Do you remember the attorney on the 12 other side for Dr. Troyanovich?</p> <p>13 A. No. He had a local attorney in his area 14 in the Normal, Peoria area of Illinois and then 15 there was an attorney from State Farm.</p> <p>16 Q. For State Farm?</p> <p>17 A. Well, that's who he had his insurance 18 with.</p> <p>19 Q. Okay. Do you remember the name of the 20 attorney for State Farm?</p> <p>21 A. No. I sure don't, but I didn't like her.</p> <p>22 Q. Okay. Have you ever brought a defamation 23 lawsuit against anyone other than the individuals 24 and entities named in this case for any critical 25 or other articles written by anyone else about</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. And is that an entity that you intend to 2 sue as well?</p> <p>3 A. We're hoping to.</p> <p>4 Q. Okay. And I'll get back to that in a 5 moment. Have you ever sued Dr. Robert 6 Cooperstein?</p> <p>7 A. No.</p> <p>8 Q. I'm going to hand you what I'm going to 9 ask the court reporter to mark as Harrison 9, 10 which is a 1996 publication. This is an article 11 I found on the Internet, let me give a copy to 12 Chris as well, by Dr. Robert Cooperstein called 13 Spinal Graffiti: The Rise and Fall of the 14 Harrison Spinal Model. Are you familiar with 15 this? Again, I know it's a 1996 article, but 16 were you familiar with this at the time it was 17 published?</p> <p>18 A. Yes. My associate, Troyanovich, wrote a 19 reply to this.</p> <p>20 Q. Okay. Would you characterize that reply 21 as a rebuttal?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever threaten to sue Dr. 24 Cooperstein for defamation or any other 25 allegation which could be put in the form of a</p>

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1 lawsuit?
 2 A. I don't believe so.
 3 Q. All right. Do you feel that your
 4 reputation was harmed at all by Dr. Cooperstein's
 5 1996 article?
 6 A. I thought so. That's why I asked Dr.
 7 Troyanovich to write a rebuttal.
 8 Q. Did you sustain any loss of income
 9 personally or through any entities or
 10 corporations which you believe was related to Dr.
 11 Cooperstein's 1996 article?
 12 A. I have no knowledge of that, but the
 13 rebuttal came out pretty quick.
 14 Q. Did Dr. Cooperstein ever retract his
 15 article in any form after it was written?
 16 A. You would have to ask him. I don't know.
 17 Q. Did you contact Dr. Cooperstein after it
 18 was written asking him to retract it or to take
 19 it out of publication?
 20 A. I've talked to Dr. Cooperstein probably
 21 about once a year, but I can't remember if I
 22 asked him to specifically retract this one
 23 because the rebuttal did pretty well I thought.
 24 Q. Okay. In what way do you think your
 25 reputation was harmed in connection with Dr.

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1 Cooperstein's 1996 article?
 2 A. Well, we're talking 11 years ago now so --
 3 Q. I realize that. Just as best as you can
 4 recall.
 5 A. He mischaracterized the whole thing, so
 6 it's irritating to have somebody make something
 7 up in a false way and then use it to attack CBP
 8 or me, so it was frustrating.
 9 Q. Okay.
 10 A. And if other people read it and believe
 11 it, it's even more frustrating.
 12 Q. Did you come to learn about how many
 13 people actually reviewed his article?
 14 A. Was this in Dynamic Chiropractic?
 15 Q. Yes.
 16 A. Dynamic Chiropractic goes out to the same
 17 people that I do except it goes overseas.
 18 Q. Okay. So when you say the same people,
 19 how many people were receiving your journal back
 20 in 1996?
 21 A. Oh, boy. I don't know for sure.
 22 Q. Close to 68,000?
 23 A. No. It wasn't that big a list. See, for
 24 a while I had a list from it was either
 25 Chiropractic Economics or Deys Chiropractic. It

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1 was like 45 or 50,000 until I got my own list,
 2 and I'm not sure exactly when we started doing
 3 more.
 4 Q. Did you feel that the rebuttal article
 5 that was written -- and, by the way, who wrote
 6 that again? I'm sorry.
 7 A. Dr. Steve Troyanovich.
 8 Q. Okay. That's the same person that you
 9 eventually sued for copyright infringement?
 10 A. Yes. He used to teach for me for years.
 11 Q. Did you help coauthor that rebuttal
 12 article that Dr. Troyanovich published after Dr.
 13 Cooperstein's came out in 1996?
 14 A. I don't believe so. I think he did that
 15 pretty much on his own.
 16 Q. Was that article by Dr. Troyanovich
 17 published in Dynamic Chiropractic as well?
 18 A. Jeez, I would have to check on that. I
 19 can't remember.
 20 Q. Okay. Do you know if roughly the same
 21 amount of people received or reviewed Dr.
 22 Troyanovich's rebuttal as the people that
 23 received Dr. Cooperstein's 1996 article?
 24 A. If it was in Dynamic Chiropractic, it
 25 should be about the same.

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1 Q. Roughly how long after Dr. Cooperstein's
 2 article in 1996 did the rebuttal article get
 3 published by Dr. Troyanovich?
 4 A. You are asking things that are really
 5 hard to remember. I'm just going to guess that
 6 it was --
 7 MR. REID: I don't want you to
 8 guess.
 9 Q. Yes. Right.
 10 A. Then I'll have to go back and check.
 11 Q. Do you have any paperwork at home or at
 12 your office that you could confirm when that
 13 rebuttal article was written?
 14 A. I think so.
 15 MR. BARRETT: I do by the way.
 16 MR. GOODMAN: Okay.
 17 Q. Do you have any statistics that would
 18 reveal whether or not your seminar attendance --
 19 whether your seminar attendance fell off for a
 20 period of time after Dr. Cooperstein's 1996
 21 article?
 22 A. I don't think I know that.
 23 Q. Were you concerned back in 1996 that the
 24 number of DCs attending your seminars would fall
 25 off because of this article by Dr. Cooperstein?

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1 A. I was upset about it, yes, and that's why
 2 I talked it over with my associate who was
 3 teaching for me and that's why he wrote a
 4 rebuttal really fast.
 5 Q. Did you feel that the alleged facts set
 6 forth in Dr. Cooperstein's article were false?
 7 A. A lot of things in here were false. If
 8 you look at my associate's rebuttal, he pointed
 9 them out.
 10 Q. Okay. When Dr. Barrett's article came out
 11 in 2005, did you ask anyone to write a rebuttal
 12 on your behalf similar to what you did when Dr.
 13 Cooperstein's article came out in 1996?
 14 A. No. I asked my attorney to ask for a
 15 retraction.
 16 Q. Okay. Who is Terry Rondberg,
 17 R-O-N-D-B-E-R-G?
 18 A. He's a chiropractor.
 19 Q. Do you know if he is a CBP practitioner?
 20 A. No, he is not.
 21 Q. Okay. I'm going to hand you what I'm
 22 going to ask the court reporter to mark as
 23 Harrison 10. I will hand a copy to your attorney
 24 as well. It's a document entitled The
 25 Chiropractic Journal from June of 1996.

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1 MR. REID: Ken, is this an exhibit
 2 that you are going to use?
 3 MR. GOODMAN: Yes. Harrison 10.
 4 MR. REID: Okay.
 5 Q. It's entitled It's Enough to Make a Grown
 6 Man Blush. Have you ever seen this article?
 7 Again, I recognize and respect the fact, Dr.
 8 Harrison, this is 11 years plus ago when this was
 9 apparently published on the World Chiropractic
 10 Alliance Web site.
 11 A. Yeah. I don't get his journal until
 12 recently, but I believe chiropractors sent me a
 13 copy of that.
 14 Q. Do you remember seeing or reading this
 15 article sometime around June of 1996?
 16 A. Yes. I think I did.
 17 Q. What's your understanding as to what was
 18 the substance of this particular article?
 19 A. If this is the same one I'm thinking
 20 about, he was on Holder's side and was attacking
 21 me for pointing out Holder's -- I believe he was
 22 attacking me for attacking Holder. Oh, yes. I
 23 see on page 4, the second paragraph he mentions
 24 Holder.
 25 Q. Okay. Were you concerned when you saw

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1 this article that this was somehow harming your
 2 reputation in the chiropractic community?
 3 A. Yeah.
 4 Q. Do you know if you or anyone on your
 5 behalf contacted Dr. Rondberg threatening to sue
 6 him for defamation?
 7 A. I don't recall that. It's possible. I
 8 don't recall that, but what I did was I rebutted
 9 it in my own journal.
 10 Q. Okay. So you wrote an article?
 11 A. Well, I kept on top of Holder's degrees.
 12 Q. Okay. When you say journal, you mean the
 13 AJCC?
 14 A. Yes.
 15 Q. Did you write that shortly after -- if you
 16 remember shortly after this article was
 17 published?
 18 A. Well, see, I'm quarterly, so of course I'm
 19 making my plans for the next available issue.
 20 Q. Okay. But you never sued Dr. Rondberg?
 21 A. No.
 22 Q. Did you feel there were any false facts in
 23 his article?
 24 A. Yes.
 25 Q. Did you feel that he was attacking you

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1 personally in this article?
 2 A. Yes.
 3 Q. Are you aware that Dr. Cooperstein
 4 published an article called Technique Systems in
 5 Chiropractic in or about 2004?
 6 A. No.
 7 Q. I'm going to hand you what's not been
 8 previously numbered by me. I'm going to mark
 9 this out of order.
 10 MR. GOODMAN: I apologize, Chris.
 11 Q. This is Harrison 20. Have you seen this
 12 article before today, Technique Systems in
 13 Chiropractic and on the third page in
 14 Chiropractic Biophysics Technique?
 15 A. This may have been one that my son saw and
 16 responded to Dr. Cooperstein about, but I didn't
 17 see this before.
 18 Q. Did you discuss with your son this article
 19 and in particular any criticisms of CBP in this
 20 particular publication?
 21 A. It seems like to me that my son told me
 22 how he had rebutted that, but I'm not sure.
 23 Q. Now, do you have any idea how many
 24 chiropractors would -- how many DCs would have
 25 had access to this article?

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1 A. This appears to be out of a textbook;
 2 correct?
 3 Q. I believe so.
 4 A. So it would be a limited number compared
 5 to like my journal.
 6 Q. Are you familiar with the publication
 7 which I have in my hand here called Technique
 8 Systems in Chiropractic?
 9 A. I've never seen that book, so no, I'm not.
 10 Q. It's authored by Robert Cooperstein and
 11 Brian Gleberzon, G-L-E-B-E-R-Z-O-N. Are you
 12 aware of whether this textbook is used in any
 13 form by the chiropractic community or any
 14 universities or colleges?
 15 A. Well, Dr. Cooperstein is from Palmer West
 16 in I think it's San Jose, California and Dr.
 17 Gleberzon is from CMCC up in Toronto.
 18 Q. So you are not familiar with this
 19 particular publication?
 20 A. I've never seen that book before.
 21 Q. Do you have any knowledge as to whether
 22 this book is an authoritative treatise used in
 23 chiropractic medicine?
 24 A. I have no knowledge of that.
 25 Q. Okay. Now, what university or college did

1 particular since it's reaching chiropractic
 2 students at at least one university, Palmer West,
 3 would somehow damage your reputation as a
 4 chiropractor or as a --
 5 A. Well, I haven't read it, so I don't know
 6 for sure.
 7 Q. Okay. Over the years have you tried to
 8 make it a point to review any articles that are
 9 published that may criticize either you
 10 personally or the CBP technique?
 11 A. Generally I try to be aware of those.
 12 Yes.
 13 MR. GOODMAN: Let's go off the
 14 record for a second.
 15 (Recess.)
 16 BY MR. GOODMAN:
 17 Q. Dr. Harrison, you were kind enough to
 18 review what I think I've marked as Harrison 20,
 19 the article in 2004 written by or published by
 20 Dr. Cooperstein and Dr. Gleberzon. Have you had
 21 a chance to look at that?
 22 A. Yes.
 23 Q. Would you agree with me that at least in
 24 some form or fashion it's critical of
 25 chiropractic biophysics?

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1 you say that Dr. Cooperstein teaches at?
 2 A. It's Palmer West. They were in Sunnyvale
 3 and they moved to San Jose.
 4 Q. Any idea what their student population is
 5 there?
 6 A. No. You'd have to ask them.
 7 Q. They're still in business?
 8 A. Oh, yes.
 9 Q. Okay. Again, did you discuss with your
 10 son Deed the substance of any criticisms of CBP
 11 that were in this 2004 publication?
 12 A. I think he just told me about it, but
 13 since I didn't read it I don't know exactly what
 14 it was.
 15 Q. Was it your understanding just from your
 16 general conversation with Deed that this article
 17 was critical of the CBP technique?
 18 A. I don't recall what he said. I just
 19 recall he found some facts that were problems,
 20 alleged facts that were not facts.
 21 Q. And you asked Deed to write a rebuttal --
 22 A. No.
 23 Q. -- or publish a rebuttal?
 24 A. He did that on his own.
 25 Q. Were you concerned that this article in

1 A. Yes, especially the end.
 2 Q. Where in the end is it especially
 3 critical?
 4 A. Since I read this before -- since I
 5 haven't read it before, when I was reading it it
 6 reminded me of my son's complaints which he wrote
 7 to Dr. Cooperstein that he misrepresented our
 8 published articles on page 117.
 9 Q. And do you have -- does this refresh your
 10 memory as to what your son did in terms of trying
 11 to rebut this publication?
 12 A. Yeah. He told Dr. Cooperstein that on
 13 the -- especially the left-hand column here on
 14 page 117 his conclusions were all wrong because
 15 he failed to read the first part of our article
 16 for how the groups were chosen and the data
 17 collected.
 18 Q. Okay. Did you have any contact with Dr.
 19 Cooperstein after you were made aware of these
 20 misrepresentations?
 21 A. Not me, but I believe my son did.
 22 Q. Did you or your son retain an attorney to
 23 contact Dr. Cooperstein and ask him to retract
 24 any portion of this publication?
 25 A. Well, since I'm not my son I can't be one

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1 hundred percent sure, but I don't remember him
 2 ever saying that.
 3 Q. Do you think now that you've read this
 4 article that any portion of this article would
 5 have harmed your reputation in the chiropractic
 6 community?
 7 A. It harms the CBP technique, that they're
 8 suggesting that asymptomatic people and
 9 symptomatic people are the same, which they're
 10 not, and he misrepresented that.
 11 Q. Do you agree with me that your name since
 12 at least 1980 has been synonymous with CBP?
 13 A. I hope so.
 14 Q. All right. So you're the one name that
 15 would stand out more than any other name when
 16 someone is discussing CBP and the CBP technique?
 17 A. I would hope so.
 18 Q. And to the extent that CBP is being
 19 unjustly -- I guess is it safe to assume that you
 20 would believe that at least in some respects the
 21 CBP technique was unjustly criticized in this
 22 2004 article by Dr. Cooperstein?
 23 A. Especially in this area here, but most of
 24 the article was accurate, but in this area right
 25 here he made some mistakes because he didn't read

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1 the paper that he was criticizing.
 2 Q. And to the extent that he misrepresented
 3 or gave false information on the left-hand column
 4 on page 117 regarding CBP and with your name
 5 being synonymous with CBP, do you believe in any
 6 fashion this article or these parts of it had at
 7 that time it was published harmed your personal
 8 reputation in any way?
 9 A. That I don't know since this is the first
 10 time I've ever read it, but my son said that he
 11 rebutted it, so I think that he probably did a
 12 good job in this area right here.
 13 Q. Do you know if you had any downturn in any
 14 fashion of seminar attendance as a result of this
 15 2004 article?
 16 A. I have no knowledge of that.
 17 Q. Do you know if you had any downturn in
 18 your 2004 attendance in connection with the
 19 November of 2003 article published by Dr. Allen
 20 Botnick?
 21 A. I started getting some e-mails from other
 22 chiropractors saying that they saw me on
 23 Quackwatch, and so I was growing really fast in
 24 2001 through 2003 and then in 2004 I didn't grow
 25 as fast and then in 2005 I went down.

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1 Q. Do you have any theory in your mind as to
 2 why your seminar business was affected in 2004?
 3 A. (Witness shakes head.)
 4 MR. REID: That's a yes?
 5 THE WITNESS: Yes.
 6 Q. Can you tell me what you believe to be the
 7 reasons why your seminar attendance was affected
 8 in 2004?
 9 A. Well, I think that if some doctor that
 10 didn't know anything about CBP saw that I was on
 11 Quackwatch and was a quack that maybe they
 12 wouldn't attend my seminars when they don't know
 13 anything about it yet.
 14 Q. Do you believe these related then to the
 15 article authored by Dr. Botnick in November of
 16 2003 that we're talking about?
 17 A. I think so. Yes.
 18 Q. Was there a rebuttal article written by
 19 anyone, either by Deed or someone else, in
 20 response to Dr. Botnick's November of 2003
 21 article?
 22 A. Yes.
 23 Q. Did you see any surge or increase in
 24 seminar attendance after that rebuttal article
 25 was published?

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1 A. I don't believe so.
 2 Q. Did you continue to have issues with
 3 trying to get people to go to the seminars after
 4 Dr. Botnick's article in November of 2003 but
 5 just before my client's article was published in
 6 2005?
 7 A. Can you reword that again?
 8 Q. Sure. Did you continue to have issues
 9 with trying to get better attendance figures at
 10 your seminars in the time period between the time
 11 that Botnick's article was published in November
 12 of '03 up until the time just before my client's
 13 article was published in 2005?
 14 A. Yes. I would say so.
 15 Q. And what would you relate in that time
 16 period the issues with your seminar attendance to
 17 right before my client's article was published?
 18 A. Well, approximately I believe it was
 19 January of 2005, now, don't quote me because I'd
 20 have to see some documents to make sure, but
 21 Aetna came out with a policy citing Quackwatch
 22 and denying CBP care as experimental, and so I
 23 believe some doctors saw that if they took my
 24 seminars and practiced CBP they couldn't get
 25 paid, so they probably took some other technique

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1 seminar.
 2 Q. Let me ask you this. In paragraph Number
 3 19 of your complaint it states -- and I'll just
 4 read it. It's just one sentence. At some time
 5 between August 28th of 2005 and October 17th of
 6 2005, Defendant Barrett removed or caused to be
 7 removed the Botnick article from the Chirobase
 8 Web site, made minor changes to the article, and
 9 posted or caused to be posted on the Chirobase
 10 Web site a slight variance on the article under
 11 the name of Stephen Barrett, M.D. containing the
 12 defamatory statements complained about by
 13 plaintiff and previously retracted by Defendant
 14 Botnick. Do you remember that paragraph being in
 15 your complaint?
 16 A. Yes.
 17 Q. Here's my question. Taking into
 18 consideration the time frame that's averred in
 19 the complaint of sometime between August 28th of
 20 '05 to October 17 did -- here's my question.
 21 Assuming that the Botnick article came out around
 22 November of '03, between November of '03 when the
 23 Botnick article was published and the August 28th
 24 to October 17th, '05 time frame, did you see any
 25 increase in your seminar attendance?

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1 A. Did I see an increase from November of --
 2 I'm trying to get your question straight.
 3 Q. Right.
 4 A. From November of 2003 until August of 2005
 5 did I see an increase?
 6 Q. Right.
 7 A. No.
 8 Q. Did you continue to see decreases in your
 9 attendance with seminars from --
 10 A. Let me rephrase that.
 11 Q. Sure.
 12 A. I did pretty well in 2004, but as more
 13 and more people saw Quackwatch at the end of the
 14 year -- I think I said at the end of the year of
 15 2004 I was going down and 2005 I went down.
 16 Q. Would you agree then during the entirety
 17 of 2004, that was before Dr. Barrett republished
 18 or edited then put his own name on the article
 19 that's in question in this case, which would have
 20 been in the August to October of 2005 time frame?
 21 A. Yes.
 22 Q. Okay. In the first seven and a half
 23 months or so of 2005, from January of '05 up
 24 through mid August of '05 before the date that my
 25 client published his article, what do you recall

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1 the state of getting people to go to your
 2 seminars to be in? Was it still a downturn, was
 3 it starting to go up again, or was it flat?
 4 A. Since the end of 2004 I've gone down,
 5 down, down, down.
 6 Q. The end, so were you still going down,
 7 down, down, down for the first seven months of
 8 2005 before my client's article was published?
 9 A. They were still going down then.
 10 Q. Do you believe that part of the reason why
 11 your seminar attendance was going down was
 12 related in any way to Dr. Cooperstein's 2004
 13 publication?
 14 A. No.
 15 Q. Do you believe it was related to any other
 16 critique of CBP other than Dr. Botnick's November
 17 of 2003 article? I'm talking about before but up
 18 until my client's article was published.
 19 A. I don't believe so.
 20 Q. You believe it's solely related to Dr.
 21 Botnick's article?
 22 A. Botnick and Barrett. Yes.
 23 Q. Would you agree with me that Dr. Botnick
 24 was the name on that November of 2003 article?
 25 A. Yes.

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1 Q. Okay. Are you aware also Dr. Barrett's
 2 article -- I'm kind of jumping ahead now, but Dr.
 3 Barrett's article was not published on Quackwatch
 4 but was published on Chirobase?
 5 A. I wasn't even aware of that.
 6 Q. Okay.
 7 A. I've seen them both.
 8 Q. If in your complaint paragraph 19 states
 9 that Dr. Barrett's article was posted on the
 10 Chirobase Web site, would you have any reason to
 11 disagree with that?
 12 A. I'd have to go check and have my attorney
 13 check.
 14 Q. But you read your complaint and you have
 15 signed the verification to the complaint, that's
 16 your signature --
 17 A. Yes.
 18 Q. -- in January of '07?
 19 A. Yes.
 20 Q. So can I assume that you reviewed --
 21 carefully reviewed the complaint before you
 22 signed the verification?
 23 A. I read it. Yes.
 24 Q. And you felt comfortable that the facts in
 25 the complaint were accurate before you signed the

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1 verification?
 2 A. Yes.
 3 Q. How would you characterize Dr.
 4 Cooperstein's reputation generally in the
 5 chiropractic community?
 6 A. Well, I don't know him really well, but
 7 he's a faculty at Palmer West.
 8 Q. Do you know if he's well-respected in the
 9 chiropractic field?
 10 A. I guess he would get the respect that a
 11 faculty at a chiropractic college would get.
 12 Q. Can you tell us in your own opinion from
 13 your own experience as a chiropractor and expert
 14 in the field of chiropractic, do you think that
 15 Dr. Barrett's reputation in the chiropractic
 16 community is the same, better, or worse than Dr.
 17 Cooperstein's reputation in the chiropractic
 18 community?
 19 A. Well, I bet due to Quackwatch that
 20 probably several of those chiropractors that
 21 their technique or names are mentioned are
 22 probably upset at Dr. Barrett as I am, too.
 23 Q. So do you think Dr. Barrett is less
 24 respected in the chiropractic community than Dr.
 25 Cooperstein?

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1 A. I would imagine.
 2 Q. Okay. Have other chiropractors shared
 3 with you their opinion of not really having a lot
 4 of respect for Dr. Barrett in the chiropractic
 5 community?
 6 A. Can you like --
 7 Q. Yes. Have other chiropractors during
 8 conversation with you, Dr. Harrison, kind of
 9 advised you that they didn't have a lot of
 10 respect for Dr. Barrett?
 11 A. I don't think that term ever comes up. I
 12 think what comes up is they're -- if their
 13 technique is mentioned on his list I think
 14 they're just upset about it. I don't know how
 15 respect comes into that.
 16 Q. Okay. That's fine. One thing I forgot to
 17 ask you, just a housekeeping question. In your
 18 complaint the first count of the complaint in
 19 this case is against Dr. Botnick for defamation,
 20 and in paragraph eight you make mention of Dr.
 21 Botnick's article of November of '03 it says
 22 which was published on the Web site of Defendant
 23 Chirobase. It doesn't say anything about it
 24 being published on Quackwatch. Do you have any
 25 personal knowledge as to whether the Botnick

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1 article was ever published on the Quackwatch --
 2 not Chirobase but the Quackwatch Web site?
 3 A. I've never gone to that site.
 4 Q. Okay. So if the complaint which you
 5 stated earlier that you carefully reviewed before
 6 you signed the verification sets forth in
 7 paragraph eight that Botnick's article was on the
 8 Chirobase Web site and doesn't make mention of it
 9 being on the Quackwatch Web site, would you have
 10 any reason as you sit here today to disagree with
 11 the averment that's in your own complaint?
 12 A. I'd have to go back and check those Web
 13 sites.
 14 Q. Is it safe to assume that you believed
 15 that the averments in paragraph eight were
 16 accurate when you signed the verification to the
 17 complaint?
 18 A. Yeah. I thought so.
 19 Q. Okay. The article that I referred to
 20 earlier from Dr. Terry Rondberg, which I think I
 21 marked as Harrison 10, makes mention of other
 22 chiropractors' names. I just want to see if you
 23 have any personal experience with any of these
 24 chiropractors. Do you know a Dr. Richard M.
 25 Sturtz, S-T-U-R-T-Z?

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1 A. That name doesn't ring a bell.
 2 Q. Okay. How about Dr. John Donovan?
 3 MR. GOODMAN: This is set forth,
 4 Chris, in --
 5 MR. REID: Rondberg's.
 6 MR. GOODMAN: Right. Rondberg's The
 7 Chiropractic Journal article.
 8 A. I don't know about John Donovan, but there
 9 was a Donovan I believe that was a faculty at
 10 Life University for a while, but I'm not sure if
 11 I know that guy.
 12 Q. How about Dr. Murray Katz, K-A-T-Z?
 13 A. Murray Katz. It seems that he was a
 14 Canadian; is that correct?
 15 Q. I don't know.
 16 A. Okay.
 17 Q. I think you're right though. Yes.
 18 A. So I think I did hear that name before.
 19 Q. Okay. He has characterized Dr. Katz in
 20 this Rondberg article from June of '96 as being a
 21 chiropractic archenemy.
 22 A. Oh, that's where I remember it from then.
 23 I just remembered Canada, but that's right. I
 24 remember now.
 25 Q. Do you have any recollection as to whether

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1 Dr. Katz ever wrote any articles critical of CBP
2 or the CBP technique?
3 A. Not that I know of.
4 Q. Okay. By the way, my question before
5 about Dr. Cooperstein, do you have -- from your
6 own personal opinion, do you know from in the
7 chiropractic community in general who would from
8 your estimation have more credibility in the
9 chiropractic community, Dr. Cooperstein or Dr.
10 Barrett, more credibility?
11 A. Credibility within the profession?
12 Q. Yes.
13 A. I would imagine that it would be a
14 chiropractor, so for that reason I'd say
15 Cooperstein.
16 Q. Okay. Have you ever heard of a
17 publication called Dynamic Chiropractic?
18 A. Yes.
19 Q. All right. In this Rondberg article that
20 we referenced before, on page 7 of this Harrison
21 10 -- I'll just give you a chance to pull that
22 out. Actually, I think this is it right here.
23 If you could turn to page 7, Dr. Harrison. The
24 second to last paragraph on page 7 of 11 says
25 according to information published by Dynamic

1 some sense a personal attack against you either
2 by Dr. Rondberg by quoting this or by Dr.
3 Pettibon?
4 A. Uh-huh.
5 Q. I need a verbal response, Doctor. I'm
6 sorry.
7 A. Yes.
8 Q. Okay. That being said, do you believe
9 that this misrepresentation of the work that you
10 did for Dr. Pettibon in any way harmed your
11 reputation in the chiropractic or other
12 communities?
13 A. I think Pettibon has a habit of doing
14 that. Yes.
15 Q. Do you think your reputation was harmed in
16 any way by this misstatement by Dr. Pettibon?
17 A. It could be. Yes.
18 Q. Did you take any legal action against Dr.
19 Pettibon in connection with these apparent
20 slanderous and defamatory statements?
21 A. I think I wrote a rebuttal in my journal.
22 Q. Does that mean your answer is no, you did
23 not sue him?
24 A. I did not sue him. I did a rebuttal on my
25 Web site and in my journal.

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1 Chiropractic, Dr. Harrison claims to have written
2 three Pettibon, P-E-T-T-I-B-O-N, texts from 1977
3 to 1979, outlined the Pettibon procedures, and
4 taught the Pettibon seminars from 1977 to 1980,
5 even though he did not graduate from chiropractic
6 college until 1979. Is that an accurate
7 statement as set forth by Dr. Rondberg?
8 A. That's correct.
9 Q. Okay. And the quotation in the next
10 paragraph appears that Dr. Rondberg is quoting a
11 statement from Dr. Pettibon. Is that an accurate
12 representation that Dr. Pettibon was making as
13 quoted by Dr. Rondberg?
14 A. That's what Pettibon stated, but it was
15 rebutted in my trial with Troyanovich. He had
16 Pettibon as an expert witness and I had
17 Pettibon's ex-wife, and she stated that he didn't
18 write any of those and I did.
19 Q. So here's my question. Are you saying
20 then that these quoted statements in Dr.
21 Rondberg's published article in The Chiropractic
22 Journal are not factually correct?
23 A. This appears to be from Pettibon. I'm
24 sure Pettibon said it.
25 Q. Would you agree that this appears to be in

1 Q. Do you think that your rebuttal cured any
2 potential harm to your reputation from this
3 misstatement from Dr. Pettibon?
4 A. I hope so.
5 Q. Do you know what year Dr. Pettibon made
6 these misstatements?
7 A. Well, I think he's made them before.
8 Q. Do you know if you were teaching seminars
9 at the time or around the time when Dr. Pettibon
10 made these misstatements?
11 A. Well, I taught seminars from 1981 to '84
12 and '89 until now, so I would assume so.
13 Q. Do you know if you had any downturn in
14 your seminar attendance in connection with
15 anything said by Dr. Pettibon?
16 A. I don't know that.
17 Q. By the way, to the extent that any of the
18 two articles written by Dr. Cooperstein, the one
19 in '96 and the one in 2004, to the extent that
20 either one of those publications harmed your
21 reputation, do you believe that the rebuttals
22 that came out on your behalf to respond to those
23 two different articles from Dr. Cooperstein cured
24 any potential harm to your reputation?
25 A. I don't know exactly, but I would hope so.

1 Q. Okay. On page 8 of this same article by
 2 Dr. Rondberg, if I could ask you to turn to that,
 3 Doctor, the third full paragraph, if you could
 4 take a moment and look at that, Doctor. It
 5 appears that Dr. Rondberg is referencing Dr.
 6 Pettibon's article, apparently bringing up the
 7 issue of copyright infringement making -- at
 8 least the way I'm reading this, and please
 9 correct me if I'm wrong, this appears that this
 10 paragraph seems to indicate that Dr. Pettibon was
 11 accusing you of copyright infringement.
 12 A. He made that claim under oath in
 13 deposition circa 2002 in my suit with Troyanovich
 14 and I had counters that show that I either drew
 15 that or people drew those for me.
 16 Q. Here's my question. Is it correct though
 17 that Dr. Pettibon actually had an article where
 18 he was accusing you of copyright infringement,
 19 not just a statement under oath at a deposition?
 20 A. If he did I never saw it.
 21 Q. Okay. Is it your understanding that these
 22 statements set forth in Dr. Rondberg's article,
 23 Harrison 10, regarding Dr. Pettibon are
 24 statements that Pettibon made at a deposition and
 25 not statements that came from a published

1 Barrett and his reputation generally in the same
 2 light as Dr. Pettibon or not?
 3 MR. REID: Hang on a second.
 4 Objection to the form. You can answer.
 5 A. What's the -- I don't understand the form
 6 so --
 7 Q. You characterized Dr. Pettibon as a
 8 questionable figure; right?
 9 A. In the chiropractic community what are
 10 called technique gurus are of less credibility
 11 than like a college faculty, but a guy like Dr.
 12 Barrett who has a Web site worldwide for people
 13 to go to, it's not just the chiropractors, it's
 14 prospective patients.
 15 Q. Okay. I'm going to narrow my last
 16 question then. In the chiropractic community
 17 only, do you believe that Dr. Barrett would be
 18 viewed as a questionable figure just in the
 19 chiropractic community just like you believe Dr.
 20 Pettibon is viewed as a questionable figure in
 21 the chiropractic community?
 22 A. I wouldn't say in the same manner. No.
 23 Q. Do you believe that he would be viewed in
 24 any manner, meaning Dr. Barrett, as a -- do you
 25 believe that he would be viewed in any fashion or

1 article?
 2 A. I think they're probably just statements
 3 he made to Rondberg.
 4 Q. Do you believe that these statements that
 5 are cited by Dr. Pettibon are inaccurate?
 6 A. Yes.
 7 Q. Do you believe that these statements as
 8 are set forth here appear to be a personal attack
 9 on your personal integrity?
 10 A. I think this whole article was. That's
 11 why I wrote a rebuttal in my journal.
 12 Q. Do you believe that this article then
 13 harmed your reputation in the chiropractic or in
 14 any other community?
 15 A. Some, but because Pettibon is a
 16 questionable figure probably people wouldn't
 17 believe him and Rondberg as much as somebody
 18 else, because both of those people have sort of
 19 tarnished reputations.
 20 Q. Do you think Dr. Barrett's a questionable
 21 figure?
 22 A. I think Dr. Barrett is world-renowned and
 23 I think thousands if not a million people have
 24 gone to his Web sites from around the world.
 25 Q. Okay. So do you or do you not put Dr.

1 is viewed in any fashion as a questionable figure
 2 in the chiropractic community?
 3 A. In some respects, but his M.D. gives a lot
 4 of respect and most chiropractors do give respect
 5 to the M.D. degree. I do.
 6 Q. Okay. Could I ask you also to please turn
 7 to the next page, page 9, of Dr. Rondberg's
 8 article, the second full paragraph where it
 9 starts with your name where it says -- I'll give
 10 you a chance to read it. I'm sorry.
 11 A. Yes.
 12 Q. It says that Harrison alternately accused
 13 Mertz and Dunn of, quote, bastardizing, unquote,
 14 his technique and stealing it and the vehemence
 15 of his attacks grew as WLP became more and more
 16 popular. I'm not sure of the substance of that
 17 paragraph, but can you tell me what you recall
 18 about who's Mertz and Dunn and what if anything
 19 you ever accused them of unless this is
 20 incorrect?
 21 A. Christopher Mertz worked for me and I
 22 slowly trained him to take over my practice and
 23 that's how I was able to move to Wyoming. He
 24 bought my practice in Sunnyvale, California.
 25 Then he and Dunn about a year and a half later

1 started to practice management seminars and they
2 taught CBP within that without my permission and
3 watered it down really badly and I wasn't very
4 happy about it, so I stayed on top of them until
5 they relented, so after that they stopped
6 teaching it poorly and either had one of my
7 instructors or they had my son.

8 Q. And what year again -- I know you told me
9 earlier. What year did you sell that practice
10 and move to Wyoming?

11 A. It was December of '85.

12 Q. Okay. Did they try to compete with you
13 for seminar attendance by holding seminars at or
14 around the same time teaching their own alleged
15 techniques?

16 A. No. They were doing practice management,
17 but they would put a few hours of CBP in because
18 the doctors hadn't seen anything like that before
19 and they were favorably impressed, so they would
20 try to get doctors to sign up for their practice
21 management. I believe it was for a year. Don't
22 quote me because I don't do practice management
23 seminars. And so I think they were using it for
24 a year to help them sign people up.

25 Q. Did you ever sue or threaten to sue either

1 Mertz or Dunn for what you just told me they were
2 doing prior to them ceasing and desisting
3 allegedly bastardizing your CBP technique?

4 A. I never got an attorney to deal with
5 them. I just kept writing and calling them to do
6 things correctly.

7 Q. Okay. We've talked so far during your
8 deposition about some rebuttals and I'm going to
9 hand you what I'm going to ask the court reporter
10 to mark as Harrison 11, which is an article which
11 you coauthored with Paul Oakley, your son Deed,
12 and Jason Haas entitled A Rebuttal to
13 Chiropractic Radiologists' View of the
14 50-Year-Old, Linear-No-Threshold Radiation Risk
15 Model. Do you recall this article?

16 A. Yes.

17 Q. Okay. What was the reason why this
18 article was published?

19 A. As I told you, I started doing guidelines
20 for the ICA and within the guidelines, it's on
21 the net, www.pccrp.org, section six of that
22 document deals with radiography risks versus
23 benefits, and there were some people in
24 chiropractic that took exception to that and so
25 when we published the paper in The Journal of the

1 Canadian Chiropractic Association in 2005, then
2 we had a letter to the editor or a commentary
3 which really was a letter to the editor, but it
4 was in the commentary form, so then we rebutted
5 that with this.

6 Q. When you say rebutted that, was that the
7 article written in 2006 in The Journal of the
8 Canadian Chiropractic Association, the first
9 cited publication in this rebuttal, Harrison 11,
10 from the commentary by Bussieres, Ammendolia,
11 Peterson, and Taylor?

12 A. Yes. So the first one is Number 2 that
13 you are looking at, Oakley, et al. in 2005, and
14 then they had a commentary in it looks like 2006,
15 and then this is like the third one in that
16 series.

17 Q. Okay. The article that you were
18 rebutting, did it criticize in any way the CBP
19 technique and the way that the CBP practitioners'
20 patients are exposed to radiation?

21 A. Correct.

22 Q. Were you concerned that the article that
23 you were rebutting here that criticized the CBP
24 technique and the exposure to radiation in any
25 way was going to harm your reputation in the

1 chiropractic community?

2 A. I think I was more worried about in this
3 case the whole chiropractic community's right to
4 actually take x-rays. See, they have broad
5 rights under state law and provincial law and
6 this group has written what we call red flags
7 only guidelines and they wanted to restrict
8 x-rays taken by chiropractors and it's a broader
9 political problem than CBP.

10 Q. But did that article specifically
11 criticize at least to some extent the CBP
12 technique with regard to the amount of times a
13 patient would receive or be exposed to radiation
14 or x-rays?

15 A. They stated that. Yes.

16 Q. All right. And didn't that article as
17 cited here published in the December of 2005
18 issue of this journal -- and I guess that journal
19 would be The Journal of the Canadian Chiropractic
20 Association?

21 A. Uh-huh.

22 Q. Wasn't that the same year that Dr.
23 Barrett's article which is the subject of this
24 lawsuit came out?

25 A. Their article came out in 2006.

1 Q. Okay. Well, it does say here though in
2 the first paragraph of this article written by
3 you, Dr. Oakley, Dr. Deed Harrison, and Dr. Haas
4 that that article on the phantom risks,
5 quote/unquote, was published in the December of
6 2005 issue of The Journal of the Canadian
7 Chiropractic Association, does it not?
8 A. That was our first article. Yeah.
9 Q. Yours. Okay.
10 A. And then theirs came out in 2006. If you
11 look under Bussieres, et al., Number 1, it says
12 2006, 50, Number 2.
13 Q. Right. It does. I stand corrected. I
14 apologize. Do you know whether or not their
15 article, Bussieres, Ammendolia, et cetera,
16 criticizing the issue of radiation and radiation
17 exposure to CBP patients that came out in 2006 in
18 any way had an effect on your DC attendance at
19 your seminars?
20 A. I don't think so because during this whole
21 time I'm doing guidelines for the ICA, putting
22 them out in my journal and the ICA is putting out
23 these guidelines, and these people that you are
24 talking about, Bussieres, Ammendolia, et al.,
25 back here --

1 Q. Right.
2 A. -- they wrote some red flags only
3 guidelines and they're loosely called the Quebec
4 guidelines, and so Peterson and Taylor were
5 coauthors on those guidelines with Bussieres and
6 so that's the reason why I wrote the guidelines
7 with my son for the ICA. And so like I said
8 their criticism may be somewhat directed to CBP,
9 but it's a general problem that they're trying to
10 say chiropractors shouldn't take plain film
11 x-rays unless there's red flags, which is
12 infection, fracture, trauma, stuff like that, and
13 we're saying no, it's the standard of care in
14 chiropractic to take plain film x-rays and
15 determine subluxation and what you are going to
16 do with the patient, so if you are trying to say
17 this debate is about CBP, it's not. It's a broad
18 thing actually across the world.
19 Q. But you did say earlier under oath a few
20 minutes ago that you agree with me that this
21 article did in some fashion critique CBP in the
22 way it exposes their patients to --
23 A. Yeah.
24 Q. -- radiation?
25 A. Because we were -- Paul Oakley does CBP,

1 I'm the originator, my son does it, and Jason
2 Haas does, so of course they did some personal
3 things in there, too, but it's more of a general
4 problem.
5 Q. Okay. Given that you testified earlier
6 that your name is synonymous with CBP, do you
7 believe that this article by Bussieres,
8 Ammendolia, Peterson, and Taylor in any way
9 harmed your reputation in the chiropractic
10 community?
11 A. I think not necessarily because we're
12 doing a good job with our pccrp.org guidelines
13 and in the ICA's promotions and my promotions and
14 the AJCC that we're offsetting these people.
15 Q. When did you start doing those ICA
16 promotions that you're talking about?
17 A. See, I don't do them. ICA has their what
18 they call the Choice and that -- I think they
19 either go out somewhere between six and 12 times
20 a year. Don't quote me because I don't have a
21 thing to do with the ICA headquarters, but
22 they're going to put political ideas in there and
23 what we're doing about it, so it was a big thing
24 during this time that they're trying to offset
25 these people's ideas and their written

1 guidelines. They actually went to the extent of
2 sending them around to colleges and state boards,
3 so we do the same with ours.
4 Q. Were you doing these ICA -- you said it's
5 six to 12 times a year of these publications?
6 A. I think the ICA Choice comes out about
7 that often. I'm not sure exactly.
8 Q. Were you doing those same publications
9 back in 2005?
10 A. I think that these started in 2006.
11 Q. Okay. If they did start in 2006, do you
12 know if they started in the early part of 2006?
13 A. Let's see. Okay. Now, my son first was
14 introduced to these red flags guidelines in March
15 of 2006 at a chiropractic conference that was put
16 on by Palmer College and that's when Bussieres or
17 either -- let's see. Yes. It was Bussieres that
18 told him about it, so then we started writing our
19 pccrp.org guidelines at that time and then they
20 were presented to the ICA in the end of April of
21 2006.
22 Q. All right. You believe that those red --
23 what are they called, red flags --
24 A. Only.
25 Q. -- only publications?

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1 A. Well, they sort of published it, but it's
 2 really a guideline that they passed around.
 3 Q. Okay. But you said earlier that it -- is
 4 it your testimony that you don't believe that
 5 either your reputation or the CBP technique was
 6 harmed by this -- by the Bussieres article
 7 because of those red flags publications that
 8 started in April of 2006?
 9 A. I think that most people in chiropractic
 10 are aware that there's a debate going on with the
 11 red flags only x-ray guidelines versus PCCRP
 12 guidelines which state that plain film
 13 radiography is the standard of practice in
 14 chiropractic, and so I'm sure that people are
 15 aware of that being a debate going on and
 16 associate the two different sides, and I don't
 17 think they associate it necessarily as a CBP
 18 thing. They associate it with a straight
 19 chiropractic ICA type of political argument.
 20 Q. I'm sorry. Did you say PCC --
 21 A. RP.
 22 Q. Okay. That PCCRP versus red flags debate
 23 among chiropractors, was that also a debate that
 24 was common back in 2005?
 25 A. No.

1 You can answer.
 2 Q. It's a long-winded question, but do you
 3 understand the substance of my question, Dr.
 4 Harrison?
 5 A. If I understand what you're saying, you're
 6 saying this small part of his article pertaining
 7 to x-ray exposure --
 8 Q. Right.
 9 A. -- did that harm me and is he responsible
 10 for that? Is that what you are saying?
 11 Q. No. That's not what I asked you, but
 12 here's what I'll do just to simplify things. In
 13 the complaint, on page 17 of your complaint
 14 against Dr. Barrett -- actually, starting at
 15 paragraph 36 of the complaint on page 16 you list
 16 five subparagraphs citing to alleged defamatory
 17 statements made by Dr. Barrett in his article.
 18 Subparagraph 36E at the end, the last sentence
 19 says and some will wind up with unnecessary
 20 long-term care that includes excessive exposure
 21 to radiation.
 22 A. Yeah. I take exception to that.
 23 Q. Okay.
 24 A. I think Dr. Barrett --
 25 MR. REID: Wait for him to ask a

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1 Q. It wasn't a debate back then?
 2 A. No.
 3 Q. There weren't two schools of thought back
 4 in 2005?
 5 A. I'm sure it was, but it wasn't out there
 6 and we weren't aware of their guidelines until
 7 March of 2006.
 8 Q. Okay. To the extent that part of your
 9 case against Dr. Barrett focuses on one of the
 10 statements in his article that talks about
 11 exposure to radiation, doesn't -- do you remember
 12 that being part of Dr. Barrett's article?
 13 A. Yes.
 14 Q. And we'll get to his article later, but
 15 the fact that Deed began to publish articles, et
 16 cetera in the spring of 2006 discussing the
 17 benefits of PCCRP versus red flags x-rays for
 18 patients, don't you believe that -- to the extent
 19 that those publications minimize any damage to
 20 your reputation or to CBP's reputation from
 21 Bussieres' article, wouldn't the same be said for
 22 anything that Dr. Barrett allegedly did in his
 23 article when he mentions discussions about
 24 radiation?
 25 MR. REID: Objection to the form.

1 question though. Hang on.
 2 Q. Do you believe that that last sentence,
 3 and some will wind up with unnecessary long-term
 4 care that includes excessive exposure to
 5 radiation, harmed your reputation in the
 6 chiropractic or other communities?
 7 A. Yeah.
 8 Q. Do you believe that the critique of the
 9 CBP technique and the CBP patients' exposure to
 10 radiation as set forth in the early 2006 article
 11 or publication from Bussieres, Ammendolia,
 12 Peterson, and Taylor harmed your reputation in
 13 the chiropractic or other communities?
 14 A. Because I am rebutting this as a general
 15 chiropractic problem I don't think so, but this
 16 is directed right at me. The title of Botnick's
 17 and Barrett's article was A Close Look at CBP.
 18 It didn't say we're going to look at a general
 19 chiropractic policy.
 20 Q. Isn't it true that from your earlier
 21 testimony that when an article would come out,
 22 whether it be from Dr. Cooperstein in '96, Dr.
 23 Cooperstein in '04, Dr. Rondberg, whoever it
 24 might be, in those situations a rebuttal article
 25 was published by someone on your behalf or by you

1 personally?
 2 A. Most of the time. Yes.
 3 Q. And with respect to the critique of the
 4 CBP technique from Bussieres, et al. in early
 5 '06, didn't you testify earlier, and I don't
 6 want to mischaracterize your testimony, that
 7 that -- if there was any damage to anything to do
 8 with CBP or your reputation from that article it
 9 was cured when Deed started publishing things in
 10 the spring of 2006 --
 11 A. Well --
 12 Q. -- about the benefits of having multiple
 13 x-rays done as opposed to red flags x-rays?
 14 A. Two things. Of course this is -- Harrison
 15 11 that you handed me is our rebuttal to them.
 16 Q. Right. That's right.
 17 A. And it came out in 2006.
 18 Q. Right.
 19 A. And our guidelines came out in 2006, which
 20 section six of that is about radiation risks
 21 versus benefits.
 22 Q. Would you agree with me though there was
 23 no rebuttal published on the issue of alleged
 24 excessive exposure to radiation as set forth in
 25 Dr. Barrett's article? There were no rebuttal

1 Turner letter dated March 26, 2004, is it not
 2 addressed to Dr. Botnick?
 3 A. That's correct.
 4 Q. And if you -- okay. At the end of the
 5 letter from Attorney Turner the carbon copy is to
 6 Dr. Donald Harrison, which is yourself, and Dr.
 7 Deed Harrison, which is your son; correct?
 8 A. Correct.
 9 Q. So at least according to this letter, do
 10 you see anything in this letter that indicates
 11 that it was sent to Dr. Barrett?
 12 A. No.
 13 Q. Okay. So isn't it true that after Dr.
 14 Botnick published his article in November of 2003
 15 that the only letter that your attorney sent to
 16 ask for or demand a retraction was a letter sent
 17 on March 26, '04 by Attorney Turner to Dr.
 18 Botnick?
 19 A. I don't know if that's the only letter.
 20 Q. Are you aware as you sit here today of any
 21 letters that were sent on your behalf, letters on
 22 your behalf by any attorney or anyone else to Dr.
 23 Barrett in connection with any article?
 24 A. I would have to ask Jim if he had any more
 25 correspondence.

1 articles published to rebut that part of Dr.
 2 Barrett's article; correct?
 3 A. That's correct, but we sent him a letter
 4 from Dr. -- from James Turner in 2004 to retract
 5 that, so he was informed that his stuff was
 6 inaccurate and to please retract it, which he did
 7 not do.
 8 Q. Would you agree that the name on the
 9 November of 2003 -- I'm jumping around a bit.
 10 Going back to November of '03, the name on that
 11 published article on Chirobase was Dr. Allen
 12 Botnick?
 13 A. That's correct.
 14 Q. All right. And do you have a memory of
 15 your attorney sending a letter specifically to
 16 Dr. Botnick in connection with that published
 17 November of 2003 article?
 18 A. In 2004 I asked James Turner to send a
 19 letter.
 20 Q. Right. I'm going to hand you what -- I'm
 21 taking this out of order. I'm going to ask the
 22 court reporter to mark this as Harrison 30.
 23 MR. REID: Number 30?
 24 MR. GOODMAN: Number 30. Yes.
 25 Q. Dr. Harrison, Harrison 30, the Swankin &

1 Q. But as you sit here today are you aware of
 2 any?
 3 A. No.
 4 MR. BARRETT: Does he want to tell
 5 us?
 6 Q. Did you personally ask Dr. Barrett to
 7 retract anything from the -- let's start with Dr.
 8 Botnick's article. Did you personally contact
 9 Dr. Barrett himself after Dr. Botnick's article
 10 was published in November of 2003 demanding a
 11 retraction?
 12 A. I don't believe so.
 13 Q. So you have no recollection of
 14 communicating in any form to Dr. Barrett in
 15 connection with the Botnick article?
 16 A. If I did, I don't remember it.
 17 Q. Okay.
 18 A. Do you have one?
 19 Q. I'm going to hand you, Dr. Harrison, what
 20 I'm going to ask the court reporter to mark as
 21 Harrison 15 and ask you if you remember -- see if
 22 this refreshes your recollection, and just for
 23 the record this appears to be an e-mail sent from
 24 drcbp@idealspine.com to chirobase@quackwatch.org
 25 dated November 24th, 2003. Does this --

1 A. This is four years ago, but I may have
 2 written this --
 3 Q. Okay.
 4 A. -- so I did contact him then.
 5 Q. Does this refresh your memory that you did
 6 send an e-mail to Dr. Barrett where you stated
 7 that -- I'll just read it. You have recently
 8 listed an article on CBP technique on I think
 9 that would mean your Internet site, which article
 10 was written by Dr. Allen Botnick. Besides
 11 containing misleading and false information, this
 12 article has slanderous statements about me.
 13 Before obtaining legal counsel, I am giving you
 14 an opportunity to remove this article from your
 15 Web site with an additional apology to me for
 16 your errors. Sincerely, Donald D. Harrison,
 17 Ph.D., D.C., M.S.E. Do you remember writing this
 18 e-mail?
 19 A. I don't remember writing it, but it's
 20 nicely written, a nice request.
 21 Q. Okay. Do you remember --
 22 A. I didn't call him any names.
 23 Q. Do you remember receiving any response
 24 either verbally or in writing from Dr. Barrett?
 25 A. No, I don't.

1 either Dr. Botnick or Dr. Barrett?
 2 A. No, because I was.
 3 Q. Okay. Do you know if Dr. Barrett ever
 4 retracted or made any changes to anything
 5 regarding your son in response to your son's
 6 e-mail to him?
 7 A. No.
 8 Q. I'm going to show you, Dr. Harrison, what
 9 I'm going to ask the court reporter to mark as
 10 Harrison 17, and this is apparently an e-mail
 11 from Dr. Barrett to your son of November 24th of
 12 '03 around 4:06 p.m., and I think the way this
 13 is set up just to save time, my client's response
 14 is in the middle of the first page of this
 15 document I've handed you. I will give you a
 16 moment to read it because it's several
 17 paragraphs.
 18 A. I may have seen this.
 19 Q. Okay. Would you agree that it appears
 20 that Dr. Barrett in response to your son's e-mail
 21 did make a change at least to the part of the
 22 article that your son was complaining about?
 23 A. Part of it. Yes.
 24 Q. In fact, what I didn't mention going back
 25 to Harrison 16 is that when your son sent the

1 Q. I'm going to show you what I'm going to
 2 ask the court reporter to mark as Harrison 16. I
 3 will give a copy to your attorney. I will put on
 4 the record this appears to be an e-mail from Deed
 5 Harrison to chirobase@quackwatch.org, which also
 6 is to Dr. Barrett, of November 24th of '03 at
 7 11:10 a.m. Do you know if you've ever seen this
 8 e-mail in any form which appears to be written by
 9 your son, Deed E. Harrison, D.C.?
 10 A. Usually my son sends me copies of things,
 11 so I may have seen this.
 12 Q. Okay. Did you discuss -- shortly after
 13 the Botnick article was published in November of
 14 2003, do you remember having any discussions with
 15 Deed about the contents of that Botnick article?
 16 A. Yes. We had several, but I don't remember
 17 what the contents were, but we had several
 18 discussions.
 19 Q. You'll see in this letter to apparently my
 20 client at the end it says I will have you know
 21 that I am seeking legal actions regarding this
 22 statement. I suggest that you find the proof for
 23 such a statement I supposedly made. You will
 24 hear from my attorney shortly. Do you know if
 25 your son ever brought a civil lawsuit against

1 e-mail he cited to a part of the article that
 2 states, and I quote, in one case I know of, CBP
 3 instructor Deed Harrison, D.C. (son of founder
 4 Donald Harrison) concluded that postural problems
 5 had caused a patient's heel to become misshapen
 6 and recommended that these factors be treated
 7 with CBP techniques. All the patient needed was
 8 a corrective shoe insert that would also improve
 9 his posture. CBP treatment would cause the
 10 patient to waste time and money before being
 11 referred to a podiatrist for the insert. Deed
 12 Harrison has also stated that podiatric
 13 examinations of the foot are unreliable. Would
 14 you agree that that was the portion of the
 15 article that your son was threatening to sue Dr.
 16 Barrett over?
 17 A. That was what was in this paragraph. Yes.
 18 Q. Right. Would you agree that Dr. Barrett
 19 did make a change in conjunction with that
 20 complaint raised by your son?
 21 A. I don't know exactly when he made that
 22 correction. His date here is -- where's the date
 23 on his e-mail?
 24 Q. Dr. Barrett's e-mail, Harrison 17, I
 25 believe on the very top it's 11/24/03, the same

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1 day that your son -- well, it looks like about
 2 five hours or so after your son's e-mail because
 3 your son's e-mail, Harrison 15, was 11:10 a.m. on
 4 the same date, 11/24/03. If those are accurate
 5 dates and times, would you agree that that's a
 6 pretty quick response by Dr. Barrett to your
 7 son's complaint if it's accurate?
 8 A. What he does is remove my son's name but
 9 leaves the fictitious problem still there.
 10 Q. Now, your son ultimately did not sue
 11 either Dr. Botnick or Dr. Barrett in connection
 12 with the November of 2003 article; isn't that
 13 right?
 14 A. That's correct.
 15 Q. I'm going to hand you also, Dr. Harrison,
 16 what I'm going to ask the court reporter to mark
 17 as Harrison 18, and this is a November 24th, 2003
 18 e-mail from -- this is actually twofold. Just to
 19 save time, at the bottom half of this is an
 20 e-mail from Dr. Barrett to I believe you, Dr.
 21 Harrison, of November 24th, 2003 at 2:13 p.m.,
 22 and then on the top half of this Harrison 18
 23 document appears to be an e-mail from you to Dr.
 24 Barrett in response to his e-mail, so just to
 25 make it flow better. It's up to you, but you may

1 sentence by sentence to indicate to you that your
 2 Web site has slandered me. You were given your
 3 chance to remove this Botnick article from your
 4 Web site. You are liable for its content.
 5 Obviously you did not check on the facts and/or
 6 statements in this article and published it with
 7 intent to defame CBP technique, my son, and me,
 8 et cetera, et cetera. Do you recall that
 9 response to Dr. Barrett's e-mail?
 10 A. That looks like something I would write.
 11 Yes.
 12 Q. All right. After you sent this e-mail,
 13 did you ever try to communicate to either Dr.
 14 Botnick or Dr. Barrett to set forth exactly what
 15 portions of the 11/2003 Botnick article were
 16 false or defamatory?
 17 A. I didn't. No.
 18 Q. Do you know if anyone did prior to any
 19 lawsuit being filed?
 20 A. No.
 21 Q. Without waiving your attorney/client
 22 privilege, were there any reasons why you did not
 23 want to respond to Dr. Barrett's e-mail where he
 24 asked you to send him specified what parts of the
 25 article were false or misleading or defamatory?

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1 want to read the bottom half. You may want to
 2 read your e-mail first. Actually, I take that
 3 back. There's an e-mail that you wrote to Dr.
 4 Barrett and then his response is at the very
 5 bottom of this first page and it goes into the
 6 next page. Do those documents look familiar?
 7 A. Yes. They do now. I forgot all about
 8 them.
 9 Q. So does this refresh your memory in that
 10 you had sent an e-mail to Dr. Barrett accusing
 11 him of essentially defamation?
 12 A. Yes. That's why I got Attorney Turner in
 13 the winter of 2004.
 14 Q. Do you remember then having reviewed this
 15 document, Harrison 18, Dr. Barrett writing to you
 16 saying, quote, I will be happy to evaluate your
 17 concerns. Kindly send me a list of every
 18 sentence that you believe is misleading, false,
 19 erroneous, or slanderous and why you believe it
 20 is inaccurate. Do you remember Dr. Barrett
 21 sending you that e-mail?
 22 A. Yeah.
 23 Q. And do you remember your response where
 24 you stated Dr. Barrett, I have no intention of
 25 wasting my time going phrase by phrase or

1 MR. REID: Hang on a second. Do you
 2 understand how he prefaced his question? He
 3 doesn't want to know about any conversations that
 4 you may have had with Mr. Turner or any other
 5 counsel that went into your decision on whether
 6 you did or did not respond. Do you understand
 7 that?
 8 THE WITNESS: Not exactly.
 9 MR. REID: Okay. Don't say anything
 10 that you discussed with any attorneys in
 11 answering the question.
 12 Q. Let me back up. Your son obviously
 13 specified in an e-mail to Dr. Barrett what part
 14 of the article regarding him he found offensive;
 15 right?
 16 A. At least one part.
 17 Q. At least one part. Okay. And Dr. Barrett
 18 did fix that, at least made an attempt to correct
 19 that as set forth in one of the e-mails that we
 20 just reviewed; fair?
 21 A. I would say that his fix was not a fix. I
 22 would say he removed my son's name, but the
 23 content is the same.
 24 Q. You don't know of any other e-mails that
 25 your son followed up with Dr. Barrett, do you,

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1 advising Dr. Barrett that he wasn't satisfied
 2 with Dr. Barrett's changes?
 3 A. I wouldn't know. This is four years ago.
 4 I don't remember.
 5 Q. Now, did your son share with you, Doctor,
 6 that Dr. Barrett took your son's name off that
 7 part of the article?
 8 A. We usually share things like that, so I
 9 would assume that he did.
 10 Q. All right. So that could we then assume
 11 that you knew that Dr. Barrett responded in some
 12 fashion to your son Deed's complaint?
 13 A. I didn't remember before, but since you
 14 have shown me this I do remember and now I
 15 remember that what I said is exactly how I felt
 16 then. He took my son's name out, but he didn't
 17 change the content.
 18 Q. Okay. Did you advise your son to contact
 19 Dr. Barrett to tell him that his changes weren't
 20 satisfactory because he didn't change the content
 21 with regard to CBP in general?
 22 A. I don't remember that.
 23 Q. Did your son advise you whether he had any
 24 phone conversations with Dr. Barrett after that
 25 e-mail or before that e-mail was sent from Deed

1 A. Not until January of 2005.
 2 Q. January of 2005?
 3 A. Yes. That's when my son wrote a line by
 4 line rebuttal of it, which is about one year
 5 later.
 6 Q. Okay. Which would be the same year that
 7 Dr. Barrett published his article that's the
 8 subject of this complaint, of this lawsuit?
 9 A. That's correct.
 10 Q. I'm going to also hand you what I'm going
 11 to mark as Harrison 19, which is an e-mail of
 12 November 25th, 2003. It appears to be at 10:25
 13 a.m. The e-mail is going back and forth between
 14 you and Dr. Barrett. Here's my question. The
 15 bottom half of the first page appears to be an
 16 e-mail that was sent to you from Dr. Barrett
 17 where he states that he had four chiropractors
 18 whom we trust review the article before it was
 19 published and a fifth reviewed it afterward. Did
 20 you ever ask Dr. Barrett to identify the names of
 21 the reviewers of the article before it was
 22 published?
 23 A. No.
 24 Q. Did you have any -- were you curious at
 25 all as to who reviewed it?

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1 to Dr. Barrett complaining about the way his name
 2 was used in the article?
 3 A. I don't recall that. You would have to
 4 ask him.
 5 Q. Knowing that now that you have a
 6 recollection that you knew that Dr. Barrett made
 7 at least some changes to the article at least
 8 with regard to Deed after Deed complained to him,
 9 did you consider taking Dr. Barrett up on his
 10 request to cite to the different portions of the
 11 article that you believed were slanderous or
 12 defamatory?
 13 A. I thought most of that article was
 14 negative and made up by Botnick and my request
 15 for him to remove it was in total, and so I
 16 didn't want to go line by line because he's not a
 17 journal editor. He's not a chiropractor. He's
 18 an outside person with a Web site worldwide and
 19 he needs to be more responsible for things that
 20 go worldwide, and so I was giving him a chance to
 21 take it off and he did not.
 22 Q. But can we both agree that you never
 23 specifically advised Dr. Barrett as to what
 24 portions of that 11/2003 article you believed
 25 were defamatory?

1 A. No.
 2 Q. Why not?
 3 A. Because I figured it was somebody that's
 4 under his payroll.
 5 Q. Did you ever confirm at any point after
 6 the article was published the identities of the
 7 reviewers?
 8 A. Not that I know of. Not that I remember.
 9 Q. And it says in this paragraph from Dr.
 10 Barrett if you change your mind and decide to
 11 share your concerns with me, you can be assured
 12 that I will consider them carefully. Do you
 13 remember Dr. Barrett e-mailing you again advising
 14 you that he would be more than willing to look at
 15 the article if you would point out to him what
 16 parts of the article you felt were defamatory?
 17 A. I see that written here, but I don't
 18 recall it.
 19 Q. Do you see in the last paragraph of this
 20 it says I am puzzled by your claim that the
 21 article is intended to defame you and your son.
 22 When your son objected to mention of a telephone
 23 conversation with Dr. Botnick, I immediately
 24 removed his name even though Dr. Botnick has
 25 supportive notes written at the time of the

1 conversation. Does that refresh your memory as
 2 to any conversation you remember your son having
 3 with Dr. Botnick about the article?
 4 A. I don't know about the article, but
 5 Botnick over the years has called different
 6 people, including my son and I.
 7 Q. And finally at the end of this paragraph
 8 e-mailed to you by Dr. Barrett it says with
 9 respect to you only one sentence mentioned your
 10 name in a possibly critical way, the sentence
 11 that began, quote, rather than criticizing
 12 chiropractic openly..., close quote. Then Dr.
 13 Barrett says although this is not defamatory its
 14 meaning was unclear, so I have modified the
 15 sentence to remove that phrase. Do you remember
 16 being advised by Dr. Barrett that he was removing
 17 that phrase?
 18 A. I see it written here in this e-mail.
 19 Q. But does this refresh your memory as to
 20 Dr. Barrett advising you by e-mail that he was
 21 removing that particular phrase from the article?
 22 A. I don't recall it, but it doesn't matter
 23 to me. It's too small of a thing. The whole
 24 thing should have been removed.
 25 Q. It appears that your response to Dr.

1 Barrett's e-mail was, quote, Dr. Barrett, you and
 2 Dr. Botnick can expect to be served with a
 3 subpoena in the near future. Sincerely, Donald
 4 D. Harrison. Do you recall that e-mail being
 5 sent out to Dr. Barrett?
 6 A. That sounds like me.
 7 Q. Had you made up your mind by then that you
 8 were going to sue in connection with that
 9 article?
 10 A. Yes.
 11 Q. You weren't going to consider having Dr.
 12 Barrett potentially or Dr. Botnick write some
 13 form of retraction or some changes to it if you
 14 had decided to identify what parts of the article
 15 you felt were slanderous or defamatory?
 16 A. I felt like a large part of that was and
 17 changing a sentence here or two doesn't matter.
 18 I asked for removal of it.
 19 Q. Okay. I'm going to hand you what I'm
 20 going to ask to be marked as Harrison 13.
 21 A. 13?
 22 Q. 13. Yes. Dr. Harrison, this is Harrison
 23 13. It's some letters to the editor that came
 24 off of the ideaspine.com Web site of April of
 25 2006. My question is this. The first letter

1 addressed to the AJCC makes mention of a Dr.
 2 Triano, T-R-I-A-N-O.
 3 A. Yes.
 4 Q. Who is Dr. Triano?
 5 A. He is a chiropractor and a Ph.D.
 6 Q. Has he ever been critical of CBP?
 7 A. Yes.
 8 Q. Has he written articles criticizing the
 9 CBP technique or published articles of any kind?
 10 A. Public statements at colleges, but I would
 11 have to check and see if they were written.
 12 Q. What's the Index Medicus?
 13 A. Just like it says, Index Medicus. It's an
 14 index of published literature that qualified
 15 journals are listed under, so not every journal
 16 is listed there. You have to apply and be
 17 approved.
 18 Q. How many chiropractors review the Index
 19 Medicus?
 20 A. Oh, jeez. Very few. The researchers and
 21 some faculty at colleges. I'm sad to say in our
 22 profession most chiropractors aren't aware of
 23 research much.
 24 Q. On the second page of this document,
 25 Harrison 13, it looks like -- it appears to be a

1 letter or communication you sent to Dr.
 2 Walls-Kaufman, W-A-L-L-S-K-A-U-F-M-A-N. Do you
 3 see that in the middle of the second page?
 4 A. When you say sent to, you mean published
 5 in response to the letter?
 6 Q. Right. Where it says while we applaud Dr.
 7 Triano for publishing in the Index Medicus, we
 8 are appalled by his cutting of his fellow DCs'
 9 claims as an IME for State Farm. Do you see
 10 that?
 11 A. Yes. I sure do.
 12 Q. What did you mean by that?
 13 A. Dr. Triano has -- I did a med search on
 14 him about a year ago. He has some 40
 15 publications in the Index Medicus, but he is an
 16 independent medical examiner that reviews
 17 chiropractors' claims and cuts their claims for
 18 State Farm Insurance Company.
 19 Q. So he does contract work for State Farm
 20 where they hire him to do peer reviews from auto
 21 accident treatment with chiropractors?
 22 A. Not just automobile accidents but other
 23 cases, too.
 24 Q. Okay. And has Dr. Triano done peer
 25 reviews or IMES in connection with CBP

1 chiropractic treatment for State Farm?
 2 A. I wouldn't know of that.
 3 Q. Do you know if any of his fellow -- as you
 4 say here Dr. Triano's fellow DCs are CBP
 5 practitioners?
 6 A. The cases that people told me about with
 7 Dr. Triano, they weren't CBP practitioners.
 8 Q. Okay. Did you say or did you not say, I
 9 apologize for my short-term memory here, that Dr.
 10 Triano has or has not published any critiques of
 11 the CBP technique?
 12 A. He may have, but I don't recall those.
 13 Q. I'm going to show you what I'm going to
 14 have marked as Harrison 12. I don't think we
 15 reviewed this document yet. Do you recall this
 16 article published by you, your son Deed, Paul
 17 Oakley, and Jason Haas, Use of Fallacious
 18 Arguments, Ad Hominem Attacks?
 19 A. Yes.
 20 Q. Okay. I think I may have mentioned this
 21 before, but I don't think we talked about it.
 22 This was in response to a Cooperstein article,
 23 was it not?
 24 A. Yes.
 25 Q. All right. Is it safe to assume that this

1 Q. So is it safe to assume there were three
 2 different occasions where Dr. Cooperstein has
 3 written or published articles of some form
 4 criticizing the CBP technique --
 5 A. That's correct.
 6 Q. -- '96, 2004, and 2006?
 7 A. That's correct.
 8 Q. And you never sued him for defamation; is
 9 that correct?
 10 A. No. I rebutted him every time.
 11 Q. But you didn't rebut Dr. Barrett?
 12 A. No, I didn't.
 13 Q. You just chose to sue him?
 14 A. I gave him a chance to retract and he
 15 didn't.
 16 Q. Okay. Now, you mention in this article,
 17 Harrison 12, that Cooperstein, et al. had
 18 criticized the CBP technique on eight points, is
 19 that correct, as it's set forth on the first
 20 page?
 21 A. The first paragraph.
 22 Q. The first paragraph. Right.
 23 A. Yes.
 24 Q. Okay. Do you believe that your reputation
 25 in the chiropractic community was affected at all

1 was in response to the Cooperstein article that
 2 was published in the Technique Systems in
 3 Chiropractic that we talked about earlier?
 4 A. No.
 5 Q. No. So this was another Cooperstein
 6 article?
 7 A. Yes. If you look at Number 1, it was in
 8 response to our article Number 2 in the reference
 9 and their article is Number 1, and so this one is
 10 the third part of a three-part series.
 11 Q. All right. Let me ask you this then, and
 12 I apologize for mistakenly assuming that was the
 13 Cooperstein article in that book. This
 14 Cooperstein article to which this rebuttal
 15 article was written, this Harrison 12, again just
 16 to be clear, this was separate and apart from the
 17 article in 2004 that Cooperstein authored in that
 18 book?
 19 A. In that book. Yes. That's correct.
 20 Q. All right. And this article to which you
 21 wrote this rebuttal, Use of Fallacious Arguments,
 22 et cetera was published by Cooperstein in 2006 in
 23 The Journal of the Canadian Chiropractic;
 24 correct?
 25 A. Association. Yes.

1 by this 2006 Cooperstein article?
 2 A. No, because it's being rebutted right here
 3 in the same journal.
 4 Q. Do you know if you had any downturn in any
 5 of your seminar attendance as a result of this
 6 2006 Cooperstein article?
 7 A. I don't know that.
 8 Q. All right. You just testified you don't
 9 know whether your seminar attendance has been
 10 affected by the 2006 Cooperstein article; is that
 11 correct?
 12 A. That's correct.
 13 Q. You don't know whether your seminar
 14 attendance was affected at all by the 2004
 15 Cooperstein publication as well; is that fair?
 16 A. I'm pretty sure it didn't. That book is
 17 limited publishing. It's not worldwide.
 18 Q. All right.
 19 A. There's not several hundred thousand hits
 20 going on here.
 21 Q. Okay. Do you have any idea how many
 22 chiropractors subscribe to The Journal of the
 23 Canadian Chiropractic Association?
 24 A. I believe that each member of the Canadian
 25 Chiropractic Association gets that journal and I

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1 believe there's about 5,000 members.
 2 Q. In Canada?
 3 A. Yeah.
 4 Q. Do you know if any DCs in this country
 5 subscribe to The Journal of the Canadian
 6 Chiropractic Association?
 7 A. I wouldn't know that.
 8 Q. All right. Do you have a reputation as an
 9 expert in chiropractic care in Canada?
 10 A. I don't know if I do or not.
 11 Q. Do you know if your name is well-known in
 12 the chiropractic community in Canada, at least in
 13 Quebec?
 14 A. I've done seminars in Quebec, so some of
 15 them would know me.
 16 Q. How many do you think know you in Canada?
 17 How many chiropractors do you think know you up
 18 there?
 19 A. Well, since we published these papers in
 20 The Journal of the Canadian Chiropractic
 21 Association, they've seen my name now three or
 22 four times.
 23 Q. Do you consider yourself a well-known
 24 chiropractor in the United States?
 25 A. Well, I would like to think so. However,

1 should they take my seminar to learn my technique
 2 because if they do it on a patient they can't get
 3 paid.
 4 Q. Do you get any percentage portion of any
 5 revenue a CBP practitioner gets in conjunction
 6 with treatment of CBP patients?
 7 A. No.
 8 Q. Is there a -- I don't do trademark law,
 9 but isn't there a trademark with CBP?
 10 A. I own the trademark.
 11 Q. Right. Does a chiropractor have to pay
 12 you -- a practitioner have to pay you or your
 13 company some fee, some amount of money in order
 14 to utilize the CBP technique on their patients?
 15 A. No.
 16 Q. So are you then saying that your income
 17 loss in conjunction with a company like Aetna
 18 denying claims isn't specific to the claims being
 19 denied themselves and the payment, but it speaks
 20 only to those practicing chiropractors that are
 21 CBP practitioners not going to your seminars
 22 because of their claims being rejected?
 23 A. As it gets around that Aetna has this
 24 policy of CBP being experimental and won't pay
 25 for it citing Dr. Barrett's article, then that

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1 it is amazing how many times people tell me
 2 they've never heard of me or my technique.
 3 Q. On the other hand, have many people
 4 advised you over the years that they have heard
 5 of you and heard of your technique?
 6 A. Correct.
 7 Q. Okay. Is it your understanding that one
 8 of your claims against Dr. Barrett in this
 9 lawsuit pertains to insurance companies rejecting
 10 bills or invoices sent to them by CBP
 11 practitioners for payment?
 12 A. For CBP practitioners for payment and for
 13 CBP practitioners being in network.
 14 Q. If a CBP practitioner submits a bill say
 15 to Aetna for the CBP technique for treatment for
 16 a patient and that treatment gets -- and that
 17 bill gets denied, the claim gets denied, it
 18 doesn't get paid by Aetna, how in any way does
 19 that affect your own personal income if another
 20 chiropractor's bill doesn't get paid?
 21 A. Because Aetna's policy cited CBP as
 22 experimental and cited Barrett for the reason,
 23 his article on this Web site we are talking
 24 about, so then it gets around that if you do the
 25 CBP technique you can't get paid, so then why

1 hurts me because they don't attend my seminars.
 2 Q. Okay. I'm going to hand you the Aetna
 3 clinical policy bulletin, which I believe was
 4 produced by your counsel, and that will be
 5 Harrison 31. Just give me one moment to pull it
 6 out. There you go. This Aetna clinical policy
 7 bulletin that has a review date of June 9, '06,
 8 is this bulletin familiar to you? Have you read
 9 this before?
 10 A. Yes.
 11 Q. Could you turn to -- the pages are
 12 unnumbered, but could you turn to the fourth
 13 unnumbered page of this Aetna policy bulletin,
 14 Harrison 31?
 15 A. Yes. I guess it should say 4 of 11; is
 16 that correct?
 17 Q. Yes. Probably it would. You're right.
 18 But when I printed it out that part didn't get
 19 printed. You're right. At the bottom of the
 20 fourth page would you agree that they cite to
 21 Colloca, C-O-L-L-O-C-A, and Polkinghorn in
 22 discussing CBP protocols --
 23 A. That was --
 24 Q. -- that the Aetna bulletin does refer to
 25 Colloca and Polkinghorn; is that correct?

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1 A. That was a published case study. Yes.
 2 Q. Wasn't that study from Colloca and
 3 Polkinghorn somehow critical of the CBP
 4 technique?
 5 A. I don't think so.
 6 Q. Isn't Aetna citing to that Colloca and
 7 Polkinghorn 2003 study as part of the reason they
 8 deem the CBP technique to be experimental and
 9 investigational intervention?
 10 A. I don't think so. I think they're just
 11 citing one of the papers that was published on
 12 CBP as a case study.
 13 Q. And how about the article cited by Aetna
 14 at the bottom of page 4 where it says Gore (2001)
 15 found no relationship between the loss of neck
 16 curvature and the development of pain or
 17 degenerative changes. Who's Gore, do you know?
 18 A. Gore wrote a paper in 1986 and again in
 19 2001, probably more than that, but those are the
 20 two that are often used.
 21 Q. Did you read either of Gore's
 22 publications?
 23 A. Yes.
 24 Q. Did either publication cite to the CBP
 25 technique?

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1 A. No.
 2 Q. But you would agree that Aetna appears to
 3 be relying in part at least on Gore's findings in
 4 deeming the CBP technique experimental?
 5 A. Yeah. Their statement is inaccurate, but
 6 what they're saying is that the neck curvature
 7 and development of pain or degeneration doesn't
 8 have a correlation.
 9 Q. What about Haas? Do you know who Haas is?
 10 A. Jason Haas.
 11 Q. Doesn't it state here in the Aetna
 12 bulletin that Haas and colleagues (1999) noted
 13 that changes in spinal structure do not
 14 necessarily cause symptoms? You would agree that
 15 I read that sentence correctly that's in the
 16 Aetna bulletin?
 17 A. I believe they stated that in 1999.
 18 Q. Doesn't it appear then that Aetna again is
 19 relying at least in part on the findings of Haas
 20 and colleagues in '99 in deeming the CBP
 21 technique to be experimental?
 22 A. Incorrectly, yes. Haas is the middle of a
 23 three-part debate. They left out Number 1 and
 24 Number 3, which my son and I authored.
 25 Q. Okay. So isn't it true that this bulletin

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1 doesn't just cite to Dr. Barrett's article, which
 2 is back on the third page I believe of this
 3 bulletin, but also to other published articles
 4 written by people other than Dr. Barrett such as
 5 Gore and Haas?
 6 A. They mention Gore and Haas. Yes.
 7 Q. Okay. Now, I have another Aetna clinical
 8 policy bulletin, the same number as the other
 9 one. The other one, the number would you agree
 10 on there is Number 0107, the one I gave you at
 11 the top on the first page?
 12 A. 0107. I see that.
 13 Q. Right. And the one I gave you, Harrison
 14 31, the one we just reviewed, it says in
 15 parentheses updated?
 16 A. Yes.
 17 Q. So it appears to be an updated Aetna
 18 clinical policy bulletin 0107; right?
 19 A. (Witness shakes head.)
 20 Q. I need a verbal response. I'm sorry.
 21 A. Yes. I see that.
 22 Q. Thanks. I on the Internet on October 26
 23 went into the aetna.com Web site and pulled their
 24 clinical policy bulletin 0107 and I'm going to
 25 have that marked as Harrison 32. I'm going to

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1 show you that. It's rather thick. I'm going to
 2 show you a copy of that bulletin I pulled off the
 3 Internet and again it's the same number, and I
 4 don't work for Aetna so I don't know the
 5 significance of it, but to save time I will
 6 represent to you, Dr. Harrison, I've reviewed
 7 this article and I've just given a copy to
 8 Attorney Reid as well. This article seems to
 9 have -- be almost just pretty much identical to
 10 the first one I handed you that did cite to Dr.
 11 Barrett. This one doesn't even make mention of
 12 anything to do with Dr. Barrett or Dr. Barrett's
 13 2005 article, but it does continue to cite to
 14 Gore, Haas, Colloca, and Polkinghorn. Have you
 15 seen this version of the Aetna clinical policy
 16 bulletin Number 0107 before today?
 17 A. I've never seen this version before today.
 18 MR. TURNER: What was the answer?
 19 MR. REID: He's never seen it
 20 before.
 21 Q. Do you have any personal knowledge as to
 22 why Aetna -- this version of the Aetna Number
 23 0107 clinical policy bulletin, chiropractic
 24 services does not reference or cite to in any
 25 fashion Dr. Barrett or Dr. Barrett's 2005

1 article?
 2 A. Rephrase that again then.
 3 Q. Do you have any personal knowledge as to
 4 why this version of the Aetna clinical policy
 5 bulletin, chiropractic services, Number 0107
 6 doesn't mention or cite to Dr. Barrett or Dr.
 7 Barrett's 2005 article?
 8 A. No.
 9 MR. REID: Again, that's just based
 10 on, Ken, your representation that it's nowhere in
 11 here.
 12 MR. GOODMAN: That's exactly
 13 correct.
 14 MR. REID: Okay. And his answer for
 15 the record is no.
 16 Q. Have you ever spoken or conferred with
 17 anyone at Aetna, Dr. Harrison, to determine which
 18 of any of the numerous cited articles in this
 19 bulletin they relied upon in determining that the
 20 CBP technique was deemed experimental and
 21 investigational intervention?
 22 A. Did I ever --
 23 Q. Speak to anyone.
 24 A. To anybody at Aetna, no.
 25 Q. Did anyone on your behalf ever try to

1 contact anyone at Aetna to confer with them to
 2 determine how much weight if any they gave to Dr.
 3 Barrett's 2005 publication before determining as
 4 set forth in these bulletins that the CBP
 5 technique is experimental?
 6 A. I don't know that. No.
 7 Q. Are you aware of any other insurance
 8 companies besides Aetna that have published
 9 bulletins deeming the CBP technique as
 10 experimental?
 11 A. Yes. There are some.
 12 Q. Can you tell me as best as you can recall
 13 the names of any of those other insurance
 14 companies?
 15 A. Managed care organizations, ACN and HSM or
 16 HSN.
 17 Q. Okay. And have you read any of those
 18 other insurance companies' bulletins or articles
 19 similar in fashion to the Aetna article?
 20 A. Have I read them? Let's see. I don't
 21 think I read them.
 22 Q. Are you aware of any other insurance
 23 company besides Aetna that has cited to or either
 24 possibly relied upon Dr. Barrett's article in
 25 deeming the CBP technique as experimental?

1 A. Let's see. I was looking for that
 2 information and I can't recall if I have more or
 3 not.
 4 Q. As you sit here today, do you have any
 5 personal knowledge of any other insurance company
 6 besides Aetna denying claims or publishing
 7 bulletins where they specifically state that
 8 they're relying upon Dr. Barrett's 2005 article
 9 in denying claims or deeming CBP as experimental?
 10 A. I would have to check. I'm not sure.
 11 Q. So is your answer as you sit here today
 12 no?
 13 A. My answer is I'm unsure.
 14 Q. Okay. Have you or anyone on your behalf
 15 tried to contact Aetna to try to persuade them to
 16 change their policy as the way they deem the CBP
 17 technique as experimental?
 18 A. That is attorney/client privilege. We've
 19 discussed it.
 20 Q. Without waiving any attorney/client
 21 privilege, have you or anyone on your behalf
 22 aside from counsel ever contacted Aetna or a
 23 representative of Aetna to try to confer with
 24 them to get them to change their stance on the
 25 CBP technique?

1 A. Me personally, no.
 2 Q. How about your son Deed?
 3 A. I don't think so, but you'd have to ask
 4 him.
 5 Q. Have you or anyone on your behalf sent any
 6 of your own research or published articles to
 7 Aetna to try to persuade Aetna to change its
 8 policy with regard to CBP?
 9 A. I believe some CBP practitioners have done
 10 so.
 11 Q. Do you know the names of those CBP
 12 practitioners that have done so?
 13 A. Not offhand.
 14 Q. Did they do so upon your or Deed's
 15 request?
 16 A. No. They would tell me they did.
 17 Q. Do you know if any CBP practitioners
 18 anywhere in the United States have tried to sue
 19 Aetna under either an insurance bad faith statute
 20 or any statute either state or national or other
 21 because of the denial of a claim for the CBP
 22 technique?
 23 A. I don't know that.
 24 Q. I'm going to back up for a moment. Have
 25 you personally spoken to anyone at Aetna after

1 the bulletin came out deeming the CBP technique
 2 as experimental?
 3 A. No.
 4 Q. Why not?
 5 A. Because I discussed strategy with my
 6 attorney and I'm not able to disclose
 7 attorney/client privileges to you.
 8 Q. Fine. And in fairness to you and with all
 9 due respect to your counsel, I would never ask
 10 you to do that, but did you ever try to
 11 communicate with Aetna before you spoke to
 12 counsel about the Aetna bulletin?
 13 A. No.
 14 Q. Okay. I'm going to shift gears for a
 15 moment. Regarding the seminars, your seminars,
 16 is there such a thing as a typical CBP
 17 practitioner that would go to a seminar, meaning
 18 as follows. Would you typically get an attendee
 19 who is new at being a CBP practitioner or wants
 20 to become a CBP practitioner and is going to the
 21 seminar to learn the technique before they can
 22 utilize the technique on their patients or do you
 23 get seasoned CBP practitioners as repeat
 24 business?
 25 A. Lately I've been getting more of the

1 A. It has more to do with money, like I can't
 2 get paid for doing it, for doing CBP.
 3 Q. At the present time from your own personal
 4 knowledge, how many insurance companies besides
 5 Aetna are denying payment for CBP services?
 6 A. Since I've forwarded that stuff without
 7 reading it a lot to my attorney, we'd have to
 8 consult and we'd have to dig through some files
 9 to answer that.
 10 Q. Do you know if it's more or less than
 11 five?
 12 A. I'll have to ask him. We'll have to talk.
 13 Q. How many CBP practitioners are there in
 14 the United States approximately?
 15 A. Well, there's about 6,000 that have taken
 16 my seminars. Of course they all don't do it, and
 17 then like individual people they'll take parts
 18 that they're comfortable with and not do other
 19 parts.
 20 Q. Now, did you say you have 68,000 DCs that
 21 receive the AJCC?
 22 A. 68,000. Yeah.
 23 Q. But not all of them are CBP practitioners?
 24 A. A wide variety of techniques.
 25 Q. Do you know of the 6,000 people that have

1 seasoned practitioners and less of the new ones,
 2 but I get both.
 3 Q. Okay. Before the 11/2003 article from Dr.
 4 Botnick, do you have any documentation that would
 5 set forth what percentage of your attendees at
 6 the seminars were seasoned practitioners and what
 7 percentage would be people new to the CBP
 8 technique?
 9 A. That information would be possible to find
 10 as my wife keeps track of the years they take
 11 seminars. I know that there was a lot of new
 12 ones compared to the seasoned ones up until the
 13 last three years.
 14 Q. Have you noticed a drop-off in any
 15 particular form of attendee, whether it be
 16 seasoned or new, after the Botnick 11/2003
 17 article was published?
 18 A. I'm having less of both.
 19 Q. Okay. Have any chiropractors specifically
 20 said to you personally that they were no longer
 21 going to your seminars because of the Botnick
 22 11/2003 article?
 23 A. I don't know if they put it that way. No.
 24 Q. Is there some other way that they put it
 25 other than the way I phrased it verbatim?

1 attended your seminars how many of those submit
 2 bills to Aetna?
 3 A. Oh, boy. I wouldn't know that.
 4 Q. Do you have any paperwork to make a
 5 determination as to what percentage of the 6,000
 6 or so --
 7 A. No.
 8 Q. -- practitioners submit bills to Aetna?
 9 A. I have no idea on that number.
 10 Q. All right. Do you know if Aetna had
 11 denied any claims or denied any bills before
 12 Botnick's November of 2003 article was published?
 13 A. For CBP?
 14 Q. Yes.
 15 A. I don't think they did. No. I've never
 16 seen anything like that.
 17 Q. Did any insurance companies to the best of
 18 your recollection deny any payment of CBP bills
 19 for any practitioners prior to November of 2003,
 20 the Botnick article?
 21 A. Not that I'm aware of.
 22 Q. Are there specific codes that an insurance
 23 company gets when a CBP practitioner sends a bill
 24 in to then let the insurance company know that
 25 it's a CBP practitioner sending in the bill?

1 A. No.
 2 Q. How do you personally know that CBP
 3 practitioners have had their bills denied by at
 4 least Aetna?
 5 A. Because they've talked to me at seminars
 6 and they send me letters and e-mails.
 7 Q. Do you have any personal knowledge as to
 8 how any insurance company receiving a bill from a
 9 CBP practitioner would know that it's for the CBP
 10 technique and not some other form of chiropractic
 11 manipulation?
 12 A. Perhaps by the procedures used and billed.
 13 Q. Are there specific procedure codes for the
 14 CBP technique?
 15 A. No.
 16 Q. Have the chiropractors that you've spoken
 17 to at seminars that have advised you that some of
 18 their bills have been denied advised you of the
 19 reasons why they told you their bills were being
 20 denied?
 21 A. Yes. That's where I got this policy,
 22 Aetna policy 0107, from was from a chiropractor.
 23 Q. Did any of those chiropractors advise you
 24 that they tried to contact Aetna to find out why
 25 their bills were being denied?

1 November of 2003 article. We reviewed Mr.
 2 Turner's letter some time ago; correct?
 3 A. Correct.
 4 Q. Do you remember your attorney receiving a
 5 letter from an attorney named Michael Botts?
 6 A. Yes.
 7 Q. Okay.
 8 A. Attorney Turner told me that.
 9 Q. Did you have a chance to look at the
 10 letter that Attorney Botts sent to Attorney
 11 Turner?
 12 A. I know we discussed it on the phone. I
 13 don't recall whether he sent me the letter, but
 14 he certainly told me about it and what's inside.
 15 Q. Again, not asking you to disclose any
 16 conversations you may have had with Attorney
 17 Turner, but were you aware that in Attorney
 18 Botts' letter that he on behalf of Dr. Botnick
 19 offered to review each and every portion of that
 20 November of 2003 article that you deemed to be
 21 false, slanderous, or in any other way offensive?
 22 A. That's possible. I don't recall that, so
 23 I guess we'd have to see the letter.
 24 Q. Did you consider even for a moment upon
 25 Attorney Botts sending his letter to Attorney

1 A. That's why they got the policy.
 2 Q. The --
 3 A. The first one.
 4 Q. The Aetna billing?
 5 A. Not 102607 but the first one you gave me.
 6 Q. Okay.
 7 A. What is this, Number 31?
 8 Q. I believe so. Yes. I'm going to hand you
 9 an exhibit which I'm going to mark as Harrison
 10 21. It's the retraction letter from Dr.
 11 Botnick.
 12 MR. GOODMAN: I think maybe I should
 13 wait for Chris to come back in.
 14 MR. TURNER: Let's take five.
 15 MR. GOODMAN: Sure.
 16 (Brief recess.)
 17 BY MR. GOODMAN.
 18 Q. Dr. Harrison, I know I handed you the
 19 Harrison 21 exhibit, the Allen Botnick August
 20 28th, '05 retraction letter. Before I get to
 21 that, just real quick do you have any
 22 recollection of -- well, I'll back up. We've
 23 established that it's clear that Attorney Turner
 24 sent a letter in early 2004 to Allen Botnick
 25 asking him or demanding that he retract the

1 Turner reconsidering your posture in actually
 2 sending Dr. Botnick and/or Dr. Barrett the
 3 specific areas of that November of '03 article
 4 that you felt were defamatory?
 5 A. No.
 6 Q. Okay. Why not, again without waiving your
 7 attorney/client privilege?
 8 A. Some of these things you're showing me are
 9 journals and journal etiquette is if you have a
 10 letter to the editor then you would get to write
 11 a rebuttal and so you're supposed to keep that
 12 within the journal. That's the journal
 13 etiquette. That's within the profession anyway,
 14 though. This is outside. This is patients.
 15 This is not chiropractors. This is patients,
 16 prospective patients going to these sites, so
 17 they're being turned away from CBP. And then
 18 also like we discussed before, doctors can't get
 19 paid because insurance companies like Aetna are
 20 citing Dr. Barrett, so this is an entirely
 21 different situation.
 22 Q. So you believe you've incurred financial
 23 harm in part because of the insurance companies'
 24 denial of claims or bills sent in by
 25 chiropractors practicing CBP?

1 A. I really believe that I've been harmed.
 2 Q. Do you know to what extent you've been
 3 harmed in that regard due to other published
 4 articles cited by Aetna other than the one from
 5 Dr. Barrett, like from Haas or Gore or anybody
 6 else?
 7 A. Actually, what you didn't know is I wrote
 8 a letter to the editor with my son on the Gore
 9 articles and so I believe the Haas and Gore ones
 10 were handled in the literature, and so Aetna just
 11 cites one of those instead of all of them, but I
 12 believe that the citation to Barrett is the major
 13 thing.
 14 Q. Why is it that you believe that?
 15 A. Because I can debate the other ones and
 16 show them that I have debated the other ones, but
 17 I have to get Barrett to remove his article first
 18 because I can't debate that one. He's not a
 19 journal editor. He's the World Wide Web.
 20 Thousands of people were seeing this article.
 21 Q. How do you know that thousands of people
 22 were seeing this article?
 23 A. Well, thousands of people see mine on my
 24 Web site, so I imagine that his is a lot more
 25 well-known than mine.

1 Q. Do you personally -- I cut you off. I'm
 2 sorry. Go ahead.
 3 A. No problem. Go for it.
 4 Q. Do you have any personal recollection of
 5 ever seeing Dr. Barrett's 2005 article on the
 6 Quackwatch Web site?
 7 A. I'd have to go back through the list of
 8 documents that you requested and read through
 9 those again. It's been a while.
 10 Q. Now, you mentioned earlier -- remember
 11 when I asked you earlier about one of the e-mails
 12 between you and Dr. Barrett when Dr. Barrett
 13 mentions how he had the article reviewed by four
 14 or five different chiropractors, and without
 15 mischaracterizing your testimony, I think you
 16 responded that those people may have been on Dr.
 17 Barrett's payroll. Do you remember talking about
 18 that?
 19 A. Yeah. That's a supposition of mine.
 20 Q. Okay. Do you have any evidence to support
 21 any theory that any of the chiropractors that
 22 reviewed Dr. Barrett's article were somehow being
 23 paid by him or on some form of his payroll?
 24 A. I have a suspicion. Yes.
 25 Q. Based upon any particular evidence?

1 Q. On what Web site do you believe thousands
 2 of people were seeing his article?
 3 A. Well, I think that's attorney/client
 4 privilege, but I can tell you this. I've asked
 5 my attorneys to ask Dr. Barrett for the numbers.
 6 Q. And would you agree with me that would be
 7 consistent with what we talked about before, that
 8 these articles which you -- the article of Dr.
 9 Barrett which you cited and the article of Dr.
 10 Botnick that you cited in your complaint were on
 11 the Chirobase Web site and not the Quackwatch Web
 12 site?
 13 A. But there's links back and forth. When
 14 you're linked from one to the other, it doesn't
 15 matter how you get there.
 16 Q. With all due respect, Doctor, if I could
 17 just get a yes or no answer to my question if you
 18 are able. Isn't it true that you're not aware of
 19 any instance where Dr. Barrett's article to which
 20 this lawsuit was then filed and which is why
 21 we're here today was on the Quackwatch Web site?
 22 A. I don't go to those Web sites, so all I
 23 can tell you is that I know that there's links
 24 back and forth. Chiropractors have told me that
 25 so --

1 A. Yeah. When I Googled Sam Homola I see
 2 that he and Barrett work together. He's a
 3 chiropractor. Then when I Googled Gary Knutson
 4 it came up quackbuster, so I assumed that he and
 5 Botnick and Sam Homola all work with Dr. Barrett.
 6 Q. Okay.
 7 A. And that's three DCs right there, so I
 8 don't know where he'd find two more, but he could
 9 find those three.
 10 Q. Have you ever tried to speak to or
 11 communicate with any of those other chiropractors
 12 to confirm whether they have ever been paid in
 13 any fashion or compensated in any fashion by Dr.
 14 Barrett?
 15 A. I never spoke to them.
 16 Q. Has anyone ever advised you other than
 17 your own Google search that any of those
 18 individuals have been somehow compensated in any
 19 fashion by Dr. Barrett?
 20 A. That's attorney/client privilege. We've
 21 discussed it.
 22 Q. Without getting into attorney/client
 23 privilege, are you aware of any evidence
 24 supporting -- aside from your own Google search
 25 supporting your theory or supposition that these

1 other chiropractors were somehow affiliated with
 2 respect to being compensated by Dr. Barrett
 3 specifically?
 4 A. No.
 5 Q. If I could ask you to look at what's in
 6 front of you, the retraction letter of August
 7 28th of 2005, Harrison 21, from Dr. Botnick. I'm
 8 assuming you've seen this document before?
 9 A. Yes.
 10 Q. Okay. Did you ever speak directly with
 11 Dr. Botnick before he published this retraction
 12 letter?
 13 A. He tried calling me. I didn't accept the
 14 calls.
 15 Q. Do you know if there were draft versions
 16 of this letter that were sent to you or anyone on
 17 your behalf before the final version was
 18 published by Dr. Botnick?
 19 A. It's possible, but I don't recall.
 20 Q. Okay. Do you have any memory of
 21 personally editing or reviewing any draft letters
 22 from Dr. Botnick in connection with this
 23 retraction letter?
 24 A. I don't recall that.
 25 Q. Did you publish this retraction letter in

1 any form in the AJCC?
 2 A. Boy, I don't recall that. It seems to me
 3 that my Web master might have done it on Ideal
 4 Spine, but don't quote me because I'm not sure.
 5 Q. Now, you mentioned before how certain --
 6 how various rebuttal articles in connection with
 7 Cooperstein or other articles that we talked
 8 about before cured any potential harm to your
 9 reputation or harm to the CBP technique. Do you
 10 recall discussing that with me earlier?
 11 A. Yes.
 12 Q. Do you believe that this retraction letter
 13 in any way cured any harm that was potentially
 14 caused to your business or your reputation from
 15 the 11/03 Botnick article?
 16 A. It could have if Dr. Barrett hadn't
 17 republished it under his own name.
 18 Q. Did you consider republishing Dr.
 19 Botnick's August 28th, '05 retraction letter in
 20 response to Dr. Barrett's 2005 article?
 21 A. During this time I was discussing strategy
 22 with Jim Turner, so I went by legal advice.
 23 Q. Okay. Is your answer no, that you didn't
 24 consider doing that?
 25 A. No. I didn't say that. I said that's

1 within attorney/client privilege. We discussed
 2 it, what to do, strategy. I followed Jim
 3 Turner's ideas.
 4 Q. Was anything published after Dr. Barrett's
 5 article was published in the AJCC or any other
 6 journal or Web site that cited or referenced the
 7 Botnick retraction letter in response to Dr.
 8 Barrett's article?
 9 A. You're mixing me up now. Can you clear it
 10 up?
 11 Q. Yes. Did anyone on your behalf cite to
 12 you or republish Dr. Botnick's retraction letter
 13 after Dr. Barrett's article was published?
 14 A. After Dr. Barrett's, I don't remember.
 15 Q. Dr. Harrison, I'm going to hand you what
 16 I'm going to mark as Harrison 32. This was
 17 handed to me by my client saved on his computer.
 18 It's a July 5, '04 letter to Attorney Turner from
 19 Attorney Michael K. Botts, B-O-T-T-S. We
 20 discussed a little bit before after our last
 21 break about a letter that may have been sent by
 22 Attorney Botts and this appears to be it, and I
 23 guess my question is, Doctor, do you recall now
 24 that I'm handing you the letter -- I know you're
 25 looking at it again or possibly for the first

1 time. Do you know if you've ever seen a copy of
 2 this letter prior to today?
 3 A. See, like I told you I'm unsure if I had a
 4 copy, but I know that Jim Turner and I discussed
 5 it.
 6 Q. Okay. Have you had a chance to review
 7 this letter that I just handed you, Harrison 32?
 8 A. I skimmed it. Yeah.
 9 Q. The end of the letter says -- the last
 10 paragraph makes mention that says Dr. Barrett has
 11 previously notified Dr. Donald Harrison that,
 12 quote, if you believe that the article is unfair,
 13 I am willing to publish a response from you
 14 provided it is not too long, close quote. Dr.
 15 Barrett informs me that his offer remains open.
 16 Sincerely, Michael K. Botts. Without waiving
 17 attorney/client privilege, were you aware that my
 18 client was willing to not only make changes to
 19 the article as was set forth in the e-mail we
 20 discussed earlier but also to give you an
 21 opportunity to publish your own response on his
 22 Web site?
 23 A. If it wasn't too long.
 24 Q. Who said that?
 25 A. He did.

1 Q. If it's not too long. That's correct.
 2 That's what it says.
 3 A. It would be long.
 4 Q. Did you consider advising through your
 5 attorney Dr. Barrett that you would take him up
 6 on his offer but it would be longer than maybe he
 7 would want it to be?
 8 A. No. What we did is we were -- then my son
 9 wrote one about eight months later.
 10 Q. And when your son wrote one eight months
 11 later, was that a rebuttal to Dr. Barrett's
 12 article?
 13 A. To Botnick's before Dr. Barrett copied
 14 Botnick's.
 15 Q. Okay. I see. So what you are saying --
 16 okay. So that's what we talked about before, so
 17 Deed's rebuttal was published before Dr.
 18 Barrett's article --
 19 A. Yes.
 20 Q. -- later on in 2005?
 21 A. So Dr. Barrett didn't do what he said he
 22 was going to do.
 23 Q. Did Deed -- well, what do you mean by
 24 that, he didn't do what he said he was going to
 25 do?

1 A. It says right here he'd publish a rebuttal
 2 on his Web site. Deed wrote one. He didn't do
 3 it.
 4 Q. Did you or Deed or anyone ask Dr. Barrett
 5 to publish Deed's rebuttal on his Web site?
 6 A. I didn't have to. He said he would.
 7 Q. And where did Deed publish his rebuttal?
 8 A. One of the things was it was published on
 9 our Web site. The other thing was it was
 10 published in my journal.
 11 Q. The AJCC?
 12 A. Yeah.
 13 Q. Did you just assume that Dr. Barrett would
 14 catch wind of the fact that Deed had published
 15 his rebuttal on some other Web site and/or
 16 journal?
 17 A. I'm sure he and Dr. Botnick talked about
 18 it because Dr. Botnick wrote a letter retracting
 19 it from Deed's, so I'm sure he was informed.
 20 Q. Did you or anyone on your behalf consider
 21 republishing Deed's rebuttal after Dr. Barrett
 22 published his article?
 23 A. After I saw Dr. Barrett copy Dr. Botnick's
 24 letter, I just said let's sue. He has been
 25 informed and he didn't correct it.

1 Q. Did you believe that Deed's rebuttal cured
 2 any potential harm to you or your reputation or
 3 your revenue from seminars from the Botnick 11/03
 4 article?
 5 A. No, because Dr. Barrett didn't remove it
 6 from his site.
 7 Q. So you don't think that Deed's rebuttal
 8 helped at all in terms of mitigating any
 9 potential damages to you personally or to your
 10 business from Dr. Botnick's article?
 11 A. It might help some staunch CBP
 12 practitioners, but it's not going to help the
 13 people who haven't been to me before, don't know
 14 me, and it's not going to help the patients that
 15 Dr. Barrett turned away on his Web site.
 16 Q. Do you know how many CBP patients have
 17 accessed Dr. Barrett's Chirobase Web site since
 18 August of 2005?
 19 A. I think that's one thing we need to ask
 20 Dr. Barrett under deposition and get some numbers
 21 off his Web site.
 22 Q. So your answer is no, you don't know?
 23 A. I don't know.
 24 Q. Okay. I'm going to show you what I'm
 25 going to mark as Harrison 23, which I believe I

1 got from Chris's responses to discovery. It's an
 2 August 30th, 2005 letter to Deed, Don, and your
 3 wife from Allen Botnick, which apparently would
 4 just be shortly after his retraction letter of
 5 August 28th, 2005. Have you seen this letter
 6 before?
 7 A. Do you mind if I read this?
 8 Q. Oh, please. I'm sorry. Yes.
 9 A. I've seen this before.
 10 Q. Okay. It appears to be an e-mail sent
 11 from Allen Botnick on August 30th, 2005 to the
 12 Web master at Ideal Spine. That would be Dr. Joe
 13 Ferrantelli; correct?
 14 A. Correct.
 15 Q. All right. From my reading of this
 16 letter, I get the sense that Dr. Botnick is
 17 making a pitch for a new device that he allegedly
 18 invented for Pottenger's saucers, what he calls
 19 upper thoracic spine dysfunction. Do you agree
 20 with that?
 21 A. Yes. That's what I thought.
 22 Q. Do you know if you, Deed, or your wife
 23 ever followed up with Dr. Botnick as to his idea
 24 to try to get funding for this invention?
 25 A. I don't think so.

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1 Q. Do you know if Dr. Botnick ever asked you
2 or your wife or your son Deed of ways to get
3 funding for this new -- what he calls a new
4 device?
5 A. Well, I don't know about Deed, but my wife
6 and I had discussed it and we just quit talking
7 to Allen Botnick. If he called up we just told
8 him we didn't want to talk to him anymore. He
9 slandered me around the world. That was enough
10 for me.
11 Q. Now, would you agree that the date of this
12 is after the date of his retraction, that the
13 date of this letter is August 30th?
14 A. Two days. Yes.
15 Q. Right. Were you aware when you got this
16 e-mail that he had already retracted his article
17 of November of 2003?
18 A. I believe so.
19 Q. Were you suspicious that the retraction
20 letter may have been motivated by Dr. Botnick's
21 motivation to get your approval or your son's or
22 wife's approval to help him get money for this
23 new invention?
24 A. I don't think that crossed my mind at the
25 time. I think he's just making excuses for what

1 learn which doctors allegedly advised Dr. Botnick
2 that they thought that that invention had some
3 merit to it?
4 A. You want my personal opinion?
5 Q. Please. That's what I'm asking you.
6 Yes.
7 A. He fabricates so many things, I thought
8 this was just another fabrication.
9 Q. Is it safe to assume then you never spoke
10 with or communicated with any DCs who reviewed
11 Dr. Botnick's invention who thought it had some
12 merit?
13 A. Never.
14 Q. All right. Do you know --
15 A. Could I retract one thing? Every time you
16 say never it comes back on you, so I'll just say
17 I don't recall ever; okay?
18 Q. Don't recall what? I'm sorry, sir.
19 A. Never is really definite and just like the
20 e-mails, I got reminded of those so --
21 Q. You are saying you don't recall --
22 A. I don't recall ever anybody telling me
23 about Botnick's invention, so it's better not to
24 say never. It's better to say I don't recall.
25 Q. Do you know someone by the name of Tim

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1 he did. That's what I was thinking.
2 Q. In hindsight now looking at this letter
3 again, do you have your own personal opinion as
4 to whether or not you think that Dr. Botnick was
5 trying to get back in your good graces to get
6 some help in funding to try to get this new
7 invention off the ground?
8 A. It's a possibility. You would have to ask
9 Dr. Botnick what his intentions were.
10 Q. Okay. Do you know if Dr. Botnick ever got
11 anywhere with this alleged new device to treat
12 upper thoracic spine dysfunction?
13 A. I have no idea.
14 Q. Okay. Do you know if you or Deed or your
15 wife were curious at all as to this new device as
16 to how it works and see if it has any merit or
17 benefit to patients?
18 A. Not really because I feel like we do a
19 good job on the thoracic spine, so I considered
20 Botnick not an expert in anything, so I would be
21 surprised if he had a good idea.
22 Q. On the last page the next to last
23 paragraph, it's just one sentence, it says
24 several CBP doctors have already given very good
25 feedback on my invention. Did you ever come to

1 Bolen?
2 A. No.
3 Q. Have you ever heard of the Bolen Report?
4 A. In Dr. Barrett's request for
5 interrogatories or documents that name was
6 written there, and I had never heard it before so
7 that was the first time.
8 Q. Okay. So you've never heard of a Web site
9 bolenreport.net?
10 A. Well, after he asked me about that then I
11 typed in this Tim Bolen Report and up came this
12 Web site. I didn't read it because it's kind of
13 long, but I saw there was such a Web site on the
14 Internet.
15 Q. Dr. Harrison, I'm going to hand you what
16 I'm going to mark as Harrison 33, which is a
17 document entitled Bolen Report Feature Article
18 and it seems to be dated Sunday, December 31st,
19 2006. When you went into the Web site after we
20 sent you the interrogatories, did you happen to
21 see this report?
22 A. Can I read it for a second?
23 Q. Please. Yes.
24 A. I don't recall reading this. I believe if
25 I would have started, after I got through all

1 this propaganda I probably would have quit, so I
 2 don't remember ever reading this.
 3 Q. Well, the article that -- this document
 4 you have in front of you that I gave you, on the
 5 third page it appears to have in it excerpts from
 6 the complaint that was eventually filed against
 7 my client the next month, January of 2007.
 8 Taking into consideration that this article's
 9 date appears to be on here December 31st, '06,
 10 are you aware of anyone that may have given Mr.
 11 Bolen an advanced copy of the complaint that was
 12 eventually filed against my client, Dr. Botnick,
 13 and the two Web sites before the complaint was
 14 made of public record?
 15 A. So what's the date on this one? Do you
 16 see it somewhere?
 17 Q. December 31st, 2006, which is on the first
 18 page two lines under where it says quackbuster
 19 citadel crumbling, they face massive litigation.
 20 A. And when was our thing filed?
 21 Q. The complaint was filed January 26th,
 22 2007, so it would be 26 days after this article.
 23 A. Yeah. He didn't get it from me.
 24 Q. Do you have any knowledge as you sit here
 25 today about any individual that would have given

1 maybe an advanced copy of the complaint or draft
 2 of the complaint to Mr. Bolen?
 3 A. No.
 4 Q. You've never spoken to Mr. Bolen?
 5 A. Never.
 6 Q. Do you know if your son Deed has ever
 7 spoken to Mr. Bolen?
 8 A. I doubt it. He would have told me.
 9 MR. REID: This is 33?
 10 MR. GOODMAN: Yes.
 11 Q. Are you aware, Dr. Harrison, as to whether
 12 any other individuals received a copy of the
 13 complaint that was eventually filed against my
 14 client before the complaint was filed?
 15 A. I don't recall.
 16 Q. Okay. Who is The Prescott Group?
 17 A. They're a management group.
 18 Q. Did they donate money towards this
 19 lawsuit --
 20 A. No.
 21 Q. -- to help fund the lawsuit?
 22 A. Not them themselves, no, but people who go
 23 there did.
 24 Q. Okay. You've received donations from
 25 people who were part of The Prescott Group for

1 this lawsuit?
 2 A. Not from The Prescott Group, they're a
 3 management group, but the attendees. I had some
 4 CBPer's that went there and made a pitch for
 5 donations.
 6 Q. Okay. I'm going to hand you what I'm
 7 going to mark as Harrison 34. It comes from the
 8 ideaspine.com Web site from July of '06. Would
 9 you agree that this appears to come from the
 10 Ideal Spine Web site?
 11 A. Yes. It sure looks like it.
 12 Q. Okay. On the second page it makes mention
 13 to -- it says in a national campaign to raise
 14 funds for this lawsuit, several DCs have stepped
 15 forward to help. At the bottom of that paragraph
 16 it says thanks to the efforts of Dr. Eric
 17 Huntington, donations from The Prescott Group
 18 clients exceeded \$12,000.
 19 A. Yes. That's the key word, clients, so
 20 it's not from The Prescott Group, it's from the
 21 clients, and he's a CBP practitioner from the
 22 Maryland area and he told me he was going to make
 23 a pitch there and try to get me some donations.
 24 Q. Okay. Do you know if The Prescott Group
 25 is affiliated in any way with Scientology?

1 A. I've heard that they were.
 2 Q. Okay. And who told you that?
 3 A. Jeez, I guess over the years different
 4 people. I don't recall exactly. Why don't you
 5 ask me my opinion of Scientology?
 6 Q. Well --
 7 MR. BARRETT: Sure. Why not.
 8 Q. Well, I don't know if that's relevant, but
 9 I appreciate your willingness to talk about it.
 10 I'm going to hand you what I'm going to mark as
 11 Harrison 35. Can you tell me do you know if this
 12 request -- it says Quackwatch Update, Request for
 13 Data on Denials of Payment by Insurance
 14 Companies. Do you know if something identical or
 15 similar to this was published in the AJCC?
 16 A. Yeah.
 17 Q. All right. Have you received any
 18 responses from chiropractors in conjunction with
 19 this request, specifically the questions set
 20 forth on this, the eight questions? Number 5,
 21 the years in which the payment denials described
 22 above occurred, you know, for the CBP technique,
 23 has the denial of payment affected your decision
 24 to use the CBP technique and if so in what way,
 25 has the denial of payment for CBP by any

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1 insurance company and/or the criticism of CBP by
 2 Quackwatch, Barrett, or Botnick caused you not to
 3 subscribe to, attend, or participate in any CBP
 4 seminars, training, or other participation in the
 5 CBC Institute. Have you received any responses
 6 back from CBP practitioners from this request?
 7 A. Not me personally. Not very many because
 8 it says to send it to James Turner.
 9 Q. Well, you are the one suing my client, are
 10 you not?
 11 A. (Witness shakes head.)
 12 Q. You are the only plaintiff in the case?
 13 A. Yes. I had these sent to my attorney, so
 14 I don't look at them.
 15 Q. Isn't one of your allegations that we've
 16 discussed already ad nauseam that you've had a
 17 decrease in revenue from seminars from these DCs
 18 who are no longer going to the seminars because
 19 they can't get their invoices paid by the
 20 insurance companies?
 21 A. Correct.
 22 Q. And do you know how many CBP practitioners
 23 have acknowledged that they have stopped going to
 24 or participating in any CBP seminars because of
 25 that?

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1 A. Not yet.
 2 Q. Do you know if you received more or less
 3 than ten?
 4 A. I didn't ask James Turner what he
 5 received. I'm sorry.
 6 Q. But you personally haven't reviewed any --
 7 A. A few.
 8 Q. -- documents?
 9 A. A few.
 10 Q. A few. Okay.
 11 A. I would say it's more than ten that I've
 12 sent over, but I'm sure he's got more than that.
 13 Q. Okay. Did any of these chiropractors that
 14 have sent back substantive responses to these
 15 questions indicated whether or not they stopped
 16 going to CBP seminars because of Botnick's 11/03
 17 article prior to Dr. Barrett's '05 article?
 18 A. I don't know that information. It was
 19 sent to James Turner.
 20 Q. Well, if we go to trial on this case, Dr.
 21 Harrison, Mr. Turner's not going to be
 22 testifying. He's your attorney.
 23 A. I know, but before then I'll sure find out
 24 from him.
 25 Q. Did you think it was important to review

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1 those documents from Mr. Turner in anticipation
 2 of your deposition today?
 3 A. No.
 4 Q. Did you think it was important?
 5 A. No.
 6 Q. I'm going to reserve the right to recall
 7 you as a witness prior to trial to get specifics
 8 on that part which appears to be a key part of
 9 your case on damages.
 10 A. No problem.
 11 Q. Okay. Have you learned whether or not
 12 when the substantive responses have come back in
 13 from the DCs that they've acknowledged what years
 14 their payments have been denied by insurance
 15 companies?
 16 A. See, anything that comes off of that form
 17 I don't know yet. I'll have to confer with
 18 Attorney Turner and find out what he's got.
 19 Q. In this publication, this Harrison 35, on
 20 the second page in the left-hand column, it's
 21 kind of small print, it says we decided to push
 22 ASHN into court on their provider doctor
 23 contract. Do you know if any lawsuits have been
 24 filed in any way against ASHN?
 25 A. See, I was letting Attorney Turner handle

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1 that with Abe Cardwell, and I don't know if they
 2 had to file a suit or not.
 3 Q. Does this not say that ASHN was pushed
 4 into court?
 5 A. Well, I know we were doing an arbitrator
 6 and I know we filed a brief with the court
 7 because they tried to move it to California and
 8 we moved it back, and so for that reason I know
 9 there was some court documents but I don't know
 10 exactly what. Again, that's Attorney Turner's
 11 job.
 12 Q. Who wrote this article?
 13 A. Jeez, you know, all these things I run by
 14 Jim Turner, so they'll be me, some other
 15 chiropractors, and Jim helping me with it so that
 16 I don't step out of bounds.
 17 Q. Who wrote the first draft of this article?
 18 A. It was probably me.
 19 Q. Who edited the final version of it?
 20 A. I believe James Turner did.
 21 Q. Did you review this with Jim Turner and
 22 anybody else?
 23 A. Yeah. Eric Huntington.
 24 Q. Who's that?
 25 A. Eric Huntington.

1 Q. Who is Eric Huntington?
 2 A. He's the guy we talked about that made the
 3 pitch at The Prescott Group to try to get me some
 4 donations.
 5 Q. Okay. Would you agree that Eric
 6 Huntington isn't a party to this lawsuit?
 7 A. No.
 8 Q. So any discussions you had with Attorney
 9 Turner in conjunction with making any edits to
 10 this were made in the presence of Mr. Huntington?
 11 A. No.
 12 Q. They were not made with Mr. Huntington?
 13 A. No. Mr. Huntington wasn't anywhere
 14 around. He was at my house for an ICA meeting
 15 and I happened to be working on this, so he gave
 16 me some suggestions.
 17 Q. In this article after it mentions that
 18 ASHN was pushed into court, it says their
 19 arbitrary rules against paying for DC x-rays and
 20 for their arbitrary list of excluded chiropractic
 21 techniques/procedures, et cetera, et cetera. Do
 22 you have any documentation in your possession or
 23 in the possession of anyone on your behalf that
 24 has those arbitrary rules of ASHN and their list
 25 of excluded chiropractic techniques/procedures?

1 and Chirobase?
 2 A. ASHN and Aetna.
 3 Q. But they're a separate company, aren't
 4 they?
 5 A. Aetna and Quackwatch and ASHN, they're all
 6 separate companies.
 7 Q. Right. Okay.
 8 MR. BARRETT: They're competitors.
 9 Q. And you mentioned a Dr. Cardwell in this
 10 article --
 11 A. Yes.
 12 Q. -- Abe Cardwell?
 13 A. That's his nickname. Yes.
 14 Q. Okay. Have you discussed your lawsuit
 15 against Dr. Barrett with Dr. Cardwell?
 16 A. I don't believe so.
 17 Q. Do you know if Dr. Cardwell is one of the
 18 DCs that has been denied payment from Aetna in
 19 addition to being denied payment from ASHN?
 20 A. I'm not sure about that. You'd have to
 21 ask him.
 22 Q. Do you know if Dr. Cardwell is one of the
 23 chiropractors who has responded to your request
 24 for data on denials of payments by insurance
 25 companies?

1 A. Where are you reading?
 2 Q. I'm sorry. The second column on the
 3 second page at the top below that rectangular
 4 box.
 5 A. Oh, okay.
 6 Q. Right below that rectangular box.
 7 A. Okay. Let me read this for a second.
 8 Q. Sure.
 9 A. Yes. I wrote that.
 10 Q. Okay. Now, ASHN, did you say they are an
 11 insurance carrier?
 12 A. Managed care.
 13 Q. And they obviously have denied claims you
 14 believe arbitrarily to certain chiropractors?
 15 A. Yes.
 16 Q. Are you aware of any bulletins or any
 17 published articles by ASHN where they relied upon
 18 Dr. Barrett's 2005 article in denying or
 19 arbitrarily denying claims or excluding
 20 particular chiropractors from payment?
 21 A. I don't believe that I've seen anything
 22 from ASHN citing Barrett. It's possible, but I
 23 don't believe I've seen that.
 24 Q. Do you believe that there's any type of
 25 connection between ASHN and Quackwatch or ASHN

1 A. I'm not sure.
 2 MR. GOODMAN: I'm going to just
 3 request on the record that through your attorney
 4 we receive full and complete responses to the
 5 questionnaire that's set forth in this document,
 6 the Request for Data on Denials of Payment by
 7 Insurance Companies. I think it's very relevant
 8 obviously to this lawsuit.
 9 MR. REID: Sure. And rather than
 10 provide that information to you piecemeal to the
 11 extent that we receive responses, what I'll do is
 12 I'll get everything to you within a sufficient
 13 amount of time before the discovery period
 14 closes.
 15 MR. GOODMAN: I think it closes in
 16 January.
 17 MR. REID: The end of January.
 18 MR. GOODMAN: The end of January.
 19 MR. REID: That to the extent you
 20 want to reserve the right or ability to take the
 21 depositions or try to conduct discovery of some
 22 of those individuals, you'll have an opportunity
 23 to do that.
 24 MR. GOODMAN: If at all possible, I
 25 would like to request that we get those documents

1 to the extent that you are able to before my
2 client's deposition in November, which is about
3 three weeks away, if you are able to do that.

4 MR. REID: To the extent we are able
5 to do that and to the extent that those documents
6 exist, I'll certainly make that inquiry.

7 MR. GOODMAN: Right. And I think
8 even if you don't have all of the responses back
9 yet from the various chiropractors, to the extent
10 that -- I think your client's testified that some
11 have come back, although they came back
12 apparently to Attorney Turner. I would like to
13 demand that we get at least what you have so far
14 prior to my client's deposition if you can. I
15 think that's reasonable.

16 MR. REID: Okay.

17 MR. GOODMAN: Okay.

18 BY MR. GOODMAN.

19 Q. I'm going to hand you Harrison 36, Dr.
20 Harrison, which is an article written apparently
21 by your son Deed called When You Can't Critique
22 CBP in the Peer-Reviewed Literature, You Can
23 Always Send Your Article to Quackwatch. I'm not
24 going to sit here and ask you to reread this.
25 I'm going to ask you do you have any memory of

1 Web expert. On the top left-hand side of the
2 page right there it has Friday, 21st of April
3 2006. Do you see that?

4 A. Yes. I see that.

5 Q. All right. Is it possible that this
6 article was republished after Dr. Barrett's
7 article on that date by your son or that it was
8 put back on your Web site after my client's
9 article was published?

10 A. We'd have to ask my Web master what he did
11 with that.

12 Q. Okay. But you would agree this is the
13 rebuttal that we talked about before --

14 A. That's correct.

15 Q. -- that was written by --

16 A. Yes.

17 Q. Did you contribute at all to this article
18 by your son, the substance of it?

19 A. No. We discuss things, but I think he
20 wrote this pretty much by himself, but we always
21 discuss things on the phone.

22 Q. Let's look at -- what I'd like to do now,
23 Dr. Harrison, is specifically look at the
24 complaint, the paragraphs in the complaint that
25 are directed towards Dr. Barrett in this lawsuit,

1 your son publishing this article? And on top it
2 says CBP's response to Quackwatch's Allen
3 Botnick, D.C. Do you see that?

4 A. Yes. This is when I recall that he did it
5 on our Web site before it was in our journal as I
6 mentioned before.

7 Q. I think I may have stapled the same
8 article twice and I apologize. Here's my
9 question. Do you see on the bottom of the first
10 page -- and it's kind of small print. My eyes
11 are not as good as they used to be, so I can
12 barely read it. Do you see how it appears to say
13 4/21/2006?

14 A. Correct.

15 Q. Assuming that that's the date that this
16 article was published on your Web site, would you
17 agree with me that --

18 MR. BARRETT: It's not. It's the
19 date it was downloaded.

20 Q. Do you know what date this article was
21 published on your Web site by your son Deed?

22 A. My Web master and Deed would know for
23 sure, but as I recall, and this is not positive,
24 it was circa January of 2005.

25 Q. Do you see though on -- again, I'm not a

1 and I think I have a copy somewhere of the
2 complaint. I have a copy here of the complaint
3 minus the exhibits just for the purposes of
4 asking you questions about the complaint. I'm
5 just going to open up the complaint to paragraph
6 36 and subparagraphs 36A through E and I will
7 give it to you to look at with Chris.

8 A. Paragraph what was it again?

9 Q. Paragraph 36 and 36A through E. I will
10 represent the paragraph starts off by saying
11 Defendant Barrett defamed plaintiff in this
12 article by knowingly making false statements
13 including, and then there are five separate
14 listed alleged defamatory statements set forth in
15 subparagraphs 36A through 36E. I will just give
16 you a chance. Do you want to take a moment to
17 review them to yourself before I ask you
18 questions or do you want me just -- I was going
19 to go through them piece by piece. Have you had
20 a chance to review those subparagraphs, Doctor?

21 A. Yes. A through E.

22 Q. Can you tell me -- and again did you
23 review this section of the complaint before you
24 signed the verification --

25 A. Uh-huh.

1 Q. -- to the complaint? Yes?
 2 A. Yes.
 3 Q. Okay. Subparagraph A, that says, quote,
 4 Harrison clearly subscribes to a version of
 5 chiropractic dogma that most human disease is
 6 caused by biomechanical problems of the spine.
 7 Is that statement true or not?
 8 A. That statement is false.
 9 Q. And what in that statement do you believe
 10 in any way has harmed your reputation in either
 11 the chiropractic or any other communities, just
 12 that one statement?
 13 A. It makes me appear as an idiot.
 14 Q. Why is that?
 15 A. Because most people know that there's
 16 bacteria, there's viruses, and there's trauma.
 17 Q. So you think that that makes you you said
 18 look like an idiot. Is that what you said?
 19 A. Yeah. Here I have two doctorates and he's
 20 making me look like an idiot.
 21 Q. The second statement, subparagraph B, CBP
 22 chiropractors commonly suggest that any deviation
 23 from the Harrison spinal model ideal value will
 24 inevitably lead to degenerative disease process
 25 that will adversely affect their health by

1 A. So as soon as CBP or Harrison is there,
 2 it's me.
 3 Q. So you're well recognized nationally and
 4 internationally as Mr. CBP; right?
 5 A. Now I am from Dr. Barrett's Web site. I'm
 6 going all over the world.
 7 Q. Do you think you were nationally
 8 recognized as Mr. CBP before these articles came
 9 out?
 10 A. No. Not until. It was just in
 11 chiropractic.
 12 Q. You've had over 6,000 people attend your
 13 seminars though; correct?
 14 A. Yeah. In chiropractic.
 15 Q. All right. Weren't you well known and
 16 well recognized nationally in chiropractic before
 17 Dr. Barrett's article?
 18 MR. REID: Objection to form. It's
 19 asked and answered. We've gone through this I
 20 think on at least two occasions. I know what you
 21 are trying to get him to agree to so that he
 22 takes on some kind of public figure status, but I
 23 think we've been through this before and it's
 24 asked and answered.
 25 MR. GOODMAN: I think he changed his

1 impairing joint position sense, causing
 2 osteoarthritis, herniating spinal disks, and/or
 3 putting tension on the spinal cord and nerve
 4 roots. Is there anything factually incorrect
 5 with that statement?
 6 A. Absolutely.
 7 Q. What is that?
 8 A. Well, let's take for an example herniated
 9 disks. Do you even know how herniated disks
 10 occur? I do.
 11 Q. Is there anything else aside from the
 12 herniating spinal disks part of the statement
 13 that you believe is false?
 14 A. Yeah. Any deviation from the Harrison
 15 spinal model ideal value will inevitably lead to
 16 the four things. So are we saying half a degree,
 17 one millimeter? This is a ridiculous statement.
 18 I would never make such a statement. If they
 19 want to quote me, quote me, but don't make things
 20 up.
 21 Q. Is your name mentioned in this statement,
 22 subparagraph B?
 23 A. CBP chiropractors. I am Mr. CBP;
 24 correct? We already went through that.
 25 Q. Okay.

1 answer when he said my client's article made him
 2 more -- or made him nationally recognized.
 3 MR. REID: Well, if he did then he's
 4 on record as answering it then.
 5 Q. The third statement, CBP analysis can
 6 accurately and reliably describe a patient's
 7 posture, is that an accurate statement?
 8 A. Yeah, but that's not what I complained
 9 about. However, its practitioners use this
 10 information to make questionable diagnoses.
 11 That's what irritates me.
 12 Q. Isn't it true that that statement refers
 13 to practitioners and not to you personally?
 14 A. No. I think when you use CBP in the
 15 previous sentence there the practitioners now
 16 mean CBP practitioners, and the part about
 17 prolonged and expensive treatment is a very
 18 irritating and unjust statement.
 19 Q. You haven't practiced -- you haven't been
 20 a practicing chiropractor since 1993; correct?
 21 A. Correct.
 22 Q. So isn't it true that my client's not
 23 accusing you personally of getting your patients
 24 into prolonged and expensive treatment, you
 25 personally?

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1 A. I would disagree with that. I think when
 2 he uses CBP in the first sentence and then says
 3 practitioners in the second sentence, he's
 4 directing it right at me.
 5 Q. When Cooperstein wrote an article in 1996
 6 referencing CBP, do you think he was referencing
 7 you, too?
 8 A. Yes.
 9 Q. Why is that?
 10 A. Because in chiropractic I'm associated
 11 with CBP.
 12 Q. Okay. The next statement, subsection D on
 13 page 17 of the complaint, none of the listed
 14 studies demonstrates that patients treated with
 15 CBP felt or functioned better as a result of
 16 anything unique to CBP treatment. Do you agree
 17 or disagree with that statement? Just for the
 18 record, I'm assuming you disagree with that
 19 statement?
 20 A. Of course.
 21 Q. Are you aware of any six or 12 month
 22 studies of CBP patients that would refute that
 23 particular statement of Dr. Barrett, a six or 12
 24 month study that shows the benefits to a CBP
 25 patient of six to 12 months worth of treatment?

1 correction, because we say that from our studies
 2 we expect 50 percent improvement in the x-ray and
 3 if we don't get that we suggest that they might
 4 want to sign up for more care, and if we only get
 5 50 percent then we might suggest they sign up for
 6 more care, too, but we did pretty well in pain
 7 relief in those six clinical control trials that
 8 I have published, so this statement that none of
 9 the listed studies demonstrates that patients
 10 treated with CBP felt or functioned better is an
 11 out-and-out lie and fabrication of six clinical
 12 control trials.
 13 Q. And finally the last statement,
 14 subparagraph E, it's kind of lengthy, so instead
 15 of me reading it why don't you tell me what in
 16 that last statement you believe to be incorrect
 17 or false.
 18 A. Jeez, let's start sentence by sentence.
 19 Q. That's fine. Sure.
 20 A. Patients visiting CBP offices typically
 21 receive boilerplate examinations to determine
 22 whether their spinal curvature is ideal. That's
 23 an out-and-out slanderous statement as far as I'm
 24 concerned because boilerplate means inferior to
 25 me; okay? Like a little tiny cubicle of you do

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1 A. No.
 2 Q. Do you think it's important to have those
 3 studies done to refute this statement?
 4 A. I don't need those to refute this
 5 statement.
 6 Q. Why is that?
 7 A. Because the published studies that I did
 8 were three months and they refute this statement
 9 and they're in the Index Medicus, and Dr. Barrett
 10 and Dr. Botnick should be well aware of those,
 11 especially Dr. Botnick who did reference those in
 12 2002 and then he forgets to mention them in his
 13 2003 article.
 14 Q. You said those are three month studies?
 15 A. Yes. 36 visits.
 16 Q. Are you familiar with any studies beyond
 17 three months that reveal patient benefits for CBP
 18 treatment?
 19 A. Those studies I did were zero to three
 20 months.
 21 Q. Are you aware of any CBP patients that
 22 have treatment with their CBP practitioners
 23 beyond three months?
 24 A. If they do they're not following my
 25 protocol unless they didn't get a good

1 this and that's it. You go to chiropractic
 2 college. We learn examinations, orthopedic,
 3 neurological, range of motion, posture, x-ray.
 4 We suggest that the doctors do the exams that are
 5 taught in their chiropractic college curricular.
 6 I don't tell them what exams to do. I tell them
 7 that they should add my posture exam and my
 8 radiology exam, but to give this insulting
 9 statement here doesn't fit. It's a fabrication
 10 by Botnick and he copied it.
 11 Let's go to the next sentence, they
 12 are also advised to have x-ray examinations of
 13 their entire spine even if they have no symptoms
 14 justifying such tests. That's a lie. I don't
 15 recall ever having a patient that didn't have any
 16 symptoms because they wouldn't come to me if they
 17 didn't have any, so why say -- why do you say a
 18 thing like that? Why do that?
 19 Q. Have you ever had patients -- and I don't
 20 want to interrupt you because I want you to have
 21 a chance to go through that. Have you ever had
 22 patients over the years come to you for
 23 maintenance as opposed to being symptomatic?
 24 A. Not first. When they come they've got
 25 problems and then I give them choices. I don't

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1 tell them what to do. I give them choices and I
 2 say if you want to stay good perhaps you might
 3 consider coming once a month, but some people
 4 don't and some people do.
 5 Q. Okay.
 6 A. Let's go down to the next one. Patients
 7 may expend considerable time and money for
 8 treatment that has not been shown to be more
 9 effective than a few manipulations to the areas
 10 related to their symptoms. That's an out-and-out
 11 lie. My six clinical control trials show that we
 12 did better in pain relief than the manipulation
 13 studies on the neck and low back. There's about
 14 73 RCTs on the low back that I reviewed and
 15 there's probably 40 to 50 on the neck, I haven't
 16 reviewed those yet but I'm working on it, and we
 17 get a better percentage of pain relief than those
 18 manipulation studies, so this is a lie right here
 19 from my published trials.
 20 Q. Are those the three month trials?
 21 A. Yes.
 22 Q. Okay.
 23 A. Let's go to the last one, and some will
 24 wind up with unnecessary long-term care that
 25 includes excessive exposure to radiation. That's

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1 a lie. What we do is we suggest care for their
 2 symptoms and their x-ray and their posture
 3 deviations, and excessive exposure to radiation
 4 is an out-and-out lie. I recently reviewed and
 5 you gave it to us here radiation hormesis that
 6 says -- the EPA says low doses equivalent to 125
 7 medical x-rays low dose. I don't take 125 x-rays
 8 on anybody, and so that's a lie. There's no
 9 excessive radiation in my x-ray procedures. If
 10 you compared mine to a hospital, mine would be
 11 less.
 12 Q. Okay. And again just to be clear, you
 13 didn't -- these clinical trials, none of them
 14 went beyond three months; correct?
 15 A. Well, if you say none of them went beyond
 16 three months, do you mean the treatment or do you
 17 mean the follow-up?
 18 Q. Well, let's start with the treatment.
 19 A. The treatments were three months.
 20 Q. How about the follow-up?
 21 A. Some of them had a year and a half and
 22 some of them had one year.
 23 Q. Do you know if there are any studies that
 24 show whether the CBP patients had any relief from
 25 symptoms that lasted beyond three months?

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1 A. Say that again. Somehow I didn't --
 2 Q. Do you have any studies or clinical trials
 3 that confirm one way or the other whether any CBP
 4 technique patients have had relief from symptoms
 5 beyond a period of three months?
 6 A. You mean lasting longer?
 7 Q. Yes.
 8 A. That's what I said. The follow-up, some
 9 of them had one year, some had 1.5 years, and
 10 they were still better at that time when we did
 11 the follow-ups.
 12 Q. Do all new CBP patients customarily get
 13 x-rays from the CBP practitioners if they're new
 14 patients?
 15 A. I personally teach that if they come in
 16 with x-rays from another doctor we can use those
 17 if there's some of the views that we need. If
 18 they're coming from a hospital and they're taken
 19 recumbent, we don't want those because we want an
 20 upright analysis of their displacements because
 21 it's different laying and standing, so generally
 22 if they haven't had that we're going to take
 23 x-rays of their spine to see how it displaces and
 24 compare it to their posture.
 25 MR. REID: Ken --

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1 MR. GOODMAN: A couple more quick
 2 questions because I understand your situation.
 3 Q. Dr. Harrison, in paragraph 38 of the
 4 complaint you mention that because of my client's
 5 publication that you've suffered loss of your
 6 reputation, shame, mortification, and injury to
 7 your business. What I want to do is start with
 8 reputation. Just prior to my client's article
 9 being published sometime between August and
 10 October of 2005, what was your reputation in the
 11 chiropractic community? How would you
 12 characterize what your reputation was like just
 13 before say the 60 to 90 day period before my
 14 client's article was published?
 15 A. I would say that before 2003 before the
 16 Botnick article appeared on his Web site that I
 17 was considered a technique originator and a
 18 scientist, and I would say since the Botnick and
 19 Barrett articles that now I'm considered some
 20 kind of a quack.
 21 Q. Did you still feel that you were
 22 considered a quack in the community after the
 23 Botnick article and after your son's rebuttal but
 24 before Dr. Barrett's article?
 25 A. I felt that the Botnick and Barrett

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1 articles are tied together because it's all on
2 the same site and Dr. Barrett copied verbatim
3 most of Botnick's article, so I'd say you can't
4 separate those two like you are trying to do, and
5 so I would say since those times patients and
6 people around the world that don't know me that
7 see his site get an entirely different opinion
8 than what I really am and what I really stand for
9 and say and teach.

10 Q. So are you saying that your reputation in
11 the chiropractic community has been tarnished
12 ever since November of 2003 when the Botnick
13 article was published?

14 A. I would say so. Yes.

15 Q. Has it improved at all since the Botnick
16 article was published in the chiropractic
17 community?

18 A. Has it improved?

19 Q. Yes. Has your reputation in your mind --

20 A. My reputation has gone down since both of
21 these articles, and since he copied Botnick's
22 article almost verbatim with a few minor changes,
23 it's almost the same, you can't separate them
24 like you're trying to do.

25 Q. Just a couple quick questions. Then we'll

1 the earlier schedule Cs from 2000 and 2001. Did
2 you change the -- did Harrison Chiropractic
3 Biophysics become a corporate name after the --
4 A. I'm not sure exactly when she and I
5 incorporated. For a while we were a partnership,
6 so I would have to ask her when we exactly
7 incorporated.

8 Q. Again, I'll make a request through your
9 attorney if you can supply your attorney through
10 your accountant or otherwise we could always
11 subpoena your accountant's records of the details
12 in connection with the alleged loss of the
13 business of Harrison Chiropractic Biophysics
14 Seminars, Inc. from 2005 onward.

15 MR. REID: Are you saying you don't
16 have the tax return information from 2005
17 onward?

18 MR. GOODMAN: All I remember
19 getting, Chris, is the -- I will give you an
20 example. We have form 1120S, the US income tax
21 return, the S corporation from '06. That's the
22 only document we have from '06. We don't have
23 the documents which go into those numbers to show
24 what numbers are related to the loss of seminar
25 business, when the loss of seminar business

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1 finish. Dr. Harrison, what I think counsel have
2 discussed is reconvening in the next few weeks to
3 complete your deposition by phone since we
4 recognize and respect the fact that you came from
5 Wyoming. One of the things that I'm going to be
6 spending time with you on when we reconvene this
7 deposition is the financial losses that you
8 allege you've sustained as a result of my
9 client's alleged defamatory statements that we
10 just reviewed in the complaint, and what I
11 received so far from your attorney in connection
12 with that claim which is set forth in your
13 answers to our request for production of
14 documents are some portions of tax returns which
15 I'm going to request now that those portions of
16 your discovery be supplemented prior to
17 reconvening. We don't have -- we have some form
18 1120Ss, the S corporation forms from Harrison
19 Chiropractic Biophysics Seminars, Inc. Is that
20 the name of the corporation you believe has lost
21 money because of --

22 A. Yes.

23 Q. -- my client's actions?

24 A. Yes.

25 Q. Okay. Now, your wife's name is on some of

1 started, was it before or after.

2 MR. REID: You want the
3 itemizations?

4 MR. GOODMAN: Yes. Exactly. The
5 same with '05. All we have is the 1120S as well
6 for '05, so I think those are things that we're
7 entitled to. We also don't have any 1099s or the
8 schedule Cs as well, so we just need to know --
9 since this case is specific to only one
10 plaintiff, Dr. Harrison, we need to know how his
11 own income has been affected and what income did
12 he generate personally from the business and how
13 has his own income been affected by my client's
14 alleged defamatory statements. I think we don't
15 have that yet respectfully and I think that's
16 something we need to get as a supplement to
17 discovery before we can complete Dr. Harrison's
18 discovery deposition.

19 MR. REID: And what I will do is I
20 will inquire as to the availability of those
21 documents and to the extent that they are
22 available provide those to you in advance of the
23 reconvening of the deposition.

24 MR. GOODMAN: Again, I'm not trying
25 to be contentious here, but I think those

1 documents are critical to the alleged loss of
2 income, and I think without those I don't
3 necessarily think that the other documents would
4 necessarily get into evidence in terms of his own
5 personal loss of income at trial if there weren't
6 any other documents to supplement or show those
7 losses.

8 MR. REID: And I'm not suggesting
9 that they don't exist. I'm just suggesting that
10 if you don't have them I don't, which means I
11 don't have them, so I need to make an inquiry
12 first before I can commit to produce anything.
13 That's all I'm saying.

14 MR. GOODMAN: That's fine. Okay.

15 BY MR. GOODMAN:

16 Q. And one last question, Doctor. Is one of
17 your goals -- in addition to your claim of
18 damages in this lawsuit, is one of your goals to
19 shut down the Quackwatch Web site?

20 A. My major goal was to have him print a
21 retraction, Botnick print a retraction, take the
22 nasty things of CBP off, and then recover my
23 financial losses.

24 Q. Is your answer then no, that you don't
25 intend or would not --

1 , 2007

2
3 I, JENNIFER L. SFARRA, a Court
4 Reporter and Notary Public in the State of
5 Pennsylvania, certify that the foregoing is a
6 true and accurate transcript of the deposition of
7 DONALD D. HARRISON, Ph.D., D.C., M.S.E., who was
8 first duly sworn at the time and place and on the
9 date hereinbefore set forth.

10 I further certify that I am
11 neither attorney nor counsel for, nor related to
12 or employed by any of the parties to the action
13 in which these depositions are taken, nor am I
14 financially interested in the action.

15
16
17
18 Jennifer L. Sfarra
19 Professional Court Reporter

20 Notary Public

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23 The foregoing certification does not apply to any
24 reproduction of the same by any means unless
25 under the direct control and/or supervision of
the certifying reporter.

1 A. That was not one of my goals.
2 Q. Okay. Is that one of your goals now, to
3 shut the Quackwatch Web site down?

4 A. How do I do that?

5 Q. I'm just asking if that's one of your
6 goals. It's a yes or no answer.

7 MR. REID: Just a yes or no.

8 A. I wouldn't even know how to go about such
9 a thing.

10 MR. GOODMAN: By agreement of
11 counsel, we have agreed to suspend the remainder
12 of the deposition for now.

13 MR. REID: We will adjourn it for
14 now and reconvene by phone at a date that's
15 mutually convenient, and we will look into the
16 issue of the document discovery prior to that
17 recommencement if you will.

18 MR. GOODMAN: Okay. Thank you.

19 (Deposition Exhibits Harrison
20 Numbers 1 through 36 were marked for
21 identification.)

22 (Whereupon the deposition adjourned
23 at 3:45 p.m.)

24
25

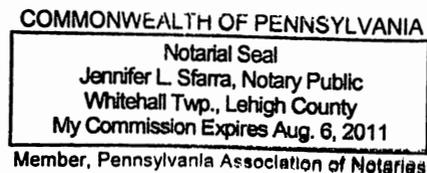
NOVEMBER 15, 2007

I, JENNIFER L. SFARRA, a Court Reporter and Notary Public in the State of Pennsylvania, certify that the foregoing is a true and accurate transcript of the deposition of DONALD D. HARRISON, Ph.D., D.C., M.S.E., who was first duly sworn at the time and place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which these depositions are taken, nor am I financially interested in the action.



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Professional Court Reporter
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INDEX TO OBJECTIONS

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Not Found.

Keyword: OBJECTS
Not Found.

Keyword: OBJECTED

[140,22] article is intended to defame you and your son.
When your son **objected** to mention of a telephone
conversation with Dr. Botnick, I immediately

Keyword: OBJECTING
Not Found.

Keyword: OBJECTION

[57,19] picture is not on the Web site anymore?
MR. REID: **Objection** to the form.
You can answer if you know.

[111,4] MR. REID: Hang on a second.
Objection to the form. You can answer.
A. What's the -- I don't understand the form

[122,25] radiation?
MR. REID: **Objection** to the form.
You can answer.

[203,18] Dr. Barrett's article?
MR. REID: **Objection** to form. It's
asked and answered. We've gone through this I

Keyword: OBJECTIONS
Not Found.