

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF ARIZONA
3 Case No. CV 18-00621-PHX-DGC

4 -----x

5 THE SATANIC TEMPLE and MICHELLE :

6 SHORTT, :

7 Plaintiffs, :

8 vs. :

9 CITY OF SCOTTSDALE, ARIZONA, by :

10 its City Council, consisting of : Volume I

11 the Mayor and council members, : Pages 1 to 83

12 (Caption continued on following page)

13

14 RULE 30(b)(6) TELEPHONIC DEPOSITION OF UNITED

15 FEDERATION OF CHURCHES LLC BY AND THROUGH

16 DOUGLAS ALEXANDER MISICKO

17 conducted at Spaces Newbury

18 359 Newbury Street, Boston, Massachusetts

19 on Tuesday, September 24, 2019

20 commencing 11:20 AM and ending 1:01 PM

21 reported by

22 Lawrence A. Brown, CSR, RPR and Notary Public

23 ATKINSON-BAKER, INC.

24 (800) 288-3376 - www.depo.com

25 ABI File Number AD08F98

<p>1 (Caption continued from preceding page) 2 WJ Jim Layne, Suzanne Klapp, : 3 Virginia Korte, Kathy : 4 Littlefield, Guy Phillips, and : 5 David Smith, : 6 Defendants. : 7 -----X 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p style="text-align: center;">1 I N D E X 2 3 EXAMINATION OF DOUGLAS ALEXANDER MISICKO 4 DIRECT CROSS REDIRECT RECROSS 5 by Mr. Claus 6 6 by Mr. Tezhaya 59 7 by Mr. Claus 68 8 by Mr. Kezhaya 79 9 by Mr. Claus 80 10 11 E X H I B I T S 12 13 NUMBER DESCRIPTION FIRST MENTION 14 15 7 Notice of 30(b)(6) deposition 6 16 10 Certificate of organization 16 17 11 Annual report filed September 12, 2006 18 18 12 Annual report filed September 12, 2006 19 19 13 Annual report filed April 3, 2017 22 20 14 Restated certificate of organization 23 21 15 Certificate of amendment 27 22 16 2019 annual report 28 23 23 Print-out of search of United States 24 Patent & Trademark Office Trademark 25 Electronic Search System 29</p> <p style="text-align: right;">Page 4</p>
<p style="text-align: center;">1 APPEARANCES OF COUNSEL 2 3 KEZHAYA LAW PLC 4 by Attorney Matthew A. Kezhaya (via telephone) 5 1202 Northeast McClain Road 6 Bentonville, Arkansas 72712 7 479.431.6112 - matt@kezhaya.law 8 for the Plaintiffs 9 10 DICKINSON WRIGHT PLLC 11 by Attorney Scot L. Claus 12 1850 North Central Avenue, Suite 1400 13 Phoenix, Arizona 85004-4568 14 602.285.5000 - sclaus@dickinsonwright.com 15 for the Defendants 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p style="text-align: center;">1 E X H I B I T S 2 3 NUMBER DESCRIPTION FIRST MENTION 4 5 24 Trademark registration, October 30, 2018 30 6 25 Trademark registration, October 30, 2018 31 7 27 Archived Web page from The Satanic Temple 43 8 28 Archived Web page from The Satanic Temple 45 9 37 Archived Web site from February 24, 2015 10 identifying The Satanic Temple chapters 41 11 40 Archive Web page of The Satanic Temple 12 from February 1, 2016 42 13 42 Web site of The Satanic Temple Arizona 56 14 47 Screenshot of Web page archive from 15 January 15, 2013 of The Satanic Temple 70 16 17 18 19 20 21 22 23 24 Original exhibits attached to transcript original 25 Binder of unused exhibits returned to Mr. Claus</p> <p style="text-align: right;">Page 5</p>

1 PROCEEDINGS
2
3 (Witness sworn.)
4 MR. CLAUS: Thank you.
5
6 DOUGLAS ALEXANDER MISICKO,
7 a witness called by Counsel for the City
8 Defendants, having identified himself by means of
9 his United States of America Passport Card and
10 having been duly sworn by the Notary Public, was
11 questioned and testified as follows:
12
13 DIRECT EXAMINATION BY MR. CLAUS:
14 **Q You're going to need your book back --**
15 A Sure. It's -- It's right here.
16 **Q Great.**
17 **Take a look at Exhibit 7.**
18 A Okay.
19 **Q Exhibit 7 is the notice of 30(b)(6)**
20 **deposition of the United Federation of Churches**
21 **LLC. Do you see that?**
22 A Yes.
23 **Q And please take a look at Exhibit A to**
24 **Exhibit 7, which is the list of topics for which**
25 **you've been designated as the deponent. Exhibit**

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1 **A to Exhibit 7.**
2 A Okay. Yes.
3 **Q Do you agree that you're the person most**
4 **knowledgeable about the topics listed in Exhibit**
5 **A of Exhibit 7?**
6 A The most knowledgeable representative of
7 the company in question.
8 **Q Of the United federation of Churches LLC?**
9 A Correct. Yeah.
10 **Q The United Federation of Churches LLC**
11 **still exists as a limited liability company**
12 **today. Correct?**
13 A Correct.
14 **Q Let me ask you the question that we**
15 **alluded to in the previous deposition. How --**
16 **Oh, do you have your --**
17 A Yes.
18 **Q -- the complaint there?**
19 A Yeah.
20 **Q The first amended complaint, if you go to**
21 **paragraph 10, which is on page 3 --**
22 A I see it.
23 **Q Just -- Just read paragraph 10 to yourself**
24 **and let me know when you're done.**
25 **(Pause.)**

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1 A Okay.
2 **Q Focusing on the last sentence of paragraph**
3 **10, is it a true statement that at the times**
4 **relevant to the litigation that is framed by the**
5 **first amended complaint that The Satanic Temple**
6 **was given structure through the United Federation**
7 **of Churches LLC?**
8 A The -- The time framed by the first
9 amended complaint. I'm not sure I know what
10 frame of time is -- is in question here. You
11 mean when the -- when this was filed?
12 **Q No. I'm -- So it says -- I'll just read**
13 **that last sentence starting on line 3 of page 3,**
14 **paragraph 10 of the first amended complaint.**
15 A Okay.
16 **Q "At the times relevant to this litigation**
17 **TST," which is defined as The Satanic Temple,**
18 **"was given structure through United Federation of**
19 **Churches LLC (DBA The Satanic Temple), a**
20 **Massachusetts LLC."**
21 **First did I read that correctly?**
22 A Correct.
23 **Q Is that a true statement, the sentence**
24 **that I just read?**
25 A "The Satanic Temple Inc. has been formally

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1 recognized as a tax-exempt religious
2 organization" --
3 **Q No. No.**
4 A "At the times relevant to this litigation,
5 TST was given structure through United
6 Federations [sic] of Churches LLC (DBA The
7 Satanic Temple), a Massachusetts LLC."
8 **Q Yeah. And my question is is that a true**
9 **statement?**
10 A To the best of my knowledge, that is a
11 true statement.
12 **Q Okay. Do you know how many members of The**
13 **Satanic Temple resided in Scottsdale, Arizona as**
14 **of February 8, 2016?**
15 A As of February 8, 2016. I have a
16 different time frame. I don't have a -- I don't
17 have a number at a specific date. I have a time
18 frame of between February and April 2016.
19 **Q Okay. So is the answer to my question**
20 **that you do not know how many members of The**
21 **Satanic Temple resided in Scottsdale as of**
22 **February 8, 2016?**
23 A Correct. I can give you again a minimum
24 number from a time frame, but I -- I -- I don't
25 have an exact number given our lack of geographic

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1 tracking.
2 **Q Well, go to Exhibit 7 again.**
3 A Okay. And --
4 **Q You're still there.**
5 A Oh, yeah.
6 **Q Exhibit 7.**
7 A Sure.
8 **Q Exhibit A to Exhibit 7. Topic 5 asked for**
9 **the designee of the deponent to be knowledgeable**
10 **about, quote, the identity and domicile of the**
11 **members of the deponent identified in the notice**
12 **from February 8, 2016 through July 6, 2016. Do**
13 **you see that?**
14 A Yes.
15 **Q Also number 7 asked for a deponent**
16 **knowledgeable about the membership operations for**
17 **the deponent identified in the notice including**
18 **the member on-boarding process, leadership**
19 **election, membership fees and uses thereof. Do**
20 **you see that?**
21 A Yes.
22 **Q So using topic number 5 in Exhibit A to**
23 **Exhibit 7, do you know the identity and domicile**
24 **of the members of The Satanic Temple as of**
25 **February 8, 2016?**

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1 A No. I know a minimum number of members,
2 but some of them I've never known their domicile.
3 **Q Okay. Do you know the -- Okay. Do you**
4 **know the minimum members as of February 8, 2016?**
5 A February 8 -- Again I have -- I have April
6 2016. I know the minimum number as of April
7 2016.
8 **Q Did you do anything to become**
9 **knowledgeable about the topics identified in**
10 **topic number 5 of Exhibit A to Exhibit 7 to**
11 **testify today?**
12 A Yes.
13 **Q Did you do anything to become**
14 **knowledgeable about the identity and domicile of**
15 **the members of the deponent as of February 8th,**
16 **2016?**
17 A As of February 8th, no. I -- I went with
18 the time frame of February to April 2016. I
19 thought that's what you were working on.
20 **Q Okay.**
21 **(Pause.)**
22 MR. CLAUS: Let's go off the record for a
23 second.
24 **(Pause.)**
25 MR. CLAUS: Okay. Let's go back on.

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1 **Q If you look, Sir, at again Exhibit A to**
2 **Exhibit 7 --**
3 A Okay.
4 **Q -- topic -- topic number 3 provides a --**
5 **an exact and discrete date range of February 8,**
6 **2016 to July 6, 2016. Correct?**
7 A Correct.
8 **Q And if you turn the page to number 13,**
9 **topic number 13 of Exhibit A to Exhibit 7**
10 **provides a discrete and exact date range**
11 **from February 8, 2016 to July 6, 2016. Correct?**
12 **Number -- You're still on Exhibit 7 --**
13 A Oh, okay.
14 **Q -- the next page of Exhibit A to Exhibit**
15 **7. So turn the page --**
16 A Correct. Yeah. Yeah.
17 **Q Just turn the page. Topic number 13**
18 **identifies an exact and discrete date range of**
19 **February 8, 2016 to July 6, 2016. Correct?**
20 A Correct.
21 **Q Okay. So as of February 8, 2016, that**
22 **date in the -- in the universe, do you know if**
23 **any members of The Satanic Temple resided in**
24 **Scottsdale, Arizona as of February 8, 2016?**
25 A I know -- I don't know why my search ended

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1 up being February to April 2016, but I have a
2 number -- a minimum number for that time frame.
3 **Q That's not the time -- I'm not asking you**
4 **about the time frame. I'm asking you as of**
5 **February 8, 2016 do you know if any members of**
6 **The Satanic Temple, under penalty of perjury,**
7 **resided in the State of Arizona?**
8 A As of February 8th.
9 **Q Correct.**
10 A Okay. No, I can't -- I cannot give you --
11 I just can't -- I just don't have a number for an
12 exact date. I can only do --
13 **Q Okay.**
14 A We can only do it in time frames.
15 **Q Do you know, under penalty of perjury, if**
16 **any members of The Satanic Temple resided in the**
17 **City of Scottsdale, Arizona as of February 8,**
18 **2016?**
19 A I -- I could not tell you that with
20 100-percent certainty.
21 **Q Okay.**
22 **(Pause.)**
23 **Q Do you know when the United Federation of**
24 **Churches LLC -- Well, let me ask this again,**
25 **then:**

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1 **Do you know and are you able to testify**
2 **under penalty of perjury if any members of The**
3 **Satanic Temple resided in the State of Arizona as**
4 **of the discrete date July 6, 2016?**
5 A Do I -- Do I know if there were any
6 members of The Satanic Temple by the date of July
7 6th --
8 **Q Let me ask it again.**
9 A -- 2016 --
10 **Q Let me ask it again.**
11 A Okay.
12 **Q Do you know, under penalty of perjury, if**
13 **any members of The Satanic Temple resided in the**
14 **State of Arizona as of the date July 6, 2016?**
15 A Yes. I have a minimum number of
16 membership in Arizona by that date of 17.
17 **Q And do you know how -- if any members of**
18 **The Satanic Temple resided in the City of**
19 **Scottsdale, Arizona as of July 6, 2016?**
20 A A minimum number of five.
21 **Q Who?**
22 A That I do not know.
23 MR. KEZHAYA: Ah --
24 **Q Do you know the identity of the members of**
25 **The Satanic Temple that resided in the State**

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1 **of -- the 17 members that you testified resided**
2 **in the State of Arizona as of July 6, 2016?**
3 A Know them. How do you -- Can you --
4 **Q Do you know --**
5 A -- clarify --
6 **Q Do you know their identity? For instance,**
7 **do you know their names?**
8 A Again people often use pseudonyms with us,
9 and we don't ask that they not. So we would have
10 the names they gave us and their mailing address.
11 So that would be sufficient for us for
12 identification.
13 **Q And the number of members that you**
14 **identified as of July 6, 2016 who resided in the**
15 **City of Scottsdale, are you using their mailing**
16 **address to divine that knowledge?**
17 A I'm sorry. The -- The knowledge of
18 their --
19 **Q The knowledge of their -- their residence.**
20 A Correct. Their mailing address is, we
21 assume, their residence.
22 **Q Got it.**
23 **Do you know when the United Federation of**
24 **Churches LLC was first organized as an entity?**
25 A 2014.

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1 **Q If you'd turn to Exhibit 10 --**
2 A Yes.
3 **Q -- Exhibit 10 is the certificate of**
4 **organization for the United Federation of**
5 **Churches LLC. Correct?**
6 A Correct.
7 **Q And it identifies -- Exhibit 10 identifies**
8 **you as the resident agent of that LLC. Correct?**
9 A Correct.
10 **Q And identifies you as the manager of that**
11 **LLC. Correct?**
12 A I -- I don't see the wording "manager."
13 **Q Number 6.**
14 A Number 6. Okay.
15 **Q The name and business address --**
16 A Oh, of each manager. Okay. I gotcha.
17 Yes.
18 **Q So the articles -- the certificate,**
19 **rather, of organization for the United Federation**
20 **of Churches LLC identified you as the only**
21 **manager when that entity was organized. Correct?**
22 A Correct.
23 **Q Do you recognize the signature on page 2**
24 **of Exhibit 10?**
25 A Yes.

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1 **Q Is that your signature?**
2 A It is.
3 **Q Is it accurate to say that Michelle Shortt**
4 **has never been identified as a manager of the**
5 **United Federation of Churches LLC in any filing**
6 **with the Commonwealth of Massachusetts?**
7 A That is accurate.
8 **Q Exhibit 10 identifies the general**
9 **character of the business of the United**
10 **Federation of Churches LLC. True?**
11 A I'm sorry. What do you mean by "general
12 character"?
13 **Q Number 3. There is an enumerated line 3**
14 **on the first page of Exhibit 10 that has pretyped**
15 **"The general character of the business, colon,"**
16 **and then words are entered by the organizer after**
17 **that colon. Do you see that?**
18 A Correct. Yes.
19 **Q And the words entered are "educational**
20 **activities and all other lawful purposes"?**
21 A Correct.
22 **Q Exhibit 10 -- Do you see anything in**
23 **Exhibit 10 that specifically articulates a**
24 **religious purpose to the United Federation of**
25 **Churches LLC?**

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1 A I do not.
2 **Q Exhibit 11. Exhibit 11 is a limited**
3 **liab -- liability company annual report. Do you**
4 **see that?**
5 A I do.
6 **Q Filed on September 12, 2016. Do you see**
7 **that?**
8 A Yes.
9 **Q Identifies a different manager of the LLC**
10 **as Cevin Soling. Correct?**
11 A Correct.
12 **Q If you turn to the second page of Exhibit**
13 **11, do you see the handwritten signature at the**
14 **bottom of the page?**
15 A Oh, yes.
16 **Q Do you recognize that signature?**
17 A I don't.
18 **Q Do you recognize that signature to not be**
19 **yours?**
20 A I do.
21 **Q Okay. Turn back to page 1 of Exhibit 11.**
22 **The annual report is for the year 2015 and still**
23 **identifies the general character of the business**
24 **as "educational activities and all other lawful**
25 **purposes." Correct?**

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1 A Correct.
2 **Q Do you see anything in Exhibit 11 that**
3 **specifically articulates a religious purpose to**
4 **the limited liability company?**
5 A I do not.
6 **Q Exhibit 12, please.**
7 A Okay.
8 **Q This is a filing of an annual report for**
9 **the limited liability company filed the same**
10 **date, September 12, 2016. Do you see that?**
11 A Yes.
12 **Q I'm going to ask you the same question**
13 **that I asked about The Satanic Temple. Do you**
14 **know if the United Federation of Churches LLC was**
15 **ever suspended by the Commonwealth of**
16 **Massachusetts for failure to file an annual**
17 **report on a timely manner?**
18 A No.
19 **Q Do you know if the charter for the United**
20 **Federation of Churches LLC was ever revoked by**
21 **the secretary of the commonwealth?**
22 A It has not been.
23 **Q Okay. So back to Exhibit 12, Exhibit 12**
24 **identifies you as the resident agent of the LLC.**
25 **Correct?**

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1 A Correct.
2 **Q Has Michelle Shortt ever been identified**
3 **as a resident agent of the United Federation of**
4 **Churches LLC?**
5 A She has not.
6 **Q Has anyone other than you ever been**
7 **identified as an agent of the limited liability**
8 **company identified in Exhibit 12?**
9 A Would not Cevin Soling be considered
10 identified as an agent from line 6 where it says
11 "name and business address of each manager"?
12 **Q Mr. Soling is identified as the manager.**
13 **I'm asking you under line 5 -- Do you know that a**
14 **limited liability company under Massachusetts law**
15 **must identify a, quote, resident agent, end**
16 **quote?**
17 A My awareness of this is only through this
18 very paperwork.
19 **Q Okay. Do you know if anyone other than**
20 **you has been identified as a resident agent of**
21 **the limited liability company identified in**
22 **Exhibit 12? And if you don't know, that's fine.**
23 **Just tell me.**
24 A Well, I can say with almost certainty that
25 nobody else has --

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1 **Q Okay.**
2 A -- but I will -- I'll offer the caveat
3 that it would not -- it would also not surprise
4 me if there were other paperwork in which Cevin
5 might be listed as a -- as a resident agent --
6 **Q Okay.**
7 A -- as well.
8 **Q And the annual report identified in**
9 **Exhibit 12 is for the year 2016. True?**
10 A That's correct.
11 **Q And the general character of the business**
12 **identified in line 3 of Exhibit 12 is the same as**
13 **in the certificate of organization and the prior**
14 **annual report, "educational activities and all**
15 **other lawful purposes." Correct?**
16 A Correct.
17 **Q Do you see anything in Exhibit 12 that**
18 **articulates a religious purpose to the United**
19 **Federation of Churches LLC?**
20 A I do not.
21 **Q And let's look at that handwritten**
22 **signature on page 2.**
23 A Yes.
24 **Q Do you recognize that signature to not be**
25 **your signature?**

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1 A Correct. I recognize that signature to
2 not be my own.
3 **Q Great. Turn to Exhibit 13, please.**
4 A Okay.
5 **Q Exhibit 13 is the annual report for the**
6 **United Federation of Churches LLC filed on April**
7 **3, 2017. Do you see that?**
8 A Yes.
9 **Q Identifies you as the resident agent?**
10 A Correct.
11 **Q And identifies Mr. Soling as the manager.**
12 **Correct?**
13 A Correct.
14 **Q Identifies the general character of the**
15 **business in the same manner as the previous**
16 **filings, "educational activities and all other**
17 **lawful purposes." Correct?**
18 A Correct.
19 **Q Do you see anything in Exhibit 13 that**
20 **identifies a religious purpose to the United**
21 **Federation of Churches LLC?**
22 A I do not.
23 **Q And again, if you go to the second page,**
24 **there is a handwritten signature. Do you**
25 **recognize that signature?**

Page 22

1 A I -- I do not.
2 **Q Do you recognize that signature to not be**
3 **yours?**
4 A I recognize that signature to not be my
5 own.
6 **Q Great.**
7 **(Pause.)**
8 **Q If you'd turn to Exhibit 14 -- We've**
9 **entered the age of digital filings -- Exhibit 14**
10 **is a restated certificate of organization. Do**
11 **you see how --**
12 **(Mr. Claus indicated.)**
13 A I see that, yes.
14 **Q Filed May 21, 2018?**
15 A It says two thousand -- Oh, okay. This --
16 Okay. The date at the top says -- Oh, this is
17 for the original filing of the original
18 organization. It says February 4, 2014.
19 **Q Right. And if we --**
20 A Okay.
21 **Q -- look back at Exhibit 10, we see that**
22 **that is the date of the original filing, February**
23 **4, 2014.**
24 A Okay. And this is an annual filing in
25 2018?

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1 **Q No. Exhibit 14 is a restated certificate**
2 **of organization. Do you see that?**
3 A "Restated Certificate of Organization,"
4 yes. Okay. I understand that.
5 **Q Filed in May of 2018. Correct?**
6 A Correct.
7 **Q And -- Excuse me -- it provides -- if you**
8 **go to page 2 of Exhibit 14, there's a box that**
9 **has the number 10 --**
10 **Do you see box 10?**
11 A Correct. Yes.
12 **Q -- that describes the amendments to be**
13 **affected by the restated certificate. Just read**
14 **it to yourself and let me know when you're done.**
15 **(Pause.)**
16 A Okay.
17 **Q I'm going to ask you do you know if**
18 **Massachusetts law -- Do you see how it says that**
19 **it's signed under penalties of perjury this 21st**
20 **day of May 2018?**
21 A Correct. I see that.
22 **Q Do you know if Mr. Soling has legally**
23 **changed his name to Malcolm Jarry?**
24 A I do not know --
25 MR. KEZHAYA: Object as outside the scope

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1 of the 30(b)(6) deposition notice.
2 **Q So do you know?**
3 A Well, should I -- I --
4 **Q Yeah, you --**
5 MR. KEZHAYA: Oh. Yeah, go ahead and
6 answer.
7 THE WITNESS: Okay.
8 A I -- I have no knowledge of him changing
9 his name.
10 **Q Do you know if Massachusetts law -- Strike**
11 **that.**
12 **Do you know how the execution and filing**
13 **of organizational documents with the secretary of**
14 **the commonwealth using a false name signed under**
15 **penalty of perjury impacts the ability of that**
16 **organization to continue to do business?**
17 MR. KEZHAYA: Same objection.
18 Go ahead and answer.
19 THE WITNESS: Okay.
20 A No, I do -- I -- I have no knowledge of
21 that.
22 **Q Okay. If you turn to page 1 of Exhibit**
23 **14 -- So still the same exhibit, but now we're**
24 **just turning back to page 1 -- the general**
25 **character of the business is now described as**

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1 "The purpose of the company is to conduct any and
2 all lawful business that can be performed by a
3 limited liability company formed under G.L.c. 156C
4 including but not limited to educational
5 activities, concluding the sale of any
6 merchandise and literature and any and all
7 activities incidental thereto."
8 Did I read that correctly?
9 A Correct.
10 Q Still does not articulate a religious
11 purpose to the United Federation of Churches LLC.
12 Correct?
13 A Correct.
14 Q Do you know if making a false statement in
15 a filing with the Commonwealth of Massachusetts
16 impacts the ability of an organization to
17 continue to do business?
18 A I --
19 MR. KEZHAYA: Same objection.
20 Go ahead and answer.
21 A I -- I -- I do not -- I do not know the --
22 the letter of the law on this.
23 Q Okay. Turn to tab 15, please.
24 Tab 15 is a certificate of amendment for
25 the United Federation of Churches LLC. Do you

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1 see that?
2 A Yes.
3 Q And identifies you in box 5 as the
4 resident agent still. Correct?
5 A Correct.
6 Q In box 6 it identifies two managers.
7 Correct?
8 A Correct.
9 Q But those two managers are in fact the
10 same person. Correct?
11 A Correct.
12 Q Have you ever notified -- As a
13 representative of and the resident agent for the
14 United Federation of Churches LLC, have you ever
15 notified the secretary of the commonwealth that
16 any misleading statements were ever made in an
17 organizational filing on behalf of the United
18 Federation of Churches LLC?
19 A I have not.
20 Q And in fact if you look at box 10 on the
21 second page of Exhibit 15, the purpose of the
22 amendment is specifically articulated to add a
23 manager, slash, officer. Do you see that?
24 A Yes.
25 Q But Mr. Soling was always, since the

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1 filing of the first annual report, a manager of
2 the United Federation of Churches LLC. True?
3 A I'm sorry. Can you say that again.
4 MR. CLAUS: Can you read it back, please.
5 (Record read.)
6 A I'm sorry. Yes. Correct.
7 Q Tab 16. Tab 16, Exhibit 16, is an annual
8 report of United Federation of Churches LLC. Do
9 you see that?
10 A Yes.
11 Q And now changes the general character of
12 the business and states that it engages in
13 campaigns and provides services that promote
14 reason and empathy and religious pluralism and
15 sell merchandise to support these efforts. True?
16 A Correct.
17 Q Has the United Federation of Churches LLC
18 ever sought tax-exempt status from the IRS?
19 A To my knowledge, that was never -- never
20 the route we pursued that with.
21 Q We can see, based upon Exhibit 16, that
22 because it was filed in February of 2019 that the
23 United Federation of Churches LLC has existed
24 concurrently as a separate legal entity from The
25 Satanic Temple Inc. True?

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1 A As a separate legal entity. Correct.
2 Q And Exhibit 16 represents the first time
3 that the United Federation of Churches LLC is
4 described as having been organized to engage in
5 any type of religious activity. True?
6 A This is the first filing in which it
7 explicitly states any religious function.
8 Q Is it true to say that the United
9 Federation of Churches LLC has never sought to
10 register as a foreign limited liability company
11 in the State of Arizona?
12 A I believe it is accurate to say that.
13 Q Has the United Federation of Churches LLC
14 ever filed anything with the Arizona Corporation
15 Commission?
16 A To my knowledge, no.
17 Q Has the United Federation of Churches LLC
18 ever made a filing with the Arizona Secretary of
19 State?
20 A To my knowledge, no.
21 (Pause.)
22 Q Let me ask you about these trademark
23 applications again as the designee of the United
24 Federation of Churches LLC. Go to Exhibit 23,
25 please.

Page 29

1 A 23. Okay.
2 **Q Exhibit 23 is a trademark application --**
3 **application filed on May 24, 2019 for the**
4 **trademark "The Satanic Temple." Do you see that?**
5 A Yes.
6 **Q That identifies the applicant as the**
7 **United Federation of Churches LLC. Do you see**
8 **that?**
9 A Applicant -- Yes, I see that.
10 **Q So do you know -- And -- And you may not**
11 **know this -- that when an application is filed**
12 **with the United States Patent & Trademark Office**
13 **that a representation is made under penalty of**
14 **perjury regarding who uses a mark in commerce and**
15 **who uses a mark in interstate commerce?**
16 MR. KEZHAYA: Object as outside of the
17 30(b)(6) notice.
18 Go ahead and answer.
19 A No, I'm not aware of the relevant legal
20 background on that.
21 **Q Okay. If you'd turn to just Exhibits 24**
22 **and 25, these are trademark registrations for the**
23 **trademark "TST" and design and the word mark**
24 **"Satanic Temple" that reflects ownership of that**
25 **registration by the United Federation of Churches**

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1 **LLC. Correct? You have to go to the next page**
2 **for Exhibit 24.**
3 A Yes, I see that on there.
4 **Q And Exhibit 25, at the bottom of the first**
5 **page, reflects the owner as the United Federation**
6 **of Churches LLC.**
7 A Correct.
8 **Q Has the United Federation of Churches LLC**
9 **ever assigned the trademark reflected in Exhibits**
10 **24 and 25 to any person or entity?**
11 A Assigned the trademark to any person or
12 entity. Again, you know, I operate under --
13 under just this operational understanding that
14 I'm acting as The Satanic Temple. So when we do
15 these kind of licensing agreements with chapters
16 and other such entities, you know, I'm not
17 thinking it in terms of distinguishing it from
18 United Federation of Churches or -- or The
19 Satanic Temple Inc.
20 **Q Well, you just used the -- the -- the**
21 **first person pronoun "I." I just want to make**
22 **sure I understand. You, Douglas Misicko, are not**
23 **the owner of any of the trademarks reflected in**
24 **Exhibits 23, 24 or 25. Correct?**
25 A Correct. But as -- as a authoritative

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1 voice for the United Federation of Churches, I
2 don't --
3 **Q Well, but you're not a manager of the**
4 **United Federation of Churches LLC. Correct?**
5 A Right. I'm a -- I'm a member. Isn't --
6 Isn't that the language we're --
7 **Q Well, if we look back at Exhibit 11 --**
8 A Okay.
9 **Q -- Exhibit 11 identifies the manager on**
10 **line 6 as Cevin Soling. Correct?**
11 A Correct.
12 **Q And -- And -- And the commonwealth**
13 **required you to identify the name and business**
14 **address of each manager of the limited liability**
15 **company. Correct?**
16 A Correct. You're right.
17 **Q And Cevin Soling is list -- identified as**
18 **the only manager. Correct?**
19 A Correct.
20 **Q And if you turn to the next page, number**
21 **7, you are identified as someone who is not a**
22 **manager but given limited authority to, quote,**
23 **execute documents filed with the corporation**
24 **division. Correct?**
25 A Correct.

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1 **Q Okay. And if we turn to Exhibit 12 -- So**
2 **that's for the year 2015 you were not the**
3 **manager. For the year 2016, in Exhibit 12, you**
4 **were not the manager. Correct?**
5 A Correct.
6 **Q In the year 2017 you were not the manager.**
7 **Correct?**
8 A On --
9 **Q Exhibit 13.**
10 A -- 13?
11 Correct. Here again I'm the resident
12 agent.
13 **Q Right. In Exhibit 15 you are not**
14 **identified as a manager. Correct?**
15 A Correct. I'm listed as resident agent.
16 **Q In Exhibit 16 for the year 2019 you were**
17 **not identified as a manager. Correct?**
18 A Correct. I am listed as resident agent.
19 **Q Okay. So let's turn back to Exhibit 25.**
20 A 25. Okay.
21 **Q A document with a registration date of**
22 **February 10, 2015. Correct?**
23 A I'm sorry. Let me -- Let me see.
24 **Q "Registration Date."**
25 **(Mr. Claus indicated.)**

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1 A Oh, okay. Okay.
2 **Q February 10, 2015. Correct?**
3 A I see that, yes.
4 **Q For the trademark "The Satanic Temple."
5 Correct?**
6 A Correct.
7 **Q We know, having now looked at the
8 organizational filings with the commonwealth,
9 that as of February 10, 2015 you were not a
10 manager of the United Federation of Churches LLC.
11 Correct?**
12 A Correct.
13 **Q So do you see there is a tab that says
14 "Assign Status" on Exhibit 25?**
15 A I see that.
16 **Q Do you know if a document has been filed
17 with the United States Patent & Trademark Office
18 that assigns the trademark reflected in Exhibit
19 25 to any individual or entity other than the
20 United Federation of Churches LLC?**
21 A I do not know that that has ever taken
22 place.
23 **Q Okay. Do you know if the United
24 Federation of Churches LLC has entered into a
25 licensing agreement with The Satanic Temple Inc.**

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1 **whereby The Satanic Temple Inc. is permitted to
2 lawfully use the trademark, quote, The Satanic
3 Temple, end quote?**
4 A Again let me say I know of no legal
5 documentation that would -- that would confer
6 that right.
7 **Q We looked at paragraph 10 of the first
8 amended complaint which alleged that The Satanic
9 Temple was given organizational structure by the
10 United Federation of Churches LLC. Do you
11 remember that?**
12 A Yes.
13 **Q You've watched -- I'm assuming you've
14 watched the documentary Hail Satan.**
15 A Yeah. I've seen that a few times.
16 **Q I think it's very well done.
17 In the number of times that you've seen
18 the documentary Hail Satan were you able to
19 identify any false or misleading statements made
20 by Michelle Shortt or Stu de Haan in that
21 documentary?**
22 A No, I cannot think of any false or
23 misleading statements by either of them in the
24 documentary.
25 **Q Okay. Prior to February 8, 2016 did**

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1 **Michelle Shortt ever ask Cevin Soling, as the
2 manager of the United Federation of Churches LLC,
3 for permission to speak on behalf of that legal
4 entity?**
5 A Not that I'm aware of.
6 **Q Prior to February 8, 2016 did Michelle
7 Shortt ever ask any -- ever ask the manager of
8 the United Federation of Churches LLC for
9 permission to speak on behalf of something called
10 the Arizona Chapter of The Satanic Temple?**
11 A So you're asking if she had this
12 conversation with Cevin Soling?
13 **Q On -- Prior to February 8, 2016. I'll
14 just ask it again.**
15 A Okay.
16 **Q Do you know if -- prior to February 8,
17 2016 or on February 8, 2016, if Michelle Shortt
18 ever sought permission from the manager of the
19 United Federation of Churches LLC for permission
20 to speak on behalf of an organization that called
21 itself the Arizona Chapter of The Satanic Temple?**
22 A I do not know of any such discussion.
23 **Q Did Mr. Soling, as the only manager of the
24 Satanic -- Strike that -- as the only -- I'll ask
25 it all over again.**

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1 **Did Mr. Soling, as the only manager of the
2 United Federation of Churches LLC from 2015 to
3 2019, ever confer authority on Michelle Shortt to
4 act as an authorized representative of the United
5 Federation of Churches LLC?**
6 A Now, if you're asking for a direct
7 discussion between Michelle and Cevin, I would
8 know of no such thing. But I do know that as
9 agents conferred with the authority to give such
10 permission as -- given our organizational
11 structure of The Satanic Temple, the National
12 Council and myself, she was -- she was -- I know
13 she was explicitly given that permission by
14 myself.
15 **Q Does the United Federation of Churches LLC
16 have an operating agreement?**
17 A Yes.
18 **Q When did that operating agreement get
19 entered into?**
20 A The United Federation of Churches LLC?
21 **Q Mm-hmm.**
22 A I -- I'm not -- I'm not certain, no.
23 **Q Okay. Do you know if the operating
24 agreement of the United Federation of Churches
25 LLC existed prior to February 8, 2016?**

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1 A It is my understanding that it did.
2 **Q Have you reviewed the operating agreement**
3 **of the United Federation of Churches LLC to**
4 **prepare for your deposition today?**
5 A Yes. And I believe it was from 2014.
6 **Q Does the operating agreement of United**
7 **Federation of Churches LLC confer agency**
8 **authority on anyone other than the manager of**
9 **that entity?**
10 A Not that I'm aware of.
11 **Q Okay. So I'm going to ask it -- I'm going**
12 **to ask my question again.**
13 **Do you know -- It's not communications.**
14 **Do you know if the manager of the United**
15 **Federation of Churches LLC ever conferred**
16 **authority on Michelle Shortt to act as an**
17 **authorized representative of the United**
18 **Federation of Churches LLC?**
19 A Well, I would say indirectly. And maybe
20 that doesn't meet your criteria, but I'm
21 explicitly given the permission to confer
22 agents with permission to use that type of
23 licensing.
24 **Q But not by the operating agreement.**
25 **Correct?**

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1 A Not -- Not by the operating agreement.
2 **Q Okay.**
3 A Just by --
4 **Q So did -- Let me just ask you this: Have**
5 **you ever seen a written communication -- or --**
6 **Strike that.**
7 **Have you ever seen a written document**
8 **where Mr. Soling, as the only manager of the**
9 **United Federation of Churches LLC, conferred**
10 **authority on Michelle Shortt to act as an**
11 **authorized representative of the United**
12 **Federation of Churches LLC?**
13 A I know of no such documentation.
14 **Q Have you -- Has Mr. Soling ever told you**
15 **that he, as the only manager of the United**
16 **Federation of Churches LLC, ever conferred**
17 **authority on Michelle Shortt to act as an**
18 **authorized representative of the United**
19 **Federation of Churches LLC?**
20 A Well, he was made aware of my
21 conversations with Michelle Shortt and approved
22 of her being authorized to speak on behalf of The
23 Satanic Temple at the invocation.
24 **Q Is Michelle Shortt a member of the**
25 **organization that calls itself The Satanic**

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1 **Temple?**
2 A Yes, it's my understanding that she is.
3 **Q When did she become a member?**
4 A I -- I'm not certain.
5 (Pause.)
6 **Q Do you know -- Do you know if Michelle**
7 **Shortt was a member of The Satanic Temple as of**
8 **February 8, 2016?**
9 A It is my understanding that she was.
10 **Q From where did you obtain that**
11 **understanding?**
12 A From Michelle Shortt herself.
13 **Q Have you seen any documents or any records**
14 **in preparation for your deposition today**
15 **demonstrating that Michelle Shortt was in fact a**
16 **member of The Satanic Temple as of February 8,**
17 **2016?**
18 A Not in preparation of my deposition, but I
19 know she has a certificate of membership.
20 **Q And when was the certificate of membership**
21 **sought?**
22 A That I do not know.
23 **Q You don't know the date?**
24 A I do not know the date.
25 **Q When was the certificate of membership**

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1 **granted?**
2 A I do not know a date for that either.
3 **Q Hmm. Is there currently an Arizona**
4 **chapter of The Satanic Temple?**
5 A There is.
6 **Q That chapter did not exist as of February**
7 **1, 2016. Is that correct?**
8 A I -- I -- I don't know. I do not know
9 their founding date.
10 **Q You know that the chapters of The Satanic**
11 **Temple are identified on the Web site**
12 **www.thesatanictemple.com?**
13 A Correct.
14 **Q If you'd turn to Exhibit 37, please.**
15 MR. KEZHAYA: Hold on one second so I can
16 navigate to that. I only got up to 34.
17 MR. CLAUS: Sure.
18 MR. KEZHAYA: You said 37?
19 MR. CLAUS: Yes.
20 MR. KEZHAYA: Okay. I'm here.
21 **Q Exhibit 37 is an archived Web site from**
22 **February 24, 2015 that identifies chapters of The**
23 **Satanic Temple. Do you see that?**
24 A Correct.
25 **Q Eight chapters are identified?**

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1 A Correct.
2 **Q None of those eight are Arizona. Correct?**
3 A Correct. However, there can sometimes be
4 a real time lag between when a chapter is formed
5 and when it's posted on the Web site. It's not
6 often immediate. So it doesn't give me a clear
7 indication of their founding date. But I do
8 remember that requesting an invocation in Phoenix
9 and Scottsdale were two kind of foundational
10 activities for the Arizona chapter when they
11 were -- when they were collecting -- when they
12 were nascent in -- in building their community.
13 **Q If you'd turn to Exhibit 40, which is tab**
14 **40.**
15 MR. KEZHAYA: Just a moment here.
16 MR. CLAUS: Sure.
17 MR. KEZHAYA: I believe I'm at it. Okay.
18 **Q This is an Internet archive from February**
19 **1, 2016?**
20 A Okay.
21 **Q Correct?**
22 A February -- Yes. Sorry.
23 **Q And the Arizona chapter is still not**
24 **identified as a chapter on the Web site of The**
25 **Satanic Temple as of February 1, 2016?**

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1 A I -- I see that. Correct. It -- It might
2 just be that they didn't have a Web site yet,
3 though.
4 **Q The religious aspect of The Satanic Temple**
5 **is moored in the firmly held beliefs of its**
6 **members. Is that right?**
7 A Correct.
8 **Q Is one of those firmly held beliefs that a**
9 **supernatural god created an actual Satan to**
10 **preside over the universe as his proxy?**
11 A It is not. It's -- Not in literal
12 terminology any -- in any case. That could be
13 taken metaphorically but not -- not in the
14 supernatural sense.
15 **Q Is a firmly held belief of The Satanic**
16 **Temple that Satan hears our prayers and responds?**
17 A It is not.
18 **Q Is a firmly held belief of The Satanic**
19 **Temple that Satan can exist in a corporeal realm?**
20 A It is not.
21 **Q But all of those firmly held beliefs were**
22 **the beliefs of The Satanic Temple at one point.**
23 **Correct?**
24 A Incorrect.
25 **Q Go to Exhibit 27, please.**

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1 A Okay.
2 **Q Exhibit 27 is an archived Web page from**
3 **The Satanic Temple, www.thesatanictemple.com,**
4 **dated January 15, 2013. Do you see that?**
5 A I see that.
6 **Q With a heading, quote, Religious Beliefs**
7 **of The Satanic Temple, end quote. Do you see**
8 **that?**
9 A I see that.
10 **Q I'm going to read the text, and you just**
11 **tell me if I read it correctly because it's**
12 **rather small.**
13 A Right.
14 **Q "The Satanic Temple believes that God is**
15 **supernatural and thus outside of the sphere of**
16 **the physical. God's perfection means that he**
17 **cannot interact with the imperfect corporeal**
18 **realm. Because God cannot intervene in the**
19 **material world, he created Satan to preside over**
20 **the universe as his proxy. Satan has the**
21 **compassion and wisdom of an angel. Although**
22 **Satan is subordinate to God, he is mankind's only**
23 **conduit to the dominion beyond the physical. In**
24 **addition, only Satan can hear our prayers and**
25 **only Satan can respond. While God is beyond**

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1 **human comprehension, Satan desires to be known**
2 **and knowable. Only in this way can there be**
3 **justice and can life have meaning. Hail Satan,**
4 **exclamation point."**
5 **Did I read that correctly?**
6 A Yes.
7 **Q Do you know -- Strike that.**
8 **Also one of the firmly held religious**
9 **beliefs of The Satanic Temple now is moored in**
10 **the seven tenets. Is that correct?**
11 A Correct.
12 **Q But there have not always been seven**
13 **tenets. Correct?**
14 A Correct.
15 **Q In fact if you look at Exhibit 28 --**
16 A Why is mine missing?
17 **Q Oh. Shoot. I'll give you mine.**
18 MR. CLAUS: Do you have Exhibit 28, Matt?
19 MR. KEZHAYA: I believe so. I have a
20 document after a number as Exhibit 28.
21 MR. CLAUS: Yeah.
22 MR. KEZHAYA: It has what looks like a
23 tarot card, the devil --
24 MR. CLAUS: That's it.
25 MR. KEZHAYA: Okay.

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1 **Q So handing you Exhibit 28, I inserted the**
2 **page numbers. We'll just make this the official**
3 **Exhibit 28. We'll pop it in your binder.**
4 A Okay.
5 **Q Go to -- Go to page 6 since --**
6 A 6?
7 **Q Right.**
8 A Okay. So --
9 MR. KEZHAYA: Page 6?
10 MR. CLAUS: Page 6 of Exhibit 28.
11 MR. KEZHAYA: Okay. Let's see, here.
12 One, two -- For benefit of the record, does it
13 have a mission statement?
14 THE WITNESS: Fundamental tenets.
15 MR. CLAUS: Fundamental tenets.
16 MR. KEZHAYA: Oh. Is that before or after
17 mission statement? Looks like after. No, that
18 says "Why Satan?"
19 MR. CLAUS: "Why Satan?"
20 MR. KEZHAYA: I may not have --
21 MR. CLAUS: The next -- The next page.
22 MR. KEZHAYA: Okay. Does it go with
23 "There are nine fundamental tenets"?
24 MR. CLAUS: Yeah.
25 MR. KEZHAYA: Yeah. Okay. I'm on it.

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1 **Q And the archive date of that Web site**
2 **is --**
3 A January --
4 **Q -- January 16, 2013. Is that correct?**
5 A Oh. Sorry. Yes.
6 **Q Okay. So currently there are seven**
7 **fundamental tenets --**
8 A Correct.
9 **Q -- for The Satanic Temple?**
10 A Yes.
11 **Q And I'm going to just read them.**
12 **"1. One should strive to act with**
13 **compassion and empathy toward all creatures in**
14 **accordance with reason."**
15 **That's number 1?**
16 A Correct.
17 **Q Do you see that tenet articulated in the**
18 **nine fundamental tenets that were articulated in**
19 **January 2013?**
20 A No.
21 **Q "2. The struggle for justice is an**
22 **ongoing and necessary pursuit that should prevail**
23 **over laws and institutions."**
24 **That's one of the seven tenets. Correct?**
25 A Correct.

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1 **Q Do you see that tenet articulated among**
2 **the nine tenets that were articulated in Exhibit**
3 **28?**
4 A No.
5 **Q "3. One's body is inviolable, subject to**
6 **one's own will alone."**
7 **That's one of the seven tenets?**
8 A Correct.
9 **Q Do you see that tenet articulated among**
10 **the nine tenets as of January 2013?**
11 A I do not.
12 **Q "4. The freedoms of others should be**
13 **respected, including the freedom to offend. To**
14 **willing -- To willfully and unjustly encroach**
15 **upon the freedoms of another is to forgo one's**
16 **own."**
17 **That's one of the seven tenets. Correct?**
18 A Correct.
19 **Q Do you see that tenet articulated among**
20 **the nine in Exhibit 28?**
21 A I do not.
22 **Q Number 5. "Beliefs should conform to**
23 **one's best scientific understanding of the world.**
24 **One should take care never to distort scientific**
25 **facts to fit one's beliefs."**

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1 **That's one of the seven tenets?**
2 A Correct.
3 **Q Do you see that tenet articulated among**
4 **the nine in Exhibit 28?**
5 A I do not.
6 **Q "6. People are fallible. If one makes a**
7 **mistake, one should do one's best to rectify it**
8 **and resolve any harm that might have been**
9 **caused."**
10 **That's one of the seven tenets?**
11 A Correct.
12 **Q Is that tenet articulated among the nine**
13 **in Exhibit 28?**
14 A Somewhat under different wording of number
15 3 here, but --
16 **Q Okay.**
17 A -- but no, not in this exact form.
18 **Q And then the last of the seven tenets is**
19 **"Every tenet is a guiding principle designed to**
20 **inspire nobility in action and thought. The**
21 **spirit of compassion, wisdom and justice should**
22 **always prevail over the written or spoken word."**
23 **I think that tenet is actually tenet 9 on**
24 **Exhibit 28. Correct?**
25 A Not verbatim but very close.

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1 **Q Okay. Do you know if, as of February 8,**
2 **2016, Michelle Shortt -- Go back to Exhibit 27.**
3 **Do you know if, as of February 8, 2016,**
4 **Michelle Shortt adhered to the, quote, religious**
5 **beliefs that The Satanic Temple, end quote,**
6 **articulated in Exhibit 27?**
7 A Oh, no. As far as I know, nobody with The
8 Satanic Temple now has any connection to this Web
9 site, including myself. I -- This Web site
10 predates me and was rather a placeholder site for
11 www.thesatanictemple.com. So later on I came on
12 board and was more the philosophical author of
13 the actual beliefs of what became The Satanic
14 Temple. And so this was all -- I'm not even sure
15 who -- who wrote a lot of this material and if
16 it -- and if it came from somebody who was just
17 setting up a boilerplate Web site, a -- you know,
18 a, quote, unquote, Satanic site for -- for these
19 purposes or whatever. But it didn't -- I mean as
20 far as our concept of our history goes, it didn't
21 really start until I came in. We -- We cohered
22 the seven tenets, and it wasn't a -- a film
23 project for a couple other individuals.
24 **Q Well, hold on. The -- The logo identified**
25 **on Exhibit 27, for instance, the -- the logo --**

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1 A Yes.
2 **Q -- at the top of the page is the logo for**
3 **which the United Federation of Churches LLC has a**
4 **trademark registration. Correct?**
5 A That's incorrect. That's a separate logo.
6 **Q I see.**
7 **The -- The trademark identified in Exhibit**
8 **25 for the word mark "The Satanic Temple"**
9 **identifies the date of first use of January 1,**
10 **2013. Correct?**
11 A I'm sorry. Which --
12 **Q Sure. Exhibit 25 --**
13 **A 25.**
14 **Q -- identifies a date of first use --**
15 **A Right. Right.**
16 **Q -- as January 1, 2013. Correct?**
17 **A Correct.**
18 **Q And Exhibit 27 was a publicly accessible**
19 **Web site using the trademark of The Satanic**
20 **Temple as of January 13, 2013. Correct?**
21 **A Correct.**
22 **Q After the date of first use of The Satanic**
23 **Temple as applied for by The Satanic -- by the**
24 **United Federation of Churches LLC. Correct?**
25 **A Correct. I believe the question was when**

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1 was that name first used, and we still have the
2 Web site so it seemed accurate. I don't see that
3 that's actually --
4 **Q Well, these are all predicate questions.**
5 **A Okay.**
6 **Q Let me ask you this: Has Michelle Shortt**
7 **ever told you expressly that she does not adhere**
8 **to the religious beliefs that The Satanic Temple**
9 **articulated in Exhibit 27?**
10 **A No. I'm -- No. As far as I know, she's**
11 **never even seen this. So I have no idea.**
12 **Q Okay.**
13 **A She -- She -- Her -- Her only requirement**
14 **is to agree with the seven tenets as a -- as a**
15 **member of The Satanic Temple.**
16 **Q Do you know if any member -- Do you**
17 **know -- Strike that.**
18 **Do any members of The Satanic Temple who**
19 **resided in Arizona as of February 8, 2016 --**
20 **Strike that.**
21 **Did any members of The Satanic Temple who**
22 **resided in Arizona as of February 8, 2016 adhere**
23 **to the religious beliefs of The Satanic Temple**
24 **articulated in Exhibit 27?**
25 **A I -- I cannot speak to their -- to their**

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1 subjective state.
2 **Q Okay. Did any members of The Satanic**
3 **Temple who resided in Arizona as of February 8,**
4 **2016 adhere to the nine tenets expressed in**
5 **Exhibit 28 as opposed to the seven tenets that**
6 **are currently expressed by The Satanic Temple?**
7 **A I assume not because my recollection is at**
8 **that time we weren't taking membership, but I**
9 **could be wrong.**
10 **Q Can I see Exhibit 28 again?**
11 **A Sure.**
12 (Document handed to Mr. Claus.)
13 MR. CLAUS: Let's go off the record for
14 just a second, Matt.
15 MR. KEZHAYA: All right.
16 (Pause.)
17 (Discussion off the record.)
18 (Recess taken.)
19 (Discussion off the record.)
20 MR. CLAUS: Okay. Back on the record.
21 **Q Exhibit 37 is a -- Don't pack up yet.**
22 **A Okay. Well, I --**
23 **Q I don't want you to be distracted.**
24 **A Just take this out.**
25 **Q Exhibit 37 is an archive Web site from**

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1 **February 24, 2015. Do you see that?**
2 A Correct. I see that.
3 **Q And do you see under -- it says "Join us**
4 **for an official membership card." Do you see**
5 **that?**
6 A Here (indicating).
7 **Q Yes.**
8 A Correct. Yeah.
9 **Q Okay. Do you know when membership in The**
10 **Satanic Temple began?**
11 A I do not.
12 **Q Okay. Back to my question, then.**
13 **Has any member of the Arizona chapter of**
14 **The Satanic Temple ever told you that they do not**
15 **adhere to the religious beliefs articulated in**
16 **Exhibit 27 or the nine tenets articulated in**
17 **Exhibit 28?**
18 A Michelle Shortt has told me she is a
19 super -- is not a supernaturalist, and Michelle
20 Shortt is explicitly aware of the seven tenets
21 and that those form the basis of the beliefs of
22 The Satanic Temple.
23 **Q Okay. Other than Michelle Shortt, has any**
24 **member of The Satanic Temple who resides in**
25 **Arizona told you explicitly that they do not**

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1 **adhere to the religious beliefs articulated in**
2 **Exhibit 27 or the nine tenets articulated in**
3 **Exhibit 28?**
4 A I have had interpersonal communication
5 with more than I can enumerate off the top of my
6 head from Arizona, but I don't recall any one of
7 them specifically citing that material and saying
8 that they don't believe it.
9 **Q Okay. Does the United Federation of**
10 **Churches LLC play any role in governing or**
11 **determining who may be a member of the Arizona**
12 **chapter of The Satanic Temple?**
13 A No. The Arizona chapter is autonomous in
14 that regard.
15 **Q Has the United Federation of Churches LLC**
16 **ever played a role in governing or determining**
17 **who may be a member of the Arizona chapter of The**
18 **Satanic Temple?**
19 A No. They're given, by our authority with
20 our agreement with them, the autonomy to
21 determine membership. We only convene and
22 adjudicate on leadership themselves, chapter
23 head, cochapter head and media liaison positions.
24 **Q As a designee of the United Federation of**
25 **Churches LLC, do you know if one must be a**

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1 **Satanist to become a member of the Arizona**
2 **chapter of The Satanic Temple?**
3 A One must be -- must self-identify as a
4 Satanist to be chapter head or cochapter head or
5 media liaison within The Satanic Temple. So to
6 have an active leadership role or to act as a
7 media liaison, we do require that one
8 self-identify as a Satanist.
9 **Q But to be a member of the chapter, one**
10 **needn't be a Satanist. Correct?**
11 A Depending on the chapter. The chapter may
12 accept people who consider themselves allies but
13 aren't willing to openly identify as a Satanist.
14 **Q Exhibit 42. This will be my last.**
15 A Okay.
16 MR. KEZHAYA: Give me just a second so I
17 can navigate to it.
18 MR. CLAUS: Sure.
19 MR. KEZHAYA: Okay. You said 42?
20 MR. CLAUS: Yes.
21 **Q And they're paginated up at the top.**
22 A I see.
23 MR. KEZHAYA: I'm with you.
24 **Q It's the Web site of The Satanic Temple**
25 **Arizona. Does the United Federation of Churches**

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1 **LLC currently have -- play any role in**
2 **editorializing or -- or an editorial role in the**
3 **content of the Web site run by The Satanic Temple**
4 **of Arizona?**
5 A Only insofar as if we determine material
6 placed as content on the Web site to be
7 objectionable or outside the purview of what our
8 actual beliefs and function are or otherwise
9 stands to misrepresent the organization. We can
10 ask for it to be taken down. We do not
11 necessarily provide the content, though they're
12 free to use some of the content we've put
13 together as kind of a -- kind of a cut and paste
14 option.
15 **Q Okay. Last question. Page 6 of Exhibit**
16 **42.**
17 A Okay. Hang on. I see it.
18 **Q Still part of the FAQ. Do you see the**
19 **centered bold type "I am not a Satanist, but I**
20 **support what you do. Can I still become an**
21 **official chapter member?" Do you see that**
22 **question?**
23 A Yes.
24 **Q And the answer is "Maybe." Do you see**
25 **that?**

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1 A Correct.
2 **Q That answer is not one of the things over**
3 **which the United Federation of Churches LLC**
4 **decided to exercise editorial control and remove.**
5 **Correct?**
6 A Correct.
7 **Q Does reading page 6 of Exhibit 42 refresh**
8 **your recollection that a nonSatanist may become a**
9 **member of the Arizona chapter of The Satanic**
10 **Temple?**
11 A Yes, with the caveat that leadership must
12 be self-identified Satanists. Leadership, media
13 liaisons, they -- they absolutely do have to
14 self-identify with us. But to be a member, you
15 know, to actively engage in the community, we
16 find it -- you know, we find it acceptable if
17 they accept people who are allies who don't want
18 to self-identify as Satanists.
19 MR. CLAUS: Okay. That's all I have,
20 Matt.
21 MR. KEZHAYA: All right. Cross
22 examination on the same -- Well, let's just
23 present for the record on the -- on the
24 stipulation that --
25 MR. CLAUS: Hold on a second.

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1 MR. KEZHAYA: -- whatever I get into you
2 get to recross?
3 MR. CLAUS: Yes, that's correct.
4 MR. KEZHAYA: Okay. All right. Do we
5 want to take a brief break, or do we want to just
6 get back into it?
7 MR. CLAUS: We can get back into it.
8 MR. KEZHAYA: All right.
9
10 CROSS EXAMINATION BY MR. KEZHAYA:
11 **Q Doug, is it an obligation of members to**
12 **keep their addresses updated with any -- any form**
13 **of centralized authority?**
14 A It -- It is not. We do not ask people for
15 their address, nor do we ask them to update their
16 addresses.
17 **Q Okay. In the regular course of business**
18 **do y'all maintain addresses --**
19 A We do not --
20 **Q -- again as a --**
21 **(The reporter requested single voices.)**
22 **Q Do you -- Do you maintain a database of**
23 **members?**
24 A We have a -- a database of members based
25 upon the E mail addresses entered for the people

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1 who want to sign up as members and receive the
2 regular newsletter.
3 **Q Okay. Is it -- Is it a requirement to be**
4 **a TST member that you sign up for the newsletter?**
5 A Well, the newsletter comes when people
6 sign up as TST members, and that -- that's the
7 way people get the newsletter.
8 **Q Okay. Are there TST members who consider**
9 **themselves TST members but just don't get the**
10 **newsletter because they haven't signed up?**
11 MR. CLAUS: Form.
12 **Q Go ahead and answer.**
13 A It's my understanding that people
14 considers [sic] themselves members or otherwise
15 aligned with The Satanic Temple as something that
16 expresses the beliefs of their religious
17 identity, and they don't necessarily sign up for
18 the newsletter or otherwise put themselves into
19 any database because, my understanding of this,
20 for the most part people who do that, people who
21 stay removed but still consider themselves allied
22 on some level -- These are the types of people
23 I've talked to after lectures and things like
24 that -- they do so because they have a certain
25 distinct fear of -- of being -- of being

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1 recognized as -- as a Satanist.
2 **Q Is there a social stigma to being**
3 **recognized as a Satanist?**
4 MR. CLAUS: Form.
5 A There -- There generally is a social
6 stigma to being recognized as a Satanist.
7 **Q I want to turn your attention to the**
8 **annual reports of the United Federation of**
9 **Churches. The -- The business purposes includes**
10 **a catch-all of "all other lawful purposes." Do**
11 **you remember that?**
12 A Correct.
13 **Q Is religious activity a lawful purpose?**
14 MR. CLAUS: Form.
15 A Yes. I mean to us that was just a very
16 general and vague blanket statement that could
17 encompass all of the activities we were engaged
18 in and that we were doing without putting too
19 fine a point on it to make it too narrow.
20 **Q Okay. In any of the papers filed with the**
21 **secretary of the commonwealth did TST, by -- by**
22 **way of United Federation of Churches, ever**
23 **intentionally mislead the secretary?**
24 A No, not -- not -- not to my understanding.
25 **Q In the course of TST's operations do you**

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1 have voting authority on -- on decisions for the
2 **United Federation of Churches?**
3 MR. CLAUS: Form.
4 A Yes.
5 **Q Is Cevin aware that you from time to time**
6 **exercise that voting authority?**
7 MR. CLAUS: Form.
8 A Yeah, Cevin is aware that I exercise that
9 authority on a daily basis.
10 **Q Has he ever threatened you with a breach**
11 **of contract or otherwise taken issue with your**
12 **use of your authority?**
13 A No. It's our explicit understanding that
14 I exercise that authority. In fact it's our
15 understanding with each other that we exercise
16 equal authority in that regard.
17 **Q Was Cevin aware that Michelle desired to**
18 **give this legislative invocation to the City of**
19 **Scottsdale?**
20 MR. CLAUS: Form.
21 A Correct. Cevin was aware that Michelle
22 sought to give the invocation in -- in
23 Scottsdale.
24 **Q But he was aware --**
25 A And he was aware that I --

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1 (The reporter requested single voices.)
2 **Q Go ahead and just give me the exact same**
3 **answer. That answers my next question as well.**
4 MR. CLAUS: Form.
5 A I'm sorry. Do you want to restate the
6 question?
7 **Q Let's -- Let's just take it in two parts.**
8 **Was Cevin aware that Michelle desired to**
9 **give a legislative invocation for the City of**
10 **Scottsdale?**
11 MR. CLAUS: Form.
12 A Yes. Through me, as I was the one in
13 dialogue with Michelle Shortt at the time, Cevin
14 was made explicitly aware that Michelle sought to
15 give an invocation in Scottsdale.
16 **Q Did he object?**
17 MR. CLAUS: Form.
18 A Cevin did not object. In fact he -- he
19 endorsed -- he endorsed this.
20 **Q Okay. When did this endorsement happen?**
21 A I can't give you an exact date. I can
22 only tell you the circumstances, but he -- he --
23 he gave his consent in -- in dialogue with me,
24 and I would dialogue with him after I would
25 converse with Michelle Shortt.

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1 **Q When were those conversations happening**
2 **between you and Michelle?**
3 A Prior to her applying for the Scottsdale
4 invocation.
5 **Q Were your -- Were your dialogues with**
6 **Cevin, I guess, at the same time?**
7 MR. CLAUS: Form.
8 A It -- It -- I'm sorry. At the same time
9 as -- as what?
10 **Q So relative to your conversations with**
11 **Michelle, how much time would pass before you**
12 **would talk with Cevin about your conversations**
13 **with Michelle?**
14 MR. CLAUS: Form.
15 A Typically these dialogues -- And again of
16 course I don't have exact record on this, but to
17 my recollection it would be within the day that I
18 would speak with Michelle, probably later in the
19 evening, I would apprise Cevin of the -- the
20 situation surrounding Michelle's request.
21 **Q How often do you and Cevin co-ordinate on**
22 **TST's activities?**
23 A I would say very often. Certainly not
24 less than once a week and usually far more often
25 than that. It's usually on a daily basis.

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1 **Q Okay. What -- What happened with these**
2 **nine tenets that they became seven tenets?**
3 A Well, the -- that -- that whole Web site
4 predated me, and I'm not sure who put it up. My
5 understanding is that that was kind of a
6 placeholder site and somebody we had just working
7 as a web person put some of the content on there.
8 I'm not sure how long some of the old material
9 remained before we got a new Web site together,
10 but the -- the actual philosophical foundations
11 of The Satanic Temple weren't put in place
12 until -- until my entry into The Satanic Temple,
13 which kind of made it an entirely new
14 organization even though it had continuity with
15 the URL and -- and in some of the -- some of the
16 other paperwork.
17 **Q Do you remember about when you -- you**
18 **entered into The Satanic Temple?**
19 A Sometime in 2013.
20 **Q Was it the early part of 2013 or the**
21 **late -- late part?**
22 A I'm sorry. I don't recall. And the
23 reason I don't recall was because it wasn't an
24 immediate full entry. I was aware that Cevin
25 wanted to work on a film project related to this

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1 idea of The Satanic Temple, and he was consulting
2 me because I am a Satanist. And it wasn't until
3 later activities were being done and I was
4 consulting on them that I kind of -- I kind of
5 overtook the whole thing in certain ways, as it
6 were.
7 **Q Okay. As -- As of February two**
8 **thousand -- I guess '16, February 8, 2016, were**
9 **the nine tenets as described earlier a part of**
10 **The Satanic Temple?**
11 MR. CLAUS: Form.
12 A I'm sorry. As of -- As of what -- what
13 date?
14 **Q February 8, 2016. This is when Michelle**
15 **first asked for the invocation, I believe.**
16 A Oh. Correct. By -- By 2016 that old Web
17 site material had no relevance to The Satanic
18 Temple as it was at that time.
19 **Q Okay. And in the deposition of The**
20 **Satanic Temple Inc. you had a number as of April**
21 **2016 of people in Scottsdale. Do you -- Do you**
22 **have that number still?**
23 A Yes. As of -- Let me see. As of April
24 2016 -- and again noting that this is a minimum
25 known number based upon mailing addresses -- we

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1 would have had a minimum of five members in
2 Scottsdale.
3 **Q Okay. Do you have the number as of today**
4 **or at least as of more recently than that?**
5 A Yes. Let me check that. I had it looked
6 up yesterday.
7 (Pause.)
8 A Okay. We have a minimum number now, based
9 upon the criteria I already -- I already
10 outlined, of 27 members in Scottsdale.
11 **Q Okay. And is that -- is that as of**
12 **yesterday? Where did this number come from?**
13 A This just came from a search of -- of
14 addresses up 'til now that we've -- we've sent
15 membership cards and certificates to.
16 **Q Tell me a little bit more about this**
17 **search. Are you searching a -- a range or as of**
18 **a date?**
19 A You know, I'm not actually certain. I
20 asked the person who does the shipping on these
21 things to do the search, and she just came back
22 with a -- with a number of 27.
23 **Q Okay. All right.**
24 (Pause.)
25 **Q How did Scottsdale come to be chosen as a**

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1 **city where these -- these -- where TST wanted to**
2 **give a legislative invocation for?**
3 MR. CLAUS: Well --
4 THE WITNESS: Sorry.
5 MR. CLAUS: I mean I'm fine with you
6 asking all of these questions, Matt, but --
7 Go ahead. Go ahead. Answer.
8 A That was -- It was Michelle and/or Stu
9 that approached us with the idea of giving the
10 invocation in Scottsdale, and I -- I don't know
11 the -- the thinking on their part that preceded
12 that request.
13 **Q Okay.**
14 MR. KEZHAYA: All right. Well, that --
15 that answers all of my questions. Do you have
16 recross?
17 MR. CLAUS: I sure do.
18
19 REDIRECT EXAMINATION BY MR. CLAUS:
20 **Q You testified previously that -- and just**
21 **now that you think that the Web page archive**
22 **shown in Exhibit 27 -- if you go to Exhibit 27 --**
23 **was, I think, to use your words, a placeholder --**
24 A Yeah.
25 **Q -- and that the nine tenets identified in**

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1 **Exhibit 28 was a placeholder?**
2 A Sure.
3 **Q But you don't know -- you -- you don't**
4 **know that. That is your assumption?**
5 A Well, how do you -- how do you mean? As
6 opposed to what?
7 **Q Has anyone told you that the nine tenets**
8 **articulated in Exhibit 28 were simply a**
9 **placeholder?**
10 A Yes.
11 **Q Who?**
12 A Cevin Soling.
13 **Q Okay. When did Cevin Soling tell you**
14 **that?**
15 A I -- I don't know. He's maintained that
16 from the beginning when I started kind of
17 revising, you know, the whole perception of The
18 Satanic Temple --
19 **Q So did Cevin --**
20 A -- and I wanted to --
21 **Q I'm sorry.**
22 A -- I -- I wanted the Web site to reflect
23 what -- the beliefs I was willing to advocate
24 for. So this -- this Web site was described as
25 more of a placeholder for a previous project he

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1 was working on.
2 **Q Did Cevin Soling draft the nine tenets**
3 **identified in Exhibit 28?**
4 A Not that I know of.
5 **Q You testified that as of January 15 in**
6 **response to one of my questions, January 15,**
7 **2013, you didn't believe that The Satanic Temple**
8 **was accepting members. Correct?**
9 A I -- I do not believe so.
10 **Q I'm showing you a Web -- It is not an**
11 **exhibit. We'll make it an exhibit. It will be**
12 **Exhibit 47 -- a Web page archive from January 15,**
13 **2013 from The Satanic Temple --**
14 **www.thesatanictemple.com, backslash, join. Do**
15 **you see that?**
16 A I see that, yes.
17 **Q That invites members to join The Satanic**
18 **Temple. Correct?**
19 A That's correct.
20 MR. KEZHAYA: Object. Wait. You're
21 looking at an Exhibit 47. Mine ends at 46.
22 MR. CLAUS: Right. I just said that it's
23 not marked yet. We will mark it as Exhibit 47.
24 It is the Internet archive from January 15, 2013
25 for www.thesatanictemple.com, backslash, join.

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1 **Q And that Web -- So as of January 15, 2013**
2 **members were invited to join The Satanic Temple.**
3 **Correct?**
4 A That's -- That's what it appears from
5 here. I'm not -- This is -- I mean I have to say
6 this is before -- this is before my time. Right?
7 This is --
8 **Q But you are the designee with knowledge.**
9 A But this -- this predates the formation
10 of -- of the company and -- and to my -- as far
11 as I'm concerned, it predates The Satanic Temple
12 as -- as I have a part in it now.
13 **Q Okay. Do you see --**
14 **(Telephone interruption.)**
15 **(Discussion off the record.)**
16 MR. CLAUS: So now back on the record.
17 **Q Do you see how members were invited to**
18 **join The Satanic Temple and pay a \$25 fee for a**
19 **certificate on parchment?**
20 A That's what I see now. But as I explained
21 before Matt got cut off -- or after Matt got cut
22 off, this predated me. I'm not -- You know, to
23 me this -- this predates the -- the form --
24 formalization of The Satanic Temple and what it
25 is today.

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1 **Q Do you know if there's been a time --**
2 **Since you've been associated with The Satanic**
3 **Temple and as the designee for the United**
4 **Federation of Churches LLC, do you know if there**
5 **has been a time when a member did not have to pay**
6 **\$25 to receive a certificate?**
7 A If there -- To receive a certificate?
8 **Q Correct.**
9 A So membership doesn't cost anything.
10 **Q That wasn't my question.**
11 **Do you know of a time when a member did**
12 **not have to pay \$25 to receive a certificate?**
13 A No. To my knowledge, for somebody to
14 receive the card with certificate, they need to
15 pay for that.
16 **Q \$25?**
17 A Correct.
18 **Q It's always been \$25. Correct?**
19 A I believe it's always been \$25.
20 **Q You said Mr. Soling did not object. Was**
21 **Mr. Soling provided by Michelle Shortt any draft**
22 **of an invocation Michelle Shortt sought to give?**
23 A Mr. Soling was aware that the invocation
24 Michelle Shortt sought to give was the same
25 invocation that I had penned in the Los Angeles

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1 Times.
2 **Q Let me ask you this, back to what will be**
3 **Exhibit 47: Do you know -- Do you know -- And --**
4 **And I mean know such that you could testify under**
5 **penalty of perjury -- that any of the members of**
6 **The Satanic Temple who resided in Arizona as of**
7 **February 8, 2016 did not use the membership form**
8 **reflected in Exhibit 47?**
9 A I -- I could not do that, no.
10 **Q Okay. Do you know, such that you can**
11 **testify under penalty of perjury, that any**
12 **members of The Satanic Temple who resided in**
13 **Scottsdale did not use the form reflected in the**
14 **Internet archive of January 15, 2013 which is**
15 **Exhibit 47?**
16 A Well, we know as a matter of fact that
17 we've had members join that are members in
18 Scottsdale well after this Web site in this form
19 was active.
20 **Q That wasn't my question.**
21 **As of February 8, 2016 do you know if any**
22 **of the five members who resided in Scottsdale did**
23 **not use the form reflected in Exhibit 47?**
24 A Yes.
25 **Q How many?**

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1 A Let me see. We know that between --
2 between February and April of 2016 we had five
3 members sign up from Scottsdale. So they would
4 have been in -- they would have been on the -- on
5 the current Web site, not this --
6 **Q Well, hold on a second.**
7 **So between February and April of 2016 five**
8 **members who resided in Scottsdale signed up. Is**
9 **that what you testified to?**
10 A Correct. Yeah.
11 **Q So I'm asking you as of February 8, that**
12 **date --**
13 A Uh-huh.
14 **Q -- as of February 8, 2016, do you know if**
15 **any members of The Satanic Temple resided in the**
16 **City of Scottsdale?**
17 A As of February 8th if any members resided
18 in Scottsdale.
19 **Q Correct.**
20 A I -- I cannot say that with certainty.
21 **Q Okay. As of February 8, 2016, that date,**
22 **did any members of The Satanic Temple who resided**
23 **in Scottsdale utilize the form reflected in**
24 **Exhibit 47? Do you know?**
25 A I do not know, and I do not know if we

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1 kept record of any of the people who signed up on
2 this form at all so --
3 **Q Okay.**
4 A -- it's just -- I just don't know.
5 **Q And as of February 8, 2016 do you know,**
6 **such that you can testify under penalty of**
7 **perjury, that any members of The Satanic Temple**
8 **who resided in Arizona did not adhere to the nine**
9 **tenets reflected in Exhibit 28?**
10 **(Pause.)**
11 A Not at the moment, not at the immediate
12 moment, but we could do a search for everybody
13 who signed up post this Web site up and to that
14 date.
15 **Q But you haven't done that to prepare for**
16 **your deposition today.**
17 A I -- I do not have that.
18 **Q Okay. You were asked if The Satanic --**
19 **You were asked if United Federation of Churches**
20 **LLC maintains a database of addresses, and you**
21 **were asked about the TST member newsletter. Does**
22 **the United Federation of Churches LLC publish the**
23 **TST member newsletter?**
24 A I do not know that the newsletter has been
25 given explicit corporate entity ownership.

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1 **Q Do you know if engaging in religious**
2 **activities is a law -- was a lawful activity**
3 **under chapter 156 of the Massachusetts General**
4 **Laws as of February 8, 2016?**
5 A As opposed to illegal?
6 **Q Well, do you know if engaging in a**
7 **religious activity by a limited liability company**
8 **was a lawfully permitted activity of a limited**
9 **liability company under Massachusetts General Law**
10 **156C as of February 8, 2016?**
11 A I'm sorry. That's a question I never
12 thought to ask because I never thought there
13 could be any -- any question that that would be
14 lawful.
15 **Q Okay. So does the answer, then -- You**
16 **don't know?**
17 A Correct.
18 **Q You were asked about whether you had**
19 **breached a contract -- or been threatened with a**
20 **breach of contract lawsuit. Are there any**
21 **written contracts between the United Federation**
22 **of Churches LLC and you whereby you are conferred**
23 **the authority to act as a manager or agent of**
24 **that entity?**
25 A Well, we just looked at -- I'm -- I'm

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1 defined as resident agent, I think we saw in the
2 documentation.
3 **Q I'm asking you about contracts. Are there**
4 **any written agreements supported by consideration**
5 **where you are authorized to act as anything other**
6 **than a resident agent of the United Federation of**
7 **Churches LLC?**
8 A Not that I can recall.
9 **Q Do you know for a fact that Mr. Soling --**
10 **Such that you could testify under penalty of**
11 **perjury, do you know for a fact that you informed**
12 **Mr. Soling of Michelle Shortt's desire to give an**
13 **invocation before a City of Scottsdale Council**
14 **meeting prior to February 8, 2016?**
15 A Was -- Now, to clarify, was February 8th,
16 2016 supposed to be the date that the invocation
17 would be delivered?
18 **Q That's just the date I'm using for my**
19 **question.**
20 **So do you know if prior to February 8,**
21 **2016 -- Such that you could testify under penalty**
22 **of perjury, do you know that prior to that date**
23 **you informed Mr. Soling of Michelle Shortt's**
24 **desire to give an invocation before a City of**
25 **Scottsdale Council meeting?**

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1 A Given my deficiency on recollecting dates,
2 all I can say is that Mr. Soling was informed, as
3 I was being informed, through me that this was in
4 process, that Michelle wanted to give the
5 invocation in Scottsdale.
6 **Q When in time did you inform Mr. Soling**
7 **that Michelle Shortt was going to request the**
8 **ability from the City of Scottsdale to give an**
9 **invocation prior to a City of Scottsdale Council**
10 **meeting?**
11 A I can give you proximity within events
12 that happened between Michelle and I by which I
13 would say that I would speak to Mr. Soling within
14 the day of having spoken to Michelle about
15 requesting to give an invocation in Scottsdale.
16 **Q But you cannot give me a date?**
17 A Correct. Yeah, I can -- I cannot.
18 **Q Then you said "Michelle and Stu approached**
19 **us." Is it accurate to say that the United**
20 **Federation of Churches LLC never made a decision**
21 **as an organization to ask Michelle Shortt to**
22 **speak on its behalf in the State of Arizona?**
23 A It would be accurate to say we gave
24 permission to Michelle to speak on behalf of our
25 beliefs in Scottsdale.

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1 **Q That wasn't my question.**
2 **My question is is it accurate to say that**
3 **the United Federation of Churches LLC never asked**
4 **Michelle Shortt to act as its spokesperson in the**
5 **State of Arizona?**
6 A I -- I'm having a little trouble
7 understanding the distinction because the
8 request -- the idea originated from Arizona. So
9 if the question is did we reach out to Arizona
10 and request that they represent us in Scottsdale,
11 the answer is no. It was the other way round.
12 **Q Great.**
13 MR. CLAUS: That's all I have.
14 MR. KEZHAYA: Okay. I have -- I have one
15 final question.
16
17 RE CROSS EXAMINATION BY MR. KEZHAYA:
18 **Q Doug, are you -- Actually I have -- I have**
19 **one final topic that may be multiple questions.**
20 **Doug, United Federation of Churches has an**
21 **operating agreement. Right?**
22 A Yes.
23 **Q Are you a party to that operating**
24 **agreement?**
25 A How do you mean "party"?

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1 **Q Like did you sign the operating agreement?**
2 A Yes, it's my understanding that I did.
3 **Q Did you sign it as a member?**
4 A For the LLC. I'm -- I'm a member.
5 **Q Yes.**
6 A Yes.
7 **Q Okay. And so to -- to clarify, you signed**
8 **the operating agreement for United Federation of**
9 **Churches LLC as a member of that LLC. Right?**
10 A Correct.
11 **Q Okay.**
12 MR. KEZHAYA: That's all I got.
13
14 FURTHER REDIRECT EXAMINATION BY MR. CLAUS:
15 **Q And you're sure of that under penalty of**
16 **perjury?**
17 A Yes. Yes.
18 **Q And do you know when that happened?**
19 A No. I'm -- I'm not good at that.
20 **Q Okay.**
21 MR. CLAUS: Do you want to read and sign?
22 MR. KEZHAYA: Yeah. Same -- Same thing,
23 Doug. We read and sign. We get it back to the
24 court reporter inside of 30 days.
25 THE WITNESS: I'm sorry.

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1 MR. KEZHAYA: Okay.
2 THE WITNESS: We do the transcripts once
3 it's available. Right? Okay.
4 MR. KEZHAYA: Yeah. So we're going to --
5 We're off the record. Right?
6 MR. CLAUS: Yes, let's go off the record.
7 (Discussion off the record.)
8 (The proceedings adjourned at 1:01 PM.)
9 (Exhibits Numbers 7, 10, 11, 12, 13, 14,
10 15, 16, 27, 28, 37, 42 and 47 marked for
11 identification.)
12
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21
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23
24
25

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1
2 STATE OF _____)
3) ss.
4 COUNTY OF _____)
5
6
7
8 I, DOUGLAS ALEXANDER MISICKO, a witness called to
9 testify in the matter of SATANIC TEMPLE ET AL.
10 vs. CITY OF SCOTTSDALE ET AL., do hereby certify
11 under penalty of perjury that I have read the
12 foregoing transcript and have made any
13 corrections, additions or deletions that I was
14 desirous of making; and that the foregoing is a
15 true and accurate record of my testimony therein.
16
17
18 Signed by me on the ____ day of _____
19
20 20 ____ at _____,
21 (City) (State)
22
23
24 _____
25 DOUGLAS ALEXANDER MISICKO

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1 COMMONWEALTH OF MASSACHUSETTS
2 COUNTY OF SUFFOLK
3
4 I, Lawrence A. Brown, Certified Shorthand
5 Reporter Number 1430F96, Registered Professional
6 Reporter and Notary Public in and for the
7 Commonwealth of Massachusetts, do hereby certify
8 that the foregoing transcript of the proceedings
9 therein described is a complete and accurate
10 record of same to my best knowledge and belief
11 and that the deponent requested review of the
12 transcript.
13
14 I further certify that I am not related to
15 or employed by any party in or counsel to this
16 matter and that I am not financially interested
17 in its outcome.
18
19 In witness whereof, I hereunto set my hand
20 on the 26th day of September 2019.
21
22
23 _____
24 Lawrence A. Brown, Notary Public
25 My commission expires July 2, 2021

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