

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 59

12 (Caption continued on following page)

13

14 RULE 30(b)(6) TELEPHONIC DEPOSITION OF THE  
15 SATANIC TEMPLE INC. BY AND THROUGH DOUGLAS  
16 ALEXANDER MISICKO

17 conducted at Spaces Newbury

18 359 Newbury Street, Boston, Massachusetts

19 on Tuesday, September 24, 2019

20 commencing 9:50 AM and ending 11:09 AM

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;">I N D E X</p> <p>1  2  3 EXAMINATION OF DOUGLAS ALEXANDER MISICKO  4 DIRECT CROSS REDIRECT RECROSS  5 by Mr. Claus 6  6 by Mr. Tezhaya 56  7  8 E X H I B I T S  9  10 NUMBER DESCRIPTION FIRST MENTION  11  12 6 Notice of 30(b)(6) deposition 6  13 18 Articles of organization for The Satanic  14 Temple 8  15 19 Articles of amendment for The Satanic  16 Temple 8  17 20 Annual report filed May 24, 2019 16  18 21 Annual report filed May 24, 2019 20  19 22 Certificate of change of address of  20 resident agent 21  21 23 Print-out of search of United States  22 Patent &amp; Trademark Office Trademark  23 Electronic Search System 26  24 24 Trademark registration, October 30, 2018 28  25 25 Trademark registration, October 30, 2018 29</p> <p style="text-align: right;">Page 4</p>
<p style="text-align: center;">A P P E A R A N C E S O F C O U N S E L</p> <p>1  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;">E X H I B I T S</p> <p>1  2  3 NUMBER DESCRIPTION FIRST MENTION  4  5 31 Web site membership page 41  6 32 Web site membership page 42  7 34 Archive Web site of The Satanic Temple 38  8  9  10  11  12  13  14  15  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  
5 DOUGLAS ALEXANDER MISICKO,  
6 a witness called by Counsel for the Defendant,  
7 having identified himself by means of his United  
8 States of America Passport Card and having been  
9 duly sworn by the Notary Public, was questioned  
10 and testified as follows:  
11  
12 DIRECT EXAMINATION BY MR. CLAUS:  
13 **Q Mr. Misicko, my name is Scot Claus at**  
14 **Dickinson Wright Law Firm. I represent the City**  
15 **of Scottsdale. Good morning.**  
16 A Good morning.  
17 **Q If you could turn, please, to Exhibit 6,**  
18 **tab 6. As we explained off the record, each of**  
19 **the deposition exhibits corresponds with a tab.**  
20 **We won't get through all of the exhibits today.**  
21 **We'll mark them for identification so then we can**  
22 **use them in subsequent depositions.**  
23 **Tab 6, Exhibit 6, is the notice of**  
24 **30(b)(6) deposition of The Satanic Temple Inc.**  
25 **Do you see that?**

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1 A This 30(b)(6) --  
2 **Q All right.**  
3 A -- yeah. I see that, yes.  
4 **Q Okay. Now turn, please, to Exhibit A to**  
5 **Exhibit 6. It's the fourth page in.**  
6 (Pause.)  
7 **Q Exhibit A is the list of topics for which**  
8 **you have been designated as the designee of The**  
9 **Satanic Temple Inc. Have you reviewed Exhibit A**  
10 **to Exhibit 6 before?**  
11 A Exhibit A to Exhibit 6?  
12 **Q Correct. Those two sheets you're looking**  
13 **at right now. Have you seen those before?**  
14 A Yes.  
15 **Q When was the first time you saw those?**  
16 A Yesterday.  
17 **Q Okay. Do you agree that you're the**  
18 **representative of The Satanic Temple Inc. most**  
19 **knowledgeable to talk about the topics on Exhibit**  
20 **A to Exhibit 6?**  
21 A I do.  
22 **Q Do you know when The Satanic Temple Inc.**  
23 **was first organized as a corporate entity?**  
24 A Month, I'm not sure. 2017.  
25 **Q If you could turn to tab 18, which is**

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1 **Exhibit 18.**  
2 (Pause.)  
3 A Okay.  
4 **Q Now, Exhibit 18 constitutes the articles**  
5 **of organization for an entity called The Satanic**  
6 **Temple. Do you see that?**  
7 A Yes.  
8 **Q When The Satanic Temple was organized as a**  
9 **corporate entity on November 14, 2007, it did not**  
10 **include "Inc." in its name. Is that correct?**  
11 A In Article I it says "The exact name of  
12 the corporation is The Satanic Temple."  
13 **Q Could you -- Is it accurate --**  
14 **If you'd turn to Exhibit 19.**  
15 A Yes.  
16 **Q -- that in May -- on May 24, 2019 articles**  
17 **of amendment were filed for The Satanic Temple**  
18 **changing the exact name of the corporation to The**  
19 **Satanic Temple Inc.?**  
20 A Correct. "The Satanic Temple Inc.,"  
21 Article I, is what this page says.  
22 **Q And reading the text, do you see in the**  
23 **middle there are words after -- the bold words**  
24 **that say "do hereby certify that these Articles**  
25 **of Amendment"? Do you see that language?**

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1 **There's a check under Article I -- or an X next**  
2 **to Article I. See that?**  
3 A "Do hereby certify" --  
4 **Q Yeah.**  
5 A -- "that these Articles of Amendment" --  
6 **Q And the --**  
7 A -- "affecting articles numbered."  
8 Okay. Yeah. I see --  
9 **Q And then there's a text box below that.**  
10 **Do you see that?**  
11 A Oh, for "the Articles of Organization" --  
12 **Q Yes.**  
13 A -- "were duly adopted." Okay.  
14 **Q Yeah. Read that to yourself, and let me**  
15 **know when you're done, just that text box.**  
16 (Pause.)  
17 A Okay.  
18 **Q You are identified as the president of The**  
19 **Satanic Temple Inc. in Exhibit 19?**  
20 A Correct.  
21 **Q And you are identified as the clerk of The**  
22 **Satanic Temple Inc. in Exhibit 19. True?**  
23 A Correct. Yeah.  
24 **Q And reading the actual text of that text**  
25 **box, it looks like you held a -- the -- the**

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1 president and the clerk held a meeting on May 23,  
2 2019 and that by a vote of one decided to amend  
3 the articles of incorporation. Is that right?  
4 A Correct.  
5 Q And if you'd turn to Exhibit 2 -- or --  
6 I'm sorry. Strike that.  
7 If you'd turn to page 2 of Exhibit 19.  
8 A Is it this one we're on?  
9 Q Same -- Same tab --  
10 A All right.  
11 Q -- page 2.  
12 That you, as the clerk, signed Exhibit 19  
13 under penalties of perjury. Is that correct?  
14 A Correct.  
15 Q Also as the president, slash, vice  
16 president. True?  
17 A Yeah.  
18 Q And you stated under penalty of perjury  
19 when you filed Exhibit 19 with the Commonwealth  
20 of Massachusetts that at least two thirds of the  
21 members, slash, directors -- I'm reading from  
22 that text box again on page 1 -- legally  
23 qualified to vote in the meetings of the  
24 corporation made the decision to amend the  
25 articles of organization. True?

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1 A Yes. Correct.  
2 Q And so mathematically you would agree with  
3 me that only one member could comprise at least  
4 two thirds of the legally qualified members.  
5 True?  
6 A Well, now, this was a discussion between  
7 me and Malcolm Jarry. We're the only two. So I  
8 mean we both knew we were doing it and both  
9 approved it with the lawyer we were working with.  
10 So that would be 100 percent really.  
11 Q Okay. Well, the -- the document that you  
12 filed, Exhibit 19, with the Commonwealth of  
13 Massachusetts under penalty of perjury states  
14 that there was a vote of one. Correct?  
15 A Yeah. I would just say that's incorrect.  
16 I mean Malcolm was not unaware of this -- of --  
17 that this process was taking place. We were both  
18 in agreement so that was -- I'm not sure why it's  
19 filed that way.  
20 Q Okay. So there were -- as of May 24, 2019  
21 there were two members or directors qualified to  
22 vote in meetings of the corporation?  
23 A Correct. Yeah.  
24 Q Were -- Have there ever been more than two  
25 directors of the corporation identified in

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1 Exhibit 19 qualified to vote on corporate  
2 matters?  
3 A There have not.  
4 Q As the legally -- As one of the legally  
5 qualified members of The Satanic Temple Inc.,  
6 have you ever asked to give an invocation before  
7 a City of Scottsdale Council meeting?  
8 A As -- As president or director of --  
9 Q Satanic Temple.  
10 A -- Satanic Temple?  
11 Q Mm-hmm.  
12 A I have not.  
13 Q But do you know, as the Rule 30(b)(6)  
14 designee of The Satanic Temple Inc. today, if the  
15 person you identify as Malcolm Jarry has ever  
16 requested to give an invocation before the City  
17 of Scottsdale Council meeting?  
18 A To my knowledge, he has not.  
19 Q Turning back to Exhibit 18, which is tab  
20 18 --  
21 A Okay.  
22 Q -- the entity reflected in Exhibit 18,  
23 which changed its name to The Satanic Temple Inc.  
24 in 2019, did not exist as an entity until  
25 November 14, 2017. Is that right?

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1 A I actually don't know how you phrase that  
2 in -- in legal terminology. I mean The Satanic  
3 Temple as an organization existed and as a DBA  
4 LLC existed, but The Satanic Temple Inc., you  
5 know, didn't exist on paper until -- until this  
6 paperwork of 2017.  
7 Q Right. And so the -- the corporation The  
8 Satanic Temple Inc. did not become organized  
9 under the laws of the state of Massachusetts  
10 until November 2017. Correct?  
11 A Right. The Satanic Temple Inc.  
12 Q Had The Satanic Temple Inc. ever been  
13 incorporated in a state other than Massachusetts?  
14 A No.  
15 Q Had The Satanic Temple Inc. ever been  
16 incorporated in a jurisdiction outside of the  
17 United States?  
18 A No.  
19 Q You mentioned an LLC, and we'll -- we'll  
20 talk about the -- the relationship between -- The  
21 LLC you referred to is the United Federation of  
22 Churches LLC?  
23 A Yeah. Right.  
24 Q Has The Satanic Temple Inc. ever owned a  
25 membership interest in the United Federation of

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1 **Churches LLC?**  
2 A A membership interest?  
3 **Q Yes.**  
4 A I'm not -- I'm not sure how that would  
5 work. I mean this is kind of set up through  
6 lawyers so -- and we asked them what the best  
7 process is, and I'm not necessarily aware of the  
8 terminology or the -- the -- I mean that said,  
9 I'm still the best person to answer to this, but  
10 I -- I didn't necessarily do the -- you know, do  
11 the template set-up and that kind of thing so  
12 I --  
13 **Q Sure.**  
14 A So you -- I -- I might need that qualified  
15 a little bit.  
16 **Q Well, I can -- you are the designee to**  
17 **answer questions and be knowledgeable about the**  
18 **relationship, if any, between and/or amongst the**  
19 **United Federation of Churches LLC, The Satanic**  
20 **Temple Inc., Adversarial Truth LLC and Michelle**  
21 **Shortt.**  
22 A Right.  
23 **Q I'm reading from number 11 of Exhibit A to**  
24 **Exhibit 6.**  
25 **Is that correct?**

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1 A Yeah. Yeah.  
2 **Q Okay. So one of the questions that I have**  
3 **about the relationship, if any exists, is whether**  
4 **The Satanic Temple Inc. owns a membership**  
5 **interest in the United Federation of Churches --**  
6 **the United Federation of Churches LLC now.**  
7 A I -- I don't -- I don't know what that  
8 means.  
9 **Q Okay. Do you know that a limited**  
10 **liability company has members?**  
11 A Yes.  
12 **Q Do you know if The Satanic Temple Inc. is**  
13 **a member of the United Federation of Churches**  
14 **LLC?**  
15 A I know I'm a -- I'm a member, and -- and  
16 Malcolm Jarry is the managing member. I know  
17 that's the terminology for that.  
18 **Q Okay. So then using, I suppose, the --**  
19 **using elimination, then, if Malcolm Jarry is a**  
20 **member and you are a member, do you know if there**  
21 **are any other members of the United Federation of**  
22 **Churches of LL -- United Federation of Churches**  
23 **LLC now?**  
24 A No.  
25 **Q Okay. So if you are a member, Malcolm**

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1 **Jarry is a member and there are no other members,**  
2 **then one can deduce that The Satanic Temple Inc.**  
3 **is not a member of the United Federation of**  
4 **Churches LLC. Correct?**  
5 A Yeah. As a discrete entity it's not  
6 listed as a -- as a member on the documentation.  
7 **Q Has the United Federation of Churches LLC**  
8 **ever been managed by anyone other than -- Strike**  
9 **that.**  
10 **Has the United Federation of Churches LLC**  
11 **ever been managed by The Satanic Temple Inc.?**  
12 A Managed by Satanic Temple Inc. I don't  
13 think that that's the arrangement laid out --  
14 **Q Okay.**  
15 A -- but --  
16 **Q Did The Satanic Temple Inc., after it was**  
17 **formed in 2017, fail to file annual reports on a**  
18 **yearly basis?**  
19 A The Satanic Temple Inc.?  
20 **Q Yes.**  
21 A No, not that I'm -- not that I'm aware of.  
22 **Q If you'd turn to tab 20. Tab 20, Exhibit**  
23 **20, is a filing with the Commonwealth of**  
24 **Massachusetts Secretary of the Commonwealth that**  
25 **has a filing date of May 24, 2019 at 1:24 PM, if**

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1 **you look up at the top, the very top of the page,**  
2 **very top centered.**  
3 A Oh, here (indicating)?  
4 **Q Yeah.**  
5 A Okay. Yeah. Gotcha.  
6 **Q But it is an annual report that states it**  
7 **is a -- it is a filing for November 1 of 2017.**  
8 **Do you see that?**  
9 A Yes.  
10 **Q Do you know why the -- And -- And we know**  
11 **that as of November 1, 2017 The Satanic Temple**  
12 **Inc. didn't exist yet as a corporate entity.**  
13 **Correct?**  
14 A When did it say it existed?  
15 **Q If you could turn back to Exhibit 18.**  
16 **November 14, 2017.**  
17 A I'm sorry. Which exhibit?  
18 **Q 18.**  
19 A 18. Okay.  
20 (Pause.)  
21 A So November 14 -- Okay. Yeah.  
22 **Q Do you know why the annual report --**  
23 **MR. KEZHAYA: I'm going to object on this**  
24 **question.**  
25 **MR. CLAUS: You can object to form.**

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1 That's all you can say.  
2 MR. KEZHAYA: Actually under Rule 30 I can  
3 object to not just form question but also --  
4 (The reporter requested audible speech.)  
5 MR. KEZHAYA: In addition to objection to  
6 form, you can also object to questions outside  
7 the scope of discovery as expressly ordered by  
8 the court. If you look at document 55, the court  
9 orders limited discovery on the issue of subject  
10 matter jurisdiction --  
11 MR. CLAUS: This has to do with --  
12 MR. KEZHAYA: -- shall be completed by  
13 9/27.  
14 MR. CLAUS: Okay. You made your record.  
15 MR. KEZHAYA: So it's outside the issue of  
16 standing.  
17 MR. CLAUS: Okay. So --  
18 (The reporter requested single voices.)  
19 MR. KEZHAYA: So as I was saying, in  
20 addition to objecting on the basis of limiting it  
21 to the issues that the judge has already ordered,  
22 you can also instruct the deponent not to answer.  
23 So I'm not objecting on the issue of form. I'm  
24 objecting that the judge has already decided this  
25 issue. This is outside the issue of standing.

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1 MR. CLAUS: It is not outside the issue of  
2 subject matter jurisdiction, and it is a -- it is  
3 a foundational question to ask further questions.  
4 If you're really going to ask the -- the --  
5 you're really going to instruct the witness not  
6 to answer, then you really don't understand the  
7 Federal Rules of Civil Procedure as they're  
8 enforced in Arizona and --  
9 MR. KEZHAYA: Help me understand. Help me  
10 understand how this relates to standing.  
11 MR. CLAUS: It relates to standing because  
12 it doesn't -- the question about whether --  
13 asking him why the report was filed, if the  
14 annual reports are not filed, the corporation  
15 becomes delinquent. If the corporation becomes  
16 delinquent, the corporate charter can be revoked.  
17 If the corporate charter is revoked, the  
18 corporation doesn't have the power to do  
19 anything. So these are all foundational  
20 questions to ask him if the corporate charter has  
21 ever been revoked and when.  
22 MR. KEZHAYA: Okay.  
23 MR. CLAUS: So --  
24 MR. KEZHAYA: I'll withdraw the --  
25 MR. CLAUS: Thank you.

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1 **Q So do you know why Exhibit 20 was filed in**  
2 **May 2019 reflecting an annual report for a filing**  
3 **of November 1, 2017?**  
4 A No, I do not know.  
5 **Q Exhibit 20 identifies you as the**  
6 **president, treasurer, clerk and director.**  
7 **Correct?**  
8 A Correct.  
9 **Q Does not identify anyone named Malcolm**  
10 **Jarry as an officer or director of the**  
11 **corporation?**  
12 A I'm sorry. Which -- Which exhibit?  
13 **Q Exhibit 20.**  
14 A 20.  
15 (Pause.)  
16 A Correct.  
17 **Q Has Malcolm Jarry ever been a director or**  
18 **officer of The Satanic Temple Inc.?**  
19 A Yes. It was my understanding that he was  
20 actually supposed to be listed as treasurer and  
21 director, and I'm president and clerk. That's --  
22 I -- I don't know why this paperwork says  
23 otherwise, but that was the understanding I had  
24 with him.  
25 **Q If you'd turn to Exhibit 21, please,**

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1 **Exhibit 21 also has a filing date of May 24,**  
2 **2019. Do you see that at the top?**  
3 A Yes.  
4 **Q Exhibit 21 is an annual report that has a**  
5 **filing for November 1, 2018 identified in Exhibit**  
6 **21. Do you see that?**  
7 A Yes.  
8 **Q And again you are identified as the only**  
9 **officer and director of the corporation. Do you**  
10 **see that?**  
11 A Yes.  
12 **Q Exhibit 22. Exhibit 22 is a certificate**  
13 **of change of address of the resident agent where**  
14 **you as the resident agent identify a new address**  
15 **for the resident agent. Do you see that?**  
16 A Yes.  
17 **Q Has there ever been a resident agent of**  
18 **The Satanic Temple Inc. other than you?**  
19 A I don't believe so. It would have -- only  
20 would -- The only other person would have been  
21 Malcolm.  
22 **Q Has the corporate charter for the**  
23 **corporation identified in Exhibits 18 through 22,**  
24 **The Satanic Temple Inc., ever been suspended?**  
25 A Has not.

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1 **Q Has the corporate charter for The Satanic**  
2 **Temple Inc. ever been revoked?**  
3 A It has not.  
4 **Q If you could go back to Exhibit 18,**  
5 **please.**  
6 **(Pause.)**  
7 **Q Do you see how there are centered**  
8 **headings, "Article I," "Article II," Article**  
9 **Roman numeral III --**  
10 A Yes.  
11 **Q -- article Roman --**  
12 **I want you to please read the text under**  
13 **Article Roman numeral III to yourself and just**  
14 **let me know when you're done.**  
15 **(Pause.)**  
16 A Okay.  
17 **Q Does The Satanic Temple Inc. have by-laws?**  
18 A Yes.  
19 **Q Have you reviewed the by-laws of The**  
20 **Satanic Temple Inc. to prepare for this**  
21 **deposition?**  
22 A Briefly, yes.  
23 **Q Do the by-laws authorize anyone other than**  
24 **the officers and directors of The Satanic Temple**  
25 **Inc. to act as its agent in corporate matters?**

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1 A It -- It -- The by-laws authorize us to  
2 authorize other people to perform duties on our  
3 behalf.  
4 **Q All right. And when you say "us," are you**  
5 **referring to yourself and Malcolm Jarry?**  
6 A Correct.  
7 **Q Is Malcolm Jarry a fake name too?**  
8 A It's a pseudonym.  
9 **Q For Steven Soling?**  
10 A Cevin.  
11 **Q For Cevin Soling?**  
12 A Yeah, with a C.  
13 **Q Oh. I didn't know that was Cevin. Okay.**  
14 A Yeah, that wasn't artistic license. His  
15 parents actually gave that --  
16 **Q Yeah, my mom couldn't spell either. I got**  
17 **one T in my name.**  
18 **Do you know if The Satanic Temple Inc.**  
19 **owns any shares in any other corporation?**  
20 A To my knowledge, absolutely not.  
21 **Q Okay. Has Michelle Shortt ever been an**  
22 **officer of The Satanic Temple Inc.?**  
23 A An officer. I mean you'll have to help me  
24 out on the terminology because there's those --  
25 you know, on -- on the papers obviously she's not

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1 listed as anything, but inside -- I mean if you  
2 want to call those informal relationships -- we  
3 authorize and designate people for all manner of  
4 tasks.  
5 **Q No. I want to know if Michelle Shortt has**  
6 **ever held a position as an officer of the**  
7 **corporation The Satanic Temple Inc.**  
8 A No.  
9 **Q Has Michelle Shortt ever held a position**  
10 **as a director of The Satanic Temple Inc.?**  
11 A No.  
12 **Q Do you know if The Satanic Temple Inc. has**  
13 **ever filed articles of merger with the**  
14 **Commonwealth of Massachusetts?**  
15 A Like merging with another corporation?  
16 **Q Or another entity.**  
17 A No, not that I -- not that I know of.  
18 **Q Has --**  
19 A No, I don't -- I don't think there's ever  
20 been a merger with like United Federation of  
21 Churches --  
22 **(The reporter requested audible speech.)**  
23 **Q Has The Satanic Temple Inc. ever filed**  
24 **articles of consolidation with another entity?**  
25 A No.

Page 24

1 **Q Is it true that The Satanic Temple Inc.**  
2 **has never registered as a foreign corporation**  
3 **authorized to transact business in the State of**  
4 **Arizona?**  
5 A As a foreign corporation authorized to  
6 transact in the State of Arizona. To my  
7 knowledge, I -- I didn't know that that's a --  
8 that that's a thing, honestly. I -- I thought  
9 that when we incorporated where we are, we are  
10 authorized to operate anywhere within the US.  
11 That could be incorrect, though.  
12 **Q Has The Satanic Temple Inc. ever filed a**  
13 **document with the Arizona Corporation Commission?**  
14 A Not that I -- Not that I'm aware of, no.  
15 **Q Has The Satanic Temple Inc. ever filed a**  
16 **document with the Arizona Secretary of State?**  
17 A Not to my knowledge, no.  
18 **Q Have any copyrights been assigned to The**  
19 **Satanic Temple Inc.?**  
20 A Copyrights, yes.  
21 **Q What copyrights?**  
22 A We copyright our logo, our name, and I  
23 don't know what other proprietary stuff that  
24 comes from our licensing agreements with the  
25 various chapters.

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1 **Q Has The Satanic Temple Inc. been granted**  
2 **an assignment as -- or -- Strike that -- been**  
3 **granted a license as a licensee of any federally**  
4 **registered trademarks?**  
5 A A licensee of federally registered  
6 trademarks. I believe so. I kind of lose the --  
7 the distinction sometimes between copyright and  
8 trademark. I know we're in the middle of  
9 trademarking my own pseudonym, Lucien Greaves,  
10 because there's imposter accounts that show  
11 up trying to pull illuminati scams from Nigeria  
12 in my name, get people to give them money for  
13 membership or whatever. And I don't know --  
14 That's the one trademark effort I know is in  
15 process for sure. As for other trademark, I'm  
16 not -- I'm not certain.  
17 **Q If you'd turn to tab 23, please.**  
18 A 23. Okay.  
19 **Q Tab 23, Exhibit 23, is a print-out of a**  
20 **search of the United States Patent & Trademark**  
21 **Office Trademark Electronic Search System, and it**  
22 **reflects an application for the word mark "The**  
23 **Satanic Temple." Do you see under the owner who**  
24 **the applicant is?**  
25 A "Owner/applicant United Federation of

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1 Churches LLC DBA The Satanic Temple Inc. Limited  
2 Liability Company."  
3 **Q Yeah. So the applicant for the trademark**  
4 **in Exhibit 23 appears to be the United Federation**  
5 **of Churches LLC. And this application was filed,**  
6 **if you look at the filing date, it was, either**  
7 **coincidentally or not, filed on May 24, 2019, the**  
8 **same date as all those annual reports that we**  
9 **looked at previously. Do you see that under**  
10 **"Filing Date"?**  
11 A Sorry. Oh, okay. Yeah, I see that.  
12 **Q And the attorney of record is Brendan**  
13 **Durrigan?**  
14 A Correct. Yeah. Brendan.  
15 **Q And the application that is reflected in**  
16 **Exhibit 23 for The Satanic Temple reflects a date**  
17 **of first use in commerce of -- if you look under**  
18 **"Goods and Services" here (indicating) --**  
19 A Yes.  
20 **Q -- of January 1, 2013. That's 20130101.**  
21 **Do you see that?**  
22 A Yeah. Yes.  
23 **Q That date, January 1, 2013, predated the**  
24 **existence of The Satanic Temple Inc. as a**  
25 **corporate entity. Correct?**

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1 A Correct.  
2 **Q Okay. If you'd turn to Exhibit 24.**  
3 A Wait. We're on -- Oh, no. That's the  
4 next one.  
5 **Q Tab 24, Exhibit 24.**  
6 A Yeah.  
7 **Q Exhibit 24 is for the word and design mark**  
8 **"TST" plus design, and this is actually a**  
9 **registered trademark with a registration date of**  
10 **October 30, 2018, if you look at the last line.**  
11 A I see it.  
12 **Q You see that?**  
13 A Yeah.  
14 **Q And if you turn to the next page of**  
15 **Exhibit 24 --**  
16 A Yes.  
17 **Q -- at the very top line is the owner**  
18 **identified the registrant as the United**  
19 **Federation of Churches Limited Liability Company.**  
20 **Do you see that?**  
21 A Yes.  
22 **Q So one of my questions is has The Satanic**  
23 **Temple Inc. as a corporate entity ever received a**  
24 **license to use the trademark reflected in Exhibit**  
25 **24?**

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1 A Well, I don't -- I don't know if formally  
2 on paper we did that. I mean I am -- I am the  
3 best person to answer these questions.  
4 However -- I mean I'm the best representative of  
5 this company to answer these questions, but this  
6 is Brendan's work, you know, and -- and how this  
7 was done by him wasn't necessarily something I  
8 kept close watch over. So it's kind of -- kind  
9 of new to me as we go through it.  
10 **Q Okay. Turn to Exhibit 25, which is tab**  
11 **25.**  
12 A Oh, Exhibit -- Gotcha.  
13 **Q Exhibit 25 is another trademark**  
14 **registration with a date of registration of**  
15 **February 10, 2015. Do you see that (indicating)**  
16 **under "Registration Date"?**  
17 A Yes.  
18 **Q And it is for the word mark "The Satanic**  
19 **Temple." Do you see that?**  
20 A Correct.  
21 **Q And if you look -- Do you see the -- the**  
22 **heading (indicating) "Goods and Services"?**  
23 A Goods and services.  
24 **Q Right there (indicating).**  
25 A Oh, yeah. Yeah. Sorry.

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1 **Q "Goods and Services." The goods and**  
2 **services designed to be covered by this mark are,**  
3 **quote, religious services, namely information and**  
4 **news relating to religious and philosophical**  
5 **beliefs by providing information, providing a Web**  
6 **site featuring information about religion,**  
7 **charitable outreach services, namely providing**  
8 **counseling services in the field of religion,**  
9 **counseling in the field of religion and spiritual**  
10 **services.**  
11 **Did I read that correctly?**  
12 A Correct.  
13 **Q With an alleged date of first use of**  
14 **January 1, 2013. Do you see that?**  
15 A I see that, yes.  
16 **Q And again if you look at the owner**  
17 **identified in Exhibit 25 of that trademark for**  
18 **those goods and services, the owner is identified**  
19 **as United Federation of Churches LLC DBA The**  
20 **Satanic Temple. Do you see that?**  
21 A I see that, yes.  
22 **Q With the 519 Somerville Avenue address,**  
23 **number 288. Correct?**  
24 A Oh, correct. Yes.  
25 **Q Has the trademark identified in Exhibit 25**

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1 **ever been licensed for use to The Satanic Temple**  
2 **Inc.?**  
3 A That I do not know.  
4 **Q Have the trademarks identified in Exhibits**  
5 **24 and 25 ever been assigned to The Satanic**  
6 **Temple Inc.?**  
7 A Not that I'm aware of.  
8 (Pause.)  
9 **Q Does The Satanic Temple Inc. currently own**  
10 **or operate any top level domain names for the use**  
11 **it -- for Web sites?**  
12 A What do you mean by "top level"?  
13 **Q Top level domain level is a -- is a domain**  
14 **name with an I can [phonetic] suffix like .com,**  
15 **.biz, .net.**  
16 **I'll ask it a different way --**  
17 A Okay.  
18 **Q -- to make it easier for you.**  
19 A Sure. Sure.  
20 **Q Does The Satanic Temple Inc., the**  
21 **corporation, own the Web site -- Strike that.**  
22 **Does The Satanic Temple Inc., the**  
23 **corporation, own the domain name**  
24 **www.thesatanictemple.com?**  
25 A To be honest, I don't know who registered

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1 thesatanictemple.com. I just know we have that  
2 back-end access and for all intents and purposes  
3 own it and use it to conduct business.  
4 **Q That domain name was registered prior to**  
5 **the existence of The Satanic Temple Inc. as a**  
6 **corporate entity. Correct?**  
7 A That is correct. Yeah.  
8 **Q And the Web site that is utilized through**  
9 **that domain name address has existed prior to the**  
10 **incorporation of The Satanic Temple Inc.**  
11 **Correct?**  
12 A It -- It in fact preceded my own  
13 involvement with it.  
14 **Q Is there any written agreement through**  
15 **which the owner of thesatanic --**  
16 **www.satanictemple.com [sic] has conferred use of**  
17 **that domain name on The Satanic Temple Inc.?**  
18 A I have no written documentation, but I'm  
19 certain we could procure an affidavit.  
20 **Q Is there any corporate relationship**  
21 **between The Satanic Temple Inc. and the United**  
22 **Federation of Churches LLC?**  
23 A Any -- I'm sorry.  
24 **Q It's all right.**  
25 A Say -- Say again.

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1 **Q Is there any corporate relationship**  
2 **between the United Federation of Churches LLC and**  
3 **The Satanic Temple Inc.?**  
4 A That's difficult for me to -- to answer  
5 because I -- you know, I -- I don't know if  
6 there's that kind of paperwork connection, but  
7 the -- the fact of the matter is is we -- we put  
8 these structures in place after the fact to -- to  
9 formalize and support something that was already  
10 in operation. Right? So I don't know if it was  
11 the best procedurally, but for all intents and  
12 purposes our activities are the same, were the  
13 same, whether they were -- whether they were DBA  
14 United Federation of Churches or The Satanic  
15 Temple Inc. The Satanic Temple Inc. was somewhat  
16 necessitated by our recognition by the IRS as  
17 a -- as a tax-exempt religious organization.  
18 **Q The United Federation of Churches LLC is**  
19 **not a tax-exempt religious organization. Is that**  
20 **correct?**  
21 MR. KEZHAYA: I object.  
22 MR. CLAUS: All right. I can ask him in  
23 the next deposition. That's fine.  
24 MR. KEZHAYA: Okay.  
25 **Q Do you know if The Satanic Temple Inc. has**

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1 any written agreements with the United Federation  
2 of Churches LLC?  
3 A Not that I -- Not that I know of. I don't  
4 think there's formal paperwork --  
5 **Q Okay.**  
6 A -- elucidating that.  
7 **Q Let -- Let me ask it a different way.**  
8 **Do you know if there is any corporate**  
9 **relationship between the United Federation of**  
10 **Churches LLC and The Satanic Temple Inc.?**  
11 A I'm not trying to play dumb here, but  
12 you're going to have to explain to me what  
13 "corporate relationship" means in this --  
14 **Q Well, I don't, and I probably can't.**  
15 **So -- So it's not -- I'm not asking you to play**  
16 **dumb. I'm really asking you if you have**  
17 **knowledge. And if you don't, then -- then --**  
18 **then that's the answer.**  
19 **Do you have knowledge of any corporate**  
20 **relationship between The Satanic Temple Inc. and**  
21 **any other entity?**  
22 A Well, from my perspective they're  
23 completely inter-related because they're part of  
24 the -- part of the paperwork process that  
25 formalized one continuous entity. Right?

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1 And it -- And it consists of the same people. As  
2 far as documentation that might say, you know, we  
3 have an agreement between one and the other, I  
4 can't name such documentation.  
5 **Q Has The Satanic Temple Inc. ever attempted**  
6 **to gain recognition by the Internal Revenue**  
7 **Service of the United States for tax-exempt**  
8 **treatment?**  
9 A The Satanic Temple Inc., my understanding  
10 is, is the formal -- is just the formal corporate  
11 paperwork for the tax-exempt religious entity  
12 known as The Satanic Temple.  
13 **Q And my question is has The Satanic Temple**  
14 **Inc. ever sought to extend that tax-exempt status**  
15 **to the United Federation of Churches LLC?**  
16 A No. No, not to my knowledge.  
17 **Q Is the -- Does The Satanic Temple Inc.**  
18 **have any relationship with an entity called**  
19 **Adversarial Truth LLC?**  
20 A Well, there again the relationship, if  
21 you're asking for -- for paperwork  
22 documentation --  
23 **Q That's what I'm asking for.**  
24 A Okay. That I -- I do -- I'm not aware of  
25 which documents would formalize that.

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1 (Pause.)  
2 **Q So let's go back to Exhibit 18.**  
3 A Okay.  
4 **Q Exhibit 18 states that the corporation The**  
5 **Satanic Temple is organized as a tax-exempt**  
6 **organization for religious purposes. Do you see**  
7 **that?**  
8 A Yes.  
9 **Q What is the religion promoted by the**  
10 **corporation identified in Exhibit 18?**  
11 A Satanism.  
12 **Q So accurately characterized, Satanism is**  
13 **the religion, not The Satanic Temple. Correct?**  
14 A Satanism is the religion of The Satanic  
15 Temple.  
16 **Q Got it.**  
17 **I made you a copy of the first amended**  
18 **complaint. It's not going to be an exhibit.**  
19 A Okay.  
20 **Q At least it shouldn't be, but it's -- I**  
21 **made you a copy.**  
22 **(Document handed to the witness.)**  
23 MR. CLAUS: So he's taking a look at the  
24 first amended complaint, Matt.  
25 MR. KEZHAYA: Yeah. Hold on one second.

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1 I got to pull that up and --  
2 MR. CLAUS: Sure. No problem.  
3 MR. KEZHAYA: That's document 57. Right?  
4 MR. CLAUS: Correct.  
5 MR. KEZHAYA: Yeah. Okay.  
6 **Q If you look at paragraph 1 -- It's on page**  
7 **2 --**  
8 A Okay.  
9 **Q -- of the first amended complaint.**  
10 A "Explanatory Note"?  
11 **Q Yes.**  
12 A Okay.  
13 **Q Paragraph 1 states that "Principally this**  
14 **amendment adds the various juristic bodies which**  
15 **at various times have given an organizational**  
16 **structure to the voluntary association of**  
17 **self-identified Satanists practicing under the**  
18 **moniker 'The Satanic Temple.'"**  
19 **Did I read that correctly?**  
20 A Correct.  
21 **Q Is it accurate to say that one does not**  
22 **need to be a practicing Satanist to become a**  
23 **member of The Satanic Temple?**  
24 A Well, one -- Yeah, I mean I guess that  
25 depends on whether one considers somebody who

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1 adheres to our tenets a practicing Satanist. So  
2 I -- I would. So then I mean in that regard we  
3 do require that people read and agree with the  
4 tenets before they sign up as a member.  
5 **Q Let's use the date range of February 8,**  
6 **2016 to July 6 of 2016. Between those dates**  
7 **wasn't it the -- the mission statement of The**  
8 **Satanic Temple that it, quote, facilitates**  
9 **the communication and mobilization of politically**  
10 **aware Satanists, comma, secularists, comma, and**  
11 **advocates for individual liberty?**  
12 A Correct.  
13 **Q Let's just take a look, for instance, at**  
14 **Exhibit 34.**  
15 A Okay.  
16 MR. KEZHAYA: Can we pause one second as I  
17 look for that?  
18 MR. CLAUS: Sure.  
19 MR. KEZHAYA: I think I may have gotten  
20 only up to thirty -- Okay.  
21 All right. I'm on it.  
22 MR. CLAUS: Thank you.  
23 **Q Are you familiar with something called the**  
24 **Internet Wayback Machine?**  
25 A Yes.

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1 **Q This is an archive Web site from September**  
2 **7 of 2015 of The Satanic Temple, and that -- that**  
3 **preceded the existence of The Satanic Temple Inc.**  
4 **as a corporate entity. Correct?**  
5 A Correct.  
6 **Q Do you see how it says "Our mission, The**  
7 **Satanic Temple (TST) facilitates the**  
8 **communication and mobilization of politically**  
9 **aware Satanists, secularists and advocates for**  
10 **individual liberty"?**  
11 (Mr. Claus indicated.)  
12 A Oh.  
13 MR. KEZHAYA: Did you say 34?  
14 MR. CLAUS: 34.  
15 THE WITNESS: It's on the side bar.  
16 MR. KEZHAYA: Okay.  
17 THE WITNESS: Top.  
18 A Yeah. Correct. Sorry.  
19 **Q Correct.**  
20 **A secularist is different than a Satanist.**  
21 **Correct?**  
22 A Well, a secularist isn't necessarily a  
23 Satanist.  
24 **Q Correct.**  
25 **And one who advocates for individual**

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1 **liberty does not necessarily have to be a**  
2 **Satanist. Correct?**  
3 A Correct.  
4 **Q So the mission of The Satanic Temple**  
5 **expressed on the Web site, at least as of**  
6 **September 7, 2015, was to facilitate**  
7 **communication and mobilization of Satanists,**  
8 **comma, secularists, comma, and advocates for**  
9 **individual liberty. Correct?**  
10 A Right. And I would -- I would add anybody  
11 else. Our position is that everybody should have  
12 an equal voice.  
13 **Q So one who is a secularist may be served**  
14 **by the mission of The Satanic Temple. Correct?**  
15 A Correct. So long as their secularism is  
16 predicated on the concept of pluralism.  
17 **Q And one who advocates for individual**  
18 **liberty may be served by the mission of The**  
19 **Satanic Temple. Correct?**  
20 A Correct.  
21 **Q And membership currently to The Satanic**  
22 **Temple is open to anyone who is dedicated to**  
23 **participating in or identifying with the**  
24 **activities of The Satanic Temple. Correct?**  
25 A Correct.

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1 **Q Not merely to those who practice Satanism.**  
2 **Correct?**  
3 A Correct. We don't -- You know, we don't  
4 expect of everybody that they'll openly identify  
5 in that way because it's a -- it can be dangerous  
6 depending on their situation.  
7 **Q And that was true -- If you'd turn to**  
8 **Exhibit 31, which is tab 31.**  
9 A I'm going to set this aside (indicating).  
10 **Q Okay.**  
11 **That was true as of February 1, 2016.**  
12 **True?**  
13 A This is what -- You're saying the mission  
14 statement --  
15 **Q Both the mission statement and the fact**  
16 **that membership is open to anyone who is**  
17 **dedicated to participating in or identifying with**  
18 **the activities of The Satanic Temple.**  
19 A And you're asking me to confirm that this  
20 is from --  
21 **Q February --**  
22 A -- February --  
23 **Q -- 1, 2016.**  
24 A That's what this designates on this image  
25 from Wayback Machine at the top of the --

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1 **Q Exhibit 31.**  
2 A Okay. And it seems accurate to me.  
3 **Q Okay.**  
4 A Is that --  
5 **Q Sure. I just want to make sure that --**  
6 **that we are clear that as of -- as of February 1,**  
7 **2016 membership to The Satanic Temple was opening**  
8 **[sic] to those who dedic -- who were dedicated to**  
9 **participating in or identifying with the**  
10 **activities of The Satanic Temple.**  
11 A Sure. I -- I mean yes. Sorry.  
12 **Q And if you turn to Exhibit 32 -- That's an**  
13 **archive from July 13, 2016 --**  
14 A I see that.  
15 **Q -- the same statement is true, that**  
16 **membership is open to anyone who is dedicated to**  
17 **participating in or identifying with the**  
18 **activities of The Satanic Temple. Correct?**  
19 A Right. I mean with the caveat of member  
20 registration that they acknowledge and follow the  
21 tenets of The Satanic Temple.  
22 **Q And both in February 2016 and in July 2016**  
23 **putative members, potential members, were told**  
24 **that membership in The Satanic Temple does not**  
25 **grant anyone the authority to act as a**

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1 **spokesperson for The Satanic Temple as an**  
2 **organization. Correct?**  
3 A Correct. But it didn't preclude anybody  
4 from that. Membership alone does not give one  
5 the rights to speak on our behalf or act in some  
6 type of licensing arrangement.  
7 **Q Currently -- And I'm talking about today,**  
8 **September 24, 2019 -- does the Satanic Temple**  
9 **Inc. as a corporate body exercise any oversight**  
10 **or control over who may be a member of something**  
11 **called the Arizona Chapter of The Satanic Temple?**  
12 A No. That's within the purview of the  
13 Arizona chapter itself.  
14 **Q Are you familiar with the National --**  
15 **something called the National Council of The**  
16 **Satanic Temple?**  
17 A Yes. They recently changed their name to  
18 International Council.  
19 **Q Was the body that was called the National**  
20 **Council of The Satanic Temple formed by The**  
21 **Satanic Temple Inc., the corporate body?**  
22 A The National Council was formed before  
23 paperwork was filed for Satanic Temple Inc.  
24 **Q When did the National Council of The**  
25 **Satanic Temple first exist?**

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1 A That's -- That's difficult. I'm not --  
2 I'm really bad at this, and that's not something  
3 I looked over before this. So I would say  
4 probably 2015.  
5 MR. CLAUS: Can we take a quick break,  
6 Matt? I think I may be done.  
7 MR. KEZHAYA: Okay.  
8 MR. CLAUS: I just need to use the rest  
9 room.  
10 MR. KEZHAYA: I paused -- I paused the  
11 time -- Oh, do you need to use the rest room?  
12 MR. CLAUS: Yeah.  
13 MR. KEZHAYA: Okay. I'll probably take it  
14 as well.  
15 MR. CLAUS: Thank you.  
16 (Discussion off the record.)  
17 (Recess taken.)  
18 MR. CLAUS: You're still under oath,  
19 Mr. Misicko.  
20 (Witness gestured.)  
21 **Q Has The Satanic Temple Inc. ever held a**  
22 **meeting of the officers and directors -- Strike**  
23 **that.**  
24 **Has The Satanic Temple Inc. ever held a**  
25 **meeting of the directors where a corporate**

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1 **resolution was agreed to that authorized anyone**  
2 **other than you and Mr. Jarry to act as an agent**  
3 **for The Satanic Temple Inc.?**  
4 A Well, I would say yes. And I don't know  
5 if that meets the standard of the kind of formal  
6 corporate relationship you might be looking for  
7 in documentation, but we have meetings all the  
8 time in which we delegate the function of  
9 different agents we work with in the  
10 parameters --  
11 **Q Mm-hmm.**  
12 A -- in which they're allowed to speak on  
13 our behalf or act on our behalf, whether they be  
14 public relations representatives, contractors  
15 within a limited scope, National Council in its  
16 function within the organization and the limits  
17 and rights of the various chapters that we -- we  
18 manage.  
19 **Q You just said "the various chapters that**  
20 **we manage." What entity manages the chapters of**  
21 **The Satanic Temple?**  
22 A Well, again I don't think there's a -- I  
23 don't think there's corporate paperwork that  
24 speaks to the chapters. So when I think of The  
25 Satanic Temple, I think of it as this continuous

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1 entity that exists regardless of whether -- you  
2 know, whether it's under the banner of -- the DBA  
3 for United Federation of Churches. That's --  
4 That's formal paperwork from where I'm standing.

5 So the operative functions are -- are kind  
6 of this continuous entity so I think of The  
7 Satanic Temple as this kind of rubric designation  
8 for, you know, these different corporate entities  
9 that popped up as a matter of -- of just the --  
10 the nature of the formalization process of this  
11 organization itself.

12 **Q Let me ask it a different way that refers**  
13 **back to an answer that you just gave.**

14 **You just used the plural pronoun "we"**  
15 **manage the chapters --**

16 A Yes.

17 **Q -- that spring up. I think you used "pop**  
18 **up." "We manage the chapters that pop up" is**  
19 **what you said in answer to a previous question.**  
20 **And I guess I'm looking for the -- the**  
21 **variable -- the -- the -- That plural pronoun**  
22 **"we," I'm trying to find what constitutes that**  
23 **plural pronoun "we." Is "we" an entity, or is**  
24 **"we" Mr. Misicko and Mr. Jarry?**

25 A We are The Satanic Temple, and we just

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1 **organization?**

2 A Well, I mean obviously it's Malcolm and I  
3 who are like the -- the top heads of management.  
4 Right? And we're also -- we're also owners of  
5 the Satanic Temple Inc., but -- I mean I -- I  
6 hope that's sufficient. I'm not sure.

7 **Q Let me ask it this way: Have you ever**  
8 **seen an agenda of a meeting of the board of**  
9 **directors of The Satanic Temple Inc. where a**  
10 **corporate resolution was an agenda item?**

11 A You mean like specific -- there's a  
12 specific template for paperwork designating these  
13 meeting notes as part of The Satanic Temple Inc.  
14 or --

15 **Q I'm asking you the question that I'm**  
16 **asking you and just want to know if the answer is**  
17 **"Yes, I have," "No, I haven't" or "I don't**  
18 **understand."**

19 **Have you ever seen a document called**  
20 **"Agenda for the Board of Directors of The Satanic**  
21 **Temple Inc.?" Let's just start there. We'll**  
22 **start broad. Have you ever seen an agenda for a**  
23 **meeting of the board of directors of The Satanic**  
24 **Temple Inc.?**

25 A I have not seen a document with that exact

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1 work with various people who we assign different  
2 functions. I mean I know Mr. Jarry and I have  
3 ultimate veto, and that's understood within the  
4 National Council and things like that. But we do  
5 assign different people status as media liaisons,  
6 chapter heads. And this all -- You know, in my  
7 mind this is all done as The Satanic Temple.  
8 It's not something that's formally designated as  
9 part of the LLC versus The Satanic Temple Inc.  
10 It's just The Satanic Temple.

11 **Q Which is autonomous from the chapters?**

12 A The chapters are -- are subsets of The  
13 Satanic Temple which we try to allow for a  
14 maximum of autonomy while also making certain  
15 that they work within certain parameters so as  
16 not to -- so as not to send the wrong message,  
17 that we're defamed or our brand is otherwise  
18 stained by their -- by their activities.

19 **Q And that brand is the trademark that's**  
20 **owned by the United Federation of Churches LLC?**

21 A Correct. Right.

22 **Q And so currently -- I'm trying to figure**  
23 **out currently does The Satanic Temple Inc. as a**  
24 **corporate body play any role in managing the**  
25 **chapters of The Satanic Temple as an**

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1 wording --

2 **Q Okay.**

3 A -- prefacing it.

4 **Q Have you ever seen minutes of a meeting of**  
5 **the board of directors of The Satanic Temple**  
6 **Inc.?**

7 A I -- I -- I -- We wouldn't have meeting  
8 minutes that would say, you know, "Formal Agenda  
9 of The Satanic Temple Inc." It would say "The  
10 Satanic Temple" on them, and I'm not sure, you  
11 know, which -- which entity one would insist that  
12 that needs to fit under.

13 **Q I'm going to ask my question again.**

14 **Have you ever seen a document that is**  
15 **called "Minutes of a Meeting of the Board of**  
16 **Directors of The Satanic Temple, Inc.?"**

17 A I --

18 MR. KEZHAYA: Objection. Asked and  
19 answered.

20 Go ahead and answer.

21 A I cannot say that I've seen a document  
22 with that as the header.

23 **Q Okay. Do you know if the board of**  
24 **directors of The Satanic Temple Inc. has ever**  
25 **agendized a meeting at which the topic of a**

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1 **corporate resolution to authorize agency of**  
2 **another has been discussed, moved for and voted**  
3 **upon by the board of directors?**  
4 A Formally designated as a meeting of the  
5 Satanic Temple Inc.?  
6 **Q Correct.**  
7 A I know of no such meeting.  
8 **Q Since its formation in November -- on**  
9 **November 14, 2017, has Michelle Shortt made any**  
10 **written request to The Satanic Temple Inc. to act**  
11 **as its agent?**  
12 A Since its incorporation in 2017 --  
13 **Q Correct.**  
14 A -- a formal request to act on behalf of  
15 The Satanic Temple Inc.  
16 **Q Correct.**  
17 A Not to my knowledge has she -- had she  
18 written any -- any such dispatch.  
19 **Q Has Michelle Shortt ever been employed as**  
20 **a statutory employee of The Satanic Temple Inc.?**  
21 A She has not.  
22 **Q Has Michelle Shortt ever been hired as an**  
23 **independent contractor of The Satanic Temple**  
24 **Inc.?**  
25 A That's possible, but not to my knowledge.

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1 **Q Is there any written agreement, to your**  
2 **knowledge, between Michelle Shortt and the**  
3 **corporation called The Satanic Temple Inc.?**  
4 A No.  
5 (Pause.)  
6 **Q Do you know if the Satanic Temple Inc., as**  
7 **a corporate entity, has had any communication at**  
8 **all with any representative of the City of**  
9 **Scottsdale?**  
10 A Not to my knowledge, no.  
11 (Pause.)  
12 **Q Do you today -- We're talking September**  
13 **24, 2019 -- as the designee of The Satanic Temple**  
14 **Inc., know how many members of The Satanic Temple**  
15 **reside in the State of Arizona?**  
16 A Well, I can give you a minimum number.  
17 And the reason it's a minimum number is because  
18 we allow people to sign up by E mail address on  
19 line and we don't ask for address. However, we  
20 have a way to isolate by shipping address who's  
21 ordered membership cards, slash, certificate  
22 packages in a certain -- by mailing address.  
23 Right?  
24 **Q Okay.**  
25 A So to the -- at this day -- Oh, shit. I'm

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1 sorry. I only have the -- between February and  
2 April of 2016.  
3 **Q Okay. Well, I'll ask you that --**  
4 A Okay.  
5 **Q -- in the next deposition since --**  
6 A Okay. I'm sorry.  
7 **Q Since you didn't -- Since Satanic Temple**  
8 **didn't exist as of July 2016, I'll ask you that**  
9 **question in the next deposition.**  
10 A Oh, okay.  
11 **Q So it's good to have it.**  
12 **But today do you know how many members of**  
13 **The Satanic Temple Inc. reside in the State of**  
14 **Arizona?**  
15 A I --  
16 **Q I'm sorry. Strike that. I just said**  
17 **Satanic Temple Inc. Strike that question.**  
18 **Today, as the designee of the Satanic**  
19 **Temple Inc., do you know how many members of The**  
20 **Satanic Temple reside in the State of Arizona?**  
21 A I don't know, but I can give you a minimum  
22 number --  
23 **Q Okay.**  
24 A -- if I check my -- my phone here. A  
25 minimum number of --

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1 (Pause.)  
2 A -- 450.  
3 **Q Do you know today how many of those**  
4 **members of The Satanic Temple reside in the City**  
5 **of Scottsdale?**  
6 A A minimum number of 27.  
7 **Q Do you know, of the 450 members of The**  
8 **Satanic Temple, Inc. -- or -- Strike that.**  
9 **Do you know, of the members in Arizona**  
10 **today, those 450, how many are secularists?**  
11 A I assume they're all secularists.  
12 **Q But I'm not asking you for your**  
13 **assumption. Let me ask it a different way.**  
14 **Do you know, of those 450 today, how many**  
15 **adhere to the religion of Satanism rather than**  
16 **being either a secularist who -- whose mission is**  
17 **served by the Satanic Temple or one who advocates**  
18 **for individual liberty whose mission is served by**  
19 **The Satanic Temple?**  
20 A I don't see there necessarily being a  
21 distinction with -- with the members. I would  
22 think that, you know, if they agree with our  
23 tenets and they sign up with us, I would see that  
24 they're advancing the cause of Satanism. But as  
25 for their reasons for doing that, I can't -- I

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1 can't speak to their subjective experience.  
2 **Q Well, you just said "advancing the cause**  
3 **of Satanism," but according to the exhibits that**  
4 **we looked at, for instance Exhibit 34, the**  
5 **mission of the Satanic Temple is to facilitate**  
6 **communication, mobilization of politically aware**  
7 **Satanists, comma, secularists, comma, and**  
8 **advocates for individual liberty. Correct?**  
9 A Well, correct, but I --  
10 **Q And --**  
11 A -- I think those are taken together rather  
12 than as -- They're not necessarily separate and  
13 discrete. I mean it has to be taken with the  
14 membership standards that ask that they adhere to  
15 the seven tenets.  
16 **Q Well, the membership is open to**  
17 **individuals who are dedicated to or**  
18 **participating -- or participating in or**  
19 **identifying with not Satanism but the activities**  
20 **of The Satanic Temple. Correct?**  
21 A Correct. But the activities include the  
22 practice of Satanism.  
23 **Q Or may include secularism or advocating**  
24 **for individual liberty. Correct?**  
25 A Also included.

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1 **Q Do you know --**  
2 MR. KEZHAYA: I'm going to interject. We  
3 just hit that one-hour mark.  
4 MR. CLAUS: Okay. Let me just ask this  
5 question.  
6 **Q Do you know if The Satanic Temple Inc.**  
7 **currently imposes any membership requirements on**  
8 **members of the Arizona chapter?**  
9 A No. That's in the jurisdiction of the  
10 Arizona chapter.  
11 **Q Okay.**  
12 MR. CLAUS: I don't know if you have any  
13 questions, Matt.  
14 MR. KEZHAYA: I do, but I don't know how  
15 to resolve my questions against the -- the  
16 court's one-hour limit. Are you willing to  
17 afford -- I don't know if by stipulation we could  
18 just agree to two limited topics.  
19 MR. CLAUS: I mean but -- I mean the  
20 stipulation would be conditioned upon my -- my  
21 being able to ask him questions about whatever  
22 you ask him.  
23 MR. KEZHAYA: I'm -- I'm okay with that.  
24 One -- I'll -- I'll tell you what the two topics  
25 are. The first one's going to be -- Pretty well

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1 already covered -- just fleshing out a little bit  
2 more the number of Satanists and -- TST  
3 Satanists, I should say, the number of TST  
4 Satanists specifically in Scottsdale; and, two,  
5 the -- the contours around, well, what happened  
6 that Michelle Shortt said that she was going to  
7 give an invocation --  
8 (The reporter requested audible speech.)  
9 (Discussion off the record.)  
10 MR. CLAUS: Let's go off the record.  
11 MR. KEZHAYA: All right.  
12 (Discussion off the record.)  
13  
14 CROSS EXAMINATION BY MR. KEZHAYA:  
15 **Q Doug, how do you know this minimum number**  
16 **of Satanists in -- in Scottsdale?**  
17 MR. CLAUS: Form.  
18 Go ahead.  
19 A This -- This minimum number is determined  
20 by the mailing addresses that people gave when  
21 they ordered a membership card, slash,  
22 certificate membership package. I say it's a  
23 minimum number because one doesn't need to  
24 purchase a card and certificate package to be a  
25 member, but the only way in which we get people's

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1 addresses is if we're actually mailing something  
2 to them. So while we may have many members  
3 within Arizona or within Scottsdale or within any  
4 given space that we just don't know the  
5 geographic location of, we can base a minimum  
6 number on those -- on those mail orders.  
7 **Q Is it required -- In order to be a member**  
8 **of TST, is it required to order a membership**  
9 **card?**  
10 A No, it is not required to order a  
11 membership card to be a member of The Satanic  
12 Temple.  
13 (Pause.)  
14 MR. KEZHAYA: Pass the witness.  
15 MR. CLAUS: I don't have any follow-up.  
16 MR. KEZHAYA: Okay.  
17 MR. CLAUS: So read and sign?  
18 MR. KEZHAYA: Yeah, read and sign. I'm  
19 going to use the rest room real quick, and then  
20 I'll be ready for -- for -- for round two here.  
21 Do we want to take a five-minute break?  
22 MR. CLAUS: Yeah. That sounds great.  
23 (The proceedings adjourned at 11:09 AM.)  
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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