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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

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)	Case No. CV08-01258
)	
IN RE: RICHARD A.)	Dept. No. 4
SCHWEICKERT, LANE GROW AND)	
TERRI PATRAW)	
)	
)	

TRANSCRIPT OF PROCEEDINGS
Hearing on Petition
Friday, September 18, 2009
A.M. Session
RENO, NEVADA

Reported By: BECKY VAN AUKEN, CCR No. 418

APPEARANCES :

For the Petitioners:

IN PROPRIA PERSONA

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I N D E X

WITNESSES: DIRECT

TERRI PATRAW (resumed)	6
LANE JAY GROW (resumed)	13
MARY M. LAHREN	26
HUSSEIN S. HUSSEIN (resumed)	53

EXHIBITS:MARKED:ADMITTED:

15 through 19

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1 RENO, NEVADA, FRIDAY, SEPTEMBER 18, 2009, 9:41 A.M.

2 -oOo-

3
4 THE COURT: Thank you. Please be seated.

5 This is the time set for a continued hearing. I
6 think Mr. Grow was on the stand.

7 And you said you had a few more questions for
8 him; is that correct, Mr. Schweickert?

9 MR. SCHWEICKERT: It is, Your Honor. If it is
10 acceptable to you, we'd like to start with a question or
11 two first to Ms. Patraw and then Mr. Grow referring back
12 to some of the testimony that they gave yesterday.

13 THE COURT: Okay. We're a little tight on time
14 today, so all right.

15 MR. SCHWEICKERT: Indeed. I'm glad you brought
16 that up, Your Honor.

17 In view of the fact that we learned yesterday
18 that we'll have about one and a half hours fewer than we
19 had anticipated, we have shifted things considerably today
20 and changed our strategy somewhat in trying to get to use
21 some important information and evidence.

22 With that in mind, we have also produced some new
23 exhibits.

24 THE COURT: I saw those. I mean, I see that

1 they've been marked.

2 MR. SCHWEICKERT: Do we need to offer those to
3 you for acceptance?

4 THE COURT: Yes, you do. And you want me to
5 consider 16, 17, 18 and 19 and I guess 15 too?

6 MR. SCHWEICKERT: Yes, Your Honor, 15 through 19.

7 THE COURT: Okay. Those will be admitted for
8 purposes of the hearing.

9 (Exhibit Nos. 15 - 19 admitted.)

10 MR. SCHWEICKERT: Thank you.

11 THE COURT: So you want to do Ms. Patraw first?

12 MR. SCHWEICKERT: Yes, please.

13 THE COURT: Okay. Ms. Patraw, please come
14 forward and be sworn.

15

16 **TERRI PATRAW,**

17 having been first duly sworn, testified as follows:

18

19 THE COURT: Go ahead, Mr. Schweickert.

20 MR. SCHWEICKERT: Thank you, Your Honor.

21 /////

22 /////

23 /////

24 /////

1 effect that you met with the attorney general and Keith
2 Munro last year when the petition was submitted to the
3 attorney general; is that correct?

4 A I didn't make that statement yesterday, but I
5 would like to address that today.

6 Q Oh, my apologies. All right. You did refer to a
7 meeting that you had with the Reno Gazette-Journal
8 editorial board or editor in chief; is that correct?

9 A Yes. I had a meeting with Beryl Love and Lauren
10 Gustus, who is -- Beryl is the executive editor, I
11 believe, and Lauren is the sports editor.

12 Q Could you tell the Court the date that you filed
13 your lawsuit and -- the dates that you filed your lawsuit
14 and whistleblower complaint?

15 A Yeah. Let me go back real quick to the Reno
16 Gazette.

17 The meeting I had with them, what Beryl Love said
18 to me, and it was supported by Lauren Gustus, is if we say
19 negative things about the university, they threaten us and
20 they threaten to remove any sources available to us. So
21 we have to be --

22 THE COURT: Mr. Schweickert, that is all hearsay.
23 You realize that.

24 MR. SCHWEICKERT: I realize that, Your Honor.

1 But this is not him talking about a third party; this is
2 her saying to you what she heard from the editor of the
3 Reno Gazette-Journal.

4 THE COURT: Hearsay is an out-of-court statement
5 made by someone who is not in court about something that
6 is important to the case, basically.

7 So this is kind of important, because it alleges
8 some sort of a threat. So the hearsay can't be
9 considered. You need to have the speaker in unless you're
10 offering it for some other purpose. If you're offering it
11 to prove that those threats were made, it can't be offered
12 in this case.

13 MR. SCHWEICKERT: Well, I guess, then, it's just
14 background context. Thank you.

15 BY MR. SCHWEICKERT:

16 Q The next question here is the dates that you
17 filed the lawsuit and your whistleblower complaint.

18 A I filed my whistleblower complaint -- it would
19 have been in the first week of September 2007, and I filed
20 the lawsuit in November 2007.

21 Q Next question. You mentioned yesterday that you
22 had had three NCAA violation reports written up on you.
23 Is that true?

24 A That's correct. All three were written up after

1 I was terminated. I was never interviewed. I knew
2 nothing about them until they were submitted into evidence
3 for my lawsuit.

4 Q How did you -- you learned of them how, again?

5 A They were sent over to my attorney in discovery
6 for my lawsuit.

7 Q Thank you.

8 You also mentioned yesterday that you had three
9 police incident reports written up on you. Is that
10 correct?

11 A Correct. Athletic director Cary Groth wrote one
12 up on me after I was terminated, executive associate
13 athletic director Cindy Fox wrote one up on me after I was
14 terminated, and my two assistant coaches wrote a joint one
15 up on me after I was terminated.

16 In all three cases I was never contacted by the
17 UNRPD to find out if I was even at these alleged
18 incidents. I was never interviewed. And the only way I
19 found out about them was when they were submitted into
20 evidence for my lawsuit.

21 Q You made a statement yesterday about the UNR
22 police coming to your home late at night and waking you
23 up. Would you make that statement again under oath?

24 A Yes. I received a campus ban letter from Milton

1 Glick in December 2007, and that was delivered to my home
2 with a UNRPD squad car and two police officers. And that
3 was during the day.

4 And then I received the second ban letter for
5 approaching an employee on campus twice, allegedly, in
6 March of '08. And I was sleeping -- I live by myself --
7 all the lights in my house were turned off, 10:30 at
8 night, and I wake to banging on the door and the doorbell
9 ringing incessantly -- I thought my neighbor's house was
10 on fire, quite honestly -- and two police officers
11 standing out there. And I refused to open the door.

12 Q Thank you.

13 You testified yesterday that on several occasions
14 in 2009, starting perhaps even earlier, you wrote letters
15 to the Board of Regents, to the chancellor, to President
16 Glick. Is that correct?

17 A Correct.

18 Q The purpose of those letters was to do what?

19 A Inform them that I felt my ban was illegal and
20 unconstitutional, retaliatory, and also to inform them of
21 public corruption in the UNRPD, the UNR general counsel's
22 office, the outside lawyer Kent Robison, and athletic
23 director Cary Groth.

24 Q And so those letters are admitted as evidence --

1 A Correct.

2 Q -- is that true?

3 Did you ever get a response to any of your
4 challenges to the campus ban from those people: the Board
5 of Regents, the chancellor, from President Glick?

6 A No. Not one word.

7 Q Thank you. I think that's all the questions for
8 now.

9 A May I just -- the first question you asked about
10 the AG meeting, I would just like to make a comment under
11 oath about that.

12 Was that May of '08? I believe. We met with
13 myself -- Lane Grow, Richard Schweickert and Dr. Hussein
14 and I met with Attorney General Masto and her top
15 assistant, Keith Munro.

16 And when we went into the meeting, Keith Munro
17 was not expecting three of the four of us. And he
18 couldn't get us out of that room fast enough. He wanted
19 nothing to do with our complaint. And it was very clear
20 that our complaint was not going to be properly
21 investigated by the attorney general's office.

22 Q Thank you. I believe that's all the questions.

23 THE COURT: Okay. Thank you, ma'am.

24 Go ahead and call --

1 MR. SCHWEICKERT: Now we'd like to call Mr. Grow
2 back up to the stand.

3 THE COURT: Okay. Sir, you're still under oath
4 from yesterday. Go ahead and retake the stand.

5 MR. SCHWEICKERT: Your Honor, this is some
6 important testimony by Mr. Grow that we were not able to
7 cover yesterday by 5:00 o'clock. Thank you for allowing
8 us a few minutes past the hour. This has to do with the
9 topic that I have on the screen in front of you, misuse of
10 the UNRPD by the UNR central administration, their own
11 private police force.

12 Here again is some firsthand knowledge from
13 Mr. Grow about unelected officials and how they used their
14 own State-supported private police force.

15 There's a series of topics here on the screen,
16 and I'm going to ask Mr. Grow to give us any information
17 he has that he knows about on a firsthand basis about each
18 of those bullets.

19
20 **LANE GROW,**

21 having been previously duly sworn, testified as follows:

22 /////

23 /////

24 /////

1 DIRECT EXAMINATION CONTINUED

2
3 BY MR. SCHWEICKERT:4 Q The first one has to do with using UNRPD for
5 covert surveillance of a whistleblower.6 Mr. Grow, do you have any information to that,
7 firsthand knowledge?8 A Yes, I do. UNRPD, they commonly accept police
9 reports. And I recall one in particular that they
10 accepted on a complaint of a swastika that had been placed
11 on Mr. Hussein's door.12 There was a lot of talk around the department
13 about the swastika. I actually talked to one of the
14 investigators that did the investigation, or assisted with
15 it, and he told me that there had never been a swastika
16 placed on the door. He went down and checked the door.
17 There was dust on the door. It had never been cleaned.
18 And it was his opinion that there had never been a
19 swastika placed on the door.20 Well, UNRPD allowed the report to be entered as a
21 hate crime, and they did their investigation, which ended
22 up in them putting a surveillance camera on Mr. Hussein's
23 door. They claimed that this surveillance camera was put
24 there to see who had put the swastika on Mr. Hussein's

1 door even though they knew that -- through their
2 investigation that there had never been a swastika on the
3 door.

4 They used the cameras that were used for their
5 surveillance, were cameras that were purchased by UNRPD on
6 a grant from the Homeland Security. The Homeland Security
7 cameras were never supposed to be used to spy on people;
8 they were there for the Homeland Security program.

9 That's just --

10 Q You've just touched on the second of the two
11 issues.

12 THE COURT: I'm going to stop you there.

13 When did this happen?

14 THE WITNESS: I can't remember the dates. My
15 memory is gone. It was back, just prior -- or just after
16 Mr. Hussein had made the animal abuse complaints.

17 THE COURT: Okay. Thank you.

18 Go ahead.

19 BY MR. SCHWEICKERT:

20 Q Okay. You've started in on the second item here,
21 and I don't need to have you repeat it, but that was
22 covert surveillance --

23 A Right.

24 Q -- where it's clear that the cameras are there.

1 Is that correct?

2 A It's clear that the cameras are there. They'd
3 been there for several months.

4 Q Okay.

5 A And --

6 Q And -- excuse me. So -- and these are -- this
7 involves the Homeland Security cameras which are purposed
8 for what purpose?

9 A For the Homeland Security program, which is to
10 show -- they actually were monitored by the university
11 police department. And there is also another department
12 on campus that also monitored and installed all the
13 cameras.

14 Q Okay. I think -- does that cover your points
15 there?

16 A Yes.

17 Q The next item here is refusal to investigate
18 crimes reported by whistleblowers on campus.

19 Do you have any personal knowledge from your role
20 as a supervising sergeant and officer at UNRPD?

21 A Well, there were several incidents where I had
22 actually filed formal complaints on officers that had
23 violated the law. And I was told that they weren't going
24 to investigate it and they weren't going to press any

1 charges.

2 And those complaints -- every time I would file a
3 complaint to somebody in that nature, they would come back
4 and tell me that it was investigated and that it was found
5 that whatever it was they had done was appropriate.

6 So basically it was dismissed, saying that it
7 never happened, even though I was a witness to it
8 happening and reported it.

9 Q Do you have any personal knowledge of refusal to
10 investigate crimes reported about break-ins to
11 Dr. Hussein's labs?

12 A There was one case that -- I was the supervisor
13 on duty and I got a call to Dr. Hussein's lab on a report
14 of a freezer that had been left open and a loss of several
15 hundreds of thousands of dollars worth of specimens, or
16 whatever they were working on was destroyed.

17 I dispatched one of our -- one of the officers
18 that was on duty to investigate it. They went over and
19 investigated, and it ultimately ended up being transferred
20 to our department investigator. And he'd done an
21 investigation on it, and his outcome of the investigation
22 was that they couldn't prove that it was not an accident.

23 Well, Dr. Hussein -- from the report that I read,
24 Dr. Hussein had gave evidence of who was -- had access to

1 that freezer and who would have been able to open that
2 freezer, and I'm not sure that they were ever even talked
3 to.

4 But the ultimate result of the investigation,
5 which I thought was a fairly shoddy investigation, but at
6 this time they didn't place somebody -- or to somebody
7 that was not under my authority.

8 The investigator was at that time under the
9 assistant director, which was Todd Renwick. So he was his
10 immediate supervisor. So once it went to that level, I
11 was taken out of the picture and it was between them. And
12 the way I know about it is just from reading the report.

13 And the ultimate results of the report were that
14 they said that they couldn't prove that it was not an
15 accident, which I felt was a shoddy report. It was -- it
16 was completed without all the facts.

17 So I kind of felt that it was a report that had
18 been written and all the answers to it put in there to
19 meet some other agenda other than to investigate a crime.

20 Q Thank you.

21 THE COURT: When did that happen?

22 THE WITNESS: That occurred at the same general
23 time that the surveillance and everything was put on
24 Dr. Hussein's door.

1 BY MR. SCHWEICKERT:

2 Q The next item on this list is whistleblower
3 intimidation.

4 Do you have any personal knowledge of officials
5 using UNRPD to intimidate whistleblowers?

6 A Yes. I was a party to one of these.

7 UNRPD had made false allegations on myself and
8 another officer that we were divulging sensitive
9 department issues to the press and to outside agencies.

10 This complaint actually got filed with Reno PD,
11 and Reno PD came in to do an investigation on it which
12 ended up with us having the union attorneys come in to
13 represent us.

14 And through the investigation that Reno PD went
15 through, they found that this never happened and that we
16 weren't liable for any of the charges that were being --
17 said that we had made.

18 THE COURT: Do you have the charges in here
19 somewhere?

20 THE WITNESS: I didn't bring them. I do have
21 them. I can have them submitted, if you'd like. It
22 was --

23 THE COURT: I've got lots of stuff to look at.
24 I'm not saying I need to look at more, but --

1 THE WITNESS: It was the investigation done by
2 Reno PD, so I have a copy of the investigation.

3 THE COURT: And when was that done?

4 THE WITNESS: That was done -- I can't give you
5 the date. It's on the paper. I was there for 15 years.
6 Sometime probably back in 2005.

7 THE COURT: Okay.

8 THE WITNESS: Maybe 2006.

9 BY MR. SCHWEICKERT:

10 Q Do you know of any other instances of UNRPD
11 officers being used for intimidation of any other
12 whistleblowers who were not in UNRPD?

13 A The one that Ms. Patraw talked about, the
14 officers showing up at her door at 10:00 o'clock at night
15 to serve a trespass warning, which is out of the norm. We
16 usually never go to somebody's residence that late at
17 night just to serve a trespass warrant.

18 In fact, I think Ms. Patraw was the first person
19 that I'd ever heard of in my 16 years of being at the
20 department that was served in that fashion.

21 Q Did officers of the UNRPD have jurisdiction to
22 travel to Sparks to do --

23 A For that specific reason, no. We have no
24 property in that area. They had no reason to be in that

1 area other than to serve Ms. Patraw with a trespass
2 warrant.

3 Q The next item on this list -- we're getting close
4 to the end -- is filing false criminal charges against
5 whistleblowers.

6 Do you have any personal knowledge of that, false
7 criminal charges against whistleblowers?

8 A Well, the false allegations they made on me and
9 the other officer that ended up with us hiring the
10 attorney and everything to go through to overturn it.

11 And then they had also made false allegations as
12 far as the intimidation factor in my personal work
13 evaluation, which I ended up having to take to the EMC
14 hearing, which is the Employment Management Commission, to
15 get overturned. And that was overturned through the
16 Employment Commission.

17 They had tried to file complaints on me for --
18 they were trying to put reprimands -- a paper trail on me
19 in order to terminate me because I had brought certain
20 things forward. And when the commission heard the
21 evidence and everything, they overturned the police
22 department's ruling.

23 Q Okay. The next item, next to last here, is
24 having UNRPD submit false statements and false evidence to

1 state law enforcement investigators.

2 Is there anything there where you have some
3 personal knowledge?

4 A Well, the one I've already described.

5 Q That would be one.

6 A The one with the RPD.

7 And another one would be to the FBI
8 investigators. I overheard the officers talking at the
9 department about Mr. Hussein -- this was prior to me ever
10 even having any contact or even knowing Mr. Hussein --
11 that because of his ethnic background and because that he
12 had availability to a lot of chemicals, it was highly
13 possible that he may be a terrorist.

14 And at that time I just -- I didn't think
15 anything of it because I didn't know Mr. Hussein or I
16 didn't know what the circumstances were. And I later
17 found out that they had actually taken those allegations
18 to the FBI and made a formal complaint against Mr. Hussein
19 for possibly being a terrorist. And I found out that the
20 FBI actually did an investigation on that.

21 So that would be another one that I would feel --
22 and this was all after Mr. Hussein had made the complaints
23 about the animal abuse.

24 Q Do you know if the FBI found any evidence that

1 Dr. Hussein is a terrorist?

2 A I believe that it was all dropped, and through
3 their investigation I think they found that it was all a
4 false complaint.

5 And I also had them file false complaints to the
6 department of alcohol and tobacco and firearms, which I
7 discussed yesterday, and then they also filed the
8 complaints on the registration. And as of yet, I don't
9 know, because I haven't been contacted by the IRS, so I
10 don't know if they're going to investigate me or not.

11 THE COURT: When was the FBI contacted? In what
12 year?

13 THE WITNESS: That would have been just after his
14 complaint on the animal abuse.

15 BY MR. SCHWEICKERT:

16 Q Okay. You may have covered this in part, but the
17 last item on this list is defamation of whistleblowers.

18 From your personal knowledge, is there anything
19 you can add to that one?

20 A Just their antics and their tactics to try to
21 discredit anybody that brings any wrongdoing forward.

22 I feel that in my case, I'm trying to -- they're
23 trying to portray me as a criminal to the public.

24 And the purpose of me being arrested on a

1 misdemeanor traffic violation was in order to get it in
2 the press. Because for the same violation, the general
3 public would have been cited, they would have went to
4 court, paid a fine, and that would have been the end of
5 it. It wouldn't have been front page news the next day.

6 But in order for them to get publicity -- bad
7 publicity on me, they actually had me arrested for the
8 charge, had me booked so that it was on the front page of
9 the newspaper and on the TV that night that I had been
10 arrested for a traffic violation.

11 I mean, to me, that's an antic that they used to
12 try to portray me as a criminal so that -- to try to
13 discredit my credibility to get up and testify to any
14 wrongdoings on their behalf.

15 Mrs. Patraw, the same thing. The UNR attorneys
16 are constantly accusing her of being crazy. They say
17 she's not stable, that she's a threat to people. Well, I
18 never knew Ms. Patraw before any of this took place, and
19 from my personal knowledge of Ms. Patraw, what they're
20 saying is totally out in left field. That's not
21 Ms. Patraw at all. And that's from just the short time
22 that I've known her.

23 Mr. Hussein, he's a credible scientist. He's
24 been at UNR for years. And, again, they tried to portray

1 him as a terrorist, they -- and say that he's also crazy.
2 And, again, I think that this is one of the ways that UNR
3 and their -- their ability to get things into the press is
4 another antic for them to try to discredit anybody that
5 brings anything wrongdoing on their part forward.

6 So as far as defamation, I think they try to
7 defame anybody that wants to bring anything that they've
8 done illegally forward.

9 Q Thank you, Mr. Grow.

10 You brought out a moment ago some things that
11 were done by legal counsel. Are there any other points
12 that you want to add about UNRPD that fit into this
13 category of using the UNRPD as its own private police
14 force to use against whistleblowers? Are there any other
15 things that you have in your personal knowledge?

16 A The stuff that I've mentioned is kind of related
17 to that, I mean, as far as illegal surveillance and
18 falsification of complaints on people that bring
19 wrongdoing forward.

20 Their antics as far as getting things in the
21 press. They have an uncanny ability with the press that
22 they can get anything they want to say into the press.
23 But as far as us as citizens, if we go to the press,
24 everything is censored and very little of whatever we have

1 to say ever makes it to the press.

2 THE COURT: So do you want me to have the grand
3 jury investigate the press?

4 THE WITNESS: No.

5 THE COURT: Oh, okay.

6 THE WITNESS: No, Your Honor.

7 BY MR. SCHWEICKERT:

8 Q I think that covers the important points here,
9 Mr. Grow. And thank you very much.

10 A Um-hmm.

11 THE COURT: Thank you, sir. You may step down.

12 MR. SCHWEICKERT: So we submit, Your Honor, that
13 what Mr. Grow has shown you from his own personal
14 knowledge as a supervising sergeant and police officer at
15 the UNRPD for on the order of 17 years, that there are
16 innumerable violations of public trust and
17 misappropriations of public property against
18 whistleblowers here by members of the UNRPD with the full
19 knowledge of the leadership, and everything they do has
20 the full knowledge of administrators higher above.

21 We'd like to turn now to another category that
22 was in our original complaint, and this has to do with EEO
23 crimes. That stands for Equal Employment Opportunity.
24 And to portray a single incident out of a very, very large

1 number of incidents of which we are aware, I'm going to
2 ask Dr. Mary Lahren to be a witness to describe her case.

3 THE COURT: Okay.

4 MR. SCHWEICKERT: This is not re-litigating a
5 lawsuit; this is trying to explain to the Court how
6 whistleblower complaints are handled on the UNR campus.

7 THE COURT: Okay. You may come forward, ma'am.
8 Go ahead and face the court clerk and be sworn.

9
10 **MARY M. LAHREN,**

11 having been first duly sworn, testified as follows:

12
13 THE COURT: Go ahead and have her state her
14 name and spell her name for the record.

15
16 **DIRECT EXAMINATION**

17
18 BY MR. SCHWEICKERT:

19 Q Okay. Please state your name and spell it.

20 A My name is Mary M. Lahren. The last name is
21 spelled L-a-h-r-e-n.

22 Q Could you briefly explain to the Court your
23 background and what your position or what your
24 relationship is to the matters that we're talking about

1 here today.

2 A Okay. I received my Ph.D. in Geological Sciences
3 in 1989 at the University of Nevada, Reno. My research
4 was highly regarded, nationally known. And it wasn't very
5 long before my published articles became actually required
6 readings in graduate classes across the country, from
7 Caltech to MIT.

8 Starting in 1989 I became a member of the faculty
9 at UNR. And to take a line from Terri from yesterday,
10 life was good. I received excellent evaluations every
11 year from both my department and from the students in the
12 classes that I taught. I received merit pay increases
13 every single year.

14 I was promoted from assistant professor to
15 associate professor by my department, my college, the
16 Board of Regents and the president. I was continuing my
17 research from my dissertation, which was National Science
18 Foundation-funded research on the Sierra. I was
19 publishing, presenting at meetings, annual meetings and
20 country-wide meetings. Everything was going just great.

21 Then I made a mistake. I had Dr. Karlin become a
22 co-PI on one of my grants at Lake Tahoe. It was at that
23 time that he immediately started all kinds of unwanted
24 touching, sexual innuendo, which actually culminated, to

1 make a long story short, in an incident where he
2 approached me from behind and shoved a plastic pipe
3 between my legs and rubbed it in my genital area. I was
4 horrified, humiliated, ashamed. Two eyewitnesses, a U.S.
5 geological survey scientist, Jim Howle, was horrified,
6 along with Dr. Schweickert, who also observed the
7 incident.

8 It was at this time I confronted Dr. Karlin
9 again. And at that point he decided since he was chairman
10 of the department, that he would start cutting out my
11 teaching assignments, which was a very effective way to
12 try and get rid of me because I was a soft money research
13 person and this was one-third to one-half of my salary.

14 So at that point I realized I had to report him.
15 I reported him to affirmative action and also the EEOC.

16 At this point, under the direction of Mary Dugan
17 and Mark Ghan, the university proceeded to squash me with
18 a form of constructive discharge where they backed up
19 Dr. Karlin in his role as taking away all of my teaching,
20 so part of my salary, and then, in the end, taking away my
21 ability -- actually prohibiting me from putting in a
22 National Science Foundation grant so that I could obtain
23 more salary.

24 And this is very important, because it not only

1 destroyed my academic career at UNR, but it also destroyed
2 any academic career I could have had at any other
3 university because as a soft money person you have to have
4 research money in order to transfer that money to another
5 university.

6 So effectively what they did is destroy my entire
7 academic career. It was as if I didn't have a Ph.D.
8 anymore.

9 On top of that, to add to it, they did the same
10 sort of defamation campaign that they did on the rest of
11 these whistleblowers. They made up stories about
12 insurance fraud, spread it around to the community so I
13 couldn't even get a job in industry if I wanted.

14 So that's, you know, trying to make a very long
15 story into a short one.

16 THE COURT: Ma'am, when did this occur?

17 THE WITNESS: The sexual harassment by Dr. Karlin
18 started as early as 1999, went through 2002 at the time
19 when I brought this to affirmative action and the EEOC.

20 THE COURT: When did you leave the university?

21 THE WITNESS: I left the university in 2002.

22 THE COURT: Thank you.

23 BY MR. SCHWEICKERT:

24 Q During the statement you just gave, you mentioned

1 something about National Science Foundation grants that
2 you received.

3 Could you explain how -- over how great a time
4 that you were receiving National Science Foundation
5 grants.

6 A Actually, over 13 years that I was on the faculty
7 at UNR. So during this time period all of my grants --
8 the university was getting 40 percent of all the monies
9 that I got from the National Science Foundation.

10 Q I'd like to have you refer to some documents
11 starting on page 1426, which happens to be in Exhibit 3.
12 That's Volume 3. Roughly the middle of the --

13 A Do I need to go to this?

14 Q -- the volume.

15 Yes.

16 A Which page is that?

17 Q Page 1426.

18 A Okay.

19 Q I'm just going to ask you to look at several
20 pages here and tell me what the document is.

21 So what is that document on page 1426?

22 A This is my formal affirmative action complaint
23 form.

24 Q How about turning to page 1430.

1 A This is my charge of discrimination with the
2 Nevada Equal Rights Commission and EEOC.

3 Q And that was filed?

4 A February 27, 2002.

5 Q Would you look at page 1433.

6 A This is an eyewitness letter from Jim Howle, the
7 U.S. geological survey scientist, who wrote this to
8 document what had occurred in September 2002 when
9 Dr. Karlin had shoved the pipe between my legs.

10 Q Okay. From there I'd like to have you look at a
11 new exhibit.

12 MR. SCHWEICKERT: Your Honor, this is Exhibit 16
13 that was marked this morning. It's the deposition of
14 James F. Howle dated February 7, 2005.

15 BY MR. SCHWEICKERT:

16 Q So this is an exhibit that you should have in
17 front of you somewhere up there on the witness stand.

18 A I have it.

19 Q Okay. Is this a deposition taken under oath?

20 A Yes, it is. It's a deposition taken under oath
21 by James Howle on February 7, 2005.

22 Q Were you present at this deposition?

23 A Yes, I was.

24 Q So you've heard all the statements that he made

1 here?

2 A Yes.

3 Q Would you turn to page 4 of the document. And in
4 there there are -- it's kind of a minuscrypt. I believe
5 that's the word for it. There are four pages of testimony
6 that are shown. In the upper left corner is page 10 of
7 the testimony.

8 Do you see that?

9 A Yes.

10 Q Okay. Would you read the section starting on
11 line 20 on page 10.

12 These -- are these Jim Howle's words?

13 A Yes. These -- well, the questions were by Jeff
14 Dickerson.

15 Jeff Dickerson asked him: Do you recall an
16 incident that occurred sometime after disembarking the
17 boat that involved Mary Lahren?

18 Jim Howle said: Yes, I do.

19 What did you see happen?

20 While we were in the progress of cutting up
21 sections of core collected, I was facing Bob Karlin at
22 about the same distance I am to you, five to six feet, and
23 he took a section of core barrel liner -- this was an
24 empty -- it was probably something we cut off the end of

1 one of the sediments. It wasn't something that had a
2 sample in it. It was an empty core barrel liner.

3 And I distinctly remember Bob putting a cigar in
4 his mouth as to free his hand and grab a section of the
5 lining and push it between Mary's legs from behind.

6 So it was very shocking, really. As I am
7 watching him do this, I'm thinking: These guys must have
8 an incredible working relationship.

9 And being a federal employee, we get, on an
10 annual basis, mandatory sexual harassment training. As I
11 see this happening, I'm thinking: God, this would just
12 never happen in my agency.

13 And it was immediately obvious that my first
14 thought of, Hey, these guys are a great working buddies
15 that this type of thing can go on, was obviously not the
16 case, as Mary explained something to the effect of, Bob,
17 what are you doing? And turned -- and turns in shock,
18 basically. It was clear that this was not something that
19 was expected or a friendly gesture.

20 Mary walked away about as red as her sweater is
21 today. And what I remember is the look on her face as she
22 walked away.

23 And I immediately walked over. Rich Schweickert
24 was standing right there as well, and Rich will probably

1 remember this. And I told Bob Karlin, I said, Gee, my
2 agency would get you fired in a heartbeat. In my agency,
3 that would get you fired in a heartbeat.

4 I went on to tell the story of a senior
5 researcher at USGS that was fired over an incident that
6 was not nearly as flagrant as what he had just done. This
7 guy was the cream of the crop and he never had to write a
8 research proposal. He was so good that he was just
9 basically funded to do whatever he wanted to do through
10 the National Research Program. And they fired him in a
11 heartbeat for an incident that was much less flagrant than
12 what Bob Karlin did.

13 And I told him --

14 Q Let me stop you there and ask you to go down to
15 page 13 on the same page in front of you and start on --
16 start reading at line 4.

17 A Jeff Dickerson asked: And he used both hands?

18 Jim Howle: He did, yeah. I distinctly remember.
19 I forget which hand he had on the cigar, but I remember
20 him putting the cigar in his mouth and taking it with both
21 hands and very deliberately pushing it through Mary's legs
22 right in her crotch. You know, it was very subjective.

23 What was Mary doing right before this?

24 Everybody had a role in processing the -- so we

1 were within the same kind of area that we are here. She
2 may have just been bending over to pick up something when
3 Bob did this.

4 She definitely had her back to him. He was
5 facing her back as he -- there was no accident about this.
6 It was a very deliberate act.

7 When you say between her legs, was it near her
8 ankles or her knees?

9 No, it was right in her crotch.

10 Q Okay. Please stop there and turn the next page,
11 which is page 5 of the document, and it's -- among those
12 four pages shown, it's the lower right page, page 17. And
13 start reading at line 24 and continue for the next ten
14 lines or so.

15 A 17, line 24?

16 Q 17, line 24.

17 A Jeff Dickerson: Do you know if Rich Schweickert
18 was in a position to see what occurred?

19 Indeed he was. I mean, we were all kind of
20 following Bob's lead in taking directions as what to do
21 next, so he was right there, like I was to learn and watch
22 the process.

23 As I'm looking west, looking at Bob Karlin, he's
24 looking north at Bob. So I'm sure that Rich saw what I

1 saw.

2 Q Okay. Thank you. I think that's enough
3 testimony there regarding what Jim Howle said under oath.

4 Now, go back to the volume in front of you,
5 please, and look at page 1434.

6 Are you there?

7 A Yes.

8 Q Okay. What is that document?

9 A This is February 4, 2002, signed by Richard A.
10 Schweickert. This is also a statement detailing what
11 Karlin had done to me in that incident, the same incident
12 with the pipe between the legs.

13 Q Is that an eyewitness account?

14 A Yes. Eyewitness account. It is also an
15 eyewitness account of other types of incidents where he
16 had touched me and did all kinds of different things to
17 me.

18 Q Okay. Please go to the next page, 1435.

19 What's this document?

20 A This is February 16, 1993. This is signed by
21 Terri Henley, H-e-n-l-e-y. This was an administrative
22 assistant in the Bureau of Mines. And it's detailing --
23 it's her affirmative action report in 1993 of what Karlin
24 had done to her at a party when he had come up behind her,

1 reached down and laid his hand on her buttocks and left it
2 there.

3 Q Okay. Is it okay -- is it fair to say from what
4 you see here and what you know about this document that
5 she's reporting a prior sexual harassment incident?

6 A Yes, it is.

7 Q By the same person?

8 A Yes, it is.

9 Q Okay. The next page, 1436. This one, for some
10 reason in copying, is a little cockeyed, but can you
11 explain what that one is?

12 A This is an affidavit again taken from -- by an
13 attorney for Terri Henley. And at that time her name was
14 changed to Terri Garside. And so she signed the affidavit
15 describing her experience with Dr. Karlin over again.

16 Q So do you know the date of this document? Is it
17 there --

18 A The date is not on it, but I know she gave this
19 affidavit in the spring of 2002.

20 Q Can you read the date at the bottom. It's
21 actually upside down because this came through a fax
22 machine, it looks like.

23 A Hold on a second.

24 Q Can you read that upside down?

1 THE COURT: It says 3/12/2002.

2 THE WITNESS: Okay. 3/12 -- yeah, you're right,
3 3/12. Thank you, Your Honor.

4 BY MR. SCHWEICKERT:

5 Q Okay. Let's see. Do you know if your
6 affirmative action complaint was ever investigated and who
7 investigated? And, if so, what was the outcome?

8 A Yes. It was investigated by Ann Dougherty, who
9 was then the head of affirmative action. And she found
10 probable cause in my favor.

11 Q Okay. Did it ever come to your attention that
12 there had been what you regarded as improper influence in
13 her investigation by administrators up the chain of
14 command? Did that ever come to your attention?

15 A Could you restate that.

16 Q Deans or vice presidents. Did you ever learn of
17 any improper interference in Ann Dougherty's
18 investigation?

19 A Absolutely. Dr. Karlin immediately started to
20 state his case to everyone else on the faculty, including
21 our dean. So she immediately went to the provost, who was
22 then John Frederick, and they both went to Ann Dougherty
23 and tried to start a smear campaign against my witnesses,
24 including you, Dr. Schweickert.

1 Q Okay. There's a document in here, 1452, on page
2 1452. Could you explain what that is.

3 A This is a deposition of Ann Dougherty,
4 December 10, 2004.

5 Q Okay. So this is a statement under oath by Ann
6 Dougherty. Who, again, was who?

7 A She was the head of affirmative action.

8 Q Okay. If you'd go in there on page 1460, there
9 are four pages on that -- four pages of testimony. And in
10 the upper left is page 344 of the deposition.

11 Do you see that?

12 A Yes.

13 Q Okay. And starting on line 18 of that page,
14 would you read a portion of Ann Dougherty's comments.

15 A This is Ann Dougherty: In fact, in Dr. Lahren's
16 case I identified other issues of concern, brought them to
17 the attention of the president, and I was never directed
18 to look into or was I never advised that any appropriate
19 corrective action had been taken. I considered there to
20 be some inappropriate interference in the investigation
21 process.

22 Q Okay. Thank you for that.

23 On page 369, starting on line 1 -- that appears
24 on the next page of the document, 1466 -- page 369 of the

1 deposition. Page 1466, sorry, of the --

2 A Okay.

3 Q Okay?

4 A 369?

5 Q That's in the lower left.

6 A Yes.

7 Q Okay. Would you maybe start two lines above
8 where the question is on line 24 of the prior page.

9 See where it says "well"?

10 A Okay.

11 The question was by Jeff Dickerson: Well, let's
12 go through all the areas where the university has ignored
13 procedure. What were those?

14 Ann Dougherty: Well, since we're here to discuss
15 our current situation, Dr. Lahren never received notice of
16 whether there was probable cause to support her complaint
17 against Dr. Karlin despite repeated requests to the
18 provost and the president. So certain procedures are
19 ignored; others are followed very selectively.

20 Q Okay. Thanks for that. I believe that's all
21 there.

22 Now I'd like to have you look at one more
23 exhibit, one exhibit that was brought out this morning.
24 And this is a document labeled this morning as Exhibit 17.

1 And it's called "Grant Proposal." And that should be a
2 document in front of you.

3 A Okay.

4 Q Before I ask you to read some things from this
5 document and identify it, I need to make a couple of
6 points for the Court about what we've just heard.

7 MR. SCHWEICKERT: We've heard direct evidence of,
8 by all accounts, an outstanding citizen and an outstanding
9 researcher, an outstanding faculty member at the
10 University of Nevada, Reno, who was sexually harassed, who
11 reports it, but instead of having her investigation and
12 having the university handle it in the most proper of
13 ways, instead you start to see interference at high
14 levels.

15 Why would a provost, why would a dean go against
16 a victim and try to protect the sexual harasser?

17 We have to ask ourselves that question. Wouldn't
18 it make sense to clean up the problem where it exists if
19 you have probable cause in an investigation?

20 No. Instead what we do is we end up with
21 constructive discharge of the victim, and the alleged
22 harasser, where there's at least probable cause, is left
23 in place working at the university.

24 So I think the answer to that question, Why would

1 we do it this way, is in this next document.

2 BY MR. SCHWEICKERT:

3 Q Are you looking at the one that says "National
4 Science Foundation" at the top?

5 A Yes.

6 Q Okay. Can you show me at the top when this was
7 printed out.

8 A It's printed out 9/18/2009 at 5:13 a.m.,
9 basically this morning.

10 Q Okay. So can you just read the title of this.
11 First of all, whose document is this? Can you
12 tell?

13 A This is a National Science Foundation document,
14 "Grant Proposal Guide."

15 Q Okay. And then the next bold title in there is?

16 A "Proposal Preparation Instructions."

17 Q Okay.

18 THE COURT: Was this printed off of the internet,
19 off of the National Science Foundation website?

20 MR. SCHWEICKERT: Yes, it was, Your Honor.

21 THE COURT: Okay. Thank you.

22 MR. SCHWEICKERT: That's what we're trying to get
23 at. Thank you.

24 /////

1 BY MR. SCHWEICKERT:

2 Q Okay. And show -- and look down at the bottom.
3 How many pages are in this document?

4 A 32.

5 Q Okay. So this is basically telling people like
6 you and me or some other researcher how you go about
7 presenting and submitting a research proposal; is that
8 right?

9 A Yes.

10 Q Okay. If you go to page 3 of 32 -- got that?

11 A Yes.

12 Q Okay. We've got B, C, D and E. And then E is
13 the key part where I want you to read a couple of lines.

14 What is part E?

15 A "Proposal Certifications."

16 Q Okay. And if you'll read the last sentence in
17 that section starting with "It is."

18 A "It is the proposing organization's
19 responsibility to assure that only properly authorized
20 individuals sign in this capacity."

21 Q Okay. And read the next two lines.

22 A "The required proposal certifications are as
23 follows: Certification for authorized organizational
24 representative or individual proposal. The AOR is

1 required to complete certifications regarding the accuracy
2 and completeness of statements contained in the proposal
3 as well as to certify that the organization or individual
4 agrees to accept the obligation to comply with award terms
5 and conditions."

6 Q Okay. What does that mean to you?

7 A You have to go by all the guidelines that NSF
8 puts forward, National Science Foundation. Otherwise, you
9 can't be awarded a grant.

10 Q Okay. So would you then go down to the last
11 entry on that page.

12 A "Certification Regarding Non-Discrimination."

13 Q Okay. Please go on.

14 A "The AOR" -- that is the authorized
15 organizational representative -- "is required to complete
16 a certification regarding compliance with NSF
17 non-discrimination regulations and policies."

18 It says "See Exhibit 2-6 for full text of the
19 non-discrimination certification."

20 "This certification" --

21 Q Stop there, please.

22 Is it correct to say that here we have the
23 requirement that the authorized organizational
24 representative must complete a certification saying we are

1 in compliance?

2 A Yes.

3 Q Okay. That's what that's saying.

4 Then if we go to Exhibit 2-6, that explains what
5 we're certifying; is that correct?

6 A Yes.

7 Q All right. So let's go to the last page in this
8 exhibit, which -- tell me what that is.

9 A Exhibit 2-6, "Non-Discrimination Certification."

10 Q Okay. So is this showing us what the university
11 is certifying to in order to get the grant money?

12 A Yes, it is.

13 Q Okay. So read the first couple of lines.

14 A "Instructions for non-discrimination
15 certification. One, in accordance with NSF policy, a
16 proposal for NSF funding must be accompanied by a
17 non-discrimination certification set out below."

18 Q Okay. Now move down to the next bold heading.

19 A "Certification of Compliance with National
20 Science Foundation Non-Discrimination Regulations and
21 Policies."

22 Q And then read that paragraph, please.

23 A "By electronically signing the proposal, the
24 authorized organizational representative hereby certifies

1 that the organization will comply with Title VI of the
2 Civil Rights Act of 1964, Title IX of the Education
3 Amendments of 1972, the Rehabilitation Act of 1973, Age
4 Discrimination Act of 1975, and all regulations and
5 policies issued by NSF pursuant to these statutes."

6 Q Okay. Now there's a statement at the bottom of
7 the next paragraph. It starts out in caps. It says
8 "Hereby."

9 A "Hereby certifies that it will immediately take
10 any measures necessary to effectuate this agreement."

11 Q And, finally, would you read the last paragraph
12 of that page.

13 A "This certification is given in consideration of
14 and for the purpose of obtaining any and all federal
15 grants, cooperative agreements, loans, contracts,
16 property, discounts or other federal financial assistance
17 extended after the date thereof to the proposer by the
18 Foundation, including installment payments after such a
19 date on account of applications for federal financial
20 assistance which were approved before such date.

21 "The proposer recognizes and agrees that such
22 federal financial assistance will be extended in
23 reliance" --

24 Q Excuse me. Would you go back. The proposer.

1 Would you state who that is. Who is the proposer?

2 A The proposer --

3 Q This is referring to the university, is it not?

4 A This is referring to the university as the one
5 who is certifying that they are actually in compliance
6 with the National Science Foundation non-discrimination
7 regulations.

8 Q And read that line.

9 A "The proposer recognizes and agrees that such
10 federal financial assistance will be extended in reliance
11 on the representations and agreements made in the
12 certification and that the United States shall have the
13 right to seek judicial enforcement of this certification.

14 "This certification is binding on the
15 proposer" -- that is UNR -- "its successors, transferees,
16 and assignees."

17 Q Okay. Thank you for reading that.

18 MR. SCHWEICKERT: Your Honor, this document
19 explains why sexual harassment is covered up at the
20 University of Nevada, Reno. The university certifies to
21 the National Science Foundation that they obey all federal
22 laws pertaining to discrimination, including the Civil
23 Rights Act of 1964 and Title VI.

24 They are not in compliance. What they did to

1 Dr. Lahren and what they do repeatedly to victims of
2 sexual harassment is they drive them out. They destroy
3 them.

4 When the university submits this certification to
5 the federal government, this is another serious
6 misrepresentation. If the federal government knew that
7 they were out of compliance, if the federal government
8 knew, UNR would not be able to collect \$60 million a year
9 in federal funds.

10 Thank you.

11 I think that's the extent of the questions for
12 this witness. Thank you.

13 THE WITNESS: One thing I'd like to add, Your
14 Honor, is that the head of the affirmative action, Ann
15 Dougherty, who found in my favor actually was put through
16 the same process after me where she was actually
17 terminated, the outcome of her backing me up and exposing
18 the upper echelon -- the provost and the deans -- as to
19 interfering with my investigation. So she ended up being
20 terminated too.

21 And although I don't think Dr. Schweickert has
22 time to present that here, it's another part of this
23 huge -- volumes and volumes of stuff that you're getting.

24 So we're only presenting just a small portion of

1 the different types of things that have happened.

2 THE COURT: Thank you.

3 MR. SCHWEICKERT: Excuse me. Before I release
4 that witness, I wanted to ask you to look at -- identify a
5 couple more documents that are in the courtroom.

6 BY MR. SCHWEICKERT:

7 Q In the same volume in front of you, turn to page
8 1528.

9 Would you explain what this document is on page
10 1528.

11 A This is a letter from Jennifer VonFerber to
12 Dr. John Burnett who replaced Ann Dougherty in affirmative
13 action. And I haven't read this in a while, but it turns
14 out that because they have enabled this person and his
15 sexually deviant behavior -- he's still at the UNR, he's
16 still teaching -- and this is another example of how he's
17 now going on to touch female students.

18 Q What's the date of this letter?

19 A This letter is December 5, 2007.

20 So my incidents were 1999 through 2002. And he's
21 still up there doing the same thing.

22 Q Okay. This letter to Mr. Burnett is on page
23 1528.

24 And then would you look at 1533. What's this

1 letter? Who is it from and who is it to?

2 A This letter is from Dr. John Burnett, director of
3 affirmative action, to Jennifer VonFerber.

4 Q And the next letter?

5 Oh, I'm sorry, the date of that one?

6 A That was December 17, 2007.

7 Q Okay. And then the next one on 1534?

8 A This says January 8, 2008; a letter to Dr. John
9 Burnett from Jennifer VonFerber.

10 Q Would you read the first line of that.

11 A "Dr. Burnett, thank you for your prompt response
12 to my sexual harassment complaint against Robert Karlin.
13 I would like to address the questions you posed to me in
14 the letter that you sent dated December 17, 2007."

15 Q Okay. And then the ensuing information goes on
16 for how many pages?

17 A Three.

18 Q Would you look at page 1536, the last page of the
19 letter from Ms. VonFerber to Mr. Burnett. Would you read
20 that last paragraph.

21 A "I find the fact that four other women have come
22 forward and that the university is still employing Karlin
23 to be absolutely despicable.

24 "The university is taking on a real liability and

1 is failing to provide adequate protection for its female
2 faculty and students from this known offender. Had the
3 university acted against Karlin instead of settling the
4 previous sexual harassment complaint, I would have been
5 protected and these incidents would never have occurred.

6 "It is unreasonable to continue to protect our
7 employee Karlin. He is, in short, another lawsuit waiting
8 to happen and will continue to abuse women at this
9 institution."

10 Q Okay. The next page is the last one I'll have
11 you look at. That's page 1537. And would you explain
12 what that letter is.

13 A This is dated February 4, 2008, to Jennifer
14 VonFerber from Dr. John Burnett.

15 Q And what is that letter about? What's the first
16 line saying at the top?

17 A "Regarding your letter of January 8, 2008,
18 regarding allegations against Dr. Karlin."

19 Q Would you read the affirmative action director
20 John Burnett's comments back to Ms. VonFerber.

21 A "Dear Ms. VonFerber, thank you for taking the
22 additional time to write out your allegations regarding
23 Dr. Karlin. Unfortunately, state and federal law require
24 that all complaints must be made within 300 days from the

1 date of harm.

2 "UNR policy states that a complaint must be made
3 within 180 days from the date of harm. Since these
4 actions allegedly occurred back in 2003 and 2004, legally
5 your allegations are untimely.

6 "Regardless, I take this matter very seriously.
7 Your account will be on file with my office. While I am
8 not aware of the situations with the other women and any
9 discipline for Dr. Karlin, even if I was, I cannot divulge
10 these matters due to confidentiality.

11 "I am sorry for your experiences you described in
12 your letter while you were a student here. I do
13 appreciate you coming forward. And if you would still
14 like to meet with me to discuss this, I would be glad to
15 do so."

16 Q Okay. Thank you.

17 MR. SCHWEICKERT: That's all the questions here I
18 have for Dr. Lahren. Thank you.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 MR. SCHWEICKERT: Would this be an appropriate
22 time for a break, Your Honor?

23 THE COURT: We can take a short recess.

24 Court's in recess.

1 (A recess was taken.)

2 THE COURT: Go ahead, Mr. Schweickert, with your
3 next witness.

4 MR. SCHWEICKERT: Your Honor, we're going to
5 change gears again and now we're going to start presenting
6 some evidence about legal counsel crimes.

7 Some of these issues have been alluded to
8 previously. And to address a large part of this
9 evidence -- not all of it, but a large part of it -- is
10 Dr. Hussein. So I'd like to have Dr. Hussein come back
11 up, please.

12 THE COURT: Okay. Dr. Hussein, you're still
13 under oath. Please retake the stand.

14
15 **HUSSEIN S. HUSSEIN,**

16 having been previously duly sworn, testified as follows:

17
18 **DIRECT EXAMINATION CONTINUED**

19
20 BY MR. SCHWEICKERT:

21 Q I draw your attention to one of the exhibits
22 marked this morning. This one here is -- oh, I believe
23 this one was marked late. If I'm not mistaken, it's a
24 handwritten document.

1 It's now marked as Exhibit 19 and it's called
2 "Diagram of Evidence."

3 Do you have that one?

4 A I see it, yes.

5 Q Is this a document that you prepared?

6 A Yes, I did.

7 Q Okay.

8 A Can I say something quickly? Knowing the
9 schedule, Your Honor, and the large volume of documents, I
10 tried this morning to put this together so we can go
11 through certain documents as fast as we can.

12 THE COURT: Don't start talking so fast that the
13 court reporter can't get you. Okay?

14 THE WITNESS: All right, Your Honor.

15 BY MR. SCHWEICKERT:

16 Q Your Honor, we have five categories of legal
17 crimes that we intend to go through. The first one --
18 first category -- let me back up.

19 These categories of legal counsel crimes we're
20 talking about here this morning relate precisely to some
21 points that Terri Patraw made yesterday when she was
22 talking about how does UNR get cases thrown out, how does
23 UNR legal counsel get cases thrown out.

24 So here we have five examples or five categories

1 of legal counsel crimes.

2 The first one is manufacturing evidence. The
3 second is withholding evidence. The third is use of false
4 evidence to dismiss cases. The fourth is legal
5 representation issues. And the fifth has something to do
6 with some Romanian students who were involved in a case
7 that Dr. Hussein knows about.

8 So I'd like to ask Dr. Hussein to go through
9 these one by one -- one, two, three, four, and five -- and
10 try to go through these as briefly as possible.

11 So the first one is manufacturing evidence.
12 Dr. Hussein?

13 A Excuse me, Your Honor. First, I think Your Honor
14 raised some questions today to, I believe, Mr. Grow, and
15 Mr. Grow was not -- he could not remember the exact dates
16 Your Honor was asking about, and I believe they are
17 related to me. And I believe they are important to the
18 facts presented in these documents. So I'm going to go
19 through those quickly, as quickly as I can.

20 The initial question from the Court was related
21 to the initial surveillance, which is -- I call it the spy
22 camera or I call it the covert camera, which was a camera
23 inside a smoke detector.

24 There was a series of articles from the RGJ on

1 December 27, 28, 29, 2004. It's called the "Trouble on
2 the Farm," and that was about the animal abuse I reported
3 to the USDA. And the spy camera in the smoke detector was
4 installed on the door of my office the following day, the
5 28th of December of 2004. I discovered it 30 days later
6 or about 40 days later.

7 Q We don't have time to go into the details. Just
8 give us the dates and then we'll come into this later.

9 A But I want to cover those because those have
10 nothing to do with --

11 Q Just give us the dates of these events that
12 Mr. Grow referred to.

13 A Your Honor, the hiding camera was for 35 days,
14 40 days. I discovered it. And then the university, once
15 I discovered it and the RGJ wrote an article about it,
16 they used what they call the Homeland Security cameras,
17 which are supposed to be --

18 THE COURT: Mr. Hussein, the dates.

19 THE WITNESS: The date was -- I believe I
20 discovered it in early January. Immediately, like within
21 days from RGJ writing an article about that camera, they
22 removed it because they were forced to remove it. And
23 then they changed the Homeland Security camera which is
24 watching the outside door of the building 180 degrees to

1 watch only my door, so that they lost the security of the
2 building to watch one faculty --

3 BY MR. SCHWEICKERT:

4 Q Just give us the dates, Dr. Hussein, now, please,
5 because we're going --

6 A No, but this is --

7 Q -- to take time with this later.

8 A I don't want to argue with you, Mr. Schweickert.
9 But this is very important. The issue here is --

10 Q I agree it's important.

11 A The issue here is, Your Honor, if you don't mind,
12 is that that Homeland Security camera was shifted for two
13 solid years and two months. So it continued from January
14 of 2004 to, I believe, February of 2007, and more than --
15 2005, from January of 2005, Your Honor, to 2007, February.

16 When I wrote a letter to Governor Gibbons asking
17 him why a State employee is under surveillance for more
18 than two years, Governor Gibbons never responded to me.
19 But 30 days later Kevin Youngflesh -- you heard that name,
20 Your Honor, yesterday. He's the one who started the spy
21 camera and he's the one who shifted the Homeland Security
22 camera. He's the same person who was forced to move that
23 camera back to what it's supposed to be doing.

24 So that's about --

1 Q Give us the dates of the other incidents that
2 Mr. Grow referred to, please.

3 A Yes. That's the Homeland Security.

4 And then the FBI Your Honor asked about, the FBI
5 was sent to my home on February 3rd of 2005. Again,
6 immediately after the surveillance issues were discovered
7 and reported by me.

8 And that should be it.

9 Q Thank you, Dr. Hussein, for that extremely
10 important testimony. There will be an opportunity to
11 outline the surveillance camera issue, we hope, later
12 today.

13 Now I'd like to turn your attention to the legal
14 counsel crimes and the handwritten document. And the
15 first category was manufacturing evidence.

16 THE WITNESS: May I get that, Your Honor?

17 THE COURT: Certainly.

18 BY MR. SCHWEICKERT:

19 Q Which volumes will we be looking at?

20 A 5 to 8.

21 THE COURT: Do you have nothing on your
22 PowerPoint?

23 MR. SCHWEICKERT: What I have in front of you --
24 I'm sorry, we did not make copies for you, Your Honor,

1 this morning, but we will get you copies of these slides
2 by the middle of the day.

3 We apologize for not -- we're not going so much
4 by the PowerPoint today, as you can see. We found it to
5 be somewhat inconvenient for the Court and for the
6 gallery.

7 THE COURT: Actually, I thought you did a good
8 job with the PowerPoint.

9 MR. SCHWEICKERT: Thank you very much. For me
10 the slides didn't seem to come through very clearly.

11 BY MR. SCHWEICKERT:

12 Q Okay. Would you please go through some documents
13 or direct our attention to some documents that relate to
14 legal counsel manufacturing evidence, false evidence, to
15 defeat a lawsuit against them.

16 A As you can see, Your Honor, there is four volumes
17 of this kind of evidence. I'm going to go through some
18 examples briefly. These are the way they are organized.
19 They are motions about fraud and the Court, fraud upon the
20 Court by officers of the court to dismiss cases. And the
21 first one is on page 2387, and it goes to 2416.

22 The document itself is 30 pages, but the rest are
23 just exhibits supporting the facts inside these documents.
24 And all I need to bring to your attention here today is

1 when there is a claim, the university lawyers try to find
2 how can we kill it. So we get evidence which can kill it,
3 and we manufacture that by getting people to do two
4 things.

5 Number one is to provide false testimony under
6 oath in a deposition situation and then get three, four,
7 five, six people, or whatever the number needed is, to
8 sign affidavits under oath with the same false statements
9 which has been given earlier on by the defendant.

10 So you get four witnesses, for example -- like
11 the example I'm going to use now. One defendant's lying
12 under oath, and then we get four volunteers from the
13 university to provide the same exact testimony, not in a
14 deposition situation but in a drafted -- in an affidavit
15 drafted by a lawyer who's defending that person, and then
16 the four people who will sign, and then these documents
17 will be submitted as evidence.

18 And then we know the rest. The case will be
19 dismissed or the claim will be dismissed.

20 THE COURT: Are you talking about the same people
21 signing the affidavits and the depositions or are we
22 talking about different people?

23 THE WITNESS: We're talking about different
24 people. There is a defendant who was going to be

1 | deposed --

2 | THE COURT: Okay. I gotcha.

3 | BY MR. SCHWEICKERT:

4 | Q Could you show us an example of that.

5 | A Yes. The example here -- I'm going to start with
6 | the four affidavits, Your Honor. On page 2471 to page
7 | 2475, that's the first --

8 | Q Wait just a moment.

9 | A Again, 2471 to 2475. That's the first one. And
10 | you can see it's written -- it's signed by a person. Her
11 | name is Stefanie Scoppettone.

12 | And then the second affidavit is by a person
13 | called Greg Gardella, G-a-r-d-e-l-l-a, and that goes from
14 | 2477 to 2481.

15 | And then there is -- the third affidavit is from
16 | 2484 to 2487 by Ronald Phaneuf, P-h-a-n-e-u-f.

17 | And then the final affidavit is for another
18 | person. That's the fourth one, witness. 2490 to 2492.
19 | And the name of the person is Guy Hoelzer, H-o-e-l-z-e-r.

20 | Practically --

21 | Q So what is it about these four affidavits?

22 | A Briefly, there was an incident where I wanted to
23 | speak at the faculty -- on faculty rights at the faculty
24 | senate of the university. And I sent an email reporting

1 violations of faculty rights by the UNR general counsel,
2 Mary Dugan. And the person who was helping her in that
3 situation was Leah Wilds. That's the chair of the faculty
4 senate at the time.

5 I sent that email about half hour before the
6 meeting. I went to the meeting. I tried to raise my hand
7 to speak. She did not allow me to speak.

8 And later on things happened. I filed a lawsuit.
9 So when I filed the lawsuit, they said obviously it's
10 First Amendment, so they -- they are clever. They try to
11 find how to get First Amendment.

12 So I used that example because what they are
13 trying to attack, Your Honor, is one element of the First
14 Amendment here, which is the speak -- there was no
15 motivating factor. So her action was legitimate and for a
16 good reason not related to my speech. And --

17 Q How did these four affidavits relate to that?

18 A So she testified under oath, which I'll point out
19 quickly later, that I was disruptive in a previous
20 meeting, I was very aggressive, I was not polite, I took
21 more time than I should, I could not -- or I did not
22 surrender when my time was up and, practically, things got
23 out of control, and that's why the second time she did not
24 allow me to speak.

1 I didn't know that the faculty senate
2 tape-record. There is audio recording of any events
3 happening there.

4 So later on the lawyer in charge -- his name is
5 Charles Hilsabeck -- the university lawyer produced a
6 CD-ROM, which I never really listened to. But later on
7 during deposition when I heard the witness or the
8 defendant testifying falsely to these things, I was like,
9 I can't believe she's saying all of that; I never said
10 that.

11 And then I went home, I remember that there is a
12 CD I received a year earlier. So I put the CD in the --
13 tried to listen to it. And to my shock I was right.
14 Everything I said in there, the earlier meeting, was
15 complete opposite to what she testified under oath.

16 So at that time I took the CD, I made the court
17 reporter to tran- --

18 Q Okay. Get back to the affidavits, though. Could
19 you do that?

20 A I'm getting.

21 So the key issue here before I get to the
22 affidavits, the testimony of the witness was the opposite
23 of what happened to justify that it was -- I'm sorry -- it
24 was for legitimate reason, not because of my speech.

1 So to verify that, the same lawyer who was
2 sitting next to that witness hearing her testifying
3 falsely, he manufactured those four affidavits and he
4 produced them or attached them to the motions for summary
5 judgment, Your Honor, to support his client's falsehoods.

6 There is a federal judge who made a finding about
7 those four affidavits. He said four identical affidavits
8 and are magically opposed to the true evidence they
9 produced to the witness -- to the plaintiff. Which they
10 did. They produced the audio recording with the truth to
11 me a year earlier.

12 So practically the lawyer who was defending that
13 person had the CD, produced the audio recording to me, and
14 then he listened to his client lying under oath and then
15 he used her lies to manufacture four different witnesses'
16 affidavits, all of them are saying the same thing, and
17 then now we have five-people testimony versus one-person
18 testimony.

19 Q Are you saying that these statements under oath
20 are perjury?

21 A They are perjury.

22 Q And are you saying that Mr. Hilsabeck's
23 organizing these false affidavits is subornation of
24 perjury?

1 A That's correct. And actually there's more
2 evidence of that, but I don't want to really get to it
3 right now.

4 Q Okay. I want to move from this to another
5 example or to another topic.

6 A Well, you know, this is done, because I don't
7 want to get -- I want to get to your question about
8 Hilsabeck later on.

9 But, Your Honor, you can see later on there are
10 four more identical affidavits addressing another issue.
11 And I have them listed here. The number -- the first one
12 is 2495 to 2496, then 2499 to 2500, and then 2503 to 2504,
13 and then 2507 to 2508.

14 Those are, again, four identical affidavits
15 saying the same exact thing to kill another claim.

16 The interesting thing here, Your Honor, is that
17 the people who signed the first four affidavits, three of
18 them signed three out of the four remaining affidavits on
19 another issue.

20 Q What was the phrase that you used to refer to
21 this affidavit process?

22 A I called it the affidavit production line, UNR
23 affidavit production line. Because I found that's not
24 only in my cases, I found that in Ms. Patraw's case one

1 time. I found it in other people's cases.

2 So it's -- that's where the term "affidavit
3 production line" was used.

4 Q Thank you, Dr. Hussein.

5 Can we go to the category of withholding
6 evidence.

7 A Yes. I can. Just a second. Because everything
8 here was supported with evidence, Your Honor, I'm going to
9 refer -- on this you have a question for me, and I'll just
10 refer the Court to the number of pages.

11 With regard to the withholding evidence, because
12 these are the two tactics -- one of them is to produce
13 false evidence, and the second is to withhold the real
14 evidence -- the number of the pages is 2673 and it goes to
15 2702.

16 Again, it's a large number of -- large volume,
17 but it's 30 pages, and then the additional evidence are
18 behind as exhibits for each one of those. So that will
19 cover the withholding evidence, again, by the same actors.

20 Q Okay. Shall we move on to the third element
21 here, use of false evidence to dismiss cases?

22 A I think I need just to get something quickly
23 here.

24 MR. SCHWEICKERT: This is a big-ticket item, Your

1 Honor. This is a very, very effective tactic.

2 THE WITNESS: I need to read a few sentences here
3 and there to make the story -- to make sense to everybody.

4 BY MR. SCHWEICKERT:

5 Q Can you cite the pages?

6 A Yes, I will. Just a second here.

7 This section, Your Honor, starts at -- that's
8 about using the false evidence to dismiss motions for
9 summary judgment -- I mean to dismiss cases. It starts at
10 page 2959 to page 2988.

11 Q So this is into another volume. This is in
12 Volume 6; is that right?

13 A Yes. That's in Volume 6. I'm sorry. Yes.

14 And that's -- again, I'm using the same exact
15 example, which is First Amendment. And in this case it's
16 trying to kill the -- the -- the promoted factor or the --
17 I'm kind of missing the word here. They are trying to say
18 that there was a legitimate reason, not the retaliatory
19 reason, for what happened with regard to the --

20 Q Could you speak up a little bit, please.

21 THE COURT: You have to use the microphone.

22 THE WITNESS: In this matter they are trying to
23 kill the First Amendment by saying that the action by Leah
24 Wilds was legitimate and not for any retaliatory reason.

1 So you are losing the motivating factor -- that's what it
2 is -- for the First Amendment.

3 If you go to page 29- --

4 THE COURT: Dr. Hussein, this was all brought up
5 in the lawsuit that's identified in the affidavit of
6 Stefanie Scoppettone.

7 THE WITNESS: Yes, it was brought for a lawsuit
8 against Mary Dugan as a defendant for a civil case related
9 to issues when I was employed at the university.

10 But we are addressing here in the court today the
11 perjury issue and the subornation of perjury issue and the
12 obstruction of justice issue, which are all criminal
13 matters. It cannot be addressed in civil matters.

14 THE COURT: But it all took place in the United
15 States District Court?

16 THE WITNESS: The filing, yes, of this these
17 documents. Correct, Your Honor. And, in fact, the docket
18 number and the case number are listed on the top of every
19 page.

20 THE COURT: That's what I was asking you.

21 THE WITNESS: Yes. Sorry.

22 BY MR. SCHWEICKERT:

23 Q What page are we going to now?

24 A 2963.

1 There is a text here which I'm just choosing as
2 an example that's written by Mr. Charles Hilsabeck, the
3 university lawyer. And that's in his brief.

4 So he's writing on behalf of his client in the
5 motion for summary judgment. He's saying that the
6 evidence in this case that Wilds did not call on Dr. -- on
7 Hussein at the faculty senate meeting because of the
8 disruption of faculty senate business and inability to
9 conduct the business of the faculty senate. That's his
10 statements.

11 And then he used Leah Wilds' testimony to support
12 his statements. And you can see it on page 2964, Your
13 Honor, the questions and answers. I'm not going to go
14 through them because they're saying the same thing, how
15 disruptive I was, to justify her actions.

16 And then immediately after that Mr. Hilsabeck
17 added or cited to the four affidavits which are saying the
18 same thing.

19 So I did file a motion for sanction against
20 Mr. Hilsabeck to Judge Philip Pro. And the Honorable
21 Philip Pro came to Reno and he was very serious about this
22 matter. And Mr. Hilsabeck came up with some justification
23 that it wasn't perjury, he never meant perjury, all those
24 sorts of things. And then the situation started there.

1 THE COURT: What did Judge Pro do?

2 THE WITNESS: He sanctioned Mr. Hilsabeck
3 monetarily with money.

4 THE COURT: Where is that?

5 THE WITNESS: That's, again -- it's -- I don't
6 have copy of it right here.

7 THE COURT: It's not in here?

8 THE WITNESS: But it's mentioned here under the
9 docket number in the court -- and case number. In the
10 court file it's cited.

11 But there is -- Mr. Hilsabeck -- that's the
12 beauty of it, Your Honor. Mr. Hilsabeck appealed Judge
13 Pro's ruling and he filed documents to the Ninth Circuit
14 under seal to justify his action.

15 So I filed a motion to the Ninth Circuit asking
16 to unseal these documents because I said Mr. Hilsabeck
17 made the issue now, whatever he's making. He's the one
18 who is saying I'm -- I didn't commit perjury or anything
19 of that nature.

20 So the Ninth Circuit fortunately unsealed the
21 documents, and that was kind of a gift to somebody in my
22 situation who was dying to see justice one day. Because
23 when the Court would see --

24 THE COURT: Let's get to the end. It was

1 appealed to the Ninth Circuit. What did the Ninth Circuit
2 do?

3 THE WITNESS: Nothing yet. The briefing didn't
4 even start yet.

5 THE COURT: Oh. So it's still up on appeal.

6 THE WITNESS: Correct.

7 THE COURT: And it was appealed by?

8 THE WITNESS: Mr. Hilsabeck.

9 THE COURT: And that was Philip Pro's decision to
10 sanction him?

11 THE WITNESS: Correct.

12 THE COURT: What's the status of your lawsuit?

13 THE WITNESS: The lawsuit is on appeal too.

14 THE COURT: What happened to the lawsuit?

15 THE WITNESS: It was dismissed.

16 THE COURT: By?

17 THE WITNESS: By Judge Pro.

18 THE COURT: And you appealed to the Ninth
19 Circuit?

20 THE WITNESS: Correct, Your Honor.

21 THE COURT: Thank you.

22 THE WITNESS: You're welcome.

23 BY MR. SCHWEICKERT:

24 Q Can we move on to the false evidence to dismiss

1 cases, Dr. Hussein?

2 A Yes. Yes. This is it. This is the end of that
3 falsification of evidence. I'm just trying to find what
4 Mr. Hilsabeck told the Ninth Circuit for the Court to
5 close that section.

6 THE COURT: You don't need to tell me that.

7 THE WITNESS: No, there is something important.
8 I need to point the page number for Your Honor.

9 THE COURT: Mr. Hussein, are you saying that I
10 should tell the grand jury of Washoe County to investigate
11 what Mr. Hilsabeck put in a pleading? Not an affidavit,
12 not a deposition, but -- nothing that anybody took under
13 oath but what a lawyer wrote in a pleading --

14 THE WITNESS: No, Your Honor.

15 THE COURT: -- that's on appeal at the Ninth
16 Circuit? Is that what you're asking?

17 THE WITNESS: No, Your Honor. No. You are
18 absolutely correct. I'm not asking for that.

19 I'm asking for the Honorable Court to empanel a
20 grand jury to investigate Mr. Hilsabeck's false affidavits
21 under oath.

22 THE COURT: Okay. That issue is up on appeal at
23 the Ninth Circuit.

24 THE WITNESS: The issue on appeal to the Ninth

1 Circuit is the four affidavits written by these witnesses
2 as evidence. The issue about Mr. Hilsabeck's own
3 affidavits with the falsehood to justify his doing in this
4 situation is not there.

5 THE COURT: Well, isn't that affidavit in support
6 of his position at the Ninth Circuit?

7 THE WITNESS: But I'm asking the Ninth Circuit --
8 he's asking the Ninth Circuit to release him from the
9 sanction.

10 THE COURT: Right. And he filed an affidavit.

11 THE WITNESS: Correct. And the affidavit is
12 false. So who is going to handle that?

13 THE COURT: The Ninth Circuit is going to handle
14 it.

15 THE WITNESS: The Ninth Circuit -- it's not my
16 position to appeal that to the Ninth Circuit. I can
17 bring --

18 THE COURT: The Ninth Circuit will decide whether
19 his affidavits are valid or not when they make a decision
20 about whether or not he had justification and whether
21 Judge Pro's decision was appropriate.

22 THE WITNESS: But isn't that a civil matter, Your
23 Honor?

24 THE COURT: If he's lying under oath, I don't

1 think the Ninth Circuit will take it as a civil matter.

2 THE WITNESS: Okay. May I make just one point
3 for --

4 THE COURT: Just give me your -- you are so out
5 of time, you all. We're running way out of time,
6 Mr. Hussein. And I know Mr. Schweickert wants the chance
7 to testify too. So if you have some specific things for
8 me to look at, give me the page number.

9 THE WITNESS: The page numbers which I'd like to
10 give to the Court, Your Honor, are page 4246 to
11 page No. 4253 and then 4255 to 4459.

12 MR. SCHWEICKERT: Should we be turning to those
13 pages, Dr. Hussein?

14 THE WITNESS: Well, the Court wants the numbers.

15 MR. SCHWEICKERT: Okay.

16 THE WITNESS: And then page 4266 to 4283.

17 THE COURT: Okay. If you want to testify about
18 those, you can.

19 THE WITNESS: About those numbers, Your Honor?

20 THE COURT: Did you want me just to look at those
21 as more proof or did you want to --

22 THE WITNESS: I want to make one statement
23 because of the time limitation, Your Honor. That's why I
24 have all these numbers ready.

1 The statement I want to make is on those
2 documents I gave to the Court, that's the testimony by
3 Mr. Hilsabeck under oath and affidavit saying that he
4 listened to that CD and he found that Dr. Hussein was not
5 disruptive, was not out of control and all of these
6 descriptions which were not true, and then he discussed
7 those with his client and he told his client that's what
8 he heard on the CD.

9 His client insisted that that was not accurate.
10 And he's putting practically the blame on his client. But
11 that was the first time for Mr. Hilsabeck to testify
12 truthfully about what really happened.

13 And that verifies that when he sat next to his
14 client, who lied for certain amount of time about facts,
15 he knew that. And as an officer of the court he should
16 have told her not to do that.

17 And then six months later he prepares four
18 identical affidavits with the same exact falsehoods and he
19 submits them to dismiss a case in a federal court.

20 BY MR. SCHWEICKERT:

21 Q Just to clarify something here, I guess we're
22 still speaking about the affidavits. I was under the
23 impression that we were moving on to the false evidence to
24 dismiss cases. The fast guide --

1 A Oh, I'm getting to that.

2 Q We need to get to that one.

3 A We're getting. We're almost done here. Just one
4 more thing.

5 There is another issue, Your Honor, which we --
6 which is really using the State funds to fund these
7 litigations and dismiss those cases based on false
8 evidence or other tactics used in the legal arena,
9 unfortunately by those who are called the officers of the
10 court.

11 I refer to the Court to page No. 3361 to 3390.
12 And the issue here is related to money.

13 And I'm going to refer the Court to the contract
14 of Mr. Kent Robison, who was hired to defend Mary Dugan in
15 that case. That contract was signed and approved by the
16 State Board of Examiners, and it's here attached to this
17 document, Your Honor, so I don't want to spend time on it.

18 But what I want to refer the Court to is Mr. Kent
19 Robison's billing record, which is an exhibit, Exhibit 1
20 to this document on page 3401 to page 3429.

21 The Court dismissed the case, so he filed a
22 motion for attorney fees. And then evaluating these
23 documents revealed an abuse of State and taxpayer money at
24 a high level.

1 So all of that stuff is described in details in
2 these documents, but I'm going to refer quickly to some
3 headings for the Court to recognize.

4 Page No. 3371.

5 THE COURT: I'm sorry. You're not -- in your
6 diagram, you're not on one, two or three. Are you on
7 four?

8 THE WITNESS: Oh, I'm sorry, Your Honor. I am on
9 page 4.

10 THE COURT: Item 4.

11 THE WITNESS: Item 4.

12 THE COURT: Okay. I just wanted to make sure I
13 was tracking with you.

14 THE WITNESS: There is a --

15 THE COURT: I'm there. Now, you wanted me to
16 look at 3401 through 3430 -- what?

17 THE WITNESS: No, Your Honor. I'm -- I am -- I'm
18 sorry. Let me just go back again to that diagram. I'm
19 not on four yet, Your Honor. Four is a very short
20 presentation. But I'm going through the evidence with
21 regard to the false evidence, the withholding evidence and
22 dismissing the cases, and then we're talking about the
23 money, which I did not list on that diagram.

24 THE COURT: Okay.

1 THE WITNESS: But that starts at page 3361 to
2 3390.

3 THE COURT: I have it.

4 THE WITNESS: And I want to just refer the Court
5 to some headings.

6 The first one is on page 3371. Again, that's a
7 State contract with certain rules and regulations and
8 limitations to it.

9 The first item on that page on line 18 to 21 is
10 showing a list of charges for work which was done before
11 the contract was signed or issued or approved by the State
12 Board of Examiners.

13 The second item on the list, Your Honor, of the
14 same page is called "Work Performed in Defending Other
15 Actions." The contract is spelling things out only for
16 Dr. Hussein's case against Mary Dugan and listing the case
17 number. And Mr. Kent Robison has a long list of charges
18 and other UNR cases under his -- he's trying to bill to
19 the State under the same contract.

20 So obviously somebody in the Nevada attorney
21 general office is not paying attention to that billing,
22 which is coming every month. They are cutting the check.

23 THE COURT: So Document 3361, and it goes to
24 3390.

1 THE WITNESS: Correct, Your Honor.

2 THE COURT: That is your attorney's opposition in
3 federal court for the payment of attorney's fees in the
4 lawsuit; is that correct?

5 THE WITNESS: No. That's a motion for sanction,
6 Your Honor.

7 THE COURT: Okay. What happened in the motion
8 for attorney's fees?

9 THE WITNESS: Judge Pro granted small amount of
10 the money which was requested.

11 THE COURT: Okay. So the motion for attorney's
12 fees was granted in an amount, and then your lawyer filed
13 a motion for sanctions saying that he shouldn't have
14 granted any or he shouldn't have granted what he already
15 didn't grant?

16 THE WITNESS: No. That was filed, Your Honor,
17 before the motion for attorney fees was granted. And that
18 was ruled on by Judge Pro recently. He denied the motion
19 for sanctions.

20 THE COURT: Okay. So the motion for sanctions
21 was filed first and then a motion for attorney's fees.

22 THE WITNESS: The motion for attorney's fees was
23 filed first. That's where we got to know about the
24 billing records. And our opposition was immediate. So we

1 had to oppose that.

2 But it took huge amount of time to investigate
3 all of these records and to find what was belonging to the
4 contract, what was out of the contract. And you can see
5 there is a long list of different cases which lots of work
6 was done on those cases which are not under the contract,
7 but the money was sent to the State of Nevada to be paid
8 under that contract.

9 THE COURT: So the motion for sanctions was
10 denied by Judge Pro?

11 THE WITNESS: Correct.

12 THE COURT: And when did that happen?

13 THE WITNESS: That happened, I believe, about
14 seven to ten days ago.

15 THE COURT: Okay.

16 Go ahead.

17 BY MR. SCHWEICKERT:

18 Q Dr. Hussein, I think you've made the point here
19 with what you've directed to the Court's attention that
20 there is some improper billing of charges by Mr. Robison
21 on his State contract. I think we need to move beyond
22 that now.

23 A We are almost done. There are just two numbers I
24 need to give --

1 Q Two pages?

2 A No, just two numbers.

3 Your Honor, on page 3375 there are charges for
4 non-litigation issues. Like, for example, Mr. Robison was
5 charging the taxpayers for going to the Reno
6 Gazette-Journal to meet with the editors to improve the
7 image of the University of Nevada, Reno.

8 So the taxpayers paid about, I believe, \$1,100, I
9 believe. That's the figure here. So that was not under
10 the contract of Mr. Robison with the State of Nevada.

11 Then the final item on the list is --

12 Q My apologies, Dr. Hussein. This is an extremely
13 important fact.

14 A The final item, Your Honor, is just doing
15 unnecessary work. It's all here. That was on page 3378.
16 And every word in these documents has the exhibit to
17 support the facts in it.

18 THE COURT: And do you have proof that the
19 attorney general authorized the payment in the total
20 amount?

21 THE WITNESS: Yes. There are documents which are
22 monthly payments. Mr. Robison sent the invoice and they
23 cut a check immediately the same month or right after.

24 We have those, Your Honor, but I think we just --

1 too much information. But we obtained them by public
2 record request.

3 THE COURT: And they're in here?

4 THE WITNESS: No, they're not here.

5 THE COURT: Okay.

6 THE WITNESS: The point I'd like to touch on
7 quickly, Your Honor -- in this sense I'll talk about the
8 contract -- is there are two contracts issued for -- the
9 State of Nevada paid lots of money for defending the cases
10 against me.

11 Mr. Robison got a contract for almost four years,
12 and that was about maybe close to 1 million now, and
13 McDonald Carano Wilson received a contract, which I'm
14 assuming it's exceeding maybe 2, 3 million now because the
15 charges monthly are about 60- to \$100,000.

16 So the issue I'd like to raise here about, for
17 example, Mr. Kent Robison was -- the justification of both
18 contracts was based on one reason, to assist the
19 university, because the university lawyers have been sued,
20 like Mary Dugan, and therefore there is a conflict of
21 interest.

22 The evidence in this particular document, Your
23 Honor, you'll find that there was no conflict of interest
24 whatsoever.

1 So that's the main point which I'd like to make.

2 THE COURT: I'm sorry. I don't understand.

3 THE WITNESS: Well, they said that we are hiring
4 Mr. Robison to defend Ms. Dugan because there is a
5 conflict of interest for her office to defend her. Her
6 office means her staff.

7 THE COURT: Right.

8 THE WITNESS: But at the same time her office was
9 defending in other cases when Ms. Dugan was sued by other
10 people.

11 THE COURT: Okay.

12 THE WITNESS: So the point here is the conflict
13 of interest issue did not really exist, because they were
14 working on the cases anyway.

15 THE COURT: But, Dr. Hussein, maybe they just
16 figured they could do some of them without it impacting
17 the State coffers as much as some others.

18 I mean, why do you jump to the conclusion that
19 there was no conflict? What if they were wrong in the
20 other cases? Maybe there was a conflict and they
21 shouldn't have represented her in the other cases.

22 THE WITNESS: I think I explained to the Court
23 very clearly, because of the time limitation --

24 THE COURT: But you're jumping to a conclusion.

1 You have no evidence.

2 THE WITNESS: No, there are evidence here in the
3 same documents.

4 THE COURT: Have you cited a canon that says that
5 if she were sued, that her employees should represent her
6 as a State entity? I mean, is there some evidence of your
7 position?

8 THE WITNESS: The only evidence I have, Your
9 Honor, is the fact that Nevada System of Higher Education
10 has many lawyers, and Mary Dugan was sued in maybe three,
11 four, five, six other cases, and they represented her in
12 those cases.

13 So my question here is if they were able to
14 represent her in four or five cases, why didn't they
15 represent her in that particular case? So that's the only
16 argument I have, Your Honor.

17 THE COURT: Okay.

18 THE WITNESS: And I may be wrong.

19 I addressed the issue that -- how to kill a First
20 Amendment based on killing that motivating factor.

21 Now I'm going to show the Court an example
22 about -- unfortunately, Garcetti came on board and said
23 that -- made the gray area about citizen -- or speaking
24 on -- as a citizen or as a person in your official

1 capacity. It's your job duty to speak, not your duty as a
2 citizen to speak.

3 So Garcetti came in 2006. And that's a case,
4 Garcetti vs. Ceballos, C-e-b-a-l-l-o-s. And that case
5 came like a gift to certain lawyers who can be clever
6 enough to mold a faculty or a member of the community into
7 the Garcetti mold so he is not speaking as a citizen, Your
8 Honor, he's speaking as a responsible state employee or a
9 federal employee or whatever the situation is, and
10 therefore there's no First Amendment, and therefore his
11 speech is not protected, and therefore he doesn't have a
12 case.

13 THE COURT: Did you litigate that in your federal
14 case?

15 THE WITNESS: Yes, I did, Your Honor.

16 THE COURT: And is that -- has that gone all the
17 way through?

18 THE WITNESS: Yes, Your Honor, and the case was
19 dismissed.

20 THE COURT: By?

21 THE WITNESS: By the Honorable James Mahan.

22 THE COURT: When was that dismissed?

23 THE WITNESS: That was dismissed a year ago, Your
24 Honor, or a little bit more than a year ago.

1 THE COURT: And did you appeal?

2 THE WITNESS: I'm waiting to finish the
3 counterclaim. The university has a counterclaim against
4 me, tying the case down.

5 THE COURT: And do we have that case number?

6 THE WITNESS: Yes, we do. It's 04-455. It's two
7 cases. They are two consolidated cases. The other is
8 05-076.

9 THE COURT: Okay.

10 BY MR. SCHWEICKERT:

11 Q Dr. Hussein, aren't you going to talk about the
12 evidence that was used to dismiss those cases in summary
13 judgment now?

14 A Yes. That's right now.

15 Q Okay. So this is --

16 THE COURT: Actually, I'm sorry, we have to take
17 our recess now. So I'll be back at 1:30.

18 Court's in recess.

19 (The lunch recess was taken.)

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