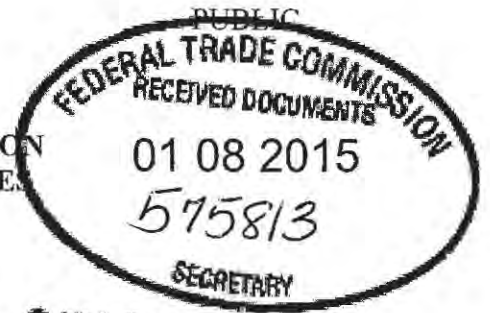


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGE



ORIGINAL

\_\_\_\_\_  
In the Matter of )

Jerk, LLC, a limited liability company, )  
also d/b/a JERK.COM, and )

John Fanning, )  
individually and as a member of )  
Jerk, LLC. )  
\_\_\_\_\_)

) DOCKET NO. 9361

) PUBLIC DOCUMENT

**COMPLAINT COUNSEL'S OPPOSITION TO  
RESPONDENT JERK, LLC'S SECOND MOTION TO EXTEND TIME TO  
ANSWER COMPLAINT COUNSEL'S SECOND REQUEST FOR ADMISSIONS**

On December 22, 2014, the Court denied Jerk's motion for an extension to answer Complaint Counsel's Request for Admissions, but gave Jerk a second chance to provide an explanation for refusing to participate in this case for five months. Jerk has not complied with the Court's instruction. Instead, Jerk's response reveals that Jerk has no legitimate explanation whatsoever. It is now clear that Jerk refused to participate in this litigation with the deliberate intention of obstructing discovery and depriving Complaint Counsel of the ability to gather evidence. The Court should deny Jerk's extension request.

**I. Jerk Has No Good-Faith Explanation For Its Delay.**

In denying Jerk's original motion, the Court explained that Jerk had "fail[ed] to explain the reasons for its delay in retaining new counsel, or why such delay should be excused. Jerk also fail[ed] to even acknowledge, much less justify, its failure to comply with existing discovery orders." As a result, the Court instructed Jerk to provide "an explanation for its delay in

obtaining new counsel, including *all reasons therefor*.” (Order of December 22, 2014) (emphasis added).

Jerk’s response does not comply with the Court’s request. Jerk’s sole justification is that “the fact that [Jerk’s previous counsel] was subjected to a deposition would make many attorneys less likely to take on Jerk’s representation.” (Jerk’s Response dated January 5, 2015). This speculative statement is no explanation at all. The Court should disregard it for three reasons.

First, Jerk does not say whether any potential counsel were *in fact* hesitant to represent Jerk because Ms. Speth sat for a deposition after she no longer represented Jerk.<sup>1</sup> Indeed, Jerk does not even say whether it approached any prospective counsel. Notably, Jerk’s present counsel does not contend that Ms. Speth’s deposition affected their decision to represent Jerk.

Second, even if Ms. Speth’s deposition might have concerned some potential counsel, that deposition was not held until October 7—nearly *three months* after Ms. Speth announced Jerk’s departure and Jerk stopped participating in this litigation. Jerk’s excuse—which is entirely hypothetical—cannot explain its dilatory conduct for those three months.

Finally, the notion that Ms. Speth’s deposition could render Jerk untouchable as a client strains credulity. If that were the case, Jerk or Ms. Speth could have objected to her deposition or moved to quash the subpoena. They did neither.

Jerk’s filing thus falls far short of providing an explanation for Jerk’s delay, as the Court requested. In the face of Jerk’s refusal to explain its conduct, the Court should conclude that

---

<sup>1</sup> Such a concern would, in this case, be entirely baseless. Complaint Counsel made it clear that they decided to notice Ms. Speth for deposition only after Mr. Fanning testified under oath that Ms. Speth’s role advising Jerk extended beyond that of Jerk’s litigation counsel. (Burke Decl. Ex. B). Mr. Fanning testified that he advised Ms. Speth while working for Jerk and that, in his opinion, she was best situated to describe Jerk’s business. (Burke Decl. Ex. D). Jerk’s suggestion that Complaint Counsel might have acted improperly by deposing Ms. Speth is entirely unwarranted.

Jerk's actions were (as they appear) designed to intentionally avoid resolution of this case on the merits. This conclusion is supported by documents showing Respondent's intent to undermine the resolution of this action on the merits, such as John Fanning's email to Ms. Speth (while she still acted as Jerk's counsel) proposing to make a video for the purpose of becoming evidence in this case "just to fuck with [the FTC]." (Burke Dec. Ex. A [CX0072]).<sup>2</sup>

## **II. Letting Jerk's Deemed Admissions Stand is Appropriate.**

Jerk's lack of a good-faith explanation for its misconduct separately justifies deeming the unanswered RFA's admitted. In exercising its discretion under Commission Rule 3.32, "the district court may consider other factors, including whether the moving party can show good cause for the delay and whether the moving party appears to have a strong case on the merits." *See Conlon v. United States*, 474 F.3d 616, 625 (9th Cir. 2007). These discretionary factors lie at the core of the Court's questions in its December 22, 2014 Order.

The Court should exercise its discretion to deny Jerk's motion. The only explanation for Jerk's lengthy disappearance and sudden reappearance—just a week after Complaint Counsel moved to admit Jerk's deemed admissions into the record—is strategic gamesmanship in bad faith. In light of this track record, giving Jerk an opportunity to claw back its admissions and insulate itself from pretrial discovery would undercut the just resolution of this action. (*See* Complaint Counsel Opposition dated December 16, 2014).

## **III. Conclusion**

For the reasons stated above, the Court should deny Jerk's motion for an extension of time to respond to Complaint Counsel's Requests for Admission.

---

<sup>2</sup> This email was a topic of inquiry at Ms. Speth's deposition, after Mr. Fanning refused to testify about it. Ms. Speth also refused to answer any questions about it. Burke Decl. Ex. C.

Dated: January 8, 2015

Respectfully submitted,



---

Sarah Schroeder  
Yan Fang  
Boris Yankilovich  
Kenneth H. Abbe  
Federal Trade Commission  
Western Region – San Francisco  
901 Market Street, Suite 570  
San Francisco, CA 94103

COMPLAINT COUNSEL

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2015, I served a true and correct copy of Complaint Counsel's Opposition to Respondent Jerk, LLC's Second Motion to Extend Time to Answer Complaint Counsel's Second Request for Admissions on:

**The Office of the Secretary:**

Donald S. Clark  
Office of the Secretary  
600 Pennsylvania Avenue, N.W.  
Room H-172  
Washington, D.C. 20580

**The Office of the Administrative Law Judge**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Avenue, N.W.  
Room H-106  
Washington, D.C. 20580

**Counsel for John Fanning:**

Peter F. Carr, II  
Eckert, Seamans, Cherin & Mellott, LLC  
Two International Place, 16<sup>th</sup> Floor  
Boston, MA 02110  
Email: pcarr@eckertseamans.com

**Counsel who have entered an appearance for Jerk, LLC:**

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David Russcol  
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drusscol@zalkindlaw.com

Maria Crimi Speth  
Jaburg & Wilk, P.C.  
3200 N. Central Avenue, Suite 2000  
Phoenix, AZ 85012  
Email: mcs@jaburgwil.com

Dated: January 8, 2015



Kelly Ortiz (kortiz@ftc.gov)  
Federal Trade Commission  
901 Market Street, Suite 570  
San Francisco, CA 94103  
Phone: 415-848-5100  
Fax: 415-848-5184

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Edith Ramirez, Chairwoman**  
                                 **Julie Brill**  
                                 **Miaureen K. Ohlhausen**  
                                 **Joshua D. Wright**  
                                 **Terrell McSweeney**

In the Matter of	)	
Jerk, LLC, a limited liability company,	)	
also d/b/a JERK.COM, and	)	
John Fanning,	)	DOCKET NO. 9361
individually and as a member of	)	PUBLIC DOCUMENT
Jerk, LLC.	)	
	)	
	)	

**DECLARATION OF BEATRICE BURKE IN SUPPORT OF  
COMPLAINT COUNSEL'S OPPOSITION TO RESPONDENT JERK, LLC'S  
SECOND MOTION TO EXTEND TIME TO ANSWER  
COMPLAINT COUNSEL'S SECOND REQUEST FOR ADMISSIONS**

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct:

1. I am over 18 years of age, and I am a citizen of the United States. I am employed by the Federal Trade Commission ("FTC") as a paralegal in the FTC's Western Regional Office in San Francisco. I have worked and continue to work as a paralegal for Complaint Counsel in the above-captioned matter, and I have personal knowledge of the facts set forth herein. I am currently a member of the California Army National Guard Reserve and a United States Army veteran from active duty.
2. Attached hereto as **Attachment A** is a true and correct copy of a document produced to Complaint Counsel in this action and designated as Exhibit CX0072.
3. Attached hereto as **Attachment B** is a true and correct copy of an email between Complaint Counsel and Ms. Speth dated September 18, 2014.

**PUBLIC DOCUMENT**

4. Attached hereto as **Attachment C** is a true and correct copy of transcript excerpts from the October 7, 2014 deposition of Maria Speth in this action.

5. Attached hereto as **Attachment D** is a true and correct copy of transcript excerpts from the September 4, 2014, 2014 deposition of John Fanning in this action.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on January 7, 2015, in San Francisco, CA.



---

Beatrice Burke

# Exhibit A



Received(Date): Fri, 30 May 2014 15:51:55 -0400  
Subject: Videos  
From: John Fanning [REDACTED]  
To: Maria Crimi Speth <mcs@jaburgwilk.com>, [REDACTED]@gmail.com>

This is an interesting idea. The idea is that you make a video, and the video itself become evidence in a case. If the other side wants to depose the people in the video, then let them. We could try this approach with the FTC just to fuck with them.

[http://online.wsj.com/articles/leniency-videos-make-a-showing-at-criminal-sentencings-1401395519?mod=WSJ\\_article\\_EditorsPicks](http://online.wsj.com/articles/leniency-videos-make-a-showing-at-criminal-sentencings-1401395519?mod=WSJ_article_EditorsPicks)

--  
John Fanning  
Chairman  
Netcapital

[REDACTED]

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INTELLECTUAL PROPERTY RIGHTS: Unless otherwise specified, all ideas, creative concepts and opinions, including any attachments, as well as the selection, assembly and arrangement thereof, are the sole property of Netcapital Investments Inc.  
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# Exhibit B

Burke, Beatrice

---

**From:** Schroeder, Sarah  
**Sent:** Thursday, September 18, 2014 3:58 PM  
**To:** mcs@jaburgwilk.com; Debra A. Gower (dag@jaburgwilk.com)  
**Cc:** Peter Carr (PCarr@eckertseamans.com); Vicki A. Roy (VRoy@eckertseamans.com); Ortiz, Kelly; Yankilovich, Boris  
**Subject:** Deposition  
**Attachments:** 2014.09.16.Depo Notice-Maria Speth.pdf

Maria,

I want to follow-up with you on the *subpoena ad testificandum* that you received yesterday. Please note that we do not take sending a subpoena to opposing counsel lightly. We also respect your choice to no longer represent Jerk and we had no intention to further involve you in the case, but Mr. Fanning shared some information during his deposition that suggested that your involvement with Jerk, LLC went beyond serving as counsel in this matter.

We are happy to discuss alternate dates in early October if you are not available on September 30th. Please contact me or Boris if you have any questions or wish to discuss this matter further.

Best Regards,  
Sarah

Sarah Schroeder, Attorney  
Federal Trade Commission  
901 Market Street, Suite 570  
San Francisco, CA 94103  
Phone: (415) 848-5186  
Email: [sschroeder@ftc.gov](mailto:sschroeder@ftc.gov)

# Exhibit C



1 about the subject matter in this e-mail?

2 A ER 1.6 prohibits me from answering that  
3 question.

4 Q We're moving on to Exhibit CX0072. Are you  
5 familiar -- rather, do you recognize this document?

6 A ER 1.6 prohibits me from answering the  
7 question.

8 Q Have you ever seen this document before?

9 A ER 1.6 prevents me from answering this  
10 question.

11 Q So at the top this appears to be an e-mail on  
12 May 30, 2014, from John Fanning at [REDACTED]  
13 to you at your work e-mail address, and [REDACTED]  
14 at a [REDACTED] address; is that correct?

15 A Is [REDACTED] an attorney?

16 Q That was my very next question to you.

17 A I would say if [REDACTED] is an attorney, I  
18 believe that my ethical rules require me to give it  
19 back and not read it. It appears to be confidential  
20 information that we shouldn't even be looking at from  
21 what I can tell.

22 Q Well, you were -- I mean this is your e-mail  
23 address at the top, right?

24 A Oh, that's true. I guess if I was a party to  
25 it.

1 Q Yeah, I'm pretty sure I'm not showing you  
2 anything that you haven't seen before.

3 A I think you're not supposed to be looking at  
4 it, but again, that's just my opinion.

5 Q One question for you is whether [REDACTED]  
6 is an attorney, and if you know that information?

7 A I believe ER 1.6 prohibits me from answering  
8 that question.

9 Q Do you have any idea why [REDACTED] is on  
10 this e-mail?

11 A ER 1.6 prohibits me from answering that  
12 question.

13 Q Do you recall discussing --

14 A But I can tell you that if you know [REDACTED]  
[REDACTED] to be an attorney, I believe you have an  
16 ethical obligation to not be using this e-mail.

17 Q Sure, and I represent to you on the record  
18 that I do not have a good faith belief that [REDACTED]  
19 [REDACTED] is an attorney.

20 A Okay.

21 Q Quite the contrary, I have a good faith belief  
22 [REDACTED] is not an attorney.

23 A Okay.

24 Q Have you had any conversations or  
25 communications with John Fanning about the topic of

1 this e-mail?

2 A ER 1.6 prohibits me from answering that  
3 question.

4 Q Have you ever had any communications with  
5 [REDACTED] about the topic of this e-mail?

6 A ER 1.6 prohibits me from answering that  
7 question.

8 Q Have you ever had any communications with  
9 [REDACTED] at all?

10 A ER 1.6 prohibits me from answering that  
11 question.

12 Q Do you know if [REDACTED] has any  
13 connection to any current or former client of yours?

14 A ER 1.6 prohibits me from answering that  
15 question.

16 Q And do you know if John Fanning has any  
17 connection to any current or former client of yours?

18 A I think you've asked me that question three  
19 times today, but I'll answer it again. ER 1.6  
20 prohibits me from answering that question.

21 Q And I think you said earlier that at some  
22 point in time before today you stopped representing  
23 Jerk, LLC as counsel, right?

24 A I do not currently represent Jerk, LLC, that's  
25 correct.



1 Q But have you in the past?

2 A Correct.

3 Q Okay. And you, I believe you said that, you  
4 telling us today when exactly you stopped that  
5 representation would be a violation of Rule 1.6 and  
6 therefore you can't tell us?

7 A It seems to me to be information relating to  
8 the representation of the client, so yes, I believe it  
9 falls within 1.6.

10 Q At the point in time whenever it was when you  
11 stopped your representation of Jerk, LLC, as a  
12 withdrawing attorney, have you advised Jerk, LLC and  
13 its new counsel to the extent there is any pending  
14 court dates, the status of the case, and anything else  
15 necessary and appropriate for the smooth transfer of  
16 the representation as is required by opinion 0902 of  
17 the Arizona State Bar?

18 A ER 1.6 prohibits me from answering that  
19 question.

20 Q Do you feel like you, you have complied in  
21 your representation, including the withdrawal of your  
22 representation, with Arizona Ethics Rules as well as  
23 opinions of the Arizona State Bar?

24 A ER 1.6 prohibits me from answering that  
25 question.

# Exhibit D

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UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )  
JERK, LLC, a limited liability company, )  
also d/b/a JERK.COM, and ) Docket No.  
JOHN FANNING, ) 9361  
individually and as a member of )  
JERK, LLC. )  
\_\_\_\_\_ )

Thursday, September 4, 2014  
901 Market Street, Suite 570  
San Francisco, California

The above-entitled matter came on for  
videotaped deposition pursuant to notice, at 8:56 a.m.

1 APPEARANCES:

2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

3 SARAH SCHROEDER, ATTORNEY  
4 BORIS YANKILOVICH, ATTORNEY  
5 Federal Trade Commission  
6 901 Market Street, Suite 570  
7 San Francisco, California 94103  
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10 byankilovich@ftc.gov  
11

12  
13 ON BEHALF OF JOHN FANNING:

14  
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25  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
BY: PETER F. CARR, II, ESQ.  
(telephonically)  
Two International Place, 16th Floor  
Boston, Massachusetts 02110  
617.342.6857 Fax 617.342.6899  
E-mail: pcarr@eckertseamans.com

1 A I'm not sure.

2 Q It says, "NetCapital, current portfolio  
3 companies." Do you see the six icons on this page?

4 A Yeah.

5 Q Is the middle icon at the top, an icon for  
6 Jerk.com?

7 A It appears to be.

8 Q Is Jerk.com one of NetCapital's portfolio  
9 companies?

10 A I'm not sure.

11 Q Do you not recall or you're not sure?

12 A I'm not sure.

13 Q What would help you refresh your  
14 recollection?

15 A I'm not sure.

16 Q Are you familiar with Jerk, LLC, the  
17 Respondent in this action?

18 A Yes.

19 Q When did you first become aware that the FTC  
20 was investigating Jerk, LLC?

21 A I'm not sure.

22 Q Do you recall who told you that the FTC was  
23 investigating Jerk, LLC?

24 A No.

25 Q Do you recall what Jerk, LLC, is?

1       A    No.

2       Q    What is Jerk, LLC?

3       A    I'm sorry, I -- your first question was, do  
4 you -- I'm sorry, you asked, do you -- I'm sorry, can  
5 you repeat --

6       Q    Sure.

7       A    -- the first question?

8       Q    Let me clarify.

9       A    I may have misspoken.

10      Q    What is Jerk, LLC?

11      A    And I answered I'm not sure of that.  And  
12 then the next question was?

13      Q    Have you ever been involved with Jerk, LLC?

14      A    Yes.

15      Q    What was your involvement with Jerk, LLC?

16      A    I was an advisor.

17      Q    Who did you advise at Jerk, LLC?

18      A    I advised the company.

19      Q    Who at the company did you advise?

20      A    I'm not sure.

21      Q    Do you recall who you advised at the company?

22      A    Didn't I just answer that question?

23      Q    If you could just tell me if you recall who  
24 you advised at the company.

25      A    (No response.)

1 Q Do you recall who you advised at the company?

2 A Maria Speth.

3 Q What was Ms. Speth's role at the company?

4 A My understanding is that she represented the  
5 company. Or has represented the company.

6 Q Did you meet anyone else at the company?

7 A I'm not sure.

8 Q Do you recall meeting anyone else at the  
9 company?

10 A I'm not sure.

11 Q When did you first hear about Jerk, LLC?

12 A I'm not sure.

13 Q Were you paid to advise Jerk, LLC?

14 A I don't believe so, no.

15 Q Why did you advise Jerk, LLC?

16 A I often provided advice to young college kids  
17 with respect to start-ups, and I believe that's why I  
18 advised -- agreed to advise Jerk, LLC. But there may  
19 be other reasons.

20 Q When did you start advising Jerk, LLC?

21 A I'm not sure.

22 Q When did you stop advising Jerk, LLC?

23 A I'm not sure.

24 Q Were there college students associated with  
25 Jerk, LLC?

1 A Yes.

2 Q Who were the students?

3 A I don't remember their names.

4 Q So you spoke with Ms. Speth and these college  
5 students regarding Jerk, LLC, correct?

6 A Yes.

7 Q And what was the --

8 A And I spoke with others, who I don't recall  
9 at the moment.

10 Q Do you recall what Ms. Speth did at Jerk,  
11 LLC?

12 A She represented them.

13 Q Is she an attorney?

14 A Yes.

15 Q Do you recall what the college students did  
16 at Jerk, LLC?

17 A No.

18 Q You mentioned you advised others. Do you  
19 recall what those other people did at Jerk, LLC?

20 A You're asking these questions too fast. You  
21 need to ask them slower. It confuses me. Sorry. And  
22 -- and when I ask you to repeat them, you don't say  
23 the same thing, so it's hard for me.

24 Q Uh-huh. Do you know when Jerk, LLC, came  
25 into existence?



1           A    Well, do you mean a member of Jerk, LLC, or  
2 do you mean Jerk, LLC, or do you mean Jerk?

3           Q    How about both?

4           A    So are you intentionally trying to confuse me  
5 or is it accidental?

6           Q    So let's do this --

7           A    And I don't care what the answer is.

8           Q    Well, part of it is, there's some confusion  
9 about who Jerk, LLC, is, and I still haven't gotten an  
10 answer from you about the members of Jerk, LLC, so  
11 let's back up and do that again.

12                   Who are the members at Jerk, LLC, that you've  
13 spoken with?

14          A    I can't be sure.

15          Q    So you don't recall who you've spoken with at  
16 Jerk, LLC?

17          A    Well, those are different questions.

18                   Do you have a question?

19          Q    Who have you spoken with at Jerk, LLC?

20          A    Maria Speth. I'm not sure what you --

21          Q    Do you recall communicating with Immedion  
22 representatives on behalf of Maria Speth?

23                   MR. CARR: Can you repeat that?

24 BY MS. SCHROEDER:

25          Q    Do you recall communicating with Immedion

1 Q Did [REDACTED] provide work for Jerk, LLC?

2 A I believe he ran the project for a while,  
3 yes.

4 Q How did he run the project?

5 A However he wanted to run the project.

6 Q And what was the project he was running?

7 A The -- the Jerk project.

8 Q And what was the Jerk project?

9 A I'm not sure how to characterize it. I'm  
10 still waiting for you to get back to the [REDACTED]  
11 question, so...

12 Q Yeah. So how would you characterize the Jerk  
13 project?

14 A I'm not sure how I would characterize it.  
15 You know, Jerk.com.

16 Q Was [REDACTED] compensated for his work on  
17 Jerk.com?

18 A He may have been, but I -- I don't think so.

19 Q Do you know when he provided work on  
20 Jerk.com?

21 A I have no idea.

22 Q Do you know whether he had a title associated  
23 with his work at Jerk.com?

24 A Could have been founder. But I'm not -- I'm  
25 not sure. It's -- actually, I -- I do actually

1 remember him being referred to as CEO.

2 Q So your memory is just hazy?

3 A No, actually, it's odd because I do  
4 remember -- it's funny, actually. One of the  
5 investors said that, "If we fund your deal, [REDACTED],  
6 you'll be the youngest CEO of any deal we've ever  
7 funded."

8 Q And what was the deal?

9 A Jerk.

10 Q Who was the investor that said that?

11 A I can't remember.

12 Q How do you know the investor said it?

13 A Because I remember it was funny.

14 Q Were you in the room when the investor said  
15 it?

16 A Yeah. I don't remember what -- yeah.

17 Q As part of your --

18 A Yeah, I -- I just remember it was funny,  
19 so...

20 Q Were you in the room when it was said?

21 A Yeah, that's -- I mean, my memory -- my  
22 memory -- you know, after a couple of years, two or  
23 three years, I just don't trust my memory, 'cause  
24 memory is just not trustworthy after two or three  
25 years. And I'm pretty sure that this was something

1 that happened quite a long time ago, so I can't -- I  
2 can't recall clearly.

3 Q In your role as advisor, were you in meetings  
4 with investors regarding Jerk.com?

5 A Yeah.

6 Q Would you say that [REDACTED] is in the best  
7 position to describe the Jerk project?

8 MR. CARR: Object.

9 THE WITNESS: Do you want me to answer?

10 MR. CARR: Go ahead.

11 THE WITNESS: No. I wouldn't.

12 BY MS. SCHROEDER:

13 Q Who is in the best position to describe the  
14 Jerk project?

15 A I would say Maria Speth.

16 Q Why would Maria Speth be the best person to  
17 describe the Jerk project?

18 A How long is a piece of string?

19 Q Can you elaborate?

20 A Your question seems utterly philosophical to  
21 me. I don't know how to answer it.

22 Q Is there anyone else besides Maria Speth who  
23 would have -- be the best person to describe the Jerk  
24 project?

25 A I don't know how you define "best," but, no,

1 I think she would be the best person.

2 Q Was [REDACTED] going to be the CEO of Jerk.com?

3 A I think he was. I don't know. I'm not sure.

4 I don't know how you -- I'm not sure how you draw

5 these titles, founder, CEO. I don't know. I'm not

6 sure.

7 Q Who is [REDACTED]?

8 A How long is a piece of string?

9 Q Do you know someone named [REDACTED]?

10 A Yes.

11 Q How do you know Mr. [REDACTED]?

12 A How do I know -- well, I guess I met him. I

13 met him -- I met him.

14 Q When did you meet him?

15 A I'm not really good with times and dates.

16 Q Do you recall working with Mr. [REDACTED] on the

17 Jerk.com project?

18 A No, not specifically. But I do remember a

19 discussion I had with Mr. [REDACTED] about the project,

20 and I do recall working with -- with [REDACTED].

21 Q What do you recall about working with [REDACTED]

22 on the Jerk.com project?

23 A Well, there was a -- there was an article

24 that was written by a very famous technologist, and

25 the article was about how Facebook is placing in the

1 people together who had similar sorts of interests.

2 Q Do you do anything else in your role as  
3 advisor?

4 A I really don't think I do, but, you know,  
5 maybe.

6 Q Did you communicate with people outside of  
7 Jerk, LLC, about the company?

8 A I probably did, yeah. Yeah.

9 Q Did you draft a summary about the Jerk  
10 project for investors?

11 A Definitely not.

12 Q Did you draft a Wikipedia entry about  
13 Jerk.com?

14 A Definitely not.

15 Q You told us that part of your duties was  
16 advising Maria Speth, correct?

17 A Well, I was hired to provide advice to Maria  
18 Speth, and Maria Speth was hired to provide advice to  
19 the company.

20 Q Was that legal advice?

21 A I'm not sure how you characterize "legal  
22 advice," but I would say yes.

23 Q Are you a lawyer?

24 A No.

25 Q Do you have any legal training?