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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

GEORGE LEE LUTZ,            )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            ) Case No.: CV-S-03-0178-RCJ-RJJ  
                                  )  
RIC OSUNA,                    )  
                                  )  
Defendant.                    )  
\_\_\_\_\_)

DEPOSITION OF RIC OSUNA  
VOLUME I

Taken on Thursday, January 15, 2004  
At 11:10 a.m.

At The Law Offices of Nersesian & Sankiewicz  
528 South Eighth Street  
Las Vegas, Nevada 89101

By: Jean M. Dahlberg, RPR, NV CCR 759, CA CSR 11715

## 1 APPEARANCES:

2 For the Plaintiff: ROBERT A. NERSESIAN, ESQ.  
 Nersesian & Sankiewicz  
 3 528 South Eighth Street  
 Las Vegas, Nevada 89101

4 For the Defendant: DAVID A. KIMBALL, ESQ.  
 5 KIMBALL SEROTA LLP  
 520 South Sixth Street  
 6 Las Vegas, Nevada 89101

7 Also Present: George Lee Lutz

8

\* \* \* \* \*

9

10 I N D E X

11 WITNESS Direct Cross

12 RIC OSUNA

13 EXAMINATION

14 BY MR. NERSESIAN 3

15

16 E X H I B I T S

17 NUMBER DESCRIPTION MARKED FOR ID

18 1 Synopsis of The Amityville Horror 25  
 by Jay Anson

19

20 2 Page 376 of the Lutzes' Mortgage 64  
 Agreement dated January 15, 1974

21 3 Inventory of Amityville Materials 78  
 Provided to Ric Osuna in March 2000

22

23 4 Letter from Ric Osuna 81

23

24 5 Limited License Agreement dated 85  
 March 9, 2000

25

1 Thereupon —

2 RIC OSUNA,

3 having been first duly sworn, was

4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. NERSESIAN:

7 Q. Mr. Lutz, have you ever — Mr. Osuna, have you  
8 ever had your deposition taken before?

9 A. No, sir.

10 Q. Okay. Let me give you some ground rules about  
11 what the process is, here.

12 A. Thank you.

13 Q. It's a question-and-answer format. I ask  
14 questions; you answer. You have a lawyer here with you.  
15 He may occasionally object. When you hear the word  
16 "objection," your natural and absolute inclination is to  
17 go — and not say anything. Because he objects, does not  
18 mean that you don't answer.

19 A. Right.

20 Q. You still answer the question.

21 MR. KIMBALL: He's been briefed on it.

22 THE WITNESS: Yes.

23 BY MR. NERSESIAN:

24 Q. There are times, though, where your attorney may  
25 say — where Mr. Kimball may say, "I'm instructing the

1 witness not to answer.” If those are the words you hear,  
2 then you do shut up.

3 A. Okay.

4 Q. And then we start yelling and screaming at each  
5 other.

6 MR. KIMBALL: In that case, we ought to be near  
7 the door.

8 BY MR. NERSESIAN:

9 Q. It’s important that you give verbal answers to  
10 the questions posed. Nods of the head, the grunts that we  
11 normally use in affirmation or —

12 A. Got you.

13 Q. — denial of certain questions don’t work at  
14 all, because she has a problem taking them down.

15 A. Got you.

16 Q. And speaking of her taking them down, she’s  
17 taking down everything that’s being said here. I know  
18 you’ve read depositions, so you understand that this is  
19 being prepared in transcript form.

20 You’ll have an opportunity to read the  
21 deposition. You can make changes to the deposition.  
22 Surprise. Generally, if you do make changes, they should  
23 be of a nature to correct typographical errors or things  
24 of that nature. If you make a substantive change —

25 A. Uh-huh.

1 Q. — I essentially get to use both answers —

2 A. Got you.

3 Q. — and your credibility may be affected. Do you  
4 understand that?

5 A. Yes, sir.

6 MR. KIMBALL: So, if you do not know, say, “I do  
7 not recall.”

8 THE WITNESS: Got you.

9 BY MR. NERSESIAN:

10 Q. I fancy myself — that’s the end of that  
11 sentence. And because I do, I love to hear myself talk.  
12 Being somebody who likes to hear themselves talk,  
13 sometimes my questions get pretty long; arguably, some  
14 people would say convoluted. I think I’m clear as a bell.

15 A. Uh-huh.

16 Q. But it’s important that your answers be in  
17 response to questions that you personally understand.  
18 What I’m getting at there, is that whatever goes down on  
19 that book will be deemed responsive to the question asked.

20 A. Got you.

21 Q. And it will be pretty much presumed —

22 A. That I understood.

23 Q. — that you understood the question.

24 A. So, if I don’t understand, ask. That’s what you  
25 mean.

1 Q. If you don't understand, stop me.

2 Are you confident that if a question is  
3 confusing to you in any way that you can stop me, rather  
4 than just giving some answer?

5 A. Got you.

6 Q. Okay. And you're confident of that?

7 A. I'll definitely ask you for a clarification if I  
8 don't understand.

9 Q. Okay. Do you have any questions before we  
10 start?

11 A. No, sir.

12 Q. When did you meet George Lutz?

13 A. I met George Lutz in 1999.

14 Q. What were the circumstances of your first  
15 meeting with Mr. Lutz?

16 A. I was asked by — or excuse me — the  
17 circumstances of the first meeting, or the introduction,  
18 was, basically, Daniel Farrands, who was a writer, was  
19 putting together — trying to put together a documentary  
20 on Amityville. He had contacted me because I had a web  
21 site. And I started doing research for the documentary  
22 and, basically, I was brought on as a researcher. And  
23 when he basically told me that George Lutz was, you know,  
24 in town in Las Vegas, that was kind of a surprise to me,  
25 and he introduced us.

1 Q. Okay. Was it obvious at that time that  
2 Mr. Farrands already knew Mr. Lutz?

3 A. It was obvious that they had spoken. But I  
4 don't know the depth of their relationship.

5 Q. So, you had a web site. What was the name of  
6 that web site?

7 A. The web site was Amityville Murders.

8 Q. It was Amityville Murders in 1999?

9 A. It was Amityville Murders in 1999, and then I  
10 secured another domain named amityvillehorror.com in 1999.

11 Q. All right. What was your computer and web  
12 experience in 1999?

13 A. It was, I would say, on a scale level of  
14 intermediate; meaning, I could basically build web sites,  
15 which I taught myself. I didn't go to class for it or  
16 anything like that. At that time, in 1999, I was going to  
17 ITT out in Henderson for technical training, which was  
18 electronics, not computer related.

19 So, I wouldn't say an expert; far from an  
20 expert. But I knew probably more than most people.

21 Q. And you had developed web sites?

22 A. I had developed a few web sites, yes, on my own.

23 Q. Which ones, other than amityvillehorror.com —

24 A. Oh, my wife had a —

25 Q. — or amityvillemurders.com?

1     A.   Okay. The only one I can recall right now is my  
2     wife's web site, I had participated in. She had her own  
3     web site and I helped her keep it up. And that's the one  
4     I helped.

5     Q.   Okay. Are you a web master, as well?

6     A.   Currently or then?

7     Q.   Then.

8     A.   Then, a web master, yes, I was.

9     Q.   You weren't using outside sources to maintain  
10    your web site, et cetera?

11    A.   No. No, I was not.

12    Q.   When did you first own a web site?

13    A.   That I don't recall. It was —

14    Q.   As far back as '95?

15    A.   No. I didn't learn — I didn't start teaching  
16    myself web sites until August '96. But that doesn't  
17    actually necessarily — so, I'd say late '96, '97. That's  
18    when I started getting into the web site stuff.

19           MR. KIMBALL: But you don't actually recall?

20           THE WITNESS: I don't exactly recall the exact  
21    date.

22    BY MR. NERSESIAN:

23    Q.   Let me get some general information, here.

24           What's your date of birth?

25    A.   February 24th, 1973.

1 Q. That is when I was graduating from high school.

2 A. You were?

3 MR. KIMBALL: I was already past college. The

4 first round.

5 MR. NERSESIAN: Good for me.

6 BY MR. NERSESIAN:

7 Q. And where was that?

8 A. I'm sorry?

9 Q. If you remember.

10 A. I forget the question.

11 Q. Where were you born?

12 A. West Covina, Los Angeles County.

13 Q. How long have you been a Nevada resident?

14 A. Since roughly, approximately, October '97.

15 Q. And did you move here from California?

16 A. Yes.

17 Q. And your entire life before that had been in

18 Southern California?

19 A. No. I've been an exchange student in Japan. I

20 lived in Hawaii for two years. And then California.

21 Q. So, you're 31 right now?

22 A. Thirty.

23 Q. Thirty.

24 Did you graduate high school?

25 A. Yes, sir.

1 Q. Where?

2 A. San Joaquin Memorial High School, Fresno,  
3 California.

4 Q. Did you live in the city or out in the country?

5 A. Was in the city.

6 Q. Oh, okay.

7 A. There's a lot of country out there, though.

8 Q. Oh, I know. I had trouble driving around the  
9 Fresno area. Even in the City Proper, I feel like I'm on  
10 a farm.

11 Let's see. Did you go to college?

12 A. Yes, sir.

13 Q. Did you graduate college?

14 A. No, sir.

15 Q. Where did you go to college?

16 A. I'm still going through college right now,  
17 University of Phoenix. As I said, I did some classes at  
18 ITT. And then went to California State University for a  
19 while.

20 Q. Okay. When were you at California State?

21 A. Oh, it was prior to coming to Las Vegas. I just  
22 don't remember the exact years. I do know that in '92, I  
23 moved to Hawaii because California had a big budget  
24 crunch, and I couldn't get any of my classes. So, I  
25 decided I wanted to go to the University of Hawaii to

1 finish college, and went over there and fell in love with  
2 the scenery more than the college, so —

3 Q. Isn't it wonderful that California has solved  
4 that budget problem in the ensuing 8, 12 years?

5 Now, amityvillemurders.com — I think you  
6 answered this, but just bear with me — when did that go  
7 on line?

8 A. Originally it — I don't know the exact date,  
9 but I will say January 1999, it launched. And it wasn't a  
10 domain at that point; it was a free web site. It was  
11 something similar to GeoCities, where they hosted a bunch  
12 of advertising functions; that kind of thing. I don't  
13 remember the exact domain at that point.

14 Q. Now, I've seen your web site. Obviously, you  
15 spent some time compiling some information for it; right?

16 A. Yes, sir.

17 Q. When did you start putting together Amityville  
18 stuff?

19 A. For the web site or just in general?

20 Q. All right. You have what might be called an  
21 uncommon interest in the DeFeo Murders and the Amityville  
22 Horror. Would you agree?

23 A. Yes.

24 Q. Okay. How did that develop and when did it  
25 start?

1     A. My first interest started in 1979. I was around  
2 six years old. My mother and sister were reading the  
3 Amityville Horror book. And they were kind of scared  
4 about it, and it kind of interested me — Oh, wow, what  
5 scared you so much? So, I picked it up; didn't understand  
6 it at first.

7             Over the next 20-some years, occasionally I'd be  
8 interested in Amityville, always wondering what the true  
9 story was. There was questions left unanswered. So, over  
10 the period of 20-some years, I suppose, I was collecting  
11 stuff — books, things. Sometimes I'd throw them away;  
12 other times I would re-buy them. And in 1998, December  
13 27th — I remember this date, because it's my daughter's  
14 birthday — basically, they were supposed to air a special  
15 on Ronald DeFeo, Junior, the accused Amityville Horror  
16 murderer, and they didn't, on A&E. And I was just kind of  
17 upset, because I never knew he was interviewed before.

18             So, it kind of got my interest in the case  
19 rekindled. Read some books on it, ordered some books from  
20 eBay — or ordered as much stuff as I could. So, that's  
21 basically it, in a nut shell, how I kind of got rekindled  
22 into this thing.

23     Q. Do you have any other hobbies or areas where you  
24 have an equal interest?

25     A. Computer games, I'm super-duper interested.

1 Love playing computer games. In Hawaii, I was a big scuba  
2 diver. So, yes, I do. I would say probably computer  
3 games.

4 Q. Do you write code?

5 A. Oh, no. I can barely understand it.

6 Q. So —

7 A. I'm lucky — lucky for the HTML Editors, because  
8 I don't know HTML. I mean, I know a couple code little  
9 pieces, but, no, I do not like code. I can't stand code.

10 Q. Your interest in computer games, then, is as a  
11 player?

12 A. As a player, yes, sir. Huge on-line player.

13 Q. Okay. You said you were interested in figuring  
14 out how much of it was true. Do you have an opinion how  
15 much of it's true? Amityville Horror.

16 A. Everything that was written over the years that  
17 I've read is so-called the public — how do I say this?  
18 The so-called general theory of Amityville was not true.  
19 That's the opinion I found — discovered.

20 Q. What is your opinion?

21 A. My opinion is the Amityville Horror was a hoax.  
22 My opinion is that the DeFeos were murdered by more than  
23 one person. My opinion is that the Suffolk County cops  
24 who investigated the DeFeo murders — not every one — but  
25 most of those cops were corrupt and they cared very little

1 for finding out the truth, but rather they cared about  
2 solving — or getting the case closed and moving on to  
3 another case. That's my opinion in short.

4 Q. Okay. How much — you wrote a book.

5 A. Yes, sir.

6 Q. And that book is called?

7 A. Oh, "The Night the DeFeos Died."

8 Q. Vis-a-vis "The Night the DeFeos Died," how much  
9 of that book is true?

10 A. Everything in that book I have been able to  
11 substantiate one way or another. And, so, I will say,  
12 nothing of it is fictional. And anything that went in  
13 that book I corroborated in one form or another.

14 Q. Okay. So, you have support for every statement  
15 made. In your opinion, how much of the book is true?

16 A. In my opinion, I believe all of it is true.

17 Q. All right. And, indeed, you've called it a true  
18 story numerous times on the web; right?

19 A. Yes. It's a true story, yes.

20 Q. Didn't you recently write that it's a guide?

21 A. No. I basically said — the question that was  
22 proposed to me on the Internet recently was, Is it the  
23 final work? And I said, "There's no such thing as a final  
24 work on anything," and I used the description of the JFK  
25 Assassination. Even today, technology has expanded to

1 allow us to reexamine the case and conclude that, well,  
2 maybe there wasn't a conspiracy.

3 So, my whole thing was, maybe somebody in the  
4 future can come down with new technologies and open up  
5 some new evidence and find something different.

6 MR. KIMBALL: Is it true to say that it's true,  
7 to the extent that you know it to be true?

8 THE WITNESS: Yes.

9 MR. KIMBALL: After the fact.

10 THE WITNESS: Absolutely.

11 BY MR. NERSESIAN:

12 Q. I guess what I'm wondering is: You did use the  
13 term that the book should be a guide, didn't you?

14 A. I don't recall. And I don't recall, if I did  
15 say that, what context I said it in.

16 Q. Okay. So, Dan Farrands let you know that Lee —  
17 George Lee Lutz lives in Las Vegas. How did you come to  
18 meet Lee?

19 A. Basically, Daniel Farrands, if I recall  
20 correctly, put us in contact with each other. I think we  
21 started seeing each other —

22 Q. Sometimes I may call George, Lee. If you hear  
23 "Lee," I'm referring to Mr. Lutz, also.

24 A. I understand.

25 Q. I'll do my best that —

1 A. Not a problem.

2 Q. Different circles, he uses his middle name or  
3 his first name.

4 A. I understand.

5 MR. NERSESIAN: What did your parents call you?

6 MR. LUTZ: I don't use that language.

7 Buddy.

8 MR. NERSESIAN: Buggy?

9 MR. LUTZ: Buddy.

10 MR. NERSESIAN: That's good. That's cute.

11 BY MR. NERSESIAN:

12 Q. So, did you contact him or —

13 A. You know, I don't remember who contacted who. I  
14 just know we were put in contact. I can't remember if it  
15 was an E-mail or a phone call. I do know — and this  
16 might be the answer — but one day we did have a three-way  
17 conversation, a three-way phone call, between  
18 Mr. Farrands, Mr. Lutz, and myself. And I actually  
19 remember the day because I was supposed to be at school at  
20 6:00, and I didn't get there until 6:30, because the  
21 conversation went on and on.

22 Q. And that's ITT that you were supposed to be at?

23 A. Yes. I was supposed to be at ITT.

24 Q. What kind — were you already working for  
25 Mr. Farrands — or with Mr. Farrands at that time?

1 A. Yes. In an — I don't know if it was an  
2 official, because I eventually signed a contract with the  
3 producer — Tony somebody. I forget the name. I'm sorry.  
4 And then, basically, we had an unofficial understanding  
5 that I was going to do research for the thing, for the  
6 documentary. And that's — I don't know if it was  
7 official at that point or unofficial, but I was asked to  
8 do research.

9 Q. And that was with MPH?

10 A. No. MPH didn't come in until, like, a year or  
11 so later.

12 Q. Who was the contract that you had with?

13 A. It was Tony Oleshansky. Tony Oleshansky,  
14 basically — he and Bill Bannon were executive producers.  
15 And they were the ones trying to produce this thing with  
16 Mr. Farrands. And Mr. Farrands, eventually, they brought  
17 MPH because — I don't know what the exact reasons were —  
18 but they took a back seat. They went to co-executive  
19 producers.

20 But before that, I signed a contract with  
21 Mr. Oleshansky to produce — or to do the research for  
22 this documentary.

23 Q. Was Mr. Lutz and Oleshansky involved at that  
24 time?

25 A. I don't recall exactly. On my end, I was

1 supposed to do independent research. And Mr. Farrands  
2 told me he was handling the contract with Mr. Lutz. And  
3 originally, Mr. Farrands — I asked Mr. Farrands to be put  
4 in contact, because I said, “It would be a great  
5 interview.” And, if I recall correctly, Mr. Farrands  
6 said, basically, No, he’s handing Mr. Lutz right now, but  
7 don’t go looking for Mr. Lutz’ phone number; please don’t  
8 contact him. He’s in your area. So, that’s kind of what  
9 I recall on that.

10 Q. So, Mr. Farrands was working on getting an  
11 interview with Mr. Lutz?

12 A. I don’t know if an interview, but I guess they  
13 had some type of rapport or contact going on. To what  
14 extent, I don’t know, sir.

15 Q. Let’s go to your web site for a moment.

16 Did you review a Motion for Summary Judgment  
17 that I filed in this case, Partial Summary Judgment?

18 A. Review it? Yes.

19 Q. And attached to that was a document that was  
20 entitled “A Synopsis” —

21 A. Yes.

22 Q. — of the Jay Anson book?

23 A. Yes.

24 Q. Who wrote that synopsis?

25 A. I did.

1 Q. Now, there was a picture of Jay Anson there.

2 Where did you get that picture?

3 A. Jay Anson — I contacted the people who had the  
4 rights to in search of, and I asked them to — “Can I put  
5 that picture up if I put a link in my link section to buy  
6 the video?” And they said, “Yes, please. By all means,  
7 do it.” You have to forgive me, I don’t remember the  
8 exact person’s name.

9 Q. Did you get permission from anybody to synopsise  
10 the entire Amityville Horror?

11 A. When I was dealing —

12 MR. KIMBALL: Objection.

13 THE WITNESS: What?

14 MR. KIMBALL: Go ahead.

15 THE WITNESS: When I was dealing with Mr. Lutz,  
16 Mr. Lutz knew about the synopsis, and he basically was  
17 fine with it at that point.

18 BY MR. NERSESIAN:

19 Q. Nobody gave you any kind of document or  
20 copyright assignment or anything saying that you could —

21 A. A document, no.

22 MR. KIMBALL: Objection, to the line of  
23 questioning.

24 BY MR. NERSESIAN:

25 Q. When did you write that synopsis?

1 A. 1999.

2 Q. When did it first appear on the Amityville  
3 Murders web site?

4 A. 1999.

5 Q. Give me the process that you underwent to write  
6 that synopsis.

7 A. I don't rightly recall, sir.

8 Q. Did you have the book there and go through it  
9 chapter by chapter, pulling out all the high points?

10 A. No. No. I basically — I read the book three  
11 or four times to familiarize myself again with the story.  
12 After all — and this was even prior to meeting Mr. Lutz,  
13 because it basically — when I decided to do my own  
14 personal web site for Amityville, I wanted to make sure  
15 that the facts were correct. Because at that point there  
16 were a ton of web sites on the Internet about the  
17 Amityville Horror, and they had other synopses and things.  
18 And I knew, just from reading it over the last couple  
19 years, over the last 20-some years, since I was — you  
20 know, since '79 — so, I was interested that some of these  
21 facts were wrong. So, I read things over and over just to  
22 basically refresh my memory and —

23 Q. So, you wrote down that synopsis from memory?

24 A. I don't recall how I wrote the synopsis.

25 Q. You recognize that there's a target point or a

1 trigger point right down the line in that synopsis that is  
2 in essence the chapter headings for each chapter in  
3 sequence, those also being the dates that the Lutzes were  
4 in the house in sequence, and that your synopsis includes  
5 that; correct?

6 A. Well, the only thing I can say about that, is  
7 that over the last two and a half decades, Mr. and  
8 Mrs. Lutz have made it a point to say that they were in  
9 the house for 28 days. And in the book it says “A True  
10 Story” on the front cover, and both the Lutzes and the  
11 author promoted it as nonfiction. So, I was just trying  
12 to keep the accurate time frame for the dates.

13 MR. KIMBALL: What was your purpose for  
14 debating —

15 MR. NERSESIAN: Excuse me. You can redirect  
16 after I’m done examining.

17 MR. KIMBALL: Okay.

18 BY MR. NERSESIAN:

19 Q. Do the events described under each date comport  
20 with the events described in the book for each date on  
21 your synopsis?

22 A. I — I’m not hundred percent sure, because I  
23 haven’t read the synopsis in more than a year, and I  
24 haven’t read the book in more than two years. So, to be  
25 honest, I’m a little rusty on the exact sayings of the

1 book.

2 Q. When you wrote it, isn't it correct that you  
3 confirmed that the events you wrote corresponded to the  
4 dates in the book that you wrote the events for?

5 A. Again, when I wrote it, I'm not sure how I wrote  
6 it. I'm not sure if I confirmed anything. That's the  
7 whole thing. I mean, I believe it's accurate. I believe  
8 it follows a nonfiction — it follows accuracy of the time  
9 frame and everything, but I just don't recall how I wrote  
10 it.

11 Q. It's got the beginning, the middle, and the end,  
12 doesn't it?

13 A. You know, I just don't recall what it says  
14 exactly. The minute that this lawsuit started, I was —  
15 you know, never, ever aware that it was a copyright  
16 violation or even proposed copyright violation. I  
17 immediately took it off my web site, because, you know, if  
18 someone feels I'm infringing on their work, well, I don't  
19 want to do that. So, I definitely took it down. And that  
20 was the first I've ever heard of anything like that.

21 Q. How many copies of the book do you have?

22 A. You mean the Amityville Horror?

23 Q. Yes.

24 A. I think at one time I had every edition. Now,  
25 I'm not sure how many copies I have. It's somewhere in a

1 box somewhere.

2 Q. Did you also purchase or acquire all of the  
3 subsequent books discussing the Amityville Horror?

4 A. Not all of them; some of them.

5 Q. Now, the web site or the synopsis was written,  
6 when?

7 A. In 1999.

8 Q. Did it stay in its original format the entire  
9 time?

10 A. I believe the information stayed the same. I  
11 might have corrected some of the grammar and changed the  
12 layout. I did redesign my web site at least once, so — a  
13 new format just — and I did that to every page.

14 Q. Any other changes?

15 A. Not to my recollection.

16 Q. And you first put it up in '99?

17 A. Yes.

18 Q. When you first put it up, did it say at the  
19 beginning of the synopsis: "Below is a synopsis of Jay  
20 Anson's the Amityville Horror. It is only a summary of  
21 the chapters and in no way should it be considered a  
22 factual account. In fact, most of the events and  
23 incidents described in Jay Anson's book can be refuted and  
24 proven false"?

25 A. If that's what it says, then that's what I put

1 up there. I just don't recall.

2 Q. Is that what you first put up there in 1999?

3 A. No.

4 Q. Okay. When did you change the synopsis to have  
5 that introduction?

6 A. I think — I don't recall the exact date, but I  
7 can say it was when I basically started finding out  
8 information that the whole story was a hoax.

9 Q. Well, as far back as 1994 and '96, when you were  
10 on the net, you were reading web sites that said that it  
11 was a hoax; right?

12 A. '94 and '96 I wasn't on the net. I didn't start  
13 getting interested in Amityville again until 1999.

14 Q. When you first went on the net in '99 — and I  
15 think you already testified to this — you saw a lot of  
16 web sites with erroneous information. You saw a lot of  
17 web sites that say it was a hoax.

18 A. Well, the fact is, is that I read Dr. Stephen  
19 Kaplan's and Roxanne Kaplan's book, "The Amityville Horror  
20 Conspiracy." Well, they claimed it was a hoax. And I  
21 pointed out some good information in there.

22 I originally met with Mr. Lutz — my web page  
23 offered both stories, originally, and I originally met  
24 with both sides, you know, the hoax versus the so-called  
25 true story. I met with Mr. Lutz, and Mr. Lutz said,

1 “Look, it’s a true story,” and I took his word at face  
2 value.

3 Q. But you had already been receiving information  
4 that certainly reputed to be statements that Amityville  
5 Horror is a hoax?

6 A. Not credible information. It was just newspaper  
7 accounts.

8 Q. When did you meet Geraldine DeFeo?

9 A. Excuse me?

10 Q. When did you meet Geraldine DeFeo?

11 A. She contacted me — I believe it was June 2000.

12 Q. What’s her real name?

13 A. Geraldine DeFeo Gates, and I think she just goes  
14 by Gates right now.

15 Q. Do you know where she lives?

16 A. It’s New York. A deposit in New York. I don’t  
17 have the exact address on me.

18 Q. Do you know her phone number?

19 A. Not memorized. Sorry.

20 Q. No?

21 A. No. Sorry.

22 (A brief recess was taken.)

23 (Exhibit 1 was marked for identification.)

24 BY MR. NERSESIAN:

25 Q. Can you identify Exhibit 1?

1 A. Is this taken from my web site?

2 Q. I'm asking you.

3 A. Well, I can't be sure, because it doesn't look  
4 like the web site. It just looks like it's text. So,  
5 what do I say?

6 MR. KIMBALL: Just say that you can't be sure.

7 THE WITNESS: I can't be sure.

8 MR. KIMBALL: You can answer the question.

9 BY MR. NERSESIAN:

10 Q. Okay. Read the text. Is this the first page of  
11 the synopsis that you wrote?

12 A. It sounds like it.

13 MR. KIMBALL: I believe he already answered the  
14 question.

15 MR. NERSESIAN: Well, now he answered it right.  
16 Thank you.

17 BY MR. NERSESIAN:

18 Q. Now, when you drafted — Exhibit 1, continues in  
19 the same format all the way through January 14th, 1976;  
20 correct?

21 A. I believe so. I believe that's the date that  
22 they said they left the house.

23 Q. And as we look at your date lines on here, those  
24 are the — that's also how — that's the format that the  
25 book was set up in; correct? — day by day with dates?

1 A. I'm not sure, because I haven't read the book in  
2 a couple years. I do know that talking to Mr. Lutz, when  
3 we were in good standing, he knew about the synopsis. And  
4 he basically said those dates were as accurate as  
5 possible. So, to keep it as accurate as possible, I  
6 listed the dates, and that's where basically —

7 Q. The dates were in there and on the web site  
8 before you had ever even spoken to Mr. Lutz, weren't they?

9 A. Well, no. What I'm saying is, when I did  
10 meet —

11 Q. Is that a, "Well, no," or a, "Well, yes, they  
12 were"?

13 A. No. The dates were on there. What I'm trying  
14 to say is basically when I did meet with Mr. Lutz, we  
15 talked about the synopsis. I wanted to get the accurate  
16 story. And that's always, always what I want to do, is  
17 get the accurate story. And we talked about the dates,  
18 and he said those were very close, and the information in  
19 the book was correct.

20 Q. Indeed, you were talking about the book, not —  
21 to your regard, not Ric Osuna's synopsis; isn't that true?

22 A. No. We were talking about the synopsis, too.

23 Q. Was there a copy of the synopsis out? Were you  
24 looking at his web site?

25 A. He had access to the Internet.

1 Q. His web site.

2 A. He was always — he was looking at my web site.

3 Q. No. When you guys were talking about the dates  
4 and the facts, your synopsis was never even mentioned, was  
5 it? You were talking about the book, and you were doing  
6 it over —

7 A. No. We were talking about both. Because,  
8 originally, there was no intention to do another  
9 Amityville book or anything like that. Originally, it was  
10 talking about getting information correct. And he knew I  
11 was interested. He knew I had a web site. And he wanted  
12 to get the information correct. I wanted to get the  
13 information correct.

14 Q. The information came out of a book, didn't it?

15 A. What, the dates?

16 Q. Well, everything that's in there came right out  
17 of the book. If I go to the book, everything in this  
18 synopsis will be found there, will it not?

19 A. Again, I basically did the synopsis before I met  
20 Mr. Lutz.

21 Q. Right.

22 A. So, I read the book a couple times, and then I  
23 formed the synopsis on it. And I —

24 Q. Let me ask you this Mr. Osuna: Are you saying  
25 that you were sitting there at a typewriter, and when you

1 wrote the paragraph —

2 A. No. No. No.

3 Q. Not a typewriter, a word processor — and you  
4 when wrote the paragraph under December 23, 1975, on the  
5 face of Page 1, you did not have the book there and you  
6 put all of that text in from memory?

7 A. I made notes when I was reading, but it wasn't  
8 verbatim notes. Because, again, I was researching this  
9 case. So, here —

10 Q. This is before you knew Mr. Lutz; right?

11 A. Right. Right. For the synopsis, yes. The  
12 whole thing, what the matter is, is throughout 25 years,  
13 they've said the book's accurate, the book is true, the  
14 book is true. So, I was making notes. And if you put  
15 it's a true story on the book, then the dates are  
16 important. It's like the JFK Assassination, November  
17 22nd, 1963; it's an important date.

18 So, that's my whole premise of putting the  
19 dates. It was not to make cliff notes or anything like  
20 that. And when I did meet Mr. Lutz, we went over the  
21 synopsis that was already up there to decide, Okay, this  
22 was accurate. And that's what I was trying to get at.  
23 I'm not trying to say —

24 Q. There were no changes made, were there?

25 A. I don't recall.

1 Q. Because everything — you don't recall. This  
2 came out of the book, didn't it?

3 MR. KIMBALL: I thought he answered the  
4 question.

5 MR. NERSESIAN: Exhibit 1.

6 MR. KIMBALL: He answered the question.

7 MR. NERSESIAN: That's not a reason not to  
8 answer the question.

9 MR. KIMBALL: He did answer the question. He  
10 said he didn't recall.

11 MR. NERSESIAN: Yeah. Now I want to —

12 MR. KIMBALL: So, move on.

13 MR. NERSESIAN: No.

14 THE WITNESS: I don't recall.

15 MR. KIMBALL: That's the answer.

16 BY MR. NERSESIAN:

17 Q. So, your notes had the phrase, quote, "Swedish  
18 Perfume," closed quote, in them?

19 A. Yes.

20 Q. With quotes around it?

21 A. Oh, you're talking about this one right here?

22 Q. Yeah.

23 A. That, I couldn't recall. But Swedish Perfume  
24 was made a very particular instance in the book. It just  
25 popped into mind, because of the fact they made a big deal

1 about this perfume smell.

2 Q. When you put this synopsis —

3 A. Uh-huh.

4 Q. — on your web page in 1979 — or 1999 —

5 A. Uh-huh.

6 Q. — strike that. Let me get some stuff straight,

7 first of all.

8 You are the owner of the Amityville Murders?

9 A. Yes.

10 Q. Okay. And this was posted on your web site,

11 Exhibit 1, in full form?

12 A. Um — it looks like the synopsis. Not the  
13 original synopsis, but it looks like the updated version.

14 MR. KIMBALL: Which of course, he already  
15 answered.

16 BY MR. NERSESIAN:

17 Q. Actually, he didn't. I just now got that.

18 You'll see it in the deposition.

19 MR. KIMBALL: Actually, he did.

20 MR. NERSESIAN: That's fine, Mr. Kimball. It's  
21 my deposition. Would you kindly let me take my  
22 deposition.

23 BY MR. NERSESIAN:

24 Q. What was the fair use you were making of the  
25 Amityville Horror at the time you first put this on your

1 web site?

2 A. I don't recall the exact mind-set, but I wanted  
3 to get the story straight. And I wanted to just basically  
4 say, This is what one party said, and this is what the  
5 other party said. And other than that, I don't recall the  
6 specifics. And if I can say, when I say "one party," the  
7 hoax side versus the horror side. That's what I mean by  
8 "one party."

9 Q. Why is it important in getting the story out,  
10 that awakening at 3:15 a.m. — and I directed you to the  
11 September 23rd, 1975 entry.

12 A. Uh-huh.

13 Q. What does that add to the dispute one way or the  
14 other?

15 A. 3:15 a.m. was a huge part of the Amityville  
16 Horror. It was part of the movie. If you watch the  
17 movie, James Brolin, the actor in there, woke up at 3:15.  
18 I mean, there must have been ten shots of that clock at  
19 3:15. So, it stood out in my mind that 3:15 was a huge,  
20 huge relevance in the case.

21 If I may add, it's so-called that, because  
22 people theorized that that's when the DeFeos had been  
23 murdered. And that's another reason why I put it in  
24 there, it's 3:15.

25 Q. So, it's one of the high points of the book?

1 A. The 3:15?

2 Q. Yeah.

3 A. I don't know if it's the high point. I would  
4 say that it's one of the things that pops out all the  
5 time.

6 Q. Swedish perfume pops out?

7 A. I would say yes. Not as much as 3:15, though.

8 Q. And flies pop out, don't they?

9 A. Oh, the flies, yes. Definitely.

10 Q. And Father Pecoraro and his illnesses,  
11 et cetera, pop out?

12 A. I believe so.

13 Q. Are there any high-point-fact things that you  
14 would call — any — and please list them for me as  
15 somebody who's read that book four times — high points of  
16 the book, The Amityville Horror, that do not appear in  
17 your synopsis?

18 A. Without reading the exact synopsis over again  
19 and reading the book, I couldn't tell you. It's been  
20 years since I've read that book. I mean, I might have  
21 read it several times, but I don't live Amityville every  
22 day.

23 Q. Okay. Please take a few moments to  
24 refamiliarize yourself with the synopsis.

25 A. Well, the only thing about that is, how am I

1 supposed to compare it to the book? Because —

2 Q. I'm just asking.

3 MR. KIMBALL: Well, to some extent; he's already  
4 answered the question. He doesn't know if this is exactly  
5 what he wrote. In fact, not to some extent. He stated  
6 that unequivocally.

7 THE WITNESS: I just don't know how I'm supposed  
8 to compare it to the book.

9 MR. KIMBALL: No. And you've already stated  
10 that.

11 THE WITNESS: I mean, if you want, I'll read it,  
12 but —

13 BY MR. NERSESIAN:

14 Q. Please — please familiarize yourself with the  
15 document that you said you can't recall.

16 By the way, if there's anything in there that  
17 you don't think you wrote, let me know, or tell the court  
18 reporter to — would you like a minute or two to do this?

19 A. It would just take me two minutes, probably, if  
20 that's okay.

21 Q. Do you want to use the rest room or —

22 MR. KIMBALL: I would like a copy of this,  
23 please.

24 THE REPORTER: Okay.

25 Would you like this as Exhibit 2?

1 MR. NERSESIAN: This can go on the record.

2 No, I do not want this as Exhibit 2. One of the  
3 things I am trying to prevent and trying to protect  
4 Mr. Lutz from Mr. Osuna concerning — is that Mr. Lutz'  
5 original copyright work not fall into the public domain by  
6 being an exhibit that is ready and available to the public  
7 as filed in this case.

8 MR. KIMBALL: That contention's been noted.

9 (Brief recess taken from 11:54 a.m.

10 to 11:58 a.m.)

11 MR. NERSESIAN: Back on?

12 MR. KIMBALL: Yes.

13 MR. NERSESIAN: Okay.

14 BY MR. NERSESIAN:

15 Q. Mr. Osuna, you've now reviewed this synopsis of  
16 which Page 1 was the — of which Exhibit 1 was Page 1 of  
17 the synopsis?

18 A. Uh-huh.

19 Q. Now, that you've reviewed it, can you recall a  
20 single high point in the book, The Amityville Horror, that  
21 does not appear in that synopsis?

22 A. Since I haven't read the book in a couple years,  
23 I can't recall except general — the general material of  
24 the book. I can't recall what the book exactly says.

25 Q. So, your answer is no?

1 A. My answer is: I don't recall what the book said  
2 or read, what was written in the book, since I haven't  
3 read it in quite a long time.

4 Q. Let me get this straight. You run a web site  
5 called the Amityville Murders.

6 A. Uh-huh.

7 Q. You owned for some period of time the domain  
8 named the amityvillehorror.com.

9 A. Uh-huh.

10 Q. You've posted regarding Mr. Lutz as recently  
11 as — oh, how long ago? How long has it been since you've  
12 made a post on a web site that used the name Lutz?

13 A. That uses the name Lutz, or are you talking  
14 about the Amityville case, in general?

15 Q. Right now that uses the name Lutz.

16 MR. KIMBALL: Clarify, sir.

17 THE WITNESS: I don't understand your question.

18 BY MR. NERSESIAN:

19 Q. You post on web sites in the discussion rooms?

20 A. I post on — right now I only visit one web  
21 site, and I usually, generally, 99.9 percent of the time,  
22 keep my discussions, basically, pointed toward the murder  
23 aspect.

24 Q. When was the last time you made a post using the  
25 name — where the name Lutz appeared in the post? Was it

1 within the last two weeks?

2 A. It may have been. It may have been. I'm not a  
3 hundred percent sure.

4 Q. Certainly, within the last month.

5 A. You know, like I said before, I keep my post  
6 generally around the Amityville Murders themselves.  
7 That's the whole aspect of the case that interests me  
8 most. If I use George and Kathy Lutz in there, since they  
9 have basically become public figures involved in this  
10 case, then that's quite possible. I just can't tell you a  
11 hundred percent sure that I've included them in a post. I  
12 might have. I don't know.

13 Q. You wrote a book in which Mr. and Mrs. Lutz are  
14 mention and discussed; correct?

15 A. Yes.

16 Q. You published that book?

17 A. Yes.

18 Q. You worked on a documentary called The  
19 Amityville Horror, for what period of time?

20 A. Are you talking about the History Channel  
21 documentary?

22 Q. Yes.

23 A. I'd say '99 to 2000; so, a little more than a  
24 year, roughly, without the exact dates.

25 Q. And you began as a researcher.

1 A. Correct.

2 Q. And you were coopted in that position because  
3 you had demonstrated a historic knowledge of the subject  
4 matter.

5 A. Because I demonstrated an interest —

6 MR. KIMBALL: Objection.

7 THE WITNESS: Because I demonstrated an interest  
8 and because I had a web site.

9 BY MR. NERSESIAN:

10 Q. For which you had even covered the domain name  
11 amityvillehorror.com.

12 A. I think I was brought into the research before  
13 that actually occurred.

14 Q. And as you researched it, you progress to,  
15 what? — an Associate Producer?

16 A. Originally, they wanted me to come on as an  
17 Associate Producer, and then it got bumped up, I believe,  
18 to a co-producer.

19 Q. And all of this occurred, when? — 2000?

20 A. I don't recall. It was — the documentary, I  
21 worked on for about, I'd say, roughly, a little over a  
22 year; so between 1999 and 2000. I do know when I went to  
23 Amityville for the first time in June '99, I was a  
24 researcher, an independent researcher, and that's how that  
25 went. I don't know when I was brought on as Associate

1 Producer.

2 Q. You've written entire articles, essentially on a  
3 subject of debunking Mr. Lutz and the true story nature of  
4 the Amityville Horror; correct?

5 A. Entire articles? I've basically written a book,  
6 and I've posted, and I've put stuff on my web site.

7 Q. Right. Now, with all of that in mind, let's  
8 please try to stick with the question; because I don't  
9 want an explanation. It's a yes-or-no question.

10 Do you recall any high points or critical  
11 factors in the book, The Amityville Horror, that are not  
12 discussed in the synopsis?

13 MR. KIMBALL: Objection.

14 THE WITNESS: I can't be more clear. I have not  
15 read that book in more than two years.

16 BY MR. NERSESIAN:

17 Q. Then say no.

18 A. Okay.

19 Q. If that's — if you can't, the answer is no.

20 MR. KIMBALL: The answer is, "I don't recall."

21 MR. NERSESIAN: No. He's not — you know — I  
22 have — you cannot answer a question, "Do you recall" —

23 MR. KIMBALL: He can answer "I do not recall,"

24 if that's what the answer is. The answer is, "I do not

25 recall." And he's answered that three times.

1 BY MR. NERSESIAN:

2 Q. The question is: "Do you recall." You cannot  
3 answer the question, "Do you recall" with the statement,  
4 "I do not recall whether or not I recall."

5 A. Well, that's the answer I'm going to give. I  
6 don't recall.

7 Q. No. Do you recall whether or not there were any  
8 high points in the book? Do you recall any high points in  
9 the book that are not discussed in that synopsis?

10 MR. KIMBALL: Objection; vague.

11 THE WITNESS: I've answered this already.

12 MR. KIMBALL: We're not going to answer the  
13 question.

14 THE WITNESS: I've answered this already. I  
15 don't recall.

16 MR. NERSESIAN: Can you read that last question  
17 back to me?

18 (Question read.)

19 BY MR. NERSESIAN:

20 Q. Okay. I want to rephrase this question so that  
21 I'll be clear when we call the Discovery Commissioner  
22 after lunch.

23 Do you, Ric Osuna, have any recollection of any  
24 high points in the book, The Amityville Horror, that are  
25 not discussed in the synopsis of which Exhibit 1 is the

1 first page?

2 A. I don't recall. I don't recall.

3 MR. KIMBALL: The answer is apparently no.

4 THE WITNESS: No, I don't recall. Does that —

5 no, I do not recall, because I have not read the book in

6 several years.

7 BY MR. NERSESIAN:

8 Q. Could I have the hole-punched one back?

9 A. Sure. I think that's it.

10 Q. Who's Roger Stacey?

11 A. He's an attorney in San Diego.

12 Q. Did you ever hire him?

13 A. No.

14 Q. Was he ever your attorney?

15 A. No.

16 Q. You also —

17 A. Wait. I'm sorry. Can I go back to that? Hire

18 him to represent me?

19 Q. I guess.

20 A. No; I never hired him to represent me.

21 Q. Did you hire him to represent someone?

22 A. My parents.

23 Q. Do you know where Roger Stacey is today?

24 A. No, I don't. San Diego area; I don't have an

25 address — I mean, not on me.

1 Q. Do you remain in contact with him?

2 A. Periodically. I mean, we're not like good  
3 friends or anything like that. More acquaintances,  
4 friendly acquaintances.

5 Q. What do you do for a living today?

6 A. Today I design — my chief business is probably  
7 designing web sites right now.

8 Q. Do you have any other books in the works?

9 A. Yes; non-Amityville related.

10 Q. What are they?

11 MR. KIMBALL: Relevance. Objection.

12 THE WITNESS: They're one about a sea disaster,  
13 an ocean disaster.

14 BY MR. NERSESIAN:

15 Q. Andrea Doria?

16 A. Oh, no. No. That's a nice one, though, but no.

17 Q. I could ask you. But to show you what a nice  
18 guy I am, I'm not going to ask you which sea disaster  
19 you're working on.

20 A. Thank you, sir.

21 Q. I'll wait and buy the book.

22 A. I'll send you a free copy.

23 Q. I'll hold you to that.

24 A. Okay.

25 Q. Do you have a publisher for that book?

1 A. No.

2 Q. The DeFeo Murders, that's the title of your  
3 book; right?

4 A. "The Night the DeFeos Died."

5 Q. "The Night the DeFeos Died." Thank you. Who  
6 was the publisher of that book?

7 A. Originally — well, technically, me. I went  
8 through what's called a POD, print on demand. It's print  
9 on demand. And that's basically it. There was someone  
10 named Ryan Katzenbach, Katco publisher or Katco Media.  
11 Basically, they picked it up for a few months, but they  
12 just — they couldn't handle the publishing — he couldn't  
13 handle a small publishing business and his daytime job.  
14 So, it kind of — he just said, "Look, do what you want."

15 Q. So, you originally went through Xlibris; right?

16 A. Yes.

17 Q. And then Katco picked it up?

18 A. For about six months.

19 Q. Was there a fee arrangement there?

20 A. No.

21 Q. No royalties or —

22 A. Oh, no; there was royalties, but no advance.

23 Q. No advance?

24 A. No, sir.

25 Q. Was Katco selling the exact same book as the

1 Xlibris publication?

2 A. I think there was a couple grammatical changes,  
3 and I think their graphic designer person kind of messed  
4 up on some of the text, but I believe there was only one  
5 or two more interviews that I had gotten since the Xlibris  
6 edition. But it was, I believe, Joel Martin and one of  
7 Ronald DeFeo, Jr.'s close friends during his prison years.  
8 That's just off the top of my head.

9 Q. Was the Katco book the same size?

10 A. No; it was eight and a half by eleven. That was  
11 the publisher's choice.

12 Q. And what was the size of the Xlibris edition?

13 A. Standard trade, eight and a half by five and a  
14 half. I hated — just for the record, I hated the eight  
15 and a half by eleven; never wanted that. But that was his  
16 choice.

17 Q. Were many sold?

18 A. No. I think 20. I never got a rough counting.

19 Q. Did you even get your royalties on the 20 that  
20 were sold?

21 A. I think I got \$100. And it might have been a  
22 little more than 20, but — it was kind of, like, Look,  
23 this guy's kind of not doing the best job. And I have no  
24 animosity against Ryan, but he just wasn't doing the best  
25 job.

1 Q. So, Ryan's the owner of Katco?

2 A. Yes.

3 Q Ryan, who?

4 A. Ryan Katzenbach.

5 Q. Is that here in town or —

6 A. No; California. So I just kind of like, Thanks,

7 but —

8 Q. Did they have any titles that anybody in this

9 room would likely have ever heard of?

10 A. There's two titles that only come to mind.

11 There was a huge Bible-size book on the Titanic — very

12 informative. "Titanic, Sinking the Myth"; and "Elvis, the

13 King is Dead," which is a book of — a very informative

14 book about the Elvis funeral from the standpoint of the

15 mortician.

16 Q. Spooky.

17 A. It was interesting, though.

18 Q. One of the reasons for the eight and a half

19 by — strike that.

20 The Xlibris edition was let out on buff paper;

21 correct?

22 A. I don't know what that is.

23 Q. Not glossy.

24 A. Not glossy. I believe so.

25 Q. Was the Katco edition on glossy paper?

1 A. It was laminated.

2 Do you mean the cover?

3 Q. No.

4 A. You know, I know he used the good paper. I had  
5 no say in what he used, because he was the publisher. I  
6 know it was good paper. It was thick.

7 Q. As you discussed with — Katzenbach, was it?

8 A. Yeah, right.

9 Q. — the publication of “The Night the DeFeos  
10 Died” —

11 A. Yes.

12 Q. — wasn’t it discussed that he would put out a  
13 book that would do justice to the photos in the book and  
14 show them much better?

15 A. The only thing I recall is I told him, “Look,  
16 nobody wants to read a coffee-table book,” because this —  
17 I mean, a coffee-table book is a coffee-table book. And  
18 he likes this idea. All his other paperbacks, his books,  
19 have been coffee-table size, eight and a half by eleven,  
20 or whatever the exact size is. All of his other books  
21 have been that size or — or the ones I mentioned — the  
22 Titanic and the Elvis Presley book — have been that size,  
23 as well.

24 I never asked for that size. Actually, I told  
25 him, for the record, I would rather have the smaller size,

1 because if you ever decide to do something with this  
2 book — and this is obviously before I knew he wasn't  
3 going to do anything with the book — then it basically  
4 would be stocked on the shelves easier than, maybe, a  
5 coffee-table sized book.

6 I hope that kind of makes sense.

7 Q. So, one of the 20 copies were sold, like, a  
8 coffee-table book?

9 A. Yes. Roughly 20 copies. I can't say the exact  
10 numbers. I never got an exact count.

11 Q. Have you gone back to POD releases of —

12 A. Yes. Yes, I have. Not through Xlibris; they're  
13 way too expensive.

14 Q. Who now?

15 A. It's called Booksurge. They're the ones that  
16 sell it; Booksurge. And they're the ones that are the  
17 POD.

18 Q. They're doing the printing and the —

19 A. Yes. They mail, print —

20 Q. Do you have new artwork through Booksurge, too?

21 A. No — what's your question?

22 Q. New artwork.

23 (Brief discussion held off the record.)

24 THE WITNESS: What I recall, since I was in the  
25 magazine business, I learned a lot of graphics. And I

1 actually designed the actual interior of the book. I  
2 think I added one DeFeo crime scene photo of the garage,  
3 and that's all from memory without comparing the books.

4 BY MR. NERSESIAN:

5 Q. I'm mostly talking about the cover art.

6 A. Yes, I designed a new cover for it, just

7 because —

8 Q. So, you're really the designer of the covers?

9 A. No; not for the Katco and Xlibris. I gave

10 Xlibris an idea but they didn't follow it to a "T."

11 Basically, I mean, they kept to the idea, but the

12 original — the only cover I fully designed was the latest

13 edition.

14 Q. What was your cost per copy on the Xlibris?

15 A. Author's copy? I mean, if I ordered copies for

16 an author or —

17 Q. No. No. Well, okay.

18 No, what did it cost you to produce the book?

19 Strike that. Maybe I'm doing it wrong. I'm not

20 sure — I guess I'm not positive how Xlibris works.

21 A. PODs.

22 Q. Yeah. Don't they charge you per copy?

23 A. No. PODs, you pay them money to — well, like

24 Xlibris, I paid them, I think, \$2,000 to put the book

25 together, okay? — which I kind of kick myself now because

1 I could have done it myself. But \$2,000 I paid them to  
2 put the book together. They put the book together.  
3 They — they don't print a book until somebody orders it.  
4 So, when somebody orders it, they print it off, and a  
5 couple days later they mail it out. They charge the  
6 person and they pay me a small royalty, and that's how it  
7 works. So, they're the publisher, distributor and  
8 warehouse. But, in essence, they don't print anything  
9 until somebody orders the book.

10 Q. Then you're the one who has to do the  
11 advertising and the leg work to get it ordered?

12 A. I have to do the leg work to, basically, get the  
13 word out there about the book. They just — they're just  
14 the spotter.

15 Q. Are they ordered through Xlibris still?

16 A. Uh-huh. Well —

17 Q. They're not ordered through book stores?

18 A. I think Xlibris has distributors that they use.

19 And I don't recall if I had any say on that during

20 Xlibris. I know, book stores, I can tell them to go

21 through certain distributors.

22 Q. So, the only money you got on the Xlibris books  
23 was the small royalty per copy?

24 A. Yes.

25 Q. How much was that royalty per copy?

1 A. I believe around \$4, something like that.

2 Q. And do you know what the retail on the book was?

3 And all books sell at retail, because they're only printed  
4 when ordered; right?

5 A. Sure. They do give discounts to, like,  
6 Amazon — or Xlibris gives discounts to Amazon and other  
7 distributors, like, Ingrams, and things like that. I  
8 don't know what my royalty was on that. I do know that —  
9 forgive me — I just blanked out. You wanted to know —  
10 I'm sorry — the end of the question?

11 MR. NERSESIAN: I blanked out, too.

12 MR. KIMBALL: Wasn't it the source of the  
13 royalties?

14 MR. NERSESIAN: Well, I think all I asked was  
15 what —

16 THE REPORTER: Retail.

17 THE WITNESS: Retail. I'm sorry.

18 BY MR. NERSESIAN:

19 Q. No wonder I forgot the question. The answer was  
20 not —

21 A. The retail, I believe, was \$19.99 for the  
22 paperback, and a little more for hardcover.

23 Q. They had a hardcover version?

24 A. Yeah, they did.

25 Q. Now, was there a special price for author's

1 copies?

2 A. I think they gave a certain amount of discount.

3 I don't recall the exact discount.

4 Q. Were there any free author's copies that came  
5 from the two grand?

6 A. Ten.

7 Q. Ah.

8 A. I believe ten.

9 Q. That's not bad. I mean —

10 A. It's pretty expensive for two grand, though.

11 Q. Yeah. Well, you sold some of these; right?

12 A. Yes; I sold some.

13 Q. Often times with a self-publisher, those ten  
14 author's copies are the only ones that exist?

15 A. That's right.

16 Q. How many did you sell through Xlibris?

17 A. You know, I'm not sure. I'm not sure. It was  
18 probably —

19 Q. More than 200?

20 A. I would say — I would say right around 200, to  
21 be honest with you.

22 Q. How many did you sell through Katco? 20?

23 A. Roughly, again, I don't have the figures for  
24 that.

25 Q. All right. And what was your Katco royalty?

1 A. Supposed to be — it was supposed to be we were  
2 going to split the net profits, and net was defined some  
3 weird way. I don't know. But —

4 Q. So, you had a net profit split agreement with  
5 this guy?

6 A. Yeah.

7 Q. And the coffee-table book was published over  
8 your objection?

9 A. Yes.

10 Q. You could have just said no.

11 A. You know, at that time, to be honest with you, I  
12 really didn't care anymore, because I was trying to move  
13 on to other careers and other things. And shortly after  
14 that, I got into the magazine business as an editor. So,  
15 it just basically —

16 Q. Which magazine do you edit?

17 A. Did. The pay was terrible, but I did work for  
18 Millionaire Magazine as the editor.

19 Q. What's Millionaire Magazine?

20 A. It's like the Robb Report. It's a small —

21 Q. As the editor?

22 A. As the editor.

23 Q. What was its circulation?

24 A. I think at the highest point when I was there,  
25 probably 40,000. Not much. Small.

1 Q. Is this published out of Las Vegas?

2 A. Uh-huh.

3 Q. Is that a yes?

4 A. Oh, yes. I'm sorry.

5 Q. Is it a national circulation?

6 A. Yes.

7 Q. Was that a glossy or a buff magazine?

8 A. Glossy, perfect bound.

9 Q. Independent completely?

10 A. "Independent"? I don't understand.

11 Q. I mean, did you guys do all your own routing and  
12 subscriptions?

13 A. Oh, no. No. Well, we did the subscriptions —

14 Q. Distribution.

15 A. The distribution was through a distribution  
16 company, and I think it was Kable Distribution. Kable  
17 with a "K."

18 Q. They do really well. I've seen it at every  
19 Albertsons.

20 A. That's why I'm not there anymore.

21 Q. And that was sarcasm, and Mr. Osuna recognized  
22 it as such, too.

23 A. And I enjoyed it.

24 Q. And now with Surge, what's the retail? I'm  
25 sorry, what was the retail on the Katco book?

1 A. Oh, gosh. You — it was over \$20. I thought it  
2 was very high. I commented on that, but he thought people  
3 would pay for it. And maybe that's why it did poorly,  
4 too. It was between 20 and 25.

5 Q. And I probably bought one of those.

6 A. Sorry, if you paid too much.

7 Q. Or likely not.

8 The Surge Publishing, what's the retail on that  
9 book?

10 A. It's 19.99.

11 Q. And your royalty?

12 A. Royalty is — if they go through them, it's 25  
13 percent. If they go through, like, Amazon or another  
14 place like that, it's, like, ten. I do know I've asked  
15 them to pull it from Amazon, because Amazon was  
16 double-charging people because it's in their marketplace  
17 instead of their original — their normal means. And I  
18 just don't feel people should have to pay double the money  
19 for a book like that.

20 Q. I missed something.

21 A. Well, it's not on Amazon anymore. I recently  
22 asked them to pull it.

23 Q. But Amazon is more expensive?

24 A. Because there are two Amazons: The regular  
25 Amazon, that you all know about; and then there's

1 Marketplace. In Marketplace, they jack the price up. And  
2 don't ask me why; I'm not familiar with it. But I just  
3 don't want people —

4 Q. I just don't understand how.

5 A. I don't know. I don't know how. I mean, but  
6 I've asked them to pull it.

7 Q. Your royalties go down and the retail goes up?

8 A. Yep.

9 Q. Well, great work if you can get it.

10 A. That's right.

11 Q. How many have been sold through Surge?

12 A. Without that information in front of me, I'm  
13 guessing about 200.

14 Q. Were you on the phone with me one time and some  
15 lawyer and Geraldine DeFeo talking about crime scene  
16 photos, autopsy photos?

17 A. I was talking with you and Geraldine about the  
18 crime scene photos.

19 Q. Had you gotten autopsy photos from Mr. Lutz?

20 A. No.

21 Q. And you were calling me because of the alleged  
22 Lutzes' copies; right?

23 A. Right. Mrs. DeFeo wanted to call Mr. Lutz, and  
24 that's why I put her in touch with you, since I knew at  
25 that point you were Mr. Lutz' attorney.

1 Q. What was Ms. DeFeo's impetus for having you get  
2 involved and get ahold of me?

3 A. Basically, she felt the crime scene photos  
4 should be returned to the family or from William Weber.  
5 She was afraid of what Mr. Lutz would do to them — do  
6 with them.

7 Q. Does Mr. Lutz have crime scene photos?

8 A. I don't know if he still does, but I did give  
9 him a disk that we obtained during the documentary  
10 creation. And I told her, and she was outraged. And  
11 that's why she wanted to speak with you.

12 Q. You got the disk; right?

13 A. I burned the disk. They were actually photos  
14 that I had to scan in manually.

15 Q. And where did they come from?

16 A. They came from William Weber's ex-secretary's  
17 son. The secretary died. The son had them. And,  
18 basically, Daniel Farrands, the production, and myself  
19 obtained them.

20 Q. You guys tracked these down?

21 A. Mr. Farrands was the one that tracked them down.  
22 I assisted.

23 Q. Not you?

24 A. No. I assisted. He's the one that basically  
25 found the individual. I assisted, but he's the one that

1 found them.

2 Q. Did you or Dan buy the photos?

3 A. Did I — the MPH, for the History Channel  
4 budget — MPH Entertainment through — with the History  
5 Channel budget, that was budgeted for the show, paid,  
6 like, \$100 for the photos, 200. The guy originally wanted  
7 a thousand, and the show said, No way. He used an  
8 entertainment lawyer in New York. And, so, basically, the  
9 show paid some money for these.

10 Q. So, there was a lawyer involved with the person  
11 who had the photos as well?

12 A. Yes; an entertainment lawyer.

13 Q. You don't remember his name, do you?

14 A. No. Not off the top of my head. I know  
15 Mr. Farrands created a contract for us. Because part of  
16 the deal was I offered to advertise this person's — his  
17 mother wrote a book, and part of that book had William  
18 Weber in it. And, basically, I offered to advertise the  
19 book one year free of charge on my web site in a special  
20 section, saying, you know, William Weber was connected  
21 with Amityville Horror; was mentioned in the book. That,  
22 plus — I think it was \$100 that the History Channel paid  
23 this gentleman — got the photos.

24 Q. When's the last time you talked to William  
25 Weber?

1 A. Sometime in 2001. I'm not sure on the date. I  
2 asked him to comment on the things that I found, and he  
3 refused to comment. I sent him a letter and talked to him  
4 on the phone, and he said he's not going to comment.

5 Q. Do you still have those photos in any data file?

6 A. The crime — the DeFeo crime scene photos?

7 Q. Yes.

8 A. Yes.

9 Q. Geraldine didn't want to get them back from you?

10 A. You know, I told her I would return them, if  
11 necessary. But, obviously, she didn't feel it was  
12 necessary, or she never told me it was necessary. I don't  
13 recall the exact conversation.

14 (A brief discussion was held off the  
15 record.)

16 BY MR. NERSESIAN:

17 Q. Did you at some point actually tell Geraldine  
18 that you destroyed all copies that you had?

19 A. Of the DeFeo crime scene photos?

20 Q. Yes.

21 A. I don't recall saying that.

22 Q. Now, you've actually told some people, or  
23 stated, that Mr. Lutz has acted feloniously at times,  
24 haven't you?

25 A. Meaning?

1 Q. I'm not sure. I'm using your word. I'm  
2 wondering what the feloniousness is.

3 A. Felonious? I —

4 MR. KIMBALL: Objection.

5 THE WITNESS: I'm not even sure I used that  
6 word, "felonious." I'm not even sure exactly what it  
7 means, totally.

8 BY MR. NERSESIAN:

9 Q. That's a fine answer.

10 Okay. Have you ever gotten George Lutz' credit  
11 report or credit history from any of the report services?

12 A. Absolutely not.

13 Q. Have you tried to?

14 A. Absolutely not.

15 Q. But you do say some pretty brutal things about  
16 Mr. Lutz now and again, don't you?

17 A. Brutal things? I try to report the facts.

18 Q. Mr. Lutz lives in, I think a 2500 — you've been  
19 to his house; right?

20 A. Yes.

21 Q. About 2500 square feet. Relatively nice area in  
22 Las Vegas. Beautiful house inside.

23 A. I don't know what you're —

24 Q. I'm just wondering. You go in that front door,  
25 it's a nice house, isn't it?

1     A.   It's not my taste. I wouldn't say it's a nice  
2 house.

3           MR. KIMBALL: Objection.

4           THE WITNESS: I wouldn't say it's a nice house.  
5 I would say it's a middle-class house. It's clean,  
6 relatively, from my recollection.

7 BY MR. NERSESIAN:

8     Q.   Yet you've posted that Lee lives in a junkyard.

9     A.   I don't recall posting that.

10    Q.   Do you recall posting that Mr. Lutz lives off of  
11 his girlfriend?

12    A.   I don't recall posting that.

13    Q.   Do you know where the original Lutz-Anson tapes  
14 are?

15    A.   No. Mr. Lutz couldn't find them.

16    Q.   And you never found them either?

17    A.   He had me search for them in his house. Even  
18 went to his attic, but we could never find them.

19    Q.   You've also tried to find them elsewhere outside  
20 of Mr. Lutz' house, other copies, haven't you?

21    A.   No.

22    Q.   No success — oh, okay.

23    A.   No. I mean, they weren't part of the official  
24 Lutz versus Weber court records, or at least there was  
25 nothing in there, in the file of the court.

1 Q. Where did the Lutz — Mr. and Mrs. Lutz'  
2 pictures that are posted on your web site come from?

3 A. They're — I don't think there are any pictures  
4 now on the web site. But if there were, they came from  
5 Newsday.

6 Q. Did you get permission from Newsday?

7 A. I called them up, and they said just give them  
8 credit, you know, Fair Use Act. I don't know who I spoke  
9 to. I spoke to their legal department.

10 Q. You've referred to yourself as an investigative  
11 journalist; correct?

12 A. Yes.

13 Q. Is that what you are?

14 A. I refer to myself as an investigative author,  
15 now. I mean, I consider my work of the standard of  
16 investigative journalism, but I never got a degree as a  
17 quote, unquote, journalist.

18 Q. So, the standard of investigative journalism —  
19 you do your homework; right?

20 A. Yes, sir.

21 Q. You confirm your sources.

22 A. Yes.

23 Q. You — if you have any kind of questionable  
24 source you get a second source to support; right?

25 A. Correct.

1 Q. Generally, on anything you're stating you want a  
2 double source, but you can't always get that and sometimes  
3 you have to use some license against that; right?

4 A. License —

5 Q. Investigative journalism has an unwritten rule  
6 that you want a double source, but if you can't get one —

7 A. Right.

8 Q. — it's still okay to use a single source?

9 A. Well, I mean, I suppose if that's the definition  
10 you're giving for investigative journalism, I wouldn't  
11 know. I mean, the fact is, I agree with everything you  
12 said up to that point. I feel that if you're going to  
13 report something, get as many sources as you can. And if  
14 you can't verify something, then you need to say, "I can't  
15 verify this."

16 Q. Unverified would be no second source; right?

17 A. Right. Or no source at all.

18 Q. Was the DeFeo Murders written to an  
19 investigative journalism standard?

20 A. Yes, it was.

21 Q. You've represented to the public that Ron DeFeo  
22 and Geraldine DeFeo were married; right?

23 A. Yes. That's the information I discovered.

24 Q. What was your verification of that information,  
25 beyond Geraldine DeFeo's statement, that they were?

1 A. The Cayuga County Sheriff Department; friends of  
2 Ronald DeFeo, Jr.; Suffolk County Police Detectives.

3 Q. What did Ronald DeFeo, Jr. say about it?

4 A. Oh, he said yes; and then he changed his story  
5 later because he wanted money.

6 Q. Who at the Suffolk County Police Department  
7 confirmed a marriage?

8 A. It was a lieutenant — and I don't remember his  
9 name off the top of my head. He basically said that they  
10 had a relationship prior to the murders.

11 Q. Have you ever been in the Amityville house?

12 A. Yes, I have.

13 Q. When?

14 A. End of November 2000, roughly.

15 Q. Who let you in?

16 A. The property owner invited me. He knew I was  
17 working on telling the truth, and he wanted to show me  
18 that there's no ghosts or demons in the house. And, so, I  
19 had about a two-hour tour and conversation with him, on a  
20 chilly Saturday afternoon.

21 Q. Is that when you became possessed?

22 A. Possessed at finding the truth.

23 Q. Your web site — well, no, strike that.

24 You're still working in Amityville circles. Do  
25 you know Chris Quarantino?

1 A. Yes, I know Chris Quarantino.

2 Q. When was the last time you talked to Chris?

3 A. Couple of weeks, maybe a month.

4 Q. Are you two friends?

5 A. No. We're friendly, but I can't say we're  
6 friends.

7 Q. But you do have people who you think are your  
8 friends that you've dealt with on the web, right? Like  
9 Blaine, maybe?

10 A. Blaine, I consider a friend.

11 Q. And what personal interaction with Blaine do you  
12 have that would make you think that he's your friend?

13 A. E-mails, correspondence. He's called me.

14 MR. NERSESIAN: Exhibit 2.

15 (Exhibit 2 was marked for identification.)

16 MR. NERSESIAN: We've been at this an hour and a  
17 half. Is it okay we take five?

18 MR. KIMBALL: Yeah.

19 MR. NERSESIAN: Thanks.

20 (Recess taken at 12:39 p.m., and

21 proceedings resumed at 12:44 p.m.)

22 BY MR. NERSESIAN:

23 Q. What is that, Exhibit 2?

24 A. It looks like a —

25 Q. Hold on. I started before she —

1 THE REPORTER: It's okay. Go ahead.

2 MR. KIMBALL: You do have a copy; right?

3 THE WITNESS: Yes, I have a copy.

4 BY MR. NERSESIAN:

5 Q. Go ahead.

6 A. This looks like a mortgage deed or something to  
7 that effect. And if I'm not mistaken, I obtained this  
8 from the public record at River Head.

9 Q. And you have a copy of that; right?

10 A. Yes; at home. I believe so, if it's the same  
11 one, yes.

12 Q. And Blaine, your friend —

13 A. Uh-huh.

14 Q. — he's got a copy of that now, too, doesn't he?

15 A. Well, I don't know.

16 Q. Well, I've got a copy of it now, too; which  
17 leads me to my next question.

18 A. Okay.

19 Q. Did you send Blaine copies of photographs that  
20 Mr. George Lutz gave you in the document disclosure during  
21 the production — during your work on the documentary?

22 A. Absolutely not. No.

23 Q. You're sure?

24 A. I am sure. That I'm sure of, because I will say  
25 right now, I did not do that.

1 Q. Okay. And Blaine — where would Blaine have  
2 gotten some if he has some?

3 A. I don't know.

4 Q. Did he tell you where he got them?

5 A. I didn't know he had them. I know I've been  
6 reading on the message board — a lot of people have  
7 caption cards and they've been putting the documentary on  
8 the computer and capturing images from it. But, no, I  
9 have not sent him any photos.

10 Q. What else did you send him besides Exhibit 2?

11 A. I sent him the crime scene photos, the DeFeo  
12 crime scene photos.

13 Q. Does Geraldine know you did that?

14 A. Yes. She authorized it, because he said he  
15 wanted to pick up where I left off, because I haven't done  
16 anything with Amityville in a couple years. And I got  
17 permission from his parents; I got written permission.  
18 And I got permission from Geraldine. I was, like, Okay.  
19 Besides, they're floating out on the net, so I figured  
20 it's fine.

21 Q. The crime scene photos are on the net?

22 A. Yes.

23 Q. Where would one go to find those?

24 A. I don't know the exact web site. That's just  
25 what the rumor is.

1 Q. Have you seen them on the net?

2 A. I've seen a few.

3 Q. So, it's not a rumor. You know it's there.

4 A. No. I mean, all of them. I haven't seen all of  
5 them on the net.

6 Q. Where did you see — and you don't remember what  
7 web site you saw them?

8 A. Well, no. I can tell you — I don't know the  
9 address, but the address was some criminology web site  
10 from the U.K.

11 Q. That's news here.

12 A. Okay.

13 MR. KIMBALL: No one you're associated with;  
14 correct?

15 THE WITNESS: No way. They're not my  
16 associate — I mean —

17 BY MR. NERSESIAN:

18 Q. Well, you don't know if Blaine did it?

19 A. No, no. I'm not saying Blaine did it. I'm just  
20 saying —

21 Q. I'm not saying he did or didn't.

22 A. Oh, okay.

23 Q. You're stating positively that nobody you're  
24 associated with disseminated those photos.

25 A. I basically — my understanding of it is I gave

1 photos to a criminologist to investigate some of the  
2 things in my book, because I wanted some answers from a  
3 so-called professional. He later turned around and used  
4 those photos for his own purposes, which I never gave him  
5 permission. And Mrs. Gates DeFeo, or DeFeo Gates never  
6 gave permission, so —

7 Q. Has any action been taken against him?

8 A. That, I'm not sure of.

9 Q. Any cease and desist letters from you or  
10 anything?

11 A. From me, no.

12 Q. What's a criminologist?

13 A. Someone who investigates crimes.

14 Q. All right. This person who you gave it to, did  
15 you check his credentials?

16 A. As much as I could. It seemed authentic at the  
17 time.

18 Q. Because it sounds like at least — did you pay  
19 him for his work?

20 A. Oh, no. No. No. No. He's investigated the  
21 Amityville Murders before.

22 Q. Ah.

23 A. And, so, I found his name, and I was, like, Hey,  
24 you know, maybe this guy can help.

25 Q. How old is Blaine?

1 A. Seventeen, eighteen. I'm not sure.

2 Q. Were you involved in getting the records  
3 unsealed in the Weber case?

4 A. Yes, I was.

5 Q. You knew Mr. Lutz was a party to that case;  
6 right?

7 A. Yes.

8 Q. How were you involved?

9 A. Basically, I requested — on two separate  
10 occasions — that the records be unsealed pertaining to  
11 Father Ralph Pecoraro because, supposedly, there was a  
12 testimony. I later found out — well, I was denied. And  
13 then Mrs. DeFeo Gates and Roger Stacey approached the  
14 judge, and they wrote separate letters themselves. And at  
15 that point the judge eventually — I think because  
16 Mrs. DeFeo actually wrote — unsealed the records. And  
17 all the records was, it was one thing. It was an  
18 Affirmation. That was it. There was no testimony,  
19 because the testimony was in camera. So, it was a pretty  
20 disappointing find.

21 Q. And were you working with Mr. Stacey at that  
22 time?

23 A. Working with him? No. As far as I understood  
24 it at that time, Mr. Stacey was going to write his own  
25 Amityville book.

1 Q. Were you participating between Mrs. DeFeo and  
2 Mr. Stacey towards getting those records unsealed?

3 A. I didn't know Mr. Stacey was involved until  
4 after the fact. I knew he wrote a couple letters to the  
5 judge, but I had no idea he was helping Mrs. DeFeo or not  
6 until after the fact.

7 Q. Did you actually draft the letters that  
8 Mrs. DeFeo signed and sent?

9 A. She had — if memory serves me correctly, she  
10 basically told me what to write on the phone — you know,  
11 dictated them. I, basically, then forwarded to her for  
12 her signature and for her mailing, just a courtesy,  
13 because she didn't have a word processor at that time.  
14 She was in verbal contract — contact with June Lowe, the  
15 judge's secretary.

16 Q. And she was also — you found out after the fact  
17 she was in verbal contact with Roger Stacey?

18 A. Yes; she must have been.

19 Q. Anybody involved in that ever have any  
20 discussion around you, or that you know of, that said, You  
21 know, we're bringing a motion in front of a court on a  
22 case, and the one or two people who must be notified would  
23 arguably be the parties to the litigation?

24 A. I have no knowledge what the judge — the judge  
25 and the other parties talked about. I mean —

1 Q. Did you ever think of giving notice to the  
2 people who were parties of the lawsuit?

3 A. No; because it was a motion to the judge.  
4 Besides, it was a moot point, because afterwards the only  
5 thing that was in there, to my recollection when we  
6 received the case, was an Affirmation from Father Pecoraro  
7 stating my in camera testimony was accurate and truthful.  
8 But there was no in camera testimony transcript. So, it  
9 was a waste of time, to be honest with you, for the months  
10 that we — several months — that went after it. It was a  
11 moot point.

12 (A brief discussion was held off the  
13 record.)

14 BY MR. NERSESIAN:

15 Q. You worked as a researcher on the documentary,  
16 and then a producer?

17 A. Yes.

18 Q. Okay. And in one of your letters I saw that you  
19 read — you took the lead on the project?

20 A. Meaning, took a lead —

21 Q. I'm not exactly sure. I'm asking you.

22 A. I don't know what the context of that — I'm  
23 sorry. I —

24 Q. That's no problem. I can pull it out. It was  
25 your resignation letter.

1           Oh, I'm sorry. I used the wrong term. You  
2 wrote that you "spearheaded" the project; right? The  
3 second paragraph.

4       A.    Okay.

5       Q.    You meant it when you said it; right?

6       A.    Yes. I was doing most of the leg work. It  
7 wasn't for the documentary I was talking about.

8       Q.    Well, the project in total, including the  
9 documentary —

10      A.    The project that I was working with Mr. Lutz on  
11 the side was not the documentary. The documentary was its  
12 own separate entity.

13      Q.    Okay. You spearheaded the CD and the book  
14 project?

15      A.    The book project, not the CD. We were still in  
16 discussions about how to perform on the CD, if we were  
17 going to go forward on it.

18      Q.    Okay. Over the period of your involvement with  
19 Mr. Lutz and Mr. Farrands, you were provided documents and  
20 materials; correct?

21      A.    Yes, sir.

22      Q.    Was it always understood that you would  
23 ultimately be returning those to Mr. Lutz?

24      A.    The way that came about was Mr. Lutz was very  
25 apprehensive about providing originals for any length of

1 time. I believe he even mentioned that in his History  
2 Channel contract.

3           What I did was find the originals that were of  
4 interest to myself for the book project and to the  
5 documentary, I made photocopies of them, and then I  
6 returned the originals to Mr. Lutz, any originals that I  
7 could return. And I kept the photocopies. And one set of  
8 photocopies went to MPH per Mr. Lutz' agreement with the  
9 documentary, and one set of copies I was going to keep for  
10 the working on the book, and return them after everything  
11 was done.

12       Q. There were a number of things that he had also  
13 provided to you that were originals; correct?

14       A. Oh, yes. There were a number of things, a  
15 number of originals.

16       Q. And both photocopies and the originals were to  
17 be returned on completion; right?

18       A. Correct. As far as I know, the originals were  
19 already returned and it was — there might be one or two  
20 still that I had with the duplicate copies.

21       Q. One or two?

22       A. You know, just a few. But most of the originals  
23 were hand-carried back to Mr. Lutz months before my  
24 departure.

25       Q. Were the photocopies returned?

1 A. The photocopies were returned when I basically  
2 parted company.

3 Q. Would you agree that over the period of while  
4 you were getting these materials and the copies were being  
5 made, et cetera, you were provided, oh, at least one small  
6 bankers box of materials, and actually more than that?

7 A. A lot of the material that Mr. Lutz brought out  
8 wasn't usable, because it was court documents. And it  
9 wasn't anything juicy, either proving his case or  
10 disproving his case. It was more motions and things like  
11 that that just really didn't interest me. I kept a — I  
12 mean, I took with me, per the agreement — and, basically,  
13 he approved it — a large amount of material. But I  
14 wouldn't say it was a huge banker's box.

15 Q. No. I said a "small banker's box." At least a  
16 "small bankers box."

17 A. Okay. Well, I mean, then, I would say — I  
18 would estimate it was the size of when you get paper for a  
19 printer and you get a box, a ream of paper. It was around  
20 that size.

21 Q. No. No. No. No. No. The box. This one.

22 MR. KIMBALL: Objection.

23 MR. NERSESIAN: You're objecting to the answer?

24 MR. KIMBALL: I'm objecting to the lack of

25 clarification on what "box" means.

1 Off the record.

2 (A brief discussion was held off the  
3 record.)

4 BY MR. NERSESIAN:

5 Q. I don't understand what you mean. A ream of  
6 paper is 500 sheets, isn't it?

7 A. Yes; I believe so.

8 Q. And you're talking about a few of those in a  
9 box; right?

10 A. A few of those. But, I mean — I wouldn't say  
11 it was 500 sheets because of the fact — you have to  
12 understand, this was — some of the paperwork was bundled,  
13 and it was nowhere near thousands and thousands of pages,  
14 no.

15 Q. Okay. I wasn't necessarily suggesting it was.

16 A. No. No. Okay.

17 Q. If they stacked flat, though, there would have  
18 been at least five inches of pages; right?

19 A. I don't know. I'm not a good — guesstimate.

20 Q. It was a bunch of stuff — strike that.

21 Here's the next question: Did you — I know  
22 that you said a lot of it you didn't find pertinent.  
23 Didn't you make copies of everything for abundance of  
24 caution so that you could go back to it?

25 A. No. I didn't make copies of every single thing,

1 simply because of the fact this was coming out of my own  
2 pocket until I was going to be reimbursed by the  
3 documentary, if I was going to be reimbursed.

4 Q. Well, it came up at one point that you would be  
5 reimbursed; right?

6 A. Correct, it did. But you have to understand  
7 that the document — I mean, when we went to Amityville to  
8 shoot this thing, I had to pay \$700 out of my own pocket  
9 to rent the car and, then, eventually I was reimbursed.  
10 But still, that initial expense had to come out of my own  
11 pocket. So, it was kind of, like, even though you're  
12 getting reimbursed, it was hard to find the money to pay  
13 for the copies initially. So, I didn't want to just  
14 photocopy any single thing.

15 Q. And when was this — when did you start  
16 collecting documents?

17 A. I would have to say probably around March time  
18 frame. Because the contract I signed with Mr. Lutz was in  
19 March 2003, or the first part of March 2003, end of  
20 February. Not 2003. I'm sorry.

21 Q. 2000?

22 A. February 2000, March 2000. And until that was  
23 signed, he wouldn't let me access anything.

24 Q. And he was releasing the documents to you —

25 A. Yes.

1 Q. — right?

2 A. Yes.

3 Q. And you were the one who was making copies?

4 A. Yes.

5 Q. And then disbursing the copies per the contract,  
6 for example to MPH?

7 A. Not per the contract; basically at his request  
8 and Mr. Farrands' request, sending him copies of this.  
9 Originally, it was my understanding that everything was  
10 supposed to go through Mr. Kalmansohn as a third-party  
11 verification, but why that was waived, I don't know.

12 Q. Well, was it your responsibility to forward it  
13 to Mr. Kalmansohn?

14 A. No.

15 Q. Why not?

16 A. Because —

17 MR. KIMBALL: Objection.

18 THE WITNESS: — it just wasn't my  
19 responsibility.

20 BY MR. NERSESIAN:

21 Q. Mr. Kalmansohn's in California; right?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes.

25 Q. And you were the one who's getting the documents

1 together; right?

2 A. Correct.

3 Q. You're upstairs at Mr. Lutz's house going  
4 through the attic looking for stuff; right?

5 A. We were looking for the audiotapes.

6 Q. And it's you who's up there doing it?

7 A. Yes. With his permission, though.

8 Q. Yeah. But what I'm getting at, is you're the  
9 one who's marshalling the documents and the information;  
10 right?

11 MR. KIMBALL: Objection.

12 THE WITNESS: I was basically asking — or  
13 excuse me — I was seeking the information.

14 BY MR. NERSESIAN:

15 Q. And he would tell you where to go to find it,  
16 including in his house?

17 A. Yes. Well, I mean, he knew where all the  
18 documents were. But we were searching high and low. He  
19 was convinced that he had audiotapes. And we searched  
20 high and low for audiotapes that we couldn't find.

21 Q. Okay. Exhibit 3 —

22 MR. NERSESIAN: Exhibit 3.

23 (Exhibit 3 was marked for identification.)

24 MR. KIMBALL: That's the one I have?

25 MR. NERSESIAN: Yes.

1 BY MR. NERSESIAN:

2 Q. Do you know Cindy Stock?

3 A. Yes. I believe that's — yes, that's Mr. Lutz'  
4 girlfriend.

5 Q. At one point you posted that he was living off  
6 of her, didn't you?

7 A. I don't recall.

8 Q. What you see in front of you is a document that  
9 has been marked Exhibit 3. Per our understanding, this  
10 would represent documents that were provided to you and  
11 removed from the Lutz' premises under your control.

12 MR. KIMBALL: Objection.

13 BY MR. NERSESIAN:

14 Q. My question is — and I'll actually ask a  
15 question, and then we'll see if there's an objection.

16 MR. KIMBALL: Okay.

17 BY MR. NERSESIAN:

18 Q. My question is: Does that comport — does my  
19 understanding comport with what you did get?

20 A. If you're asking if this represents what I got,  
21 no. I would say this is incorrect. Because there's no  
22 way that I would have obtained all this material by  
23 marking them on two handwritten pages. Not even two; I  
24 believe it was only one handwritten page, signing out what  
25 I actually took. And, at that point, as you can see, this

1 is taking a number of pages. There's no way I could have  
2 fitten (sic) this all on one or even two handwritten  
3 pages, because I didn't take nearly all this stuff.  
4 Especially tax returns, never had them. So, no, this is  
5 an inaccurate list.

6 Q. Pick a number between 1 and 30.

7 A. One.

8 Q. Did you get and receive five Beta videotapes,  
9 Item No. 1 on Page 1?

10 A. Yes. And Scott Gerardi Gee fixed the Beta video  
11 player that Mr. Lutz loaned us, because I didn't have a  
12 Beta video player. And, at that point, we couldn't find  
13 "Kaplan's 'Real People,'" and Mr. Lutz was notified that  
14 there was no tape pertaining to this. After all that, it  
15 was — and they were returned in a matter of two days to  
16 Mr. Lutz.

17 Q. Pick another number.

18 A. Thirteen.

19 Q. The let's go with the first and last one.

20 "Handwritten pages (6"x9")," George's "handwriting, white  
21 paper, notes."

22 A. George's —

23 Q. The first item on Page 13 —

24 MR. KIMBALL: Excuse me.

25 THE WITNESS: Page 13. I'm — okay. Got you.

1 MR. NERSESIAN: We're trying to keep it random.

2 MR. KIMBALL: But it's also No. 13, that was

3 the —

4 MR. NERSESIAN: I understand.

5 (A brief discussion was held off the

6 record.)

7 MR. NERSESIAN: All right. Back on.

8 THE WITNESS: I'm sorry, what —

9 BY MR. NERSESIAN:

10 Q. Did you receive the first item on that page,  
11 marked 27 in little Roman numerals?

12 A. I don't recall.

13 Q. What about the last thing on that page?

14 MR. KIMBALL: At the bottom of the page, sir?

15 MR. NERSESIAN: Uh-huh.

16 THE WITNESS: It doesn't ring a bell.

17 MR. NERSESIAN: This would be Exhibit 4.

18 (Exhibit 4 was marked for identification.)

19 THE WITNESS: Are we done with this exhibit?

20 MR. NERSESIAN: No. You can keep it around.

21 THE WITNESS: Okay.

22 BY MR. NERSESIAN:

23 Q. Can you identify Exhibit 4?

24 A. I believe this is my resignation from any future  
25 projects with Mr. Lutz or Mr. Farrands.

1 Q. Does it actually include a resignation from the  
2 documentary?

3 A. Gosh, I'll have to read this.

4 Q. Take your time.

5 A. Okay.

6 Q. I think — was it your understanding that you  
7 were withdrawing from the documentary?

8 A. I was called —

9 Q. This isn't a trick question. I think everybody  
10 assumed that you were walking away from everything. And  
11 now, as I look at this, the documentary is not in there.

12 A. No. What was happening is, I disagreed with the  
13 scope of the documentary, and I told the History Channel  
14 that. They weren't interested. They wanted something  
15 scary for Halloween. Okay, fine. It's their documentary.  
16 They're paying for it. I never refused to do anything for  
17 the documentary.

18 One day after I resigned from the project,  
19 Mr. Farrands gave me a call and said, "Look. I need to  
20 know right away. Do you want your name on the documentary  
21 or don't you?" And I told him, "Well, hey, if you're  
22 giving me that choice, please take my name off, because  
23 I'm not proud of the documentary." But I never sent them  
24 a letter saying I'm resigning. Even — I worked very hard  
25 on that documentary to get them everything they could, so

1 I — I'm saddened that there was confusion about that,  
2 but, no, I didn't resign from the documentary.

3 Q. So, you weren't walking away from the  
4 documentary at the time of this letter?

5 A. No. No.

6 Q. But you were walking away from the Picture Book  
7 you had agreed to do?

8 A. No. It was the CD. The Picture Book was — it  
9 was tentatively called the Picture Book because we didn't  
10 know what else to call it at that point, when we did the  
11 contract. We had some ideas, but there was nothing  
12 concrete. So, it was a tentative title. The Picture Book  
13 was supposed to be the tell-all story. It was supposed to  
14 be the absolute truth and so forth.

15 And one day in July of 2000, I was told by  
16 Mr. Lutz that my writing wasn't that good. So, he wanted  
17 me to take some classes, and we would proceed on what he  
18 called "the epic" later on when my writing got better.

19 So, he was the one that stopped it right there.  
20 And then there was talk about doing — just releasing —  
21 he wanted to release just the pictures and maybe answer  
22 some questions from readers, like a question-and-answer  
23 book and a picture book combined.

24 MR. KIMBALL: "He," Mr. Lutz?

25 THE WITNESS: Mr. Lutz.

1 MR. KIMBALL: Yes.

2 THE WITNESS: So, at that point, we couldn't  
3 agree on the scope of it. As I said in my resignation,  
4 I'm sorry. It was not my intention to write two or three  
5 Amityville books; I just wanted to do the one. Tell the  
6 complete story, and that's it.

7 So, I resigned because I never wanted to really  
8 do a CD and then do a follow-up book and then do a  
9 follow-up book.

10 BY MR. NERSESIAN:

11 Q. What's the date of your resignation?

12 A. It was August. August 2000, I'm sorry. I don't  
13 know the exact date.

14 Q. And when did Mr. Lutz tell you that your initial  
15 draft of the book wasn't up to the status that he was  
16 hoping for?

17 A. Approximately the middle of July 2000, something  
18 like that.

19 Q. Didn't he actually say, "This isn't what our  
20 book is supposed to be"?

21 A. I don't recall. I do know that we agreed on the  
22 scope of the book beforehand, because I made out a  
23 tentative outline of what the book would cover. And he  
24 sent me an E-mail saying, "That's fine. Your proposal  
25 sounds fine, but forget the actual audiotapes. I have too

1 many reservations about them.

2 MR. NERSESIAN: This will be 5.

3 (Exhibit 5 was marked for identification.)

4 BY MR. NERSESIAN:

5 Q. Can you look at Exhibit 5, Mr. Farrands — or  
6 Mr. Osuna.

7 A. Okay.

8 Q. Can you identify that document?

9 A. This is the agreement we had for the book that  
10 we were planning to write.

11 Q. And did you execute this document?

12 A. I'm sorry. Say —

13 Q. Did you sign this document and agree to its  
14 terms?

15 A. Yes, I did.

16 Q. And were you a licensee or a joint licensee?

17 A. At the time of this — well, according to this,  
18 I'm just a licensee with Panic Productions. So, I don't  
19 know if it would legally make me a joint licensee or not.  
20 But, at that time, Panic Productions, which was Daniel  
21 Farrands, was interested in helping. He later tried to  
22 withdraw or limit his role altogether.

23 Q. Does that say that this is the — that the  
24 tentative title of the book was to be the Amityville  
25 Horror Picture Book; correct?

1 A. Correct.

2 Q. And this was a license for a picture book;  
3 correct?

4 A. It was a license for more than a picture book,  
5 more than just a picture book. The title was the  
6 Amityville Horror Picture Book. And it was tentatively  
7 entitled that because that's just the title we used in the  
8 agreement.

9 Q. That's the only reason it's called that?

10 A. In this agreement, yes. We — the plan was to  
11 publish the pictures Mr. Lutz had with other information.  
12 But it was not just going to be a picture book. It was  
13 going to be much more detailed than that.

14 Q. What was the first and primary item to be  
15 provided under the license as, quote, the "Property"?

16 A. You mean — oh, gosh, I don't remember.

17 Q. I think if you look to the first paragraph, it  
18 says that the licensees are granted "limited use of  
19 certain original photos, news clippings, documents and  
20 other materials owned by the owners."

21 A. Okay. The first word there is "photos."

22 Q. And it's your testimony that you and Panic  
23 Productions were not putting together a picture book?

24 A. When you say "picture book," you have to  
25 understand that — what I understand picture book is to

1 be, is just pictures. You know, just pictures. That's —  
2 we were putting together the true story. There was a lot  
3 of unanswered questions, and a lot of inaccuracies that  
4 were supposed to set the record straight. I've already  
5 included as part of the record of the trial, or this case,  
6 the actual outline that we agreed upon. And I made notes  
7 with Mr. Lutz during the meeting, the initial meeting with  
8 Mr. Lutz over this, and he agreed to them, and that's why  
9 he sent me that E-mail saying he agreed, which is the part  
10 of the case, too.

11 I told him flat out I don't want to just do a  
12 picture book. There's more questions here that have to be  
13 answered, and all you're going to do — about doing the  
14 picture book — is people are going to say, "Well, you  
15 still didn't answer the questions."

16 Q. Weren't the questions supposed to be answered by  
17 the documentary?

18 A. We — you know, I don't know what our thinking  
19 on that was at the time. I mean, you've got to understand  
20 that the documentary was the documentary. We didn't know  
21 how that was going to go. I mean, it's the History  
22 Channel that has the final edit, the final say. So, this  
23 was about this project, the book project.

24 Q. What did you provide George Lutz in July or June  
25 that he said, "This won't do"?

1     A.   I don't recall exactly. I don't know what  
2     you're referring to.

3     Q.   Where does George Lutz retain any control over  
4     the book's content?

5     A.   You mean in the contract?

6     Q.   Yeah.

7     A.   I don't see anything.

8     Q.   So, actually, it was your partner in this  
9     contract, Panic Productions, who said, "You're not going  
10    to do that book"?

11           MR. KIMBALL:  Objection.

12           THE WITNESS:  No.  No.  Mr. Lutz basically —  
13    and Mr. Farrands said this on a radio show, and it's part  
14    of the public domain now, this radio broadcast where  
15    Mr. Lutz canceled the book because of my writing.  And,  
16    basically, I — Mr. Lutz also talked about canceling the  
17    contract because we couldn't agree on the scope of the  
18    project — when we were talking about doing a CD.  I  
19    didn't want a certain person involved because I didn't  
20    think they were trustworthy, and Mr. Lutz wanted this  
21    certain person involved, and he said, "If we can't agree,  
22    then I'm going to cancel the contract."  So, at that  
23    point, we couldn't agree, and that's the reason why I sent  
24    the resignation, because I —

25    Q.   Let's go to August of 2000 and not on some radio

1 show —

2 A. Okay.

3 Q. — a year or two or three later.

4 In August of 2000, what artistic control did  
5 Mr. Lutz retain over the book for which you were granted a  
6 license?

7 A. I don't know, except it was his materials, and  
8 we couldn't do the book without his materials and his  
9 cooperation.

10 Q. Why not?

11 A. Because that was — I took it as part of the  
12 agreement. It was his stuff. He was providing them for  
13 this reason. And if he decided not to provide them or not  
14 to cooperate, then we couldn't — I felt we couldn't  
15 finish the book. And he said point-blank to me that we're  
16 not doing this right now. So, okay, we're not doing it.  
17 But it doesn't mean that I wanted to do a CD. And  
18 eventually —

19 Q. Where does it say in that document that we're  
20 suing you for breach over — that you were supposed to do  
21 a CD?

22 A. Well, if you're talking about the book, it was  
23 Mr. Lutz who basically canceled or stopped the book  
24 project.

25 Q. He did?

1 A. Because of my writing.

2 Q. So, Mr. Lutz prevented you from publishing a  
3 book, how?

4 A. It wasn't preventing publishing; it was  
5 preventing continuing. Because he said — he said my  
6 writing needed to be worked on. I need you to take some  
7 classes. And he felt this wasn't what he wanted to do at  
8 this point in time.

9 Q. You had all the material, didn't you?

10 A. I think there was more stuff we needed to  
11 understand. It wasn't just a matter of having materials.  
12 It was a matter of his cooperation, telling his story.

13 Q. I see. And that's in August?

14 A. July. I would say July. We had that meeting in  
15 July where he said, "Look. We're not doing this. We're  
16 not doing this." You know, you're a good researcher  
17 but — he said, pretty much, You're a good researcher, but  
18 your writing needs skill. Go take some English classes  
19 and we'll do this later on, so —

20 Q. When did you meet Geraldine DeFeo?

21 A. I would say roughly June 2000.

22 Q. Okay. And would you agree that you've made  
23 negative posts about Mr. Lutz?

24 A. I've made negative posts about Mr. Lutz' story,  
25 yes.

1 Q. Sometimes they're —

2 A. Well, I think —

3 Q. — frustratingly personal and have nothing to do  
4 with his story; isn't that true?

5 A. Well, I think it kind of goes both ways. He's  
6 done the same thing to me, and I've done the same thing.

7 Q. Your lawyer can ask him that question. I'm  
8 asking you in my questions.

9 A. Possibly, yes.

10 Q. Possibly, yes. Okay.

11 A. Well, I just want to make it clear that I left  
12 Amityville last year, because I want to pursue other  
13 things. To me, Amityville is out there. It's fine. You  
14 know, whatever happens, happens. I'm just — to me, I  
15 want to get on with my life now. So, if I don't recall  
16 something, it's the God's honest truth, because I want to  
17 move forward.

18 Q. Well, then, when are you going to stop posting  
19 about Mr. Lutz?

20 A. I post now about the murders, and I do my best  
21 to refrain from posting anything about the Horror, because  
22 I really don't want to be brought into this whole Horror  
23 thing again. To me, the only thing that really interests  
24 me about this case is the DeFeo Murders and the corruption  
25 of the police and how they could miss so many important

1 things and crucial things. To me, that's the crux of the  
2 Amityville case. And the Horror is just not that  
3 important to me, the so-called Amityville Horror.

4 Q. It never was, then, after you had withdrawn? At  
5 that point it was the DeFeo Murders and the Horror wasn't  
6 important?

7 A. You know, I don't remember my mind-set back  
8 then, except to say that the DeFeo Murders has always  
9 taken center stage with me; because that, to me, is much  
10 scarier than any ghost story, simply because here you have  
11 six people allegedly dying face down in bed, no struggle.  
12 To me, it's, like, wow. That's why I named my web site  
13 the Amityville Murders. So, to me, that's always been the  
14 central focus and central goal.

15 Q. Are you going to start a web site on Richard  
16 Speck?

17 A. Who?

18 Q. Richard Speck.

19 MR. KIMBALL: He's a Chicago murderer.

20 THE WITNESS: Oh, okay.

21 No, I'm not really into the true crime stuff.

22 If a case interests me and it's crime, it just happens to  
23 do that. Like I said, I'm doing a sea tragedy now. I  
24 mean, I don't want to be labeled a true crime writer.

25 ///

1 BY MR. NERSESIAN:

2 Q. Where did you first meet Geraldine DeFeo?

3 A. If memory serves me correctly, she contacted me  
4 in June 2000. She was interested in my web site, and she  
5 heard that there was a History Channel documentary being  
6 made. So, I believe it was June 2000.

7 Q. Early on, did she inform you that she would very  
8 much like to see that History Channel documentary not  
9 occur?

10 A. She didn't say that. She said she would like to  
11 see the DeFeos portrayed in the correct light. She has  
12 felt for many years that the DeFeos were never portrayed  
13 in the right light. They were always portrayed as  
14 statistics and victims and not real people. And that was  
15 her only comment that I can recall at that point.

16 Q. Do you currently have in your possession  
17 transcripts of trials that Mr. Lutz was involved in, or  
18 portions thereof?

19 A. Transcripts?

20 Q. Yes.

21 A. No, I have no transcript. I have — I  
22 obtained — I obtained the actual record through the  
23 Brooklyn court, and I went there to actually make  
24 photocopies of it, twice. But actual transcripts, I don't  
25 think there was actual transcripts of the trial. Except,

1 there was one hearing that I have a transcript, but it was  
2 over some audiotapes, but nothing pertaining to a trial or  
3 anything important.

4 Q. What about depositions?

5 A. No; I have no depositions. I have — called the  
6 Pretrial — Defendant's Pretrial Memorandum, that lists  
7 excerpts from depositions.

8 Q. Now, before I go on to this next record, I just  
9 want to confirm: Everything that Mr. Lutz provided to you  
10 was returned and you didn't retain copies either and you  
11 never used the items?

12 A. To the best of my knowledge, I've returned  
13 everything. And I made sure of that when I was going to  
14 write my book. I recall the letter you sent me, where you  
15 said Mr. Lutz would own me if you ever found out I was  
16 using his material. So, that kind of said, Ric, you've  
17 got to cover your butt.

18 So, at that point, I basically made it a  
19 priority to get everything from the Brooklyn court and the  
20 depository in Kansas City, Missouri. I went down there  
21 several times to photocopy everything. So, I made it a  
22 point to get all of the information for my book from those  
23 sources. But, as far as I know, everything was returned  
24 to Mr. Lutz.

25 MR. NERSESIAN: Can we take five?

1 THE WITNESS: Sure.

2 (Recess taken at 1:38 p.m., and proceedings  
3 resumed at 3:00 p.m.)

4 MR. NERSESIAN: It's now 3:00. The dates that  
5 we would be looking at — and Mr. Kimball has another  
6 appointment and requested that the deposition be  
7 continued; and it seems reasonable, so we will.

8 And, Mr. Kimball, we're looking at, really,  
9 February 18th, 19th, or 20th. And I'm sorry it's so far  
10 in advance, but —

11 MR. KIMBALL: Does that work for you?

12 THE WITNESS: No. I'm not going to be here  
13 during that time.

14 MR. NERSESIAN: When are you gone?

15 THE WITNESS: Several times in February, because  
16 my parents — we had made plans. So, I was hoping we  
17 could do something next week.

18 MR. NERSESIAN: And this was explained to your  
19 office beforehand, and that's one of the reasons we're  
20 here now, is that Mr. Lutz is out of town for two to three  
21 weeks, commencing even today.

22 THE WITNESS: I can't do anything about that.

23 MR. KIMBALL: Beginning of February?

24 THE WITNESS: February 1st, yeah; February 2nd.  
25 Somewhere around in there.

1 MR. NERSESIAN: He's still out of town at that  
2 point.

3 THE WITNESS: I can't do anything.

4 MR. KIMBALL: Okay. Counselor, suggestions?

5 THE WITNESS: Let's settle.

6 MR. KIMBALL: Yeah, right. We've tried that.

7 MR. NERSESIAN: Well, I can go forward. But can  
8 I — do you think that you could prepare and implore upon  
9 the court another extension, explaining trial schedules?  
10 Because I also have — I start a trial — I think it's  
11 February 5th.

12 MR. KIMBALL: I think we can use the issue that  
13 the two parties to the pending action have to continue  
14 this; that both of the parties are not available at the  
15 same time, until whatever dates.

16 Will I prepare it? Sure.

17 BY MR. NERSESIAN:

18 Q. When are you available in February, Mr. Osuna?

19 A. First part of February.

20 Q. And you're gone for the whole second half?

21 A. I'm not sure, because we have plans. You know,  
22 that's the whole thing. We're still working on the plans.  
23 But it goes around those dates, because it's my birthday  
24 around that time.

25 Q. When's your birthday?

1 A. 24th.

2 Q. And you're still under oath.

3 A. It's the 24th.

4 Q. Well, what about the first day on that list,  
5 then. That shouldn't be too tough. I mean, that's a week  
6 before.

7 MR. KIMBALL: The 18th?

8 THE WITNESS: Oh, no. I hate to commit to  
9 anything, because of the fact that —

10 MR. NERSESIAN: Can you check your schedule for  
11 the 24th —

12 MR. KIMBALL: For the 24th?

13 THE WITNESS: Sure.

14 MR. NERSESIAN: — and see what we can do.

15 And would you want to be present — your lawyer  
16 mentioned that he needs Mr. Lutz' deposition, as well.

17 MR. KIMBALL: It certainly appears like it.

18 THE WITNESS: Do I want to? I've not decided  
19 yet. Sorry.

20 MR. KIMBALL: Whether he would want to be at  
21 Lee's.

22 MR. NERSESIAN: All right. Well, we'll try for  
23 the 24th.

24 THE WITNESS: The 24th, I definitely can't go.  
25 It's my birthday.

1 MR. NERSESIAN: Oh, not the 24th. We'll try for  
2 the 18th.

3 THE WITNESS: Oh, okay; the 18. That's fine.

4 MR. KIMBALL: 18th?

5 THE WITNESS: I'm going to look into it.

6 MR. NERSESIAN: We'll try for the 18th.

7 MR. KIMBALL: You have trial starting the 5th?

8 MR. NERSESIAN: Yeah. I think it's the 5th.

9 It's a funny thing, though —

10 And you can stay on.

11 — Judge Gates —

12 It's okay. I don't want to pretend that I'm not

13 being straightforward with everyone —

14 — Judge Gates set this trial at a Trial

15 Setting. It's going to be a four-day, and he also set

16 four other trials to start the same day, off of the

17 calendar call. So, each day is also like a baby calendar

18 call. It's scary.

19 I think it's to make us get it all done and get

20 ready, so we won't have to settle. You mean, I really

21 have to sit down and list this stuff?

22 All right. Now we're off, I guess.

23 And thank you for the time.

24 (Proceedings adjourned at 3:10 p.m.)

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CERTIFICATE OF DEPONENT

I, RIC OSUNA, deponent herein, do hereby certify and declare the within and foregoing transcription to be my deposition in said action, subject to any corrections I have heretofore submitted; and that I have read, corrected and do hereby affix my signature to said deposition.

\_\_\_\_\_  
RIC OSUNA

STATE OF NEVADA )  
                          ) ss:  
COUNTY OF CLARK )

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

## 1 CERTIFICATE OF REPORTER

2 State of Nevada )  
 ) ss.  
 3 County of Clark )

4 I, JEAN M. DAHLBERG, a duly commissioned Notary  
 5 Public, Clark County, State of Nevada, do hereby certify:

6 That I reported the deposition of the witness,  
 7 Ric Osuna, commencing on Thursday, January 15, 2004, at  
 8 the hour of 11:10 a.m.;

9 That prior to being examined, the witness was by me  
 10 first duly sworn to testify to the truth, the whole truth,  
 11 and nothing but the truth; that I thereafter transcribed  
 12 my shorthand notes into typewriting and that the  
 13 typewritten transcript of said deposition is a complete,  
 14 true and accurate transcription of shorthand notes taken  
 15 down at said time.

16 I further certify that I am not a relative or  
 17 employee of an attorney or counsel of any of the parties,  
 18 nor a relative or employee of any attorney or counsel  
 19 involved in said action, nor a person financially  
 20 interested in the action.

21 IN WITNESS WHEREOF, I have hereunto set my hand in  
 22 the County of Clark, State of Nevada, this \_\_\_\_\_ day of  
 23 \_\_\_\_\_, 2004.

24

25

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 JEAN M. DAHLBERG, RPR, CCR 759





1                   RIC OSUNA,  
2           having been first duly sworn, was  
3           examined and testified as follows:  
4           MR. NERSESIAN: Let the record reflect  
5   that Mr. Osuna is here today, and with him is Mr.  
6   Kimball, and apparently Mr. Osuna has appeared in  
7   pro per and then he had an attorney, then he didn't  
8   have an attorney. Now he's got an attorney again,  
9   and I've been told after this deposition he won't  
10   have an attorney, that this is a limited appearance.  
11   I, from my perspective, pointed out to Mr. Kimball  
12   that I believe that if he appears, he should — he  
13   is now on the case, and that the disciplinary rules  
14   and the rules of professional responsibility for the  
15   State of Nevada would require him to bring a motion  
16   to withdraw for him to not be Mr. Osuna's attorney  
17   on this case having appeared in this case. There  
18   are no provisions in those disciplinary rules for  
19   anything called a limited appearance or a bundled  
20   appearance or whatever you want to call it, and  
21   further in that respect I find that — or I would  
22   note that the plaintiff has found this circumstance  
23   of no attorney, then an attorney, then no attorney,  
24   then an attorney again and with the representation  
25   that there won't be an attorney tomorrow or whenever

1 to be burdensome and harassing and certainly  
2 upsetting to the orderly administration of justice  
3 in patent violation of Federal Rules of Civil  
4 Procedure 1, and that much of this is antics and  
5 gamesmanship by Mr. Osuna to render the proceeding  
6 oppressive and, frankly, in many ways less than  
7 intelligible. That being said, I'll continue with  
8 the deposition at this point. Mr. Osuna —

9 MR. KIMBALL: I'm going to make a  
10 statement on the record, since you were discussing  
11 me. I've been appointed and was requested and have  
12 been appointed for a single action appearance, and  
13 it is strictly a matter now of one cause of action  
14 for trademark infringement. I will not likely be  
15 involved hereafter. I will be filing a motion to  
16 withdraw, which, of course, we file anyway. There's  
17 nothing novel about this anymore than any other  
18 appearance. It's a single appearance for the  
19 purpose of finishing the deposition that I started  
20 when I was still counsel previously.

21 MR. NERSESIAN: Is that it?

22 MR. KIMBALL: That's it.

23 EXAMINATION

24 BY MR. NERSESIAN:

25 Q. Okay. Mr. Osuna, do you remember the

1 admonishments and discussion that we had at the  
2 beginning of your deposition?

3 A. No, I don't.

4 Q. Okay. This is a proceeding that is  
5 undertaken pursuant to the federal rules of civil  
6 procedure. It is a question and answer format. The  
7 questions that I ask and the answers that you give  
8 are being taken down in transcript form by the  
9 person to your right. It will be prepared in book  
10 form. You will be given an opportunity to read that  
11 book form transcript of this proceeding and to make  
12 changes to it should you contend that certain things  
13 were transcribed in error or you can even make  
14 changes if you feel that your answer has changed or  
15 you made an erroneous answer. If you make a  
16 substantive change of the latter sort, take note  
17 that your answer can be used — essentially the  
18 original deposition transcript can be used to attack  
19 your credibility and in many respects both answers  
20 would, indeed, be evidence. Do you understand that?

21 A. Yes.

22 Q. So be cautious as you read and as you make  
23 any changes that you do make. Because it's a  
24 question and answer format, it's important that your  
25 answers be verbal and in words. Nods of the head,

1 the grunts and sounds that we all might make in  
2 society to indicate an affirmative or a negative do  
3 not apply in this situation because she has no way  
4 to take those down. Do you understand that?

5 A. Yes.

6 Q. Further, it's important that you understand  
7 the question that's asked. If you answer a  
8 question, it will be pretty much deemed that you  
9 understood the question and your answer was in  
10 response to the question that was asked. That being  
11 said, it's important that you recognize and stop me  
12 when a question is ambiguous or confusing or you  
13 don't feel that the question asked would be speak an  
14 answer that you could give rather than just going on  
15 and answering. Are you confident that you can do  
16 that for me, that is, if you don't understand a  
17 question, stop me and make me restate it so you get  
18 it?

19 A. Yes.

20 Q. Okay. Do you have any questions about the  
21 process before we go forward?

22 A. No, I don't.

23 Q. Let me get some background information that I  
24 didn't originally get. Did you work as a dancer in  
25 Japan at some point?

1 A. Did I work as a dancer in Japan? I worked  
2 with my wife who is a dancer.

3 Q. Okay. So you yourself were not a dancer?

4 A. I danced on the stage voluntarily, not — I  
5 didn't get paid for it or anything like that.

6 Q. Okay. So it wasn't employment?

7 A. No.

8 Q. Okay. Do you have experience as a security  
9 guard?

10 A. Yes, I do.

11 Q. Where and when?

12 A. Honolulu, Hawaii around '93, '94.

13 Q. I believe that you've written and stated that  
14 you have Hawaiian law enforcement experience. Is  
15 that your security guard experience or is there  
16 something else?

17 A. Hawaiian law enforcement? I don't recall  
18 that, but I do have the security officer training.  
19 I went through the penal code training and things  
20 like that. I was about ready to go into the  
21 Honolulu Police Academy.

22 Q. So you've never been officially or even  
23 unofficially a part of Hawaiian law enforcement so  
24 far as the government of Hawaii or the  
25 municipalities therein would be hiring or firing

1 people?

2 A. Well, we worked hand in hand with the  
3 Honolulu Police Department because Waikiki was so  
4 big. The hotels we supervised or provided services  
5 for were so numerous, the chain that we worked for,  
6 that we often worked hand in hand with the police  
7 department.

8 Q. What chain did you work for?

9 A. Outrigger Hotels.

10 Q. And the firm that you worked for that worked  
11 for Outrigger Hotels was a security firm?

12 A. No, it was Outrigger Hotels.

13 Q. Oh, you actually worked for Outrigger Hotels?

14 A. Yeah.

15 Q. What was your title while you worked for  
16 Outrigger Hotels?

17 A. Security officer.

18 Q. How were those departments set up?

19 A. Chain of command; captain, lieutenant  
20 underneath you, supervisor.

21 Q. And what were you at your highest level?

22 A. I was a security officer, the highest rank of  
23 security officer outside of lieutenant and captain.

24 You know, I wasn't a supervisor. I was just —

25 Q. Security officer?

1 A. Security officer, yeah.

2 Q. You never advanced beyond the lowest rank,  
3 would that be correct?

4 A. No. I was — there was only two ranks, and I  
5 was at the — it was either the lowest or the  
6 highest, and I was at the highest. Then after that  
7 I could become a supervisor if I wanted to.

8 Q. So you were a lieutenant or a captain?

9 A. No, no. That's a supervisor position,  
10 lieutenant or captain.

11 Q. What's lower than the rank that you achieved?

12 A. I think it's security officer 2. I was  
13 security officer 1, I believe.

14 Q. Were you hired in as a security officer 1?

15 A. No, I was originally a — it's called a  
16 bellman. Then I transferred to the security  
17 department because I was in the military ROTC and I  
18 wanted to actually go in the military police, so I  
19 went into the security force because they actually  
20 gave bonus points when you went to take the Honolulu  
21 Police Department test since they knew Outrigger  
22 very well and they respected the training and  
23 everything, so I thought it was one step closer to  
24 becoming a police officer over there.

25 Q. How long were you in this position?

1 A. I think at least a year. I can't give you a  
2 firm answer.

3 Q. Can you say with certainty that it was more  
4 than eight months in the security position?

5 A. You know, I can't say for certain. It's been  
6 so long ago.

7 Q. When was it?

8 A. '93 or '94.

9 Q. Does the duration of employment we were just  
10 talking about also include your period of time as a  
11 bellman or was that something different?

12 A. No, that was something different.

13 Q. How long were you a bellman?

14 A. I think four to six months. I'm not sure.

15 Q. And what happened to your job as a security  
16 guard for Outrigger Hotels?

17 A. I resigned.

18 Q. Were you asked to resign?

19 A. No. I actually got commended twice, two  
20 accommodations, one for saving a person's life and  
21 one for uncovering drugs. Then I basically left. I  
22 wanted to move on, get out of Hawaii.

23 Q. What's PES Corporation?

24 A. PES Corporation was a local company here.

25 Q. Did you work for PES Corporation?

1 A. Yes, for a couple months.

2 Q. When?

3 A. I think '99.

4 Q. Did you know somebody with PE — or how did  
5 you get that job?

6 A. I was — I originally did some outside Web  
7 work for them, and then I basically was asked to do  
8 some advertising for them, you know, designing  
9 graphic ads, things like that, and it just moved up  
10 from there.

11 Q. So you were in advertising with PES  
12 Corporation?

13 A. I handled several of their departments  
14 eventually, and then I left.

15 Q. What departments?

16 A. Off the top of my head, advertising,  
17 marketing, the Web, maybe supervising, you know, the  
18 other employees' day-to-day operations, that type of  
19 thing.

20 Q. What were the circumstances behind you  
21 leaving?

22 A. I just didn't see eye-to-eye with the owner.

23 Q. Did the owner — were you fired?

24 A. No.

25 Q. Were you asked to resign?

1 A. No. I left. I quit on my own.

2 Q. Was there a — who was the owner that you  
3 didn't see eye-to-eye with?

4 A. I believe his name was David Amore (sic) or  
5 — it was a husband and wife that owned it. I just  
6 can't remember their last name right now.

7 Q. What kind of product or work did PES do?

8 A. They worked into, basically, the adult toy  
9 business. They were branching into the medical  
10 business. And it just — don't know how that ever  
11 came about.

12 Q. Were they resellers or did they have their  
13 own manufacturing facilities?

14 A. Both resellers and manufacturing facilities.

15 Q. Where were the manufacturing facilities?

16 A. Located I believe on premises. I think they  
17 had other stuff in California and things like that.

18 Q. Did you have anything to do with  
19 manufacturing?

20 A. Manufacturing, no. I have no idea how to do  
21 that.

22 Q. Did you design their Web page?

23 A. I designed a Web page for them, yes.

24 Q. Do you know if it still exists?

25 A. Not sure.

1 Q. Do you know what the address is for PES  
2 Corporation, the Web address?

3 A. No, I don't, not anymore. It's been such a  
4 long time.

5 Q. Did it go by any other names besides PES; I  
6 mean, was there a trade name that you used?

7 A. I'm not sure.

8 Q. Amityvillemurders.com, you were the  
9 Webmaster, right?

10 A. Yes.

11 Q. You were also the owner?

12 A. Yes.

13 Q. Did you — and that's you personally, not a  
14 company or anything?

15 A. No, just I did it for fun.

16 Q. Was that the first Web site you ever owned?

17 A. Possibly. I'm not sure at this point.

18 Q. What does a Webmaster do?

19 A. Design Web sites.

20 Q. You were also the moderator on the forum that  
21 was annexed to or part of amityvillemurders.com,  
22 correct?

23 A. It was a separate free service that we set  
24 up — a number of us set up. I originally started  
25 it. I gave it away to somebody, and then I rejoined

1 it as a moderator, and then I — a couple years ago,  
2 I said, this isn't for me, see you later. So it was  
3 at a link on the Web site, but it was never actually  
4 owned or operated by me. It was basically a free  
5 service.

6 Q. Could you annex it directly and bypass other  
7 Amityville sites?

8 A. I don't understand what you mean by annex.

9 Q. Well, for instance, if I want to see your  
10 site, I would go type [www.amityvillemurders.com](http://www.amityvillemurders.com),  
11 correct?

12 A. Yes, or you put it in in the search engine.

13 Q. And there was a time there where I could type  
14 [www.amityvillehorror.com](http://www.amityvillehorror.com) and go to your site, right?

15 A. Yes.

16 Q. Before that happened, before The Amityville  
17 Horror name could get you to the Web site, you could  
18 get there with Amityville Murders, right?

19 A. Uh-huh.

20 Q. Any others?

21 A. I believe I had [amityvillehorror.com](http://amityvillehorror.com), which  
22 you know about, and then [theamityvillehorror.com](http://theamityvillehorror.com),  
23 and I currently have The Night The DeFeos Died, and  
24 this is — how would I say it — my Web site is not  
25 up, but these are the domain names I had, and then I

1 think I have amityvillemurders.net too.

2 Q. You had the amityvillehorror.com at one  
3 point?

4 A. Uh-huh, yes, years ago.

5 Q. How did you end up not having that any  
6 longer?

7 A. Just basically I didn't want to renew it. It  
8 was just a matter of choosing not to renew it.

9 Q. Was it ever signed up in a way that it would  
10 access The Amityville Murders?

11 A. I'm not sure. It was years ago.

12 Q. So all you did was just drop that Web site  
13 and not renew it, there were no reasons behind it or  
14 anything else?

15 A. Not to my recollection.

16 Q. You didn't — do you know who Chris Quaratino  
17 is?

18 A. Yes, I know Chris Quaratino.

19 Q. Did you talk to him at all about the  
20 amityvillemurders.com name and site?

21 A. No.

22 Q. Or domain name?

23 A. No.

24 Q. Ever?

25 A. No, not that I know of.

1 Q. So it's just coincidence that he ends up with  
2 that name later, or it's unrelated to you so far as  
3 you know?

4 A. As far as I know and my recollection, yes, I  
5 have no recollection.

6 Q. Your Web site is down right now?

7 A. Uh-huh.

8 Q. Again, let's go with yeses, nos or —

9 A. Yes, I'm sorry.

10 Q. — or I don't understand —

11 A. I'm sorry.

12 Q. — or something like that.

13 A. Yes.

14 Q. When did it go — when did it go off line? I  
15 think that would even be the right term.

16 A. March — February, March.

17 Q. Of this year?

18 A. Yes.

19 Q. Why?

20 A. Just haven't been into it, haven't had the  
21 funds to really take care of it, wasn't happy with  
22 EarthLink, just a number of reasons, and I've been  
23 too busy with this litigation to really even concern  
24 myself with that.

25 Q. You have?

1 A. Yeah.

2 Q. You're not sure if you've had other Web sites  
3 in the past. What Web sites have you been a  
4 Webmaster for?

5 A. Probably several. Are you looking for a list  
6 from this day backwards or —

7 Q. Sure, that will work.

8 A. Obviously the Amityville Web sites, which you  
9 know about, then —

10 Q. Well, the Amityville Web sites is really one  
11 Web site with a couple of domain names that will get  
12 there, right?

13 A. Yeah.

14 Q. Okay.

15 A. Then basically I've done a cigar Web site.

16 Q. For what company?

17 A. For BG Gear, and then I've done PES, which  
18 you know about.

19 Q. Did you do that Web site while you were  
20 working for them or before you started being  
21 employed?

22 A. Both.

23 Q. The Web site was up and you were working on  
24 the Web site after it was up and working for them?

25 A. Well, how it came about was a friend of

1 theirs recommended me back in '98, '97, something  
2 like that, and they said, we need some Web work. I  
3 did it, I finished it, I moved on. I was done.

4 They called me a year or so later. They said, we  
5 need some more Web work. I said, sure, why not?  
6 And then they liked my work ethic where they said,  
7 look, why don't you do some advertising for us too?  
8 We need somebody that could do graphics. I said,  
9 okay. That's the best recollection I can give you.

10 Q. And then they hired you on?

11 A. They hired me on, yes. I was — I was a  
12 salaried employee after that second round.

13 Q. All right. The question, and I'm the one  
14 that took us off of it, was other Web sites that you  
15 designed and implemented. We got to PES.

16 A. I — let's see. I have my real estate Web  
17 site, I have my travel Web site.

18 Q. Okay. What are those? Let's take them one  
19 at a time.

20 A. Realestatesuncity.com, then I have  
21 millionairetraveler.com. When I was working for a  
22 company called Millionaire Magazine, I ran their Web  
23 site at millionaire.com.

24 Q. Is Millionaire Magazine still in business?

25 A. I have no idea.

1 Q. Okay.

2 A. I — I don't know.

3 Q. All right.

4 A. You know, it's the — I just — I'm sure  
5 there's some more. I just can't remember right now.

6 Oh, then I assisted my wife with her Web site at  
7 kianaparty.com. She had her own personal Web site,  
8 which I assisted her with. That's about all I can  
9 remember off the top of my head.

10 Q. For the court reporter, how do you spell  
11 Kiana Party?

12 A. Oh, I'm sorry. It's K I A N A party.com.

13 Q. When you did the Web site for Millionaire  
14 Magazine, you would have done a graphic for  
15 Millionaire Magazine, correct?

16 A. A graphic, meaning a logo?

17 Q. Sort of, yeah. Okay.

18 A. Okay.

19 Q. Correct?

20 A. Correct.

21 Q. And the word millionaire was in there?

22 A. I believe so.

23 Q. And Millionaire Magazine used this — used  
24 your graphic on their Web site, right?

25 A. Right. I was an employee for them, yes.

1 Q. Did they also use it on the magazine cover or  
2 anywhere else?

3 A. My graphic?

4 Q. Yes.

5 A. No. I didn't handle that. Those were  
6 already made by somebody else. I don't know who.

7 Q. Did you copy those or were you — or was the  
8 one you came up for the Web site unique?

9 A. The graphic designer made a unique one and I  
10 just put it up. I probably assisted the graphic  
11 designer who was also my boss, so I don't think you  
12 can generally just pull something — I mean, the  
13 stuff that was on for the magazine cover was in a  
14 different format. You couldn't just basically  
15 transfer files, because MAC and PC weren't very  
16 compatible in the files.

17 Q. What did you work in?

18 A. What did I work in?

19 Q. Yeah, or what do you prefer to work in?

20 A. Well, PC simply because I have more software  
21 than for MAC, but MAC is a better computer in my  
22 personal opinion.

23 Q. Millionaire Traveler, is that currently up?

24 A. Yes, it is.

25 Q. Okay. The word millionaire, as it appears in

1 the graphic on the current millionaire traveler Web  
2 site —

3 A. Uh-huh.

4 Q. — is that the same graphic or substantially  
5 similar to the graphic for the way millionaire  
6 appeared on the Millionaire Magazine Web site?

7 A. No.

8 Q. How do they look different?

9 A. I think mine is lower case and the magazine  
10 is upper case.

11 Q. Same font?

12 A. No, different. As far as I know, yeah, it's  
13 different.

14 Q. Same colors?

15 A. I'm not sure.

16 Q. Have you designed other Web sites for your  
17 wife?

18 A. No.

19 Q. What kind of site is kianaparty.com?

20 A. Well, it's no longer anything. It's gone.  
21 It was basically an x-rated Web site, adult Web  
22 site.

23 Q. Have you done work on other x-rated adult Web  
24 sites?

25 A. Adult-related material for swingers clubs and

1 things like that, but not really x-rated. To the  
2 best of my knowledge, I don't recall.

3 Q. Are you still doing Web sites right now?

4 A. No. No.

5 Q. What are you doing right now?

6 A. Just real estate.

7 Q. What kind of real estate; residential,

8 commercial?

9 A. Residential.

10 Q. Do you have a license?

11 A. Yes.

12 Q. Working on anymore books?

13 A. Yes, that Sea Disaster that we talked about

14 last time, which I haven't had a chance to work on

15 anymore.

16 Q. Have you put together other forums besides

17 The Amityville Horror forum or amityvillemurders.com

18 — now, that was actually The Amityville Horror

19 forum, wasn't it?

20 A. I'm not sure. I think it was The Amityville

21 Murders, Amityville Horror. It changed so many

22 times.

23 Q. Let's just say it was the Amityville.

24 A. Yeah, the forum.

25 Q. Forum?

1 A. Uh-huh. The question was, have I put anymore  
2 forums together since then?

3 Q. Yes.

4 A. To the best of my recollection, the only  
5 forum I have now and have put together since leaving  
6 Amityville behind was from for Millionaire Traveler.  
7 It was more of a Yahoo! group, which it didn't go  
8 anywhere, because I didn't do anything with the Web  
9 site. It was supposed to be a travel guide, but it  
10 just didn't do anything. It's just stagnant. So  
11 it's just — it's one of those free Yahoo! groups.

12 Q. You said you put Amityville Horror behind you  
13 or Amityville Murders behind you. Are you done with  
14 Amityville Murders then?

15 A. I don't know. To be honest, it's not  
16 something that I wake up and feel, well, I got to do  
17 this today. You know, I —

18 Q. There was a time when it was?

19 A. I felt compelled, but now it's more like I'm  
20 busy with real estate. I'd like to get my second  
21 book done. I'm just more interested in my family.  
22 You know, my dad is sick, so I want to kind of help  
23 him out. But, yeah, it's not a priority for me.

24 Q. What's the difference between a forum  
25 administrator and a forum moderator, if you know, if

1 there is one either?

2 A. There is a difference, but I don't know if I  
3 can give you the best definitions. My understanding  
4 is a moderator is someone with limited powers. An  
5 administrator has more powers. That's probably —

6 Q. Okay. You're past me because you're assuming  
7 that I have a clue as to what those powers even  
8 relate, so —

9 A. It's been so long. I think an administrator  
10 can ban people and look up IP addresses and things  
11 like that. I'm not sure, it's guessing, and a  
12 moderator can basically just delete posts, you know,  
13 just kind of like a baby-sitter for the board,  
14 whereas an administrator is more like a parent, if  
15 that kind of makes more sense.

16 Q. For the Amityville site or forum, were you an  
17 administrator or a moderator?

18 A. Years ago I was an administrator, then I went  
19 down to a moderator and then someone even put me as  
20 an honorary moderator, which I never did anything  
21 with because it just doesn't interest me anymore,  
22 the boards, so I was both at one time.

23 Q. Amityville Horror as a domain name —

24 A. Uh-huh.

25 Q. — is it correct that you got that domain

1 name in June 2000?

2 A. No, it was April 1999.

3 Q. What about The Amityville Horror?

4 A. It was sometime in 2000, and that's the one I  
5 didn't renew.

6 Q. Did you register the domain name in 1999,  
7 Amityville Horror, or did you start using it then?

8 A. Registered it and started using it in 1999.

9 Q. Both in 1999?

10 A. Yeah, April 1999.

11 Q. Do you recall when you first published your  
12 intent to publish your own book on The Amityville  
13 Murders or Amityville in any way?

14 A. I believe it was — my own separate book, you  
15 mean The Night The DeFeos Died, is that the book  
16 you're referring to?

17 Q. Well, I think that's the book that was  
18 ultimately the result.

19 A. Then I would say probably late autumn, early  
20 winter of 2000, if memory serves me correctly.

21 Q. When did you register the domain name  
22 amityvillemurders.com?

23 A. February '99. For the first time, I'm not  
24 sure, to be honest with you.

25 Q. And amityvillehorror.com was when?

1 A. April 1999. April 5th, I believe, that's the  
2 date.

3 Q. When did it go up?

4 A. Around that time. Probably two days later,  
5 because it takes a couple days to plan.

6 Q. To what?

7 A. To get the registration done and all that  
8 kind of stuff.

9 Q. Do you know what URL stands for?

10 A. No. I always forget. I'm not very good with  
11 acronyms.

12 MR. NERSESIAN: Anybody in this room know  
13 what URL stands for?

14 GEORGE LEE LUTZ: Uniform Resource  
15 Locator.

16 BY MR. NERSESIAN:

17 Q. Okay. What is a URL?

18 A. I believe that's a domain name.

19 Q. Is it a domain name or any address?

20 A. I'm not sure.

21 Q. Your domain name was the  
22 amityvillemurders.com, right?

23 A. Amityvillemurders.com.

24 Q. Amityvillemurders.com. And off of that there  
25 were various places you could go within

1 amityvillemurders.com, and on the computer is a  
2 neophyte I'm speaking here, up would come a new  
3 address. It might say amityvillemurders.com slash  
4 this, squiggle that and we'd have another page up  
5 there?

6 A. Yeah.

7 Q. Yeah. Do you register those other pages too  
8 or just the first one and everything that works off  
9 of it is internal to your operation?

10 A. I'm not sure how the registration process  
11 works, but I just know that this is the domain I  
12 registered for and the other pages kind of fall into  
13 line when you upload a Web site. I mean, it's not  
14 like you actually pay for a registration for each  
15 page that uses it.

16 Q. Right. It's just added on. Are you the one  
17 who chooses what the later pages are called, though?

18 A. Yeah. Most of the time, unless it's an  
19 automatic thing like the Web program or the Web site  
20 design program you use can choose the page numbers  
21 too or page names.

22 Q. Did you have hidden pages on the amity — on  
23 amityvillemurders.com?

24 A. I have no idea. I mean, there might be pages  
25 that don't have links. For whatever reason, I

1 couldn't tell you.

2 Q. Let me rephrase it this way. You did have  
3 hidden pages, didn't you?

4 A. I don't recall. I really don't.

5 Q. Where you would post secret stuff that  
6 friends and relatives and confidants could get to?

7 MR. KIMBALL: He's already answered the  
8 question.

9 THE WITNESS: I don't recall.

10 MR. NERSESIAN: I'm trying to refresh his  
11 recollection.

12 THE WITNESS: I don't recall.

13 BY MR. NERSESIAN:

14 Q. I'm a little bit lost on something too. I'm  
15 just trying to figure this out. At your first  
16 deposition you said Roger Stacy has never been my  
17 attorney. He did some work for my family, just a  
18 little bit of stuff, but he's not my attorney. Then  
19 I looked at a pleading that you filed in federal  
20 court or a paper in a motion for summary — or in  
21 response to the continuing depositions and you say,  
22 well, he can't testify on this stuff anyway because  
23 it's all privileged under the attorney-client  
24 privilege. Was or is Roger Stacy your attorney?

25 A. As I stated in the fax that I sent you, when

1 I understood that I made an error by saying that,  
2 because I really didn't understand the definition of  
3 attorney, I corrected it and, yes, Roger Stacy has  
4 advised me on several things.

5 Q. As an attorney?

6 A. As an attorney privilege.

7 Q. No, as an attorney?

8 A. As an attorney, yes.

9 Q. You hired him to be your attorney?

10 A. Hired? Hired is such an interesting word. I  
11 don't know. Pay him money, I don't think so.

12 Q. Were you guys working together on a project  
13 of joint interest?

14 A. Working together, no. No.

15 Q. Who approached who first; you approached  
16 Roger Stacy or Roger Stacy approached you?

17 A. I think Roger Stacy found the message boards  
18 and started posting, and his posts were very  
19 interesting, and originally we didn't see eye-to-eye  
20 on the case. And at that point we did see  
21 eye-to-eye, and we started talking, and we had a  
22 mutual interest.

23 Q. Now, originally he was posting at a time when  
24 you were still posting as a believer in the  
25 Amityville Horror, right?

1 A. Yes. To my recollection, yes.

2 Q. And when you did start seeing eye-to-eye, was

3 that a point in time after you became, for lack of a

4 better phrase, a nonbeliever, correct?

5 A. Correct.

6 Q. Did Roger Stacy say anything or give you any

7 information that was material in you changing your

8 mind or perspective?

9 A. To the best of my recollection, no. I don't

10 recall all those conversations.

11 Q. Of the ones you can recall?

12 A. To be honest with you, I don't recall the

13 substance of those early conversations enough to say

14 either way.

15 Q. With respect to your book, after it was

16 released and even before it was released, it was

17 advertised all over the Web site that you — all

18 over The Amityville Murders Web site, right?

19 A. Correct.

20 Q. And that Web site throughout that period

21 could be accessed by typing in amityvillehorror.com,

22 correct?

23 A. Correct.

24 Q. Have you read The Amityville Horror?

25 A. A very long time ago.

1 Q. Have you read any of the other books that Mr.  
2 Lutz has a copyright relative to Amityville?

3 A. A very long time ago.

4 Q. All of them, do you think?

5 A. I'm not sure.

6 Q. Did you read Amityville Horror 2?

7 A. I know I saw it. I just don't remember. I  
8 probably read parts of it.

9 Q. Do you have a copy of it?

10 A. I'm not sure. Maybe.

11 Q. Did you read The Amityville Horror-The Untold  
12 Stories?

13 A. Never heard of The Untold Stories.

14 MS. STOCK: Amityville Horror-The Final  
15 Chapter.

16 BY MR. NERSESIAN:

17 Q. Did you read Amityville Horror-The Final  
18 Chapter?

19 A. Maybe as a kid.

20 Q. Did you read any other Amityville books that  
21 I may not have mentioned but you recall?

22 A. I read High Hopes, The Amityville Horror  
23 Conspiracy by Stephen Kaplan, Murder in Amityville  
24 and there's some others by some different authors  
25 that I just can't recall, but that was years and

1 years ago.

2 Q. When it came time to market your book, were  
3 you still the Webmaster?

4 A. Yes.

5 Q. If I remember right, what popped up  
6 everywhere was — or often on the Web site was a  
7 sign that said, buy this book, and it had the title  
8 The Amityville Murders above it or something?

9 A. It was basically a banner that was either at  
10 the bottom or the top of the page that said  
11 something to that effect. It was The Night The  
12 DeFeos Died.

13 Q. I'm sorry. Now, did you approach — strike  
14 that. And I know we touched on some of this last  
15 time. It was self-published originally, right?

16 A. Self-published, yes.

17 Q. Amazon.com, I'm just looking at the marking  
18 of the book, vis-a-vis your marketing on your Web  
19 site, it's also with Amazon.com, right?

20 A. It was originally with — you mean for sale?

21 Q. Yes.

22 A. It was never sold on my Web site. You would  
23 have to go to the publisher's Web site to get it,  
24 and then the publisher would use different outlets  
25 like Amazon or somebody else, whoever they used.

1 Q. Do you know if there were ever any contracts  
2 or agreements or memorandum negotiated with, oh, for  
3 instance, Amazon relative to what searches would  
4 bring up your book at what level?

5 A. No. I have no — no knowledge of those.  
6 That was basically between the publisher, and when I  
7 say publisher, even though it was self-published —

8 Q. That's where I was a little lost with what  
9 you were just saying.

10 A. It's self-published in the fact that you pay  
11 for them to publish it, and they handle the  
12 distribution, the printing, the orders. They have a  
13 Web site and they — the distribution is like  
14 Amazon.com or something. So they're theoretically a  
15 — they're theoretically not a traditional  
16 publisher. They're more like a vanity publisher,  
17 but they handle all that.

18 Q. Even as — all right. And you never  
19 communicated with them about getting greater  
20 exposure or anything like that?

21 A. I probably — to the best my recollection,  
22 I'd probably want the best amount of exposure as  
23 possible, but with Amazon.com, unless you're J.K.  
24 Rowling or something, you're really not going to get  
25 that great of exposure. I mean, they're more like a

1 — a traditional book store, your hot seller is  
2 going to be up at the front of the Web site where  
3 your other books are going to be stocked on the  
4 shelves.

5 Q. You've seen the part where, oh, for example,  
6 on Amazon it says if we see you've ordered this  
7 book, you might find the following titles also of  
8 interest; you've seen how Amazon does that, right?

9 A. Yeah, that comes from their Web site, their  
10 database. They basically collect data about the  
11 user, what they've clicked on, and then they kind of  
12 put that together.

13 Q. You can't buy a spot on that list?

14 A. To my knowledge, I have no idea about that.

15 Q. Okay.

16 A. The only thing I understand, its workings, is  
17 the fact that if I click on two or three different  
18 Amityville books, it's going to say, well, this  
19 Amityville book may interest you, that Amityville  
20 book may interest you, and if I click on something  
21 about cowboys, it's going to bring up something  
22 about cowboys. So it's just basically their Web  
23 site. My understanding of it, their Web site pulls  
24 information off the user where they click on Amazon.

25 Q. Okay. Well, do you know if you had any

1 agreements with — you or your publisher had any  
2 agreements with Google or eBay or anything like that  
3 about prevalence or positioning of your book?

4 A. No.

5 Q. You don't know or they didn't?

6 A. To my knowledge they didn't. I never had —  
7 I've never seen my book on eBay. To my knowledge,  
8 they never had.

9 Q. Did you ever make arrangements to speak at  
10 libraries or anything like that to promote your  
11 book?

12 A. I had an arrangement for a library in October  
13 2002, but I had to cancel it because my dad went  
14 into the hospital.

15 Q. Was your book ever carried by any retail  
16 outlets, to your knowledge, other than computer  
17 based?

18 A. To my knowledge, no.

19 Q. So there was never a time where I could walk  
20 into Borders or anything and get one off of a shelf?

21 A. That's correct, to my knowledge.

22 Q. Did you ever try for that spot?

23 A. I made inquiries, and it just — it proved  
24 out of my scope of understanding the publishing  
25 business. So, I mean, to me I gave somebody else

1 the ball and they ran with it, and it just was kind  
2 of out of my hands.

3 Q. Well, if I remember from the last deposition,  
4 at some point it came back into your hands because  
5 you essentially took it back and started publishing  
6 in a different direction?

7 A. Right. It was a self-published title too.

8 Q. All of it was self-published, volume — or  
9 the revision, the —

10 A. Well, there was only one revision. What  
11 happened basically was I went with the  
12 self-publishing place. That's what it is. They  
13 basically had it for a couple months, then KatCo  
14 Literary grabbed it, ran with it for six months or  
15 whatever it was and then basically they couldn't  
16 handle anything. They were restructuring and the  
17 book just sat, basically, in their library. It  
18 didn't do anything. So they basically gave it back  
19 to me, and I just eventually wound up just putting  
20 it back to a self-publisher saying, hey. That was  
21 it.

22 Q. Did you receive with the notice of deposition  
23 that you're appearing on here today a request that  
24 something be produced duces tecum?

25 A. Yes, I did.

1 Q. Did you bring that with you?

2 A. I had brought one, because I couldn't find  
3 the other one. I have boxes and boxes that's in my  
4 closet that I just couldn't — didn't have time to  
5 go through in a matter of four days. That's why I  
6 objected.

7 Q. Did you bring it with you here, now?

8 A. Yes, I did.

9 Q. Can I see what you brought?

10 A. I brought Star and I brought the receipt.  
11 Would you like to see it? I didn't make copies for  
12 you. Sorry. I even have the original envelope if  
13 you would like to see that too.

14 Q. Okay. So you bought this volume of the Star  
15 somewhere approximate to March 23, 2004?

16 A. Somewhere around there, yeah.

17 Q. Did you have a copy of it before then?

18 A. To my knowledge, no.

19 Q. Okay. Do you have copies of the trial  
20 transcript in Lutz v. Weber?

21 A. Trial transcripts? To my knowledge, the only  
22 trial transcripts I ever had of that case, actual  
23 trial transcripts, was with regards to a brief  
24 hearing on some cassette tapes that were being  
25 produced or not being produced by the parties. I

1 never had the actual trial in transcript. Anything  
2 I used for my book for that trial was through  
3 Newsday archives, which covered the trial, and I  
4 couldn't find those transcripts. I looked and  
5 looked but couldn't find them.

6 MR. NERSESIAN: Okay. Can you mark the  
7 part of the deposition when I get my copy just so  
8 that I'll — I mean, somehow flag it so I'll  
9 remember where that is?

10 THE WITNESS: If I do find them, would you  
11 like me to send them to you?

12 MR. NERSESIAN: I'd love to have you do  
13 that.

14 THE WITNESS: Okay.

15 BY MR. NERSESIAN:

16 Q. Are you currently working with MGM?

17 A. No.

18 Q. Are you currently working with anybody on a  
19 movie about the DeFeo murders?

20 A. I licensed my rights for my book to Ryan  
21 Katzenbach, and he licensed it to some other people.  
22 And it's — as far as I know, it's dead in the  
23 water.

24 Q. When was the last — or how do you come to  
25 the conclusion that it's dead in the water?

1 A. Because I haven't heard anything for months  
2 and months and months I haven't heard anything.  
3 And, again, my primary focus is real estate right  
4 now. You know, Amityville was part of my life then.  
5 It's not something I really care about too much  
6 anymore.

7 MR. KIMBALL: Excuse me. Off the record  
8 for a minute.

9 (Discussion off the record.)

10 MR. NERSESIAN: Ms. Cindy Stock is here,  
11 local attorney, to assist me with this deposition in  
12 some respects.

13 BY MR. NERSESIAN:

14 Q. Ryan who?

15 A. Katzenbach.

16 Q. And that's who you licensed?

17 A. Yeah.

18 Q. Is that who bought the license from you?

19 A. Well, he — I gave him my — he optioned it  
20 from me, and he sold it to another company.

21 Q. So when he sold it to the other company, the  
22 option was exercised?

23 A. I believe that's how you term it. I'm —

24 Q. Did you get up front money when the option  
25 was exercised?

1 A. Yeah, I did. I got some money.

2 Q. How much?

3 A. It was 5,000.

4 Q. And do you have a royalty on — or any other  
5 remuneration on production?

6 A. If they make the movie, I get some money, but  
7 — yeah, I get some money.

8 Q. Do you know if you get money on after  
9 producer or before producer profits?

10 A. Not a clue. Sorry. Not a clue.

11 Q. Trust me. You should have looked at that  
12 real close.

13 A. Sorry. It's like — uhm —

14 Q. Oh, yeah. And who bought it from Katzenbach,  
15 if you know?

16 A. I believe Sony.

17 Q. Sony?

18 A. Or Tristar, as far as I know.

19 Q. With that are there any agreements to be a  
20 creative or —

21 A. No.

22 Q. No consulting agreements whatsoever?

23 A. No consulting. I think I have a customary  
24 title producer, but I don't even know if I'm going  
25 to elect to take that. No, no creative — I mean,

1 it's their project. They do what they want.

2 Q. Now, I know that last time you said your book  
3 was out of print?

4 A. Uh-huh.

5 Q. Is there POD availability of The Night The  
6 DeFeos Died?

7 A. My understanding is that the self-publisher I  
8 went through is possibly still selling it. I asked  
9 for a clarification from them on that, but I haven't  
10 gotten any yet. So —

11 Q. When did you ask?

12 A. About a month ago. It's not something I've  
13 really followed up on.

14 Q. How did you ask, e-mail?

15 A. E-mail — no, phone call. It was a phone  
16 call, I'm sorry.

17 MR. NERSESIAN: Off the record.

18 (A brief recess was then taken.)

19 BY MR. NERSESIAN:

20 Q. You took your book back from KatCo?

21 A. Yeah, back at the time in 2002, yes.

22 Q. Ryan Katzenbach is KatCo, right?

23 A. Yes, he's the owner of KatCo.

24 Q. When did you negotiate this option with him?

25 A. At the beginning of the book deal. Actually

1 I gave him the option rights before the book,  
2 actually.

3 Q. And you don't know anything about your book  
4 turning into a movie right now, and as far as you  
5 know it's dead in the water?

6 A. As far as I know, there has been no  
7 developments on it.

8 Q. You don't know that Sony has announced its  
9 release in January?

10 A. It has?

11 Q. You didn't know that?

12 A. No, I didn't.

13 Q. Okay.

14 A. This is news to me.

15 Q. It's good news, isn't it?

16 A. Yeah.

17 Q. And nobody has informed you that there has  
18 been an arrangement between Sony and Fox to produce  
19 the movie?

20 A. Sony and Fox, no. No, not at all. Do you  
21 have an article? I would like to see it.

22 Q. If I call Ryan Katzenbach, you would have  
23 every expectation he would say, I haven't said  
24 anything to Rick Osuna about this?

25 A. Yes.

1 Q. I think I'm talking right out of variety

2 here.

3 A. Okay. When was it?

4 Q. I don't know. I just keep tabs on it, okay?

5 A. The only thing I knew about it was MGM was

6 releasing a movie on it.

7 Q. Never —

8 A. Never.

9 Q. — affiliated with MGM?

10 A. No.

11 Q. Have you ever tried to release books or deals

12 with anybody for a later movie, be it sequels or

13 remakes?

14 A. You mean call producers?

15 Q. Yeah.

16 A. No.

17 Q. Have producers ever talked to you?

18 A. No. For discrediting, no. I've never tried

19 to do that.

20 Q. Just generally about a motion picture

21 release, I'm not talking about City Confidential or

22 anything like that?

23 A. For a motion picture release?

24 Q. Relative to the Amityville or sequel remake?

25 A. No, nobody has ever — I had dealings with

1 producers when I was back, you know, several years  
2 ago when we were trying to get a sequel made but not  
3 recently.

4 Q. Who is —

5 A. Daniel Farrands, myself, but no, I've not  
6 been contacted by producers regarding MGM's, I guess  
7 it's a remake, no, I haven't been contacted or I  
8 haven't contacted them.

9 Q. Either way?

10 A. No, I have not.

11 Q. When you negotiated the option with KatCo  
12 Pictures, was The Amityville Horrors, Amityville  
13 Horror mentioned in that contract in any way, shape  
14 or form?

15 A. No, it was The Night The DeFeos Died.

16 Q. Did you speak with Mr. Katzenbach about the  
17 chapter in the book on The Amityville Horror?

18 A. We spoke everything about the book. He was  
19 the publisher too, so he actually knew that book  
20 intimately.

21 Q. Can you define a time or event where you made  
22 your determination that — strike that. Let me ask  
23 a foundation question first. Am I correct in  
24 understanding that you believed that the Amityville  
25 Horror is a fraud?

1 A. The Amityville Horror is a hoax, yes, that's  
2 what I believe.

3 Q. There was a time when you did not believe or  
4 you felt that — strike that. Is it correct that  
5 there was a time when you felt that The Amityville  
6 Horror was not a hoax?

7 A. Yes, I felt there was truth to it, some truth  
8 to it, yes.

9 Q. Is there a point in time or an event that you  
10 can point to or some information that you received  
11 that was the turning point in your belief from not a  
12 hoax to your belief that it is a hoax?

13 A. Probably towards the middle to end of  
14 sometime in the summer of 2000 I was uncovering  
15 evidence that started showing that it was most  
16 likely not true or several of the events reported  
17 didn't happen, and then the more I looked into it,  
18 the more I was convinced. And when I say, the more  
19 I looked into it, you're talking over the next 18  
20 months, you know, 12 months that I looked into it.  
21 So the starting point was probably somewhere in  
22 2000.

23 Q. And it was an evolutionary process to  
24 believing it was a hoax or was it the summer of  
25 2000?

1 A. I felt right away that most of the events  
2 probably didn't happen, but going through for  
3 several months, you know, learning a little bit  
4 more, a little bit more.

5 Q. Firming up on something you said a moment  
6 ago, you never contacted MGM. Let me ask it a  
7 different way: Did you ever contact the MGM about  
8 Mr. Lutz's copyrights in The Amityville Horror?

9 A. Copyrights?

10 Q. Yes.

11 A. No, I never contacted them. I believe I  
12 contacted MGM's attorney regarding trademark after  
13 this litigation began but, no, I never — to the  
14 best of my knowledge, I never contacted them.

15 Q. Who is the attorney that you contacted?

16 A. Don't know. Don't know his name.

17 Q. How did you find him?

18 A. You know, I just called MGM and just said, I  
19 need to talk to — need this question — need some  
20 help, and they just essentially put me through to  
21 him or gave me his name or whatever the situation  
22 was, but —

23 Q. And did you write letters to him in addition  
24 to talking to him on the phone?

25 A. Maybe I faxed him something. I'm not sure.

1 Q. And it related to Mr. Lutz's trademark in The  
2 Amityville Horror?

3 A. Yes.

4 Q. Why were you contacting MGM's lawyer?

5 A. Because I didn't think Mr. Lutz had a  
6 trademark.

7 Q. Why did you believe that that would be of  
8 interest to MGM?

9 A. I don't know. I don't remember my frame of  
10 mind.

11 Q. Your best guess right now as to why you  
12 believe that MGM would have an interest in your  
13 opinion about Mr. Lutz's trademark?

14 A. I couldn't even dare to guess.

15 MR. KIMBALL: Can I go off the record?

16 MR. NERSESIAN: Sure.

17 (Discussion off the record.)

18 BY MR. NERSESIAN:

19 Q. Let's go back on. We had a conversation off  
20 the record.

21 A. Yes.

22 Q. Mr. Kimball and you were here just now and it  
23 was told to me that he had informed you that you  
24 should be contacting or getting — trying to  
25 research the efficacy of Mr. Lutz's trademark and

1 that he would expect your calls and contact with MGM  
2 were directed at determining the efficacy of Mr.  
3 Lutz's trademark. Do you agree with that?

4 A. Yeah.

5 MR. KIMBALL: And not —

6 MR. NERSESIAN: And not —

7 MR. KIMBALL: And not trying to undermine  
8 any trademark, trying to make a —

9 BY MR. NERSESIAN:

10 Q. And it wasn't to undermine any trademark?

11 A. No. It was just a determination of facts.

12 It was just basically to find out what's the deal.

13 Q. Okay. Do you recall saying approximately

14 four minutes ago, and I think I'm quoting here, I

15 called them because I didn't believe he had a

16 trademark and — no, I'm sorry. Let me rephrase

17 that. I told them I didn't believe he had a

18 trademark. Do you recall saying that a moment ago?

19 A. I don't know if I said it like that. If I

20 did —

21 MR. KIMBALL: Can you read it back?

22 THE WITNESS: Yeah, can you read it back?

23 (The above-question and answer was

24 read back by the reporter.)

25 BY MR. NERSESIAN:

1 Q. Didn't you even fax him a letter, the MGM  
2 lawyer, where you said, I don't believe Mr. Lutz has  
3 a trademark and, indeed, called into question their  
4 dealing with Mr. Lutz from the position of both a  
5 trademark and a copyright?

6 A. I don't recall.

7 Q. You don't recall?

8 A. I don't recall the essence of that letter.  
9 It was more of inquiry.

10 Q. So there was a letter?

11 A. If I sent them a letter. I mean, the fact is  
12 is that I don't recall when I did it, and I don't  
13 recall — because I also contacted trademark office  
14 — the copyright office to get information, but I  
15 just don't recall the substance of all those  
16 conversations.

17 Q. What did you learn from MGM about Mr. Lutz's  
18 trademark or copyright?

19 A. I don't know if I learned it from MGM. I  
20 learned — it was my opinion that Mr. Lutz didn't  
21 have a valid trademark. What I learned from them —  
22 what I learned from them, I'm just not sure. I  
23 think they weren't very helpful at all.

24 Q. Did you have more than one conversation with  
25 this gentleman, this lawyer?

1 A. To my knowledge, the best of my recollection,  
2 no.

3 Q. Did he respond to your letter?

4 A. I don't think so, if I sent him a letter.

5 Q. You said that one of the papers you filed you  
6 said that you felt you had at least an understanding  
7 and an agreement that it was appropriate to use the  
8 domain name amityvillehorror.com as an access to  
9 your site. Do you recall that?

10 A. I think I termed it differently.

11 Q. How did you term it, or what is your —

12 A. Just I'm a better writer than speaker, so I'm  
13 not going to try to put it in words, because I can't  
14 remember the exact words I used, but basically I  
15 felt — I didn't even know there were so many  
16 Amityville Web sites out there, and I didn't know  
17 that it would be such a big deal to use  
18 amityvillehorror.com, and —

19 Q. Didn't you say that you — would you agree  
20 that you at least stated that you had the implied  
21 consent of Mr. Lutz?

22 A. Yes, I would.

23 Q. And whatever that implied consent that you  
24 were forwarding was, that was at a time when you  
25 were working with him, right?

1 A. That was at a time when we were doing mutual  
2 projects together.

3 Q. There came a time when you weren't doing  
4 mutual projects together, correct?

5 A. Correct.

6 Q. So there came a time when your Web site  
7 became, frankly, negative to Mr. Lutz, wouldn't you  
8 agree?

9 A. Negative to the story of The Amityville  
10 Horror, yes.

11 Q. And that was also at a time when there was a  
12 change in your belief as to the veracity of The  
13 Amityville Horror?

14 A. Actually the belief in The Amityville Horror  
15 changed prior to the Web sites change.

16 Q. Okay. What I'm saying — all right. But  
17 this implied consent that you had from Mr. Lutz was  
18 at a time not that the Web site was proximate to the  
19 implied consent but was — that's a terrible  
20 question. You had that implied consent and received  
21 that implied consent and operated under that implied  
22 consent that you believe existed at a time prior to  
23 your change in the belief of the veracity of The  
24 Amityville Horror, right?

25 A. It was — Mr. Lutz was well aware I owned the

1 domain amityvillehorror.com. He didn't care. He  
2 didn't make any objections to it or anything like  
3 that. So that's basically the matter at hand, and  
4 when I changed my beliefs in The Amityville Horror,  
5 I went on. I just continued forward.

6 Q. And you just continued continuously using  
7 that domain name?

8 A. Yes, I did.

9 Q. Do you think that Mr. Lutz's implied consent  
10 in any way had to do with the fact that you guys  
11 were working together?

12 A. No. No, not necessarily.

13 Q. Not necessarily. Okay.

14 A. No, because we didn't start really working  
15 together until February 2000, and I had had the  
16 domain since April 1999 and Mr. Lutz had met me  
17 several times before that.

18 Q. All during times at which your opinions and  
19 what you were voicing on your Web site was favorable  
20 to The Amityville Horror, correct? When I say  
21 favorable, it was supporting its veracity?

22 A. No, not necessarily. Because when I met —  
23 when I met Mr. Lutz the first time, I was — I was  
24 in the middle. I was on the fence. I didn't know  
25 who to believe, because there had been books

1 published exposing The Amityville Horror as a hoax.  
2 I met Mr. Lutz and I started believing him at his  
3 word.

4 MR. KIMBALL: I would like to take a five-  
5 minute break.

6 MR. NERSESIAN: I would love to.

7 (A brief recess was then taken.)

8 BY MR. NERSESIAN:

9 Q. This is going to be a little bit redundant  
10 because apparently we're all unclear on something.  
11 You registered amityvillehorror.com in February —  
12 April of 1999?

13 A. Yes.

14 Q. When were you able to access Amityville  
15 Murders by typing in www.amityvillehorror.com?

16 A. I believe that same month.

17 Q. And you said that you believed you had  
18 implied consent from Mr. Lutz?

19 A. Well, there was so many Amityville Web sites  
20 on the Internet, you know, and —

21 Q. Any of the other ones that were actually on  
22 the Internet at that time use the exact same title  
23 as his book?

24 A. Yes, there was a few. The Amityville Horror  
25 on-line, other things like that but, yes, there

1 were.

2 Q. Okay. Now, going to this implied consent, do  
3 you remember the meeting at Mr. Lutz's house I  
4 believe it was where, frankly, discussions about the  
5 nature of the book became heated?

6 A. Vaguely.

7 Q. Just vaguely?

8 A. Yeah.

9 Q. Do you remember discussing the Web site at  
10 that meeting?

11 A. No.

12 Q. Do you remember Mr. Lutz upon actually  
13 discovering that a domain name amityvillemurders.com  
14 was owned by you?

15 A. No, he knew before that. We had had  
16 conversations. He had visited the message boards.

17 Q. You can get to the message boards without  
18 ever typing in amityvillehorror.com, can't you?

19 A. Well, you can get to anywhere without typing  
20 in anything.

21 Q. Right.

22 A. But you have to get there one time or  
23 another.

24 Q. Amityvillehorror.com was strictly a domain  
25 name that provided a link to another Web site,

1 wouldn't that be true?

2 A. It was a pointer. It just pointed to another  
3 Web site.

4 Q. Right. So you would never have to know or  
5 use amityvillehorror.com to access anything on the  
6 Web, would you?

7 A. The way it looks now, no. No, I don't think  
8 so. No, I don't think so.

9 Q. Okay. Back where I was when we took the  
10 break, looking at the point in time when your Web  
11 site became — strike that. I do have another  
12 question before I go there. No, I don't. So  
13 implied consent. Was this implied consent, as you  
14 understood it, in perpetuity?

15 A. Basically there was so many Web sites dealing  
16 with The Amityville Horror, Mr. Lutz had showed me  
17 some, I had found some, and it was just a matter of  
18 trying to create a domain or a Web site and just  
19 kind of embodying the whole story. When I met Mr.  
20 Lutz, I guess it was spring of '99, when I met him,  
21 I was on the fence, and on my Web site it even  
22 discussed which domain names you could use to go to  
23 the Web, and it also basically gave every side of  
24 the story. I was kind of on the proverbial fence.

25 Q. Do you have a copy of that?

1 A. Not with me, and I don't know if I could get  
2 it up.

3 Q. You had something printed on the Web that  
4 said amityvillehorror.com will take you to The  
5 Amityville Murders?

6 A. I believe so, yes.

7 Q. And where was that on your Web site?

8 A. I think it was similar to an about us page.

9 Q. And when would it have been taken down, or  
10 would it have been up there until the Web site went  
11 down?

12 A. No, no. The Web site was remodeled so many  
13 times I couldn't tell you exactly when it was taken  
14 down.

15 Q. Why would it have been taken down?

16 A. Just you get bored of something. There was  
17 no particular — no particular reason.

18 Q. And you don't have a recollection of Mr. Lutz  
19 at some point saying to you, what the hell do you  
20 think you're doing using the name  
21 amityvillehorror.com?

22 A. No, I don't.

23 Q. Okay. At the point in time when the Web site  
24 began taking the position that the Amityville Horror  
25 was a hoax —

1 A. Uh-huh.

2 Q. — and you had changed your beliefs —

3 A. Uh-huh.

4 Q. — and you had resigned from the book

5 project, you did resign from the book project,

6 correct?

7 A. Well, I resigned from the changed book

8 project.

9 Q. Whatever the — whatever book project there

10 was you resigned from, correct?

11 A. I resigned from the second book project that

12 basically was changed.

13 Q. And that was the only book project at the

14 time, right?

15 A. Well, there was something that we were

16 supposed to be doing and it changed the scope of it.

17 The scope was changed and I felt I didn't want to be

18 a part of that, so I resigned.

19 Q. What you were supposed to be doing was The

20 Amityville Picture Book, right?

21 A. No, we were supposed to be doing a tell all

22 book, set the record straight on a lot of things.

23 Q. I see.

24 A. And the tentative title was The Amityville

25 Picture Book because that's the only thing we can

1 consider calling it at that point.

2 Q. Exhibit A to your motion for summary judgment  
3 is a contract?

4 A. Yes.

5 Q. And that contract deals with a book?

6 A. Yes.

7 Q. And you are the signator to that contract, a  
8 signator, correct?

9 A. A signator, yes.

10 Q. All right. Did you resign from that  
11 contract?

12 A. The contract was basically based on an  
13 outline that I had given to all the parties  
14 involved, and we had all agreed on the scope of this  
15 book project. And when Mr. Lutz decided to change  
16 the scope of the project to only be pictures and  
17 questions, I decided that's not what we had  
18 originally agreed upon, I don't really want to  
19 participate in this book project.

20 Q. And you resigned?

21 A. Yes, because I had questions over the  
22 validity of the story and because that wasn't what I  
23 agreed to.

24 Q. Let's go to that point in time. When that  
25 resignation had occurred, you had reached a change

1 in your belief and the Web site direction had began  
2 publishing The Amityville Horror as a believed hoax,  
3 the Web site you owned. That point in time, there  
4 is a point in time when all three of those things  
5 existed, correct?

6 A. Where I changed my belief?

7 Q. You changed your belief, the Web site  
8 indicated it and you had resigned from the book  
9 project?

10 A. Right. They didn't all happen in the same  
11 order.

12 Q. I didn't say they happened in any — there  
13 was a point in time —

14 A. Okay.

15 Q. — when all they three of those things  
16 existed?

17 A. Yeah.

18 Q. All right.

19 A. Okay.

20 Q. Take that point in time, and I don't care  
21 which one was last —

22 A. Okay.

23 Q. — okay? That was before this lawsuit was  
24 started, right?

25 A. Yes.

1 Q. Okay. It was more than a year before this  
2 lawsuit was started, right?

3 A. More than a year, yes.

4 Q. Okay. And in that year you continued to use  
5 amityvillehorror.com as a pointer to  
6 amityvillemurders.com, correct?

7 A. Correct.

8 Q. Don't you think that — strike that. Okay.  
9 Who did you call at the trademark office?

10 A. I don't know. I don't know the person's  
11 name. Just information.

12 Q. And you called the trademark office?

13 A. No, I didn't call the trademark — I called  
14 the copyright office.

15 Q. Who did you call there?

16 A. I don't know the person's name. Just  
17 information. Whatever their 800 or 888 number was.

18 Q. Did you discover that Mr. Lutz did not have a  
19 copyright to The Amityville Horror?

20 A. I felt he didn't because of what was on-line  
21 through the trademark office rights. I felt he had  
22 assigned is the proper word?

23 Q. Was your use of amityvillehorror.com relying  
24 upon what you believed was Mr. Lutz's implied  
25 consent?

1 A. Not entirely.

2 Q. In part?

3 A. In part, yes.

4 Q. Would you have been using it regardless of  
5 that implied consent?

6 A. No. If he had made a big deal out of it in  
7 the beginning, then I wouldn't have used it. If he  
8 had told me when we first met, no, I don't want  
9 anybody to use that, I never knew — I didn't even  
10 know really what a common law trademark is versus a  
11 registered trademark until actually getting into  
12 this litigation. Didn't understand the complex  
13 nature of trademarks, and I probably still don't,  
14 because it's a very complex thing.

15 Q. So absent that implied consent, if you had  
16 been asked, it would have been taken down?

17 A. Well, going back on it, it was just — at  
18 that frame of time and place, it was just basically  
19 — how do I say it — a tool to basically release  
20 information to the public, and I would never have  
21 signed up for the domain name knowing this would  
22 have been the outcome, and that's why exactly at the  
23 beginning of this lawsuit I released the domain  
24 name.

25 Q. I thought you released it to settle this

1 case? Didn't you say that five times in various  
2 papers?

3 A. Absolutely.

4 MR. KIMBALL: I think he just said it  
5 again in different wording.

6 MR. NERSESIAN: I don't think he said it,  
7 but let the record speak for itself.

8 MR. KIMBALL: All right. Yeah.

9 BY MR. NERSESIAN:

10 Q. Now, at that point in time that we were  
11 discussing a few moments ago where the Web site had  
12 changed its direction, you had changed your belief  
13 in the veracity of The Amityville Horror and you had  
14 resigned from the book project, wouldn't you agree  
15 that any implied consent that Mr. Lutz had ever  
16 given you relative to use of amityvillehorror.com as  
17 a pointer for The Amityville Murders would have been  
18 revoked?

19 A. No.

20 Q. You felt that his implied consent to use that  
21 name continued forward even though you were now on  
22 record challenging Mr. Lutz's veracity?

23 A. I'm trying to figure out — I'm trying to  
24 word this properly. I had acquired the domain name  
25 amityvillehorror.com on or before — roughly around

1 the same time or prior to meeting Mr. Lutz. I had  
2 owned it since April of 1999, and I had acquired it  
3 because so many other Web sites called themselves  
4 Amityville Horror this, Amityville Horror that. I  
5 was very new to the Web site. I didn't understand  
6 trademarks. So the fact of the matter is I felt  
7 that the amityvillehorror.com was pretty much almost  
8 fair use, almost, hey, there's no big deal about  
9 using it, and after leaving Mr. Lutz's partnership,  
10 for lack of a better word, it was not something that  
11 I gave thought to.

12 Q. You never had a Web site called  
13 amityvillemurder.com, did you?

14 A. Sure I did, amityvillemurder.com.

15 Q. Or amityvillehorror.com?

16 A. I'm not sure. There was plans in the  
17 beginning for me to host the official Web site for  
18 the documentary that Mr. Farrands and myself were  
19 working on. There were a lot of things planned, and  
20 it just — I can't list them all because I can't  
21 recall them.

22 Q. I didn't ask about what was planned. Did you  
23 ever have a Web site the amityvillehorror.com?

24 A. I'm not sure.

25 Q. You did have a Web site that was the

1 amityvillemurders.com, right?

2 A. Yes.

3 Q. And the name that you thought was fair game  
4 was — the only use that that name was ever put to  
5 was to point to your private owned Web site, the  
6 amityvillemurders.com, correct?

7 A. Yes.

8 Q. The very Web site upon which you published  
9 your book — that you advertised your book  
10 criticizing Mr. Lutz?

11 A. Right.

12 Q. And you felt that this was fair use, fair  
13 game?

14 A. Yes, I did.

15 Q. At some point in your papers that were filed  
16 with the court here you stated that your Web site  
17 had been hacked. What does that have to do with Mr.  
18 Lutz?

19 A. Well, I have information that says Mr. Lutz  
20 had a hand in that.

21 Q. What information do you have?

22 A. I have an affidavit, as you've seen, from  
23 Chris Quaratino who says he was told by another  
24 party that this party and Mr. Lutz hacked in on my  
25 Web site.

1 Q. So your information is a statement of a third  
2 person who didn't participate —

3 MR. KIMBALL: Objection.

4 BY MR. NERSESIAN:

5 Q. — about a statement of another person who  
6 allegedly did participate who was telling you that  
7 the person who allegedly did participate, it also  
8 said that Mr. Lutz was possibly a participant as  
9 well?

10 A. Well, you have the affidavit, so you can read  
11 it yourself.

12 Q. What did Mr. Lutz do when he hacked into your  
13 Web site?

14 MR. KIMBALL: Objection.

15 THE WITNESS: The people that hacked into  
16 my Web site basically defaced the front page, maybe  
17 front two pages mocking me, mocking the DeFeo  
18 murders but mainly mocking me.

19 BY MR. NERSESIAN:

20 Q. Mr. Lutz isn't the only person who has a bone  
21 to pick with the DeFeo murders, is he?

22 A. You know, probably not.

23 Q. Your Web site, indeed, to the extent it even  
24 existed was fomenting argument and dispute among two  
25 factions to in matter of public interest, wouldn't

1 you agree?

2 A. Oh, absolutely. Now it does, yeah — well,  
3 it did. It's not up anymore.

4 Q. And you could almost like take it and say,  
5 here's a friends' list and here's an enemies' list,  
6 couldn't you?

7 A. I would say it would be kind of like pro and  
8 con more than friends and enemies, even though there  
9 is some very eccentric people out there.

10 Q. Are you one of them?

11 A. No. I'd like to get on with my life  
12 personally.

13 Q. Do you have any evidence outside of the  
14 affidavit of Christopher Quaratino that would lead  
15 you to believe that Mr. Lutz hacked your Web site?

16 MR. KIMBALL: Objection. Relevance.

17 THE WITNESS: Personally, no, but I've  
18 sent the affidavit to the FBI and to the attorney  
19 general, and what they do with it, I don't know.

20 BY MR. NERSESIAN:

21 Q. Which attorney general?

22 A. Nevada. I know EarthLink has kept the  
23 records, so —

24 Q. So you sent it to EarthLink too?

25 A. No, but I filed a FBI report on it. Whether

1 they do something with it or not, who knows. After  
2 these post 9/11 days, it's kind of hard to —

3 Q. Well, did you ever follow up with your own  
4 who is and URL searches, et cetera, to try and  
5 figure out who did it?

6 A. I never got a subpoena for that, no.

7 Q. Have you ever hacked Mr. Lutz's computer?

8 A. No. I have no idea even how to hack.

9 Q. Have you ever accessed without permission any  
10 computer owned by or to your knowledge affiliated  
11 with Mr. Lutz?

12 A. Absolutely not.

13 Q. Do you know anyone who has?

14 A. No, I don't.

15 Q. All right. Other than the attorney general  
16 and the State of Nevada, the FBI, the copyright  
17 office, MGM, what other big companies or government  
18 agencies have you contacted about Mr. Lutz?

19 A. I think that about does it.

20 Q. I'm asking you if there are others?

21 A. To my recollection and knowledge, most likely  
22 not.

23 MR. KIMBALL: Objection to the prior  
24 question. MGM he's already testified he did not  
25 contact with regard to anything derogatory about

1 Mr. Lutz.

2 MR. NERSESIAN: I never used the word  
3 derogatory.

4 MR. KIMBALL: In the same context it  
5 implies that.

6 MR. NERSESIAN: Oh, okay.

7 MR. KIMBALL: Uh-huh.

8 BY MR. NERSESIAN:

9 Q. The Night The DeFeos Died is a book by an  
10 investigative journalist, is that my understanding?

11 A. It's a book by me.

12 Q. And you hold yourself out as an investigative  
13 journalist?

14 A. It was an investigative piece. It was of  
15 journalistic standards. I got, I don't want to say,  
16 accolades from several journalists who read it,  
17 thought it was a wonderful piece of work. They  
18 considered it a fine piece of journalism.

19 Q. So you view it as journalism and up to  
20 journalism standards?

21 A. Yes, I do.

22 Q. Star in National Inquirer journalism or  
23 Washington Post and New York Times journalism?

24 A. I withhold any judgment on those because I  
25 don't read either — any of them.

1 Q. What are the standards of an investigative  
2 journalist?

3 A. I think someone who wants to be objective and  
4 tell all sides of the story.

5 Q. So objectivity. Would you agree that they  
6 should not make up facts?

7 A. Yeah, I mean, you shouldn't lie.

8 Q. I'm talking about making up facts. What if  
9 you don't know something?

10 A. Then you shouldn't lie.

11 Q. Well, all right.

12 A. I mean, saying something is —

13 Q. You live in a single story ranch home on the  
14 northwest side. Now, truthfully, Mr. Osuna, I have  
15 no idea what part of Las Vegas you live in, I don't  
16 know what your house looks like.

17 A. Right.

18 Q. If you live on the northwest side and you  
19 live in a single story ranch home —

20 A. Uh-huh.

21 Q. — I have not told a lie, wouldn't you agree?

22 A. Correct. I think so, yes.

23 Q. So if you guess or fabricate facts that you  
24 don't know one way or another, you don't necessarily  
25 know if you're lying, wouldn't you agree?

1 A. If you fabricate facts, fabrication to me  
2 means a lie.

3 Q. Well, I just fabricated, and if you lived on  
4 the northwest side in a single story ranch home, it  
5 wouldn't have been a lie, but I fabricated it  
6 because I have no clue, wouldn't you agree with  
7 that, provided I do have no clue? Let's just check.  
8 Do you live on the northwest side in a single story  
9 home?

10 A. No, I don't.

11 Q. Okay.

12 A. I live on the northwest side, though.

13 Q. Okay.

14 A. I don't believe —

15 Q. Would you agree that it is a violation of  
16 journalistic standards to make statements without  
17 having supporting information?

18 A. Well, I don't know of a written law called  
19 journalistic standards. I think —

20 Q. I didn't use the phrase, you did.

21 A. I think — well, the way you're asking the  
22 question, it sounds like it's an actual code, a  
23 written code and it's not.

24 Q. You did say the book met journalistic  
25 standards, correct?

1 A. To me in my opinion, yes, it does.

2 Q. Okay. Then let's deal with your opinion.

3 Would you agree that making statements that you have  
4 no support for and you don't know whether they are  
5 true or false but making published statements with  
6 respect to facts that meet those criteria would be a  
7 violation of journalistic standards?

8 A. Not necessarily. I mean, if you're making up  
9 a bold faced lie, then that's a violation, but no.

10 Q. Okay. And are those the journalistic  
11 standards that you applied to — the journalistic  
12 standards we're talking about are the journalistic  
13 standards that you used in putting together The  
14 Amityville — or The Night The DeFeos Died, right?

15 A. I used high standards to put that book  
16 together.

17 Q. Did you use your standards?

18 A. I — yes, I used my standards, which I felt  
19 were very high.

20 Q. And if you make a statement where you know  
21 that there are — that one person in interview A  
22 makes statement A and another person in interview B  
23 makes statement B about a given set of facts, do  
24 your journalistic standards say that you should at  
25 least mention the disagreement that is out there?

1 A. It depends.

2 Q. Okay. Let me go to something specific then.

3 One of the things that you've repeatedly published  
4 as part of this hoax theory on The Amityville Horror  
5 is that there's an Indian burial ground proximate to  
6 312 (sic) Ocean Avenue, isn't that correct?

7 A. There is no Indian burial ground on 112 Ocean  
8 Avenue.

9 Q. Or 112, okay.

10 A. No problem. That's what my research has led  
11 me to conclude. There is no — there is nothing  
12 underneath that house of an Indian burial ground.

13 Q. Or in the area?

14 A. No. There are Indian burial grounds in the  
15 area but, I mean, they're not next door to the house  
16 or anything like that.

17 Q. Okay. And your investigation showed you  
18 that, right?

19 A. Yes.

20 Q. And what did your investigation entail?

21 A. Physically walking in the burial grounds,  
22 dealing with people, the historical societies,  
23 dealing with the actual Indian tribes out there,  
24 going through historical records.

25 Q. You had read somewhere, though, that there

1 were actual reports, historical reports that this —  
2 that 112 Ocean Avenue was immediately proximate to  
3 an Indian burial ground, correct?

4 A. Yes. It was written by Jay Anson in The  
5 Amityville Horror, and that — that I was never able  
6 to prove, so I was able to disprove it, though.

7 Q. So you were able to disprove it?

8 A. Yeah.

9 Q. And you investigated it thoroughly?

10 A. As thorough as I could.

11 Q. Let's go to as thorough as you could. Laura  
12 Dideo, do you know who she is?

13 A. Yes, I do.

14 Q. She was discussed in the Newsweek article,  
15 right, or Newsday?

16 A. I don't know. I know she was on — she was a  
17 journalist on TV, but I don't know about a Newsday  
18 article.

19 Q. What do you know about a journalist on TV?

20 A. I know she had worked for a TV station out  
21 there. I think it was Channel 5, if memory serves  
22 me correct.

23 Q. You also know that she's still alive and  
24 still around, right?

25 A. Yes.

1 Q. Did you interview her for your book?

2 A. No, I did not. Can we take a short break?

3 Q. Okay. This will only take another minute,  
4 half a minute.

5 A. Okay. No problem.

6 Q. You worked on the History Channel  
7 documentary?

8 A. Yes.

9 Q. Ms. Dideo was interviewed there?

10 A. Yes. I was not present for that interview,  
11 though.

12 Q. You had seen it?

13 A. Only whatever they showed on TV, but I don't  
14 recall it. I was shooting at another location.

15 Q. You knew that Ms. Dideo was on record stating  
16 that she had documentation demonstrating that 112  
17 Ocean Avenue was on and proximate to a historic  
18 Indian burial ground and she had gotten it from the  
19 Amityville Historical Society, isn't that correct?

20 A. No. She said she went to Kopiox Library and  
21 found some books up there and there were Indian  
22 burial grounds in Amityville. That's what she told  
23 me.

24 Q. When did she tell you that? I thought you  
25 didn't interview her?

1 A. Well, somebody had to call her and see if she  
2 would be interviewed for the History Channel  
3 documentary.

4 Q. And that was you?

5 A. Yes.

6 Q. Did you talk to her as you were putting your  
7 book together at all?

8 A. No, because I didn't feel what she had to say  
9 with regards to Indian burial grounds was relevant  
10 when the actually Indians in that area themselves,  
11 which would love to prove there was a burial ground  
12 there because it would help their case in Washington  
13 D.C., they took me out to the real Indian burial  
14 grounds, and the Amityville Historical Society and  
15 the Huntington Historical Society had no records of  
16 a burial ground there. And then basically short of  
17 digging up and excavating the property, there was  
18 nothing else I could do to verify anything. And  
19 then —

20 Q. Except maybe talk to her about what she might  
21 have, right?

22 A. She had no documentation.

23 Q. How do you know?

24 A. Because we asked her if she had anything and  
25 she said no.

1 Q. Ah.

2 A. She didn't have it. I mean, in all fairness

3 it was —

4 Q. Who is we?

5 A. The History Channel and me, the other

6 producers. Otherwise we would have shown it on TV

7 if there was documentation. If there was

8 documentation that there was an Indian burial

9 ground, you know, it would have probably helped keep

10 my beliefs that this story wasn't a hoax, but it was

11 just one of those things, again, with another

12 element to the story.

13 MR. KIMBALL: We need to be excused.

14 MR. NERSESIAN: No problem.

15 (A brief recess was then taken.)

16 BY MR. NERSESIAN:

17 Q. Who contacted you to participate in the City

18 Confidential piece?

19 A. Just some producer.

20 Q. Were you paid for what you did on that piece?

21 A. No. No, not at all.

22 Q. You didn't seek them out?

23 A. No. I didn't even know about City

24 Confidential until they called me. It's not

25 something I watch normally.

1 Q. Do you recall you and an attorney on the  
2 phone with me demanding the crime scene photos?

3 A. It wasn't an attorney.

4 Q. Oh, who was it? That's right.

5 A. It was —

6 Q. Yeah. Who was it?

7 A. Geraldine Gates DeFeo.

8 Q. Do you recall what your arguments were for  
9 why they should not be let out?

10 A. It was her arguments, basically. She wanted  
11 to talk to you, so she decided they weren't public  
12 record.

13 Q. You were on the phone too, right?

14 A. Well, I was — I patched her in and I was —

15 Q. You were talking too, weren't you?

16 A. Well, I mean, I participated in the  
17 conversation.

18 Q. You participated on her behalf, didn't you?

19 A. I assisted her in contacting you, yes.

20 Q. You participated in the conversation on her  
21 behalf, didn't you?

22 A. Yes.

23 Q. Okay.

24 A. Well, not on her behalf. She was speaking  
25 for herself.

1 Q. And so anything you said —

2 A. I was participating in the conversation.

3 Q. Didn't you at one point say, Mr. Nersesian,  
4 those photos are stolen?

5 A. Well, we had found out —

6 Q. I'm asking if you said it?

7 A. I said the photos that we obtained from the  
8 documentary — for the documentary we have come to  
9 learn that they may have been stolen.

10 Q. Didn't you say they were stolen and you even  
11 gave me like some secretary's drawer they were taken  
12 out of or something?

13 MR. KIMBALL: He answered the question.

14 MR. NERSESIAN: I'm allowed to go into —

15 THE WITNESS: I don't really recall the  
16 exact specifics of the conversation. I don't recall  
17 what was exactly said.

18 BY MR. NERSESIAN:

19 Q. Do you recall saying, don't you dare release  
20 those photos anywhere?

21 A. No.

22 Q. That was the import of the conversation,  
23 wasn't it?

24 A. No, I don't recall that. I don't recall — I  
25 don't recall the specifics of the conversation.

1 Q. What about the general tenure; wasn't the  
2 general tenure, don't you dare use or release those  
3 photos?

4 A. I don't why we really even called you. I  
5 mean, I don't know if it was over the photos or  
6 another matter. I'm not sure. It was years ago.

7 Q. Would you at least grant me that you were  
8 saying that the crime scene photos together with Ms.  
9 DeFeo would be extremely injurious to the family and  
10 as they were parleying, it certainly would not be  
11 advisable to release them and a lot of people would  
12 be hurt?

13 A. I think at that point in time the crime scene  
14 photos weren't really released to the public except  
15 — except images of the actual house. The bodies  
16 weren't released and so forth. There were certain  
17 images of the bodies that were very graphic, so —

18 Q. Like pictures with bullet holes?

19 A. Yeah, autopsy photos.

20 Q. What about pictures with bullet holes at the  
21 house; that was part of what hadn't been released to  
22 the public?

23 A. Right, right. I mean, just where a lot of  
24 the victims were just basically not shown in their  
25 best. So —

1 Q. Naked in bed with a bullet in your back would  
2 be a bad way to be shown?

3 A. Yeah.

4 Q. Okay.

5 A. I mean, yeah, you could say that.

6 Q. Okay. And you were a friend of Ms. DeFeo or  
7 are a friend of Ms. DeFeo?

8 A. We're acquaintances, and I guess we've known  
9 each other for so many years, I guess you could call  
10 us friends now. I wasn't her friend then.

11 Q. And the idea was, God, why heap this on this  
12 family that's already been through so much?

13 A. No. The idea was — well, about the crime  
14 scene photos, the idea was, if I recall correctly,  
15 that, look, there's problems with it because they  
16 may not be public record, they may have been stolen  
17 and the family may not want them released. So there  
18 was a lot of elements there, which I don't greatly  
19 recall.

20 Q. What changed between then and 2002?

21 A. I don't understand the specific —

22 Q. About releasing crime scene photos?

23 A. A lot of — the History Channel had already  
24 shown the crime scene photos, City Confidential had  
25 already shown the crime scene photos.

1 Q. They did?

2 A. City Confidential, yes.

3 Q. The History Channel showed the crime scene

4 photos?

5 A. I believe some parts.

6 Q. The ones that you were worried about, the

7 body parts?

8 A. I don't think they showed those.

9 Q. Did City Confidential show those?

10 A. Yes. To my recollection, yes, they did.

11 Q. Anything else change between this

12 conversation you and I had in 2002?

13 A. I don't recall exactly the conversation we

14 had except that, you know, what you've mentioned, so

15 I can really answer what exactly changed.

16 Q. At page 101 of your — of the larger version

17 of The Night The DeFeos Died, your book, there are

18 both crime scene photos and autopsy photos

19 published, correct?

20 A. Yes, there are. Well, that's —

21 Q. ME office — Medical Examiner's Office,

22 Suffolk County, bullet wound in the chest?

23 A. Yes, it was — the publisher had designed

24 that book. He had put the pictures in there, so

25 you'll have to —

1 Q. You didn't put the pictures in there, the  
2 publisher did?

3 A. The publisher did. The publisher designed  
4 the whole book.

5 Q. Who is the author?

6 A. I am.

7 Q. Ric Osuna, right?

8 A. Correct. Publishers — I mean, authors have  
9 no control over what publishers do. Absolutely not.

10 Q. Where did the publisher get the crime scene  
11 photos?

12 A. Well, I had to send him materials to back up  
13 my words and text, but —

14 Q. And you don't think you could have said no  
15 crime scene photos?

16 A. I signed the contract. He had the right to  
17 do what he wanted to. He had the right for the  
18 layout.

19 Q. Okay. Page 104, are you concerned that the  
20 photo of this bloody messy woman sitting in bed  
21 might actually have been stolen?

22 A. That one I acquired by myself.

23 Q. Ah. From where?

24 A. Suffolk County Police Department.

25 Q. Okay. What about the pictures on page 101?

1 A. I don't know what the pictures are on 101.

2 Q. That was the one we just went over.

3 A. Oh, the —

4 Q. The bullet wound in the bloody bed.

5 A. That one I acquired from Suffolk County  
6 Police Department, and the second one I couldn't  
7 tell you.

8 Q. That's a medical examiner photo. It says ME  
9 Office Suffolk County. You don't know where it came  
10 from?

11 A. Possibly Suffolk County police Department. I  
12 had — I had the privilege of sitting down with all  
13 the negatives and ordering what I wanted.

14 Q. Could anybody have done that?

15 A. I don't know.

16 Q. What about big Ronnie DeFeo in his underpants  
17 with two bullet wounds in his back; was that one of  
18 the stolen photos?

19 A. I'm not sure.

20 Q. Actually that's on the cover of the back in  
21 color, isn't it?

22 A. That's the publisher's choice.

23 Q. You don't know — but you don't know where  
24 you got that photo?

25 A. No. Like I said, I had permission from the

1 Suffolk County Police Department. They gave me  
2 documents and photos.

3 Q. Would you agree that the entire time that you  
4 had the Web site, amityvillehorror.com, nobody else  
5 could use it?

6 A. I don't understand. What do you mean by  
7 that?

8 Q. Two people can't own a URL, can they?

9 A. No.

10 MR. KIMBALL: Excuse me. They can by  
11 partnership or something, can't they?

12 THE WITNESS: Well, by partnership, yes.

13 BY MR. NERSESIAN:

14 Q. While you had it, Mr. Lutz had no way to use  
15 it, wouldn't you agree?

16 A. I was the owner of amityvillehorror.com.

17 (Plaintiff's Exhibit 6 was marked for  
18 identification.)

19 BY MR. NERSESIAN:

20 Q. Mr. Osuna, could you review Exhibit 6,  
21 please?

22 A. (Witness complies.) Okay.

23 Q. These are in the form of posts that would  
24 appear on a message board somewhere, correct?

25 A. I don't know. I don't necessarily recognize

1 this.

2 Q. I'm going to get there next.

3 A. Okay.

4 Q. Okay. See the one where it says Ric wrote:

5 Oooh. You are wrong again?

6 A. Uh-huh.

7 Q. I do have the documents to support this, and

8 George Lutz's own words from his deposition. Can't

9 wait for my book, huh?

10 A. Okay. I see that.

11 Q. Did you post that?

12 A. I don't remember. I don't remember.

13 Q. Did you often post under Ric?

14 A. I posted under may names. I don't recall

15 normally just posting under Ric. I don't recall.

16 Q. Look at one above where it says Ric wrote.

17 Do you recall making that post?

18 A. I don't recall.

19 Q. Looking at the second post where it says Ric

20 wrote —

21 A. Uh-huh.

22 Q. Well, first of all, do you know who BakNBlak

23 is?

24 A. No.

25 Q. Do you recall writing on posts with BakNBlak?

1 A. No, I don't recall.

2 Q. What about Lisa Marie?

3 A. I know who Lisa Marie is, but I don't recall  
4 posting these things. I don't recall my days on the  
5 message board. I mean, we've had so many  
6 conversations. I'm not saying I didn't post there,  
7 it's just I can't recall what was said and what  
8 wasn't said.

9 Q. Well, looking at the one where it says Ric  
10 wrote and it starts with the oooh, okay, is there  
11 anything in there that you would disagree with?

12 A. To some of the facts in here, no. I wouldn't  
13 disagree with some of the facts.

14 MR. KIMBALL: I want to be on record  
15 objecting to authenticity, potentially reserve it.

16 BY MR. NERSESIAN:

17 Q. Do you recall somebody asking you, could it  
18 be that they didn't come through with the cash you  
19 were expecting from the tell all book and that book  
20 that would have proven their true story, which is  
21 the end of BakNBlak and apparently what this  
22 responds to?

23 A. No, I don't recall that.

24 Q. Okay.

25 A. I'm not denying this and I'm not affirming

1 this because I don't recall.

2 Q. I understand. In context, assuming that this  
3 is taken off of a message board, you'll note that  
4 what is being purportedly supported through George  
5 Lutz's own words is the court found that the Lutzes  
6 were never threatened into a press conference and  
7 that they willingly made themselves available during  
8 this time. Assuming that that's what you're  
9 responding to —

10 A. Okay.

11 Q. — okay, is it your understanding that you  
12 had such information from George Lutz's own words  
13 from his deposition?

14 A. The only thing I have regarding Mr. Lutz's  
15 deposition is what I obtained from the New York  
16 Court or the U.S. District Court in Brooklyn. They  
17 had the defendant's pretrial memorandum, which  
18 outlined the specific points of the deposition.  
19 That's the only thing I had regarding a deposition.

20 Q. So you've never actually had a copy of Mr.  
21 Lutz's deposition except for the one that he  
22 provided you, right?

23 A. And that I returned.

24 Q. So that's the only copy of his deposition  
25 that you had?

1 A. Actually, I never had a copy of his  
2 deposition for the Weber versus Lutz trial or Lutz  
3 versus Weber trial. He only gave me the deposition  
4 for the Cromarty trial and I returned it.

5 Q. You didn't call yourself Ric on the net?

6 A. You know, I've gone by several names  
7 depending on the message boards. It seems like the  
8 message boards kept changing and you had to keep  
9 changing user names. So, again, I don't recall this  
10 particular post.

11 Q. I'm now asking about your use of Ric. Did  
12 you normally go by aliases?

13 A. No. I mean, I normally let everyone know it  
14 was me. I would — I would go by ric112, normally.  
15 I don't recall just posting under Ric. I may have.

16 Q. Okay.

17 A. I'm just — I don't recall this particular  
18 episode.

19 (Plaintiff's Exhibit 7 was marked for  
20 identification.)

21 BY MR. NERSESIAN:

22 Q. Who did you interview for your book?

23 A. Numerous parties. I interviewed Joel Martin,  
24 Doug Sparrow.

25 Q. Did you interview the real estate agent that

1 the Lutzes bought the house from?

2 A. She died. She had died. I only was able to  
3 use a quote from her husband.

4 Q. Who did you interview with the Catholic  
5 church?

6 A. Yes, I interviewed the Catholic church.

7 Q. Okay. You talked to the pope?

8 A. Well, no. I talked to two — one parish and  
9 then one dioceses.

10 Q. Okay. Showing you Exhibit 7 —

11 THE WITNESS: Do you want to see it first?

12 MR. KIMBALL: You read it. I'll read it  
13 while you're answering questions.

14 THE WITNESS: Okay. I've read this.

15 BY MR. NERSESIAN:

16 Q. Did you post that?

17 A. It looks like it was done by ric112, so it  
18 could have been me, yes. Again, I — I mean —

19 Q. Mr. Lutz — or, Mr. Osuna, it's a whole page  
20 from a Web site that you were the moderator of.

21 A. Well, I just don't know if it's authentic,  
22 that's the whole thing. But the fact is you have  
23 someone scribbling something here. So it's kind of  
24 like —

25 Q. Okay. I'm not suggesting that you handwrote

1 in no such proof ever existed.

2 A. Uh-huh. Well, what's your question  
3 pertaining to?

4 Q. Okay. My first question is, see the first  
5 sentence where it says, even the real estate agent  
6 thought the Lutzes, and I think it's in quotes, made  
7 up a good story, close quote, where did you get  
8 that?

9 A. That was from the Amityville Record. I don't  
10 know what edition because I don't have it with me.  
11 It's from the Amityville Record. After her death  
12 they ran a whole story on her, and her husband said  
13 that she thought that they made up a good story.

14 Q. Okay. So the quote that's attributed to her  
15 is actually her husband's quote?

16 A. Well, it's not attributed to anybody. It's  
17 just quotes.

18 Q. Oh, okay. I know that you're here as a  
19 moderator on a message board, but let me ask you,  
20 does this sentence meet with your journalistic  
21 standards? And it doesn't necessarily have to or  
22 not have to. I'm not saying that this is a  
23 newspaper and it has to live up to it. I'm just  
24 wondering if the context of the unattributed quote  
25 meets with your journalistic standards?

1 A. Which, the first sentence you're talking  
2 about?

3 Q. Yes.

4 A. It was for a message board.

5 Q. I said, assume it appears in a book.

6 A. I'm not disagreeing with you, I'm trying to  
7 answer. It was for a message board, and I felt that  
8 anybody who wanted that particular quote could go to  
9 the Amityville Record and get it, so I didn't see  
10 anything — I don't see anything wrong with it.

11 Q. How could they go to the Amityville Record  
12 and get it; isn't that the whole purpose of  
13 attributing a quote, so people can check your  
14 source, and where's the attribution?

15 A. This was a message board. It was a friendly  
16 discussion. It wasn't supposed to be a feature  
17 article.

18 Q. I understand that. And I want to know that  
19 if a sentence such as that in that context appeared  
20 in an article you were writing as a investigative  
21 journalist whether or not that passage would meet  
22 with your journalistic standards?

23 A. Sure. I would have written it differently.

24 Q. Let's go to the —

25 MR. NERSESIAN: Could you pass that?

1 MR. KIMBALL: Yeah.

2 THE WITNESS: Thank you.

3 BY MR. NERSESIAN:

4 Q. — second paragraph.

5 A. Uh-huh.

6 Q. You note that the — you apparently reference

7 that the Catholic church reprimanded Father

8 Pecoraro?

9 A. That's what I was told.

10 Q. By whom?

11 A. By the priest of the Amityville parish.

12 Q. And what was his name?

13 A. Father-something. I don't remember his name.

14 It started with an S. He's no longer there.

15 Q. Did he tell you what the nature of reprimand

16 was?

17 A. He said — he said Father Pecoraro was a

18 charlatan, he disgraced the church, it was all a

19 hoax and he was reprimanded and either said

20 discharged or defrocked or something to that effect.

21 Q. Okay. Did you confirm those statements with

22 anyone?

23 A. I — for years I tried to get confirmation

24 from the Catholic church, and finally in 2002 they

25 sent me a letter saying it was all a hoax.

1 Q. What was all a hoax?

2 A. That — well, that many of the events that  
3 were purported in The Amityville Horror never  
4 actually happened.

5 Q. What I'm asking is, did you ever confirm with  
6 anyone that Father Pecoraro was, one, reprimanded  
7 or, two, asked to leave the diocese?

8 A. I can't recall.

9 Q. Okay. And concerning what you just said, let  
10 me ask you, when and where or in what forum or  
11 format did the Catholic church call Father Pecoraro  
12 a charlatan?

13 A. It was in — sometime in 1999 when I went to  
14 Amityville, went into the church to find out — to  
15 find out the church's position. The Father — the  
16 monsignor there, and I can't remember his name, it  
17 was a difficult Italian name, I'm assuming it's an  
18 Italian name, basically told me that Father Pecoraro  
19 was a charlatan, looking to make a buck and that the  
20 church kicked him out or reprimanded him. He said  
21 something of that nature. And then during my  
22 research for the book, I uncovered audio interviews  
23 with the Cromartys that said the same thing that  
24 they uncovered during their defrocked and ordered  
25 not to celebrate mass, that the church stripped him.

1 They said this on several interviews, so that's  
2 basically it, I suppose, or to my recollection.

3 Q. Okay. Does this passage meet with your  
4 journalistic standards?

5 A. I don't know how to answer that. I mean,  
6 it's — I know you agree that it's just a post. I  
7 don't know what came before this post, because  
8 obviously this is a reply. So I don't know — I  
9 don't know how to answer that except I was answering  
10 a question most likely of another post, and I felt  
11 that I had spelled out the information numerous  
12 times on this.

13 Q. Just so I understand, a statement by a  
14 Monsignor in a local parish in Amityville, New York  
15 is enough for you to attribute the position to the  
16 Catholic church?

17 A. The Catholic church refused to comment on it  
18 for a number of years. I got the Monsignor to open  
19 up with me, and then I had uncovered my own evidence  
20 showing that Father Pecoraro changed his story.

21 Q. I'm frankly, Mr. Osuna, focusing on the  
22 Catholic church portion. I don't want to mislead  
23 you.

24 A. Okay.

25 Q. Your attribution of these positions to the

1 Catholic church comes from the statement of the  
2 monsignor at the local parish in Amityville?

3 A. The statement from the monsignor, statement  
4 from other sources who requested to remain nameless  
5 inside the church and from past interviews with  
6 Father Pecoraro and past interviews with the  
7 Cromartys, my conclusion was Father Pecoraro was, A,  
8 either a charlatan or —

9 Q. I'm not arguing with your conclusion, okay?

10 A. Okay.

11 Q. You conclude that Father Pecoraro is a  
12 charlatan.

13 A. Okay.

14 Q. This says that the Catholic church says  
15 Father Pecoraro is a charlatan. Wouldn't you agree  
16 as a journalist as you read that that that's the  
17 import of the statement?

18 A. Yeah.

19 Q. Okay. So you can think he's a charlatan all  
20 day long and you can think George Lutz is a liar all  
21 day long. My question is, on what basis do you  
22 assert that the Catholic church — the Catholic  
23 church has determined Father Pecoraro is a  
24 charlatan?

25 A. On the basis of talking to the monsignor in

1 Amityville, on the basis of talking to several  
2 individuals in the diocese that oversaw the  
3 Amityville area.

4 Q. Okay. I mean, I want to know these other  
5 individuals you spoke with. Who were they?

6 A. I don't have their names.

7 Q. Okay. I am right here sitting here right now  
8 as a good Catholic in the diocese of Las Vegas —  
9 actually, yes, that's our diocese — would I be  
10 somebody who could speak for the Catholic church?

11 A. No, you're not in a position of authority.

12 Q. I'm a minister with the church. Am I now in  
13 a position of authority to speak for the church?

14 A. I'm not sure.

15 Q. What authority did these people have that you  
16 spoke to that called Father Pecoraro a charlatan?

17 A. I'm not rightfully recalling right now.

18 Q. Anybody higher than a priest?

19 A. I believe so, yes.

20 MR. KIMBALL: He's already testified it  
21 was —

22 MR. NERSESIAN: Other than the monsignor.  
23 That's the only one he named.

24 THE WITNESS: You know, if you're asking  
25 for specifics of the Catholic church, then the

1 Catholic church has come out and sent me a letter  
2 saying basically the stuff in the Amityville Horror  
3 didn't happen. They also basically said through the  
4 Monsignor that Father Pecoraro was a charlatan.

5 BY MR. NERSESIAN:

6 Q. Didn't the Catholic church actually tell you  
7 in the correspondence that you did get that they  
8 would not comment on Father Pecoraro personally?

9 A. Well, yes, they did.

10 Q. And that was a letter from the church, right?

11 A. Right, but I had interviewed somebody else.

12 Q. And that was a letter on the Catholic  
13 church's letterhead?

14 A. Right.

15 Q. So the official position —

16 A. But that was —

17 Q. — of the Catholic church was no comment, and  
18 yet you write that the Catholic church says Father  
19 Pecoraro is a charlatan, is that correct?

20 A. That was a year after this was made.

21 Q. Wouldn't you agree the proper journalism  
22 would be Monsignor of such and such parish called  
23 Father Pecoraro a charlatan?

24 A. Not necessarily. The Wall Street Journal,  
25 the New York Times —

1 Q. Wouldn't it be more correct to say a parish  
2 monsignor called Father Pecoraro — all right. Just  
3 do you think that a monsignor in a local parish has  
4 the authority to speak officially for the Catholic  
5 church; is that your personal belief?

6 A. He has authority to speak for his parish and  
7 what affects his parish, and I feel —

8 Q. What about the question I asked? Do you  
9 personally believe, Ric Osuna, that a monsignor at a  
10 local parish has the authority to speak for the  
11 Catholic church?

12 A. Sure.

13 Q. Okay.

14 A. Yes.

15 MR. NERSESIAN: Let's take a break.

16 (A brief recess was then taken.)

17 (Plaintiff's Exhibit 8 was marked for  
18 identification.)

19 BY MR. NERSESIAN:

20 Q. Mr. Osuna, in reviewing Exhibit 8, it appears  
21 to be a page from a forum with three entries by  
22 somebody, ric112 moderator?

23 A. Uh-huh.

24 Q. Is that you?

25 A. I suppose. I went by ric112, yes.

1 Q. Did you write these things under the — under  
2 ric112?

3 A. I'm not sure.

4 Q. If these were pulled off and printed from the  
5 Web page from the forum — what's the name of the  
6 forum?

7 A. I don't know.

8 Q. The forum for which you were the moderator?

9 A. I don't know. There was different forums. I  
10 mean, are you talking about five year's worth of  
11 stuff, so —

12 Q. But there was one overall forum, right, and  
13 you could go to different topics within it?

14 A. There was several forums, but eventually we  
15 settled on one forum and —

16 Q. Okay. Had you settled on one forum by  
17 February 15th, 2001?

18 A. I don't recall.

19 Q. What forum would you have been the moderator  
20 of on February 15th, 2001?

21 A. I'm not sure.

22 Q. Would you have been a moderator of a forum on  
23 February 15th, 2001?

24 A. I'm not sure.

25 Q. Okay. Assuming that you were a moderator on

1 a forum on February 15th, 2001, as the moderator,  
2 you were also in control of what was posted and not  
3 posted, correct?

4 A. I'm not sure.

5 Q. Could you delete posts?

6 A. I don't know. I don't know this particular  
7 forum. There are different —

8 Q. I'm talking about the one in which you were  
9 the moderator.

10 A. I don't recall.

11 Q. On the ones which you were the moderator,  
12 could you delete posts?

13 A. I don't recall. It's been a long time ago.

14 I don't recall.

15 Q. You don't recall whether as a moderator on  
16 the forums on which you were the moderator you could  
17 delete posts?

18 A. I don't recall.

19 Q. Do you recall whether you could exclude users  
20 or posters?

21 A. I don't recall much about these forums, the  
22 actual specifics and mechanics. They were free, so  
23 they weren't always up to the best standards.

24 Q. If you are registered on a forum as ric112,  
25 nobody else can post under ric112, would you agree?

1 A. I would hope not, but I can't —

2 Q. And you do register under a forum —

3 A. But I do know on one of the forums that we  
4 had used some people could have a user name for a  
5 global network and other people could have it for a  
6 local message board only. So saying that someone  
7 can't use a duplicate user name on other boards may  
8 be in error, so they actually may be able to use it.

9 Q. Mr. Osuna —

10 A. Yes.

11 Q. — if Mr. Lutz ran a copy of a page that  
12 existed on a message board in real time on February  
13 15th, 2001 on which you were actually a moderator,  
14 could we safely say that whatever is attributed to  
15 ric112 was written by you?

16 A. No.

17 Q. Why not?

18 A. Because it goes back to the hacking and it  
19 goes back to the near, which is also a report I  
20 filed with the FBI, somebody had called EarthLink  
21 and tried to break and change my passwords and  
22 everything and I caught it.

23 Q. As of February 15th, 2001?

24 A. It was around that time, 2001.

25 Q. All right. Let's look at the entries under

1 ric112.

2 A. Okay.

3 Q. Did you write these?

4 A. I don't know.

5 Q. Anything in here that — anything in here  
6 that goes contrary to what you — strike that. When  
7 somebody tried — did anybody successfully hack and  
8 take out your passwords and post under your name?

9 A. Yes. I don't know if they posted under my  
10 name. People have posted under my wife's name, they  
11 have tried to post under my name. I don't know. I  
12 don't keep a eye on it. So somebody might be  
13 posting out there under Ric Osuna and I wouldn't  
14 know about it.

15 Q. Okay. The posts under ric112 are in accord  
16 with your beliefs and the nature of what you were  
17 writing on or about February 15th, 2001, correct?

18 A. I'm sorry. Say that again.

19 Q. These posts on Exhibit 8 match your state of  
20 mind and attitude and ideas at that time, correct?

21 A. I mean, some of the information basically —

22 Q. What on here wouldn't you have written  
23 because it's contrary to what you would have  
24 believed?

25 A. You know, I'm not sure. It's been such a

1 long time ago, and my life has moved in a totally  
2 different direction. I'm not sure. It's basically  
3 — some of this stuff is correct, some I'm not sure.  
4 I'm just not sure about.

5 Q. What in here would you not have written?

6 MR. KIMBALL: I think he's answered he  
7 didn't know.

8 THE WITNESS: I don't know. I don't  
9 recall, and I don't know what I wrote or wouldn't  
10 have written.

11 BY MR. NERSESIAN:

12 Q. Okay. This is so much fun. Let's see.  
13 Would you have and did you write that the Lutzes had  
14 not planned the hoax, parenthetically, like they  
15 did, close paren — wait a minute. Of course, that  
16 argument could hold water if the Lutzes had not  
17 planned the hoax, paren, like they did, close paren,  
18 prior to moving into 112 Ocean Avenue?

19 A. Well, to understand even, there's pages  
20 missing up here, so —

21 Q. I understand these posts run on for pages and  
22 pages. I'm just asking, would you have written  
23 that?

24 A. I don't know how else to say it, but I don't  
25 know if I would have written that or not.

1 Q. All right. Assume you wrote it.

2 A. I don't want to —

3 Q. Do you find it true?

4 A. Do I believe —

5 Q. Forget about the argument part. Do you  
6 believe that it's true that the Lutzes had planned  
7 the hoax prior to moving into 112 Ocean Avenue?

8 A. Yes, that I believe.

9 Q. Okay. Have you ever written that?

10 A. On the message board?

11 Q. Anywhere.

12 A. Well, I think it's pretty much obvious in my  
13 book that that's my belief.

14 Q. Okay. What information do you have that the  
15 Lutzes planned the hoax prior to moving into 112  
16 Ocean Avenue?

17 A. As stated in my book, I have information  
18 showing a lot of preplanning on their part. They  
19 met with Geraldine DeFeo and Bill Weber before  
20 moving in. There was some references in Newsday,  
21 and some of the people that knew the DeFeos had  
22 mentioned that they say that Lutzes snooping around  
23 and getting information on the DeFeos before —

24 Q. Do you find Mr. Weber credible?

25 A. Yes, I do, to a certain degree, if I can

1 verify what he says.

2 Q. Do you recall that Mr. Weber testified that  
3 he had never met Mr. Lutz until after they had moved  
4 in?

5 A. Well, I mean, it was pretty obvious that Mr.  
6 Weber didn't want to get disbarred. Mr. Weber was  
7 up against a very corrupt —

8 Q. Is that a yes or a no?

9 MR. KIMBALL: Repeat the question, please.

10 THE WITNESS: Yes, please.

11 (The above-requested question was read  
12 back by the reporter.)

13 THE WITNESS: I believe Mr. Weber had said  
14 that, yes.

15 BY MR. NERSESIAN:

16 Q. And you don't believe that?

17 A. No, I don't believe that.

18 Q. What evidence do you have that Mr. Weber  
19 lied?

20 A. It's outlined in my book. Basically my chief  
21 evidence comes from an actual witness.

22 Q. In your book you repeatedly site Mr. Weber as  
23 a credible source, is that correct?

24 A. I don't necessarily credible source. I would  
25 say a necessarily — he was an essential part to

1 this story.

2 Q. And you site — you repeatedly site testimony  
3 of Mr. Weber as fact, wouldn't you agree?

4 A. Not necessarily.

5 Q. Did you interview Mr. Weber?

6 A. I tried to. He gave me the same response  
7 that your client did, not interested in talking  
8 about it.

9 Q. When did your — wait a minute. The  
10 audiotapes that you took from Mr. Lutz, he held  
11 stuff back?

12 A. Audiotapes?

13 Q. Yes.

14 A. I never took audiotapes.

15 Q. When you interviewed Mr. Lutz, he held stuff  
16 back?

17 A. I don't recall.

18 Q. You don't recall if he held stuff back?

19 A. He never gave me audiotapes.

20 Q. No. But you interviewed George a number of  
21 times, correct?

22 A. Correct.

23 Q. For the book that you were doing even before  
24 the book that you did do, right?

25 A. I interviewed Mr. Lutz for several reasons.

1 One was to prepare him for the History Channel and,  
2 two, just for information for possibly our project.

3 Q. Did you find Mr. Lutz as somebody who is —  
4 was there any questions that you gave him that he  
5 said those are off limits?

6 A. I don't recall.

7 Q. Okay. A moment ago you just said Mr. Weber  
8 told you not interested in talking about it the same  
9 way as my client did?

10 A. Oh, well, yes. I sent a letter to you for  
11 your client because I uncovered troubling  
12 information that it was all prestaged to a staged  
13 hoax even before they moved in. So I wanted  
14 Mr. Lutz to go on record to either deny it or to  
15 verify it, and as you know, he basically passed up  
16 on the chance of being on the record of either  
17 denying it or verifying it.

18 Q. Denying or verifying what?

19 A. The questions I sent you. I had a list of  
20 questions that I sent you.

21 Q. That was after this litigation was started,  
22 right?

23 MR. KIMBALL: Different time frame.

24 THE WITNESS: No, this was before. This  
25 was before the book was completed.

1 BY MR. NERSESIAN:

2 Q. No. Don't put that away yet.

3 A. Okay.

4 Q. All right. See in the third post under

5 ric112?

6 A. Uh-huh.

7 Q. They broke with Weber because Weber had

8 planned to profit from — or no. Weber had only

9 planned to give them 24 percent of the book's

10 profits. In contrast the Lutzes got a much higher

11 rate with Anson, 50 percent to be exact?

12 A. Uh-huh.

13 Q. Okay. Did you write that?

14 A. I don't know.

15 Q. Does that fit in context with something you

16 would have written?

17 A. I know they got a little percentage of Mr.

18 Weber's planned book. There were several parties

19 involved, so there wasn't a big pie to cut up.

20 Q. Where did this information come from?

21 A. I can't recall. I don't have my notes in

22 front of me.

23 Q. Did anybody ever actually tell you or do you

24 have any direct information that the Lutzes broke

25 with Weber because of a royalty figure?

1 A. I can't recall.

2 Q. You just made this up, didn't you?

3 A. No. I can't recall.

4 Q. Did you have an agenda to take down the

5 Lutz — George Lee Lutz?

6 A. No. My only agenda was to report the truth.

7 Q. No more, no less?

8 A. Just report the truth.

9 Q. Yeah. And that would have been true in April  
10 of 2001?

11 A. I wanted to report the truth.

12 Q. And that was your agenda?

13 A. That was my only goal.

14 Q. This lawsuit hadn't been filed yet in April  
15 2001, had it?

16 A. No.

17 Q. Okay.

18 (Plaintiff's Exhibit 9 was marked for  
19 identification.)

20 MR. KIMBALL: Objection to authenticity  
21 again. Same thing on all these.

22 BY MR. NERSESIAN:

23 Q. Where did you meet Roger Stacy?

24 A. He posted some stuff on the net. He e-mailed  
25 me saying that it was all a hoax. We just — to the

1 best of my recollection, I first met him through a  
2 post or an e-mail. I'm not sure which.

3 Q. Showing you Exhibit 9 —

4 A. Okay.

5 Q. — read, and then kind of tell me whether or  
6 not that's a history of posts that you participated  
7 in.

8 A. I don't know.

9 Q. Read it, because I want you to be on record,  
10 Mr. Osuna, as saying you don't know if you  
11 participated in this history of posts and I want you  
12 to have read it when you say that.

13 A. (Witness complies.) I don't recall the  
14 times, and I don't recall the specific posts.

15 Q. You have this in front of you, you're looking  
16 at it, it's a history of posts. Did you participate  
17 in this history of posts, and is this a correct  
18 representation of your participation?

19 A. I'm not sure. I mean, it's been over three  
20 years ago. I don't recall.

21 Q. Okay. Did you at some point ask if you think  
22 it would be too late to start a class action lawsuit  
23 against the Lutzes for defrauding the public?

24 A. I don't know.

25 Q. You wouldn't remember that? Did you ever

1 conceptualize, to your recollection, a class action  
2 lawsuit against the Lutzes?

3 A. No. No, I never — no, I never started a  
4 lawsuit.

5 Q. I didn't say if you started it, if you  
6 conceptualized it. If you thought about you or  
7 someone else bringing one?

8 A. No, no, absolutely not.

9 Q. So then you can absolutely say unequivocally  
10 under oath since you never thought about it, that  
11 the first post under your name on Exhibit 9 is not  
12 something you wrote, right?

13 A. I can't say either way, because it's been  
14 over three years and I don't remember this  
15 particular post.

16 Q. But didn't you just say you never  
17 conceptualized a class action suit against the  
18 Lutzes because The Amityville Horror?

19 MR. KIMBALL: Objection.

20 THE WITNESS: I had never planned to start  
21 a lawsuit against the Lutzes.

22 BY MR. NERSESIAN:

23 Q. That wasn't the question and that isn't the  
24 question. Didn't you say you never conceptualized  
25 one and didn't you even say that you didn't consider

1 you or someone else bringing one? You did say it.

2 So my question is —

3 A. I'm not —

4 Q. — which is — with that being said, would  
5 you agree that the first post under Exhibit 9 under  
6 oath was certainly something you never wrote and  
7 never would have written?

8 MR. KIMBALL: Off record, please.

9 (Discussion off the record.)

10 BY MR. NERSESIAN:

11 Q. Having never conceptualized a class action  
12 lawsuit against the Lutzes, would you agree that it  
13 would be wrong for somebody — that anybody who says  
14 that you at one time wrote, quote, you think it is  
15 too late to start a class action lawsuit against the  
16 Lutzes for defrauding the public, question mark,  
17 close quote, would be lying when they said that you  
18 wrote that?

19 A. Again, I can't verify this either way. I  
20 think more or less if, and I stress if, I wrote  
21 this, it's more of an interesting question, because  
22 if somebody — if somebody proclaims something true,  
23 and since Roger Stacy is an attorney, I think it's  
24 more of a matter of a legal question. If somebody  
25 — if somebody claims something is true and there's

1 evidence to show that it was a hoax, is that  
2 considered defrauding the public, and is there  
3 grounds for a class action lawsuit? It doesn't  
4 necessarily mean, from what I'm getting from this,  
5 that one is going to be filed or somebody is  
6 thinking about one.

7 Q. Is it too late to start a class action  
8 lawsuit. You could have written that without  
9 thinking about whether or not it was too late to  
10 start a class action lawsuit?

11 A. Again, if I wrote this, if, I have no idea  
12 what my frame of mind is. I have no idea what was  
13 up here on the other posts. Have I ever —

14 Q. Mr. Osuna, your right hand is in the air,  
15 you've sworn to God to tell the truth.

16 A. And I am.

17 Q. Hell is down there. There's a lot of fire.  
18 Did you write this post?

19 A. There's a lot of fire in this room. I don't  
20 know.

21 Q. Did you write the one or two at the bottom?

22 A. I can't verify I did or I didn't.

23 Q. Did you ever write, check your e-mail, Roger?

24 A. I don't know.

25 Q. Certainly you did, didn't you? I mean, you

1 were sending him e-mails all the time, weren't you?

2 A. I've already answered that. I don't know.

3 Q. So — okay. Did you have an agenda of  
4 injuring Mr. Lutz above and beyond telling the  
5 truth?

6 A. I had no agenda except to tell the truth. I  
7 don't know if you can call it an agenda. It was  
8 more of a goal.

9 Q. Let me just run through these. Here's a post  
10 on April 6th, 2001 —

11 MR. KIMBALL: Objection to authenticity.

12 BY MR. NERSESIAN:

13 Q. — written to Lisa Marie. Did you write that  
14 — or the wrong one. Wait a minute. Right here.

15 A. Again, same argument. I don't know.

16 Q. You haven't even read it yet. You haven't  
17 even taken one second to look at it. So what I  
18 guess we're hearing here is that you have no  
19 recollection if you ever wrote anything before  
20 today, is that my understanding?

21 A. My whole point is that I can't authenticate  
22 this.

23 Q. Can't or won't, sir?

24 MR. KIMBALL: He stated can't.

25 MR. NERSESIAN: I know he said can't.

1 MR. KIMBALL: Okay.

2 MR. NERSESIAN: And I'm allowed to badger  
3 him a little bit if he's going to lie under oath.

4 THE WITNESS: I'm not lying under oath.

5 BY MR. NERSESIAN:

6 Q. Yes, you are.

7 A. No. Thank God somebody made you judge, jury  
8 and executioner.

9 Q. Yeah. Well, you know what? Everybody  
10 recognizes that authors of tombs and authors of  
11 letters and authors of documentation, the author has  
12 recollection, and apparently you as an author can't  
13 say one way or the other if you wrote anything. So  
14 if you're going to testify as to something that is  
15 so contrary to human experience, I want the record  
16 to be long, wide and deep of that, sir.

17 Did you write that?

18 A. I don't recall writing this, but it doesn't  
19 necessarily mean I didn't write it. I just don't  
20 recall writing it.

21 Q. That wasn't the question.

22 A. Okay.

23 Q. I don't know might be a right answer. I  
24 don't recall writing it does not answer the  
25 question.

1 A. I feel it does, but I'll say I don't know  
2 either. I don't know if I wrote it, I don't know if  
3 I didn't write it. It's a three year old plus post.  
4 Lots has happened in that time.

5 Q. Apparently a lot of brain cells have died.

6 A. It's the heat.

7 MR. KIMBALL: Is this going to be an  
8 exhibit?

9 MR. NERSESIAN: No.

10 MR. KIMBALL: Okay.

11 THE WITNESS: I'll give it back to you.

12 (Plaintiff's Exhibit 10 was marked for  
13 identification.)

14 BY MR. NERSESIAN:

15 Q. Showing you Exhibit 10, April 6th, 2001 —

16 MR. KIMBALL: Same objection.

17 BY MR. NERSESIAN:

18 Q. — did you post that?

19 A. I'm not even seeing the entire post.

20 Q. Did you post what's written there?

21 A. I'm not sure.

22 Q. Did you ever write that you heard that Mr.  
23 Lutz was suffering money problems?

24 A. I'm not sure.

25 Q. If you did write that, would you agree that

1 it was false?

2 A. I don't know.

3 Q. Where did you ever hear that Mr. Lutz was

4 suffering money problems?

5 A. I don't know.

6 Q. Did you ever hear that Mr. Lutz was suffering

7 money problems?

8 A. Only what he told me.

9 Q. And he told you he was suffering money

10 problems?

11 A. Yes.

12 Q. What did he say?

13 A. I don't recall the exact conversation, but he

14 needed to raise some money. He wanted to sell one

15 painting that he felt was worth quite a bit of

16 money, so —

17 Q. You've been to his house, right?

18 A. Yeah.

19 Q. And, indeed, he had a painting that was worth

20 six figures there, didn't he?

21 A. Something like that. I don't know what it

22 was worth, really.

23 Q. And the house that you were in was well

24 furnished?

25 A. Standard.

1 Q. Nice area in Las Vegas?

2 A. Not necessarily.

3 Q. Pretty big house?

4 A. Not necessarily. I mean, it's standard size,  
5 average house.

6 Q. Had soaring ceilings, a separate library and  
7 family room, a big screen TV, didn't it?

8 A. I just —

9 Q. Didn't it, the house you were in?

10 A. Soaring — it didn't really have a library.

11 It had some bookshelves. It had a big screen TV,  
12 fine. I didn't particularly think it was a very  
13 high class or high to do house. I thought it was a  
14 cute house and quaint but nothing fancy.

15 Q. A quaint house. All right. How many square  
16 feet is your house?

17 A. Does that have anything —

18 Q. I'm asking.

19 MR. KIMBALL: You have to answer. Is it  
20 relevant? No.

21 THE WITNESS: I think 2300 square feet,  
22 2400 square feet.

23 BY MR. NERSESIAN:

24 Q. Is your house quaint?

25 A. It's quaint.

1 Q. Okay. So 2400 square feet is quaint in the  
2 Las Vegas market, in your opinion? I'm just  
3 checking. I want to get your statements in context.

4 A. In my opinion, yes, my house is very quaint,  
5 cute and just the right size for two people.

6 Q. And do you know how many square feet your lot  
7 is?

8 A. 7,000.

9 Q. Do you know how many square Mr. Lutz's lot  
10 is?

11 A. Not a clue.

12 Q. Did you ever see the backyard or either of  
13 the backyards, come to think of it?

14 A. Briefly.

15 Q. It's a pie shaped and has —

16 A. It's a cul-de-sac.

17 Q. — and has a great amount of land, doesn't  
18 it, approaching something over a quarter acre?

19 A. My personal recollection was that it wasn't  
20 laid out in the best way by the house builder — the  
21 home builder.

22 Q. I'm asking about the amount of land, Mr.  
23 Osuna?

24 A. Yeah, I don't really remember if it had a big  
25 backyard or not. I knew it was on a cul-de-sac lot.

1 Generally those have wider backyards, but I just  
2 don't remember the exact specific details.

3 MR. KIMBALL: Objection to this line.

4 MR. NERSESIAN: Fine.

5 BY MR. NERSESIAN:

6 Q. To your recollection Mr. Lutz either drove a  
7 Cadillac or a Mercedes, didn't he?

8 A. I think a Mercedes. It was a used, preowned  
9 one, which is fine, but it was an older one.

10 Q. He told you that he was trying to sell a  
11 picture, right?

12 A. He said he needed to sell the picture because  
13 he had some debts he had to pay or something to that  
14 effect.

15 Q. Or something to that effect. You always have  
16 to put in that qualifier, Mr. Osuna.

17 A. Well —

18 Q. Here's the question, okay? You heard that he  
19 was looking to sell a painting that he had where?  
20 It was in a closet, right?

21 A. No.

22 Q. Where was it?

23 A. It was hanging on the wall.

24 Q. It was hanging on the wall. Okay.

25 A. Pretty big painting too.

1 Q. Did he indicate that he was going to be  
2 unable to pay the debts if he sold the painting?

3 A. He said he needed money. He was having  
4 financial trouble.

5 Q. Oh, okay. You didn't say that a minute ago.  
6 What did I just add in there that gave you that  
7 recollection?

8 A. Well, not financial. I don't remember the  
9 exact conversation. He was having money problems,  
10 he needed to sell the painting to pay some debts or  
11 bills or do something.

12 Q. And the indication was that the debts or  
13 bills would be covered by selling the painting,  
14 right?

15 A. Not necessarily. Not necessarily. My belief  
16 at that point from talking to him was that he needed  
17 more than just the painting, and I don't know what  
18 the painting was worth. This was all a conversation  
19 in passing. It wasn't something I was real  
20 interested in.

21 Q. If you weren't interested in it, why would  
22 you publish on the Internet, I hear that Mr. Lutz is  
23 suffering from money problems and needs the hoax to  
24 be a big success once more?

25 MR. KIMBALL: Attribution? Attribution of

1 the question? Quote. Attribution of your quote.

2 What's that from?

3 MR. NERSESIAN: It's from his post.

4 MR. KIMBALL: He's not admitted to doing  
5 the post.

6 MR. NERSESIAN: I understand. I'm asking  
7 the question in that context.

8 MR. KIMBALL: This was taken —

9 MR. NERSESIAN: There will come a time  
10 when the authenticity will more than demonstrate  
11 that he is lying six levels deep, because these  
12 posts are pulled at the time —

13 MR. KIMBALL: I'm not asking for your  
14 opinion, sir.

15 MR. NERSESIAN: I don't care. I'm just  
16 letting him know, because he's got to deal with what  
17 he's going to have to deal with.

18 MR. KIMBALL: There's no Oscars today.

19 MR. NERSESIAN: I'm not looking for an  
20 Oscar.

21 MR. KIMBALL: I want the attribution that  
22 you quoted from. If you're going to quote from it  
23 for the record, you need to tell us —

24 MR. NERSESIAN: Ric112 pulled off of the  
25 Internet from a message board —

1 MR. KIMBALL: Without authenticity.

2 MR. NERSESIAN: — from a message board  
3 that he was moderating.

4 MR. KIMBALL: That's enough.

5 MR. NERSESIAN: That's nothing. That's  
6 everything. He was the moderator, and I have the  
7 person who will authenticate it, say that it came  
8 off the message board.

9 MR. KIMBALL: You will have that  
10 opportunity.

11 MR. NERSESIAN: And at that point if wants  
12 to make the — if he wants to keep doing this, then  
13 I'll let him bury himself as deep as he wants to.

14 MR. KIMBALL: If he doesn't recall, he  
15 doesn't recall.

16 THE WITNESS: It was more than three years  
17 ago.

18 BY MR. NERSESIAN:

19 Q. Good Lord. It certainly is. But you had a  
20 remembrance that Mr. Lutz had a picture in his  
21 living room. You remembered that he drove a used  
22 Mercedes. You remembered that he had a big screen  
23 TV. You were at his house twice, and you can't  
24 remember whether or not these are your words on a  
25 written document. One way or the other you can't

1 remember. That's fine.

2 A. Okay.

3 Q. But the question is, why would you write, I  
4 hear that Mr. Lutz is suffering from money problems  
5 and needs the hoax to be a big success once more?

6 A. The answer to why I would write that if I  
7 wrote that, which I'm not saying I did, is I don't  
8 know. I don't see the rest of the post. This is a  
9 single post cut and spliced and pasted on one page  
10 in the middle of the page. It's blank over, under,  
11 nothing. So I can't say anything.

12 MR. NERSESIAN: Next exhibit.

13 (Plaintiff's Exhibit 11 was marked for  
14 identification.)

15 BY MR. NERSESIAN:

16 Q. Showing you Exhibit 11, do you recall writing  
17 that?

18 MR. KIMBALL: Same objection.

19 BY MR. NERSESIAN:

20 Q. Let me rephrase that. Did you write that?

21 A. I'm not sure.

22 Q. Do you think you wrote it?

23 A. I'm not sure.

24 Q. You're not sure if you think you wrote it?

25 No. You're looking over, and I'm asking in your

1 considered opinion, your best guess did you write  
2 this?

3 MR. KIMBALL: Objection. He's answered  
4 the question.

5 THE WITNESS: I'm not sure if I wrote this  
6 or not.

7 BY MR. NERSESIAN:

8 Q. By all indications and from your memory,  
9 okay, if you had to ascribe yourself a percentage on  
10 the likelihood that you wrote this, would it be  
11 greater than 50 percent?

12 A. I'm not a mathematician, so I —

13 Q. In your opinion do you feel it is more or  
14 less likely that it is true that you wrote this?

15 A. I don't know. I don't know.

16 Q. You don't have any opinion?

17 A. All I can say is that I have no opinion  
18 whether — I don't know if I wrote this or not.

19 Q. I understand you don't know, but an I don't  
20 know can be a one percent chance that I didn't write  
21 it. So I want to get away from that question, and I  
22 want to ask you in context with the timing and with  
23 what you're reading and knowing your own writing  
24 style, do you feel that it is more likely that you  
25 wrote it rather than didn't write it?

1 A. I'm not sure. I really am not.

2 Q. So it's a 50/50?

3 A. I'm not sure.

4 Q. It's a 50/50?

5 A. I'm not saying either way.

6 Q. Well, then answer the question, please.

7 A. I'm not sure.

8 Q. So it's a 50/50?

9 MR. KIMBALL: He just answered I'm not  
10 sure to that question.

11 MR. NERSESIAN: I'm not sure — the  
12 question is, does he — in his opinion —

13 MR. KIMBALL: He answered I'm not sure.

14 MR. NERSESIAN: — is it more likely —

15 MR. KIMBALL: And he answered I'm not  
16 sure.

17 MR. NERSESIAN: And he's not sure if his  
18 opinion is that it's more likely. He can't be  
19 unsure about his opinion on a percentage.

20 MR. KIMBALL: He can have no opinion. I'm  
21 not sure. That's his answer.

22 MR. NERSESIAN: He's not allowed to have  
23 no opinion in a deposition.

24 MR. KIMBALL: He said I'm not sure, and  
25 that's the answer.

1 MR. NERSESIAN: That's not the answer to  
2 the question.

3 MR. KIMBALL: You can ask it for the next  
4 five minutes. He's answering it, I'm not.

5 THE WITNESS: I have no opinion. I'm not  
6 sure if I wrote this or not.

7 MR. NERSESIAN: Okay. Next one.

8 (Plaintiff's Exhibit 12 was marked for  
9 identification.)

10 BY MR. NERSESIAN:

11 Q. Do you know who Lois is?

12 MR. KIMBALL: If it's admitted as an  
13 exhibit, we need to see it.

14 MR. NERSESIAN: I'll show it to him in a  
15 minute.

16 THE WITNESS: Lois who?

17 BY MR. NERSESIAN:

18 Q. Lois who posted on Amityville message boards.

19 A. Do I know who Lois is?

20 Q. Do you of a Lois?

21 A. Yes, I know of a Lois.

22 Q. Do you know of a Bon Bon?

23 A. Yes.

24 Q. Do you know of a Michael Gee?

25 A. No.

- 1 Q. What about a Night Porter?
- 2 A. Sounds familiar.
- 3 Q. What about a Lisa Marie?
- 4 A. Lisa Marie, yes, I already said.
- 5 Q. Oh, okay. And what about DeFeo Blaster?
- 6 A. Don't know.
- 7 Q. When you looked at it, was the Lutz v. Weber
- 8 case sealed, when you first tried to get it?
- 9 A. Lutz v. Weber was never sealed. There were
- 10 certain portions of it that were sealed, but the
- 11 whole case in general was not sealed. It was
- 12 available through the repository.
- 13 Q. Showing you Exhibit 12, did you write that?
- 14 A. It doesn't sound like I wrote it.
- 15 Q. It doesn't?
- 16 A. No.
- 17 Q. Did you write it?
- 18 A. Did I write it? I don't know.
- 19 Q. By the way, there is no DeFeo Blaster in
- 20 there or Steve W.
- 21 A. Okay.
- 22 Q. That was just to show that contextually your
- 23 recollection, which you apparently have some of, is
- 24 in direct accord with what's written on this
- 25 document and matches up with it, including being

1 able to say what wouldn't be in there as well as  
2 what would be in there.

3 MR. KIMBALL: Thank you, Counselor.

4 MR. NERSESIAN: Well, eventually I'm going  
5 to get him to admit that he wrote all of this stuff,  
6 because he did.

7 MR. KIMBALL: No.

8 MR. NERSESIAN: And he knows he did, and  
9 he's sitting here just playing games.

10 MR. KIMBALL: He answered I don't know.  
11 That's his sworn testimony.

12 MR. NERSESIAN: He's still reading it.

13 BY MR. NERSESIAN:

14 Q. Did you write it?

15 A. I don't know. It's dated May 29th, '01. I'm  
16 not sure I was in town at that time.

17 Q. Do you have to be in town to post?

18 A. Well, it helps. I mean —

19 Q. If you're out of town at a hotel with  
20 Internet access, you can post, can't you?

21 A. That's true, yes.

22 Q. Okay. I'm not sure if I was in town then  
23 either, but I think I would remember if I wrote a  
24 whole page of something, and I'm asking you if you  
25 wrote this. Well, you said I don't know, so.

1 MR. NERSESIAN: The next exhibit is two  
2 pages, it's 13.

3 (Plaintiff's Exhibit 13 was marked for  
4 identification.)

5 MR. KIMBALL: Same objection.

6 BY MR. NERSESIAN:

7 Q. Did you have links to the Amityville Murders  
8 on any forums?

9 A. I don't know what I had. I don't remember.

10 Q. Showing you Exhibit 12, the posts under  
11 ric112 moderator, did you write them?

12 MS. STOCK: Just to clarify, it's Exhibit  
13 13.

14 MR. NERSESIAN: Oh, 13.

15 MR. KIMBALL: Thanks. Where's the  
16 original of that magazine? Did you give it back?

17 MR. NERSESIAN: Pardon?

18 MR. KIMBALL: Where is the original of  
19 that magazine? Did you give it back?

20 MR. NERSESIAN: I believe so.

21 MS. STOCK: I believe you took it out to  
22 the car.

23 MR. KIMBALL: Thank you.

24 THE WITNESS: Yeah. It seems vaguely  
25 familiar.

1 BY MR. NERSESIAN:

2 Q. Did you write that?

3 A. Possibly.

4 Q. Did you write that?

5 A. Possibly.

6 Q. Can you answer that yes or no, the parts that  
7 say ric112 that are attributed to ric112?

8 A. I can't definitely say, yes, I wrote this,  
9 but it sounds — it sounds vaguely familiar.

10 Q. Now, you remember earlier in this deposition  
11 — so you can't say it with any certainty and you're  
12 not going to, right?

13 A. I'm just basically saying it sounds familiar.

14 Q. Note at the bottom where you apparently faxed  
15 a letter to me, the bottom of page 1?

16 A. Bottom of page 1?

17 Q. Yeah, in the bold.

18 A. I don't see it.

19 MR. KIMBALL: Here. Is that it?

20 THE WITNESS: It says file.

21 BY MR. NERSESIAN:

22 Q. Pardon?

23 A. Are you talking the bottom of this? This is  
24 a hard drive copy. It says file C.

25 Q. No, no, no. I said near the bottom.

1 A. Oh, okay. Yes, I see that.

2 Q. Okay. Do you recall writing that?

3 A. As I said, it vaguely looks familiar.

4 Q. But you could recall that — this is the  
5 letter you were talking about earlier, isn't it, on  
6 the deposition when you said that you wrote a letter  
7 to me where you wanted to ask Lee questions?

8 A. Right.

9 Q. And here it is low and behold in a document  
10 that was sitting here before you showed up today,  
11 the same letter that you talked about earlier.

12 A. That's no secret. I mean, I've mentioned  
13 that numerous times. I don't see what you're  
14 getting at.

15 Q. I want to confirm that that that you are  
16 referencing and did write in a post about the letter  
17 that you discussed earlier.

18 A. This post seems vaguely familiar.

19 Q. If you look at page 2 —

20 A. Uh-huh.

21 Q. — down there at the bottom, is that a  
22 picture of you?

23 A. Yes, it is.

24 Q. Is that why all of a sudden this post looks  
25 like something that might be familiar because holy

1 gee whizz your picture is on it?

2 A. No, because somebody could easily post all  
3 these and cut and splice. I mean, there's no  
4 authenticity here. You know, it's not even coming  
5 from the actual source. It's coming from a hard  
6 drive.

7 Q. If you download off of a Web site forum  
8 board, where do you download to, Mr. Webmaster?

9 A. You download to a local hard drive.

10 Q. Yeah. Which is exactly where this came from,  
11 right, as you said a minute ago?

12 A. Yeah.

13 Q. Which is also exactly what you would expect,  
14 correct?

15 A. Well, yeah. If you download, you save it,  
16 safe as, yes, definitely.

17 Q. Okay.

18 A. But somebody could easily have cut and  
19 spliced messages and done other things to it.

20 Q. How often did your picture appear?

21 A. I couldn't tell you. Sometimes it appeared,  
22 sometimes it didn't. It depends on —

23 Q. You controlled whether or not it appeared,  
24 right?

25 A. No. It was the Web site. It was basically

1 — it was a function where you could add a picture  
2 to your name, and if it appeared, it appeared. If  
3 it didn't — I think on certain replies it wouldn't  
4 appear and certain times it would.

5 Q. Do you see where it says Mr. Lutz's attorney  
6 called me the following week assuring me that he  
7 passed along the letter to Mr. Lutz on page 2, top  
8 post?

9 A. Okay.

10 Q. See where it says that?

11 A. Yes.

12 Q. Okay. With your recollection of that  
13 conversation with me, do you feel that, and just  
14 again looking for what your standards are in  
15 journalism and for journalistic ethics, would your  
16 statement about me calling you in the way that it's  
17 written here have met —

18 A. I don't see that statement. Can you point it  
19 out, please? I'm sorry.

20 Q. (Indicating.)

21 A. Oh, okay. Thank you. Okay. What was your  
22 question now? I'm sorry.

23 Q. With the same caveats we had earlier, would  
24 your statement there meet with your opinion of  
25 journalistic standards? Mr. Lutz's attorney called

1 me the following week assuring me that he passed  
2 along the letter to Mr. Lutz; however, Mr. Lutz  
3 never answered my questions.

4 A. I don't have an opinion of that statement  
5 either way. I mean, it wasn't — it wasn't a lie,  
6 if I wrote it. I mean, that's what happened. I  
7 sent you a fax and you had confirmed that your  
8 client — it was passed onto your client and your  
9 client never answered my questions. So, I mean, I  
10 don't have an opinion of that statement either way.

11 (Plaintiff's Exhibit 14 was marked for  
12 identification.)

13 BY MR. NERSESIAN:

14 Q. I'm showing you Exhibit 4 — or 14.

15 MR. KIMBALL: 14, yeah.

16 BY MR. NERSESIAN:

17 Q. Did you notice that this is somebody —

18 MR. KIMBALL: Same objection.

19 BY MR. NERSESIAN:

20 Q. — forwarding an e-mail that was purportedly  
21 written by you; did you write this e-mail starting  
22 with Dear Michael?

23 A. I don't recognize this. I don't recall a  
24 Michael Larson. I don't recognize it.

25 Q. Neither one of those answers the question.

1 Did you write the e-mail starting Dear Michael?

2 A. I don't recognize it back in — four years  
3 ago. More than four years ago, I don't recognize  
4 this.

5 Q. So is the answer you don't know?

6 A. I don't know.

7 Q. All right.

8 A. I don't recognize it.

9 Q. Is your answer I don't know or I don't  
10 recognize it?

11 A. Both — or, therefore, I don't know.

12 Q. It's not the same thing.

13 MR. KIMBALL: I know. He used both  
14 separate.

15 MR. NERSESIAN: 15.

16 (Plaintiff's Exhibit 15 was marked for  
17 identification.)

18 MR. NERSESIAN: We're off.

19 (Discussion off the record.)

20 BY MR. NERSESIAN:

21 Q. Back on. As we're going through these  
22 e-mails, do you recall the hearing in front of Judge  
23 Jones where you were standing at the podium and the  
24 summary judgment hearing, you were there, right?

25 A. Uh-huh.

1 Q. And you were talking?

2 A. Yes.

3 Q. And you filed a brief as well?

4 A. Yes.

5 Q. And you said that you wrote the synopsis from  
6 memory?

7 A. I don't recall saying that.

8 Q. Didn't you say that at your last deposition  
9 as well?

10 A. No, I don't recall saying that. I'm sure  
11 memory played a part in it.

12 Q. I think what you said is you wrote the  
13 synopsis of the book from memory from having read  
14 the book as a child. Do you recall saying that?

15 A. I don't recall.

16 Q. Could you have written that synopsis from  
17 having remembered the book as a child; do you think  
18 you could have written that synopsis from having  
19 remembered the book as a child having read the book  
20 as a child?

21 A. Possible. I don't even —

22 Q. Now, you've compared that synopsis and you  
23 know that there's no errors in it, everything in  
24 that synopsis does cross over into the book, right?

25 A. No, not necessarily. I haven't compared the

1 synopsis to the book. I haven't spent time doing  
2 that.

3 Q. But you didn't — did you have the book out  
4 when you were writing the synopsis?

5 A. I don't recall.

6 Q. Okay. And knowing that synopsis, you do feel  
7 that you might have been able to write it from  
8 memory having read the book as a child?

9 A. I don't recall how I wrote it. It was back  
10 in 1999.

11 MR. KIMBALL: Do we have a record of that  
12 transcript from the last —

13 MR. NERSESIAN: No, I didn't order it.

14 MR. KIMBALL: Okay. I don't recall the  
15 answer either.

16 BY MR. NERSESIAN:

17 Q. Earlier you had mentioned that the crime  
18 scene photos show up in your KatCo book and that  
19 wasn't your call, that was the publisher's call?

20 A. Right.

21 Q. And you also discussed at length how authors,  
22 once they sign over to a publisher, don't get to  
23 dictate the contents of the book any longer?

24 A. In my experience, yes.

25 Q. Okay.

1 A. Unless you're like J.K. Rowling or someone  
2 very big and powerful, maybe that's different,  
3 but —

4 Q. How many times, to your best recollection,  
5 have you said that changes from one edition to  
6 another edition of the Amityville Horror annotated  
7 those changes were evidence that Lee — George Lee  
8 Lutz's rendition of The Amityville Horror was a  
9 hoax?

10 A. I don't recall.

11 Q. A number of times, correct?

12 A. I don't recall.

13 Q. You don't recall ever having said —

14 A. I think —

15 Q. — ever having compared one edition of The  
16 Amityville Horror to another edition of The  
17 Amityville Horror in setting out the differences  
18 that appear in those editions and then attributing  
19 those differences as evidence of a hoax?

20 A. Well, I think as a fan of The Amityville  
21 Horror story line and basically someone who's — who  
22 from time to time again re-picked it up before '99,  
23 I think what happened was when I was on either the  
24 Web site or even message boards, possibly, or I just  
25 tell people in general that this is what Dr. Stephen

1 Kaplan's argument was, that the change in editions,  
2 you know, really pointed to a hoax.

3 Q. You never said that yourself?

4 A. Well, I mean, I probably expressed the same  
5 argument.

6 Q. Did you ever think to say in a sentence after  
7 that, but remember, authors don't have control over  
8 what changes publishers make?

9 A. No.

10 Q. Never thought of saying that, right?

11 A. I don't even know what context we're talking  
12 about.

13 Q. Well, let me ask you something. Is this book  
14 I'm holding up right here, the KatCo edition of The  
15 Night The DeFeos Died, a hoax?

16 A. No.

17 Q. Are there differences between this edition  
18 and the edition you earlier published as  
19 self-published?

20 A. I believe so, yes.

21 Q. Okay. Now, are the differences — are some  
22 of these differences publisher chosen?

23 A. The differences for the publisher —

24 Q. It's a yes or no.

25 A. Not necessarily, because the differences for

1 the publisher, he chose to do the layout, the  
2 graphics, all that. All that was his choice.

3 Q. Including photos that weren't in your book?

4 A. The actual text what was my responsibility.  
5 They would send me, and that was my responsibility  
6 to make sure the text was right. So, I mean, if  
7 they do the layout, you know, they do the rough  
8 layout, they say, put some text in there — or, I  
9 mean, proofread this text.

10 Q. So you proofread the text under the  
11 photograph at page 46 that says in their portrait  
12 Mark left and John Matthew posed in a park like  
13 setting?

14 A. I don't recall in the photo captions. Some  
15 of those were mine because I did use some of the  
16 plain photos for the book which came out before the  
17 KatCo.

18 Q. If they were yours, then they're different  
19 from the first edition because they weren't there,  
20 correct?

21 A. Those — the ones I just said, like the park  
22 like setting, that was in the first edition.

23 Q. Bloody crime scene photo. Okay. This  
24 picture was found in the middle of the DeFeo crime  
25 scene negatives. It is inclusive at this point as

1 to whether this is a DeFeo that had been moved to an  
2 extra bed.

3 A. I don't recall writing that.

4 Q. Did you write it?

5 A. I said, I don't recall writing it. I don't  
6 believe I did.

7 Q. Don DeFeo's mattress is a mess with blood;  
8 however, the headboard is suspiciously clean.

9 A. Don't recall writing it. I don't believe I  
10 did.

11 Q. Left below, one of Ronald DeFeo, Sr's wounds  
12 as is measured by the Suffolk County Medical  
13 Examiner at the time of the autopsy.

14 A. Don't believe I wrote the caption of that.  
15 The captions that came in Exlaborous were the ones  
16 that I think he just copied verbatim. The other  
17 ones he did himself.

18 Q. So what material changes did you see that you  
19 thought in your own personal opinion led to  
20 credibility that The Amityville Horror was a hoax  
21 between editions?

22 A. I'm not sure now. I mean, looking back on  
23 it, I don't know. I mean, there was changes there  
24 that seemed suspicious, but it was — I based my  
25 whole argument on the book The Amityville Horror

1 Conspiracy.

2 Q. Now, at page 158 you actually publish the  
3 letter from the Diocese of Rockville Center, right?

4 A. The publisher published it.

5 Q. You gave it to him, right?

6 A. I gave him copies of a lot of stuff, yes.

7 Q. And you had this copy?

8 A. I don't know if it was the original or a  
9 copy. I mean —

10 Q. Or you — this is the letter that was sent to  
11 you by, as you said, the Catholic church?

12 A. Right.

13 Q. And it was actually sent by the Diocese of  
14 Rockville Center?

15 A. Right.

16 Q. Okay. It doesn't say anything about Father  
17 Pecoraro being reprimanded, does it?

18 A. I don't believe it does. That came after the  
19 Exlaborous book.

20 Q. I understand. Do have any other statements  
21 by the Diocese of Rockville Center or anything above  
22 this in the Catholic church relative to Father  
23 Pecoraro?

24 A. Nothing new since that letter.

25 Q. Anything from before this letter?

1 A. Just verbal.

2 Q. From?

3 A. From the monsignor in Amityville.

4 Q. I asked anything above.

5 A. But he is in the diocese.

6 Q. Higher than the diocese?

7 A. Oh, oh. I wrote the Vatican but they never

8 replied.

9 Q. And this letter is written on behalf of a

10 bishop, right?

11 A. I believe so. I don't recall the specifics

12 of the letter.

13 MR. KIMBALL: Certainly with the approval

14 of the bishop?

15 THE WITNESS: Yeah.

16 BY MR. NERSESIAN:

17 Q. Showing you number 15, do you recall getting

18 this e-mail from Mike Larson?

19 A. No, I don't.

20 Q. Do you now recognize Mike Larson as a

21 relative of Father Pecoraro?

22 A. No, I don't.

23 MR. KIMBALL: Note the objection each

24 time.

25 ///

1 BY MR. NERSESIAN:

2 Q. Who is, if you know, Michael Pachenic?

3 A. I believe he's somebody in New York who  
4 called themselves a DeFeo or a relative of one.

5 Q. Did you talk to Mr. Pachenic?

6 A. Yes, I've met Mr. Pachenic and I talked to  
7 him.

8 Q. Did you talk to him about stopping Mr. Lutz  
9 from using the photos?

10 A. I don't recall that conversation.

11 Q. Was that the context in which you spoke to  
12 Mr. Pachenic?

13 A. No, I think he wanted to — he had a  
14 legitimate interest in the DeFeo murders.

15 Q. What was his interest?

16 A. If memory serves me correct, I believe he  
17 thought he was a relative of the DeFeos.

18 Q. You don't recall talking to him about photos?

19 A. I may have. I don't recall. His interest  
20 was more about the DeFeos.

21 Q. Did you talk to him about suing George Lutz?

22 A. No, I don't believe so.

23 Q. Did you understand that Roger Stacy had some  
24 personal history with the Lutzes?

25 A. I heard something of that nature, but I don't

1 — I'm not rightly clear on what it is. I don't  
2 know if it's real estate or — I don't know.

3 Q. Did you ever write, listen to Roger Stacy on  
4 this because he was personal friends with the  
5 Lutzes, Joe knows Roger Stacy and was panicking when  
6 he came to the message board a few months ago?

7 A. The only thing I remember about that is Mr.  
8 Lutz felt Roger Stacy was originally Bill Weber, but  
9 I just don't recall the specifics of that  
10 conversation.

11 Q. You were communicating with Roger Stacy  
12 outside of the message boards, is that correct?

13 A. Yeah, I believe so.

14 Q. Okay. Did Roger Stacy tell you that he knew  
15 the Lutzes?

16 A. He said something to the effect that he had  
17 dealings with them when they came to California, and  
18 he never really elaborated enough where I could  
19 understand what he was talking about.

20 Q. So you wouldn't be writing about his personal  
21 history with the Lutzes if you didn't understand it,  
22 would you?

23 A. I mean, I don't know what I'm alleged to have  
24 written, and I don't know — I don't know. I  
25 mean —

1 Q. You are alleged to have written, quote,  
2 listen to Roger Stacy on this because he was  
3 personal friends with the Lutzes.

4 A. I don't recall the frame of mind I wrote  
5 that, if I wrote that. All I know is that Roger  
6 Stacy said he had dealings with the Lutzes. I don't  
7 know if he used the term friends.

8 Q. Okay. You've relied on Roger Stacy quite a  
9 bit in this proceeding and cited to him, correct?

10 A. Not really. I've done a lot of this on my  
11 own.

12 Q. You have an affidavit from him, right?

13 A. Yeah. I mean —

14 Q. How did you get that affidavit?

15 A. I asked.

16 Q. Okay. Did you write the affidavit or did he  
17 write the affidavit?

18 A. He wrote the affidavit.

19 Q. So you were comfortable enough to pick up the  
20 phone and call the guy and ask him to give you an  
21 affidavit, right?

22 A. Yeah, or e-mail.

23 Q. Roger Stacy appears to be about how old?

24 A. I don't know. I never met him.

25 Q. About 29, isn't he?

1 A. No, I thought he was closer to 50.

2 GEORGE LEE LUTZ: Excuse me.

3 BY MR. NERSESIAN:

4 Q. Do you personally know how long George has  
5 been in the Vegas area?

6 A. No, I don't.

7 Q. You understood it was over a decade, right?

8 A. Yeah, I think it was something like that.

9 Q. And Roger Stacy's dealings as you understood  
10 it with George were in a professional capacity as an  
11 attorney?

12 A. No. I don't know. It was more of an  
13 acquaintance-type thing, my understanding.

14 Q. Let me just ask, did you have anything to do  
15 with selling DeFeo letters on eBay?

16 A. No.

17 Q. Do you know who mlp10@aol.com is — 1070;  
18 mlp1070?

19 A. No, I don't.

20 Q. What about Mr. Mike?

21 A. I don't know. I had nothing to do with that.

22 Q. Do you know who Chic Osuna is?

23 A. Chic?

24 Q. Yeah.

25 A. C H I C T.

1 Q. No, just C H I C.

2 A. No, I don't.

3 Q. Perhaps you can like clear it up for me. I'm

4 looking at a search result off of the county

5 clerk's —

6 A. It was an old business that we had.

7 Q. Well, if you look on the left it says Ric

8 Osuna and Chic Osuna.

9 A. It's supposed to be C H I E. My wife's name

10 is Chie.

11 Q. Oh, okay. What was Specific Network?

12 A. Just a business we had in California that we

13 brought over here but really couldn't do anything

14 with it, really.

15 Q. What kind of business?

16 A. I think it was supplements — no, it was —

17 we set it up for phone cards. That's when phone

18 cards were really popular. I think eventually I

19 worked under it for Web sites too under the license,

20 but —

21 (Plaintiff's Exhibit 16 was marked for

22 identification.)

23 BY MR. NERSESIAN:

24 Q. Showing you 16, is that an a e-mail you

25 recall writing to Lee — or George?

1 A. I did ask — I don't know if this is the  
2 exact e-mail, but I did ask if he knew Mrs. DeFeo.

3 Q. And his response was?

4 A. I think he said he didn't know her.

5 Q. Okay. Does she say different?

6 A. Yes.

7 Q. Where did she tell you she knows him from?

8 A. Through, I believe, introduction of Weber.

9 Q. Do you know who vinylmaster@worldnet.att.net  
10 is?

11 A. You have to refresh my memory.

12 Q. Oh, that's right. If I said Scottie Gee,  
13 would that refresh your recollection?

14 A. I'll take your word for it if it's  
15 vinylmaster. Was that an e-mail address or —

16 Q. Yeah.

17 A. I don't remember what his e-mail address was,  
18 but —

19 Q. Okay. Do you know who used the e-mail  
20 address adefeo@imneverwrong.com?

21 A. I don't know. I don't know.

22 (Plaintiff's Exhibit 17 was marked for  
23 identification.)

24 BY MR. NERSESIAN:

25 Q. Okay. I'm showing you what's been marked as

1 Exhibit 17 —

2 A. Okay.

3 Q. It's a seven-page exhibit. Did you write  
4 this?

5 MR. KIMBALL: Let him read it first.

6 BY MR. NERSESIAN:

7 Q. And the question I will change. Are you  
8 familiar with the first post?

9 A. I don't think I wrote this.

10 Q. The question — I changed the question to are  
11 you familiar with the first post?

12 A. It doesn't ring a bell.

13 Q. Isn't adefeo Geraldine?

14 A. I don't know.

15 Q. Have you e-mailed her in the past?

16 A. Oh, yes, but —

17 Q. Does she e-mail you?

18 A. Yes, but that's not her e-mail address.

19 Q. What is the e-mail address you use?

20 A. I don't know what her — it's just in the  
21 address book. I just hit send. I don't — it's one  
22 of those hard ones. It's afyn-something. It's a  
23 combination of letters. It's not — it's not a  
24 simple one to remember.

25 Q. And you don't recall her sending — e-mailing

1 you for something to go onto a post?

2 A. Oh, I mean, she's done that before because  
3 she's had computer problems and can't get on a  
4 message board and everyone recognized that this was  
5 a post. I don't remember this particular one. It  
6 doesn't ring a bell.

7 Q. Go to page 4 of 7.

8 A. (Witness complies.)

9 Q. See the post — second post on there under  
10 ric112?

11 A. Yes, I see it.

12 Q. Did you write that? As you look at this note  
13 that — it's page 4 of 7, and you do have the  
14 before and afters.

15 A. Yes. No, I understand that. I don't recall  
16 writing this, but I don't see any factual errors in  
17 this.

18 MR. KIMBALL: Is that it?

19 THE WITNESS: Yeah, that's it.

20 MR. NERSESIAN: What's it?

21 THE WITNESS: No. He asked —

22 MR. KIMBALL: I'm reading it for the first  
23 time.

24 BY MR. NERSESIAN:

25 Q. Okay. Looking at that post, have you ever

1 seen a book contract negotiated with Weber in  
2 February of 1976?

3 A. Yes, I seen it.

4 Q. An actual book contract?

5 A. Yes. It was never signed. It was — well,  
6 that's part of the Lutz versus Weber files that are  
7 available to the public.

8 MR. KIMBALL: Technically the answer is no  
9 if it's not signed then, just for the record.

10 THE WITNESS: Oh, well, yeah. Okay.

11 MR. KIMBALL: Yeah.

12 BY MR. NERSESIAN:

13 Q. So you've never seen a signed contract of any  
14 nature?

15 A. No, I have not.

16 Q. Yet you are on record repeatedly stating that  
17 Lee broke a contract with this Weber person?

18 A. What I got from the Lutz versus Weber case  
19 files was that they had an oral agreement and that  
20 the Lutzes didn't honor it.

21 (Plaintiff's Exhibit 18 was marked for  
22 identification.)

23 BY MR. NERSESIAN:

24 Q. Looking at Exhibit 18, it's eight pages in  
25 order.

1 A. Okay.

2 Q. And you'll note that the posts and the  
3 discussion that follows in context follow, and my  
4 question is, did you write that post?

5 A. The first post?

6 Q. Yeah.

7 A. Possibly.

8 Q. Having read it and seen it in context, do you  
9 feel it's more likely than not likely that you made  
10 this post?

11 A. I'm not sure.

12 Q. Do you think that George was capitalizing on  
13 the DeFeo deaths?

14 A. Yes, he told me he was.

15 Q. He said that?

16 A. Yes. He said everyone capitalized on  
17 Amityville including himself.

18 Q. He said Amityville, didn't he?

19 A. Well, it was in the context we were talking  
20 about the DeFeo murders and the whole thing.

21 Q. He said Amityville, didn't he?

22 A. Amityville, the DeFeo murders. It was part  
23 of the whole context of the conversation.

24 Q. Did he ever actually say he was actually  
25 capitalizing on the DeFeo deaths or the DeFeo

1 murders?

2 A. He said, using it all in the same sentence,  
3 paragraph, train of thought, Amityville with the  
4 horror and there was the murders and he admitted to  
5 capitalizing on that whole thing.

6 Q. Would you agree that Mr. Lutz has always  
7 maintained that the murders that you wrote about and  
8 put on this bright red blood-colored book by KatCo  
9 publishing so far as Mr. Lutz was concerned,  
10 whatever evil is in this house, the DeFeos too were  
11 victims of it, not that they were the result of it  
12 or the impetus for that evil?

13 A. I'm not understanding. Can you rephrase  
14 that?

15 Q. Mr. Lutz has always maintained —  
16 consistently maintained, would you agree, to you and  
17 to the public that the house is the center of the  
18 evil or the land?

19 A. No, he hasn't always maintained that.

20 Q. What else has he maintained?

21 A. He said the house was just — at one point he  
22 said it was the house, then he said it was the land.  
23 He said the house was just a conduit to something  
24 bigger and eviler, so it changed.

25 Q. He never said that the evil arose because of

1 the DeFeos?

2 A. I am not sure. I don't recall. I don't  
3 recall either way.

4 Q. Are the DeFeos any big part of his book?

5 A. I think so. I think — Anson's book, I think  
6 it is a large part, I mean, obviously.

7 Q. It's like a page, isn't it?

8 A. Oh, God, no. They mention the DeFeo murders  
9 throughout there quite often, you know.

10 MR. NERSESIAN: Off the record.

11 (A brief recess was then taken.)

12 MR. NERSESIAN: We're continuing the  
13 deposition for completion from 4:00 to 7:00  
14 tomorrow.

15 MR. KIMBALL: 7:00 will be the outset.  
16 7:00 o'clock is it.

17 MR. NERSESIAN: Thank you.

18 (Proceedings concluded at 5:42 p.m.)

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## 1                   CERTIFICATE OF DEPONENT

2

3           I, RIC OSUNA, deponent herein, do hereby

4 certify and declare the within and foregoing

5 transcription to be my deposition, subject to any

6 corrections I have heretofore submitted; and that I

7 have read, corrected and do hereby affix my

8 signature to said deposition.

9

10

Ric Osuna  
Deponent

11

12

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \* \* \*

4 GEORGE LEE LUTZ, )  
 )  
5 Plaintiff, )  
 )  
6 vs. ) CASE NO.:  
 ) CV-S-03-0178-RCJ-RJJ  
7 RIC OSUNA, )  
 )  
8 Defendant. )  
 )

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DEPOSITION OF RIC OSUNA

Volume IV

Taken on Saturday, June 12, 2004

At 3:56 p.m.

At 528 South Eighth Street

Las Vegas, Nevada

25 Reported by: Terri M. Hughes, CCR 619

1 APPEARANCES:

2 For the Plaintiff: ROBERT A. NERSESIAN, ESQ.  
Nersesian & Sankiewicz  
3 528 South Eighth Street  
Las Vegas, Nevada 89101

4  
For the Defendant: DAVID A. KIMBALL, ESQ.  
5 Kimball Serota, LLP  
520 South Sixth Street  
6 Las Vegas, Nevada 89101

7 Also Present: George Lee Lutz  
Cindy Lee Stock, Esq.

8

9

10

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1                   RIC OSUNA,  
2           having been first duly sworn, was  
3           examined and testified as follows:

4                   EXAMINATION

5 BY MR. NERSESIAN:

6    Q. Let's go back to your Web site.

7    A. Okay.

8    Q. What Web sites — was the only — strike  
9 that. What URLs did you own? We have  
10 amityvillemurders.com, we had amityvillehorror.com.

11 What else?

12   A. What I currently own?

13   Q. No. Let's go for the last five years.

14   A. Regarding Amityville, amityvillemurders.com,  
15 theamityvillemurders.com and then the .nets of  
16 those, then amityvillehorror.com,  
17 theamityvillehorror.com, thenightthedefeosedied.  
18 That's — I think I had amityvilletruth.com.

19   Q. Okay.

20   A. I'm not sure about that one.

21   Q. Now, what — in the last five years, what  
22 URLs have you owned?

23   A. In addition to Amityville?

24   Q. In addition to those, yes.

25   A. Kianaparty.com, millionairetraveler.com, .net

1 and then — oh, realestatesuncity.com and .net, and  
2 those are the only ones I can think of off the top  
3 of my head.

4 Q. Any of those registered by you?

5 A. Registered?

6 Q. Purchased by you even if you sold them to  
7 someone else or someone else used them?

8 A. No. No, I don't recall.

9 Q. This swingers club, for example, did they  
10 have a Web site, the one you were —

11 A. Yeah, that's on my Web site.

12 Q. You didn't buy it?

13 A. No.

14 Q. What was the name of that Web site?

15 A. It was HNS-something.com.

16 Q. And S or NS?

17 A. Hotel Nancy Sierra. HNS —

18 Q. Okay.

19 A. — something.com. I don't remember the  
20 whole Web address. It's been years.

21 Q. Do you know what HNS stands for?

22 A. I think it was hide 'n seek, so —

23 Q. Ah. Now, relating to Amityville, other than  
24 the Web site theamityvillemurders.com, were any of  
25 these URLs active for any other Web site?

1 A. I don't recall. I don't think so. I think  
2 they were all really intended to be pointers. It's  
3 been over five years, so I can't — I can't say  
4 definite on that one.

5 Q. So is it correct then that your only  
6 Amityville Web site was amityvillemurders.com?

7 A. I believe so.

8 Q. Did that Web site generate income?

9 A. No.

10 Q. Never?

11 A. Never.

12 Q. Not a penny?

13 A. Not a penny.

14 Q. Okay. There are ways for Web sites to  
15 generate income, right, for advertising?

16 A. Yeah, advertising. I never did that.

17 Q. There was no advertising on it say for your  
18 own book?

19 A. No. Right. The only thing — now, if you go  
20 into the forum, which was another service, they had  
21 advertisements, but it was the message board service  
22 companies that ran those advertisements, not  
23 affiliated with me at all.

24 Q. Okay.

25 A. But those were free services, so —

1 Q. Were you the subscriber to set up those  
2 message boards?

3 A. A few of them, yes.

4 Q. Which ones?

5 A. I don't recall the names of them.

6 Q. Okay.

7 A. Because I just looked at them on my Web site.

8 Q. If you were an administrator or a moderator  
9 on a Web site, is it safe to say that you were the  
10 person that set it up as well?

11 A. Not necessarily. Somebody else can set it up  
12 and give privileges, so —

13 Q. Do you know of anywhere that was the case?

14 A. I know a bunch of Amityville Web sites got  
15 together and joined to make one big board where  
16 several sites link into it. It was United  
17 Amityville Message Board-something. I'm not — I  
18 don't remember the title, and I don't remember who  
19 participated in it. It was several individuals  
20 participated in it.

21 Q. Was that a message board that you had the  
22 power to shut down?

23 A. I don't know who had the power to shut down.

24 Q. Did it eventually shut down?

25 A. I think so. I don't know.

1 Q. Did you have anything to do with that?

2 A. I don't recall.

3 Q. You don't recall?

4 A. I mean, it was a matter of me going my  
5 separate way.

6 Q. Have you ever been involved in any Web sites  
7 being shut down or any message boards?

8 A. Being shut down personally by me or by —

9 Q. Or because of you or involved — or because  
10 of your involvement?

11 MR. KIMBALL: Clarify as by whom.

12 MR. NERSESIAN: Just disappearing from the  
13 Internet because of his involvement.

14 THE WITNESS: I don't recall.

15 BY MR. NERSESIAN:

16 Q. You don't recall. Okay. Have you ever  
17 communicated with a message board service indicating  
18 that a message board was becoming problematic and it  
19 would be in their best interest to shut it down or a  
20 message to that effect?

21 A. The only thing I can recall like that is  
22 somebody notified me that there was some death  
23 threats on a message board concerning me and my  
24 wife, and I complained to a message board and  
25 supposedly it got shut down, but that's the only

1 memory I really have of something like that  
2 occurring.

3 Q. Did you ever threaten a message board  
4 Webmaster or a message board or the people behind a  
5 message board with litigation?

6 A. I don't recall except to say that if I did,  
7 it was a very serious matter, and I was discussing  
8 it with an attorney because I felt I was in danger  
9 or threatened or something to that effect.

10 Q. What attorney would you have been discussing  
11 it with?

12 A. I would have discussed it with Roger Stacy, I  
13 would have discussed it — I had somebody else, but  
14 I just can't remember their name.

15 Q. Okay. Do you recall discussing with an  
16 attorney sending correspondence to a message board?

17 A. No.

18 Q. Or the people behind the message board?

19 A. No. I mean, it was a matter of me sending a  
20 letter saying — if I recall correctly, that look,  
21 someone is threatening my life, I think this is very  
22 serious, please look into this kind of thing.

23 Q. Didn't you actually accuse them of providing  
24 the vehicle —

25 A. I don't recall.

1 Q. — for the threat?

2 A. I don't recall what was said.

3 Q. But something was said. Was it just one

4 message board or was it more than one?

5 A. I don't recall how many times, if it was more

6 than one.

7 Q. Was it more than one?

8 A. I don't recall.

9 Q. It could have been more than one?

10 A. I don't recall.

11 Q. You don't recall if it could have been more

12 than one?

13 A. I don't recall. I don't even recall if it

14 was one time. I think it happened.

15 Q. Was that an Amityville site —

16 A. I believe so.

17 Q. — board? Yeah. Was it at a time while your

18 message board was up?

19 A. I don't recall the time line.

20 Q. Was it more than a year ago?

21 A. Possibly.

22 Q. Isn't it safe to say that you would have

23 remembered legal correspondence that you would have

24 sent in the last year?

25 A. I don't know, because I've done so much legal

1 work over the year my head is spinning, so I can't

2 give you even a rough idea when the date was.

3 Q. Did you finish high school?

4 A. Yes.

5 Q. Where did you graduate from?

6 A. San Joaquin Memorial High.

7 Q. Where is that?

8 A. Fresno, California.

9 Q. Any college?

10 A. Excuse me?

11 Q. Any college?

12 A. Oh, yes.

13 Q. Where?

14 A. Currently, University of Phoenix.

15 Q. I take it that's San Joaquin —

16 A. Yes, San Joaquin.

17 Q. — where the high school was?

18 A. No, no. It was in Fresno.

19 Q. Oh. San Joaquin High School was in Fresno?

20 A. Yeah, it's the San Joaquin Valley.

21 Q. I see. All right. Did you generate income

22 — did [kianaparty.com](http://kianaparty.com) generate income?

23 A. It did generate income.

24 Q. What kind of income?

25 A. I don't recall the amounts. It was small.

1 Q. How was income derived from that Web site?

2 A. It was — if memory serves me correct, it was  
3 Pay-Per-View or a membership or something like that.

4 I'm not sure.

5 Q. How about advertising?

6 A. No — no, I don't think there was  
7 advertising.

8 Q. What were you studying in the University of  
9 Phoenix?

10 A. It was business.

11 Q. What years were you there?

12 A. From 2002 to 2000 — beginning of 2004.

13 Q. When did you graduate high school?

14 A. '91.

15 Q. Any school between '91 and 2002?

16 A. Yes, I went to California State-Fresno, then  
17 I went to University of Honolulu.

18 Q. Okay. What years were you at Fresno?

19 A. Gosh. '91 to '92 and then something later,  
20 like maybe '95 through '96.

21 Q. Okay. When were you at Hawaii?

22 A. '92 to '93. Then there's, oh, ITT as well.

23 Q. Do you hold any degrees or certificates?

24 A. From college, no.

25 Q. What about from ITT?

- 1 A. No, I just completed nine months there.
- 2 Q. Where did you learn your Webmaster skills?
- 3 A. From books, just taught myself, trial and  
4 error.
- 5 Q. Other than kianaparty, were you the Webmaster  
6 for any other adult Web sites?
- 7 A. No, not for pictures or stuff like that that  
8 I can recall.
- 9 Q. For anything else?
- 10 A. Just the hide 'n seek, the swingers Web site  
11 I told you about.
- 12 Q. Was that an organization that was here in Las  
13 Vegas?
- 14 A. Yes.
- 15 Q. Were you a member?
- 16 A. No.
- 17 Q. Did you ever post your e-mail address at any  
18 swinger sites?
- 19 A. Not that I know of, no.
- 20 Q. Yesterday you testified about people who  
21 posted as your wife on a message board?
- 22 A. Yes, I was told by somebody that someone  
23 pretending to be my wife was posting.
- 24 Q. Did you write that message board —
- 25 A. No.

1 Q. — about the circumstance?

2 A. No.

3 Q. What was the post supposedly about?

4 A. It was derogatory of a sexual nature. Also  
5 it was derogatory towards her English speaking  
6 skills. I don't remember the exact content except  
7 that it was derogatory and it was very nasty.

8 Q. Did you see the post?

9 A. Yes, somebody showed it to me.

10 Q. When you worked for PES, did you have  
11 anything to do with the design of any of their  
12 products?

13 A. None, in no way.

14 Q. Do you hold any patents?

15 A. No.

16 Q. Do you hold any trademarks?

17 A. Yes.

18 Q. What are they?

19 A. Millionaire Traveler.

20 Q. What about the Amityville Murders; do you  
21 view that as a trademark?

22 A. No — wait. I'm sorry. Say it again.

23 Q. The Amityville Murders.

24 A. Do I have it as a trademark?

25 Q. Do you view it as a trademark?

1 A. I'm not sure. Maybe a common law, but — I  
2 was considering registering it, but I don't know.

3 Q. What about The Night The DeFeos Died?

4 A. I'm not sure.

5 Q. When we were here earlier — or yesterday,  
6 you talked about two closings this week. How many  
7 houses have you closed in the last month, two  
8 months?

9 A. Probably three or four, I think, off the top  
10 of my head.

11 Q. Were you an agent on each of those homes?

12 A. Yes.

13 Q. Do you have a broker?

14 A. Yes.

15 Q. Who is your broker?

16 A. It's Century Realty, Tiffany Sharps.

17 Q. How long have you been doing this real estate  
18 gig?

19 A. About six months.

20 Q. Have there been any months where you didn't  
21 sell any homes?

22 A. Sure.

23 Q. What's your split with your broker?

24 A. A hundred percent.

25 Q. So you get a hundred percent?

1 A. Yep.

2 MR. KIMBALL: You pay a fee, don't you?

3 THE WITNESS: Oh, I pay a fee. Yeah, I

4 pay fees.

5 MR. KIMBALL: So it's not a hundred

6 percent.

7 BY MR. NERSESIAN:

8 Q. What are your fees?

9 A. Per month a hundred bucks and then I have to

10 pay them 300 bucks each transaction.

11 Q. Is this all residential?

12 A. Mainly, yes.

13 Q. So in the last — or in a 45-day period here

14 we're going to see six closings on Ric Osuna's

15 sales?

16 A. Hopefully more.

17 Q. Any of them all yours or is there always

18 another broker?

19 A. I'm sharing some sales with somebody,

20 partnering up.

21 Q. Are any of them all yours, I mean both sides

22 of the transaction?

23 A. Oh, no. No. Both sides, no.

24 Q. Are they all six percent listings?

25 A. I don't have any listings, just representing

1 buyers.

2 Q. Ah. Have you come forward on — or — well,  
3 is your participation generally three percent?

4 A. It varies between two and three.

5 Q. Have these houses all been turning on — the  
6 ones that are selling, going to be turning for  
7 something in excess of \$200,000?

8 A. I think they have been sold in excess of  
9 \$200,000.

10 Q. Okay. Does your wife currently work?

11 A. No.

12 Q. Do you have other sources of income at the  
13 present time?

14 A. No.

15 Q. It sounds like you're doing pretty well with  
16 the real estate. Do you feel you're doing pretty  
17 well?

18 A. I'm doing okay. I'm trying to catch up on  
19 some bills.

20 Q. So you're getting by?

21 A. Oh, yeah.

22 Q. And you're even paying down old bills?

23 A. Yeah, that were — that were basically  
24 accumulating, so yes.

25 Q. So what's with telling the court here in

1 pleadings that you're on the verge of bankruptcy and  
2 this litigation is putting you over the edge and  
3 you're going to have to file?

4 A. Oh, I was. Until about three months ago, I  
5 was — two months ago I was desperate.

6 MR. KIMBALL: Can we go off the record?

7 MR. NERSESIAN: No. I'd rather not.

8 MR. KIMBALL: Just a second?

9 MR. NERSESIAN: No. I have questions.

10 MR. KIMBALL: Fine.

11 THE WITNESS: No. It was pretty rough  
12 there. I lost my job with the magazine at the end  
13 of fall — or the beginning of fall, couldn't find  
14 another job. So I decided to go into real estate.  
15 I had to let David here go because I couldn't afford  
16 him anymore. It was a matter of choosing to pay my  
17 mortgage or my lawyer, and I had to choose my  
18 mortgage. Sorry, David. I like you, but — so  
19 basically it was a forced decision, but I'm starting  
20 to hold my own again, catch up on my mortgage,  
21 catching up. Still don't have health insurance.

22 Had to let that go because of this lawsuit, but —

23 BY MR. NERSESIAN:

24 Q. How much have you spent on this lawsuit?

25 A. In excess of about \$6,000.

1 Q. You spent 20 grand on your book, right?

2 A. Well, that was credit cards, which we don't  
3 have anymore, so —

4 Q. Did you spend 20,000 on your book?

5 A. Something like that. It was expensive going  
6 back and forth, back and forth, back and forth.  
7 Hindsight being 20/20 —

8 Q. In putting your book together, did you meet  
9 with Roxanne Kaplan?

10 A. It was after the book. I mean, I've talked  
11 to her before my book went to press, but it was  
12 mainly after.

13 Q. Did you interview her for the purposes of  
14 writing *The Night The DeFeos Died*?

15 A. Oh, I see what you're saying. I — I think I  
16 interviewed her. I know I have some quotes  
17 attributed to her and some passages from her book,  
18 which her publisher and her gave me permission to  
19 use, and I formally met with her after the book was  
20 out.

21 Q. When you say "her book," what book is that?

22 A. No, my book was out. So, I mean, I think I  
23 talked to her on the phone.

24 Q. But you said quotes and passages from her  
25 book?

1 A. Yeah, yeah.

2 Q. What's her book?

3 A. The Amityville Horror Conspiracy by Dr.

4 Stephen Kaplan and Roxanne.

5 Q. Okay. And back to where we were. You had

6 interviews with her before?

7 A. I think so. I think it was more e-mail

8 correspondence, like e-mail questions, things like

9 that, I mean, but actually sitting down with her

10 wasn't until after.

11 Q. In fact, you quote from The Amityville Horror

12 Conspiracy extensively in your book, don't you?

13 A. No. A couple things with permission from

14 them.

15 Q. And wherever it's cited, it's cited as an

16 authoritative statement on the subject, isn't it?

17 A. I don't recall.

18 MR. KIMBALL: Objection as to foundation.

19 Authoritative nature.

20 BY MR. NERSESIAN:

21 Q. Who is Shay Marie?

22 A. That was a pseudonym for Ron DeFeo's

23 daughter.

24 Q. Who is Ronald DeFeo's mother or who's Shay

25 Marie's mother?

1 A. Geraldine DeFeo Gates.

2 Q. So does Shay Marie with her real — is her  
3 real last name or the last name she uses in society  
4 DeFeo?

5 A. No, she's married. I don't recall her — I  
6 don't have her real name. I mean, it's not in front  
7 of me. It's a difficult one, so I can't — it's not  
8 in my head.

9 Q. Do you know what her name was before she got  
10 married, her last name? I'm not trying to track the  
11 lady down.

12 A. No, no, no. I'm just thinking. I think it  
13 was Gates. I'm not sure.

14 Q. Is your marriage to Chie your only marriage?

15 A. No, I was married before.

16 Q. How many times before?

17 A. Just once.

18 Q. Where?

19 A. Once in Honolulu.

20 Q. When?

21 A. '93 for a few months.

22 Q. It was just a few month marriage?

23 A. I believe so, yes.

24 Q. And it was in Honolulu in 1993?

25 A. Yes.

1 Q. Your wife's name was?

2 A. Yuki.

3 Q. Yuki —

4 A. Kanzaki.

5 Q. Can you spell that for the court reporter?

6 A. K A N Z A K A — I'm sorry, K I.

7 Q. Were you divorced in Hawaii?

8 A. Uh-huh.

9 Q. And when was that divorce finalized?

10 A. I'm not sure. July of '94, something like  
11 that.

12 Q. How did you meet Geraldine DeFeo?

13 A. I was contacted by her friend — her relative  
14 and said that she wanted to discuss my Web site.

15 Q. Was this — at what time was this?

16 A. Probably June of 2000, somewhere around  
17 there. I'm not sure of the exact date.

18 Q. It was while you were still working with Lee  
19 and before you had withdrawn from the contract,  
20 right?

21 A. Yes.

22 Q. Lee being George Lee Lutz?

23 A. Yes.

24 Q. Did she represent to you that she was the  
25 wife of Ryan DeFeo?

1 A. Yes, she did.

2 Q. Until that time — or how long had your Web  
3 site been up?

4 A. Since January '99.

5 Q. Okay. Until Geraldine DeFeo Gates contacted  
6 you, had you ever even heard a rumor that Ron DeFeo  
7 was married?

8 A. Yes, I heard rumors.

9 Q. What was the nature of those rumors?

10 A. There was an interview in 1979 with DeFeo by  
11 Hans Holzer, and Hans Holzer basically asked DeFeo  
12 that, hey, you've been going around saying you have  
13 a wife and kids, and DeFeo always used to answer, it  
14 was kind of — there was things talked that DeFeo  
15 may have been married or may have had a common law  
16 wife, so there was talk.

17 Q. Do you feel that — is it your own personal  
18 belief that Geraldine DeFeo is the wife or was the  
19 wife of Ronnie DeFeo?

20 A. Yes, I believe they had a relationship that  
21 constituted a marriage.

22 Q. What do you believe that relationship was?

23 A. Very personal, one that —

24 Q. I'm just — you said something definitely  
25 different from, yes, they got married.

1 A. Yes. I mean, they —

2 Q. So what do you believe their relationship

3 was; what is this relationship that is —

4 A. I believe they were married.

5 Q. In a church? I'm looking for your belief.

6 A. I believe they were married possibly in a

7 church. I don't recall where she said that they

8 were married.

9 Q. With a license?

10 A. That's what I was told.

11 Q. I know that's what you were told. Do you

12 believe that they were married and had a marriage

13 license?

14 A. Yes, I believe that.

15 Q. Do you believe that they were divorced?

16 A. Yes, I believe they were divorced.

17 Q. Were you told that they were divorced?

18 A. Yes, I was told that they were divorced.

19 Q. And who told you that?

20 A. Several parties.

21 Q. Who?

22 A. New York State, Geraldine, Ron DeFeo, Jr.,

23 the Suffolk County Police.

24 Q. The State of New York told you that those two

25 were divorced?

1 A. Yes.

2 Q. Did you ever see any divorce papers?

3 A. Yes.

4 Q. Where were they — where was that divorce  
5 filed?

6 A. I don't remember which county. It might have  
7 been Dutchess County.

8 Q. When was the divorce?

9 A. I believe in '93 or '89 or — '91. It was  
10 late '80's, early '90's.

11 Q. Who provided you these documents?

12 A. I got them through Lexus Nexus and by calling  
13 the state. I confirmed it, the State of New York.

14 Q. Was her name Geraldine DeFeo in the  
15 documents?

16 A. I believe so.

17 Q. Was his Ronald DeFeo, Jr.?

18 A. I believe so. I think it would have to be,  
19 yeah.

20 Q. Do you know how old Ms. DeFeo is?

21 A. 50's. I don't recall her exact age.

22 Q. Do you know how old Ronnie DeFeo is?

23 A. In his 50's. 54, 53. I don't recall — I  
24 think he would be 53 or 52, somewhere around there.

25 Q. Do you recall when Mr. Lutz was interviewed

1 on ABC Primetime?

2 A. Was I what?

3 Q. Do you recall Mr. Lutz being interviewed on

4 ABC Primetime?

5 A. Yes.

6 Q. Did ABC Primetime contact you?

7 A. No.

8 Q. Did you contact them before it showed?

9 A. No. To my knowledge, no.

10 Q. You said yesterday that you've never actually

11 met Roger Stacy?

12 A. In person, no.

13 Q. What kind of work did he do for your family?

14 A. He worked on my parents' bankruptcy.

15 Q. Did they ever meet him?

16 A. I don't know.

17 Q. Where do your parents live?

18 A. Fresno.

19 Q. Did you refer your parents to him?

20 A. Yes.

21 Q. So you've never been to Mr. Stacy's office?

22 A. No, I have not, not had the pleasure.

23 Q. You don't know what his office that's on his

24 letterhead looks like?

25 A. No, I have not had the pleasure of going

1 there.

2 Q. Have you ever seen a lawyer's office that was  
3 actually a postal drop box before?

4 A. I haven't been in many lawyers' offices.  
5 Counting two, that's about it.

6 Q. Are you aware that Mr. Stacy's address is a  
7 postal drop box?

8 A. No, I'm not aware of that.

9 Q. Would you trust a lawyer whose — you  
10 personally trust a lawyer whose business address was  
11 a postal drop box and he had no physical office  
12 attached to him?

13 A. I wouldn't rule out a lawyer for simply  
14 because they don't have a physical office. I  
15 wouldn't rule that out. It would have to be up to a  
16 case by case situation. I would have to interview  
17 the lawyer and see if they would meet my criteria or  
18 whatever I needed.

19 Q. Before you would rely on such counsel —  
20 strike that. Even if you had interviewed a lawyer  
21 and hired him, would you expect him to let you know  
22 that he didn't even have an office if he didn't?

23 A. Not necessarily, no. I mean, unless it was  
24 relevant, I don't find that it would be relevant as  
25 long as they could defend the client or serve the

1 client's needs.

2 Q. How many host boards did you start or  
3 register?

4 A. I don't recall.

5 Q. More than five?

6 A. I don't recall. I don't think it was more  
7 than five, but I don't recall.

8 Q. More than two?

9 A. Possibly.

10 Q. Were all of them related to Amityville?

11 A. I don't think so.

12 Q. What host boards did you start that weren't  
13 related to Amityville?

14 A. That were, I'm sorry, not?

15 Q. That weren't related to Amityville.

16 A. I told you yesterday about the Millionaire  
17 Traveler one, and I can't think of any others right  
18 now off the top of my head.

19 Q. Well, that one is still up, right?

20 A. Yes.

21 Q. Okay.

22 A. It's not in operation. It's a free club,  
23 free service, you know, it's nothing major.

24 Q. Okay. Let's try it this way. How many host  
25 boards have you shut down that were host boards that

1 you had started?

2 A. I don't have that exact number.

3 Q. More than one?

4 A. I'm sure it's been more than one.

5 Q. More than three?

6 A. I'm not sure at that point. I can say it's

7 been more than one, but I'm not sure.

8 Q. Were those related to Amityville?

9 A. Sure.

10 Q. Who did you get that service from? You said

11 it was free?

12 A. Which service?

13 Q. The service that gave you the host board

14 ability.

15 A. There was a number of free board services. I

16 don't recall the names right off the top of my head.

17 Q. Well, think a second. Would that help?

18 Would you be able to come up with names that way?

19 A. Gosh, no. It's been so many years.

20 Q. Yesterday I think you said that the contract

21 was for a tell-all book and that was the agreement

22 between you guys, Exhibit A to your motion for

23 summary judgment?

24 A. It was a detail book that I phrased, for lack

25 of a better word, tell-all book as opposed to a

1 simple picture and question book.

2 Q. Do you recall that the concept was from the  
3 onset to get something released in coordination with  
4 the History Channel documentary?

5 A. No.

6 Q. Never?

7 A. No. I mean, it was a goal to try to have it  
8 out at the same time, but I wouldn't — I wasn't  
9 going to rush good work. I wanted — didn't want to  
10 do three or four Amityville books or two Amityville  
11 books. It was just one to answer the questions out  
12 there, get the story out there and clarify things.  
13 It wasn't — it wasn't a race.

14 Q. The contract said picture book. It didn't  
15 say to answer the questions, get the story out there  
16 and get the record straight, did it?

17 A. It was tentatively titled The Amityville  
18 Horror Picture Book, but we weren't even going by  
19 that title.

20 Q. Who is we?

21 A. The whole group.

22 Q. You and Dan, you and Panic Productions?

23 A. Everybody.

24 Q. Who ever told Mr. Lutz that the contract he  
25 signed related to a picture book was not supposed to

1 be a picture book?

2 A. Mr. Lutz knew. He had okayed the actual  
3 proposal. He had actually seen the material. He  
4 actually seen the work and title.

5 Q. All right. Concerning The Night The DeFeos  
6 Died, who did you interview for that book?

7 A. Off the top of my head, Ronald DeFeo, Jr.,  
8 Geraldine DeFeo Gates, possibly Roxanne Kaplan,  
9 Roger Stacy, Joel Martin, Doug Sparrow. That's kind  
10 of all I can think of right now.

11 Q. What did Roger Stacy have to offer about the  
12 DeFeos or the Lutzes or anything about your book?

13 A. I felt — he had an interesting thing. He  
14 wanted to give the Lutzes a new polygraph test, and  
15 he made that offer and it wasn't elected, so — he  
16 had something else to contribute. I just can't  
17 remember what it is off the top of my head.

18 Q. I just want to know what a 29-year-old lawyer  
19 from Southern California can contribute or what you  
20 viewed this 29-year-old lawyer from Southern  
21 California could contribute to a forensic  
22 investigation of 34-year-old murders?

23 A. I don't know what my frame of mind was at  
24 that time, my mind-set.

25 Q. Was your mind-set let's bury George Lutz, the

1 son-of-a-bitch?

2 A. No, otherwise I wouldn't have asked for

3 his —

4 Q. When did you come up with that mind-set?

5 MR. KIMBALL: Objection.

6 THE WITNESS: That's not what I said. My

7 mind-set was to get the truth, and I gave Mr. Lutz

8 an opportunity to speak out.

9 BY MR. NERSESIAN:

10 Q. You did. You sent him that nice little fax,

11 didn't you? Here. Let's have George Lutz talk for

12 the record, right?

13 A. Yes.

14 Q. And he ignored you?

15 A. Yes.

16 Q. Give me one question, just one from that fax,

17 Mr. Osuna, that Mr. Lutz has not answered on the

18 record.

19 A. I don't have those questions in front of me.

20 Q. He has answered every question you've posed

21 and he was in sources with statements on every

22 question you posed, wasn't he?

23 A. No.

24 Q. No? Which one wasn't he?

25 A. I don't know. It's just not something that

1 I've looked at or reviewed lately.

2 Q. Certainly he was on record in depth on a  
3 number of the questions that you posed, right?

4 A. Well, if he was on record, then he should  
5 have gone on record again.

6 Q. Who makes — who makes Ric Osuna's little  
7 smear book the record?

8 MR. KIMBALL: Objection.

9 THE WITNESS: Well —

10 BY MR. NERSESIAN:

11 Q. He was on record. Okay. Did you cite Mr.  
12 Lutz's historic responses that were made on the  
13 record that may have addressed the questions that  
14 you asked?

15 A. I don't recall.

16 Q. You didn't cite Mr. Lutz's responses in your  
17 book at all, did you?

18 A. I tried to be as fair as possible.

19 Q. So you don't agree that many of the questions  
20 you posed had already been answered by Mr. Lutz over  
21 the years in public, is that correct?

22 A. I think if — I think I wanted Mr. Lutz to go  
23 on record and basically deny or confirm certain  
24 things that I was not sure about as an author and he  
25 chose not to.

1 Q. How many times — strike that. He chose not  
2 to answer them for you, right?

3 A. Well, that was the only person that was  
4 asking him was me.

5 Q. But the answers were already out there in  
6 existence, weren't they?

7 A. No, I don't think so.

8 Q. No. What were some of the questions you  
9 wanted to ask him?

10 A. I don't have that material in front of me. I  
11 don't know. I don't know what I asked.

12 Q. Did you ask — did you meet Mr. Weber —

13 A. Again —

14 Q. — before the litigation?

15 A. — I don't know what exactly I asked. Again,  
16 I don't know exactly what I asked.

17 Q. Mr. Lutz has been on the record a number of  
18 times concerning Amityville and his experiences at  
19 Amityville, wouldn't you agree?

20 A. I think he's been given interviews over the  
21 years, but the questions I had were different from  
22 what those interviews covered.

23 Q. And so it's your statement here that the  
24 interviews that you were familiar with did not  
25 include responses by Mr. Lutz that were responsive

1 to the questions that you were asking him?

2 A. The interviews that I had seen did not  
3 address the questions that I had.

4 Q. Did you interview Joan Connors?

5 A. I don't recall.

6 Q. Did you interview Ron Morris?

7 A. I don't recall.

8 Q. Did you interview John Jones?

9 A. Couldn't get ahold of him.

10 Q. Did you interview Roz Lowenstein?

11 A. Couldn't find her.

12 Q. Did you interview Jerry Laskaso?

13 A. I'm not sure who he is.

14 Q. Did you interview Joe Vetter?

15 A. Couldn't locate them.

16 Q. Mimi Vetter?

17 A. No.

18 Q. So far as your book goes, would you agree  
19 with the statement that you made on Lou Gentile's  
20 show that about 75 percent of it comes from  
21 Geraldine DeFeo?

22 A. No.

23 Q. You did make that statement, didn't you?

24 A. I don't recall making that statement.

25 Q. How much of your — how much of the resources

1 and sources for The Night The DeFeos Died would you  
2 attribute to Ms. DeFeo on a percentage basis?

3 A. I wouldn't care to give it a percentage basis  
4 except to say that she was a contributor to the  
5 information, and the information was — much of it  
6 was independently verified to the extent I could.

7 Q. Where were Mr. and Mrs. DeFeo married?

8 A. It was somewhere in New Jersey.

9 Q. Did you ask her?

10 A. Yes, I asked her, but I just don't recall the  
11 city name.

12 Q. Well, she actually gave you a city, didn't  
13 she?

14 A. I don't recall the city name.

15 Q. Didn't you go look for a marriage license and  
16 none existed?

17 A. I think — I think I had problems locating  
18 one, yes.

19 Q. And you went to the city that she gave you,  
20 right?

21 A. No, I didn't go to the city.

22 Q. You went to the location, the county that she  
23 gave you?

24 A. No, I never went to that location. I think I  
25 wrote them.

1 Q. Oh, okay. That's what I meant by went to.

2 Perhaps I was —

3 A. Oh.

4 Q. You inquired of —

5 A. Correct.

6 Q. — the place that she told you the marriage  
7 occurred?

8 A. If memory serves me correctly, yes.

9 Q. Okay. Do you mention in your book that  
10 there's any dispute or controversy whatsoever about  
11 Ms. DeFeo actually being married to Ron DeFeo?

12 A. Yes.

13 Q. Okay. What do you say?

14 A. I think Joel Martin says it better than I can  
15 say it. He basically said he knew of their  
16 relationship, he's seen her before at the DeFeo  
17 residence, especially during the crime scene, and  
18 basically whether they were married or not, nobody  
19 is really sure, and maybe they possibly had a  
20 community — was it a common law marriage or maybe  
21 they actually were married. I mean, I figured that  
22 that statement right there was pretty good.

23 Q. Except that Geraldine herself had told you  
24 they had a real honest to goodness marriage with a  
25 license, right?

1 MR. KIMBALL: Objection.

2 THE WITNESS: She said, yes, they were  
3 married.

4 BY MR. NERSESIAN:

5 Q. What else do you know about Geraldine DeFeo?

6 A. What do you mean? I'm not sure.

7 Q. She was a very important source to your book,  
8 right?

9 A. Yes, one of the sources.

10 Q. And you know that there was controversy about  
11 — at the time you wrote the book you knew that  
12 there was controversy and some dispute about her  
13 claims to connection with the story, correct?

14 A. Yes, I knew that there was controversy.

15 Q. So did you investigate her background to make  
16 sure she was credible?

17 A. Yes, I did.

18 Q. Okay. And investigating — and in  
19 investigating her background, did you visit her at  
20 her house?

21 A. No, I never visited her at her house. It was  
22 too far from the location.

23 Q. What location?

24 A. We always basically met at a location because  
25 her house was way upstate.

1 Q. What did you do to investigate her background  
2 so that you could confirm her credibility?

3 A. I talked to certain parties that knew the  
4 DeFeos at the time, talked to the police, talked to  
5 the sheriff's department.

6 Q. Which police and which sheriff's department?

7 A. Suffolk County Police Department, Cayuga  
8 County Sheriff's.

9 Q. Did they both say they even knew who she was?

10 A. The Suffolk County Police knew who she was.  
11 Cayuga County verified some ID that she had that it  
12 was legitimate.

13 Q. What did she do from 1976 to 1995?

14 A. I don't recall what she said. She just  
15 slipped out of the limelight she said.

16 Q. You didn't ask her where she was working or  
17 what she was doing?

18 A. I don't recall those conversations.

19 Q. Would it be important to you whether or not a  
20 major source for your story — strike that. You did  
21 want her to be credible and you felt it was  
22 necessary for your own sake and for your — and for  
23 the book that you were putting together that she be  
24 a credible and honest person, right?

25 A. Well, I didn't want to take anybody's word

1 for it, so I worked as hard as possible to get  
2 independent evidence.

3 Q. And if she — as hard as possible on your  
4 source, because that's what investigative  
5 journalists do, right?

6 A. In your opinion, yes.

7 Q. I'm asking, isn't that your opinion; check  
8 the source's veracity and background to make sure  
9 that they're credible; isn't that something an  
10 investigative journalist should do?

11 A. I don't know. I don't have an opinion either  
12 way on that.

13 Q. Is that something that you would do?

14 A. That's something I believe I try to do with  
15 my book.

16 Q. You mean tried to do as you were preparing  
17 your book?

18 A. Throughout the whole — yes, preparing my  
19 book.

20 Q. As we sit here today, do you know about  
21 whether — do you know whether or not Geraldine  
22 DeFeo Gates has a felony history?

23 A. Possibly I've heard she had a felony history.

24 Q. When did you hear that?

25 A. It was after — after the first writing of

1 the book.

2 Q. Have you checked one way or the other as to  
3 whether or not that felony history does exist?

4 A. I don't recall what I did, but I think I put  
5 it in the book.

6 Q. What book?

7 A. My book.

8 Q. It's in the book?

9 A. Yes.

10 Q. Her felony history?

11 A. What I uncovered.

12 Q. What did you uncover?

13 A. That supposedly she wrote some bad checks.

14 Q. Here's your book. Where is it?

15 A. Oh, gosh. Let me find it. It's the second  
16 paragraph, second column, page 186.

17 Q. She claimed that Butch DeFeo had become so  
18 bitter after her departure from his life that he  
19 lashed out at her, setting her up to be prosecuted  
20 for passing bad checks. Who is Butch DeFeo? That's  
21 Ronnie, right?

22 A. Ronald DeFeo, Jr.

23 Q. Yeah. And then your book says, so if this is  
24 true, then why have anything more to do with Butch.  
25 And after she explains to you that this man who has

1 been locked up in prison for a period of years in  
2 1980 had become bitter at her departure from his  
3 life and he lashed out at her from prison and set  
4 her up to be prosecuted for passing bad checks,  
5 that's a credible person?

6 A. Well, I've gotten other affidavits from —  
7 I've gotten other affidavits from other people who  
8 say Butch is a very bitter person and he hates a lot  
9 of people, so I think this is a person that's  
10 capable of a lot of things.

11 Q. Geraldine would be one of them?

12 A. I think Butch DeFeo is the type of person  
13 that if you don't do what he wants, you're on his  
14 hit list and basically, you know, he's vindictive I  
15 feel.

16 Q. Okay. So you even knew that she spent 14  
17 months in jail for some kind of crime?

18 A. Not until after the first book came out.

19 Q. Okay. And when you do mention it in your  
20 revision, it's mentioned as with your support,  
21 something that happened to somebody as a result of  
22 the vindictiveness of somebody who's locked up in a  
23 state prison 240 miles away, right?

24 A. It was mentioned in the way she told me. She  
25 explained it to me.

1 Q. Did you check on that story at all?

2 A. I don't recall what I did to check to verify  
3 it.

4 (Cell phone rings.)

5 (Discussion off the record.)

6 MR. NERSESIAN: I apologize. Okay.

7 GEORGE LEE LUTZ: Ask her to read it back.

8 MR. NERSESIAN: Could you read back the  
9 last answer?

10 (The above-requested answer was read  
11 back by the reporter.)

12 BY MR. NERSESIAN:

13 Q. Do you know anything else about the criminal  
14 history of Geraldine DeFeo Gates?

15 A. No.

16 Q. What about her mental health history?

17 A. No.

18 Q. You certainly don't want to rely on a nut, do  
19 you?

20 A. Well —

21 MR. KIMBALL: Objection. Definition of  
22 nut.

23 THE WITNESS: Yeah.

24 BY MR. NERSESIAN:

25 Q. Somebody who you would think is a nut.

1 A. I'm a not a clinical psychologist, so I can't  
2 really —

3 Q. Well, you make — okay. Short of — then  
4 would I be correct in saying that from your  
5 perspective investigative journalist standards do  
6 not require that an investigative journalist  
7 discount the opinion of somebody that they  
8 personally feel is a nut?

9 A. As I said yesterday, the standards, there's  
10 no set —

11 Q. Your standards.

12 A. — set of rules. I try to have everyone tell  
13 their side of the story. Those that participated  
14 are in the book. Those that aren't participated are  
15 not in the book. I tried to verify everything with  
16 as much information as possible, and Geraldine DeFeo  
17 was just one of those people.

18 Q. She was a central source, was she not?

19 A. She was a key, important part of  
20 understanding the history there.

21 Q. Now, Ric Osuna's opinion, if a key part of  
22 the background sourcing for an investigative  
23 journalist piece is objectively believed to be a nut  
24 by the investigative journalist —

25 MR. KIMBALL: Objection.

1 MR. NERSESIAN: I'm not —

2 MR. KIMBALL: Never introduced. He never  
3 stated that. You stated that.

4 MR. NERSESIAN: I'm not saying that he  
5 did.

6 MR. KIMBALL: Uh-huh.

7 MR. NERSESIAN: Okay? And I'm not even  
8 saying that this is Geraldine DeFeo.

9 BY MR. NERSESIAN:

10 Q. My question is an investigative journalist  
11 addressing a key source for his book reaches a  
12 conclusion that that key source is a nut, do your  
13 investigative journalistic standards mandate that  
14 you give discounted weight to the opinions and  
15 statements of the person that you have independently  
16 concluded is a nut?

17 A. It would have to be a case by case basis. I  
18 mean, just because somebody was institutionalized or  
19 because somebody had a mental history or had  
20 problems with depression or is a nut doesn't  
21 necessarily mean that they are lying. So it would  
22 have to be a case by case basis.

23 Q. Okay. You changed the question on me. I  
24 didn't ask about institutionalization.

25 A. I don't know what nut means.

1 Q. I didn't ask — are there people that you  
2 think are nuts?

3 A. Again, that's just a broad definition that —  
4 I mean, I really don't know what you mean by nut.  
5 My meaning of nut may be different than yours.

6 Q. I don't care that it may be different. I'm  
7 asking, aren't there people that you think are nuts?

8 A. You know what? I don't know. I don't know  
9 how to answer that. I really don't.

10 Q. You can't even tell me that you have people  
11 that you think are nuts? You can't even say that?  
12 That's how straightforward you're going to be at  
13 this deposition. Is it safe to say that there is  
14 nobody on the face of the earth that you think is a  
15 nut?

16 A. Again, I don't know what you term —

17 Q. I don't want my term. I want your term, Mr.  
18 Osuna. Quit turning my questions. We have limited  
19 time here. My question is very simple. Are there  
20 people that you think are nuts —

21 A. No.

22 Q. — in your opinion?

23 A. No, I don't use the word nuts.

24 Q. Okay. What do you use for crazy people, what  
25 word?

1 A. Crazy people.

2 Q. Okay. Are there people that you think are  
3 crazy?

4 A. In this world in general?

5 Q. Yes.

6 A. Sure.

7 Q. Would you agree that an investigative  
8 journalist who has an independent personal  
9 subjective opinion that somebody is crazy should  
10 discount a key source that they think in their own  
11 opinion and have reached the conclusion in their own  
12 opinion that that person is crazy?

13 A. No.

14 Q. Okay.

15 A. It's a case by case basis.

16 Q. Are you familiar with Geraldine DeFeo's  
17 history with species of the K-9 persuasion?

18 A. I have a limited knowledge about that.

19 Q. What do you know about it?

20 A. I know she was trying to care for too many  
21 animals and the city took them away from her.

22 Q. Do you know how many was too many?

23 A. No.

24 Q. When did you learn this?

25 A. I — long after my book was out.

1 Q. Okay. Do you know that it was over 60 dogs  
2 living inside her house?

3 A. No.

4 Q. If somebody had over 60 dogs living inside  
5 their house, would you agree that in your opinion  
6 they're crazy?

7 A. No.

8 Q. Would you agree that they're a nut?

9 A. No.

10 Q. Okay. Would you agree that they don't fit  
11 within the statistical norms that we all look at in  
12 society for people who get along well on a  
13 day-to-day basis and can —

14 MR. KIMBALL: Objection.

15 MR. NERSESIAN: — act in society?

16 MR. KIMBALL: You've not established a  
17 standard of conduct.

18 THE WITNESS: Not necessarily.

19 BY MR. NERSESIAN:

20 Q. You want one for your neighbor?

21 A. I don't know. I don't know on that one.

22 Q. The documents that Mr. Lutz provided you and  
23 you made copies of, it's my understanding that you  
24 testified that you returned them all?

25 A. Yes.

1 Q. And that any copies you made you either gave  
2 back gave Lee — George Lee Lutz back the copies or  
3 destroyed the copies, correct?

4 A. Correct.

5 Q. And that some of the copies you had were on  
6 CDs?

7 A. Correct.

8 Q. Now, is that compact disks?

9 A. Yes.

10 Q. Is that because you had scanned them?

11 A. Yes.

12 Q. And downloaded them digitally or loaded them  
13 onto the CD digitally?

14 A. Right.

15 Q. Were they also loaded onto hard drives?

16 A. I believe so. To get them in the CD, you  
17 have to have them on the hard drives.

18 Q. Have you erased the hard drives as well?

19 A. Yes.

20 Q. You have no access to any of those documents?

21 A. No.

22 Q. How many CDs held these documents?

23 A. I don't recall.

24 Q. More than three?

25 A. No.

1 Q. Just —

2 A. I think it was just one.

3 Q. Just one CD. And you destroyed that CD?

4 A. Yes. I think I offered to send you the  
5 pieces.

6 Q. I think you said you broke it in half?

7 A. Yeah.

8 Q. Yeah. And you did break it in half?

9 A. Yeah.

10 Q. So there's two pieces?

11 A. No, no, no. There was tons of pieces,  
12 because I put a screwdriver and I smashed it, and  
13 then I broke it and it just flew all over the place.  
14 So it was broken in half but wound up in many  
15 pieces.

16 Q. You also had an interview — you posted an  
17 interview with Roxanne Kaplan after your book was  
18 out, right?

19 A. Yes.

20 Q. And where was that interview posted?

21 A. On my Web site.

22 Q. How long was that interview?

23 A. I don't recall. I sent her some questions  
24 through e-mail. She answered them. I posted them.  
25 I don't recall how long it was. I mean, I'm sure it

1 was several pages but, you know, the screen is only  
2 one page, so it's kind of hard to say how long it  
3 was.

4 Q. Did you do an introduction to the interview  
5 that you posted?

6 A. I don't recall. Possibly. You know, this is  
7 so and so and that kind of thing.

8 Q. It was presented as an authoritative  
9 interview, correct?

10 A. It was presented as what it was.

11 Q. Did you talk to — the questions you posted,  
12 were they posted to her in writing or did you  
13 interview her again?

14 A. I believe I sent her an e-mail just saying  
15 this is going on the Web site, put your best answers  
16 in there and I'll just cut and paste.

17 Q. Did you also — and it was pasted on the Web  
18 site as an interview, right?

19 A. Yeah.

20 Q. Did you talk to her as well?

21 A. Yeah, we talked. I mean, I don't — it was  
22 like on the phone we talked. She might have  
23 clarified some stuff.

24 Q. Did you send her a draft after your cut and  
25 paste and then talk for corrections after that?

1 A. I don't recall how it was done.

2 Q. Is that something that you would expect that  
3 you did?

4 A. I don't recall. I mean — I don't recall.

5 Q. When did you get your real estate license?

6 A. I got it in December.

7 Q. 2003?

8 A. Yes.

9 Q. Do you know if the Kaplans have any training  
10 in the paranormal?

11 A. Yes, they were parapsychologists.

12 Q. How do you know that?

13 A. It was in the newspaper and they told me. I  
14 read their book.

15 Q. Did you read other books and sites and didn't  
16 you even write stuff that pointed out that Stephen  
17 Kaplan — Stephen Kaplan's credentials were at best  
18 questionable?

19 A. And the question was answered. I was able to  
20 verify with Mrs. Kaplan what his true credentials  
21 were.

22 Q. Oh, what are they?

23 A. I don't recall except that he was a doctorate  
24 in, I think, sociology, and he was a respected  
25 parapsychologist in Long Island.

1 Q. Didn't he himself in his book say he was a  
2 doctor of vampirology?

3 A. I don't know if he was a doctor of  
4 vampirology. I think he was an author of  
5 vampirology where I think Joel Martin says it best  
6 with regard to the fact it's not as crazy as it  
7 sounds. It's actually there's certain people in  
8 this world that believe themselves to be vampires,  
9 and he was studying why these people would think  
10 they would have been vampires. So it was a very  
11 interesting field.

12 Q. You do know that the Kaplans had never been  
13 inside the house at 112 Ocean Avenue, right?

14 A. No, they were inside.

15 Q. When?

16 A. They were inside during April 1976, if that's  
17 the right date, I don't recall, but it was during an  
18 auction, and then they were inside when the  
19 Cromartys owned it.

20 Q. When was the last time you accessed an  
21 Amityville Web site?

22 A. I don't recall.

23 Q. Within the last week?

24 A. Possibly. I surf the net and I just kind of  
25 go through all my links to see what's out there.

1           GEORGE LEE LUTZ: Let's take a short  
2 break.

3           MR. NERSESIAN: Okay.

4           (A brief recess was then taken.)

5 BY MR. NERSESIAN:

6     Q. As to Mr. Lutz historically being on the  
7 record, you know that he was quoted in The Morning  
8 Call, right?

9     A. Yes, I believe so.

10    Q. You know that he was quoted in Newsday,  
11 right?

12    A. Yeah, he was quoted throughout the  
13 newspapers.

14    Q. You know that he was — that Kathy Lutz was  
15 on the record with Good Morning America in 1979?

16    A. Yes, they did interviews.

17    Q. Did they do an interview with the Star piece?

18    A. I'm not sure. I think they did.

19    Q. Okay. Mr. Lutz was on the record with Lou  
20 Gentile, wasn't he?

21    A. I never heard the Lou Gentile shows except  
22 what I was sent by a friend and basically what I did  
23 for my own interview. I never sat and listened to  
24 them other than that.

25    Q. Okay. Now, in your book you specifically

1 call The Amityville Horror — expressly call The  
2 Amityville Horror a hoax, right?

3 A. Correct.

4 Q. What friend sent Gentile to him?

5 A. What friend?

6 Q. Yeah.

7 A. Mike Riley told me to — he sent me a link,  
8 and then I think Roger Stacy also sent me a link.

9 Q. And — okay. You were on record on your Web  
10 site and elsewhere before you sent those questions  
11 to Mr. Lutz of — you were on record of stating —  
12 you were on record stating that The Amityville  
13 Horror was a hoax, is that correct?

14 A. Yes, it's my belief that The Amityville  
15 Horror was a hoax.

16 Q. Okay. And that was before you sent Mr. Lutz  
17 the questions?

18 A. Yes.

19 Q. Okay. Now, Mr. Lutz appears and — seems to  
20 appear and talk to reputable and unbiased  
21 investigative journalists without hesitation,  
22 wouldn't you agree?

23 A. No. I've seen news pieces that he's refused  
24 to comment.

25 Q. Name one.

1 A. The Guide.

2 Q. What's The Guide?

3 A. It's out of UK. The UK paper.

4 Q. Do you know that they were unbiased or if  
5 they had already made an indication?

6 A. I don't know. I mean, I just —

7 Q. So you don't know that; you don't know  
8 whether that fits?

9 A. I don't know what the specifics were. It's  
10 just that they said in the article that Mr. Lutz  
11 wanted money and they refused to pay him, so —

12 Q. Oh, so it wasn't that he refused to talk to  
13 them?

14 A. Again, I don't know what the specifics were,  
15 and I don't have the article in front of me, but I'm  
16 just giving you the low down.

17 Q. A moment ago you said that you know that he  
18 refused to answer questions for The Guide. Now  
19 you're saying he refused to because they wouldn't  
20 pay him or cover his expenses. Isn't that  
21 materiality different?

22 MR. KIMBALL: Objection.

23 THE WITNESS: No.

24 BY MR. NERSESIAN:

25 Q. No? It's the same thing?

1 A. Yeah, it is.

2 Q. Isn't it true that your real beef is that he  
3 wouldn't be a part of your slam piece?

4 MR. KIMBALL: Objection.

5 THE WITNESS: No.

6 MR. KIMBALL: Counsel is making  
7 statements, not asking questions.

8 MR. NERSESIAN: No. That was a question,  
9 David. It really, really was.

10 MR. KIMBALL: It just didn't have any  
11 question mark at the end of it, did it?

12 MR. NERSESIAN: Yeah, it did.

13 MR. KIMBALL: It just seems questionable.

14 BY MR. NERSESIAN:

15 Q. In your book you state, and I quote, in fact,  
16 Dr. Kaplan was the first paranormal investigator  
17 called by George Lutz. On February 16th, 1976 Dr.  
18 Kaplan received a phone call from George who wanted  
19 him to investigate the DeFeo house. Dr. Kaplan  
20 agreed but warned George that he would make public  
21 the details of the investigation and expose any  
22 holes. After a couple of days George canceled the  
23 investigation Dr. Kaplan had planned claiming he  
24 wanted to avoid any publicity. What's your source  
25 for that?

1 A. I believe a couple newspaper articles and the  
2 Kaplans themselves, and I believe Mr. Lutz told me  
3 himself that he had contacted Mr. Kaplan — Dr.  
4 Kaplan.

5 Q. Didn't Mr. Lutz tell you that he had been  
6 contacted by the Kaplans or by Dr. Kaplan?

7 A. No, I remember it the other way.

8 Q. Now, at page 166 of your book, of the large  
9 cover book, the KatCo publication, I'm sorry, Dr.  
10 Kaplan's involvement and interaction is stated as  
11 authority, correct?

12 A. It's stated what was reported.

13 Q. By Dr. Kaplan?

14 A. By what I was able to dig up in old  
15 newspapers and by the Kaplans.

16 Q. And nothing in here in your book in any way  
17 questions the Kaplans or their agenda, right?

18 A. I don't recall.

19 Q. Did you ever meet Dr. Kaplan?

20 A. No. He was dead.

21 Q. Did you ever meet Roxanne Kaplan?

22 A. Sure.

23 Q. Where?

24 A. I met her for the History Channel production  
25 but didn't talk to her really at that point and then

1 I met her in Long Island.

2 Q. When?

3 A. 2002 sometime. I think it was July or June.

4 Q. What was the purpose of that meeting?

5 A. Just a little get together, just saying hi,

6 let's go out to lunch. We went out to lunch,

7 Mr. Katzenbach, myself — actually Mr. Katzenbach

8 wasn't there. Myself, Geraldine, Joel Martin and

9 Roxanne Kaplan.

10 Q. Had Roxanne Kaplan previously met Geraldine?

11 A. Nope. That was the first time. Same thing

12 with Joel Martin.

13 Q. Kaplan had written — both he and his wife —

14 Dr. Kaplan and his wife had written a whole book on

15 the Amityville hoax?

16 A. The Amityville Horror Conspiracy which

17 revealed their 20 some odd year's investigation in

18 the Amityville Horror hoax.

19 Q. And you recognized, correct me if I'm wrong,

20 is it correct that you recognized that until you

21 came along the Kaplans had never even heard of

22 Roxanne — or not Roxanne, Geraldine DeFeo?

23 A. I'm not sure what their knowledge of

24 Ms. DeFeo was. Joel Martin knew her.

25 Q. There was certainly no mention of Geraldine

1 in their book, right?

2 A. I think they had a limited dealing with the  
3 book. The only thing — I mean, it was limited to  
4 the DeFeos. It was a limited subject on the DeFeos  
5 in their book. It was more about the Lutzes and the  
6 actual hoax.

7 Q. Oh. I've read a goodly part of your book.  
8 Doesn't the whole hoax arise because of the DeFeos?

9 A. Yes.

10 Q. Wasn't the whole hoax allegedly centered on  
11 Ron DeFeo, Jr.?

12 A. Yes.

13 Q. And the Kaplans did a book called The  
14 Conspiracy?

15 A. The Amityville Horror Conspiracy.

16 Q. Okay. And who was conspiring? Indeed in  
17 their book wasn't it Ron DeFeo, Jr., Mr. Weber and  
18 the Lutzes?

19 A. I believe those were the main parties.

20 Q. Conspiring?

21 A. Yes.

22 Q. As stated by Kaplan?

23 A. Yes.

24 Q. And there is no mention in the Kaplan book of  
25 Geraldine DeFeo or anyone like her, right?

1 A. I don't recall. It's been sometime since I  
2 read it.

3 Q. Assuming that there is not a mention of  
4 Geraldine DeFeo, which would you feel more likely,  
5 either that she is a Johnny come lately charlatan or  
6 that the Kaplans are incredibly poor researchers?

7 MR. KIMBALL: Objection.

8 THE WITNESS: That's a loaded question,  
9 which I'm not going to be able to answer.

10 BY MR. NERSESIAN:

11 Q. In your opinion would any credible story —  
12 your opinion, would any credible story about a  
13 conspiracy between Ron DeFeo, Mr. Weber and the  
14 Lutzes have to include some mention of Geraldine  
15 DeFeo?

16 A. I don't think the book constituted their  
17 entire research. I think they were limited on page  
18 count and limited by the publisher. My personal  
19 opinion is that they're great researchers and  
20 revealed a lot in their book.

21 Q. Now answer the question.

22 A. No. I think they — could you read back the  
23 question for me, please?

24 (The above-requested question was read  
25 back by the reporter.)

1 THE WITNESS: Not necessarily. I think  
2 the Kaplans in my opinion —

3 BY MR. NERSESIAN:

4 Q. Is that a no? It wouldn't have to? Is it a  
5 no? I mean, why are you giving a long answer? It's  
6 a yes or no. In your opinion —

7 MR. KIMBALL: No, it's not. He answered  
8 not necessarily. That's not — it's not a yes or no  
9 question.

10 MR. NERSESIAN: It is a yes or no  
11 question.

12 MR. KIMBALL: It can be answered yes or  
13 no, but it's not a yes or no question. Not  
14 necessarily is an answer in response to that  
15 question.

16 MR. NERSESIAN: I beg to differ, sir, and  
17 I want a yes or no.

18 MR. KIMBALL: Well, you're not going to  
19 get it. You're going to get not necessarily.  
20 That's the answer you got.

21 MR. NERSESIAN: No. I'm still going to  
22 ask for a yes or no, because it is a yes or no  
23 question. Not necessarily is a yes.

24 MR. KIMBALL: No, it isn't. Not  
25 necessarily means it is possible but it's also

1 likely not to be the case. Not necessarily doesn't  
2 mean that at all.

3 MR. NERSESIAN: The question was can it.

4 MR. KIMBALL: No. The question was, does  
5 it need to. Does it need to include reference to  
6 Geraldine.

7 MR. NERSESIAN: Can it. Can you answer  
8 that question yes or no, Mr. Osuna?

9 MR. KIMBALL: He answered the question.

10 MR. NERSESIAN: No, he didn't.

11 THE WITNESS: I can't answer that question  
12 yes or no.

13 BY MR. NERSESIAN:

14 Q. Okay. I'll accept that. What do you  
15 understand of Roxanne Kaplan's qualifications as a  
16 — what was it, parapsychologist?

17 A. I can't recall what her — I know she had  
18 qualifications.

19 Q. Were they that she lived with married and  
20 slept with Dr. Kaplan for a period of years?

21 A. Well, not necessarily. I think there were —

22 Q. Do you know of anything beyond that?

23 A. At this point in time I can't recall the  
24 specifics of her qualifications. She seemed  
25 qualified.

1 Q. Did she ever give you other qualifications?

2 A. I can't recall. I don't think it was so much  
3 qualifications. I think her qualifications were  
4 pretty much mentioned in her book — or in their  
5 book.

6 Q. Did you make posts about threats against you?

7 A. I don't recall.

8 Q. Do you recall anything about a burning car?

9 A. I think I put that in my book. Yeah, I put  
10 that in my book.

11 Q. What's that about?

12 A. All I know is that there was a burning car  
13 outside of my house. It was a stolen car put in  
14 front of my house and set ablaze.

15 Q. Where do you live?

16 A. Rainbow and 95 area.

17 Q. Inside of Rainbow and 95 or outside of  
18 Rainbow and 95?

19 A. I think inside, if I'm — yeah, I think  
20 inside.

21 Q. What does a burning car in front of your  
22 house have to do with the price of eggs or anything?

23 A. I was told by an anonymous source that it was  
24 a warning to me to stay away from this case. The  
25 case, the DeFeo murders.

1 Q. When was this burning car?

2 A. I don't have the exact date. It's in the  
3 book.

4 Q. And what was your source of both Roxanne  
5 Kaplan's and Dr. Kaplan's credentials?

6 A. I don't recall. It's been so long that I  
7 don't recall what my source was. It's not in front  
8 of me.

9 Q. Now, Ron DeFeo — strike that. How many  
10 times did — strike that. Did Geraldine tell you  
11 how many times she had married Ron DeFeo?

12 A. At least two. I don't recall the  
13 conversation. It was at least twice.

14 Q. You interviewed Ron DeFeo as well?

15 A. Yes.

16 Q. How old did he tell you he was?

17 A. At the time of the interview?

18 Q. Yeah.

19 A. Oh, gosh. I think he was 49.

20 Q. Assuming that Geraldine DeFeo told you that  
21 she had been married to Ron DeFeo twice or three  
22 times or four times or whatever number of times it  
23 was, did you ever find any record of any marriage?

24 A. Yes, I did. I found a record of them being  
25 married while he was in prison.

1 Q. Where was that record?

2 A. I think it was in New York State, and then I  
3 found a record of their divorce.

4 Q. And that divorce referenced the prison  
5 marriage, right?

6 A. Yes.

7 Q. Where did you find — well, what year were  
8 they married in prison?

9 A. I think '89. I don't have that record in  
10 front of me.

11 Q. Do you know when she married Gates?

12 A. No.

13 Q. Has Mr. DeFeo married more than one person  
14 while he was in prison?

15 A. Yes.

16 Q. Did you make a post one time alluding that  
17 Kathy Lutz's illnesses were proper retributions for  
18 having actually participated in writing The  
19 Amityville Horror?

20 A. No, I don't recall doing that.

21 Q. That wouldn't be something you would ever do,  
22 right?

23 A. I don't recall doing that.

24 Q. Would it be something you would do? I mean,  
25 that's pretty terrible and disgusting and base,

1 wouldn't you agree?

2 A. I would have to see the post to pretty much  
3 decide. I mean, if it was just an unfair insult,  
4 yeah.

5 Q. So you would agree that it's pretty  
6 disgusting and base provided it's an unfair insult?  
7 I'm not suggesting it's any kind of insult. Would  
8 you agree it's pretty base and disgusting to make a  
9 post that says and alludes that terminal illness is  
10 a proper retribution for Kathy Lutz?

11 A. Yeah, sure. I mean, it's not something I  
12 think I would do.

13 Q. Do you have any other television credits  
14 besides the History Channel?

15 A. Not to my knowledge, no.

16 Q. How were you contacted by City Confidential?

17 A. I think they sent me an e-mail.

18 Q. From what?

19 A. I think they sent me an e-mail.

20 Q. Do you know who sent you the e-mail?

21 A. No. It's been too long. It was a long time  
22 ago.

23 Q. I'm a little ambiguous on something. Did you  
24 say you do or do not have audiotapes of an interview  
25 with Mr. Lutz?

1 A. I don't recall having any audiotapes.

2 MR. NERSESIAN: Did you take me to  
3 somewhere I was supposed to be?

4 GEORGE LEE LUTZ: This is all his Web  
5 site.

6 MR. NERSESIAN: Ah.

7 BY MR. NERSESIAN:

8 Q. Talking about George not being responsive to  
9 your requests for interviews, et cetera, did George  
10 actually participate —

11 A. No.

12 Q. — in an interview with you on your Web site  
13 at one point?

14 A. No.

15 Q. No?

16 GEORGE LEE LUTZ: That's the ABC.

17 MR. NERSESIAN: Pardon?

18 GEORGE LEE LUTZ: That's the ABC.

19 MR. NERSESIAN: I'm sorry. If that was  
20 wrong, you didn't give me the right answer there  
21 then.

22 BY MR. NERSESIAN:

23 Q. Okay. Did you post on your Web site a  
24 rebuttal by Roger Stacy to George Lutz's appearance  
25 on ABC Primetime?

1 A. Yes.

2 Q. Did you assist Roger Stacy in putting  
3 together the rebuttal?

4 A. No, that was his thing.

5 Q. Pardon?

6 A. No. To my knowledge he did it alone.

7 MR. NERSESIAN: 19.

8 (Plaintiff's Exhibit 19 was marked for  
9 identification.)

10 BY MR. NERSESIAN:

11 Q. Looking at Exhibit 19, is that a capture from  
12 your Web site relative to —

13 A. I don't know if it was a capture from my Web  
14 site. I haven't seen this in quite a while.

15 Q. So you won't even identify this as having  
16 come off your Web site? You — I'm just asking, you  
17 won't identify this as coming off your Web site?

18 A. No. I'm just looking at it right now. I  
19 mean, I know that something by Roger Stacy was put  
20 on the Web site. I know he did a rebuttal of the  
21 ABC Primetime interview.

22 Q. So read the first sentence that your attorney  
23 has right now where you're mentioned.

24 A. (Witness complies.)

25 Q. Roger Stacy with the assistance of Ric Osuna.

1 A. Yeah, all I did was post it.

2 Q. Okay. So there is no assistance?

3 A. Well, I mean, he sent me the e-mail and it  
4 was just a matter of me formatting it correctly.

5 Q. So whatever went on your Web site was sent to  
6 you by e-mail and then formatted and posted on the  
7 Web site by you?

8 A. Yes.

9 Q. Are we looking at that?

10 MR. KIMBALL: I object to prior.

11 THE WITNESS: I know he did something.

12 BY MR. NERSESIAN:

13 Q. No, sir. Are we looking at the one that you  
14 formatted off of his e-mail and put on your Web  
15 site?

16 A. I can't be sure. It's been several years or  
17 a year and a half some. So, I mean, it's not fresh  
18 in my memory.

19 Q. I'm not asking if it's fresh in your memory.

20 A. I can't — I can't say this is the same exact  
21 one. So, I mean, he did do a rebutting — a  
22 rebuttal and it was on Primetime, it was from the  
23 Primetime chat, and I did format it for him.

24 Q. And it did say in it that you assisted him  
25 with it?

1 A. I don't recall.

2 Q. Okay. God bless. Now, with respect to the  
3 History Channel documentary —

4 A. Uh-huh.

5 Q. — you were material in writing the questions  
6 that were directed at Lee in that documentary,  
7 right, for George Lee Lutz?

8 A. I think it was a compilation of people from  
9 fans to Daniel Farrands to myself. I think it was  
10 everyone participating. It wasn't just me.

11 Q. You participated in writing questions?

12 A. I assisted.

13 Q. Some of the questions came from you?

14 A. Yes.

15 Q. Okay. So what questions at that time did you  
16 have that were left unanswered?

17 A. I don't know what my mind-set was at that  
18 point. I know after that production —

19 Q. So what questions did you have at that time  
20 that were left unanswered? I'm not interested in  
21 your mind-set. The question had nothing to do with  
22 your mind-set.

23 A. You're talking about April or March?

24 Q. Yes, I am. Can you answer the question?

25 A. I don't know.

1 Q. Okay. What questions were answered?

2 A. I don't know. It was four years ago.

3 Q. Yeah. Have you ever worked on another TV  
4 production?

5 A. No.

6 Q. This was the first time you were ever doing  
7 this, right?

8 A. Yes.

9 Q. You were getting a producer's credit,  
10 correct?

11 A. Co-producer, yes.

12 Q. Other than producing Web sites for adult  
13 pornography and The Amityville Horror, this was your  
14 first time dealing with mass media, correct?

15 A. Yes.

16 Q. Okay.

17 A. Television.

18 Q. The big time, right?

19 A. Well, I wouldn't say it was big time, but it  
20 was —

21 Q. Bigger than any time you'd ever dealt with,  
22 right?

23 A. Not necessarily, but it was just a different  
24 medium. It was television.

25 Q. And you don't remember?

1 A. It was four and a half years ago.

2 Q. Yeah. Do you remember the first time you  
3 rode a bike? You do, don't you? Weren't you five?

4 MR. KIMBALL: Objection.

5 THE WITNESS: I don't recall what year it  
6 was or how old I was.

7 BY MR. NERSESIAN:

8 Q. Do you recall the first time you rode a bike?

9 A. No, I don't. I know I fell. That's about  
10 it. No. My dad yelled at me, but that's about it.  
11 I don't recall the specifics.

12 Q. You remember your dad there yelling at you  
13 when you fell, right? So you do remember the first  
14 time you rode a bike, don't you?

15 A. No, I do not.

16 Q. Apparently you have little bits of memory  
17 that stick with you. What little bits of memory  
18 stick with you about the questions that were left  
19 unanswered that you had at the time you were putting  
20 together The Amityville Horror History Channel  
21 documentary involving Lee Lutz?

22 A. I don't recall. I don't recall what my  
23 thinking was about questions back in March or April  
24 2000.

25 MR. KIMBALL: Objection. He's already

1 testified he doesn't recall what the questions were  
2 in the first place.

3 MR. NERSESIAN: I'm allowed to try and  
4 refresh his recollection.

5 MR. KIMBALL: And I'm allowed to object to  
6 it, and that's fine. No, I can't stop you from  
7 asking questions. Nonetheless, he testified he  
8 doesn't know what the questions were. If we have a  
9 document, you could have asked the questions  
10 directly. Apparently we don't have the document  
11 here, the questions he posed to George Lutz.

12 BY MR. NERSESIAN:

13 Q. Geraldine DeFeo told you that she went out  
14 with the Lutzes and Weber before Ron DeFeo's trial,  
15 do I understand that right?

16 A. Yes, before the actual trial.

17 Q. And you published that in your book, correct?

18 A. Correct.

19 Q. And the idea was, as you understood it, Weber  
20 and Lutz were getting together to put together this  
21 hoax to help Ron DeFeo, right?

22 A. Yes, that was — and to basically write a  
23 book.

24 Q. And she stormed out of that meeting, she told  
25 you that. I think she said, and I quote, this is

1 bullshit and she left?

2 A. Something to that effect.

3 Q. Yeah. And that's what she told you and

4 that's what you put in your book?

5 A. Yes.

6 Q. And the conspiracy went on anyway?

7 A. Yes, so she says.

8 Q. The million dollar question, Mr. Osuna, is

9 did you ever ask yourself in any way, shape or form

10 or ask Geraldine DeFeo if Lutz and Weber were doing

11 this, why would they want you at their meeting?

12 A. The way she explained it was that she would

13 be pivotal in getting Ronnie to go along with the

14 hoax and she can supply some type of family habits

15 and things to George and Kathy.

16 Q. She had left the scene and wasn't even

17 visiting DeFeo in prison at that point, isn't that

18 correct?

19 A. I don't remember the exact time line.

20 Q. She had already disappeared from the scene

21 shortly after the murders even by her own

22 statements, correct?

23 A. No, I don't think that's correct. I think

24 it's laid out in the book very well.

25 Q. And why does Ronnie have to go along? Okay.

1 She's there. The reason she's there is to bring  
2 Ronnie in. Hey, why does Ronnie have to be  
3 involved?

4 A. It was his trial.

5 Q. Ronnie wasn't involved, was he, according to  
6 you in this conspiracy?

7 A. No, Ronnie was involved. Ronnie went along  
8 with it because he was — according to Ronnie and  
9 Geraldine, Mr. Weber convinced them to go along with  
10 it.

11 Q. According to Ronnie, Mr. Weber convinced them  
12 to plead insanity, right?

13 A. He had little choice.

14 Q. Why did he — okay. So he had no choice?

15 A. The Suffolk County Justice System wouldn't  
16 allow him to get a fair trial. They wouldn't  
17 produce the evidence that his defense counsel was  
18 seeking, they wouldn't allow him to — or his  
19 defense attorney to interview witnesses. It was —  
20 the judge ignored evidence that there was multiple  
21 gunmen, that there were multiple positions of the  
22 bodies, just wouldn't allow evidence in that would  
23 have exonerated Ronnie DeFeo to a certain degree.  
24 There was one chance left, and they went with the  
25 insanity plea.

1 Q. And that had nothing to do with whether or  
2 not Lutz and Weber had any kind of deal, did it?

3 A. Well, I think it had everything to do with  
4 it. I think the book explained it better than I can  
5 orally.

6 Q. Well, I'd like you to orally explain it,  
7 because I just heard they had — from your  
8 perspective as the investigative journalist because  
9 of what the prosecutor was doing and the judge was  
10 doing, they, being Weber and DeFeo, had absolutely  
11 no choice but to go with the insanity defense.  
12 Isn't that your understanding?

13 A. Yes.

14 Q. Okay.

15 A. And the hoax tied in with the insanity  
16 defense.

17 Q. How?

18 A. I think, you know, the Lutzes were supposed  
19 to move in and basically attest to the fact that  
20 there was problems with the house.

21 Q. The trial was over before the Lutzes moved  
22 in, wasn't it?

23 A. Yes. That was a problem for the defense.

24 Q. I would say it would be if that was a  
25 conspiracy and a hoax, wouldn't it?

1 A. Well, they viewed the house in summer of '75  
2 before the trial began. They just couldn't because  
3 of the probate court.

4 Q. What evidence did you see of that?

5 A. It's just been in numerous newspapers and so  
6 forth.

7 Q. That the Lutzes were there in summer of '75?

8 Well, give me a newspaper.

9 A. Newsday. I don't have all the citings or the  
10 resources in front of me to give it to you.

11 Can we take a two-minute break really quick?

12 MR. NERSESIAN: Yeah.

13 THE WITNESS: Thank you.

14 (A brief recess was then taken.)

15 BY MR. NERSESIAN:

16 Q. The first time that you were asked to stop  
17 using — I noticed when I came in here, Mr. Osuna,  
18 you had sunglasses on the top of your head. Now  
19 that I've started asking questions, you've just  
20 dropped them over your eyes. Is it too bright in  
21 here?

22 A. Yes, the sun coming behind you.

23 Q. It wasn't too bright in here when I was  
24 walking in, right?

25 A. Well, I wasn't looking that way.

1 Q. Oh, okay.

2 A. If you'd rather I can look down instead of at  
3 you and that would be fine.

4 Q. Oh. I've seen what your eyes say, sir. It  
5 really doesn't matter to me either way which way you  
6 do it. Hide them anyway you want.

7 MR. KIMBALL: Objection.

8 THE WITNESS: That's just uncalled for.

9 BY MR. NERSESIAN:

10 Q. The first time you were asked to stop using  
11 amityvillehorror.com as a pointer, you refused,  
12 right?

13 A. I think I refused, yes.

14 Q. Certainly there was absolutely no confusion  
15 at that point in time that any implied consent you  
16 had from Mr. Lutz was at least being attempted to be  
17 revoked, correct?

18 A. I felt that your demand was another  
19 threatening letter, so I really didn't take to it,  
20 and I really didn't understand the whole point of  
21 common law or registered trademark, and I felt that  
22 since I had owned it since 1999 without any —  
23 without any interference, that there was no reason  
24 to continue not to continue owning it.

25 Q. Okay. Now about the question that was asked.

1 Certainly at that point you recognized that any  
2 implied consent you were relying upon was no longer  
3 coming from George Lutz, correct?

4 A. Uhm, I wasn't — how would I say this? I  
5 don't know if I was relying on an implied consent.

6 Q. I didn't ask if you were. I said, any  
7 implied consent that you thought you had certainly  
8 at that time you understood it was revoked, right?

9 A. I didn't understand it was revoked. I  
10 understood there was a demand and it was a nasty  
11 letter, and I understood that that was the second  
12 letter I got and I felt —

13 Q. You understood that Mr. Lutz didn't want you  
14 to use amityvillehorror.com, correct?

15 A. I felt Mr. Lutz was demanding the domain that  
16 I owned.

17 Q. You understood that he didn't want you to use  
18 the name amityvillehorror.com, correct?

19 A. He was demanding the domain, yes.

20 MR. NERSESIAN: Lee, take me to the blue  
21 part. You said it was further down.

22 GEORGE LEE LUTZ: You might as well deal  
23 with this one too and this one.

24 BY MR. NERSESIAN:

25 Q. Oh. Did you check on the status of the movie

1 last night?

2 A. No.

3 Q. You didn't?

4 A. I didn't check on the status of the movie. I  
5 got home later than expected.

6 Q. Did you check on it this morning or yet?

7 A. I did a search on-line to see if there was  
8 any articles, but I couldn't find any.

9 Q. Okay. KatCo once stated on their Web site  
10 that according to KatCo complications arose over  
11 interpretation of literary contract that held the  
12 deal between KatCo and author Ric Osuna. Do you  
13 recall that?

14 A. Vaguely, yes.

15 Q. What was the dispute over the interpretation  
16 of the literary contract?

17 A. I think — I think it was to the fact of  
18 reports and royalty payments. I think that was the  
19 dispute.

20 Q. You've said a number of times that at certain  
21 times you did not understand the nature of common  
22 law trademark, et cetera, and registered trademark.  
23 As you now understand it, do you understand that Mr.  
24 Lutz has a trademark?

25 A. He currently possesses a trademark.

1 Q. Do you know what a trademark is then? Or  
2 what in your opinion is a trademark?

3 A. Oh, I couldn't give you a definition. I  
4 couldn't put it into words because it's something so  
5 complicated.

6 Q. Do you recognize that it's a property  
7 interest?

8 A. I wouldn't know how to define it.

9 Q. You know it's something that has value?

10 A. I would assume it would have value.

11 Q. And you understand Mr. Lutz's trademark as  
12 The Amityville Horror, right?

13 A. Currently, yes. He has that trademark  
14 currently.

15 Q. And would you agree that lies and  
16 misstatements about items covered by a trademark  
17 would tend to diminish that trademark?

18 A. No.

19 Q. You wouldn't agree to that?

20 A. No.

21 Q. So you can lie about — would you agree that  
22 if I say Coca-Cola has rat feces in it, I've  
23 diminished the Coca-Cola trademark?

24 A. Not necessarily.

25 Q. Okay. If it's reported in national media

1 that Coca-Cola has rat feces in it, would you agree  
2 that that would diminish and injure the trademark?

3 A. No, because Coca-Cola is so well-known that I  
4 don't think most people would give it a second  
5 thought. It might impact the sales, but I don't  
6 think it would impact the trademark.

7 Q. You certainly never intended to lie about The  
8 Amityville Horror, right?

9 A. I'm sorry. Say that again.

10 Q. You certainly never intended to lie about The  
11 Amityville Horror, right?

12 A. I never intended to lie.

13 Q. I'm going to show you a post dated September  
14 28th, 2000 and ask if you recall that post by  
15 Geraldine DeFeo on your Web — on the message board  
16 — is that on a message board or is that on your Web  
17 site?

18 A. I couldn't tell you from just looking at a  
19 white piece of paper.

20 Q. Well, if you're the moderator, it would be a  
21 message board, right?

22 A. Then I guess it would be a message board.

23 Q. Do you recall that post?

24 MR. KIMBALL: Objection. Authenticity.

25 THE WITNESS: Do you want me to read the

1 whole thing?

2 BY MR. NERSESIAN:

3 Q. No. Just scan it.

4 A. No, I don't recall this.

5 Q. Okay. When was the last time you talked to

6 Christopher Quaratino?

7 A. Back in February, maybe.

8 Q. What did you talk about?

9 A. I asked him how his legal litigation was

10 proceeding, and he couldn't talk at the time and

11 that was it.

12 Q. Do you know what legal litigation that was?

13 A. Yes.

14 Q. Did you call him or did he call you?

15 A. Well, he originally told me about it.

16 Q. When you talked to him, did he call you or

17 did you call him?

18 A. I called him to try to get a copy of the

19 lawsuit and found out that it was available through

20 the district court.

21 Q. Did you get a copy of that?

22 A. Through the district court.

23 Q. That was over a year after you were putting

24 all of this behind you, wasn't it?

25 A. No. This was something I felt that was

1 possibly relevant to the case at hand.

2 Q. By the way, were you the person who suggested  
3 that Chris key George's car?

4 A. No, not at all.

5 Q. You weren't alluding that Mr. Lutz had  
6 anything to do with that car burning out in front of  
7 your house, were you?

8 A. No.

9 Q. Were you alluding that it was a DeFeo  
10 organized crime kind of thing?

11 A. I wasn't alluding anything except that I  
12 received a threat and the car was burning in front  
13 of my house. That was it. Other than that, the  
14 police report, the fire department report, I don't  
15 know what became of it.

16 Q. Did you distribute — or I asked that in the  
17 last deposition. I don't want to — at one point  
18 when you were told — there was a point where you  
19 were told that there was not going to be a tell-all  
20 book, right?

21 A. Yes. I was told that the scope of the  
22 project had changed.

23 Q. Weren't you told that the scope of the  
24 project was not going to change and it was going to  
25 stay with its original intent?

1 A. No, I was told it was going to change.

2 Q. Did you or did you not threaten to hold  
3 George's materials hostage if you don't get your way  
4 on the book?

5 A. No.

6 Q. So if Dan Farrands said that you told him  
7 that, in your opinion Dan Farrands would be lying?

8 A. I'm not calling — I'm telling you the fact  
9 that, no, I never said I was going to hold his  
10 material hostage.

11 Q. Your resignation, were you resigning from the  
12 History Channel project as well?

13 A. No, I never resigned from that. I always  
14 completed whatever I had to do.

15 Q. You also signed a contract with the History  
16 Channel that you would devote your time and effort  
17 to their project until such time as the show was  
18 accepted by the network, correct?

19 A. I don't recall what the contract said.

20 Q. Well, on September 12th of 2000, do you  
21 recall demanding an additional \$1,000 from the other  
22 producers of the history documentary if they were  
23 going to use your material?

24 A. No, I don't recall that.

25 Q. Do you recall demanding extra money?

1 A. The only kind of thing I recall vaguely is  
2 they used my personal home movies without my license  
3 or permission and I told them I was very upset.

4 Q. And asked for money, right?

5 A. I don't know what I asked for. I asked for  
6 it to be taken out or rectified or what, but I don't  
7 — it's been over four years. It's been  
8 approximately four years or close to four years.

9 Q. What personal home movies?

10 A. That I took in Amityville with my own camera,  
11 with my own money and on my own trip.

12 Q. How did they get it?

13 A. I'm not sure.

14 Q. You gave it to them, didn't you?

15 A. I don't recall the situation.

16 Q. Did anybody have access to your personal home  
17 movies but you?

18 A. I think Scottie Gee Gerardi made an  
19 unauthorized copy or made a personal copy and he  
20 gave it to them.

21 Q. How did Scottie Gee get to a point where he  
22 could do that?

23 A. He was staying at my house. He had access to  
24 the materials.

25 Q. And you were sitting at the computer when he

1 made the copy, weren't you?

2 A. Well, if I was sitting at the computer, then

3 that means he was doing it downstairs because I

4 didn't have a TV or VCR on my computer.

5 Q. Wherever the copy was made, you were there

6 while the copy was made, weren't you?

7 A. Not to my knowledge.

8 Q. Are you saying it was made without your

9 authority?

10 A. Yeah. I don't recall the specifics and the

11 particulars of that incidence, but I do know I was a

12 little miffed that somebody used my stuff without my

13 permission.

14 Q. Did you tell Missy Lutz that you absolutely

15 believed her when she was describing Jodi, the pig

16 story to you?

17 A. I don't recall the specifics of the

18 conversation.

19 Q. Do you recall telling her that you absolutely

20 believed her?

21 A. No.

22 Q. Long pause.

23 A. I don't — I don't recall. We talked vaguely

24 about something and I just don't remember. It was

25 back in March 2000, April 2000, somewhere around

1 there. It wasn't a very impressive interview, so  
2 it's not something that I really recalled.

3 Q. Do you recall communicating to her that you  
4 believed what she was saying?

5 MR. KIMBALL: I believe he's answered that  
6 question twice.

7 MR. NERSESIAN: No, actually now there's  
8 no quotes in there.

9 MR. KIMBALL: He said I don't recall.

10 MR. NERSESIAN: It's just general.

11 THE WITNESS: I think I've answered that.

12 MR. KIMBALL: I don't recall I think is an  
13 answer.

14 BY MR. NERSESIAN:

15 Q. Before I had quotes. Now I'm asking  
16 generally. Do you recall during your meeting with  
17 Missy that you conveyed to her an impression that  
18 you believed what she was saying?

19 A. I'll reference my same answer. I don't  
20 recall the conversation.

21 Q. You at one point stated, and I quote — or  
22 stated that you received documentation, and I quote,  
23 from Geraldine DeFeo that categorically proves the  
24 Lutzes created a hoax, close quote. What  
25 documentation did you receive from Geraldine DeFeo

1 that categorically proved that the Lutzes created a  
2 hoax?

3 MR. KIMBALL: Objection. The source of  
4 the quote is not noted.

5 THE WITNESS: I don't recall exactly what  
6 — I don't even know how to answer that.

7 MR. KIMBALL: Answer it.

8 THE WITNESS: She sent me several  
9 documents.

10 BY MR. NERSESIAN:

11 Q. I'll just do it this way. Did you receive  
12 documents from Geraldine DeFeo, documents —

13 A. Sure.

14 Q. — from Geraldine DeFeo that categorically  
15 proved that the Lutzes created a hoax?

16 A. Out of the tens and thousands of pages or  
17 thousands and thousands of pages that I received, I  
18 can't really begin to isolate what she sent me and  
19 what I dug up on my own through Lutz versus Weber at  
20 New York in Brooklyn Court.

21 Q. What did she send you? What documentation  
22 did Geraldine DeFeo send you? I keep wanting to go  
23 to the vice presidential candidate. None, right?

24 A. No, she sent me documents. I'm just trying  
25 to think what she sent me. I think it was —

1 Q. Well, let me just broaden it a little bit  
2 then. Do you believe that you have documents that  
3 categorically prove that the Lutzes created a hoax?

4 A. I think — I think I have documentation to  
5 show that the Amityville Horror was most likely a  
6 hoax.

7 Q. Most likely, is that — is most likely  
8 analogous to categorically proves?

9 MR. KIMBALL: Once again, objection to  
10 categorically. We don't know the source of the  
11 categorical quote.

12 MR. NERSESIAN: I'm not saying it does.

13 BY MR. NERSESIAN:

14 Q. Now I'm referencing my question, sir. My  
15 question was, do you have documents that in your  
16 opinion categorically prove that the Lutzes created  
17 a hoax —

18 MR. KIMBALL: He answered that question.

19 MR. NERSESIAN: — relative to the  
20 Amityville Horror?

21 MR. KIMBALL: He answered that question.

22 THE WITNESS: The only thing I would say  
23 is that my book cites everything I have and  
24 references what I believed and what I have  
25 uncovered, and it's really up to the reader to

1 decide what they want to believe or not.

2 BY MR. NERSESIAN:

3 Q. So would you agree that your book leaves room  
4 open to believe that it's not a hoax?

5 A. I think it's really up to the reader to  
6 decide, as with any book.

7 Q. Now, let's go to the question that was asked.

8 Do you have documents that in your opinion  
9 categorically prove that the Lutzes created a hoax  
10 relative to The Amityville Horror?

11 A. Without going through all my materials again  
12 and rereading the book, I would say possibly.

13 Q. What documents categorically prove that the  
14 Lutzes created a hoax?

15 A. I'm — I would say a lot of the case file  
16 that I obtained from the U.S. District Court in  
17 Brooklyn shows a lot of inconsistencies. I believe  
18 a lot of the newspaper articles during the '70's  
19 that exposed The Amityville Horror as a hoax is good  
20 information. I believe — I believe the Catholic  
21 church's stance is good indication that it was a  
22 hoax, and I also believe that the — how would I say  
23 this — that Dr. Stephen and Roxanne Kaplan,  
24 conspiracy in their work on The Amityville Horror  
25 show it to be a hoax.

1 Q. Okay. Everything you just described are  
2 opinions given by people working off of their own  
3 research and documents. Do you define — strike  
4 that. Aside from — okay. I'll just take it at  
5 that. Is it correct then that the documentation —  
6 documentation that you feel would indicate  
7 categorical proof that The Amityville Horror is a  
8 hoax includes the Kaplan book?

9 A. I would — I don't know what you mean by  
10 categorically. You mean be proved beyond a  
11 reasonable doubt?

12 Q. I would suggest irrefutable if I'm using the  
13 word categorical, but let's switch over to your  
14 refutable proof.

15 A. You know, I'm not —

16 Q. And I'll tell you why we're doing that.

17 A. — familiar with the case. Go ahead.

18 Q. It's another word that perhaps Ric Osuna  
19 used, irrefutably proves, the other was  
20 categorically proves. Do you have a problem with  
21 either of those, understanding what it means?

22 A. I don't understand the case as I once did. I  
23 have left it behind. I don't really know the  
24 complexities of the case as I once did, so I really  
25 can't answer that question without reviewing all my

1 material and my book, so —

2 Q. If you had categorical proof, wouldn't it —  
3 from documentation, wouldn't it have been the first  
4 documents cited in your chapter on the hoax?

5 A. You know, I cited a lot of material in my  
6 book in the end notes.

7 Q. Wouldn't you agree that an —

8 A. And I think —

9 Q. — investigative journalist who comes up with  
10 categorical proof through documentation of something  
11 would make that their lead element of evidence in  
12 their work?

13 A. What's in the book is in the book, and I  
14 cited so many sources in the end notes to reference  
15 the facts that are in the book. Again, I'm not  
16 familiar with the case right now or my book enough  
17 to basically tell you verbatim exactly what I did  
18 and what I uncovered except in a broad sense.

19 Q. Okay. What limited parapsychological — or  
20 what legitimate parapsychology organizations do you  
21 know of that conducted research into the Lutzes'  
22 claims?

23 A. That I know of, I know Dr. Stephen and  
24 Roxanne Kaplan, I know the American Psychic  
25 Institute in Manhattan, if that's the name of it, I

1 know of The Psychical Research Institute in Durham,  
2 North Carolina and —

3 Q. Are these organizations that conducted  
4 research into the Lutzes' claims?

5 A. Yes.

6 Q. Okay. Are they organizations that found the  
7 claims to be or that there was never anything  
8 supernatural in the house?

9 A. Yes.

10 Q. Okay.

11 A. Or so they told me.

12 Q. Did you ever talk to anybody with any of  
13 those organizations?

14 A. Yes.

15 Q. Who?

16 A. I don't have the names in front of me.

17 Q. When?

18 A. Researching my book.

19 Q. Where?

20 A. On the phone, via letter.

21 Q. Was the original work and title for The Night  
22 The DeFeos Died, The Amityville Horror: Discovering  
23 The Truth?

24 A. No.

25 Q. What is the Amityville — I'm sorry. What is

1 The Amityville Horror: Discovering The Truth, if you  
2 know?

3 A. That was the book that covered — that went  
4 under Exhibit A of my summary judgment.

5 Q. Ah. Okay. There came a point in time when  
6 you were indeed under the gun to get that book out,  
7 right?

8 A. What do you mean, under the gun? I mean,  
9 forced to rush?

10 Q. I don't know if you were forced to rush. The  
11 one-year contract you had was running out, wasn't  
12 it?

13 A. No.

14 Q. How long had the one-year contract been at  
15 that point, at the point where you withdrew?

16 A. About four to five months.

17 MR. KIMBALL: Objection. Foundation.

18 BY MR. NERSESIAN:

19 Q. Exhibit A is the one-year contract, right, to  
20 your summary judgment motion?

21 A. You know, I don't remember if it was one year  
22 or not. I don't have it in front of me.

23 Q. What documents did you see from anyone in the  
24 DeFeo family that proved that the possession  
25 theories for the house were nothing more than a ploy

1 to help Ron DeFeo, Jr.?

2 A. It goes back to the fact that I'm going to  
3 rely on my book to explain that better, since it's  
4 outlined in the book and it's cited in the back in  
5 the end notes and I'm not very familiar.

6 Q. Well, the part I'm interested in is that you  
7 — that relatives of the DeFeo's provided you.

8 A. I just am not familiar with the case anymore.  
9 I just can't shoot off the cuff what exactly I was  
10 given by them. I know I was given documentation and  
11 very interesting affidavits and so forth attesting  
12 to the fact that The Amityville Horror was a staged  
13 event and it was a hoax.

14 Q. Did you notify the History Channel that you  
15 could get the History Channel documents proving the  
16 possession stories were fabricated?

17 A. If memory serves me correct, if I recall, I  
18 think I informed them that there was more to the  
19 story than met the eye and that there was certain  
20 documentation that may be available that can show  
21 that there's more to the story than I or they  
22 currently knew about at that time.

23 Q. Did you go so far as to say to them that the  
24 documentation would prove the possession stories  
25 were fabricated?

1 A. I may have said that, I may not have said  
2 that. I don't recall the gist of the conversation.

3 Q. Did you have documentation proving that they  
4 were fabricated?

5 A. At that point in time —

6 Q. Let me ask it this way. Anything other than  
7 what's in your book, any documentation other than  
8 what's in your book, *The Night The DeFeos Died*, that  
9 proves, proves that the stories of possession were  
10 fabricated?

11 A. I think Ronald DeFeo's own interview with  
12 Hans Holzer admitting that the possession stories  
13 were fabricated is pretty strong evidence, and I  
14 cited that as a reference point.

15 Q. Other than that?

16 A. Several affidavits that were presented in  
17 federal court in defense of Ronald DeFeo saying,  
18 hey, he needs a fair trial because of this and that.

19 Q. Oh. Did you ever post — strike that. If  
20 you ever posted that you personally chose and  
21 organized the photos that appear in the KatCo  
22 edition of *The Night The DeFeos Died*, from what we  
23 heard yesterday your post would be a lie, correct?

24 A. No, because I didn't have any control over  
25 the KatCo book, so —

1 Q. Did you hear what I asked?

2 A. Maybe I didn't.

3 MR. KIMBALL: Repeat the question.

4 THE WITNESS: I'm sorry.

5 (The above-requested question was read  
6 back by the reporter.)

7 THE WITNESS: That's a loaded question. I  
8 would have to see the post.

9 BY MR. NERSESIAN:

10 Q. I'm just asking. No, you don't have to see  
11 the post.

12 A. I don't remember.

13 Q. Assume that there's a post that says —  
14 quote, be it by you or — okay. Let me do this one.  
15 If there were a post by a third person that said Ric  
16 Osuna personally organized and selected the  
17 photographs that were to be — that were included in  
18 the KatCo publication of The Night The DeFeos Died,  
19 would that statement be a lie?

20 A. It would be an accurate statement.

21 Q. Is that the same as a lie?

22 A. No. I think it would be an accurate  
23 statement.

24 Q. If you said it, would it be a lie?

25 A. I don't know if I said it.

1 Q. If you said it. If I were to ask you to say  
2 that right now, would you be telling a lie?

3 A. If there was a post made like that, I don't  
4 know what context it was made in and it may be an  
5 accurate statement.

6 Q. Do you have any ruling of a United States  
7 District Court judge that confirms that Geraldine  
8 DeFeo is the wife of Ron DeFeo?

9 A. I'm not sure. I know I have their divorce.  
10 That was by a U.S. District Court judge.

11 Q. A U.S. District Court judge?

12 A. It must have been a New York judge.

13 MR. KIMBALL: No.

14 THE WITNESS: Oh, okay, but I'm not sure.

15 BY MR. NERSESIAN:

16 Q. Do you think you can tell the difference  
17 between feminine and masculine handwriting as a  
18 general rule?

19 A. No.

20 Q. You don't believe so?

21 A. No. I've seen guys with nice handwriting and  
22 I've seen girls with horrible handwriting.

23 Q. I wasn't saying nice versus not nice. I was  
24 saying feminine versus masculine?

25 A. I'm not a handwriting expert.

1 Q. The letters from Ron DeFeo are pretty  
2 feminine looking, though, wouldn't you agree?

3 A. Absolutely not. I would say they look very  
4 messy.

5 MR. KIMBALL: Objection. He's  
6 also testified that he wouldn't know the difference.

7 THE WITNESS: Correct.

8 BY MR. NERSESIAN:

9 Q. Were you a Catholic alter boy?

10 A. Yes.

11 Q. What questionable practice is — did you see  
12 by priests?

13 A. Questionable practices?

14 Q. Yes.

15 A. I'm not sure.

16 Q. Would it be safe to say that you did see many  
17 questionable practices by priests while you were a  
18 Catholic alter boy?

19 A. I don't recall. I mean, my time as an alter  
20 boy, all I remember is serving at funerals and daily  
21 mass.

22 Q. Is it true that you didn't see any  
23 questionable practices by priests that you can  
24 recall right now?

25 A. I don't recall. I don't recall seeing

1 practices by Catholic priests.

2 Q. Do you recall any questionable priests?

3 A. I recall questionable priests.

4 Q. Who were they?

5 A. I can't give you the names because I'm not  
6 sure their exact names anymore, but I'm —

7 Q. What made them questionable?

8 A. Their demeanor, their lackluster, their  
9 uncaring attitude towards members of the church.

10 Q. Okay. Can we say right now categorically  
11 that you have no recollection of having seen any  
12 questionable practices by priests when you were a  
13 Catholic alter boy?

14 A. I can't say for sure, but I don't recall any.  
15 And that's not to mean that they don't exist. I  
16 just right at this point in time I don't recall any.

17 Q. While I'm looking for the next question, on  
18 April 15th, 2002 did you write at that time you  
19 could recall many but today you can't recall any?

20 A. I don't recall writing this.

21 Q. Okay.

22 MR. KIMBALL: Is there a bomb ready to go  
23 off? What is that ticking?

24 GEORGE LEE LUTZ: It's this chair.

25 ///

1 BY MR. NERSESIAN:

2 Q. Did you say that — I recall you saying that  
3 talking to Missy was not a very impressive  
4 interview.

5 A. I don't recall the actual information I got  
6 from Missy to be very impressive.

7 Q. Were you the interviewer?

8 A. No. It wasn't really an interview. It was  
9 over dinner, if I recall correctly, or lunch or  
10 something like that, and it was just a matter of hi,  
11 how are you doing. So is it true, is it not true?  
12 It was more a matter of fact.

13 Q. Okay. How impressive was lunch supposed to  
14 be then?

15 A. It's been over four years. I don't remember  
16 the exact specifics of the event. All I know is I  
17 left not feeling totally impressed. I wouldn't even  
18 call it an interview. I would call it more of a get  
19 together or first impressions.

20 Q. You were the first and only person to ever  
21 have access to her to ask her questions as an adult  
22 about The Amityville Horror, weren't you?

23 A. I recall that I wasn't the only person there.  
24 I think there was several other people.

25 Q. Like?

1 A. I — if memory serves me correctly, Scottie  
2 Gee Gerardi and Danny Farrands was there.

3 MR. KIMBALL: And also he doesn't know  
4 what happened prior to that conversation.

5 BY MR. NERSESIAN:

6 Q. You understood you were the first person to  
7 talk to her as an adult?

8 A. I don't know.

9 Q. Do you know any brilliant journalists?

10 A. Doug Sparrow, Joel Martin.

11 Q. Did you ever write about George?

12 A. Who?

13 Q. George.

14 A. I think Doug Sparrow did a piece — a couple  
15 pieces about The Amityville Horror being a hoax, and  
16 I think Joel Martin did several things on the DeFeo  
17 murders.

18 Q. Were you the photographer for kanelparty.com  
19 (sic)?

20 A. What? I never heard of kanelparty.com.

21 Q. Whatever — your wife's Web site.

22 A. Oh, okay.

23 Q. What was the name of it?

24 A. Kianaparty.

25 Q. Kianaparty. Were you the photographer?

1 A. I think I assisted with some photo shoots. I  
2 think there was more. I don't think it was always  
3 me. I think it was some other people. I think I  
4 assisted at times.

5 Q. Did you know the other people?

6 A. No, she did.

7 Q. Had she done any modeling before she met you?

8 A. Sure. She was a model in Japan.

9 Q. Same kind of model?

10 A. No. She's done everything.

11 Q. Had she ever done adult spreads before she  
12 met you?

13 A. I don't know. I believe so. She was  
14 Ms. Penthouse in Japan, something like that.

15 Q. I mean, the pictures that were posted, the  
16 party was actually in your backyard, wasn't it?

17 A. I don't recall. I mean, I don't recall the  
18 scenes or anything.

19 Q. Do you recognize yourself as a pornographer?

20 A. No.

21 Q. Do you recognize that there are people who  
22 are pornographers?

23 A. It's not — it's not an issue. I really — I  
24 mean, it's like — it's like living, to be honest  
25 with you. I think that's such a generalized word,

1 that we live in Las Vegas and Sin City. It's kind  
2 of like if someone goes into a striptease bar,  
3 somebody can be labeled, A, a guy having a good time  
4 or, B, it's a pornographer. It's a broad issue or  
5 broad word, so I don't —

6 Q. Is there any construction of that word that  
7 you can think of where you are not a pornographer?

8 MR. KIMBALL: Objection.

9 THE WITNESS: Sure.

10 MR. KIMBALL: Calls for a legal  
11 conclusion.

12 BY MR. NERSESIAN:

13 Q. And what is that construction; what would you  
14 have to be that you, Ric Osuna, did not do that  
15 would make you a pornographer?

16 A. I don't know. I mean, that chapter of my  
17 life is over, you know, the whole kianaparty Web  
18 site. I don't know.

19 Q. Okay. You're not a pornographer today. Were  
20 you a pornographer then?

21 A. I don't feel I was.

22 Q. Okay. And what about what you were doing do  
23 you feel differentiates you from being a  
24 pornographer?

25 MR. KIMBALL: Objection. Badgering.

1 MR. NERSESIAN: I'm not badgering.

2 MR. KIMBALL: Sure, you are. It has  
3 nothing to do with the case at all.

4 THE WITNESS: I don't know. I don't know  
5 how to answer that, because it was such a long time  
6 ago. It's something — that's a chapter that's  
7 closed in my life. I don't know what the mind-set  
8 was. I don't know.

9 BY MR. NERSESIAN:

10 Q. Who's mind-set?

11 A. My mind-set. I don't know.

12 MR. KIMBALL: Enough.

13 THE WITNESS: I don't know.

14 MR. KIMBALL: He doesn't recall anything  
15 further.

16 BY MR. NERSESIAN:

17 Q. You did create a Web site with naked pictures  
18 of your wife on it, correct?

19 A. It was her Web site.

20 Q. You created it, right?

21 A. I assisted her with it.

22 Q. You owned the domain name, right?

23 A. I think it was in my name, yes.

24 Q. And you took the pictures — some of the  
25 pictures that appeared on that site, correct?

1 A. Most likely, yes.

2 Q. Okay. Did you ever tell George Lutz that you  
3 had this side business or were involved in it?

4 A. Sure.

5 Q. When?

6 A. When we met, he knew what my wife did. He  
7 even took me to Crazy Girls, the topless bar, so —

8 Q. You're saying right now under oath that  
9 George Lee Lutz took you to Crazy Girls, a topless  
10 bar?

11 A. Absolutely, positively a hundred percent sure  
12 under oath he took me to Crazy Girls at the Riviera.

13 Q. Oh, the show?

14 A. Yes.

15 Q. Okay. Not a topless bar?

16 A. I'm sorry, but the topless review I should  
17 say.

18 Q. He never took you to a topless bar?

19 A. No. No.

20 Q. And because he took you to a Strip — a show  
21 at the Riviera on the Las Vegas Strip, you feel that  
22 that that indicates somehow that you did tell him  
23 that you were a pornographer?

24 A. Well, first of all, I didn't consider myself  
25 a pornographer.

1 MR. KIMBALL: Objection. Why are we  
2 even —

3 MR. NERSESIAN: I'll tell you why. I'll  
4 get there. I will connect up.

5 THE WITNESS: I don't recall exactly the  
6 specifics, but he knew my wife was a dancer and he  
7 knew I had the Web site.

8 BY MR. NERSESIAN:

9 Q. When?

10 A. I don't recall.

11 Q. Could it —

12 A. I do know that it was — we were comfortable  
13 enough with it to go see the show Crazy Girls.

14 Q. You analogize kianaparty with Crazy Girls?

15 A. Yes.

16 Q. Did you see any spread vaginas at Crazy  
17 Girls?

18 A. Sure.

19 Q. You did?

20 A. Yeah, they had one.

21 Q. They didn't have one.

22 A. Sure they did. They had it in the shadows.  
23 Legally they couldn't show it.

24 Q. So they didn't show it?

25 A. They did show it but in the shadows.

1 Q. Okay. Not quite what's shown on kianaparty?

2 MR. KIMBALL: It's 7:00 o'clock.

3 MR. NERSESIAN: It's three minutes to.

4 MR. KIMBALL: I have 7:00. We're out of  
5 here.

6 MR. NERSESIAN: I have three more  
7 question.

8 MR. KIMBALL: We're out of here. This  
9 is —

10 BY MR. NERSESIAN:

11 Q. Sir, do you know that Mr. Lutz has three  
12 daughters who are ministers?

13 A. No.

14 Q. You didn't. Do you think he would ever work  
15 with somebody like a pornographer if that person had  
16 provided full disclosure?

17 A. He sure did go to Crazy Girls.

18 MR. KIMBALL: Okay. Thank you.

19 (Discussion off the record.)

20 MR. NERSESIAN: For the record, I informed  
21 the defendant and his attorney that the court  
22 reporter time clock showed 6:55, as she just  
23 represented. He stated he would not return, and I  
24 specifically and pointedly asked for the five  
25 minutes I was entitled to. He did state that in his

1 opinion I was badgering the witness and he was  
2 leaving on that accord as well. And I do understand  
3 from you that it was 6:55 —

4 REPORTER: Yes.

5 MR. NERSESIAN: — correct? And thank you  
6 for being here on a Saturday.

7 (Proceedings concluded at 6:57 p.m.)

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1 CERTIFICATE OF DEPONENT

2

3 I, RIC OSUNA, deponent herein, do hereby  
4 certify and declare the within and foregoing  
5 transcription to be my deposition, subject to any  
6 corrections I have heretofore submitted; and that I  
7 have read, corrected and do hereby affix my  
8 signature to said deposition.

9

10

Ric Osuna  
Deponent

11

12

13

14 STATE OF NEVADA )  
 ) ss:

15 COUNTY OF CLARK )

16 Subscribed and sworn to before me this  
day of , 2004.

17

18

Notary Public

19

20

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25

1 REPORTER’S CERTIFICATE

2

3 STATE OF NEVADA )

) ss:

4 COUNTY OF CLARK )

5

6 I, Terri M. Hughes, a duly commissioned  
7 Notary Public, Clark County, State of Nevada, do  
8 hereby certify:

9 That I reported the taking of the  
10 deposition of RIC OSUNA on Saturday, June 12, 2004,  
11 commencing at the hour of 3:56 p.m. That prior to  
12 being examined, the witness was by me duly sworn to  
13 testify to the truth, the whole truth and nothing  
14 but the truth.

15 That I thereafter transcribed my said  
16 shorthand notes into typewritten form, and that the  
17 typewritten transcript of said deposition is a  
18 complete, true and accurate transcription of my said  
19 shorthand notes taken down at said time.

20 I further certify that I am not a relative  
21 or employee of an attorney or counsel involved in  
22 said action, nor a person financially interested in  
23 said action.

24 IN WITNESS WHEREOF, I have hereunto set my  
25 hand in my office in the County of Clark, State of  
Nevada, this 28th day of June, 2004.

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Terri M. Hughes  
CCR #619

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