



1-21-2000

Deposition of Dr. Michael N. Sobel

Michael N. Sobel

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, Executor,

Plaintiff,

vs.

Case No. 312322

STATE OF OHIO,

Defendant.

- - - -

DEPOSITION TRANSCRIPT OF: MICHAEL N. SOBEL, D.M.D.

- - - -

DEPOSITION DATE:
January 21, 2000
Friday, 1:45 p.m.

PARTY TAKING DEPOSITION:
Defendant

COUNSEL OF RECORD
FOR THIS PARTY:
Steven Dever, Esq.

REPORTED BY:
Keith G. Shreckengast, RPR
Notary Public

ORIGINAL

1 DEPOSITION OF MICHAEL N. SOBEL, D.M.D.,
 2 a witness, called by the Defendant for examination, taken
 3 by and before Keith G. Shreckengast, RPR, a Court Reporter
 4 and Notary Public in and for the Commonwealth of
 5 Pennsylvania, at the offices of AKF Reporters - 436
 6 Boulevard of the Allies, Pittsburgh, Pennsylvania, on
 7 Friday, January 21, 2000, commencing at 1:45 p.m.

8 - - - -

9 APPEARANCES:

10 FOR THE PLAINTIFF: Terry H. Gilbert, Esq.
 11 FRIEDMAN & GILBERT
 12 1700 Standard Building
 13 1370 Ontario Street
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16 FOR THE DEFENDANT: Steven Dever, Esq.
 17 Dean Boland, Esq.
 18 Cuyahoga County Prosecutor's
 19 Office
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 21 1200 Ontario Street
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 23 (216) 443-7800

24 * I N D E X *

25 Examination by Mr. Dever - - - - -	3
26 Certificate of Court Reporter - - - - -	50
27 Errata Sheet - - - - -	51
28 Notice of Non-Waiver of Signature - - - - -	52

29 * I N D E X O F E X H I B I T S *

30 Deposition Exhibit 1 - - - - -	17
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MICHAEL N. SOBEL, D.M.D.,

having been duly sworn,

was examined and testified as follows:

- - - -

EXAMINATION

- - - -

BY MR. DEVER:

Q. Good afternoon, Doctor. My name is Steve Dever.

I'm an Assistant Cuyahoga County Prosecutor, one of the lawyers assigned to defending the State of Ohio in the matter known as the Estate of Sam Sheppard, versus the State of Ohio. We are here in Pittsburgh, Pennsylvania, on January 21st, cold afternoon.

First of all, can you state your name, please, sir?

A. Michael N. Sobel, S-O-B-E-L, D.M.D.

Q. And can you tell us what you do for a living, Doctor?

A. I am an orthodontist in private practice. I am an associate professor at the School of Dental Medicine at the University of Pittsburgh Medical Center. And I am also a forensic odontologist as a consultant to various agencies.

1 Q. So first of all you're licensed to practice
2 dentistry in Pennsylvania; is that correct?

3 A. Yes.

4 Q. Where did you attend dental school?

5 A. I attended dental school at the University of
6 Pittsburgh School of Dental Medicine, receiving my
7 degree in 1962.

8 Q. The area as an orthodontist that is a specialty that
9 dentists go into; is that correct?

10 A. That is a specialty, yes.

11 Q. And then forensic odontology, can you tell me what
12 that specialty is?

13 A. Forensic odontology is a branch of dentistry which
14 deals with dentistry as it applies to the law and
15 the analysis of physical evidence.

16 Q. And how did you acquire that particular title or
17 qualifications for that specialty?

18 A. When I originally graduated dental school, I took a
19 National Institute of Health traineeship at the
20 university in oral pathology. And after that, then
21 took a residency in orthodontics, because I wanted
22 to do clinical practice also. And then along about
23 1970, I started to do some consulting for the
24 Allegheny County Coroner's Office in dental

1 identification situations, which I was doing through
2 my training in pathology. And then took additional
3 training at the Armed Forces Institute of Pathology
4 in forensic dentistry specifically. And then
5 attended various other courses, programs, lectures,
6 and then field experience. So I have been actually
7 doing forensic odontology for 30 years now.

8 Q. Do you actively practice dentistry now?

9 A. Yes, I do.

10 Q. And how much of your time is --

11 A. I'd say about half my time.

12 Q. So 25 hours a week give or take?

13 A. Yes, that would be good.

14 Q. So you see patients; is that correct?

15 A. I see patients.

16 Q. Now as far as forensic odontologists, you've
17 testified in a court of law before?

18 A. Yes, I have.

19 Q. And been qualified as an expert in the area known as
20 forensic odontology?

21 A. Yes, I have.

22 Q. And on how many occasions, approximately?

23 A. There must be hundreds of occasions in which I have
24 been in a court of law or prepared reports for the

1 Court, and been certified as an expert witness
2 before the Court.

3 Q. When is the last case that you testified?

4 A. The last case I testified in was -- I usually have
5 this all in my computer -- You're talking about
6 testimony?

7 Q. Yes.

8 A. Is that right?

9 Q. Yes.

10 A. Yes, was here in the Allegheny County courts,
11 probably within the last six months. I'm trying to
12 think of which case, because I have generally a
13 number of cases running simultaneously.

14 Q. If you recall.

15 A. I can't recall without my notes, which I usually log
16 in. I'm Board certified by the American Board of
17 Forensic Odontology. And there are about 95 or so
18 of us in the United States and Canada who are so
19 certified as diplomates.

20 Q. Doctor Levine would be included in that group that
21 you're a member of?

22 A. That's correct. And in order to continue being a
23 diplomate, every five years we have to present
24 certification of continuing education, the cases

1 we've participated in, and our activities within the
2 forensic field.

3 Q. Other than the area of forensic odontology, have you
4 been qualified as an expert to testify in any other
5 type of matters?

6 A. There have been a few instances in which I've
7 testified as an orthodontist in some civil
8 proceedings.

9 Q. Other than in the area of orthodontics or forensic
10 odontology, have you been qualified as an expert to
11 testify as to other matters?

12 A. No.

13 Q. What is forensic skin mark analysis?

14 A. Well, if I understand the term, as you express it,
15 it's the evaluation of pattern markings on the skin,
16 or inanimate objects, and then after evaluation of
17 that pattern skin marking, to relate it to the
18 source of that marking.

19 Q. And are you an expert in that area?

20 A. Yes.

21 Q. You are, okay. And is there a particular society or
22 association that certifies individuals in the area
23 of forensic skin mark analysis?

24 MR. GILBERT: Objection. That's a term

1 that you're using.

2 MR. DEVER: I'm asking that.

3 MR. GILBERT: Let's make sure we --

4 A. As stated, this is a term that you have brought to
5 this meeting.

6 BY MR. DEVER:

7 Q. Right.

8 A. And as part of our duties, training, seminars,
9 meetings for the American Board of forensic
10 odontology, the American Academy of Forensic
11 Sciences, Odontology Section, we also present,
12 review, critique, cases of bite and pattern skin
13 markings. And that is part of the certification by
14 the American Board of Forensic Odontology.

15 Q. For skin mark identification, as far as
16 identification of bite marks, you acknowledge that
17 you're an expert in that area; is that correct?

18 A. Yes.

19 Q. As far as identifying bite patterns on -- or
20 identifying a bite on a body?

21 A. That's right, I have been so certified before the
22 court.

23 Q. What about the further broadening that skin mark
24 identification or analysis, does that also include

1 your expertise to identify blunt force trauma?

2 A. There have been cases in which I have testified or
3 described injuries of that type. There have been
4 certain cases where I have also testified as to
5 fingernail marks and fingernail scratches, and
6 relating them to perpetrators or to identify them as
7 such, if that clarifies what you mean.

8 Q. On blunt force trauma, do you consider yourself to
9 be an expert?

10 A. In blunt force trauma?

11 Q. Yes, sir.

12 A. Let's say through my pathology background and my
13 work in the forensic field for 30 years, I am
14 probably able to testify as to certain blunt force
15 injuries. However, I usually confine my practice to
16 the bite and pattern skin markings.

17 Q. In this particular case involving the death of
18 Marilyn Sheppard, do you feel that you're able or
19 capable to testify as to the blunt force trauma
20 sustained to Mrs. Sheppard's body?

21 MR. GILBERT: Objection, can you be more
22 specific?

23 BY MR. DEVER:

24 Q. The injuries to her head?

1 A. Just as a point of clarification, if I may, I don't
2 recall in any report I have submitted --

3 Q. I'm not asking about the reports, I'm just asking --

4 A. Then I have given an expert opinion in those areas.

5 Q. These aren't trick questions. If you don't
6 understand it or something --

7 A. Rephrase it, please.

8 Q. In this particular case involving the death of
9 Marilyn Sheppard as it relates to the injuries to
10 her head, to her face, do you have an opinion as far
11 as the type of object that was used to produce those
12 particular injuries?

13 A. Only as a pathologist, but I don't necessarily think
14 it's a definitive opinion, because I haven't
15 confined my participation in this case to those
16 matters.

17 Q. Well, only as a pathologist, what is your opinion?

18 A. My --

19 MR. GILBERT: Objection. To clarify, are
20 you relating it to his report, or are you relating
21 it to the universe?

22 BY MR. DEVER:

23 Q. To your involvement in this particular case.

24 A. The only involvement I had with regard to the blunt

1 force injuries was as part of a television
2 production, before I even became involved in the
3 case with defense or prosecution, was to, when I was
4 asked to reproduce, from records, some of the
5 injuries on the skull and facial areas of Marilyn
6 Sheppard. And I did this purely for illustrative
7 let's say explanation, to be able to show an
8 audience this is what things looked like. And that
9 was a reproduction. As far as speculation on the
10 type of instrument, I could probably speculate on
11 the type of instrument, but only as a speculation.

12 Q. The, you're referring to the Nova episode; is that
13 correct?

14 A. Yes, I am.

15 Q. The demonstration that you conducted, the Nova
16 episode, what type of an object are you using for
17 this illustration?

18 A. Well, on the Nova show itself?

19 Q. Yes.

20 A. One of the objects I used was a flashlight from
21 about the era of the 1950s.

22 Q. And for what reason were you doing that
23 demonstration?

24 A. To show that blunt force injuries of the type

1 incurred could possibly have been made by that type
2 of instrument, as well as others.

3 Q. And is that your opinion?

4 A. Is that my opinion?

5 Q. Yes.

6 MR. GILBERT: Opinion that a flashlight
7 could be used as a blunt instrument?

8 MR. DEVER: Yes, for those type of
9 injuries.

10 A. If you want my opinion, that's a possibility, yes.

11 BY MR. DEVER:

12 Q. Did you detail that in your report?

13 A. I did not. Because the only participation I had
14 with regard to that type of speculation was strictly
15 for the television show, just as an explanatory type
16 of thing for the types of injuries.

17 Q. So you call it speculation; is that correct?

18 A. Yes. And I would remind you, too, that you're not
19 always capable of controlling what they use on a
20 television show. I mean they can take portions
21 thereof or whatever, and edit it accordingly.

22 Q. Are you comfortable with what they did use involving
23 your involvement in that particular project, the
24 Nova episode?

1 A. I'm comfortable with that.

2 Q. How did you get involved in that, first of all?

3 A. I was contacted originally by Doctor Cyril Wecht,
4 who said that the Nova production was looking for
5 someone who could, who had enough artistic ability
6 and pathology background to reproduce the injuries
7 on Marilyn Sheppard's skull. And that I would be,
8 if I was interested in getting involved in this
9 project, that Marion Marzinsky, who was the producer
10 of the Nova program, would be contacting me. And he
11 did so.

12 Q. And what did you understand from Mr. Marzinsky was
13 your role in this creative effort?

14 A. Was merely to show a demonstration of what these
15 injuries looked like, and to speculate on what type
16 of instrument may have made these injuries.

17 Q. So as far as formulating what the injuries looked
18 like, what did you use in order to -- first of all,
19 what did you create, why don't we go with that?

20 A. You mean what materials and so on?

21 Q. Just tell us what you did and how you did it.

22 A. I obtained from the school of dental medicine a
23 mannequin skull that we used for dental instruction
24 for the students, and covered that with a plasticene

1 material, and I did this all while being filmed. So
2 nothing was prepared ahead of time. And then using
3 photographs of some of the work of Doctor Kirk, and
4 also the autopsy report, which was given to me for
5 measurement purposes, tried to show what the scalp
6 may have looked like during that time. I was not
7 given a tremendous number of pictures or anything
8 else, so that's why I say there was some speculation
9 at that time. The body of my knowledge was not such
10 where I had a complete understanding of all of the
11 records in the case.

12 Q. Was this demonstration done, then, to record for
13 scientific purposes an exact replication of the head
14 of Marilyn Sheppard?

15 A. No, I think it was done more to show a television
16 audience what types of injuries could occur in a
17 case of that sort, and to be able to visualize it a
18 little bit better, and speculate on what type of
19 weapon may have been used.

20 Q. So it would be fair to say that this was not a
21 scientific experiment?

22 A. No, it was not, because that was not the purpose at
23 the time.

24 Q. Where was the filming done, for your involvement?

- 1 A. The filming was done at the University of Pittsburgh
2 School of Dental Medicine, in one of our
3 laboratories.
- 4 Q. And who was present for the filming?
- 5 A. Marion Marzinsky. He had a cameraman whose name I
6 can't remember. It's an eastern European name.
7 Also there was a sound person, and there may have
8 been another assistant available as a crew that came
9 in.
- 10 Q. And how long of a process did it take to do the
11 filming for your involvement?
- 12 A. Believe it or not, it took the entire afternoon.
- 13 Q. Were you filmed at any other time that did not
14 eventually appear into the episode?
- 15 A. You mean was there another time in which I was asked
16 to participate?
- 17 Q. Yes.
- 18 A. Yes, I was asked to participate in Cleveland at a
19 set that had been constructed, which was a replica
20 of the Sheppard scene. And I was asked to go up
21 there, look things over, and at that time I was
22 shown some more records on the case.
- 23 Q. Who asked you to do that?
- 24 A. Marion Marzinsky asked me to do that.

1 Q. At the time, do you recall when you came to
2 Cleveland for that filming?

3 A. If you'd like the exact date, I can look it up on my
4 palm calendar. But that was in 1998, I believe it
5 was September.

6 Q. At that time had you been employed, or had you
7 become involved as far as working as either a
8 consultant or an expert to the plaintiffs in this
9 case, the Estate of Sam Sheppard?

10 A. No.

11 Q. How did you come to be involved in that?

12 A. After this filming, or this taping, I was asked to
13 evaluate more of the materials by Attorney Terry
14 Gilbert.

15 Q. What was your role that you -- or what was your
16 responsibility in coming to Cleveland for the Nova
17 project, what were you -- what did you understand
18 you were there for?

19 A. To be able to talk about some of the dental
20 experiments that Doctor Kirk had performed in his
21 affidavit, and to check into their feasibility, and
22 to discuss some scenarios of activity that may have
23 occurred at the time of the murder.

24 Q. So prior to arriving in Cleveland, then, had you had

1 an opportunity to review the materials that related
2 to Doctor Kirk?

3 A. Yes, I did, because Marion had sent me a copy of the
4 affidavit of Doctor Kirk.

5 Q. Now your report, which is marked as Defendant's
6 Exhibit No. 1, you detail four particular items that
7 you had to review; is that correct?

8 A. Yes.

9 Q. This is your report, is it Doctor Sobel?

10 A. Yes, it is.

11 Q. I'll go through this in a few minutes, I just want
12 to clear up the Nova participation issue. So you
13 come up there, and you're to --

14 A. Just to clarify, it started off as an academic
15 exercise for me. I teach a course in forensics at
16 the University of Pittsburgh, and am always
17 interested in historical cases. And it was a good
18 opportunity for me to evaluate some of these
19 materials and to be able to ultimately carry this
20 back to my class after the case was over with.

21 Q. When you came up to Cleveland, was that the first
22 time that you met these -- did you meet any other
23 experts or individuals who were associated with the
24 Sheppard case?

- 1 A. Yes, I did.
- 2 Q. And who did you meet with?
- 3 A. I met Bart Epstein, and I can't remember, there was
4 another gentleman, who was a criminalist.
- 5 Q. Chapman?
- 6 A. Chapman I believe was there. And I met Terry
7 Gilbert.
- 8 Q. Sam Reese Sheppard?
- 9 A. I'm trying to think if he was -- I don't believe
10 that I had met Samuel Reese Sheppard at that time.
11 In fact, I don't think I met him until the
12 exhumation.
- 13 Q. Cynthia Cooper?
- 14 A. Cynthia Cooper I met.
- 15 Q. Is that the first time you that you met her?
- 16 A. Yes.
- 17 Q. Anybody else that you met?
- 18 A. There was another writer who was working on some
19 material, I think he was a journalist.
- 20 Q. James Neff?
- 21 A. I guess. I can't be sure of that name.
- 22 Q. White male, glasses?
- 23 A. Yes, as I recall.
- 24 Q. And what was his -- what did you understand his role

1 to be in this?

2 A. He was kind of like preparing a compendium of the
3 information on the case, with the idea of writing a
4 book at some time in the future. And what was
5 interesting about that was that he had a lot of
6 photographs, which I didn't get a chance to go
7 through everything, but to look at in the case,
8 because I had an historical interest in the case.

9 Q. Was he a participant in the production of the Nova
10 episode?

11 A. You mean was he actually taped?

12 Q. I'm asking the persons who were recorded, I don't
13 want to call them actors, but the persons who
14 appeared on film, the characters on film, these
15 various experts, he was not filmed; is that correct?

16 A. I can't recall that he was. I think he just had
17 provided a lot of the archival material.

18 Q. So he was assisting the production of this
19 particular --

20 A. I would imagine. I can't say for certain, because I
21 didn't know what his role was with Nova.

22 Q. Was there a planned or an organized format during
23 the time that you were in Cleveland for the creation
24 of this Nova program, as far as what was going to be

1 filmed and how it was going to be done?

2 A. Well, Marion Marzinsky works kind of loosely, and I
3 think he sees how things develop, and then he was
4 putting it together. He has very humanistic or
5 personal type of response to doing a documentary.
6 And I really didn't have any idea whether I was
7 actually going to have a role or what I was going to
8 do in it. Neither did I know what the other
9 gentlemen and lady were going to do.

10 Q. What was Cynthia Cooper's role, if you know?

11 A. I guess she was to provide some historical
12 background that she had written, probably a
13 definitive book on the subject of the homicide. And
14 beyond that, I honestly don't know.

15 Q. Had you read the book at that time?

16 A. No, I did not. I had just purchased it, with the
17 idea of being able to read at least certain sections
18 of it, to see how it reflected what was happening or
19 what had happened.

20 Q. And this took place in September of 1998; is that
21 correct?

22 A. I believe that was the date.

23 Q. Now how long of a period of time was it for filming,
24 a day?

1 A. One day. I went up in the morning and I went back
2 in the evening.

3 Q. Do you recall if there were any investigators there,
4 from an organization known as AMSEC?

5 A. AMSEC?

6 Q. Yes.

7 A. I don't recall anything like that.

8 Q. Did you ever meet a man by the name of Don Lowers?

9 A. I don't recall that.

10 Q. Al Gore, not the vice president?

11 A. I don't recall that either.

12 Q. Andy Carraway?

13 A. I don't recall any of these people. There were a
14 lot of people milling about in and out, and I don't
15 know everybody who was there. This was kind of a
16 new thing for me, so I didn't --

17 Q. At that point in time, had you formulated an opinion
18 as to the innocence of Doctor Sam Sheppard?

19 A. No.

20 Q. So you were pretty much open-minded at that time; is
21 that correct?

22 A. Yes.

23 Q. Since that time have you formulated an opinion?

24 MR. GILBERT: Objection, go ahead and

1 answer.

2 A. In the materials that I have evaluated -- First let
3 me say that there is a tremendous abundance of
4 materials on this case, more than I ever dreamed
5 there would be.

6 Q. You're not kidding.

7 A. And I am discovering, too, that there were materials
8 that suddenly have appeared that have not been
9 around previously, that are popping up here and
10 there. But based on let's say what I have seen, and
11 my own feelings based on my area of study, that I
12 don't believe that Sam Sheppard was the murderer.

13 Q. So you believe that Sam Sheppard is innocent; is
14 that correct?

15 A. Yes.

16 Q. This was, when you attended the Nova taping in
17 Cleveland, that was the first time you met Cynthia
18 Cooper; is that right?

19 A. Yes, it was.

20 Q. And have you corresponded or talked with her since
21 that time?

22 A. Not at all.

23 Q. Now you came to, after participating in the Nova
24 program, you came to be retained by the Estate of

1 Sam Sheppard; is that correct?

2 A. Yes.

3 Q. Are you being compensated by them?

4 A. I am not.

5 Q. So you're working for free; is that correct?

6 A. For free, only certain expenses were covered, like
7 some travel and things of that sort.

8 Q. Why did you agree to take this case on without any
9 type of compensation?

10 A. Because I guess I'm an academician at heart. And to
11 be involved in something of such historical value in
12 forensics was fascinating to me. And to be able to
13 then use these materials and have access to these
14 materials and be able to use them in my class was,
15 let's say, an attraction.

16 Q. So there are certain intangible benefits of
17 participating in this case, as far as for your
18 professional development; is that fair to say?

19 A. That's fair to say.

20 Q. Going back to the Exhibit No. 1, in order for -- it
21 is titled Expert Opinion, Forensic Aspects of the
22 Marilyn Sheppard Homicide; is that correct, sir?

23 A. That's correct.

24 Q. And you detail in paragraph number one the materials

1 that you received for examination; is that correct?

2 A. That is correct.

3 Q. Have you received any other materials?

4 A. Since that time?

5 Q. Yes, sir.

6 A. Yes.

7 Q. What have you received since that time?

8 A. I received the forensic odontologist, Lowell
9 Levine's report. I received the, I think Doctor
10 Lovejoy's report, who is an anthropologist.

11 Q. So these relate to the exhumation; is that correct?

12 A. Yes. I received a copy of Cyril Wecht's report.

13 Q. That would be, showing you two documents marked
14 Defendant Exhibit 2 and Defendant Exhibit 3 that
15 come from Cyril Wecht's deposition, are those the
16 reports that you received?

17 A. I received the one dated July 29th, 1999. The
18 addendum or supplemental report dated January 14,
19 2000, actually I just received the other day.

20 Q. Any other documents that you've received?

21 A. Yes, I received a copy of the Cuyahoga County
22 Coroner's Office photographer's report, what's his
23 name, Mr. Wentzel?

24 Q. Yes.

1 A. And I think there was a copy of a report, or just a
2 statement, by Doctor Balraj, the Coroner, I guess
3 just an explanatory statement. And I received some
4 copies of photographs from -- concerning now some of
5 the facial injuries of Marilyn Sheppard, which
6 apparently were taken at the time of autopsy. These
7 were copies made I guess on the laser printer. And
8 I received some copies that were made from the
9 photography that was done at the exhumation. I
10 received 8 CDs of photographs, being told that there
11 was more to come, and I haven't received those yet.

12 Q. Anything else that you can think of?

13 A. I'm probably forgetting something. If you ask me
14 certain records, I can tell you whether or not.

15 Q. Mr. Boland has reminded me that you attended the
16 exhumation, right?

17 A. Yes, I did, as I stated earlier in this deposition.

18 Q. You took photos yourself as well?

19 A. At the time I was told by Doctor Balraj that I was
20 not to take any photographs, that her photographer
21 would do all the photography in connection with the
22 exhumation. And that we would tell the photographer
23 any photographs we want. Well, the poor man was
24 really hard --

- 1 Q. Mr. Wentzel?
- 2 A. Hard put, yes, Mr. Wentzel, the photographer, was
3 hard put to keep up with everybody's desires at this
4 event. I had my equipment there, and at a certain
5 point in the afternoon I asked Doctor Balraj do I
6 have permission to shoot one roll of color slides,
7 and I would give them the roll before I left, and
8 they would process it, distribute it to everybody
9 else, and just return my originals.
- 10 Q. I'm not making any comment on that, Doctor, just
11 that you had photographs, that you took photographs
12 yourself?
- 13 A. Then I did take some photographs which were later
14 sent to me, returned to me.
- 15 Q. Talking about you participated in the exhumation,
16 right?
- 17 A. Yes.
- 18 Q. Did you find that to be a worthwhile purpose in
19 order to shed light on the circumstances surrounding
20 Mrs. Sheppard's death?
- 21 A. Well, in two ways only. One, that I was actually
22 able to see the dentition that was being talked
23 about, the teeth of Marilyn Sheppard, and what the
24 fractures looked like, the fracture looked like, and

1 the chips. We did not have available to us anymore
2 the actual main tooth fragment, which apparently has
3 been lost somewhere. And at that time also, at the
4 exhumation, I was shown a photograph by Doctor
5 Lowell Levine, who said he was not allowed to let it
6 out of his possession, but this was the best
7 photograph I had ever seen of the tooth fragment,
8 the large tooth fragment. And I said I would like a
9 copy of it. I've yet to get a copy of that. And
10 where that photograph has been all these years, I
11 don't know. But that would have been one of the
12 first things I would have liked to have seen.

13 Q. But as far as the exhumation of Mrs. Sheppard, to
14 disturb her remains after all of these years, as far
15 as doing your job or reaching the conclusions or
16 opinions that you reached, did you find it to be
17 worthwhile, that physical examination of her jaw and
18 her mouth?

19 A. Only to amplify what I already thought, that's all.
20 I mean beyond that, it was pretty much a wasted
21 exercise.

22 Q. But you've, in your opinion, in your report here,
23 you indicate that the fracture to the teeth was as a
24 result of a blunt force trauma; is that correct,

1 sir?

2 A. Let me review where you're talking about. Do you
3 have a particular point?

4 Q. I just read it, that's all. That's my understanding
5 of what you're saying here.

6 MR. GILBERT: Let him express his opinion
7 on that.

8 BY MR. DEVER:

9 Q. Page 2, the last sentence of the first section,
10 before it goes into item number 2, upper
11 extremities, injury patterns?

12 A. I therefore place more credence in my experiential
13 belief that Marilyn Sheppard's anterior teeth were
14 fractured by traumatic blows, or blow, during her
15 attack, and not by biting her attacker. That was my
16 conclusion.

17 Q. And it was clear in reviewing Doctor Paul Leland
18 Kirk's affidavit from 1955, it was his opinion or
19 his belief, based on the experiments that he
20 conducted back at that time that Mrs. Sheppard had
21 bit her assailant, and as a result of biting her
22 assailant, that the teeth were actually pulled from
23 the mouth; is that correct?

24 A. Not pulled from the mouth, you mean fractured.

1 Q. Fractured as a result of biting?

2 A. Yes, that was his opinion.

3 Q. And you don't agree with that, do you?

4 A. No. He was not a dentist, but --

5 Q. The only question is you don't agree with it?

6 A. No.

7 Q. Just for clarification, what date did you prepare
8 this report? I don't see a date on it?

9 A. Oh, I'm sorry. That must have been left off in the
10 computer. I'd have to go back in the computer and
11 look at the date of creation. I think it was about
12 in July.

13 Q. Of last year?

14 A. Yes, of 1999, as I recall. Thank you for pointing
15 that out to me.

16 Q. Looking at the particular experiments of Doctor
17 Kirk, you wanted to explain that Doctor Kirk was not
18 an odontologist, nor a dentist; is that correct?

19 A. That is correct.

20 Q. And the --

21 A. He was a criminalist, and with expertise in blood
22 spatter and physical evidence analysis.

23 Q. And did you have a belief that the experiments that
24 were conducted by Doctor Kirk as they relate to the

1 injuries to the teeth were not scientific?

2 A. Were not let's say dentally representative of an
3 experimental process.

4 Q. This exhibit, your report, marked as Defendant
5 Exhibit No. 1, is the entire conclusions or opinions
6 that you have reached concerning the matter
7 concerning the death of Marilyn Sheppard; is that
8 correct?

9 A. That is correct.

10 Q. There's no other reports out there; is that correct?

11 A. None.

12 Q. There's no other writings or supplements to this
13 particular report; is that correct?

14 A. No, no, no.

15 Q. Do you intend on making any other further
16 supplemental reports?

17 A. There might be a supplement when and if I ever get a
18 copy of that picture of the tooth fragment.

19 Q. Have you made a request of Terry Gilbert for that?

20 A. I've made a request, and I understand he's made a
21 request to the prosecutor's office for that.

22 Q. That's what he told you, that he requested from our
23 office?

24 A. Yes.

1 Q. So other than that particular tooth fragment, you
2 don't anticipate making any further reports?

3 A. Right. The only thing that might be covered in a
4 supplemental report might be of projecting what type
5 of material and the restoration on that particular
6 tooth, what prosthetic restoration and so on.

7 Q. The repairs that were received to Mrs. Sheppard
8 prior to her death?

9 A. That's correct.

10 Q. That was a porcelain tooth; is that correct, or it
11 appears to be?

12 A. It appears to be from the quick look I had of that
13 picture at the exhumation, and what the photographs
14 appear to be showing from the exhumation.

15 Q. Then looking at page 2, paragraph or item number 2,
16 upper extremities injury patterns, and you refer to
17 this -- this would have been contained in the
18 autopsy protocol where you have it italicized in
19 your writing, there is a partial avulsion of the
20 fingernail of the fourth finger with the root of the
21 nail --

22 A. Of the left fourth finger.

23 Q. Of the left fourth finger, with the root of the nail
24 exposed?

- 1 A. That's a direct quote from that.
- 2 Q. So to be clear, that would be this, the ring finger?
- 3 A. That is correct.
- 4 Q. Left hand?
- 5 A. Yes.
- 6 Q. And you found -- what significance do you attach to
- 7 the fact of the fingernail being partially avulsed?
- 8 A. Avulsed, or torn out. What significance?
- 9 Q. Yes.
- 10 A. That some traumatic activity was necessary for that
- 11 to occur.
- 12 Q. And then you go further to indicate that that
- 13 traumatic activity would be consistent with
- 14 Mrs. Sheppard during the course of this attack
- 15 scratching her assailant; is that correct?
- 16 A. That's correct. When you do forensic evaluations,
- 17 you try to assess what the totality of the scene
- 18 was, and the injuries, let's say in this case on
- 19 Mrs. Sheppard, and then put together a sequence of
- 20 events that then seems to fit what the injury
- 21 pattern was.
- 22 Q. So you draw from known fact certain inferences to go
- 23 back; is that correct?
- 24 A. That's correct.

1 Q. And in our business, we call that circumstantial
2 evidence, right?

3 MR. GILBERT: Objection, unless he knows
4 what your business is.

5 BY MR. DEVER:

6 Q. If you know, in the courts of law that you testify
7 from time to time?

8 A. In the court of law?

9 Q. Yes, sir.

10 MR. GILBERT: Objection, just to clarify,
11 what's the question now?

12 BY MR. DEVER:

13 Q. You draw inferences from known facts; is that
14 correct?

15 A. Yes.

16 Q. And then these inferences allow us to infer, based
17 on known fact, that other fact exists; is that
18 correct?

19 A. There's a progression of thought.

20 Q. And it's usually based on reason or common sense; is
21 that correct?

22 A. Yes.

23 Q. So in this particular opinion that you are reaching,
24 you are indicating that based upon the fact that

1 Mrs. Sheppard's left ring fingernail is detached
2 from her finger, that that's indicative that she
3 scratched her assailant; is that correct?

4 A. Well, you're taking the avulsed fingernail as one
5 event. But when you take an aggregate of all things
6 together, such as the lack of injury to the right
7 arm -- to the left arm rather.

8 Q. Left forearm as you're indicating?

9 A. Left arm, as being only one slight injury, as I
10 point out --

11 Q. I just want to understand how you get to that
12 opinion.

13 A. And then these defense injuries on her right arm
14 were numerous, as described in the autopsy report,
15 something had to occur. And then you take this with
16 the fact that we see in an arrest report on the
17 wrist of Richard Eberling that there was a scar that
18 was described in 1959, then you have a photograph of
19 that scar from 1998 when he died in prison, bringing
20 all these things together as an aggregate, it forms
21 a sequence of events that is logical.

22 Q. So to understand what you're saying, then, the lack
23 of any other injuries to the left arm of
24 Mrs. Sheppard, other than the avulsed fingernail of

1 her ring finger?

2 A. And a slight abrasion.

3 Q. And you're indicating that would be on the forearm
4 area; is that correct?

5 A. Let me get that exactly. Item 34 on the autopsy
6 report describes the only injury to the left upper
7 extremity. If you have that here, we can look at
8 item number 34.

9 Q. Here it is here. You're referring to the --

10 A. There is a contused abrasion measuring 1 1/2 x 1/4
11 inch over the left ulna centered 10 inches proximal
12 to the tip of the left middle finger.

13 Q. So you're demonstrating the forearm area of the arm?

14 A. That's right. That's the only injury, with all of
15 the violence that was going on at the time, to that
16 particular arm. However, on the right arm there
17 were injuries described under items 27 through 33, a
18 whole string of injuries to the right arm, which
19 describe all those in the autopsy report.

20 Q. So we take that, and then the other factor that you
21 use in constructing your opinion is the fact that an
22 arrest report from 1959 indicates that Richard
23 Eberling had a 1/2 inch scar on the inside of his
24 left wrist; is that correct?

1 A. That's correct.

2 Q. Now how do you know that the 1959 report is, in
3 fact, accurate, as far as notation of that scar?

4 A. The same way we know any police report is supposed
5 to be accurate.

6 Q. Well, supposed to, okay.

7 A. I mean that is a record of that time. And beyond
8 that, other than the police information from that
9 arrest record.

10 Q. Then so we know, based upon that report, that
11 Richard Eberling had a 1/2 inch scar as of the time
12 of that report made in 1959; is that correct?

13 A. Say that again.

14 Q. We know, if we rely upon --

15 A. That police report.

16 Q. That police report which you replied upon in order
17 to construct your opinion here.

18 A. Yes.

19 Q. That that report indicates that as of the 1959
20 police report, Richard Eberling had that scar?

21 A. That's correct.

22 Q. How do we know that we can go back the other five
23 years and say he had a scar in 1954?

24 A. You don't know. But you do know that at the time of

1 his death he also had that scar as visualized by
2 photography.

3 Q. Any other factors that you used to evaluate in order
4 to come in -- or to opinion that Mrs. Marilyn
5 Sheppard attacked or scratched her assailant?

6 A. Well, there was a spot of blood that was mentioned
7 on -- in various reports that was on the wardrobe
8 door adjacent to the bed, which was unaccounted for
9 as far as being Marilyn's blood, or I believe Sam
10 Sheppard's's blood. It was another party's blood.

11 Q. Where did you learn that from?

12 A. I think that was from Doctor Kirk's affidavit.

13 Q. Do you recall what blood type Marilyn Sheppard had?

14 A. I don't recall the exact blood type, no. But he
15 just -- he did state that it was not her blood type.

16 Q. So based upon that information?

17 A. That's right.

18 Q. Did you look to the source material being the tests
19 and the reports of Mary Cowan from the Coroner's
20 office in determining blood type?

21 A. No, I didn't see those.

22 Q. So you used Doctor Kirk's affidavit as the basis for
23 that; is that correct?

24 A. Am I allowed to ask a question during a deposition?

1 Q. Usually the way this works is I ask the questions,
2 you give the answers, but if you've got a question,
3 you're more than welcome.

4 A. Just as a curiosity, did Cowan's report agree with
5 Kirk, or vice versa?

6 Q. Mrs. Cowan went about -- or Miss Cowan, I'm sorry,
7 went about typing blood and identifying blood.

8 MR. GILBERT: Let me just try to eliminate
9 this repartee here by -- I think we can all agree
10 that the spot that's in question was never looked at
11 specifically and examined by Mary Cowan. There was
12 other things she looked at. We know from the case
13 that the only person who suggested it was from a
14 different mechanism was Paul Kirk, up until now.

15 BY MR. DEVER:

16 Q. Did you include that in your report?

17 MR. GILBERT: Include what?

18 Q. That particular factor as far as Doctor Kirk's
19 testing of that wardrobe stain, determining that it
20 wasn't Marilyn Sheppard's blood as one of the bases
21 for your opinion that Mrs. Sheppard scratched her
22 assailant?

23 A. In my report on page 3 it says this injury to the
24 left wrist of the attacker would have resulted in

1 copious bleeding and would help to explain the large
2 spot of blood found on the wardrobe door adjacent to
3 the victim's bed. This spot of blood was tested by
4 Dr. Kirk and found to be human blood not belonging
5 to either Dr. Sam Sheppard or Marilyn Sheppard.

6 Q. So we have three points of information that you used
7 in order to come to the opinion that Mrs. Sheppard
8 scratched her assailant?

9 A. That's right.

10 Q. And that would be that the, what you've already
11 described, the injuries to her arm, or lack of
12 injuries to her left arm, the fact that Richard
13 Eberling had a 1/2 inch scar on his left wrist as of
14 a police report dated 1959, and also at the time of
15 his autopsy in July of 1998. And finally Doctor
16 Kirk's testing of the wardrobe blood stain and
17 Doctor Kirk's opinion that the blood did not belong
18 to Doctor Sam Sheppard or Marilyn Sheppard; is that
19 correct?

20 A. Essentially that, and taken as an aggregate, then
21 you can form a scenario.

22 Q. And in the aggregate those are the three particular
23 elements; is that correct?

24 A. And the defense injuries on the right arm of the

1 victim.

2 Q. Anything else?

3 A. No, I think that's all I mentioned in my report.

4 Q. When you looked at the photographs of Richard
5 Eberling's autopsy, do you recall looking at those
6 photographs?

7 MR. GILBERT: Are you talking about the
8 wrists?

9 BY MR. DEVER:

10 Q. First of all, did you look at the Eberling autopsy
11 photos?

12 A. Only the wrist is all I was shown.

13 Q. Where did that come from?

14 A. That came from Terry Gilbert's office, where it was
15 forwarded to Terry Gilbert, I understand, by the
16 County Coroner of that jurisdiction.

17 Q. Do you know who took the photo of the wrist?

18 A. I have no idea.

19 Q. Is there any type of scale representation in the
20 photograph?

21 A. I believe there was.

22 Q. So you determined it to be 1/2 inch based upon some
23 sort of reference point?

24 A. By extrapolation, yes.

1 Q. So there's like a ruler in the photograph or
2 something to show --

3 A. There is a scale, I think there was a segment of an
4 ABFO scale, which is the American Board of Forensic
5 Odontology scale, which is being used widely now on
6 all types of injuries.

7 Q. Now did that particular scar, did it measure
8 laterally or vertically?

9 A. Explain that.

10 Q. I'll be Richard Eberling's left hand.

11 A. Right.

12 Q. Left hand. This side or this side?

13 A. The inside.

14 Q. So with the palm up; is that correct?

15 A. Yes, with the palm up.

16 Q. Now does the scar run parallel to the arm, or is it
17 in a horizontal?

18 A. It runs horizontally, across the arm.

19 Q. As I'm demonstrating here, a cross mark?

20 A. That's not the exact spot, but that's the type.

21 Q. In this particular area?

22 A. Yes.

23 Q. And you determined it to be 1/2 inch; is that
24 correct?

- 1 A. Did I state that in my report?
- 2 Q. Yes, sir.
- 3 A. No, I stated there was a 1/2 inch scar as described
4 on the arrest report. And I don't think I stated
5 the -- I just said showed a similar scar on the
6 inside of his left wrist, that was all I stated at
7 that point.
- 8 Q. And you believe, it's your opinion, then, that
9 looking at that particular photograph, that it is
10 consistent with a scratch type injury; is that
11 correct?
- 12 A. Yes.
- 13 Q. Caused by a fingernail; is that correct?
- 14 A. Yes.
- 15 Q. Now the particular fingernail, would you expect, in
16 your opinion, that particular fingernail to contain,
17 if Marilyn Sheppard had, in fact, scratched her
18 assailant, would you expect to find skin tissue on
19 the fingernail itself?
- 20 A. Could have, but I understand -- Did they actually
21 find the fingernail?
- 22 Q. Well, let me ask you the question, I got in trouble
23 already for answering questions, would you expect to
24 find skin tissue on that fingernail, then, if she

1 was, in fact, in contact with her assailant and she
2 scratched him?

3 A. It could have been, there could have been skin
4 tissue underneath that fingernail. However, in this
5 particular case the nail was evulsed, or torn out,
6 or therefore, you don't know what could have fallen
7 away from that, and it's unclear as to the fate of
8 that particular fragment of nail. If we had the
9 fragment of nail, we could have made studies on it.

10 Q. It was my understanding that it was partially
11 evulsed, meaning it was still hanging onto the tip
12 of the finger, and that the entire fingernail was
13 remaining attached to the finger.

14 A. Well, never having seen --

15 Q. You haven't seen the photograph of that?

16 A. I haven't seen a photograph of her nail, I don't
17 know.

18 Q. Would that have assisted you in coming to your
19 opinion, if a photograph of that particular nail --

20 A. It would have confirmed that the nail was evulsed.

21 Q. Or -- a picture is better than in a report, isn't
22 it?

23 A. Yes.

24 Q. So you didn't have the opportunity to look at that

1 photograph, if there, in fact, was a photograph of
2 her evulsed nail?

3 A. That is correct. I don't recall seeing that
4 photograph.

5 Q. Did you ask Mr. Gilbert if he had a photograph from
6 the autopsy of Marilyn Sheppard showing the evulsed
7 nail?

8 A. I think at one time early on I did ask about that.
9 And I don't recall that I ever got a picture of that
10 one.

11 Q. So as you sit here today, you have never seen a
12 photograph of that nail in question?

13 MR. GILBERT: Are you speaking of the
14 nail, or the whole finger?

15 MR. DEVER: The whole finger.

16 A. Are you talking about the hand with --

17 BY MR. DEVER:

18 Q. Finger. The morgue photographs that depict the
19 injuries to her hand, including the nail.

20 A. No, I only read the autopsy report describing the
21 injury.

22 Q. What about the group of documents that have been
23 submitted to you with the 16 CDs and so on and so
24 forth?

1 A. If that's in there, to be quite frank -- first, I
2 couldn't open the CDs on my computer. And I finally
3 had to call the photographer there and ask how do
4 you open these files. And he said well, although he
5 had created them on a Mackintosh, he had more or
6 less formatted them for a PC. I use a Mackintosh
7 normally. So I finally went into a computer store,
8 and used a PC, a high powered PC, to see if I could
9 open it. And I could start to open some of them,
10 but I haven't been able to review all of them in
11 this period of time since I've gotten them, no.

12 Q. Have you appeared on any news programs or been
13 quoted in the newspapers concerning your involvement
14 in the Sheppard case?

15 A. No. Other than there was a small writeup in the
16 dental school newsletter, the University newsletter,
17 stating that I participated on the Nova show, and
18 that it was involving the case, the murder case of
19 Marilyn Sheppard.

20 Q. Have you formulated a belief as to whether or not
21 the killer of Marilyn Sheppard caused the injuries
22 to her body by using an object in his left hand?

23 A. I don't think I'm qualified to testify to that.

24 Q. Have you considered that possibility?

1 A. That it was left hand?

2 Q. Left-handed?

3 A. Only from all the reading that I've done.

4 Q. Do you know who killed Marilyn Sheppard?

5 MR. GILBERT: Objection, but go ahead.

6 Were you there?

7 MR. DEVER: That's not my question.

8 MR. GILBERT: Do you have an opinion?

9 BY MR. DEVER:

10 Q. Yes, do you have an opinion?

11 A. Is this my opinion you want?

12 Q. Yes, sir.

13 A. I believe, based on my projected scenario, there
14 was -- that Richard Eberling emerges as the strong
15 suspect.

16 Q. And also then your opinion, then, implies that Sam
17 Sheppard is innocent; is that correct?

18 A. I believe that.

19 Q. Did you, in preparing yourself for this particular
20 case, did you read the testimony of Doctor Sam
21 Sheppard from the first trial?

22 A. Oh, I got a copy of that recently, but I haven't had
23 a chance to review the entire testimony.

24 Q. Have you read the testimony of Doctor Sam Sheppard

1 from the Coroner's inquest?

2 A. No.

3 Q. So other than what you've detailed in the report, as
4 the items 1 through 4, and what you've indicated to
5 me, Doctor, as far as other items that have been
6 submitted to you, that's everything that you've used
7 to evaluate this case; is that correct?

8 A. Yes.

9 Q. Have you read the book Mockery of Justice since
10 then?

11 A. No.

12 Q. You have not?

13 A. I've looked at different segments of it, and looked
14 through it, and looked it at some of the photographs
15 in the book, but other than that, I haven't read the
16 entire book.

17 Q. Have you read any of the books that have been
18 written over the course of time concerning the
19 Marilyn Sheppard homicide?

20 A. No.

21 Q. Doctor Sobel, did you do any experiments in this
22 case?

23 A. Could you clarify?

24 Q. Any attempt to recreate the injuries that were

1 sustained to Mrs. Sheppard's body?

2 MR. GILBERT: Objection, I think he
3 answered what he did.

4 A. Other than the Nova program, and that wasn't
5 scientific.

6 BY MR. DEVER:

7 Q. That was, as you indicated, more as a demonstration
8 for purposes of filming; is that correct?

9 A. I did no scientific studies.

10 Q. I don't have any other questions, Doctor Sobel,
11 other than have you understood everything that I've
12 asked you here today as far as the questions?

13 A. I believe so.

14 Q. And have my questions been fair to you, sir?

15 MR. GILBERT: Objection.

16 BY MR. DEVER:

17 Q. You can answer.

18 A. Generally, yes. I mean it's evident to see where
19 you're coming from and where you think I'm coming
20 from.

21 Q. That's why we have depositions.

22 A. Yes.

23 MR. GILBERT: It's a nice question, but
24 it's totally meaningless. You asked questions, he

1 answered, he's under oath.

2 MR. DEVER: It's my deposition. You get
3 your deposition, you ask your questions.

4 MR. GILBERT: I'd like to know what civil
5 lawyer advised you to ask that question.

6 MR. DEVER: Thanks very much, I have
7 nothing further.

8 MR. GILBERT: You have a right to review
9 the transcript of your deposition prior to its
10 being certified.

11 THE WITNESS: I would like to see that.

12 - - - -

13 (Thereupon, the deposition was concluded
14 at 2:36 p.m.)

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1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
2 COUNTY OF ALLEGHENY) SS:

3 I, Keith G. Shreckengast, RPR, a Court Reporter and
4 Notary Public in and for the Commonwealth of Pennsylvania,
5 do hereby certify that the witness, MICHAEL N. SOBEL,
6 D.M.D., was by me first duly sworn to testify to the
7 truth, the whole truth, and nothing but the truth; that
8 the foregoing deposition was taken at the time and place
9 stated herein; and that the said deposition was recorded
10 stenographically by me and then reduced to printing under
11 my direction, and constitutes a true record of the
12 testimony given by said witness.

13 I further certify that the inspection, reading and
14 signing of said deposition were not waived by counsel for
15 the respective parties and by the witness.

16 I further certify that I am not a relative, employee
17 or attorney of any of the parties, or a relative or
18 employee of either counsel, and that I am in no way
19 interested directly or indirectly in this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand and
21 affixed my seal of office this 24 day of January,
22 2000.

Keith G. Shreckengast

Notary Public

Keith G. Shreckengast, Notary Public
County of Allegheny, Pennsylvania
My Commission Expires 1/31/2002

1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A
2 COUNTY OF ALLEGHENY) S H E E T

3 I, MICHAEL N. SOBEL, D.M.D., have read the foregoing
4 pages of my deposition given on January 21, 2000, and wish
5 to make the following, if any, amendments, additions,
6 deletions or corrections:

7 Pg. No. Line No. Change and reason for change:
8
9
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11
12
13
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15
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17
18
19

20 In all other respects the transcript is true and correct.

21 _____
22 MICHAEL N. SOBEL, D.M.D.

23 Subscribed and sworn to before me this
_____ day of _____, 2000.

24 _____ (KS)
Notary Public

1 AKF REPORTERS, INC.
2 AKF Building
3 436 Boulevard of the Allies
4 Pittsburgh, PA 15219
5 (412) 261-2323

6 January 24, 2000

7 TO: Terry H. Gilbert, Esq.
8 FRIEDMAN & GILBERT
9 1700 Standard Building
10 1370 Ontario Street
11 Cleveland, Ohio 44113

12 RE: DEPOSITION OF MICHAEL N. SOBEL, D.M.D.

13 NOTICE OF NON-WAIVER OF SIGNATURE

14 Please have the deponent read his deposition
15 transcript. All corrections are to be noted on the
16 preceding Errata Sheet.

17 Upon completion of the above, the Deponent must
18 affix his signature on the Errata Sheet, and it is to then
19 be notarized.

20 Please forward the signed original of the Errata
21 Sheet to Attorney Dever for attachment to the original
22 transcript, which is in his possession. Send a copy of
23 same to all counsel, and also a copy to me.

24 Please return the completed Errata Sheet within
thirty (30) days of receipt hereof.

Keith G. Shreckengast, RPR
Court Reporter

cc Steven Dever, Esq.

 *

 * 2:15,19.5

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 - 1:9.5,11.5;
 2:5; 3:4,6;
 49:12,15

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 1 2:20.5;
 17:6; 23:20;
 30:5; 35:10;
 47:4
 1/2 35:10,23;
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 10 35:11
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