

1 MITCHELL - WITNESS

2 I'll try to get up at noon. You know, they'd like
3 that and that would be it.

4 So there were days when I was done by noon or 1
5 o'clock. There were days I was -- was up half the
6 night.

7 Q. Did you, um, basically work, um, every day, Monday
8 through Fridays?

9 A. Yeah. Almost. I would say. There were days when
10 I -- when I didn't work if I -- if I had been, um,
11 doing a lot of stuff, uh, and, uh -- and Richard
12 mentioned there was a -- a rather brief period last
13 year where -- and again, this is another example of
14 how I was, um -- I didn't have the freedom to do
15 exactly what I wanted. I was told that -- okay, we
16 want you to start writing a weekly -- basically a
17 weekly column, um, and that's going to be a better
18 way for the blog to work and I said, I don't -- I
19 disagree I think, you know, posting every day or
20 three days a week or something is -- is much better
21 and, um, they said, no. We think, um, writing once a
22 week is going to be better, longer and so I went
23 along with it for a couple of months. It didn't work
24 out very well and then went back to the daily blog.

25 Q. Who was it that set your work hours?

1 MITCHELL - WITNESS

2 A. Pardon?

3 Q. Who set your work hours?

4 A. Um, well, it -- it -- it -- I mean, it -- I guess, I
5 did except within the demands of having to get the
6 work done by a certain time. Get a -- get a lot of
7 work done by whether it was 9:30 or noon or whatever,
8 um, and the demands, you know, the WikiLeaks and
9 Occupy blogs, they're sort of referred to as live
10 blogs. Um, meaning you're kind of expected to update
11 every, you know, as things happen which could be
12 every hour or every 20 minutes or every two hours.
13 So it was kind of out of my hands at that point. I
14 kind of had to keep up with it continually.

15 Q. What were those hours that you said that you had to
16 get work done?

17 A. Um, excuse me.

18 Q. Uh, you testified that you said your work hours were
19 set within those hours within you had to complete
20 your work.

21 A. Well, it -- it would vary, uh, I mean, it would vary
22 depending which of these phases I was in. Um, I
23 had -- as I mentioned earlier there was certainly a
24 sense, even in the days where there was not -- this
25 live blog going on all day, um, that The Nation made

1 MITCHELL - WITNESS

2 clear to me that they really would like the stories
3 posted by noon because it gave them, A, a chance to
4 edit them, B, a chance to decide what was -- they
5 were going to feature on the blog for that day. Um,
6 traffic as best in the middle of the day.
7 Um, public -- publicity get publicity for the rest of
8 the day, end up on TV or whatever.
9 So in my mind there certainly was, um, a -- a lot of
10 guidance to -- to work in the morning. I didn't -- I
11 certainly didn't feel I had the option of well, I'm
12 gonna take morning off, you know, come back at 3 p.m.
13 and start posting. Uh, never felt that.

14 Q. Where did you perform your work?

15 A. At home?

16 Q. Whose decision was it for you to work from home?

17 A. Well, it was mine. But as he said, they were -- they
18 didn't have office space. So I really didn't have
19 any, um, you know, choice.

20 Q. Were you given, um, deadlines?

21 A. Well, yes, again, as I said, um, on a -- if you had a
22 daily blog, you had to blog daily, and, um, um,
23 ideally in, you know, sometime morning.

24 Q. Was your work reviewed or required approval?

25 A. Uh, certainly it was heavily reviewed, um, both in

1 KIM - WITNESS

2 have a daily thing you have to do?

3 A. It's -- it's, um, deprecations that there would be a
4 post created in that window.

5 Q. Right.

6 A. Um, certainly we prefer business hours, certainly in
7 the morning.

8 Q. Okay.

9 A. Um, uh, you know, there were no consequences if you
10 didn't do it on any particular day.

11 Q. Right.

12 A. Before noon or 1 or 2 or --

13 Q. Right.

14 A. -- 3.

15 Q. Right. Right. But there would be --

16 BY ALJ DOMINIQUE

17 Q. So the, uh -- the, uh -- The Nation Magazine wanted
18 Mr. Mitchell to cr -- um, to publish the post between
19 10 and, uh, 6?

20 A. That -- again that's really just because that's when
21 we were staffed. We have people there that can read
22 it, put it up, put in in social media. Um, there are
23 many times when Mr. Mitchell created content outside
24 of that window, um, on his own volition.

25 BY MR. MITCHELL

1 MITCHELL - WITNESS

2 A. Sure.

3 Q. Um, did -- I think when we talked last time we
4 referred to your contract, and I asked you, um -- you
5 could enter material from the blog at any location?

6 A. Right. Uh-huh.

7 Q. Um, even though the contract says, at home, you -- as
8 long as you had access to the proper computer you
9 could enter it anywhere --

10 A. Right.

11 Q. -- you could enter it into -- from --

12 A. Europe.

13 Q. Europe.

14 A. Yeah. Exactly.

15 Q. And when you took time off to go to Europe, you could
16 have entered into the blog but I think you decided
17 you didn't want to for that period --

18 A. I believe so. I believe so.

19 Q. You were visiting your daughter or something?

20 ALJ ADDISON: Yes. That is what he said.

21 BY MR. SILVERMAN

22 A. I guess. I don't know. I -- I may have taken -- I
23 took more than one trip, I think during the four and
24 a half years.

25 Q. And you were also -- when we talked about, um, under

A 40

1 MITCHELL - WITNESS

2 get people out of the East in 1962.

3 Q. And how did you get the information for that
4 prospective proposal?

5 A. I visited my daughter in G -- in Berlin. She just
6 moved to Berlin and I visited her, um, last May, I
7 mean the end of April and I was inspired and think
8 about doing this book. Do a little, you know, Google
9 searches and get a little more information and then
10 in the course of, um, starting, I think at the end of
11 May, beginning of June I started working on it?

12 A. So 2014?

13 Q. 2014. Yeah, a year -- less than a year ago.

14 Q. And, um --

15 A. No. No idea, no special interest in the subject
16 until I visited her at the end of April last year.

17 Q. Okay. Um, and did you meet with other people in
18 Germany besides, uh, talking to your daughter and
19 doing research?

20 A. Not. The -- when I got there, I got sort of
21 inspired. I visited the slate of the
22 (unintelligible, one word) and the memorial and you
23 know, got into that. I didn't formally do,
24 um -- formerly do interviews, but I did a lot of, you
25 know, looking around and listening and things like

1 MITCHELL - WITNESS

2 A. Um, I always notified, uh, Ms. Katrina and you know,
3 she never had an objection but that's all I had to
4 note because I -- I was doing a daily blog most of
5 the time. Not all the time but if I went away for 10
6 days I -- I was -- in the -- rather, um, alarmed
7 or -- not to have the --

8 Q. So you notified her that you're leaving
9 because -- but basically you made the decision just
10 the way you go and it was up to you?

11 A. I made a decision. She could have said, oh, that's a
12 terrible time for us or this and that and I would go
13 another time.

14 Q. I understand but, um, um --

15 A. I never felt I could just take off (unintelligible,
16 one second, 0:23:05) my -- notifying --

17 Q. I wasn't asking what you felt. I was just asking
18 whether you made any request for time off and the
19 answer, I think, is at issue. Um, okay. Um, did you
20 ever make any proposals to The Nation, to Katrina, to
21 other topics?

22 A. Beyond the blog?

23 Q. Well, to be included in the blog or other proposals,
24 whatever, well --

25 A. Well, I was doing -- I mean, I was doing my daily or

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1 MITCHELL - WITNESS

2 Q. Did, uh, they need to approve that time off or
3 letting them know you're going vacation is necessary?

4 A. I -- I guess not. You know, I mean, if I had -- I
5 certainly had -- since I was writing daily, I didn't
6 have the option to just go in and -- you know,
7 where's Greg, you know, um, so in that sense I felt I
8 certainly had to, um, tell them what my plans were
9 because, um, you know, there's -- there's a daily
10 expectation. It's a big problem, if someone suddenly
11 disappears.

12 Q. Is there any other testimony that you wanted to
13 provide?

14 A. Uh, yes. We didn't get to this this morning, so. Do
15 you have, um, a lot of time here, or is it pressed, I
16 don't know.

17 Q. We have about an hour.

18 A. Oh. Okay.

19 MR. KIM: Uh, could we recess just so I could
20 use a restroom or anyone can use the restroom?

21 ALJ DOMINIQUE: Sure.

22 MR. MEJIA: If anyone else wants to.

23 MR. SILVERMAN: That's gracious of you.

24 ALJ DOMINIQUE: We'll take a 10-minute recess.

25 MR. MEJIA: Oh. Okay.

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1 KIM - WITNESS
2 A. Yeah.
3 Q. And, um, did The Nation provide that to him?
4 A. No.
5 Q. Do -- do you know whether he, um, took vacations, uh,
6 visited France or --
7 A. I -- I'm -- I'm sure he did.
8 Q. Was that, um -- did he ask you?
9 A. He never asked me. Um, you know, I think there might
10 have been a head's up e-mail. I'm going away for two
11 weeks and see you at the end of August or whatever.
12 Um, but we never approved vacation days.
13 Q. And actually, he would be free to blog from Russia or
14 from -- from --
15 A. From --
16 Q. From --
17 A. -- from wherever he happened to be.
18 Q. You --
19 A. Yes.
20 Q. -- wherever he was?
21 MR. SILVERMAN: Um, um, okay, if I may have a
22 moment, Your Honor, just --
23 Okay. I -- I have nothing further.
24 ALJ DOMINIQUE: Mr. Mitchell, questions for this
25 witness?

1 MITCHELL - WITNESS

2 A. Sorry?

3 Q. Did you get around \$50,000?

4 A. Yeah. Around, I -- I think actually, um, and I have
5 e-mails on this the second year, I said I wanted a
6 raise, um, so I asked for a raise and then I got
7 51,000 or 52,000 and I think the money all came from
8 The Nation Institute but she, um, gave me what I had
9 asked for.

10 Q. Was there any conversation about what she wanted you
11 to do specifically?

12 A. Um, well, yeah. We -- it was -- you know, I mean it
13 first started out, you know, we want you to do media.
14 This is what we need. This is where we're lacking,
15 we want more media. Then, okay, what are you going
16 to do? Um, you can write a daily column, column.
17 You can write a weekly column. You could -- a lot of
18 different ways. She knew that I had been ed -- at
19 Editor & Publisher I had been a very popular blogger.
20 I had a lot of -- a lot of -- unlike a lot of people
21 my age, um, I had a lot of experience blogging. Um,
22 and mentioned Huffington Post, um, my own blog. Um,
23 and so it was -- it wasn't a big lead for her to say,
24 well, you know, I know you've done books and written
25 articles but, you know, you'd be perfect for

1 MITCHELL - WITNESS

2 Q. Right. And you, uh, before you were -- did, uh, work
3 for The Nation magazine you were an editor and
4 publisher. Can you tell us what that job was?

5 A. I was the editor of Editor & Publisher magazine,
6 national magazine for, um, I was there for 10 years,
7 the last 8 years was as the editor.

8 ALJ DOMINIQUE: And I apologize. Not to
9 interrupt, Mr. Silverman. I am sorry for your loss.
10 I think, um, just trying to get through all these
11 hearings I kind of overlooked that. Okay. Um --

12 MR. SILVERMAN: I appreciate that.

13 ALJ DOMINIQUE: Okay.

14 Mr. Mitchell, you may go ahead.

15 BY MR. SILVERMAN

16 Q. And, um -- and how many years were you
17 (unintelligible, one second, 0:07:19)?

18 A. Um, four years and three months.

19 Q. During that period of time, um, did you perform work
20 for any other organizations?

21 A. Um, I wrote blog posts for Huffington Post off and
22 on. There was a period where I wrote quite a few and
23 a period (unintelligible, one second, 0:07:43)
24 encouraged to by Nation and a period where I didn't
25 write at all -- um, other organizations, if you mean,

1 MITCHELL - WITNESS

2 to you?

3 A. Um, it means, um, that, um, let's say I wrote an
4 article, um, a column for The Nation, um, that, um, I
5 was free to then post it elsewhere, um, within 48 or
6 after 48 hours, uh, if I, you know, gave The Nation
7 some creditors that where it came from.

8 Q. Okay.

9 A. Um, and that this was done -- in fact encouraged to
10 do this because it spread publicity for The Nation.
11 You know, it was like publicity of The Nation.

12 ALJ ADDISON: Do you have any other questions on
13 this document, sir?

14 MR. MEJIA: No, I don't.

15 ALJ ADDISON: Mr. Mejia, do you have comments or
16 objections to making the agreement part of the
17 record?

18 MR. MEJIA: I do not.

19 ALJ ADDISON: Mr. Mitchell, do you?

20 (Beeping sound)

21 I'm sorry. I can't make that be quiet.

22 Mr. Mitchell, do you have comments or objections
23 to making the March 11, 2013 agreement part of the
24 record?

25 MR. MITCHELL: Um, well, the only objection

1 MITCHELL - WITNESS

2 A. Oh, I wrote, um -- I wrote -- I wrote a book about
3 WikiLeaks. I wrote a book about Bradley Manning who
4 was involved in WikiLeaks case. Uh, I actually
5 coauthored a book about that. I co-wrote a book
6 about, um, Beethoven and the influence in culture and
7 politics. Um, I did a brief digital book on, um, my
8 past interviews with (unintelligible, one second,
9 0:13:10). Um, I did research on --

10 Q. Are you working on a book now about your
11 Germany -- Tunnels of Germany?

12 A. Well, that's my next project.

13 Q. Your next project?

14 A. Yeah. Yeah.

15 Q. And so what does it involve in that.

16 MR. MEJIA: Objection. That is outside the
17 scope of the time frame of the determination.

18 MR. SILVERMAN: But it's in the time frame of
19 the determination. He's working on it coming
20 up -- he's working on it, now.

21 ALJ DOMINIQUE: Um --

22 MR. SILVERMAN: He was working on it while he
23 was blogging for The Nation. That's the question.

24 ALJ DOMINIQUE: Okay. You can ask that question.
25 Is that correct, Mr. Mitchell?

1 MITCHELL - WITNESS

2 get people out of the East in 1962.

3 Q. And how did you get the information for that
4 prospective proposal?

5 A. I visited my daughter in G -- in Berlin. She just
6 moved to Berlin and I visited her, um, last May, I
7 mean the end of April and I was inspired and think
8 about doing this book. Do a little, you know, Google
9 searches and get a little more information and then
10 in the course of, um, starting, I think at the end of
11 May, beginning of June I started working on it?

12 A. So 2014?

13 Q. 2014. Yeah, a year -- less than a year ago.

14 Q. And, um --

15 A. No. No idea, no special interest in the subject
16 until I visited her at the end of April last year.

17 Q. Okay. Um, and did you meet with other people in
18 Germany besides, uh, talking to your daughter and
19 doing research?

20 A. Not. The -- when I got there, I got sort of
21 inspired. I visited the slate of the
22 (unintelligible, one word) and the memorial and you
23 know, got into that. I didn't formally do,
24 um -- formerly do interviews, but I did a lot of, you
25 know, looking around and listening and things like

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1 MITCHELL - WITNESS

2 Q. Okay. Do you know -- are you aware of anything that
3 would prevent you from doing that as long as you were
4 responsible for the blog? Could you acquire -- just
5 say -- just say for example, you were covering, um,
6 Occupy Wall Street. Could you have hired someone to
7 have gathered information for you?

8 A. I, you know -- that -- I guess so.

9 Q. And if you did you would pay them --

10 A. I guess so, yeah.

11 Q. And -- did you ever, um, advertise for additional
12 work -- did you ever try to get additional work
13 beyond the post of The Nation. Did you try to get
14 additional blogging work or --

15 A. By advertise, do you mean --

16 Q. Solicit work or --

17 A. Um, very, very little in that period. Um, you know,
18 I had a couple of book proposals that, um, didn't
19 sell yet. I did short proposals that I had
20 been -- I'm not even sure she did. No, I think it
21 was -- I had a couple ideas for books. I wrote up
22 short proposals. I sent them to two or three
23 publishers or whatever and they didn't go anywhere.
24 So I mean -- I -- I did not, um -- I had very little
25 contact with the other, um, magazines or things like

1 VANDEN HEUVEL - WITNESS

2 on my own change the overall focus of the blog?

3 Not -- not -- not one individual piece for that day
4 but if suddenly I started writing regularly about
5 something --

6 A. I mean, there was a broad -- again I -- there
7 was -- an interest in you because of your expertise
8 as someone who had shown, you know, in an independent
9 different way, the media -- the media criticism.
10 Media criticism can be stretched and thought through
11 and redefined and broadened.

12 Q. Uh-huh.

13 A. But that was the general mandate. But my memory is
14 you did go off in some other areas occasionally and I
15 don't recall saying, pull back or anyone doing at The
16 Nation.

17 Q. But do you recall me ever going off into another are
18 for, you know, weeks and then you --

19 A. Not weeks. But as I mentioned you -- you had your
20 own personal passions, you know, Upton St. Claire,
21 the Beethoven. You did that occasionally.

22 Q. Right. But -- well, let me -- do get a good example,
23 ask you about. Was I -- do you recall when I wanted
24 to quit the WikiLeaks focus after five months or
25 something, do you recall telling me I had to continue

1 MITCHELL - WITNESS

2 Ellsberg, that's somebody responding to this -- what
3 you tweeted?

4 A. No. That's me retweeting something Daniel Ellsberg
5 tweeted. This would be all -- everything on this
6 page or if you had more pages would be things that
7 I --

8 Q. Sent out?

9 A. -- entered, right exactly.

10 Q. Okay.

11 A. So if I like something that Daniel Ellsberg tweeted I
12 can retweet it.

13 Q. Okay.

14 ALJ ADDISON: Mr. Silverman, do you have
15 comments or objections to making it part of my
16 record?

17 MR. SILVERMAN: I have one question on it.

18 BY MR. SILVERMAN

19 Q. What -- I'm not sure -- Mr. Mitchell says, to
20 February 2012 --

21 A. Uh-huh.

22 Q. -- re my new book on Beethoven.

23 Q. Are you referring to your book on Beethoven?

24 A. My -- yeah, my new book. Yeah. Uh-huh.

25 Q. And this Twitter account, this wasn't the one that

1 VANDEN HEUVEL - WITNESS

2 It has nothing to with the relevant -- with, you
3 know, the relevant -- this was a case where, you
4 know, Greg was promoting I think the forthcoming
5 paper bomb. I mentioned the Beethoven. But the
6 others are in sync, uh, why WikiLeaks matters. But my
7 memory is it was more concentrated when he sort of
8 went off, WikiLeaks here, WikiLeaks there, Daybook.

9 BY ALJ ADDISON

10 Q. And who wrote these little blurbs, the Web?

11 A. Well, that I don't know. I have to say I think there
12 was back and forth about who was responsible for.

13 Uh, Greg may have done some. Um --

14 Q. Am I following? This is sort of a summary --

15 A. Yes.

16 Q. -- and if you're interested --

17 A. Yeah.

18 Q. -- by that teaser you -- you could click?

19 A. Yeah. Yeah. Exactly.

20 Q. Got it. So does this look like a sample of his blog?

21 A. Yeah. And one of the pieces here on the Web site is
22 the article I mentioned, did appear in the magazine.

23 The one article I recall, um, suggesting to Greg.

24 That's the one in evidence. The Margaret Mitchell.

25 Q. I don't see Margaret Mitchell.

1 VANDEN HEUVEL - WITNESS

2 ALJ ADDISON: Yes. Yes.

3 MS. VANDEN HEUVEL: The title.

4 MR. MITCHELL: I mean she doesn't want me to say
5 anything, so.

6 ALJ ADDISON: Next question, Mr. Mejia.

7 BY MR. MEJIA

8 Q. Well, well, let me show you some screenshots that
9 what purports to be the Web site of The Nation. You
10 can tell me if that is the -- the Web site of The
11 Nation and this is the actual blog that Mr. Mitchell
12 worked on. At the upper right there's, um -- a URL.
13 Is that the, um --

14 A. So then there was no rubric, I guess. I mean, I
15 just -- it was just a blog. It wasn't -- it's
16 changed, you know, every year or so at The Nation Web
17 site. We're making changes. We're, in fact, making
18 changes in a month with a new Web site. So, um, this
19 is one inclination. There was a moment where, um,
20 Greg Mitchell was doing -- my memory is just doing
21 daily -- again I said, WikiLeaks or Rupert Murdoch
22 or, uh, Occupy. These don't reflect that period.
23 Now, I just, you know, on the Upton St. Clair, this
24 was a case where all power to Greg Mitchell, he wrote
25 a very good biography of Upton St. Clair's campaign.

1 VANDEN HEUVEL - WITNESS

2 A. Um, an aggregation of news items, uh, that would
3 guide people how to think about news politics,
4 opinion. Uh, I don't remember if that came to pass.
5 I think Greg chose different variations on that.
6 Again, more thematic. Greg proposed also doing
7 something more on 20, um, 2016 -- not 2016 but on
8 that election then which we didn't -- we decided not
9 to move on. And Greg had proposed doing more
10 political coverage and we didn't proceed it.

11 Q. But what if you'd opened up your -- the Web site like
12 you said you did a few minutes ago and yet he was
13 talking about this elections?

14 A. The -- uh, what Greg was interested in was a much
15 more focused rubric, you know, but he did engage with
16 subjects of his choice. In fact, he was also
17 tweeting on his own site, using social media to use
18 his personal twitter, I don't know Facebook. But
19 there were -- there was a lot of integration between
20 his own personal site and The Nation. And I have,
21 you know, these are things we didn't propose but Greg
22 was working on a number of other projects. I think
23 there was something about Beethoven's 9th
24 Symphony -- 9th Symphony and Greg would post about
25 that to promote his own work in different areas.

1 VANDEN HEUVEL - WITNESS

2 electronic and other rights for pieces published in
3 the magazine's Web site -- in the magazine and Web
4 site."

5 Q. The entire thing. It goes on a little further,
6 right?

7 A. Uh, "Cross posting of pieces published in the
8 magazine and Web site to sites other than your
9 personal blog is authorized after a waiting period of
10 no less than 48 hours. If the following stipulations
11 are met, Nation attributions included in the lead
12 with a statement that this article originally
13 appeared in the X issue of The Nation magazine or
14 this article originally appeared in thenation.com,
15 and a link back is included in the attribution"

16 Q. Okay. So, Mr. -- Mr. Mitchell had to follow that
17 stipulation, correct?

18 A. My understanding is -- that is part of why we have
19 this arrangement. But we have it with others who
20 blog, um, writers who are freelance writers. For
21 example, freelance writers who write one or two
22 pieces for The Nation get that first half of the
23 clause about not exclusive rights to anthology.

24 Q. Okay. Give me one moment, please.

25 A. The second piece of that has to do with blogging

1 MITCHELL - WITNESS

2 arrangement, um, um, um, for -- this would have been
3 starting my final year.

4 Q. Okay. So this was the last contract that you had in
5 place with The Nation?

6 A. Uh, yes.

7 Q. All right. Um, if you go to question -- I'm sorry.
8 Point number 10 on this document.

9 A. Uh-huh.

10 Q. Uh, it says, "The magazine will have nonexclusive
11 anthology electronic or other rights to the pieces
12 published in the magazine and Web Site as provided
13 for in our standard contract which you signed
14 previously." Um, "cross posting a piece as published
15 in the magazine and Web site to sites other than your
16 personal is authorized after a waiting period of no
17 less than 48 hours if the following stipulations are
18 met. One, The Nation -- The Nation attribution is
19 included in the lead with the statement that this
20 article originally appeared in the X issue of The
21 Nation magazine or this article originally appeared
22 in thenation.com and 2, a link back is included in
23 the attribution."

24 Um, so after reading this point number 10, is it your
25 understanding that there was some restrictions that

1 MITCHELL - WITNESS

2 Q. Okay. Do you know -- are you aware of anything that
3 would prevent you from doing that as long as you were
4 responsible for the blog? Could you acquire -- just
5 say -- just say for example, you were covering, um,
6 Occupy Wall Street. Could you have hired someone to
7 have gathered information for you?

8 A. I, you know -- that -- I guess so.

9 Q. And if you did you would pay them --

10 A. I guess so, yeah.

11 Q. And -- did you ever, um, advertise for additional
12 work -- did you ever try to get additional work
13 beyond the post of The Nation. Did you try to get
14 additional blogging work or --

15 A. By advertise, do you mean --

16 Q. Solicit work or --

17 A. Um, very, very little in that period. Um, you know,
18 I had a couple of book proposals that, um, didn't
19 sell yet. I did short proposals that I had
20 been -- I'm not even sure she did. No, I think it
21 was -- I had a couple ideas for books. I wrote up
22 short proposals. I sent them to two or three
23 publishers or whatever and they didn't go anywhere.
24 So I mean -- I -- I did not, um -- I had very little
25 contact with the other, um, magazines or things like

1 MITCHELL - WITNESS

2 the contract, your responsibility was to produce a
3 document for the blog but you could have somebody,
4 say gather the evidence or information for you, give
5 it to you and you could have put it onto the blog.
6 As long as you were responsible for the product? I
7 think I asked you that question and you said that
8 technically you could have done that even though you
9 may not have, is that right?

10 A. Well, I happened as I testified, sometimes with
11 interns, Nation interns, I -- I wouldn't
12 have -- I -- I don't know if your original question
13 was more like someone out there, could give me
14 material, um, but certainly Nation interns gave me
15 material that I included in --

16 Q. There's nothing in your contract which concludes you
17 can hire somebody as your assistant --

18 A. Yeah.

19 Q. -- and -- and have them produce material for you?

20 A. I guess. I guess, yeah.

21 Q. That was my -- that was my question. You could have
22 done that if you wanted?

23 A. Um, well, um, ethically, no. I mean, in terms of
24 writing, um, under my name. Um, producing, doing
25 research, yeah, sure. Like I could have hired

1 MITCHELL - WITNESS

2 A. I was paid, um, basically a month to monthly check.

3 I think the first year it was twice a month and then
4 there were, you know, checks would get lost or come
5 late so I said, look. Okay. Once a month. Um, but,
6 um, yeah, it was by check.

7 Q. Did you have to submit anything to receive payment?

8 A. Uh, no.

9 Q. Did you receive a 1099?

10 A. Yes.

11 Q. Were you provided any benefits like vacation,
12 holidays, sick time, (unintelligible, one second,
13 1:20:41)?

14 A. Uh, no.

15 Q. Did you (unintelligible, one second, 1:20:46) shares
16 like (unintelligible, one second, 1:20:47) or workers
17 compensation?

18 A. No, no.

19 Q. Uh, did you work out of a -- did you have any work-
20 related expenses?

21 A. Work-related?

22 Q. Expenses?

23 A. Um, well, yeah. I -- I -- I -- I, uh, yeah, but the
24 contract you see, they -- they -- they, um, would,
25 um, I think each year they said I could spend 2,000

1 VAN VALKENBURG - WITNESS

2 his reputation, um, you know, just to see because
3 there's a big page on Wikipedia about him. So, you
4 know, I looked at that, all those kinds of things.
5 Um, um, what else did I do? Um, I think that was the
6 main thing. Um, there might have been s -- did I say
7 in here -- I'm trying to find it. Because I know
8 that in my own contact with -- with, um, Mr.
9 Mitchell, I did have one little conflict where he was
10 expecting his payments to be made on a certain date.
11 And, um, um, I was explaining and I did this in
12 writing that -- that our vendors are normally paid on
13 a 30-day basis and so, you know, that's what you're
14 entitled to. As a courtesy, if he was needing money,
15 whatever, you know, I'd try to make it so that, um,
16 there was a certain regularity to that. But
17 what -- the only thing I ever guaranteed is if
18 somebody's going to be paid net 30. So that is
19 something that, um, was in my relationship with him.
20 Um, but I -- I think that probably covers everything.

21 BY MR. MEJIA

22 Q. One moment, please.

23 A. I was -- our insurance policies as well. He wasn't
24 covered under that.

25 Q. Um, one moment.

1 MITCHELL - WITNESS

2 A. I was paid, um, basically a month to monthly check.
3 I think the first year it was twice a month and then
4 there were, you know, checks would get lost or come
5 late so I said, look. Okay. Once a month. Um, but,
6 um, yeah, it was by check.

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12 holidays, sick time, (unintelligible, one second,
13 1:20:41)?

14 A. Uh, no.

15 Q. Did you (unintelligible, one second, 1:20:46) shares
16 like (unintelligible, one second, 1:20:47) or workers
17 compensation?

18 A. No, no.

19 Q. Uh, did you work out of a -- did you have any work-
20 related expenses?

21 A. Work-related?

22 Q. Expenses?

23 A. Um, well, yeah. I -- I -- I -- I, uh, yeah, but the
24 contract you see, they -- they -- they, um, would,
25 um, I think each year they said I could spend 2,000

1 MITCHELL - WITNESS

2 to 2,500 for -- mainly for travel but I only went to
3 a couple of conferences. There was one conference in
4 Boston I spoke at. Um, but I rarely, if
5 ever -- except for that pace and maybe one other I
6 didn't really file a -- expense -- expenses with
7 them.

8 Q. Did you receive, um, compensation for expenses or did
9 you -- or -- did you have to do anything?

10 A. Receipts, yeah. Uh-huh. Sure.

11 Q. Did you receive any training or orientation?

12 A. Um, well, training in the sense of, um, you know,
13 as -- as he mentioned, um, um, Web site, um, um,
14 rules and Web site, what I would -- he -- he didn't
15 want to call it a style manual but there was
16 certainly style. You know, this is how you want
17 to -- submit things and this is, uh, you know, basic
18 rules you should follow. I mean it went beyond
19 just -- here's how you press the button to get this
20 thing posted, it was also general guidelines.

21 Q. Now, when you started working there, um, did you ever
22 receive any instructions from the -- any staff
23 members?

24 A. Not really. No. I, um, instructions. No,
25 I -- I -- I don't think so.

1 MITCHELL - WITNESS

2 Q. -- through the blog.

3 A. -- beyond like -

4 Q. Okay. I'm sorry.

5 A. One -- I never got -- beyond my contract, I was never

6 paid a bonus for something extra (unintelligible, one

7 second, 0:31:35) sometimes expected.

8 Q. Okay. Um, were you aware that The Nation magazine

9 thought that you were an independent contractor and

10 not an employee?

11 A. I can't speak to the (unintelligible, one second,

12 0:31:46).

13 Q. Did we know -- you never received any -- if you

14 recall any notice or anything from The Nation

15 magazine indicating that it was their impression that

16 you were, um, an independent contractor not an

17 employee? Do you recall?

18 A. Um, it made -- it may be in the contract.

19 Q. Okay.

20 A. I -- some reference to the contract or --

21 Q. No. But I'm asking whether you recall anything that

22 The Nation discussed with you about your relationship

23 with them as an independent contractor.

24 MR. MEJIA: Objection. What's the relevance

25 here?

1 MITCHELL - WITNESS

2 MR. SILVERMAN: It's relevant whether or not he
3 was told he was an independent contractor. I think
4 that's relevant.

5 MR. MEJIA: Well, I mean his employee --
6 employee status would be determined by supervision,
7 direction and control as opposed to what the
8 employer's thoughts are.

9 MR. SILVERMAN: Thoughts. I didn't say
10 thoughts.

11 MR. MITCHELL: Okay.

12 ALJ DOMINIQUE: Well -- well, let's ask it that
13 way.

14 BY ALJ DOMINIQUE

15 Q. Did they notify you that you were working as an
16 independent contractor?

17 A. I think possibly in the contract.

18 Q. Okay.

19 MR. SILVERMAN: (Unintelligible, one second,
20 0:32:53). Let's see.

21 BY ALJ DOMINIQUE

22 A. I certainly don't remember any conversations if you
23 are an independent contractor or anything like that.
24 If it's anywhere, it's in the contract. I can't say.

25 MR. SILVERMAN: Well -- (unintelligible, one

1 MITCHELL - WITNESS

2 how you were paid by The Nation? Could you --

3 A. Yes.

4 Q. -- explain that for the record?

5 A. Um, I was paid by check. I was paid, um -- I can't
6 remember whether it started once a month and then,
7 uh, it may have started once a month -- it may have
8 started once every two weeks for the first year or
9 something like that and then, you know, it was just
10 easier and checks -- some checks were not arriving so
11 they switched to once a month. So by the last, you
12 know, two years it was always once a month.

13 Q. And were taxes taken out of that?

14 A. No.

15 Q. And are you a paid by an 1199 (sic) in the --

16 A. Yeah. Or 1099.

17 Q. -- 1099. I'm sorry.

18 A. It's okay. We're going to really be in trouble --

19 Q. Yes. I apologize; 1099. Um, and how did you file
20 your taxes? Under what, uh, classification?

21 A. Well, I filed a, um -- a self-employment -- I mean my
22 file a joint return with my wife. Um, so we had
23 various income from, you know, whatever properties or
24 whatever small things here and there. She had her
25 own, um, filings.

1 MITCHELL - WITNESS

2 something like, um, writer, performer and,
3 um -- and -- I don't have it here anymore. Something
4 like writer/performer and -- independent writer,
5 performers and, um, I'm afraid I don't --

6 Q. That's all right. Okay. Um, um, did you have any
7 personal stationary?

8 A. No.

9 Q. No business card?

10 A. No.

11 Q. Um, did you, um -- did you have any role in producing
12 writing -- Wikipedia entries (unintelligible, one
13 second, 0:09:55)?

14 A. Um, I think I -- over the years I over the years I
15 edited -- I added three or four things, a page, or
16 something. I couldn't tell you what. Other people
17 do it. Um, as you know anyone in the world can do
18 it. Um, Wikipedia editors can do it. If they know
19 someone's, you know, published a book or changed
20 their thing, um --

21 Q. Uh-huh.

22 A. Certainly over the many years I have updated at
23 times.

24 Q. Um, did you -- did you review a copy of it to see
25 whether or not it's accurate? I can show you a copy

1 MITCHELL - WITNESS

2 Q. I don't really need numbers. Is it possible? Did it
3 happen like that? That you said --

4 A. Oh, sure. As I said there were -- there were other
5 cases where we've been on a broad subject where The
6 Nation had three or four or five different people
7 writing on it and I -- I see whether, um, you know,
8 whether that was double work or something like that.

9 Q. That's enough. I don't need any more detail on that.

10 ALJ ADDISON: Next question.

11 BY MR. SILVERMAN

12 Q. Now, you said you wrote daily for the, um, blog?

13 A. Most --

14 Q. Is that right?

15 A. Most of the time.

16 Q. When you say most of the time, well, what were the
17 exceptions?

18 A. Um, there were periods where it was -- it was
19 more -- and again, I hate to keep going over the
20 periods again, but first, when the blog was
21 announced, in the first roughly six months or eight
22 months, or whatever it was, I was supposed to and did
23 produce a blog every morning. In fact it was called
24 Daybook, it was sort of the subtitle for the blog
25 during that period. And so every morning by like 9

1 MITCHELL - WITNESS

2 o'clock in the morning, 9:30 in the morning. I was
3 expected to put a (unintelligible, one word) of links
4 from around the Internet of interesting stories, so
5 that people would get up. They'd sign on. Nation
6 readers would go to the site and they'd say, oh,
7 there's Greg Mitchell's Daybook. The 10 great links,
8 I don't know about -- and then during the day I would
9 keep adding links to it. Um, so that was certainly
10 every day.

11 Then I started WikiLeaks. Which was seven days a
12 week, um, not just weekdays. Um, then when that
13 ended there may have been a period where it was three
14 times a week, four times a week. I would say, well,
15 if you don't have any particular day well, that's
16 okay. You're producing a lot of stuff. You know,
17 you're doing great stuff three or four times a week.
18 Enough to do it five times a week. And then Occupy
19 Wall Street, again it was seven days a week for six
20 months. Uh, then there was a period where, um, in
21 the final year I think before the final year, um,
22 Katrina and Richard Kim felt that, um, it would be
23 better -- maybe it would be better for the audience
24 or whatever that I would write one major piece a week
25 instead of four or five short pieces. Uh, I

1 MITCHELL - WITNESS

2 Q. I don't really need numbers. Is it possible? Did it
3 happen like that? That you said --

4 A. Oh, sure. As I said there were -- there were other
5 cases where we've been on a broad subject where The
6 Nation had three or four or five different people
7 writing on it and I -- I see whether, um, you know,
8 whether that was double work or something like that.

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20 periods again, but first, when the blog was
21 announced, in the first roughly six months or eight
22 months, or whatever it was, I was supposed to and did
23 produce a blog every morning. In fact it was called
24 Daybook, it was sort of the subtitle for the blog
25 during that period. And so every morning by like 9

1 KIM - WITNESS

2 have a daily thing you have to do?

3 A. It's -- it's, um, deprecations that there would be a
4 post created in that window.

5 Q. Right.

6 A. Um, certainly we prefer business hours, certainly in
7 the morning.

8 Q. Okay.

9 A. Um, uh, you know, there were no consequences if you
10 didn't do it on any particular day.

11 Q. Right.

12 A. Before noon or 1 or 2 or --

13 Q. Right.

14 A. -- 3.

15 Q. Right. Right. But there would be --

16 BY ALJ DOMINIQUE

17 Q. So the, uh -- the, uh -- The Nation Magazine wanted
18 Mr. Mitchell to cr -- um, to publish the post between
19 10 and, uh, 6?

20 A. That -- again that's really just because that's when
21 we were staffed. We have people there that can read
22 it, put it up, put in in social media. Um, there are
23 many times when Mr. Mitchell created content outside
24 of that window, um, on his own volition.

25 BY MR. MITCHELL

1 MITCHELL - WITNESS

2 A. Pardon?

3 Q. Who set your work hours?

4 A. Um, well, it -- it -- it -- I mean, it -- I guess, I
5 did except within the demands of having to get the
6 work done by a certain time. Get a -- get a lot of
7 work done by whether it was 9:30 or noon or whatever,
8 um, and the demands, you know, the WikiLeaks and
9 Occupy blogs, they're sort of referred to as live
10 blogs. Um, meaning you're kind of expected to update
11 every, you know, as things happen which could be
12 every hour or every 20 minutes or every two hours.
13 So it was kind of out of my hands at that point. I
14 kind of had to keep up with it continually.

15 Q. What were those hours that you said that you had to
16 get work done?

17 A. Um, excuse me.

18 Q. Uh, you testified that you said your work hours were
19 set within those hours within you had to complete
20 your work.

21 A. Well, it -- it would vary, uh, I mean, it would vary
22 depending which of these phases I was in. Um, I
23 had -- as I mentioned earlier there was certainly a
24 sense, even in the days where there was not -- this
25 live blog going on all day, um, that The Nation made

1 MITCHELL - WITNESS

2 Now, I -- I would be sitting at home. I would file
3 my story for that day via, um, The Nation sign
4 on -- I would sign onto The Nation site. Okay.
5 Press a button. My story would get posted or
6 would -- it would get posted. There might be a delay
7 in posting. But as soon as I submitted it I was
8 supposed to contact my intern who would then be the
9 first person to edit my -- my story. Uh, it might
10 take five minutes. It might take 30 -- 30 minutes.
11 I don't know. Uh, often another Nation editor would
12 then edit it. Um, I think in some cases they kind of
13 caught up with it later or whatever but, um, if there
14 was -- if the intern had made -- and -- and this
15 happened sometimes. The intern made some, you know,
16 silly mistake or introduced an error just because
17 they didn't know, you know, the subject or changed
18 some writing -- changed something -- writing I didn't
19 like, then I would contact the intern and sometimes
20 they would, you know, they'd have a good explanation
21 and be fine. Other times they'd say, oh, yeah.
22 That's a bad error. Let me go in and fix it.
23 Interns did not generally write -- they felt -- there
24 was one particular intern who did -- did -- did
25 writing for me on the blog. There were a couple

1 MITCHELL - WITNESS

2 mean they're --

3 Q. All right. So --

4 A. -- colloquial they want to be. They're a left-
5 liberal publication going back progressive
6 from -- from their founding more or less.

7 Q. Okay. So and I can't think of an example. Could you
8 have written a right-wing provocative article
9 under -- in this blog?

10 A. Um, I mean, I guess I could have written it and
11 posted it then I certainly would expect that I would
12 have heard -- heard -- heard about it and, um, I
13 mean, there's -- you can write at The Nation. You
14 can write things that aren't completely in sync with
15 their editorial policy but I think a right-wing
16 provocative column, you know, generally gets flagged.
17 I -- I certainly, mean. Mr. Kim said, you know,
18 besides saying that I was closely monitored and
19 everything. He said, that anybody could monitor what
20 I was doing just by reading the site every day.
21 Because we talked about, you know, whether -- what
22 was the scrutiny like and he just sort of said, well,
23 everyone at the magazine could see what I was writing
24 every day on the blog. It was out there for -- for
25 all to see. So certainly I didn't feel I was

1 MITCHELL - WITNESS

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3 my story for that day via, um, The Nation sign
4 on -- I would sign onto The Nation site. Okay.
5 Press a button. My story would get posted or
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15 happened sometimes. The intern made some, you know,
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23 Interns did not generally write -- they felt -- there
24 was one particular intern who did -- did -- did
25 writing for me on the blog. There were a couple

1 KIM - WITNESS

2 Q. What were, um, the arrangement (sic) with regards to
3 what he would write about and he would write, uh, how
4 was that communicated to you?

5 A. So -- so there was a broad direction to write about
6 the media, um, and politics. Um, sometimes, you
7 know, there would be e-mail back and forth between me
8 and Greg, um, or Katrina and Greg on, um, ideas, you
9 know, which we do often with writers. Hey, this and
10 this happened, today. Is that of interest to you?
11 Um, the terms under which he actually wrote those
12 things were really turned by -- by Greg Mitchell.
13 Um, he would file when he was ready and -- and, um,
14 we would on our end, um, my staff would work to then
15 make that presentable to the public. So we would
16 copy edit it and we would put images on it and we
17 would, um, you know, do things like that.

18 Q. So I -- in a typical week, can you give me an idea of
19 how this process occurred?

20 A. Um, he -- he would create a post in the morning, um,
21 and then there would be some back and forth with
22 other staff members and interns. He would update the
23 post throughout the day with very short, you know,
24 couple of sentence, um, snippets of links and news
25 from other sources. Um, that was typically how we

1 KIM - WITNESS

2 proceeded. Again, there was a lot of variation in
3 the -- in the -- in the relationship. So there were
4 times when, um, he didn't write at all and then there
5 were times when he wrote rather infrequently but I
6 would say the majority of the time it was a short
7 daily post that would grow a little bit throughout
8 the day.

9 Q. Did he know to write daily or was it his, um,
10 discretion whether he wrote on a daily basis?

11 A. Um, you know, I believe that's what he pitched to us,
12 a sort of daily aggregated blog.

13 Q. And then when, for example, he would create the post,
14 um, did he choose what he was, um --

15 A. The content -- the contents of the post and the topic
16 were really -- entirely his choice. The -- again,
17 there would be, as editors we would often make
18 suggestions. Um, and we would -- at the end of the
19 day, since it's my publication and I have to vouch
20 for everything that goes up, if something didn't meet
21 the standards of the publication we would -- we could
22 ask for corrections or we could ask to -- to take it
23 down and sometimes we would. But he was really -- it
24 was his choice as to which subjects he would
25 particularly cover that day. Um, the treatment he

1 KIM - WITNESS

2 would give them, the angle, the opinions expressed
3 within. Um, where he would link to. That was all
4 determined by, um, Mr. Mitchell.

5 Q. Before it was published to the public, made available
6 to the public was there a due process for his work?

7 A. Um, so that -- the -- it varied throughout the course
8 of the relationship. At some points there was. It
9 just went up. Um, as we -- as my staff grew we
10 really needed to -- to maintain quality control over
11 everything that was published so there was a review
12 of it for, um, it's, um, um, you know, its adherence
13 to our standards, um, in terms of just grammar, copy
14 and editing, um, working links, images sized
15 correctly.

16 Q. And at what point and time -- so you said he worked
17 there February 2010 to June 2014?

18 A. Yes.

19 Q. And at what point and time did that review start?

20 A. Huh, you know, I don't -- I don't really -- I can't
21 remember correctly?

22 Q. Was it for a few months before his time ended, a
23 couple --

24 A. No.

25 Q. -- of years?

1 MITCHELL - WITNESS

2 I'll try to get up at noon. You know, they'd like
3 that and that would be it.

4 So there were days when I was done by noon or 1
5 o'clock. There were days I was -- was up half the
6 night.

7 Q. Did you, um, basically work, um, every day, Monday
8 through Fridays?

9 A. Yeah. Almost. I would say. There were days when
10 I -- when I didn't work if I -- if I had been, um,
11 doing a lot of stuff, uh, and, uh -- and Richard
12 mentioned there was a -- a rather brief period last
13 year where -- and again, this is another example of
14 how I was, um -- I didn't have the freedom to do
15 exactly what I wanted. I was told that -- okay, we
16 want you to start writing a weekly -- basically a
17 weekly column, um, and that's going to be a better
18 way for the blog to work and I said, I don't -- I
19 disagree I think, you know, posting every day or
20 three days a week or something is -- is much better
21 and, um, they said, no. We think, um, writing once a
22 week is going to be better, longer and so I went
23 along with it for a couple of months. It didn't work
24 out very well and then went back to the daily blog.

25 Q. Who was it that set your work hours?

1 KIM - WITNESS

2 have a daily thing you have to do?

3 A. It's -- it's, um, deprecations that there would be a
4 post created in that window.

5 Q. Right.

6 A. Um, certainly we prefer business hours, certainly in
7 the morning.

8 Q. Okay.

9 A. Um, uh, you know, there were no consequences if you
10 didn't do it on any particular day.

11 Q. Right.

12 A. Before noon or 1 or 2 or --

13 Q. Right.

14 A. -- 3.

15 Q. Right. Right. But there would be --

16 BY ALJ DOMINIQUE

17 Q. So the, uh -- the, uh -- The Nation Magazine wanted
18 Mr. Mitchell to cr -- um, to publish the post between
19 10 and, uh, 6?

20 A. That -- again that's really just because that's when
21 we were staffed. We have people there that can read
22 it, put it up, put in in social media. Um, there are
23 many times when Mr. Mitchell created content outside
24 of that window, um, on his own volition.

25 BY MR. MITCHELL

1 MITCHELL - WITNESS

2 A. Um, I always notified, uh, Ms. Katrina and you know,
3 she never had an objection but that's all I had to
4 note because I -- I was doing a daily blog most of
5 the time. Not all the time but if I went away for 10
6 days I -- I was -- in the -- rather, um, alarmed
7 or -- not to have the --

8 Q. So you notified her that you're leaving
9 because -- but basically you made the decision just
10 the way you go and it was up to you?

11 A. I made a decision. She could have said, oh, that's a
12 terrible time for us or this and that and I would go
13 another time.

14 Q. I understand but, um, um --

15 A. I never felt I could just take off (unintelligible,
16 one second, 0:23:05) my -- notifying --

17 Q. I wasn't asking what you felt. I was just asking
18 whether you made any request for time off and the
19 answer, I think, is at issue. Um, okay. Um, did you
20 ever make any proposals to The Nation, to Katrina, to
21 other topics?

22 A. Beyond the blog?

23 Q. Well, to be included in the blog or other proposals,
24 whatever, well --

25 A. Well, I was doing -- I mean, I was doing my daily or

1 KIM - WITNESS

2 A. Yeah.

3 Q. And, um, did The Nation provide that to him?

4 A. No.

5 Q. Do -- do you know whether he, um, took vacations, uh,
6 visited France or --

7 A. I -- I'm -- I'm sure he did.

8 Q. Was that, um -- did he ask you?

9 A. He never asked me. Um, you know, I think there might
10 have been a head's up e-mail. I'm going away for two
11 weeks and see you at the end of August or whatever.
12 Um, but we never approved vacation days.

13 Q. And actually, he would be free to blog from Russia or
14 from -- from --

15 A. From --

16 Q. From --

17 A. -- from wherever he happened to be.

18 Q. You --

19 A. Yes.

20 Q. -- wherever he was?

21 MR. SILVERMAN: Um, um, okay, if I may have a
22 moment, Your Honor, just --

23 Okay. I -- I have nothing further.

24 ALJ DOMINIQUE: Mr. Mitchell, questions for this
25 witness?

1 MITCHELL - WITNESS

2 A. Sure.

3 Q. Um, did -- I think when we talked last time we
4 referred to your contract, and I asked you, um -- you
5 could enter material from the blog at any location?

6 A. Right. Uh-huh.

7 Q. Um, even though the contract says, at home, you -- as
8 long as you had access to the proper computer you
9 could enter it anywhere --

10 A. Right.

11 Q. -- you could enter it into -- from --

12 A. Europe.

13 Q. Europe.

14 A. Yeah. Exactly.

15 Q. And when you took time off to go to Europe, you could
16 have entered into the blog but I think you decided
17 you didn't want to for that period --

18 A. I believe so. I believe so.

19 Q. You were visiting your daughter or something?

20 ALJ ADDISON: Yes. That is what he said.

21 BY MR. SILVERMAN

22 A. I guess. I don't know. I -- I may have taken -- I
23 took more than one trip, I think during the four and
24 a half years.

25 Q. And you were also -- when we talked about, um, under

1 MITCHELL - WITNESS

2 A. I was paid, um, basically a month to monthly check.

3 I think the first year it was twice a month and then

4 there were, you know, checks would get lost or come

5 late so I said, look. Okay. Once a month. Um, but,

6 um, yeah, it was by check.

7 Q. Did you have to submit anything to receive payment?

8 A. Uh, no.

9 Q. Did you receive a 1099?

10 A. Yes.

11 Q. Were you provided any benefits like vacation,

12 holidays, sick time, (unintelligible, one second,

13 1:20:41)?

14 A. Uh, no.

15 Q. Did you (unintelligible, one second, 1:20:46) shares

16 like (unintelligible, one second, 1:20:47) or workers

17 compensation?

18 A. No, no.

19 Q. Uh, did you work out of a -- did you have any work-

20 related expenses?

21 A. Work-related?

22 Q. Expenses?

23 A. Um, well, yeah. I -- I -- I -- I, uh, yeah, but the

24 contract you see, they -- they -- they, um, would,

25 um, I think each year they said I could spend 2,000