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January 2, 2004

**EXPLANATION OF DEPOSITION PROCEEDINGS**

(Witness and Attorney)

TO THE WITNESS \_\_\_\_\_:

PLEASE READ THIS CAREFULLY. IT IS IMPORTANT TO YOU.

This proceeding in which you are about to give testimony here today is known as a "deposition." Your Attorney is being handed this written explanation to read and review with you before your deposition even begins, so as best to inform you of the nature and effect of this proceeding and to save all of us the time and expense of orally reciting this explanation to you on the record after the deposition begins.

If after reading this explanation, you still have any questions about the nature of deposition proceedings, please ask them of your attorney before the proceeding begins.

Our purpose in taking your deposition is to obtain facts and information within your knowledge related to matters involved in this lawsuit or proceeding. We do not seek to trick or trap you. We do not wish to cause you discomfort.

The person transcribing the deposition is a Certified Shorthand Reporter, and a Notary Public of Nevada.

At the outset, you will be placed under oath. You then will be asked questions which you are expected to answer fully and truthfully, under oath.

Please do not guess. We request your best present recollection of the facts and events about which you will be questioned. We will presume therefore that whatever you testify today is your best present recollection and not a guess.

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Although this deposition is being held in the informality of these law offices, this deposition does have all the solemnity of courtroom testimony. Since you are under oath, your testimony here today will have the same force and effect and be subject to the same penalties as if you were testifying in a courtroom before a judge.

Among such penalties to which you are subject is the penalty of perjury. Perjury is defined as "willfully, and contrary to an oath administered, stating as truth any material fact which one knows to be false." Perjury is a crime. The penalties for perjury are set forth in the Nevada Revised Statutes.

Everything said during your deposition will be taken down and transcribed by the Court Reporter. Every Question we ask, every answer or comment you give, everything said by your attorney, all will be duly transcribed.

It therefore is vital that if, at any time, you do not hear or do not understand any question, you tell us at once, so that we may have the opportunity immediately to repeat or rephrase our question to you. Obviously, if you do not promptly tell us otherwise, we will have no choice but to presume that you did clearly hear and understand each question, and that your answer to each question is based upon such complete and full understanding by you.

Please remember that the Court Reporter is only able to transcribe audible responses, so do not nod or shake your head, or grunt "uh huh" or "uh uh".

Please also remember that the Court Reporter can record the words of only one person speaking at a time, so allow time for the question fully to be completed before you begin to respond. If you inadvertently are interrupted before you can finish your answer, please tell me immediately. Otherwise, we must presume that your answer as recorded was complete and you had nothing further to say on the subject.

At the conclusion of this session, the Court Reporter will transcribe what has been said into booklet form. You will have an opportunity to read that booklet and make and change in the form or substance of the answer to any question that you feel necessary. Be advised that at time of trial we will question you before the Judge as to why you made any such changes and we will take the position that your memory and recollections here today are as good or better than at any later time.

For your convenience we are prepared upon the signing of this acknowledgment and stipulation now by you and your attorney, to waive the requirement that you directly contact the deposition officer to arrange for the reading and signing of your deposition. Instead, the signature of you and your attorney will constitute both of your express representations to us that within thirty

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days after delivery by the deposition officer of the transcript to your attorney at his office of record, you will make any changes and sign the original of the transcript under penalty of perjury and deliver

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it to: Marshal S. Willick, Attorney At Law, 3551 E. Bonanza Rd., Suite 101, Las Vegas, Nevada, 89110.

If we do not receive the signed transcript within the allotted period, a copy of the deposition shall be given the same effect as though duly and timely signed without any changes, and may be used for all purposes accordingly.

Your initials placed on pages 1 and 2 of this explanation and stipulation, and your signature and that of your attorney placed below will reflect your acknowledgment that you have read and understand all of the foregoing, and that you enter into the stipulation for direct delivery of your deposition transcript to your attorney in accordance with the terms above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Deponent

\_\_\_\_\_  
Deponent's Attorney