

Deposition of Jim Jack-- by Eugene Miller

1 Q (EM) Is there any reason why you did not appear before Judge Fox back in August
2006? Up in Fairmont.

2 A (Jack) I was not subpoenaed.

3 Q (EM) Don't have to be. I'm asking you is there any reason why you did not appear
4 before Judge Fox when I got a lawsuit against you--

5 A (Jack) I answered that question-- I was not subpoenaed.

6 Q (EM) You don't have to be but I'm saying that if you-

7 A (Jack) I was not subpoenaed that's my answer, Mr. Miller

8 Q (EM) Ok But everybody else was there except you and the Judge. Is there any reason
9 why you would not want to show any concern and present your case before Judge Fox, where
10 he could address to you, ask you some questions like he asked everybody else but you made
11 sure that you did not show up-- Is there any reason why you did not show up?

12 (Boyd) Object to the form of the question. Obviously HE DIDN'T SHOW UP
13 BECAUSE OF ADVICE OF COUNSEL. If counsel had advised him to show up-- He
14 would have shown up.

15 Q (EM) OK SO COUNSEL ADVISED HIM NOT TO SHOW UP.

16 A (Boyd) I told him it wasn't necessary to show up.

17 Q (EM) ADVISED HIM NOT TO SHOW UP. THAT WAS YOUR WORDING?