

(b) *Videotaping*

It has always been my practice to work cooperatively with counsel to facilitate arrangements, including the videotaping of cross-examinations. I remain of the view that you should disclose the so-called "arrangements" you have made for audio and video recording. I reiterate my request. If you disclose the arrangements you have made, and provide us with a copy of the resume of the individual you propose conduct the taping (and details of his/her experience and that of his/her company), we may well be able to resolve the outstanding issues. Why is it that you refuse to disclose the arrangements you have made?

And your suggestion to set up, record and store the examinations onto a hard drive so that "anyone can have a copy soon thereafter on a DVD" is completely unacceptable. My letter dated September 18th makes clear that we are concerned to ensure that the videotapes and audio recordings are not given to others, posted on the internet or other electronic medium, including the Keltruth blog. I asked for a totally independent and qualified individual to conduct the video and audio recording and for that individual to hold the tapes in confidence. Rather than receiving an assurance that such would be the case, your response is to suggest that the audio and video recording ought to be disseminated as widely as possible. You have also refused to provide the confirmation requested that the audio and video recordings would not be used for any purpose other than the motion. Again, why will you not provide that assurance?