

# **EXHIBIT 15**

Dennis Lee Montgomery - November 18, 2010

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

In re: Dennis and Kathleen )  
Montgomery )  
 )  
Michael J. Flynn, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.: 2:10-bk-18510-bb  
 )  
Dennis Lee Montgomery and )  
Brenda Kathleen Montgomery, )  
 )  
Defendants. )  
\_\_\_\_\_)

Videotaped Deposition of: DENNIS LEE MONTGOMERY  
Date: November 18, 2010  
Reported by: Stephanie P. Borthwick  
C.S.R. No. 12088

Dennis Lee Montgomery - November 18, 2010

1 Deposition of DENNIS LEE MONTGOMERY, taken on  
2 behalf of the Plaintiff, before Stephanie P.  
3 Borthwick, a Certified Shorthand Reporter,  
4 commencing at the hour of 9:20 a.m., Thursday,  
5 November 18, 2010, at the offices of Yates Court  
6 Reporters, 74967 Sheryl Avenue, Palm Desert,  
7 California.

8 APPEARANCES:

9 For the Plaintiff:

10 CONANT LAW, LLC  
11 Attorneys at Law  
12 BY: CHRISTOPHER J. CONANT, ESQ.  
13 730 17th Street  
14 Suite 200  
15 Denver, Colorado 80202  
16 (303) 298-1800

17 For the Defendants:

18 DION-KINDEM & CROCKETT  
19 Attorneys at Law  
20 BY: WILLIAM E. CROCKETT, ESQ.  
21 LNR Warner Center  
22 21271 Burbank Boulevard  
23 Suite 100  
24 Woodland Hills, California 91367-6667  
25 (818) 883-4400

Dennis Lee Montgomery - November 18, 2010

1 For the United States of America:

2 U.S. DEPARTMENT OF JUSTICE

3 CIVIL DIVISION

4 BY: CARLOTTA P. WELLS, Senior Counsel

5 Federal Programs Branch

6 20 Massachusetts Avenue, NW

7 Room 7150

8 Washington, DC 20530

9 (202) 514-4522

10 Also Present:

11 Michael J. Flynn, Esq.

12 Sharon Raya, Paralegal to Ms. Wells

13 Tom (last name withheld), U.S. Government

14 Morgan (last name withheld), U.S.

15 Government

16 Videographer:

17 Jesse Navarro, Orravan Video Litigation

18 Services

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Dennis Lee Montgomery - November 18, 2010

10:10:26 1 2006.

2 BY MR. CONANT:

3 Q. Mr. Montgomery, is that a truthful  
4 statement on your part?

10:10:34 5 MR. CROCKETT: At what point in time,  
6 Counsel? The question is vague and ambiguous.

7 BY MR. CONANT:

8 Q. When you wrote it, Mr. Montgomery.

9 MR. CROCKETT: That also assumes facts not  
10:10:44 10 in evidence.

11 MR. CONANT: I'm sorry, let me back up.

12 Q. When you signed this document, was this a  
13 truthful statement on your part?

14 A. I'm going to assert my right under the  
10:11:03 15 Fifth Amendment.

16 Q. Mr. Montgomery, describe what this decoding  
17 program is and what you -- sorry.

18 Describe what you mean on this line 1 by  
19 "decoding programs."

10:11:30 20 A. I'm going to assert my right under the  
21 Fifth Amendment.

22 Q. Mr. Montgomery, describe what you mean on  
23 line 2, starting with the first full sentence on  
24 line 2, quote, "My source codes."

10:11:41 25 Please describe to me what "my source

Dennis Lee Montgomery - November 18, 2010

10:11:48 1 codes" refers to?

2 A. I'm going to assert my right under the  
3 Fifth Amendment.

4 Q. These, quote, unquote, "source codes," are  
10:11:56 5 they not the same source codes that you identified  
6 on your bankruptcy schedules on -- and then turn  
7 back to -- we have Plaintiff's Exhibit 1, which is  
8 the bankruptcy schedules.

9 MR. FLYNN: Did you read the whole thing  
10:12:21 10 into the record?

11 BY MR. CONANT:

12 Q. All right. Before you answer that  
13 question, let me go back, Mr. Montgomery.

14 A. Go back to what?

10:12:43 15 Q. We're going to go back to Plaintiff's  
16 Exhibit --

17 Stephanie, what Plaintiff's exhibit are we  
18 on right now?

19 THE REPORTER: 3.

10:12:55 20 MR. CROCKETT: Are we marking the  
21 declaration?

22 MR. CONANT: Yeah, start marking these  
23 things.

24 Let me go -- can we go off the record here  
10:13:02 25 for a second so I can get the exhibits straightened

Dennis Lee Montgomery - November 18, 2010

10:14:57 1 BY MR. CONANT:

2 Q. And please follow along, Mr. Montgomery.

3 "I have provided the 'output' from my

4 decoding programs without compensation to our

10:15:07 5 government in order to stop terrorist attacks and

6 save American lives. My source codes for this

7 decoding technology which derives from my 'ODS' are

8 what Trepp and several government officials were

9 attempting to steal from me when they raided my

10:15:23 10 home.

11 MR. FLYNN: Did you ever create any source

12 code that was used to stop terrorist attacks?

13 BY MR. CONANT:

14 Q. Mr. Montgomery, have you ever created any

10:15:37 15 source code that was used to stop terrorist attacks?

16 A. I'm going to assert my right under the

17 Fifth Amendment.

18 MR. FLYNN: All right.

19 MR. CONANT: I'm going to keep going.

10:15:49 20 Q. All right. Mr. Montgomery, turn with me

21 back to Plaintiff's Exhibit No. 2.

22 All right. We'll go look at Request for

23 Production No. 1 where you are requested to produce

24 the source codes. I'm going to hand you what will

10:16:16 25 be marked as Plaintiff's Exhibit No. --

Dennis Lee Montgomery - November 18, 2010

10:41:42 1 violate it, wouldn't I?

2 Q. I would want you to answer the question.

3 A. I just --

4 Q. Continue with your answer.

10:41:49 5 A. I've answered it.

6 Q. Mr. Montgomery, for the record, the

7 protective order --

8 MR. FLYNN: Don't go there.

9 MR. CONANT: All right.

10:41:57 10 MR. FLYNN: Ask him if he gave --

11 MR. CONANT: Let me --

12 MR. FLYNN: -- very specific intelligence  
13 regarding decoding -- did he give that information.

14 Did he give that information.

10:42:13 15 BY MR. CONANT:

16 Q. Read with me, Mr. Montgomery, on page 4,  
17 line 21, beginning with the first full sentence.

18 MR. FLYNN: This the Cheney office.

19 BY MR. CONANT:

10:42:23 20 Q. "I gave the appropriate authorities within

21 the U.S. Government accurate and very specific

22 intelligence regarding this terrorist plot from my

23 decoding software, as I have done in the past, weeks

24 prior to the arrests by the London authorities --

10:42:35 25 without compensation."

Page 80



Dennis Lee Montgomery - November 18, 2010

10:42:38 1 MR. FLYNN: Did you do that.

2 BY MR. CONANT:

3 Q. Did you give -- did you give the U.S.  
4 Government this -- this very specific intelligence  
10:42:46 5 that you're referring to here?

6 A. I'm going to assert my right under the  
7 Fifth Amendment.

8 Q. Isn't it true, Mr. Montgomery, that this,  
9 quote, unquote, "decoding software" that you  
10:42:58 10 reference on line 22 is just a complete fraud?

11 MR. CROCKETT: Hold it.

12 Go ahead.

13 THE WITNESS: I'm going to assert my right  
14 under the Fifth Amendment.

10:43:14 15 I couldn't hear Mr. Flynn's question.

16 MR. CONANT: That's fine. I'll repeat it.

17 THE WITNESS: Okay.

18 BY MR. CONANT:

19 Q. Beginning on line 21, going to line 24 and  
10:43:22 20 a half where you reference this very specific  
21 intelligence regarding the terrorist plot that you  
22 got from your decoding software regarding these  
23 arrests in London, isn't that the same information  
24 you and Edra Blixseth provided to a person within  
10:43:39 25 Dick Cheney's office?

Dennis Lee Montgomery - November 18, 2010

13:38:47 1 doing what he's doing and you're asking me  
2 questions.

3 Q. Mr. Montgomery --

4 A. I'm listening.

13:38:52 5 Q. -- has Ms. Blixseth ever asked you to  
6 provide Blxware with any source code ever?

7 A. I don't recall.

8 Q. Isn't it true that you've never provided  
9 Blxware with any sort of source code?

13:39:05 10 A. No.

11 Q. Isn't it true that the purpose of -- let me  
12 strike that.

13 were you trying -- I'm sorry. Let me  
14 strike that.

13:39:25 15 when you were at Blxware was Blxware  
16 attempting to procure a hundred million dollar  
17 contract from the United States Government?

18 A. I'm going to assert my right under the  
19 Fifth Amendment.

13:39:36 20 Q. Were you involved in trying to get a  
21 hundred million dollar contract from the  
22 United States Government?

23 A. Going to assert my right under the Fifth  
24 Amendment.

13:39:43 25 Q. Didn't Blxware receive approximately

Dennis Lee Montgomery - November 18, 2010

13:39:45 1 \$2.5 million from the United States Government,  
2 Mr. Montgomery?

3 A. I'm going to assert my right under the  
4 Fifth Amendment.

13:39:52 5 Q. Wasn't that \$2.5 million Blxware received  
6 paid as compensation to Blxware for fraudulent  
7 software?

8 A. I'm going to assert my right under the  
9 Fifth Amendment.

13:40:04 10 Q. Isn't it true that Blxware never had any  
11 software that purported to do what Blxware was  
12 representing it would do to the United States  
13 Government?

14 A. I'm going to assert my right under the  
13:40:18 15 Fifth Amendment.

16 MR. CONANT: All right. I'm going to hand  
17 you what's going to be marked as Plaintiff's  
18 Exhibit 15.

19 (Exhibit 15 was marked for identification.)

13:40:35 20 MR. CONANT: If you can hand it back --

21 MR. CROCKETT: Well, it's short and sweet.

22 MR. CONANT: Are you still looking at the  
23 email?

24 MR. FLYNN: Try to get me to --

25 ///

Dennis Lee Montgomery - November 18, 2010

13:41:30 1 BY MR. CONANT:

2 Q. Mr. Montgomery, in approximately February  
3 of 2009, were you ever scheduled to have dinner with  
4 the Secret Service?

13:41:40 5 A. Not that I recall.

6 MR. FLYNN: Was Edra.

7 BY MR. CONANT:

8 Q. Was Edra Blixseth ever scheduled to have  
9 dinner with the Secret Service?

13:41:50 10 A. I have no idea.

11 Q. Can you, Mr. Montgomery, tell me about any  
12 discussions you had with Edra Blixseth regarding the  
13 Blxware software?

14 A. What's the Blxware software?

13:42:05 15 Q. Wasn't Blxware -- wasn't Blxware producing  
16 some form of software product?

17 A. Yes.

18 Q. And did you ever have discussions with Edra  
19 Blixseth regarding that software?

13:42:18 20 A. Which specific piece of software are you  
21 referring to?

22 Q. Any software.

23 A. I'm sure at some point I must have.

24 Q. Was there any software that Blxware was  
13:42:27 25 developing to decode Al-Jazeera communications?

Dennis Lee Montgomery - November 18, 2010

13:42:34 1 A. I'm going to assert my right under the  
2 Fifth Amendment.

3 Q. Was there any software that Blxware was  
4 purporting to develop that was to be used to detect  
13:42:38 5 terrorist attacks?

6 A. I'm going to assert my right under the  
7 Fifth Amendment.

8 Q. Now you chuckled there.

9 A. Well, because I'm tired of you making these  
13:42:47 10 outrageous allegations against me. It's really  
11 getting old.

12 MR. FLYNN: Then why are you taking the  
13 Fifth.

14 BY MR. CONANT:

13:42:54 15 Q. Then why are you taking the Fifth?

16 THE WITNESS: Is he asking me that or you,  
17 Mr. Flynn?

18 BY MR. CONANT:

19 Q. It doesn't really matter.

13:43:01 20 A. Yeah, it does. I thought you were the  
21 people asking me the questions but he keeps trying  
22 to get me agitated and throw his weight around in  
23 this deposition and cause a problem.

24 Q. Mr. Montgomery, we're just trying to get to  
13:43:13 25 the truth here and when -- so however we get to

Dennis Lee Montgomery - November 18, 2010

13:51:07 1 A. I didn't say either.  
2 Q. You didn't say either what?  
3 MR. FLYNN: That he didn't recall.  
4 THE WITNESS: Are you answering for me now?  
13:51:16 5 MR. CROCKETT: Dennis.  
6 BY MR. CONANT:  
7 Q. Let's look at page 10, Plaintiff's Exhibit  
8 No. 3, paragraph 20.  
9 A. Yeah.  
13:51:23 10 Q. By June, September -- "By June through  
11 September 2003 my ODS had attracted the interest  
12 of," redacted, "in connection with using Predator to  
13 detect and track specific al-Qaida operatives" --  
14 A. Where are we? where are we? I don't know  
13:51:42 15 where we're at.  
16 MR. CROCKETT: I don't either.  
17 BY MR. CONANT:  
18 Q. Page 10, paragraph 20.  
19 A. Okay. Sorry.  
13:51:47 20 Got it.  
21 Q. Paragraph entitled "Tracking al-Qaida,  
22 USSOCOM and" blank.  
23 A. Yeah.  
24 Q. "By June through September 2003 my ODS had  
13:51:55 25 attracted the interest of," blank, "and USSOCOM in

Page 199

Dennis Lee Montgomery - November 18, 2010

13:52:02 1 connection with using Predator to detect and track  
2 specific al-Qaida operatives in the field, including  
3 al-Zarqawi, and specific objects related to him,  
4 such as cars and vans with live video feeds encoded  
13:52:14 5 and scanning for objects and people in real time.

6 "My object tracking was placed on a  
7 specific number of DV laptops and used by SOCOM  
8 and," blank, "in the field. I interacted on a  
9 regular basis with these operatives in the  
13:52:28 10 connection with the use and application of my  
11 technology.

12 "Special servers were installed in the POC,  
13 Predator Operation Command, at Nellis Air Force Base  
14 and at Fort Bragg to look for, detect and track  
13:52:40 15 specific objects which were, in fact, positively  
16 identified."

17 Now is that true? Is that a true  
18 statement, Mr. Montgomery, that you --

19 MR. FLYNN: -- had the technology that did  
13:52:51 20 that.

21 BY MR. CONANT:

22 Q. -- that you had the technology that did  
23 that?

24 A. It's very distracting when Mr. Flynn does  
13:52:56 25 that and it's very hard to keep focused on your

Dennis Lee Montgomery - November 18, 2010

13:53:01 1 question when he keeps interrupting it and adding  
2 his piece in the middle of it.  
3 Q. Okay. Do you need to read line 13 through  
4 to 20 again?  
13:53:07 5 A. I read it.  
6 I'm going to assert my right under the  
7 Fifth.  
8 I'm going to assert my right, Mr. Flynn,  
9 under the Fifth.  
13:53:16 10 MR. FLYNN: Okay.  
11 MR. CONANT: All right. All right.  
12 All right. I'm going to hand you -- hand  
13 the reporter, what's going to be marked as  
14 Plaintiff's Exhibit No. --  
13:53:42 15 THE REPORTER: 17.  
16 MR. CONANT: -- 17.  
17 (Exhibit 17 was marked for identification.)  
18 THE WITNESS: Thank you.  
19 BY MR. CONANT:  
13:54:11 20 Q. All right. Mr. Montgomery, I've handed you  
21 what's been marked Plaintiff's Exhibit No. 17. This  
22 is an employment -- well, the first page, purports  
23 to be an email from Patricia Yarborough to Jory  
24 Russell says, "Hi, Jory. Here's Dennis's employment  
13:54:29 25 agreement. Let me know if you need anything else."

Page 201



Dennis Lee Montgomery - November 18, 2010

14:29:23 1 THE WITNESS: It's what your version is.

2 MR. FLYNN: I know you conned me and you  
3 conned the U.S. Government. You conned Edra  
4 Blixseth to an extent. You're a computer hacker and  
14:29:29 5 you're a fraud, Mr. Montgomery.

6 THE WITNESS: You're outrageous, Mr. Flynn.  
7 You're outrageous.

8 MR. CROCKETT: Dennis, let's get through  
9 this.

14:29:37 10 MR. FLYNN: And you conned me, sir, that's  
11 why we're here.

12 THE WITNESS: Yeah. No, it isn't.  
13 Okay. I don't know if there was a question  
14 on the table.

14:29:48 15 MR. CROCKETT: There isn't.

16 BY MR. CONANT:

17 Q. Let's flip to Tab No. 3. Mr. Montgomery,  
18 let's take a break from the bank statement for a  
19 second.

14:30:07 20 You recall signing a confession of judgment  
21 where you -- a couple of confessions of judgment in  
22 connection with the Nevada litigation?

23 A. I'm going to assert my right under the  
24 Fifth.

14:30:20 25 Q. It's a public document, Mr. Montgomery. Do

Dennis Lee Montgomery - November 18, 2010

15:15:04 1 A. I don't recall.

2 Q. Generally speaking, did it have to do with  
3 software?

4 A. I don't recall.

15:15:10 5 MR. FLYNN: Was it encoding --

6 BY MR. CONANT:

7 Q. Was it the decoding software for the  
8 Al-Jazeera transmissions that were contemplated as  
9 part of this agreement, Mr. Montgomery?

15:15:22 10 A. I don't recall.

11 Q. You just don't recall.

12 A. That's correct.

13 MR. CROCKETT: There wasn't a question.

14 BY MR. CONANT:

15:15:27 15 Q. So in front of -- okay.

16 MR. FLYNN: At the time did that decoding  
17 software even exist.

18 BY MR. CONANT:

19 Q. At the time that you entered into this  
15:15:37 20 agreement did the decoding software even exist?

21 A. And I invoke my right under the Fifth.

22 Q. Did you ever satisfy your obligations under  
23 this agreement, Mr. Montgomery?

24 MR. CROCKETT: well, that calls for a legal  
15:15:54 25 conclusion. There are multiple obligations set

Dennis Lee Montgomery - November 18, 2010

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CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

I, Stephanie P. Borthwick, Certified  
Shorthand Reporter of the State of California, do  
hereby certify:

That the foregoing deposition was taken  
before me at the time and place therein set forth,  
at which time DENNIS LEE MONTGOMERY was duly sworn  
by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and thereafter  
transcribed, said transcript being a true copy of my  
shorthand notes thereof, and a true record of the  
testimony given by the witness.

In witness whereof, I have subscribed my  
name this date: December 7th, 2010.

\_\_\_\_\_  
STEPHANIE P. BORTHWICK, CSR  
Certificate No. 12088