

V O L U M E 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

-----x

AMERICAN KENNEL CLUB, INC.,

Plaintiff,

Case Number

4: CV-93-122

-against-

(Judge McClure)

GLADSTONE & WATKINS, P.C., and STEVEN  
D. GLADSTONE, d/b/a Steven D.  
Gladstone, Attorney and Counselor at  
Law,

Defendants and  
Counterclaim Plaintiffs,

-against-

THE AMERICAN KENNEL CLUB, INC., and  
JOHN S. WARD, individually,

Counterclaim Defendants.

-----x

September 13, 1995  
STEVEN D. GLADSTONE

RECEIVED OCT 16 1995



Computerized Transcription

**Doyle Reporting, Inc.**

CERTIFIED STENOTYPE REPORTERS

WALTER SHAPIRO, CSR  
CHARLES SHAPIRO, CSR

369 LEXINGTON AVENUE  
NEW YORK, N.Y. 10017  
(212) 867-8330

September 13, 1995  
1:35 p.m.

Deposition of Defendant STEVEN D. GLADSTONE, taken by Plaintiff pursuant to the Federal Rules of Civil Procedure and agreement, at The Marriott Hotel, Newark Airport, Newark, New Jersey, before Stacy Ann Mace, Certified Shorthand Reporter and Notary Public within and for the State of New Jersey.

## A p p e a r a n c e s :

KLETT LIEBER ROONEY & SCHORLING, ESQS.  
Attorneys for Plaintiff  
40th Floor  
One Oxford Centre  
Pittsburgh, Pennsylvania 15219-6498

BY: MICHAEL YABLONSKI, ESQ.  
of Counsel

GLADSTONE & WATKINS, P.C.  
Attorneys for Defendants and  
Counterclaim Plaintiffs  
Route 611  
De Pue Plaza  
P.O. Box 715  
Tannersville, Pennsylvania 18372

BY: WILLIAM A. WATKINS, ESQ.  
of Counsel

## Also Present:

SAMUEL M. PERRY, ESQ.  
American Kennel Club, Inc.

oOo

IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties hereto that the sealing,  
filing and certification of the within  
deposition be, and the same hereby are,  
waived; and that the transcript may be  
signed before any Notary Public with the  
same force and effect as if signed before  
the Court.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form  
of the question, shall be reserved to the  
time of trial.

\* \* \*

1  
2 S T E V E N D . G L A D S T O N E ,  
3 having been first duly sworn by a Notary  
4 Public of the State of New Jersey (Stacy  
5 Ann Mace), was examined and testified as  
6 follows:

7 EXAMINATION

8 BY MR. YABLONSKI:

9 Q. Please state your full name for the  
10 record.

11 A. Steven D. Gladstone.

12 Q. And your address?

13 A. Post Office Box 715, Tannersville,  
14 Pennsylvania, 18372.

15 Q. Mr. Gladstone, can you tell me when  
16 you first became a member of the Coulee Kennel  
17 Club?

18 A. Whenever their records indicate that  
19 I was elected to membership. I believe it was the  
20 end of May 1993.

21 Q. Why did you become a member of the  
22 Coulee Kennel Club at that time?

23 A. I had been invited to serve as the  
24 delegate of the Coulee Kennel Club to the American  
25 Kennel Club, and they voted me into membership, as

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 I understand it.

3 Q. Did you have any past relationship  
4 with the club?

5 A. I'm not sure I know what you mean by  
6 "past relationship."

7 Q. Well, prior to the time that you were  
8 selected to become their delegate in May of  
9 1993 -- that was about the same time or at the  
10 same time that you became a member of the club; is  
11 that correct?

12 A. Yes.

13 Q. Did you have any other type of  
14 relationship with the Coulee Kennel Club prior to  
15 that time?

16 A. I had been contacted by their  
17 delegate search committee chair to see if I had an  
18 interest in serving as their delegate sometime,  
19 perhaps, a couple of months before the end of May;  
20 and, as I recollect, I had some conversations and  
21 phone conferences. They had asked for some  
22 information from me in terms of my background.

23 That's my recollection.

24 Q. What person, specifically, contacted  
25 you?

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 A. I believe it was Nancy Rand.

3 Q. How was contact made? By telephone?

4 A. I believe so.

5 Q. Had you known Nancy Rand before that  
6 time?

7 A. I believe I had been introduced to  
8 her once before then, at the Westminster Kennel  
9 Club show. At least I believe that she reminded  
10 me of that.

11 But other than that, no.

12 Q. Did you have any prior acquaintance  
13 with any of the officers or directors of the  
14 Coulee Kennel Club at the time Ms. Rand contacted  
15 you?

16 A. No.

17 Q. Do you know how it was that Ms. Rand  
18 came to contact you with respect to possibly being  
19 the delegate of the Coulee Kennel Club?

20 A. Not specifically, no.

21 Q. Did Ms. Rand indicate to you why she  
22 was calling you when she first did so?

23 A. As I recall, the Coulee Kennel Club  
24 was very dissatisfied with the person who was  
25 their current delegate at the time. I believe her

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 name was Donna Hausman. And they were seeking a  
3 replacement who would be more responsive to their  
4 needs, as I recollect.

5 Q. Is that what Ms. Rand told you in the  
6 initial contact?

7 A. I believe so.

8 Q. Did she identify at that time that  
9 she was contacting you with respect to any  
10 interest you may have in serving as their  
11 delegate?

12 A. I don't understand the question.

13 Q. Well, in the first call, did she say  
14 to you that she was calling for purposes of  
15 inquiring whether you would be interested in  
16 serving as their delegate?

17 A. I think you misunderstand my prior  
18 answers.

19 I have no specific recollection of  
20 what you call "the first call." I have a general  
21 recollection of some various telephone calls and  
22 some written correspondence that I was asked to  
23 submit.

24 I have no specific recollection of  
25 particular conversations with particular people at

DOYLE REPORTING, INC. - 212-867-8220



1 Gladstone

2 particular times.

3 Q. All right.

4 Did you ever make a personal visit to  
5 La Crosse, Wisconsin, to talk with anyone in the  
6 Coulee Kennel Club, in 1993?

7 A. No.

8 Q. Did you ever visit them in La Crosse,  
9 Wisconsin, at any later time?

10 A. I don't believe I've ever been in La  
11 Crosse, Wisconsin.

12 Q. I believe you indicated that you sent  
13 them some written materials; is that correct?

14 A. My recollection is that they were  
15 interested in -- in my background in the -- in the  
16 dog game. I think that they were interested in  
17 seeing some of the articles that I had written and  
18 commentaries that I had written that had been  
19 published in what we've been calling the dog  
20 press.

21 Prior to that, I seem to remember  
22 sending them a package of reprints of those  
23 articles. I think I was asked to give them a  
24 letter introducing myself and expressing an  
25 interest in serving as their delegate. I believe

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1

2 I did all that.

2

3 Q. All right.

3

4 Do you have a recollection today of  
5 what newspaper articles or commentaries you may  
6 have sent them?

4

5

6

7 A. Specifically, no, other than copies  
8 of articles that I think we've discussed in the  
9 past, that would have been published prior to  
10 1993.

7

8

9

10

11 Q. How far back would the publications  
12 be?

11

12

13 A. I have no recollection which ones I  
14 sent to the Coulee Kennel Club.

13

14

15 I think I was first published in  
16 mid-1980s sometime, perhaps in Dog News, perhaps  
17 in Canine Chronicles. I may or may not have  
18 included those in what we sent to Coulee.

15

16

17

18

19 Q. Do you have any recollection of the  
20 subject matter of the articles that you may have  
21 sent them?

19

20

21

22 A. Not really, without pulling them out  
23 to specifically discuss particular articles.

22

23

24 I think some of the articles included  
25 some of my experiences with trial boards. Some of

24

25

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 the articles included my thoughts and comments on  
3 the AKC's practices with respect to penalizing  
4 co-owners of dogs whose co-owners were suspended  
5 from privileges. They might have included some of  
6 my comments about the identification of dogs.

7 Whatever they are, they are. I don't  
8 have any more particular recollection right now.

9 Q. Do you have anything in your files  
10 that would reflect precisely what it was that you  
11 sent to the Coulee Kennel Club?

12 A. I would assume that we, meaning -- I  
13 would assume that I've kept a copy of the package  
14 of correspondence that was sent to Coulee.

15 I believe that that's already been  
16 produced to you. If not, certainly we would  
17 expect that we would produce it.

18 Q. Do you have a specific file in your  
19 office labeled "Coulee Kennel Club" or something  
20 of that nature?

21 A. At this point, with the pendency of  
22 this lawsuit, I have to say no.

23 I think that it's to a large extent  
24 merged into this entire file.

25 Q. Did you also send the Coulee Kennel

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 Club a professional resume, with your employment  
3 and educational experience and whatever else may  
4 go into a resume, that you had prepared?

5 A. I have no recollection. I may have  
6 or I may not have. If they produced it yesterday,  
7 then I did. If they didn't and they said I did --  
8 if they said I did, then I probably did. But I  
9 really don't have a recollection of whether I did  
10 or not.

11 Q. Do you have a recollection of how  
12 much time elapsed between the first contact from  
13 the Coulee Kennel Club and when you were selected  
14 to be their delegate in late May of '93?

15 A. I'm going to guess at about a month.  
16 But I would think that most of the  
17 documentation should be able to yield a more  
18 specific answer.

19 Q. All right.

20 Did you come to learn that there were  
21 any other individuals who were being considered  
22 for the delegate position?

23 A. I don't believe I was ever told  
24 whether there were or were not.

25 Q. Did you inquire?

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1  
2 of each of its member clubs, and over the years  
3 I've noticed and read those lists as they've been  
4 published in the AKC Gazette, and I would have  
5 recognized the name as being a member club.

6 Q. Did you ever read or receive copies  
7 of the Coulee Kennel Club newsletter?

8 A. I did receive some copies of the  
9 newsletter, yes.

10 Q. Do you have any recollection of what  
11 it is you may have read in any of those  
12 newsletters?

13 A. They were typical all-breed club  
14 newsletters, discussing -- I have no specific  
15 recollection of anything that I read in a  
16 particular newsletter, no.

17 Q. Prior to being contacted by Ms. Rand,  
18 did you know any of the members, officers or  
19 directors of the Coulee Kennel Club to share  
20 publicly any of your views with respect to the  
21 AKC?

22 A. I think I said to you that prior to  
23 that contact, I didn't know any of the officers or  
24 members particularly.

25 Q. Well, my question would be whether

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1

2 you may have read something or heard something  
3 about the leaders of the Coulee Kennel Club  
4 espousing certain views that you may have shared.

5 A. I think you have to understand that  
6 the delegate structure of the American Kennel Club  
7 is such that the delegates meetings are held in  
8 New York City every three months. And the AKC is  
9 made up of member clubs all around the country.  
10 Many of those clubs select people who are not  
11 members or active within the local club to serve  
12 as the delegate, for various reasons, I would  
13 think, not -- not one -- not only the convenience  
14 of the location of the proposed delegate, so to  
15 speak, to being able to attend in New York City  
16 the meetings.

17 I think that, as I understood it, the  
18 Coulee Kennel Club contacted me because their  
19 prior delegate, who lived in Connecticut, as I  
20 understand, who was also not a local member of  
21 their local club, didn't report back to them,  
22 didn't give them any information, didn't tell them  
23 what was happening at the delegates meetings, and  
24 never gave them any chance to have an input.

25 So my recollection was, when I was

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone  
2 contacted by Nancy Rand, that they were saying  
3 that they wanted somebody who was going to attend  
4 the meetings for them, report back to them, and  
5 deliver to the AKC delegates body whatever message  
6 the Coulee Kennel Club wanted delivered. In fact,  
7 I recollect --

8 Q. Well --

9 A. Is that not --

10 Q. Let me stop you there, because I'm  
11 not sure that your response --

12 A. Go ahead.

13 Q. -- was necessarily responsive to the  
14 question.

15 But you started to get back to it  
16 with your last comment there, and I guess that is  
17 what I'm really getting to, which is what is or  
18 what was the message that you understood the  
19 Coulee Kennel Club wanted you to deliver to the  
20 delegate body?

21 A. I was specifically asked the  
22 question, if I was asked to vote at a delegates  
23 meeting, would I vote on any particular issue how  
24 I felt it was appropriate to vote or how I was  
25 instructed by the club to vote.

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 And my reply was that I would vote as  
3 instructed by the club to vote on any particular  
4 issue, and, if I strongly felt that it was the  
5 wrong way to be voting, I would attempt to  
6 convince the club that I should not be instructed  
7 that way. But, if instructed, that's how I would  
8 vote.

9 I don't think we -- well, is that  
10 responsive? I'm trying.

11 Q. Well, during the interview process  
12 prior to the time that the Coulee Kennel Club  
13 actually selected you as their delegate, was there  
14 any discussion that you had with the club with  
15 respect to specific issues that they wanted you to  
16 address?

17 A. I think the club knew that I was  
18 highly critical of many areas of the AKC's  
19 administration. I think that they specifically  
20 were considering naming me as their delegate  
21 because they knew that I would be outspoken in  
22 criticizing what I consider to be the significant  
23 problems at the AKC, the issues -- well, I know  
24 puppy mill registrations has always been a problem  
25 for many people, and that that was a specific

DOYLE REPORTING, INC. - 212-867-8220



1 Gladstone

2 conversation that Nancy Rand and I had.

3 Q. Was anyone else present at that  
4 conversation?

5 A. It was by telephone, probably.

6 Q. Was it just the two of you?

7 A. There was a conference call that I  
8 participated in, in front of the -- either the  
9 membership or the board. Quite frankly, I wasn't  
10 there, so I don't recall specifically whether it  
11 was just the board of the Coulee Kennel Club or  
12 the whole membership.

13 But I would say that issue probably  
14 was discussed during that conference call.

15 Q. Were there other specific issues  
16 discussed during that conference call?

17 A. I don't have a clear recollection of  
18 what issues were discussed during that conference  
19 call. I do have a recollection of the call.

20 Q. As the Coulee Kennel Club's delegate,  
21 did the club give you any instruction as to what  
22 action they wanted you to take with the AKC  
23 regarding the puppy mill issue?

24 A. I was never seated as the club's  
25 delegate, so, no, they never gave me any

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1  
2 instructions.

3 Q. Well, at such time as you were  
4 selected to be their delegate, was there any  
5 instruction given to you by the leadership of the  
6 club with respect to what actions they would want  
7 you to take regarding the puppy mill issue?

8 \*\* A. No. \*MAKE IT PUPPY MILL ISSUE BEFORE

9 Q. You had what you identified as the  
10 one conference call with certain members of the  
11 club. You're not sure who was there on the other  
12 end?

13 A. I'm not certain that it was only one.  
14 There might have been more than one conference  
15 call.

16 Q. All right.

17 And I believe you said earlier that  
18 you also sent them a letter of introduction; is  
19 that correct?

20 A. Yes.

21 Q. Do you have a copy of that letter  
22 with you today?

23 A. I was not asked to bring anything  
24 with me today.

25 Q. Well, I recognize you weren't asked.

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1

2 But you don't?

3 A. No, I do not.

4 Q. Do you have a recollection of what  
5 you said in the letter of introduction you sent to  
6 them?

7 A. Not particularly, other than the  
8 conversation that I related to you about being  
9 instructed to vote. I think I did put in that  
10 letter that I would vote as instructed by the  
11 club. I know that was an issue that they were  
12 concerned about.

13 Other than that, I really don't have  
14 a specific recollection.

15 Q. Prior to the time that the Coulee  
16 Kennel Club selected you as their delegate, had  
17 you advised them that you were an attorney-at-law?

18 A. Certainly.

19 Q. Had you advised them of your  
20 involvement in the senior confirmation judges'  
21 lawsuit?

22 A. They were certainly aware of that.

23 Q. This is, again, prior to the time you  
24 were selected as their delegate?

25 A. Prior to the selection, yes.

DOYLE REPORTING, INC. - 212-867-8220

Gladstone

1

2

Q. Right.

3

What did you tell them with respect  
4 to your involvement in the senior confirmation  
5 judges' suit?

6

A. I have no recollection, other than  
7 that Nancy Rand was certainly aware of my  
8 representation of the Senior Confirmation Judges  
9 Association.

10

Q. Aware by your telling her?

11

A. Well, after -- during my phone  
12 conversations with her, certainly.

13

Q. She had no knowledge of it prior to  
14 your telling her?

15

A. I didn't say that at all.

16

Q. Well, did she or didn't she?

17

A. I think she probably did.

18

Q. How would she have known?

19

A. I think my representation of the SCJA  
20 was fairly well-known throughout the dog world.

21

Q. Are you making an assumption that she  
22 knew, or do you know for a fact that she knew?

23

A. Well, no, I don't know for a fact  
24 that she knew prior to that. But other than  
25 through her comments that she was -- well, strike

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 that.

3 Yes, she knew that I represented the  
4 SCJA during our first phone conversation.

5 Q. Did she make a comment to that  
6 effect?

7 A. I think so, yes.

8 Q. Did Ms. Rand ever indicate to you  
9 that she had a somewhat detailed working knowledge  
10 of what was involved in the senior confirmation  
11 suit?

12 MR. WATKINS: I'm sorry. Was the  
13 question did she ever indicate that to him?  
14 Which is fine. I just want to make sure I  
15 heard it.

16 MR. YABLONSKI: Can you read it  
17 back?

18 (Question read)

19 A. I honestly don't know how to answer  
20 that.

21 She -- I'm not real sure of what a  
22 working knowledge of what was involved in this  
23 suit is, and I think she had an understanding of  
24 what the lawsuit was. I don't know the depths or  
25 the details of her understanding.

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 BY MR. YABLONSKI:

3 Q. Did Ms. Rand ever indicate that she  
4 was aware that you were suing the AKC on behalf of  
5 other clients at that time, as well?

6 A. First of all, I assume that when you  
7 say "suing the AKC," you mean in my capacity as an  
8 attorney representing others?

9 Q. Correct.

10 A. And I have no recollection at all of  
11 a conversation concerning other lawsuits.

12 Q. Did you, for instance, discuss the  
13 Drach case with Nancy Rand?

14 A. I don't recall.

15 Q. Did you discuss with her any of your  
16 representations of clients at AKC trial board  
17 hearings?

18 A. I might well have. I don't recall  
19 specifically.

20 Q. As it related to the Coulee Kennel  
21 Club's consideration of you to become their  
22 delegate, did Ms. Rand or any of the other club  
23 leaders express any reaction to the fact that, as  
24 an attorney, you were suing the AKC in the senior  
25 confirmation judges' case?

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 A. I think they were pleased with that.

3 Q. Did they tell you they were pleased  
4 with that?

5 A. I don't really recall.

6 Q. Well, what, if any, reaction did Ms.  
7 Rand verbalize with respect to that?

8 A. I don't have a specific recollection.

9 Q. Do you have any specific recollection  
10 of any of the other club leaders expressing any  
11 reaction to your involvement in the senior  
12 confirmation judges' suit?

13 A. Other than their approval or election  
14 of me as their proposed delegate, not  
15 particularly.

16 Q. Did anyone specifically tell you that  
17 they were pleased that you were suing the AKC?

18 A. I don't recall.

19 Q. Prior to the time that you were  
20 selected to be their delegate -- and I believe the  
21 date was May 25th of 1993; is that correct?

22 A. Again, I don't have any documents in  
23 front of me, but it sounds like approximately the  
24 right date.

25 Q. O.K.

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 Prior to that time, had you advised  
3 the leaders of the Coulee Kennel Club about the  
4 disputes that you were having with the AKC with  
5 respect to the Carlberg letter?

6 A. The dispute with respect to the  
7 Carlberg letter. I didn't consider there was a  
8 dispute with respect to the Carlberg letter.

9 Q. Is that another way of saying you did  
10 not advise the club leaders?

11 A. I have no recollection of discussing  
12 the Carlberg letter with the Coulee Kennel Club.

13 MR. WATKINS: I think it's another  
14 way of saying object to the form, because  
15 you're presuming there was a dispute.

16 MR. YABLONSKI: Well, then let me  
17 make it more specific.

18 Q. Prior to being selected as the Coulee  
19 Kennel Club delegate in late May of 1993, did you  
20 advise any of the club leaders about the letter  
21 you received on April 27th from Mr. Klett?

22 MR. WATKINS: Object to the form.

23 A. I have no recollection of any  
24 conversations about it. I may have; I may not  
25 have.

DOYLE REPORTING, INC. - 212-867-8220



1 Gladstone

2 I think what you're getting at -- I  
3 think what I did advise the Coulee Kennel Club was  
4 that it was most likely that the AKC would fight  
5 and scream and do anything they could to keep me  
6 from being seated as their delegate.

7 Q. Is that something you told them prior  
8 to their selection of you?

9 A. Sure.

10 Q. Was that discussed in one of the  
11 conference calls that you identified?

12 A. Sure.

13 Q. Did you tell them why you thought the  
14 AKC would fight and scream to keep you from being  
15 a delegate, as you put it?

16 A. Certainly.

17 Q. What were the reasons that you gave  
18 to them?

19 A. For the very reasons that they wanted  
20 me to be a delegate:

21 I was not going to sit in the back  
22 corner and quietly let the AKC do whatever they  
23 felt like doing; that I would speak out, and that  
24 I would address problems that I felt the AKC had  
25 with both its governance of the sport and

DOYLE REPORTING, INC. - 212-867-8220

1 Gladstone

2 A. I don't believe so.

3 Q. Prior to being contacted by Ms. Rand  
4 or whoever else you may have spoken with at the  
5 Coulee Kennel Club, did you even know that the  
6 Coulee Kennel Club existed? Had you ever heard of  
7 it before?

8 A. I'm sure.

9 Q. What did you know about the Coulee  
10 Kennel Club?

11 A. Well, I would say I knew of its  
12 existence, as you put it, in two fashions.

13 One, it's an American Kennel Club  
14 show-giving organization, the results of whose  
15 shows are published in the awards section of the  
16 AKC Gazette. Is that the right title these days,  
17 "awards"? What I think is called the awards  
18 section of the AKC's publication. They publish  
19 the results of all of the judging at dog shows  
20 each year. I've regularly reviewed that over the  
21 years and would note the name Coulee Kennel Club  
22 as a show-giving club.

23 And the Coulee Kennel Club is a  
24 member of the AKC, and each quarter -- at least  
25 currently, each quarter the AKC publishes a list

DOYLE REPORTING, INC. - 212-867-8220