



1                   A P P E A R A N C E S :

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6                                   BY: CHARLES KLEINBERG, ESQ., AUSA

7                   UNITED STATES DEPARTMENT OF JUSTICE  
8                   P.O. Box 386  
9                   Washington, D.C. 20004-2505

10                                  BY: ALLISON M. HARNISCH, ESQ.

11                   MULHOLLAND, MINION & ROE  
12                                   Attorneys for Defendants  
13                   374 Hillside Avenue  
14                   Williston Park, New York 11596

15                                  BY: ROBERT A. WEIS, ESQ.

16                   UNITED STATES FOOD AND DRUG ADMINISTRATION  
17                   5600 Fishers Lane, GCF-1  
18                   Rockville, Maryland 20854

19                                  BY: MARC L. CADEN, ESQ.

20                   ALSO PRESENT:

21                                  Joseph Vale  
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IT IS HEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within examination may be subscribed and sworn to before any notary public with the same force and effect as though subscribed and sworn to before this court.

I N D E X

<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
J. VALE	MS. HARNISCH	5

<u>GOVERNMENT EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>
A	The Wall Street Journal Article	60
B	Christian Brothers document	78
C	Letter dated 4/10/98	95
D	Christian Brothers newsletter	96
E	Letter from the FDA dated 10/28/98	96

REQUEST FOR PRODUCTION:

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1  
2 Whereupon

3 JASON VALE,

4 having been first duly sworn, was examined and  
5 testified as follows:

6 EXAMINATION BY

7 MS. HARNISCH:

8 Q. Please state your name and address for  
9 the record.

10 A. Jason Vale, 82-50 235th Street, Bellerose  
11 Manor, New York 11427.

12 Q. Mr. Vale, as I said, I'm Allison  
13 Harnisch. I'll be the one taking your deposition  
14 today.

15 Have you ever been deposed before?

16 A. No.

17 Q. I will ask you some questions, and my  
18 questions and your answers will be recorded by  
19 Ms. Freyeisen, who is the court reporter at the end  
20 of the table.

21 Now, you understand you need to speak up  
22 and answer orally when giving your answers so  
23 Ms. Freyeisen can hear you clearly. She won't be  
24 able to get a nod on the record.

25 On occasion I might ask a question. If

1 J. Vale

2 you don't understand it for any reason, let me know,  
3 I'll rephrase the question. And I want to make all  
4 of my questions clear so you can understand it and  
5 answer them.

6 Now, if you want to break at any time,  
7 please let me know. After you finish your answer  
8 to the question, we'll take a break. Also, if you  
9 want to talk to your attorney, we'll finish the  
10 answer and then you can talk to your attorney.

11 Do you understand that?

12 A. Yes.

13 Q. Have you spoken to anyone about this  
14 deposition?

15 A. Yes.

16 Q. Who did you speak to?

17 A. I spoke to a few different lawyers. I  
18 talked to my family. I spoke to people at my  
19 church, I think.

20 Q. Did you go through any documents while  
21 you were talking about the deposition and preparing  
22 for it?

23 A. I never got to see those documents which  
24 I wanted to see.

25 Q. Which documents?

1 J. Vale

2 A. I think those are the ones in front of  
3 you. My lawyer, Mr. Dilling said there were 600  
4 pages that were sent. I'd like to go through that.

5 Q. Have you gone through any documents of  
6 your own to prepare for this?

7 A. I -- no, I don't believe so. In  
8 reference to what, like? Documents like what?

9 MR. WEIS: Anything you reviewed to help  
10 refresh your recollection of the events, anything  
11 like that, that's what she's asking.

12 A. Not specifically. No, I have not.

13 Q. Are you taking any medications or drugs  
14 today that might make it difficult to understand or  
15 answer any of my questions?

16 A. No, I am not.

17 Q. Is there any reason you can think of why  
18 you won't be able to answer my questions truthfully  
19 and fully?

20 A. Fully, because I might not know the full  
21 answer. Truthfully, I have to be truthful.

22 Q. How old are you, Mr. Vale?

23 A. 32.

24 Q. What level of education do you have?

25 A. I graduated Queens College with a college

1 J. Vale

2 education.

3 Q. What was your degree in?

4 A. Psychology.

5 Q. Do you have any medical training? Did  
6 you go to medical school?

7 A. I didn't go to medical school, no.

8 Q. Do you have any other medical training?

9 A. That's hard to answer. Medical training  
10 as in?

11 Q. Any formal classes that you've taken?

12 A. I am taking -- I don't know the semantics  
13 of medical as opposed -- so I'm not sure how to  
14 answer that question, but I can say I have knowledge  
15 in health. I never took a formal medical course  
16 offered by -- I took -- can you rephrase the  
17 question so I can answer it?

18 Q. Besides your general reading, background  
19 reading, have you taken any formal college course  
20 dealing with biology or chemistry?

21 THE WITNESS: It's hard to answer because  
22 I have a nutritional course.

23 MR. WEIS: As opposed to just reading a  
24 magazine, that would seem to count.

25 A. What I just said. A nutritional, like a

1 J. Vale

2 correspondence course, but you can actually get your  
3 Ph.D in it, and I'm studying it, I have not finished  
4 it. I'm actually really, really at the beginning of  
5 it, but I haven't finished it.

6 Q. So you're enrolled in a nutritional  
7 course right now?

8 A. Nutritional health. It has big biology  
9 book like you just said and a big chemistry book,  
10 which is regular college chemistry, biology.

11 Q. What organization is that through?

12 A. Holistic School of Medicine.

13 Q. Do you know where they're located?

14 A. They're in Ohio. I haven't talked to  
15 them in about four or five, six most months. It's  
16 correspondence. They have one office here, one  
17 office there.

18 Q. Besides this course, have you taken any  
19 other formal courses in science outside of your  
20 college education?

21 A. Outside of my college education?

22 Q. Yes.

23 A. You mean like just a school course, only  
24 school, no.

25 Q. Are you married?

1 J. Vale

2 A. No.

3 Q. Where do you work?

4 A. I work -- I basically work from my house.  
5 That's basically it. I visit people.

6 Q. What company do you work for?

7 A. I work for Christian Brothers.

8 Q. What's your role with Christian Brothers?

9 A. Right now with all of this, I want to  
10 work with Christian Brothers, but I -- I take care  
11 of -- lately I've been taking care of a lot of the  
12 computer work for Christian Brothers. When someone  
13 calls up and needs to talk to someone, I talk with  
14 them, I share with them and I'm in charge of  
15 basically in charge of the finances.

16 Q. What's your position with the company?

17 A. On paper, it's president of the company.

18 Q. Did you found the company?

19 A. I did not -- well, I found the company  
20 with John DiDonna and Steve Kersch, K-E-R -- I don't  
21 know how to spell his name. It's a strange  
22 spelling.

23 Q. Are these two men still involved in the  
24 company?

25 A. They're not involved.

1 J. Vale

2 Q. Would you say that you run the company?

3 A. Diana probably runs the company. I'm  
4 saying that, you know, a very good assistant  
5 normally runs the company, but I would say that -- I  
6 run a certain aspect of the company. I run an  
7 aspect of the company, but can you be more specific,  
8 I can because it's --

9 Q. You're the president of Christian  
10 Brothers?

11 A. I'm the president, yes.

12 Q. What do those duties entail being  
13 president?

14 A. We never wrote it down. We have stock  
15 certificates and stuff like that, but we never  
16 really -- we changed it around a few times. There's  
17 minutes, but we did meetings all the way in the  
18 beginning.

19 MR. WEIS: Mr. Vale, try to answer the  
20 question being asked of you.

21 Would you please read back the question.

22 You need to listen to the question and  
23 answer just what's being asked of you. Take your  
24 time.

25 (Record read.)

1 J. Vale

2 A. Financial -- actually, I'm not in charge  
3 of the financing. My mother is helping with that.  
4 I'm there to take phone calls right now, and I'm  
5 there to answer peoples' e-mails.

6 Q. Can you tell me about Christian Brothers?

7 MR. WEIS: I'm going to object to the  
8 form.

9 Q. Mr. Vale, what is Christian Brothers  
10 Corporation in the business of?

11 A. Christian Brothers is in the business of  
12 -- it's hard to specify, so give me a few seconds.

13 MR. WEIS: Take your time and think to  
14 yourself, and then you can answer the question.

15 A. We're in the business of -- we're  
16 supplying the apricot seeds and the apricot seed  
17 extract, which goes under other names, and supply  
18 information, a book and video which we basically are  
19 stopping right now, wondering what to do. We  
20 supply different herbs. Basically, we supply  
21 people, people call and they ask questions, and then  
22 we sometimes have to pray with them or whatever, but  
23 we also -- we supply the apricot seeds and the B 17  
24 vitamin.

25 Q. The apricot seeds and the B 17 that's

