

SAN BERNARDINO COUNTY SUPERIOR COURT DISTRICT
MORONGO BASIN DIVISION, M4
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
HONORABLE FRANK GAFKOWSKI, JR., JUDGE PRESIDING

KATHLEEN WATTERSON,)	
)	
Plaintiff,)	
)	
vs.)	No. CIVMS 1300178
)	
MATTI B. ARO,)	
)	
Defendant.)	
)	

JOSHUA TREE, CALIFORNIA
SEPTEMBER 4, 2014
REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

APPEARANCES:

For the Plaintiff:	KATHLEEN WATTERSON, In Propria Persona
For the Defendant:	RICHARD M. GHAN, ESQ. 55198 29-Palms Highway Suite 1 Yucca Valley, California

Reported by: Gary B. Ragle, Jr., CSR No. 9848

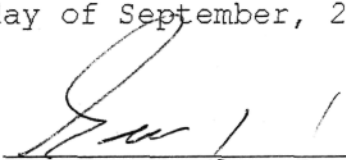
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MORONGO BASIN DIVISION, M4
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
HONORABLE FRANK GAFKOWSKI, JR., JUDGE PRESIDING

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, Gary B. Ragle, Jr., hereby certify that I, a
Certified Shorthand Reporter, an Official Reporter in San
Bernardino County Superior Court, was present and took
down correctly in stenotype, to the best of my ability,
the testimony and proceedings in the foregoing-entitled
matter; and I further certify that the annexed and
foregoing pages 1 through 73, inclusive, is a full, true
and correct statement of such testimony and proceedings
and a full, true and correct transcript of my shorthand
notes thereof.

Dated this 11th day of September, 2014.



Gary B. Ragle, Jr., CSR No. 9848

GARY B. RAGLE, JR.
6527 WHITE FEATHER ROAD
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SEPTEMBER 12, 2014

TO: KATHLEEN WATTERSON

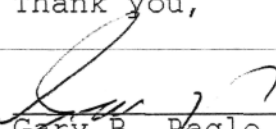
RE: WATTERSON -v- ARO

CASE NO: CIVMS 1300178

DATE OF PROCEEDINGS: SEPTEMBER 4, 2014

ONE COPY: \$75.00

Thank you,


Gary B. Ragle, Jr.,
CSR No. 9848

W-I-T-N-E-S-S I-N-D-E-X

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JOSHUA TREE, CALIFORNIA, SEPTEMBER 4, 2014; P.M. SESSION
MORONGO BASIN, EAST DESERT DISTRICT, DEPARTMENT M4
HONORABLE FRANK GAFKOWSKI, JR., JUDGE PRESIDING.

APPEARANCES:

The Defendant, MATTI B. ARO, with his Counsel,
RICHARD M. GHAN, ESQ.; the Plaintiff, KATHLEEN
WATTERSON, in propria persona.

(Gary B. Ragle, Jr., Official Reporter, CSR No. 9848

THE COURT: This is the matter of Watterson and Aro,
A-r-o.

In reviewing the court docket, I see -- I'm
trying to remember. We had Ms. Watterson testifying, and
then we had a gentleman testifying. I'm looking for my
name here.

MS. WATTERSON: Levi McCann.

THE COURT: Levi McCann, yes. I believe now the ball
is in Mr. Aro's court.

MR. GHAN: Thank you, your Honor. I would just --

THE COURT: One moment. Mr. Ghan, what concerns me
is as I opened the file this morning in reviewing the
matter to kind of bring myself up to date, I found a
letter from a Edgar Gilham. I don't know who he is, but
he wrote a letter to the Court which the court clerks
inserted into the file. I'll share it with the parties
because this is an ex parte communication.

Show that to Mr. Ghan and then Ms. Watterson.

1 It should have been returned to the gentleman
2 with a notation that the Court doesn't accept ex parte
3 communications. And I don't know if it really is. I
4 don't know who he is.

5 MS. WATTERSON: I do know who he is, and I don't know
6 anything about him sending it.

7 THE COURT: He has no business writing letters to the
8 Court. But the parties have to know what I'm receiving.
9 That is the purpose of this. It's not going to make any
10 difference in the scope of things.

11 MR. GHAN: Thank you, your Honor. I've reviewed it,
12 and I certainly trust the Court's discretion in not
13 considering ex parte matters. So, thank you.

14 THE COURT: We'll put it in an envelope and put it
15 underneath the material, and the clerk will do that later.
16 Madam clerk, just put this in an envelope, title it "Ex
17 parte."

18 As I was saying, Mr. Ghan, the ball's in your
19 court.

20 MR. GHAN: Thank you, your Honor. I'd ask that any
21 witnesses or potential witnesses be excluded at this
22 time.

23 MS. WATTERSON: On what grounds?

24 MR. GHAN: It's normal court procedure.

25 THE COURT: Well, it depends. If they are percipient
26 witnesses, that may make a difference. However, Mr. Levi
27 McCann, is he present, Ms. Watterson?

28 MS. WATTERSON: (Nods head in the affirmative.)

1 THE COURT: Now, protocol is to exclude witnesses
2 except those people from the public. And what I'm getting
3 at is, Mr. McCann, if Mr. Ghan and his client are going to
4 put on an expert witness to rebut what Mr. McCann has
5 testified to or to testify differently, I think he is
6 entitled as an expert to be present so that he may be
7 recalled and rebut what he may hear so that there's no
8 difficulty in presentation of the evidence. So if there
9 are other witnesses, though, they should be excused other
10 than Mr. McCann.

11 MR. McCANN: Yeah, I would like to stay.

12 THE COURT: You may stay Mr. McCann. I'm assuming
13 that they'll put on some witnesses about the technical
14 aspects of the case.

15 Are there other witnesses, Mr. Ghan?

16 MR. GHAN: I have none other than my client and an
17 expert I'm going to call.

18 THE COURT: Whoever your expert is.

19 MR. GHAN: Okay. So do you -- there's nobody else?

20 MS. WATTERSON: I do have one that went -- that can
21 back up the noise campaigns that you kind of struck down.
22 But I have a couple. Both Levi and Jeremiah have both
23 witnessed the noise campaign.

24 MR. GHAN: Anybody she thinks she's going to call I
25 would ask be excluded.

26 THE COURT: That other person should step outside.
27 I'm only concerned about an expert who knows the
28 technicalities of what we're dealing with.

1 Mr. Ghan, you may proceed.

2 MR. GHAN: Yes, your Honor. I'd call Mr. Richard
3 Wigglesworth.

4 THE COURT: Who?

5 MR. GHAN: Richard Wigglesworth,
6 W-i-g-l-e-s-w-o-r-t-h.

7

8 RICHARD L. WIGLESWORTH,
9 called as a witness by the Defendant, having been
10 previously sworn, testified as follows:

11

12 THE BAILIFF: Please state and spell your name for
13 the record.

14 THE WITNESS: Richard L. Wigglesworth,
15 W-i-g-l-e-s-w-o-r-t-h.

16

17 DIRECT EXAMINATION

18 BY MR. GHAN:

19 Q Good afternoon, Mr. Wigglesworth.

20 A Good afternoon.

21 Q How are you presently employed?

22 A I am self-employed.

23 Q In what field?

24 A In the wireless communications field.

25 Q And for the layperson, what exactly does that
26 consist of?

27 A I basically engineer, design, install, maintain,
28 support anything that has to do with wireless

1 communications.

2 Q Okay. Let me backtrack and ask you if you could
3 give us a brief rundown of your education, please?

4 A My education starts -- I started the wireless
5 field working for a wireless telecommunications antenna
6 constructor which built radio towers, installed radio
7 antennas, and then progressing on to the construction and
8 installation and design of FM broadcast, commercial
9 broadcast, television broadcast, as well as public safety
10 communications, two-way radio communications, wireless
11 microwave data links, wireless point-to-point links,
12 analog and digital, to working to PageNet, which is a --
13 was a wireless paging company. It was the world's
14 wireless paging company in '96, which I was responsible
15 for several integral projects as far as the nationwide
16 two-way messaging service.

17 I installed the base station transmitter,
18 maintained the equipment, repaired the equipment, did
19 field electromagnetic energy studies. I have training in
20 that. Then I have progressed on to my own company which
21 has been gained through my years of experience.

22 I am also a federally licensed amateur radio
23 operator as well as hold several FCC licenses in the
24 commercial wireless industry.

25 Q Okay. Thank you. Could I ask you to explain
26 the process involved in analyzing wireless signals?

27 A Absolutely. For instance, someone calls me up
28 and says, can you check my radio system or something

1 that's related to such. I would then go to the location
2 where the report of trouble was or where they want me to
3 analyze the system. I would bring out a piece of test
4 equipment which typically cost about \$60,000 that would
5 have a set frequency range, like let's say zero to 1,000
6 megahertz, zero to 2000 megahertz.

7 Basically I would analyze the system. So I
8 would first do it off of air. Look at the signal, make
9 sure that it meets all FCC requirements for the station.
10 If they don't have a license, then I would advise them.
11 Sometimes I would be able to determine if there was such
12 things called spurious emissions or adjacent channel
13 interference.

14 What that would mean is if a transmitter's going
15 bad, it would transmit a signal. If I'm looking at a
16 spectrum analyzer, I would see spurs up and down the
17 screen. It's about a four- or six-inch screen. And I
18 would be able to determine if there was a problem.

19 In addition to that, as the FCC requires, I am
20 required by law to ensure that the public -- in other
21 words, the public, general public, as well as the people
22 who work operating on the radio equipment in their field
23 do not -- are not exposed to radio frequency levels which
24 the FCC has determined to be harmful or possible harmful
25 to human beings.

26 The FCC has mandated guidelines as far as RF
27 electromagnetic exposure, and that's outlined in the
28 Office of the Electronic Technology Bulletin 65.

1 Q Let me ask you about you've mentioned
2 specialized precision test equipment. Would you describe
3 the equipment you would use to do this analysis?

4 A Absolutely. There is all kinds of equipment.

5 Q You need to speak slowly for me.

6 A There's all kinds of test equipment out in the
7 field. However, the commercial wireless industry, they
8 rely on three or four manufacturers of this equipment.
9 One would be Agilent, one would be IFR, Marconi is another
10 one, and Motorola.

11 This equipment is calibrated at the factory as
12 well as has to maintain a calibration standard which is
13 what they call a rubidium standard or nuclear time
14 standard. The reason for the calibration and why the
15 equipment is so expensive is because it has to have the
16 precision and the accuracy in order to properly analyze RF
17 signals. That would be called a communication test set.

18 Another tool would be a field strength meter,
19 which would measure the RF energy in a field, if you want
20 to see how high the RF is.

21 The third and most important is the narda meter,
22 is a meter that detects and analyzes all RF levels,
23 electromagnetic energy, that would -- it would point out
24 the point in which a level at a particular site would
25 exceed what the FCC has required. If the limits had
26 exceeded that, then it is up to the person who owns the
27 station, licensee, to post signage or restrict access in
28 accordance with FCC OET Bulletin 65.

1 Q Now, that equipment you just described, you own
2 or have access to that?

3 A I own it, yes.

4 Q And you utilize that in analyzing the wireless
5 systems; correct?

6 A Absolutely.

7 Q Now, would you describe for the Court how it is
8 that you would go about accurately determining the
9 physical location from whence a wireless signal is being
10 generated or transmitted or --

11 A Okay. I had worked on a couple cases. I use
12 '98 and '99 or '96. Anyways, I assisted the FCC in
13 locating some signals that were unlicensed.

14 So the process that I took was I turned on my
15 spectrum analyzer from my house with an outside antenna.
16 I looked to see if I could see the signal. I could see
17 the signal on the spectrum analyzer. I verified the
18 transmission. I then checked the FCC license to see if
19 there was a license. There was no license.

20 So in these particular cases that are relative
21 to any case that I would have direction to find a signal,
22 I have a piece of equipment which is a Doppler direction
23 finder. Basically what this equipment is, is it's an
24 array of four antennas that are physically spaced a
25 quarter wavelength apart. In other words, those are going
26 to be the lowest or the highest frequency.

27 So let's just say I was going to analyze some
28 signals on the UHF frequency. The quarter wave spacing of

1 the UHF is approximately 6.12 inches. Each one of the
2 antennas is spaced 6.12 inches in a square. That's the
3 antenna rate that would plug into the actual Doppler
4 switching unit.

5 What the Doppler switching unit does is you plug
6 it into a receiver, and it would need to be a specialized
7 receiver that has direct DC audio. Can't just plug in a
8 speaker with a scanner. Has to be DC audio.

9 What the unit does is it actually rotates
10 between the antennas, not physically but electronically.
11 It use one antenna as a reference and bounces to each
12 additional antenna. The time that it takes for the
13 receiving signal to receive the Doppler unit in comparison
14 to where the physical antennas are, it gets a bearing, and
15 it points on a computer screen the physical direction of
16 the signal.

17 In order to properly determine the location of a
18 signal, you need to take at least three points of
19 reference. In other words, let's say you're in Yucca
20 Valley, and I -- the courthouse here, and I'm taking a
21 signal, and it's pointing directly north. I know I need
22 to get out, maybe go down ten, 15 miles down the road,
23 like on 62 here and take another reading. I would take
24 another reading ten or 15 miles. Let's say it's pointing
25 northwest, which would be like that. There's our two
26 points. I know that I need to get on the opposite side of
27 where these two lines have intersected. I'm going to
28 drive however far it takes me to get past this point and

1 take the third reference.

2 Let's say I'm 40 miles that way. I take another
3 reading. The third line comes down. Now I've got reading
4 one, reading two, reading three. Where these lines
5 intersect and the center of where the triangle is or
6 basically where all three lines have intersected, that is
7 the location of the offending signal. At that point, I
8 would drive to that location and then utilize the signal
9 closer. In other words, I would use a spectrum analyzer
10 or a field strength meter.

11 Because I have a generalized location, let's
12 say, within a hundred feet, 200 feet, I can get out of the
13 car with the spectrum analyzer, add what they call
14 attenuation to the signal and pinpoint exactly the
15 location or antenna in which the signal's being originated
16 from.

17 Q So you can't just drive around and see which
18 direction the antennas are pointing?

19 A Absolutely not.

20 Q Can you just drive around and see what
21 direction the receiving dishes are pointing and determine
22 that?

23 A Absolutely not.

24 Q Now, at some point did you do an analysis of the
25 antennas and equipment at my client's home?

26 A Yes.

27 Q And how recently was that done?

28 A I was introduced to your client I believe late

1 January by a mutual friend of ours via e-mail. I had
2 asked our mutual friend --

3 Q Just when did you do the analysis?

4 A Gees, it's been going on since February.

5 Q Okay.

6 A So February until now.

7 Q Now, what in regards to Mr. Matho's (phonetic)
8 home did you specifically do?

9 A I went out to his house. I photographed his
10 equipment. Let me back up. When I went to his house, I
11 went there unannounced. When I'm doing a study or a
12 problematic -- possible issue, I just show up. He was
13 awestruck, but I went inside. He invited me in, allowed
14 me to look at his equipment. He trusted my knowledge. I
15 came recommended to him.

16 I analyzed all his equipment, physically looked
17 at the radios, physically looked at the antenna. I was
18 able to verify and determine that all of the equipment
19 there operating on the amateur radio bands, which are 3 to
20 30 megahertz, 144 megahertz, 440 megahertz, and there was
21 a couple of receivers. Nothing at his site or his
22 location would indicate any kind of directed energy or
23 microwave or any kinds of signals.

24 So the next step I asked him what's the power
25 readings of the radio, the amount of RF energy that would
26 come out of the back of the radio.

27 Looking at the radios, in my own mind, I knew
28 how much --

1 Q You get into teaching mode, but you got to go
2 slow.

3 A I'm a techie kind of guy.

4 So, basically, I know what the radios put out,
5 how much power they put out. I ask Matti, how much do
6 your radios put out, kind of playing dumb. He confirmed
7 to me the amount of power settings on each radio. I had
8 asked him, do you have any other type of radio equipment
9 that's capable of, you know, sending microwaves or things
10 like that? His reply was no.

11 I went outside and inspected antennas. I
12 observed no microwave antennas. I observed the typical
13 collinear or vertical antennas, which were for the ham
14 radio VHF radio bands. I observed several HF, low
15 frequency antennas, 3 to 30 megahertz. They all coincide
16 with his FCC license.

17 And I also observed a satellite dish. I said,
18 that's interesting. I said, what is the satellite dish
19 for? It's pointed up at the sky. And he said, that's a
20 microphone on the end of that, and I receive the air
21 pockets in the sky. And it's something to do with
22 aviation. I'm not a aircraft guy.

23 Took me inside, showed me his log of some of the
24 signals that he's received, and I was able to verify that
25 the cables going up to the microwave dish or the quasi
26 microwave dish is actually satellite dish was just a
27 little microphone element with two wires going inside.
28 Like, never heard of doing that before. Typically if it

1 was to be used as a microwave antenna, need to be some
2 pretty significant coax cable, let's say, maybe two or
3 three inches in diameter. There would have to be a large
4 element coming from the back of the antenna, which would
5 be the actual radiating element.

6 Q Let me ask you a question to clarify. What you
7 observed in terms of the -- I'm looking for the right
8 word. The cables were not a sufficient power source to
9 transmit anything harmful?

10 A The only cables that were going up there was I
11 believe a red and black which was maybe 18 gauge, which is
12 about the size of 20 hairs, human hairs, going up to
13 there. And that cable is not capable of transferring RF
14 energy to anything. And it was leading to the point
15 that -- the top of the dish, which is not the point you
16 would effectively introduce energy into the antenna.

17 Q Did you form an opinion as to whether that dish
18 was actually receiving or transmitting?

19 A I formed an opinion that it was not capable of
20 transmitting nor could it be equipped to transmit, and I
21 formed an opinion that what he was telling me was 100
22 percent accurate, so --

23 Q Okay. What is the rock grinder and what is its
24 purpose in terms of your analysis of Mr. Aro's house?

25 A I'm sorry. A rock grinder. Apparently -- Matti
26 told me that this rock grinder was supposedly, allegedly a
27 microwave transmitter. I'm not in the rock business. I
28 know RF. I know radios, antennas. The thing looked like

1 a cylindrical disk that was rusted that I guess you would
2 take a rock and maybe grind a rock down.

3 Q So, essentially, you looked at all of the
4 equipment that could possibly be electronic to determine
5 if there was any sort of offending wireless?

6 A Absolutely.

7 Q And did you form a conclusion as to whether
8 there was anything harmful being emanated or generated or
9 retransmitted from my client's home?

10 A Due to the fact in the absence of any equipment
11 which would indicate the transmission of any directed,
12 concentrated, any kind of arch energy that would exceed or
13 even be capable of directing energy at the distance which
14 the plaintiff's house is is 100 percent impossible. It's
15 not possible. Even if he had or there was equipment
16 there, it would not be possible.

17 Q Okay. Now, did you form an opinion as to
18 whether my client was in compliance with FCC rules for the
19 equipment that he had there?

20 A I formed an opinion that he was in compliance
21 after calculating per OET Bulletin 65 and FCC mandated
22 requirements for RF safety that he was in full compliance
23 with his license privileges.

24 Q Now, just so we're clear, in your business that
25 you operate, part of your task is to make these
26 determinations on behalf of the FCC to assist them;
27 correct?

28 A That is correct.

1 Q Okay. So it's what you normally do in addition
2 to everything else?

3 A Yes.

4 Q Okay. Did you form an opinion as to whether
5 Mr. Aro was in compliance regarding electromagnet exposure
6 as mandated by the FCC?

7 A Essentially electromagnetic exposure still falls
8 under OET Bulletin 65, which is the same. It is just a
9 different wording.

10 Q So I asked the same question twice?

11 A Absolutely.

12 Q Okay. And your answer is the same, that my
13 client --

14 A Absolutely.

15 Q -- did not produce anything contrary to what
16 he's allowed?

17 A And the proper term to if you were to call
18 electromagnetic energy would be the maximum permissible
19 exposure limits. That is the term that is used by the
20 FCC.

21 Q And he's beneath that limit?

22 A Absolutely.

23 Q Is it close?

24 A For him to be close, he would need to be within
25 seven feet of his antenna, and that is the furthest away
26 that he can get from the antenna to exceed that, and he is
27 well within those limits.

28 Q Okay. Did you form an opinion as to whether

1 there was the possibility of anything harmful in terms of
2 wireless signals originating from any of Mr. Aro's
3 equipment?

4 A I did not form the opinion until I did my
5 analysis, and I was able to determine that there are no,
6 and I repeat, there are no harmful signals nor the
7 capabilities to produce any harmful electromagnetic energy
8 signals from his location.

9 Q So when you just qualified your answer by saying
10 until you completed your analysis, that was after you had
11 met Mr. Aro and looked at all his equipment, you did
12 further analysis?

13 A Absolutely.

14 Q Describe that process, please.

15 A When I met Matti, I didn't know him from Adam.
16 I didn't know him from the next guy. When I go into
17 someone and I look at something, I want to go with an open
18 mind. I didn't have any previous -- I didn't know Matti
19 before. So I'm thinking am I being taken. You know,
20 what's going on here. So I wanted to prove to myself
21 because I had a moral and ethic responsibility to be true
22 to my industry and my field. I take a lot of pride in
23 what I do. If somebody is being accused of something, I
24 want to be able to say yes or no.

25 It was with my analysis and talking to him and
26 gathering information, multiple in-field analyses, I'm
27 kind of beside myself. I'm wasting my time. There is
28 nothing going on here. So I originally concluded by

1 analyzing the data, utilizing my technical skills as well
2 as my test equipment to verify that there's absolutely
3 nothing occurring that's of concern.

4 Q Now, is there any equipment possessed by my
5 client when you were at his home -- I guess not just in
6 his home but outside his home, any equipment that you
7 observed, antennas that would be capable of -- I'm not as
8 technical as you, so if I get the wrong word -- radiating
9 or transmitting or directing, anything that would cause
10 harmful radiation?

11 A There is nothing in his house, there is nothing
12 on his property, there is nothing within the boundaries of
13 his property under his control that are capable or would
14 be capable or could be even made capable to concentrate
15 direct or selectively send any RF energy, electromagnetic
16 energy, at any level in any direction by any means.

17 Q I'm sorry. What is RF energy?

18 A Radio frequency energy.

19 Q Okay. And is that how you describe the
20 radiation frequency?

21 A In the radio world, we have terms and
22 terminology which we use. RF is radio frequency.

23 Q Okay.

24 A A person doesn't know about the RF industry or
25 the -- RF industry, they would refer to it as
26 electromagnetic energy or electromagnetic spectrum. Radio
27 guys, techs, engineers we call it RF. It's quick. It's
28 radio frequency.

1 Q There's no harmful radiation generated at my
2 client's home?

3 A One hundred percent absolutely not.

4 Q Okay. Which frequencies did you -- or what
5 spectrum of frequencies did you analyze in coming to your
6 conclusions?

7 A I analyzed zero megahertz, zero -- basically
8 000.000.000 hertz, which is nothing, basically DC or
9 direct current, all the way up to 60 gigahertz, which
10 is -- you know, you have hertz, kilohertz, megahertz,
11 gigahertz. Up to 60 gigahertz. The top end is the --
12 typically the highest frequencies that any commercial user
13 would employ for point-to-point microwave links. So I
14 analyzed that complete spectrum.

15 Q It was upon completion of that analysis that you
16 came to the conclusions that you've shared with this
17 Court; correct?

18 A That is correct.

19 Q Okay. I'm going to move from the specific to
20 the general because I need you to explain some of the
21 technical things that confused me at the last hearing.
22 Can the frequency of a wireless signal be identified by
23 merely identifying the wave forms?

24 A No.

25 Q Okay. Well, we heard about -- I'm not going --
26 we'll do one at a time. Is a sine wave a type of the
27 wireless radio or radio signal?

28 A No.

1 Q What about a square wave?

2 A No.

3 Q What about a sawtooth wave?

4 A No.

5 Q Is a sine waive more harmful than a square
6 wave?

7 A No.

8 Q More harmful that a sawtooth wave?

9 A No.

10 Q I guess I could ask that in every permutation.
11 The waves are identical. They don't determine the harmful
12 effects of the transmission; correct?

13 A That is correct.

14 Q Okay. What is a sine wave, a square wave or
15 sawtooth wave?

16 A When someone uses the term sine wave, square
17 wave, sawtooth wave, triangle wave, they are referring
18 to -- in the RF field, they are referring to the
19 modulation format or -- okay. let me try to dumb this
20 down a little bit.

21 Q For me, please.

22 A If I'm trying to analyze a wireless signal,
23 let's say I'm analyzing a signal up in the 800 megahertz,
24 which is right at the edge of the microwave, when I'm
25 looking at my spectrum analyzer, doing a spectrum
26 analysis, as I'm viewing that on the spectrum analysis,
27 I'm seeing my little six inch screen, and I'm seeing
28 little sharp peaks. For every RF signal, you're going to

1 see similar traits, in other words, a sharp peak. You're
2 going to see all the way up and down.

3 When I zoom in or decrease the visual bandwidth,
4 you'll be able to see how wide or how much space RF energy
5 the frequency the signal is using up.

6 Q Let me see if I understand. The description of
7 the wave is a description of its visual appearance on,
8 say, a graph paper?

9 A No, I'm going to get to that.

10 Q Okay.

11 A I'm just explaining the spectrum analyzer. I
12 would never -- no one would ever, ever see a sine wave, a
13 square wave, sawtooth wave in the spectrum analyzer mode.
14 Okay. Let's say that I found a -- I'm analyzing a
15 frequency at 856 megahertz. I look at the spectrum
16 analyzer, I see the signal. Then I go into the audio
17 analyzer portion of the spectrum analyzer. I'm no longer
18 analyzing the RF signal, the radio signal strength. I'm
19 analyzing the actual modulation format that is being
20 transmitted, utilizing that RF signal to transmit.

21 There, If I'm analyzing an RF signal, is where I
22 would see a sine wave. Not so much a sawtooth wave. I've
23 never seen or heard of sawtooth wave. Square waves, yes.
24 Triangle waves, not really. Typically triangle waves and
25 sawtooth waves are used in audio.

26 Q Is it fair to say that describing those waves in
27 any of those fashions has no impact on whether harmful
28 radiation is being generated; that has to be determined in

1 a different analysis?

2 A Absolutely.

3 Q Okay. So it is an analysis that is beside the
4 point for determining radiation?

5 A It has nothing to do with the RF energy being
6 emitted from a radio.

7 Q Thank you. Now, give me a sentence to preface
8 my question. We heard a lot of testimony about
9 microwaves. When I think of microwaves, I, you know,
10 think of the kitchen. Would you describe how a microwave
11 oven works?

12 A Sure. When people -- I think of it when I put
13 my food in there and I -- before I was into Rf, I said,
14 hey, it cooks. I wanted to find out what makes the food
15 cook.

16 Basically what a microwave oven is is a radio
17 transmitter, and there is a steel or metal cage, which
18 is -- the transmitter then directs energy within the
19 microwave. When you put a piece of food in a microwave
20 and that microwave comes on, it's sending -- it's
21 essentially transmitting, and it's sending RF energy
22 inside, bouncing off the sides of the inside of the
23 enclosed case. Typically they don't escape.

24 By all that RF energy coming around and focusing
25 it, bouncing off there causes the product in the microwave
26 to heat up, and then two minutes later you have a Hot
27 Pocket or whatever.

28 Q So I'm going to ask a layperson question here.

1 All of the equipment we have talked about that Matti
2 possesses is not capable of producing that microwave
3 effect a quarter mile away at someone else's residence?

4 A It's .9 miles away, almost a mile away,
5 almost -- almost 16 football fields. But you're correct,
6 he has nothing on his site that would conduct or radiate
7 energy within 20 feet of his house.

8 Q Microwaves don't work if you have the door open;
9 right?

10 A No.

11 Q Okay. I think I have one last question. I may
12 have already asked that. In your expert analysis, is
13 there anything harmful being generated from my client's
14 home and sent outside of that home?

15 A There's nothing, in my professional and expert
16 analysis, from my many years of experience as well as my
17 in-field analysis, that there's nothing harmful or has
18 been nothing harmful emitted from his location.

19 Q Thank you. Thank you for your time, Mr.
20 Wiglesworth.

21 THE COURT: Thank you, Counsel.

22 Ms. Watterson, this is your opportunity to
23 cross-examine this witness. Do you feel that you might
24 need to consult with Mr. McCann?

25 MS. WATTERSON: I do. And can Mr. McCann do it in my
26 place?

27 THE COURT: No, cannot do it.

28 MS. WATTERSON: Thought I'd ask.

1 THE COURT: All right. Now, let me suggest this. If
2 you would like, we can take a 15-minute recess, let you
3 consult with Mr. McCann. I'm going to let you have a
4 reasonable opportunity to do so so that when you have that
5 opportunity to cross-examine, you may do so.

6 You may also believe that perhaps Mr. McCann can
7 just otherwise testify to rebut or clarify his opinions
8 that he originally gave in consideration of what
9 Mr. Wiglesworth has said. So we'll take a 15-minute
10 recess, and when I return I'll ask if you want to proceed
11 or if you want to just call Mr. McCann.

12 MR. GHAN: Your Honor, it's still my case.

13 THE COURT: Oh.

14 MR. GHAN: She's rested. She can do rebuttal at an
15 appropriate time.

16 THE COURT: I'm sorry. I thought you had rested.

17 MR. GHAN: No, I'm just finished with this witness.

18 THE COURT: Very well. All right.

19 MR. GHAN: May I call a second witness?

20 THE COURT: Yes, you may.

21 MR. GHAN: Thank you, your Honor.

22 THE COURT: Thank you, Mr. Wiglesworth. Please step
23 down. Please remain available to the Court. You don't
24 have to step outside.

25 THE WITNESS: Okay.

26 (The witness stepped down from the stand.)

27 MR. GHAN: Would you mind remaining in the courtroom?

28 THE WITNESS: That's fine.

1 MR. GHAN: Thank you, sir.

2 MR. GHAN: I'd call Mr. Matti Aro.

3

4

MATTI B. ARO,

5

6

7

the Defendant herein, called as a witness by the
Plaintiff, having been previously sworn, testified as
follows:

8

9

10

THE BAILIFF: If you can state your name and spell it
for the record, please

11

12

THE WITNESS: My name is Matti, M-a-t-t-i, B, like in
Bravo, middle initial, last name is Aro, A-r-o.

13

14

MR. GHAN: Thank you, your Honor.

15

DIRECT EXAMINATION

16

BY MR. GHAN:

17

18

Q Good afternoon, Mr. Aro. What do you do for a
living?

19

A I am retired school teacher.

20

Q And how long were you a school teacher?

21

A Thirteen years.

22

23

Q And where did you most recently teach before you
retired?

24

A In Los Angeles.

25

26

Q Okay. What grade level, I guess, is what I
meant to ask?

27

A I have adult school and high school.

28

Q Okay. And how long has it been since you've

1 been retired?

2 A Since 2000.

3 Q Okay. And at sometime thereafter, you became
4 involved in ham radio operation?

5 A No, I have been affiliated with electronics
6 since I was knee high.

7 Q Okay. More than 40 years?

8 A More than 40 years.

9 Q Okay. When so did you first meet Ms.
10 Watterson?

11 A When she came to my house with two of her
12 friends.

13 Q Okay. Prior to that time, had you had any
14 interaction at all with Ms. Watterson?

15 A No.

16 Q Did you even know Ms. Watterson?

17 A No.

18 Q Have you at any time directed anything harmful
19 towards Ms. Watterson or her home?

20 A No.

21 Q Prior to her filing these cases, did you have
22 any ill will at all towards Ms. Watterson?

23 A No.

24 Q You heard Mr. Wiglesworth describe that he
25 analyzed the equipment in your home; correct?

26 A Correct.

27 Q And you heard his conclusion that there was
28 nothing at all harmful being generated from your home;

1 correct?

2 A That's correct.

3 Q Is that consistent with your testimony?

4 A Yes, it is.

5 Q Have you ever directed anything harmful, even if
6 you were capable, hypothetically, of doing so, at any of
7 your neighbors?

8 A No.

9 Q Have you ever harmed another human being?

10 A Yes, in Vietnam.

11 Q That was a poor, poor question. The point is
12 you have no criminal record; correct?

13 A No.

14 Q Okay. And it is just hard to prove the
15 negative, correct, that you did not harm anybody?

16 A It's impossible to prove a negative.

17 Q Correct. But the positives we can prove are
18 that you get along well with your friends and neighbors in
19 the community?

20 A Yes.

21 Q You have no ill will towards Ms. Watterson or
22 anybody else in the community?

23 A I still do not.

24 Q And you have no convictions for harming
25 anybody?

26 A No.

27 Q What do you use your equipment for?

28 A My radio equipment is used mainly for community

1 services, like emergency radio services. And I use the
2 high-frequency radio as a hobby thing.

3 This that is in question, I am using it for CAT,
4 C-A-T, study of clear-air turbulence. What I have it is
5 aimed directly to the east, which is in a flight path of
6 military helicopters when they do exercises around Giant
7 Rock. And then when they bring troops into there and
8 remove the troops, they fly through the receiving area of
9 my dish, and this -- of helicopters they -- the engine
10 goes at the same speed all the times, but it gives a
11 different sound when it reaches different temperatures.
12 Like when you are flying, you get the air pockets. I am
13 studying that behavior of atmosphere.

14 Q And how long have you been engaged in such
15 study?

16 A Originally it was for trying to hear the sonic
17 booms of meteors, and that's when I found out that it is
18 not possible to do it because the atmosphere is just like
19 the ocean with the different levels, and the signals
20 bounce from the different levels.

21 Q Okay.

22 A And --

23 Q Now --

24 A Different densities I should have said.

25 Q Okay. I'm not as smart as you. I don't
26 understand either word.

27 A Sorry.

28 Q That's okay. Here is the thing. Have you used

1 that satellite to direct microwaves or anything else at
2 anybody, including the plaintiff?

3 A It cannot produce any sound or anything else
4 because it has a microphone, the key to this microphone,
5 and it is just so that I can each year distinguish the
6 frequency differences of the engines.

7 Q Now, do you have FCC licenses for your
8 equipment?

9 A I have FCC license. I have been ham since
10 1975.

11 Q And have you ever had any complaints about your
12 operating outside of the FCC license that you've been
13 provided?

14 A No.

15 MR. GHAN: I have no further questions, your Honor.

16 THE COURT: Likewise, Ms. Watterson, if you feel that
17 you can conduct your examination of this technical area,
18 and I'll give you the opportunity to consult with
19 Mr. McCann if you wish.

20 MS. WATTERSON: Thank you.

21 THE COURT: It might save some time.

22 MS. WATTERSON: I have another question. We had --

23 MR. GHAN: I'm sorry. Are we done with the witness?
24 Can he step down?

25 MS. WATTERSON: Yeah, I'm --

26 THE COURT: Are you done, Mr. Ghan?

27 MR. GHAN: I'm done with my direct examination,
28 yes.

1 THE COURT: Ms. Watterson?

2 MS. WATTERSON: I have some other evidence that's
3 been since we were here last time, and when can I -- them
4 being on my property, stalking me and taking pictures.

5 MR. GHAN: I object to all this, your Honor. She has
6 rested her case. The question is what does she want to do
7 in terms of cross-examining my witnesses.

8 THE COURT: That is correct, Ms. Watterson. If you
9 you have accomplished the gathering of further evidence,
10 this stalking of radio waves and so forth that you've
11 alleged is what's in issue.

12 MS. WATTERSON: Okay.

13 THE COURT: Not somebody coming upon your property or
14 otherwise.

15 MS. WATTERSON: But it was someone that's been in
16 court every single time except today.

17 MR. GHAN: Your Honor, I object to all of this.

18 MS. WATTERSON: I'm just trying to figure out what --
19 where, you know --

20 THE COURT: Where you can go right now is you can ask
21 questions of Mr. Aro as to what he's testified to, if you
22 feel competent to do so. He basically has denied any
23 efforts to interfere with your rights. That's basically
24 what he said. And if you want to reserve
25 cross-examination of him, you may. And then you may
26 consult with Mr. McCann about whether you want to further
27 cross-examine Mr. Wiglesworth or put your own expert back
28 on.

1 MS. WATTERSON: Thank you. That's --

2 THE COURT: We'll give you 15 minutes, and I trust
3 that that should be sufficient. If it is not, let us
4 know.

5 MS. WATTERSON: Thank you so much.

6 MR. GHAN: So we're back at 2:40, your Honor?

7 THE COURT: 2:45.

8 MR. GHAN: Okay.

9 THE COURT: You may step down, sir.

10 MR. GHAN: Thank you, Mr. Aro.

11 THE COURT: Ms. Watterson, if you want to use the
12 jury deliberation room, which attorneys use all the time
13 to talk to witnesses and amongst themselves, you may do
14 so. You'll have that privacy just with your witness.

15 (A recess was taken.)

16 THE COURT: Okay. We're back on the record in the
17 Watterson and Aro matter.

18 Ms. Watterson, how do you wish to proceed?

19 MS. WATTERSON: I'd like to call the expert witness,
20 Mr. Wiglesworth, is it?

21 THE COURT: Yes.

22 Mr. Wiglesworth, please resume the stand. This
23 will be cross-examination.

24

25 RICHARD WIGLESWORTH,

26 called as a witness by the Defendant, having been
27 previously sworn, resumed the stand and testified further
28 as follows:

1 THE COURT: You are still under oath.

2 Ma'am, you may inquire, ma'am.

3

4 CROSS-EXAMINATION

5 BY MS. WATTERSON:

6 Q Where did you graduate from?

7 A Thompson Valley High School in Loveland,
8 Colorado.

9 Q You have no college degree?

10 A I do have specialized training. There was no
11 schooling to give me the education that I retain today.

12 Q So you just -- you just have ham -- you're
13 self-taught?

14 A No.

15 Q No you're self-taught or no?

16 A No, ma'am, I'm not self-taught.

17 Q Well, I'm trying to get your credentials.

18 A My credentials. In other words, would you like
19 specific dates and times or would you like specific
20 training courses?

21 Q I'm not asking for licenses because you can get
22 licenses without being --

23 MR. GHAN: Object to commentary, your Honor. Just
24 ask a question.

25 THE COURT: That is correct, Ms. Watterson. Just ask
26 questions.

27 Q (BY MS. WATTERSON) Okay. So you didn't -- you
28 have no degree in your field?

1 A No degree that would -- there's no degree for
2 the work that I do in a generalized sense.

3 Q Okay. Referring to the RF spectrum, which --
4 where does the microwave stand on the RF spectrum?

5 A Would you please --

6 Q On the RF spectrum, radio frequency spectrum,
7 where does the microwave stand?

8 A Are you --

9 Q On the spectrum, where on the spectrum is the
10 microwave?

11 A Where would the bottom of the spectrum in your
12 reference to --

13 Q Well, there's a long spectrum, right, and it's
14 broken down. Let me ask you, where is the gamma or X-ray?

15 A The gamma is -- okay. If this was zero and this
16 was the top of the spectrum, the gamma rays would be
17 somewhere up in this region.

18 Q What about the X-rays?

19 A Somewhere in that generalized region.

20 Q What about RF energy?

21 A There is no -- do you mean radio frequency
22 spectrum?

23 Q Right.

24 A In other words, the two-way radio spectrum or
25 wireless communication spectrum, that would be in the --
26 typically the 300 kilohertz, roughly, to, let's say,
27 nonmicrowave, about 700 megahertz, and that's when you go
28 into 800, 900, 1,000, 2,000, 3,000, 4,000, which then from

1 the EHF, VHF, UHF, microwave, and then, of course, you
2 have SHF, super high frequency, THF, and then way above
3 and beyond is when we get to all the nasty stuff.

4 Q Okay. What is 2.4 gigahertz?

5 A 2.4 gigahertz is in the microwave spectrum.

6 Q Okay. How much current will an 18-gauge current
7 handle?

8 A I'm sorry. You'll have to rephrase the
9 question.

10 Q An 18-gauge strand, right, how much cable;
11 right?

12 A I'm not understanding what you're trying to
13 ask.

14 Q When you have cables, they come in gauges;
15 right?

16 A Yeah.

17 Q So I'm asking you how much current will an
18 18-gauge cable handle?

19 A I need to know if it's DC current, AC current.
20 I need to know specifics on the manufacturer of the wire.
21 I need to know how many strands. I need to know the
22 temperature coefficient. I need to know if it's made of
23 copper, aluminum. I need to know the specifics of the
24 wire, because you can only judge and you can only evaluate
25 the acceptable current to be passed through that wire
26 without breaking or burning up.

27 Q Can stranded cable hold more than -- more than
28 solid?

1 A It depends on the --

2 MR. GHAN: Objection. Never mind.

3 THE WITNESS: It depends on the amount -- what kind
4 of energy you're trying to put through it.

5 Q (BY MS. WATTERSON) I'm trying to get, A, a feel
6 for what you know and, B, trying to get to the microwave.

7 A In the RF field, no, absolutely not. It's all
8 the same. If it's the same size strand, same size solid,
9 has the same capabilities.

10 Q Okay. And he had a rock splitter on top of his
11 roof. Did you see that rock splitter?

12 A I saw a swamp cooler on the roof.

13 Q You didn't see a rock splitter up there?

14 A I have pictures and there was a rock grinder on
15 the ground.

16 Q Okay. A microwave, you were saying that it
17 was -- a microwave goes by water. That is what it heats
18 up. And you were talking about when a microwave --

19 MR. GHAN: Objection to the commentary, your Honor.
20 We just need a question.

21 THE COURT: Well --

22 MS. WATTERSON: I'm getting there, Mr. Ghan.

23 THE COURT: Ms. Watterson, if you have a preface to a
24 question, you can ask if he agrees to that as foundation
25 and then ask the question.

26 Q (BY MS. WATTERSON) Would you agree that
27 microwave is done by the water inside?

28 MR. GHAN: Objection. Vague as to --

1 Q (BY MS. WATTERSON) Food, inside the food. If
2 you have a microwave --

3 THE COURT: Overruled.

4 Q (BY MS. WATTERSON) You put your food in the
5 microwave?

6 THE COURT: What she is saying is are you suggesting,
7 sir, that there's water in the product that gets heated in
8 the microwave?

9 THE WITNESS: Okay. So let me --

10 Q (BY MS. WATTERSON) Would you explain your --
11 what you said to us before about the microwaves --

12 A Okay.

13 Q -- getting --

14 A -- in the microwave and how it cooks. If I put
15 a piece of plastic in the microwave, depending on the
16 structure in which the -- or the material which it's made
17 of, it will depend whether it melts or whether it can
18 retain the heat. The presence of water in any substance
19 in a microwave does not quantify or basically make a
20 determination that it can only be heated if it has water.
21 So there could be substances without water. There could
22 be food, which obviously has natural moisture in water.
23 You can't put a determination based on water.

24 Q Well, when you were telling -- when you were
25 describing it before, you were saying that the waves were
26 bouncing all over the microwave.

27 A That is correct.

28 Q And that's how it heats?

1 A Okay. Because it's all self-contained.

2 Q It's like it's own little faraday cage?

3 A Faraday cage is well beyond what we would
4 compare to a microwave.

5 Q Okay. Let's see.

6 A In addition, a faraday cage is used to prevent
7 RF energy or electromagnetic energy from penetrating into
8 a surface, not -- typically sometime in pager test rooms,
9 yes, but it's meant to isolate everything from one area to
10 the outside world.

11 Q But to conclude, you have no degrees in --
12 MR. GHAN: Objection. Asked and answered.

13 Q (BY MS. WATTERSON) -- in anything --

14 THE COURT: Well, sir --

15 Q (BY MS. WATTERSON) -- pertaining to this?

16 THE WITNESS: My experience proves I have
17 demonstrated --

18 Q Were you an apprentice?

19 A I worked for very large companies, plus my
20 experience as well as my resume. I don't have any
21 specialized specific training as far as things pertaining
22 to --

23 Q So, no --

24 A -- your complaint. However, in my field, I am
25 more than qualified to testify as an expert and --

26 Q Okay. But no degrees; right?

27 A That's correct.

28 Q Thank you so much.

1 A You're welcome.

2 THE COURT: You may step down, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Mr. Ghan, you may --

5 MR. GHAN: I have no further questions, your Honor.

6 THE COURT: You may step down.

7 (The witness stepped down from the stand.)

8 MR. GHAN: Did she intend to cross-examine Mr. Aro as
9 well?

10 MS. WATTERSON: Yes, calling Mr. Aro.

11 MR. GHAN: I'm asking the Court.

12 THE COURT: Yes.

13 MR. GHAN: Okay. So it will be cross-examination?

14 THE COURT: Yes.

15

16 MATTI B. ARO,

17 called as a witness on his own behalf, having been
18 previously sworn, resumed the stand and testified further
19 as follows:

20

21 CROSS-EXAMINATION

22 BY MS. WATTERSON:

23 Q Mr. Aro, it's my understanding that you said
24 earlier that you're monitoring airspace where the
25 helicopters are going around by Giant Rock?

26 A Correct.

27 Q Well, it's my understanding that's illegal to
28 monitor over. It's a restricted area.

1 MR. GHAN: Objection as to relevance of her
2 understanding.

3 MS. WATTERSON: According to FFA.

4 THE COURT: Ms. Watterson, please.

5 MR. GHAN: She has to ask a question, your Honor.

6 Q (BY MS. WATTERSON) Are you aware --

7 MR. GHAN: You have to wait for the judge.

8 MS. WATTERSON: Sorry.

9 THE COURT: I'll sustain the objection. It's sort of
10 a compound question. Let's just get to the details of
11 what that involves, whether it is legal or illegal.

12 Q (BY MS. WATTERSON) All right. It's my
13 understanding that it is illegal according to --

14 MR. GHAN: Objection. Relevance as to her
15 understanding.

16 THE COURT: That's correct. Just ask a question.

17 Q (BY MS. WATTERSON) Mr. Aro, are you aware that
18 according to FFA guidelines, that that is restricted area
19 and illegal to monitor?

20 MR. GHAN: Objection.

21 THE WITNESS: It --

22 MR. GHAN: Objection. That assumes facts not in
23 evidence. She hasn't laid the foundation for that
24 question.

25 THE COURT: He has testified that he's trying to
26 monitor helicopter flights.

27 MR. GHAN: The question was is he aware of pursuant
28 to some regulation that it's illegal, and there's been no

1 evidence.

2 THE COURT: He may answer that yes or no. Objection
3 noted. Overruled.

4 Q (BY MS. WATTERSON) Please answer.

5 A It is not illegal. Akin to you are not -- if it
6 was illegal, you are not allowed to hear that airplanes
7 flying over you.

8 Q So you're saying it's not illegal?

9 A Correct.

10 Q Okay. What type of microphone jack do you have
11 in your dish? Is it an XLR or a RCA or one-quarter
12 inch?

13 A It is a three-adaptor microphone that goes
14 with -- the adapter goes into a two-wire lead, and I have
15 an RG6 TV coax capable coming to my -- into my ham
16 shack.

17 Q Okay. Are they balanced or unbalanced?

18 A It is unbalanced when it is in a two-wire
19 thing.

20 Q When I was over at your house the very first
21 time?

22 A Yes.

23 Q And I said, you know, there's all these ham, you
24 know, things. I said, "What is this?" And you said, "Oh,
25 this is --"

26 MR. GHAN: Objection to the commentary. Can we have
27 a question, your Honor?

28 Q (BY MS. WATTERSON) Are you --

1 THE COURT: Ms. Watterson, you can make reference to
2 the fact that you were at his home one time and saw
3 something and go directly to whatever it is.

4 Q (BY MS. WATTERSON) When I was at your home and
5 there was two people with me, as you represented, and I
6 said, "What is this?" And you said, "I'm measuring
7 microwave frequencies"?

8 MR. GHAN: Objection. That is not evidence before
9 the Court. Assumes facts not in evidence.

10 THE COURT: Well, she can ask if that's what
11 happened.

12 MR. GHAN: Yes, she can. I'm waiting for a
13 question.

14 Q (BY MS. WATTERSON) I'm asking, did you not tell
15 me that?

16 A No, I did not.

17 Q Okay. Because we had a whole ten-minute --

18 MR. GHAN: Objection as to the commentary.

19 THE COURT: Ms. Watterson, please, no commentary.

20 Q (BY MS. WATTERSON) Did we not have like a
21 ten-minute conversation in how you can adapt a
22 microwave?

23 A I do not know what an adaptive microwave is,
24 ma'am.

25 Q How you can adapt a microwave into a weapon, and
26 you described -- and do you remember describing that to me
27 exactly in detail for over five minutes and probably
28 ten?

1 A What I was telling you, ma'am, is a microwave
2 does not penetrate a human body because of the skin effect
3 that the microwave has.

4 Q So you're telling me that you do not recall us
5 having a discussion on microwaves, microwave frequencies
6 and how to adapt a microwave?

7 A Yes, we did. I told you that the microwaves
8 heat up tissue, and when the tissue is heated up, it can
9 take and modify your DNA of a cell, yes, ma'am.

10 Q So, right, it can actually mutate your cell?

11 A Yes, not the microwave; the heat that the
12 microwave produces.

13 Q Right. And so you do remember us talking about
14 taking a normal kitchen microwave and adapting it and how
15 to do it?

16 A Wrong.

17 Q You don't remember that discussion?

18 A Not when it comes to a microwave oven that is
19 used as a regular oven. There is no way to take -- pardon
20 me. Yes, if you -- if you are better man than I am, then
21 might be a possibility of using a microwave oven as a
22 transmitter, but I have never heard of one yet.

23 Q You don't -- do you remember you and I
24 discussing where it's actually on Bug Sweeps.com, where it
25 actually has an adaptive microwave and we were talking
26 about that?

27 A What is an adaptive microwave, ma'am?

28 Q Where they adapt it into a weapon. And we

1 discussed Bug Sweeps.com?

2 A That does not adapt a microwave. That is a
3 different use of the same exactly thing.

4 Q Right. So you can take a microwave, regular
5 kitchen microwave, and then adapt it into a weapon that
6 will go over 300 feet?

7 MR. GHAN: Objection, your Honor. My client's not
8 the expert here.

9 THE COURT: Well, she's asking if he recollects.

10 THE WITNESS: No, I do not.

11 Q (BY MS. WATTERSON) Because -- and don't forget
12 that there was two people with me.

13 MR. GHAN: Objection. That is --

14 THE WITNESS: Yes.

15 MR. GHAN: -- statement.

16 MS. WATTERSON: All right.

17 THE COURT: Ms. Watterson --

18 MS. WATTERSON: Okay.

19 THE COURT: -- please don't editorialize.

20 MS. WATTERSON: That's all. Thank you.

21 THE COURT: Mr. Ghan, wish to --

22 MR. GHAN: Yeah, I have a question.

23

24 REDIRECT EXAMINATION

25 BY MR. GHAN:

26 Q Do you own a microwave ray gun?

27 A I do not even know what a microwave ray gun
28 is --

1 Q Have you caused --

2 A -- no, I do not.

3 Q Have you caused harm to any of your neighbors
4 intentionally or otherwise?

5 A No.

6 MR. GHAN: I have no further questions, your Honor.

7 THE COURT: Anything further?

8 MS. WATTERSON: No. Thank you.

9 THE COURT: Thank you. You may step down, sir.

10 (The witness stepped down from the stand.)

11 MR. GHAN: I'll rest, your Honor. I have no further
12 witnesses.

13 THE COURT: Okay. Ms. Watterson?

14 MS. WATTERSON: Just like to call Levi McCann,
15 please.

16 MR. GHAN: This is in rebuttal, correct, your Honor?

17 THE COURT: I presume he has information to rebut
18 what Mr. Wiglesworth has testified to.

19 MR. GHAN: Okay.

20 THE COURT: It's limited to that.

21

22 LEVI McCANN,

23 recalled as a witness by the Plaintiff, having been
24 previously sworn, resumed the stand and testified further
25 as follows:

26 /////

27 /////

28 /////

DIRECT EXAMINATION (Recalled)

BY MS. WATTERSON:

Q When we were talking about triangulation and the measurements, could you explain how you measured the triangulation?

A Well, he was talking about triangulation, how it didn't --

MR. GHAN: Objection, your Honor. It's not relevant as to how he did it. It's a rebuttal of my client. This is not new testimony.

THE COURT: Well, Counsel, he's entitled to explain what he has heard and how whatever he is going to say is different, if at all.

MR. GHAN: Certainly, but the question is what did you do. It's her case in chief. She's rested. The question needs to be what my client did, whether it's appropriate -- not my client, my expert, what his opinion is of my ex expert's testimony. That is rebuttal. It's not new evidence.

THE COURT: Well, appreciate that.

THE WITNESS: Either one's fine.

THE COURT: Let's deal with that. Based on what you heard this afternoon, sir, discuss triangulation and --

THE WITNESS: Actually we did do triangulation, and that was -- I spent numerous days doing triangulation, as a matter of fact, to try to pinpoint exactly where the source of the microwave frequencies because it did fall in the microwave frequency spectrum.

1 And you know, I understand that radio operators
2 and radio techs would call it RF, but when you're in the
3 networking field like I am, we deal with an --

4 MR. GHAN: Objection, your Honor. The question had
5 to do with triangulation.

6 THE WITNESS: I'm getting to that.

7 THE COURT: Let him explain, Mr. Ghan.

8 THE WITNESS: So I went six miles up to the mountain,
9 and I did a reading from Ms. Watterson's house. Went six
10 miles up past the mountain, did another reading. Came
11 back, and it was coming from another angle. I went down
12 all the way down to --

13 MR. GHAN: Objection, your Honor. This is testimony
14 as to what he did. He had the opportunity to testify at
15 the last hearing. This is not explaining to the Court.
16 This is --

17 MR. GHAN: Triangulation, I'm explaining how I did --

18 MR. GHAN: What he did is no longer the subject of
19 his testimony. This is rebuttal. He needs to rebut my
20 client.

21 THE COURT: Well, with respect to --

22 MS. GHAN: Your Honor, I'm going to renew my
23 objection from the last time.

24 THE COURT: Your objection's noted. Sustained.

25 MR. GHAN: I mean from the last hearing, you asking
26 the questions of the expert on behalf of Ms. Watterson, I
27 explained last time it sincerely upset my client.

28 THE COURT: I'm trying to interpret your objection to

1 the witness.

2 MR. GHAN: But I just want to raise the second
3 objection because you asked the last question, and she
4 needs to be acting as her own attorney.

5 THE COURT: Sir, I'm in control of these
6 proceedings.

7 MR. GHAN: Yes.

8 THE COURT: And I can conduct examination all that I
9 want of any witness.

10 MR. GHAN: I understand. I'm just putting my
11 objection on the record.

12 THE COURT: Put your objection on the record. It's
13 noted. MR. GHAN: Thank you.

14 THE COURT: I'm not acting as an advocate. I'm
15 inquiring to get information.

16 THE WITNESS: So, anyway, I also went down --

17 MR. GHAN: Your Honor, I don't think you've ruled on
18 my objection. I don't care what he did. It's not
19 rebuttal.

20 THE WITNESS: The question is what did I do for --

21 THE COURT: Mr. McCann, please. In listening to
22 Mr. Wiglesworth's explanation of triangulation, did you
23 find it relevant to the issue in question of the location
24 of the microwave that you found?

25 THE WITNESS: I did find it relevant in the fact that
26 when I did triangulation three separate times, it ended up
27 back at the same place.

28 MR. GHAN: Objection, your Honor, as to everything

1 after "I found it relevant."

2 THE COURT: Very well. The answer is --

3 MR. GHAN: Stricken as nonresponsive is my request.

4 THE COURT: The part that you contributed will be
5 stricken.

6 Continue, Ms. Watterson.

7 Q (BY MS. WATTERSON) How would you describe his
8 equipment, Mr. Wiglesworth's equipment? Would you say it
9 is state of the art or --

10 A In the '90s it was the state of the art
11 equipment.

12 Q So you think that what he was using is not --
13 it's digital now, isn't it?

14 A Well, everything's digital now. But I mean, in
15 the '90s, that would have been state of the art equipment.
16 That was when everything was going to analog to digital.
17 So I know exactly what type of equipment he was talking
18 about, but nowadays everything that we were using is ISSA
19 (phonetic) and OCEA and everything else standardized. So,
20 you know, with regard to standardization and OCEA and ISSA
21 protocols, equipment used is directly within those
22 parameters.

23 Q So do you have a degree?

24 A Yeah.

25 Q And --

26 A Got multiple degrees.

27 MR. GHAN: Objection, your Honor. Relevance. He's
28 not testifying again.

1 THE, COURT: Sustained. We have his curriculum
2 vitae.

3 Q (BY MS. WATTERSON) All right. And so I'm
4 trying to get the difference between a tech and an -- a
5 person with your credentials and a person with his,
6 because it's my feeling he is a radio --

7 MR. GHAN: Objection to the commentary.

8 THE COURT: Ms. Watterson, please, let me suggest
9 this. I've got a note from Judge Swift. I'm going to ask
10 you just to remain available. You may speak amongst
11 yourselves as you wish. The audience may remain. Let me
12 call Judge Swift and I'll resume as soon as I can.

13 MS. WATTERSON: No problem.

14 (A brief interruption in the proceedings.)

15 THE COURT: Back on the record. My apologies for the
16 interruption. Ms. Watterson, you may continue.

17 Q (BY MS. WATTERSON) What does AAP stand for?

18 A You mean AARP?

19 Q Yes.

20 A It's the Amateur Antenna and Radio Manual -- or
21 Programmers Manual.

22 Q Do you have the latest copy?

23 A Yes.

24 Q You have a copy. Would you consider -- what is
25 2.4 gigahertz?

26 MR. GHAN: Objection.

27 THE WITNESS: Rephrase the question, please.

28 THE COURT: Overruled.

1 Q (BY MS. WATTERSON) What are 2.4 gigahertz used
2 for?

3 A 2.4 gigahertz is the standardization of wireless
4 networking. And if the other expert would have just
5 simply thought that -- that's what every wireless network
6 router is based off of is 2.4 gigahertz, which is in the
7 microwave radio spectrum.

8 Q And if he was a radio technician, would he know
9 about sine waves or sawtooth waves or square waves?

10 MR. GHAN: Objection. That calls for speculation.

11 THE COURT: Overruled.

12 THE WITNESS: He should. I mean, if he's in the
13 radio field, he should understand what sine waves,
14 sawtooths and square waves do and the difference between
15 them.

16 Q (BY MS. WATTERSON) Well, that's what I'm trying
17 to get at.

18 THE COURT: Ma'am, you're editorializing. Please
19 just ask questions.

20 Q (BY MS. WATTERSON) Okay. Would you say that
21 he's -- that Mr. Wiglesworth is just a regular radio
22 technician?

23 A Yes.

24 MR. GHAN: Objection, your Honor. That's
25 speculative, and there's no foundation.

26 THE COURT: That doesn't tell the Court what his
27 abilities are. The objection is sustained.

28 MR. GHAN: I'd ask the answer be stricken.

1 THE COURT: I didn't hear an answer.

2 MR. GHAN: He did answer, but if it's on the record,
3 I'd ask it be stricken.

4 THE COURT: Be stricken.

5 Q (BY MS. WATTERSON) Did you recently witness
6 somebody stalking --

7 MR. GHAN: Objection. Relevance. This is not
8 testimony.

9 THE COURT: Sustained.

10 MR. GHAN: Or it is not direct testimony.

11 MS. WATTERSON: I didn't get to say what I was going
12 to say.

13 MR. GHAN: He sustained my objection.

14 MS. WATTERSON: So I can't ask him if somebody
15 trespassed on my property?

16 THE COURT: Well, actually you cannot only use
17 Mr. McCann for rebuttal of what Mr. Wiglesworth has
18 testified to, but then there's a fine line about calling
19 him to supplement his testimony. But I think under the
20 circumstances, you're limited to just whatever his
21 critique of Mr. Wiglesworth is.

22 MR. GHAN: Thank you, your Honor.

23 Q (BY MS. WATTERSON) Is there anything else I
24 should know about Mr. Wiglesworth's testimony?

25 MR. GHAN: Objection. That's vague.

26 MS. WATTERSON: Well --

27 THE COURT: Well --

28 MS. WATTERSON: -- I'm trying to prove a point

1 here.

2 THE COURT: Well --

3 MS. WATTERSON: So --

4 THE COURT: The issue is whether or not, sir, you
5 heard anything which contradicts your prior testimony.

6 MS. WATTERSON: Well, what I'm hearing is that --

7 THE COURT: Ma'am, I'm asking that question.

8 Did you hear anything from Mr. Wiglesworth which
9 credibly contradicts your earlier testimony?

10 THE WITNESS: No, I didn't hear anything that
11 credibly contradicted my prior testimony, nor do I hear
12 anything from him that discredited anything that I proved
13 with the data sets over a long period of time that I took
14 measurements.

15 THE COURT: Anything further, Ms. Watterson?

16 Q (BY MS. WATTERSON) So you believe that
17 Mr. Wiglesworth is using analog equipment as opposed to
18 the latest digital?

19 MR. GHAN: Objection. Asked and answered, and it's
20 speculative the way it's phrased. It calls for
21 speculation.

22 THE COURT: Well, that is correct.

23 Q (BY MS. WATTERSON) Do you think he was using
24 digital equipment?

25 MR. GHAN: Objection. Same thing, it calls for
26 speculation the way it's phrased.

27 THE COURT: Sustained.

28 Is there any difference, significant difference,

1 in digital equipment and analog equipment in this matter?

2 THE WITNESS: Yes, there's an absolute big
3 significant difference between digital and analog
4 equipment. In the late '90s is when --

5 MR. GHAN: Objection, your Honor.

6 THE COURT: Going beyond my question.

7 Ms. Watterson, you may inquire.

8 Q (BY MS. WATTERSON) Could you elaborate,
9 please?

10 A In the late --

11 MR. GHAN: Objection, your Honor. That just calls
12 for a narrative. It's not a specific question.

13 Q (BY MS. WATTERSON) Could you --

14 THE COURT: Well, the objection is noted.
15 Overruled.

16 THE WITNESS: In the late '90s was actually when
17 digital age came on. And they were starting slowly from
18 moving to analog to digital, and all the equipment that --
19 I'm sorry. I can't pronounce the other gentleman's
20 name -- Wiglesworth was using I'm fully familiar with, and
21 it's a really kind of a hybridization of when they were
22 trying to switch over to completely digital, but it still
23 has a kind of analog equipment and it's not technically
24 reliable.

25 I would question as to when the last time it was
26 actually calibrated was. There are so many things that
27 are wrong with it. I mean, 20 years ago, that was state
28 of the art. Nowadays, it's kind of like me going and

1 getting a vacuum tube, you know --

2 MR. GHAN: Objection, your Honor.

3 THE WITNESS: -- television versus a flat screen.

4 MR. GHAN: I said objection.

5 THE COURT: Mr. Ghan, I appreciate your anguish. The
6 Court will sustain the objection.

7 MR. GHAN: Ask that everything be stricken after the
8 initial three-sentence response to the question.

9 THE COURT: No, just the last expression.

10 Q (BY MS. WATTERSON) What's the main difference
11 between a programmer, somebody who has a degree as a
12 programer as yourself, and a radio technician?

13 MR. GHAN: Objection, your Honor. There is no
14 relevance, and it's not rebuttal.

15 THE COURT: Sustained. It's not material.

16 MS. WATTERSON: Well, because he's being used as an
17 expert witness. That's my --

18 THE COURT: We called him an expert witness because
19 he has training over and above the actual layperson. The
20 Court is going to draw its own conclusions about the
21 quality of the testimony of any witness.

22 Q (BY MS. WATTERSON) Is there anything else, any
23 other discrepancies that you can see that the Court should
24 know about?

25 MR. GHAN: Objection, your Honor. That's vague.

26 THE COURT: Overruled.

27 MR. GHAN: He asked --

28 THE COURT: Dealing with Mr. Wiglesworth.

1 THE WITNESS: The first thing I'd like to state is
2 that with stranded cable, you can carry a lot more
3 current, whether it's DC or AC. Secondly, solid cable
4 carry less current. And when we are talking about
5 current, we're talking about amperage, which is actually
6 the amount of power output. Volts times amps equals
7 watts, which is power output.

8 Secondly, 18-gauge stranded wire, it can easily
9 carry 15 amps, which is plenty enough. That's easily
10 1,200 watts to 1,500 watts of power. So that's one thing
11 that's a huge discrepancy. Anyone in the networking field
12 would know that, you know, stranded wire carries more
13 current than, you know, just regular cabled wire.

14 Secondly, if he take a look at your own, you
15 know, modem at home or wireless modem or your RJ45
16 ethernet jack, you're using literally 24-gauge,
17 single-strand wire, and you're emitting microwave
18 frequencies with that from a wireless modem. So -- and
19 you can create a network of up to, you know, a hundred
20 feet or more, and that's with a 24-gauge, just
21 single-strand wire.

22 So, you know, those are the types of
23 discrepancies I look at. And just it kind of boggles my
24 mind if he --

25 MR. GHAN: Objection as to the commentary now.

26 THE WITNESS: Now this --

27 MR. GHAN: There is no question.

28 THE COURT: The commentary that he -- it is causing

1 concern in discerning the rationale, that is, whether it
2 appears to be reasonable under the circumstances is this
3 witness's prerogative. That's his opinion. It's causing
4 him concern of the analysis that Mr. Wiglesworth used.
5 The objection is noted. Overruled.

6 THE WITNESS: And other than that --

7 MR. GHAN: Objection. There is no question pending
8 now.

9 THE COURT: Sir, I didn't know whether he was
10 finished. There were two points you made. Is there a
11 third?

12 THE WITNESS: Yeah, there is a third point. The
13 third point is that microwaves are actually square waves,
14 and a network technician would know this. And the way a
15 microwave oven works is actually vibrates water molecules
16 to heat up water. It doesn't bounce RF energy, according
17 to Mr. Wiglesworth, around the faraday cage to heat up the
18 product inside the microwave containing the microwave. It
19 actually vibrates the molecules of water. It's directly
20 related to vibrating molecules of water in order to heat
21 up your food. That's how microwave works. That's using
22 square waves.

23 THE COURT: Ms. Watterson, anything further?

24 MS. WATTERSON: Yes.

25 Q (BY MS. WATTERSON) Have you seen like on the
26 websites and stuff or have you yourself ever adapted a
27 microwave?

28 MR. GHAN: Objection, your Honor. This question is

1 asking for supplementary testimony, not rebuttal.

2 THE COURT: I'm not sure the relevance of that.

3 MS. WATTERSON: Well, it's because that's how these
4 things start is that people take microwaves, they adapt
5 them. It's really easy to do.

6 THE COURT: Okay, Ms. Watterson.

7 This adaptation of a microwave, sir, as to its
8 relevance to any of the equipment that Mr. Aro has, is it
9 relevant to this discussion whether he is sending any
10 waves in the direction of Ms. Watterson's property?

11 THE WITNESS: Was that a question to me?

12 THE COURT: Yes, it is a question, sir.

13 THE WITNESS: Can you repeat that then?

14 THE COURT: Well, the question was I had heard from a
15 question that Ms. Watterson asked of Mr. Aro about a
16 discussion that he talked to her at one time about, I'm
17 trying to think, modifying a microwave oven. And I don't
18 know if you heard that the fact that they had that
19 discussion and what he said. But does that appear to be a
20 possibility?

21 THE WITNESS: It's entirely possible. You can
22 actually even buy microwave generators directly off the
23 Internet nowadays. But it is entirely possible. It is
24 not theoretical or anything like that. It's entirely
25 possible.

26 Q (BY MS. WATTERSON) Is it true now they have
27 handheld ones?

28 A Yeah, they have --

1 Q You can buy in China?

2 MR. GHAN: Objection. Relevance. There's no
3 evidence, assumes facts not in evidence, and it's not
4 rebuttal. All three of those reasons I object.

5 Q (BY MS. WATTERSON) Well, I --

6 THE COURT: Objections are noted. Sustained.

7 Q (BY MS. WATTERSON) I understood from
8 Mr. Wiglesworth -- maybe I got this wrong -- that he felt
9 that the dish could not have transferred microwaves to me.
10 Could you elaborate a little bit on how it could, how
11 easily --

12 A You just plug it into a microwave generator and
13 run the power the other way. It is pointing at your
14 house. You can turn it on and you have a
15 microwave-directed energy weapon directed at your house.

16 Q So it goes from a receiver --

17 A If a --

18 Q -- to transmitter?

19 A Exactly. That's exactly how a radio works. It
20 is the same concept.

21 MS. WATTERSON: I'm finished. Thank you.

22 THE COURT: Thank you.

23 Mr. Ghan?

24 MR. GHAN: Yes.

25

26 CROSS-EXAMINATION

27 BY MR. GHAN:

28 Q Now, have you seen, actually seen Mr. Aro's

1 microwave?

2 A Have I seen his microwave?

3 Q Yes.

4 A I saw what I thought would be a microwave
5 generator.

6 Q Have you seen his microwave was the question?

7 A No.

8 Q Have you seen the dish plugged into his
9 microwave?

10 A No.

11 MR. GHAN: I have no further questions.

12 THE COURT: Ms. Watterson, anything further?

13

14 REDIRECT EXAMINATION

15 BY MS. WATTERSON:

16 Q The microwave generator can be hidden anywhere;
17 can it not?

18 MR. GHAN: Objection. That calls for new testimony.
19 It's beyond the scope of my direct.

20 THE COURT: Well --

21 MR. GHAN: Redirect.

22 THE COURT: -- your redirect at this moment talked
23 about being plugged into a microwave.

24 MR. GHAN: The question was did he view anything on
25 my client's property being plugged into a microwave -- or
26 the dish, actually. That's the question. Only asked two
27 questions, so we don't have to get random testimony for
28 the next 20 minutes.

1 MS. WATTERSON: He's never been on Mr. Aro's
2 property.

3 MR. GHAN: Correct.

4 THE COURT: Be that as it may --

5 MR. GHAN: So I'm done. Or I guess it's her call.

6 THE COURT: Anything further, Ms. Watterson?

7 Q (BY MS. WATTERSON) Well, my question to him is
8 is a microwave generator, which we think we seen one time
9 on his roof, that can be taken anywhere; right? That can
10 be in a shed? That --

11 A Correct.

12 Q -- in the kitchen? That can be anywhere;
13 right?

14 A Yes.

15 Q Okay. That's what I wanted to finish. So you
16 don't necessarily have to see it?

17 A No.

18 Q And it could be run even a mile down the street,
19 probably?

20 A Yes.

21 MR. GHAN: Objection. This is all speculation. It
22 calls for speculation.

23 THE COURT: It does call for speculation. The
24 objection is noted. Overruled. The importance is that he
25 didn't go upon the property. That doesn't mean that it
26 wasn't there in some location.

27 Thank you. You may step down, sir. Okay.

28 (The witness stepped down from the stand.)

1 MS. WATTERSON: I guess that's it for me.

2 THE COURT: Ms. Watterson, anything further?

3 MS. WATTERSON: Not -- I mean, I'd love to go over
4 the old testimony. I just wanted to know if your Honor
5 has looked at all the stuff I accumulated for you, like
6 the handheld --

7 MR. GHAN: Is the rebuttal done, your Honor?

8 MS. WATTERSON: Yes.

9 MR. GHAN: That's the question.

10 MS. WATTERSON: Rebuttal's done. He's gone.

11 THE COURT: Mr. Ghan.

12 MR. GHAN: Now, do we make closing arguments?

13 THE COURT: If you wish.

14 Ms. Watterson.

15 MS. WATTERSON: This has been going on for five
16 years, and I have lost my job of 20 years because of it.
17 My health has -- has gone down. I moved up here for my
18 health.

19 It's far broader than just the microwaves. My
20 computer has been shut down. That is one of the reasons I
21 lost my job. My phones have been shut down. It has given
22 me memory loss. I'm constantly getting waves bored into
23 my head. It's made my MS progress.

24 It's -- I have my car tampered with, two flat
25 tires. I actually have no air conditioning in my car now
26 because he tampered with that.

27 The sleep deprivation. They just -- that goes
28 without -- they've even put bad tenants in my rentals. I

1 have had my addresses changed on Verizon, on Publishers
2 clearing House.

3 THE COURT: Ms. Watterson, you're going on with a
4 litany --

5 MS. WATTERSON: Okay.

6 THE COURT: -- of accusations.

7 MS. WATTERSON: Well, I'm just trying to give my --

8 THE COURT: What the Court is concerned with --

9 MS. WATTERSON: Okay.

10 THE COURT: -- is the fact that your health appeared
11 to have been impaired because of some phenomenon which has
12 penetrated into your premise and yourself, and that this
13 has caused personal physical discomfort and you wanted it
14 to stop. That is what the purpose --

15 MS. WATTERSON: That's all I want.

16 THE COURT: That is the purpose of this proceeding.

17 MS. WATTERSON: And it is happening to thousands and
18 thousands of other ones, and they tend to pick on older
19 women.

20 THE COURT: Well, please.

21 MS. WATTERSON: Really.

22 THE COURT: Go to what we talked about, the evidence.
23 For example, you could allude to what Mr. McCann testified
24 to at the beginning, what you have heard this afternoon,
25 if you want to elaborate.

26 MS. WATTERSON: Well, since I can't bring up the
27 latest stalking, I'm not allowed to do that, I just --
28 we're -- as Mr. McCann testified, not only highly possible

1 to do adaptive microwave, you can even buy them -- these
2 instruments from China which you have. You can buy all
3 the ultrasound, sonic, and all they have to do is shoot
4 you with them. They even have apps for it now, I heard,
5 in Canada.

6 MR. GHAN: Is she testifying or talking about the
7 testimony that I apparently didn't hear, your Honor?

8 MS. WATTERSON: But you have that.

9 MR. GHAN: I object to her line of --

10 THE COURT: I have --

11 MR. GHAN: -- closing.

12 THE COURT: -- not reviewed those documents.

13 MS. WATTERSON: Okay. You have?

14 THE COURT: I have not.

15 MS. WATTERSON: Oh.

16 THE COURT: I've been listening to the testimony, and
17 that's what I'm going to base this decision on.

18 MS. WATTERSON: And as you can see, I have thousands
19 of computer shut-downs, and I have many more. The
20 vibrations, the law of the vibrations allowed to go across
21 your property line.

22 I did -- I did everything I possibly could
23 before I took Mr. Aro -- I sent him a cease and desist
24 order -- letter hoping that he would do it so I wouldn't
25 have to waste the Court's time. That did not work.

26 I have multiple letters from -- now he has
27 actually taken down my surveillance system, too. I have
28 pictures of cut wires. So I'm unprotected again that way.

1 I feel that Mr. Wiglesworth, no offense, doesn't
2 have the credentials to do this. And I have proven again
3 and again, and I have over a thousand videos, and here it
4 is, a picture of it right now of interference.

5 And he -- I have videos of where he just takes
6 over my TV. And you can see I'm trying to shut it off.
7 I'm trying to shut it off with the clicker. He turns off
8 my phone. I've had Edison out there.

9 I've done everything possible to go around --
10 hoping it's not him. I want to find a solution, you know.
11 I don't want it to be him. That's -- that would be the
12 easy way. But unfortunately, it always comes back to
13 this. And sadly, there's thousands and thousands of us.

14 And I do have people that -- and we talked about
15 the noise campaigns before, and you struck those down, and
16 I can see why, but I do have two witnesses here that will
17 testify to the noise campaigns. And everyone will testify
18 to the sleep deprivation and the financial ruin, et
19 cetera.

20 And so that's -- I'm just here because we proved
21 to you the prima facie, and that means we proved the
22 evidence, and so I'm just asking for a restraining order,
23 which is just a stay-away order to leave me alone.

24 THE COURT: Okay. Thank you.

25 Mr. Ghan.

26 MR. GHAN: Yes. First of all, her burden under the
27 law, since this is not a domestic relationship, is to
28 prove by clear and convincing evidence every element of

1 her claim. She talked about radiation sickness. Never
2 went to a doctor, never had a diagnosis --

3 MS. WATTERSON: I have a doctor's --

4 MR. GHAN: We don't have any evidence of that other
5 than throwing up and head hurting. She has to prove that
6 she has a problem, and she has to prove by clear and
7 convincing evidence that my client is directly responsible
8 for that. It doesn't matter if theoretically you can do X
9 or Y or Z. She has to prove that my client did exactly
10 what is causing her harm on a specific date and a specific
11 time so that you can even possibly tailor a restraining
12 order.

13 The testimony we have that is clear is she never
14 even met my client until one meeting after she had already
15 filed the previous request that was denied.

16 And as an aside, there has been no evidence
17 properly moved and admitted into this proceeding. It is
18 all remaining as exhibits. So what we have as evidence is
19 the testimony, and you have conflicting testimony, and you
20 have guesses. She can go on and on and on about the
21 litany of ailments that she is suffering in her wonderful
22 life, but unless she can prove by clear and convincing
23 evidence that my client is responsible for it, she doesn't
24 prevail. She has to meet that burden.

25 She's just testified as to problems, never
26 having met my client except for one conversation, never
27 having brought in any microwave that has been in some
28 fashion altered. You have two people who you've accepted

1 as experts with conflicting positions, and you have to
2 establish by clear and convincing evidence that my client
3 has done something improper such that it can be
4 restrained.

5 First, it has to be identified. You are no
6 longer to use your microwave in the direction of Ms.
7 Watterson's home. You are no longer allowed to plug your
8 receiver into a hypothetical microwave generator.

9 Nobody has brought a picture of a microwave
10 generator. Nobody has testified that they saw my client
11 using it. In order to restrain behavior, you have to have
12 conduct that can be specifically enough designated to be
13 restrained.

14 She is asking for a restraining order that says
15 don't send any microwaves over, and she hasn't established
16 by clear and convincing evidence that my client even has
17 equipment capable of doing that.

18 On top of all of that, you have my client who
19 testified has never been in trouble with the law. He has
20 no animosity towards Ms. Watterson. He had never met her
21 during all the times that she alleged this behavior was
22 taking place. They've had only one conversation until
23 they've been in court. They've never been in each other's
24 presence more than once. She testified to all that, and
25 yet we hear about her concern about people coming over
26 and, you know, turning off her security system and
27 unplugging her phones and turning off the air conditioning
28 in her car and making her radios not work, and she met my

1 client once.

2 MS. WATTERSON: More than once.

3 MR. GHAN: She can't link him to any of this
4 behavior. And his testimony is that he is not doing it,
5 that he has an FCC license, that nobody has ever made a
6 complaint to the FCC that he's operating outside the scope
7 of his license, that nobody has ever come from the FCC and
8 said that he's not operating according to his license, and
9 we're supposed to make the leap in logic that she has
10 shown by clear and convincing evidence that he is
11 intentionally setting out to harm her?

12 I don't believe that's what the evidence shows,
13 your Honor. And I don't believe on the showing that has
14 been demonstrated before this Court that a restraining
15 order should issue against a man who has spent his life
16 without any problems with others. It's a big deal. It
17 impacts him, and he should not be subject to a restraining
18 order, your Honor.

19 So I would ask that you deny this matter in its
20 entirety. Yes, that. Thank you, your Honor.

21 MS. WATTERSON: May I rebut?

22 THE COURT: Yes.

23 MS. WATTERSON: I had actually -- from 2010 I have a
24 medical thing and they are saying that --

25 MR. GHAN: Objection, your Honor. That's not
26 evidence before this Court, whatever it is.

27 THE COURT: Well, she has testified earlier that she
28 suffered physical ailments, heat, sleep apnea -- sleep

1 disturbance and the like. She has testified to that
2 herself.

3 MR. GHAN: Correct, that is the extent of her
4 testimony.

5 THE COURT: I'm not accepting medical reports.

6 MS. WATTERSON: Okay. Well, I have that. He said I
7 didn't have it.

8 THE COURT: You don't --

9 MS. WATTERSON: I've also talked to Mr. Aro three
10 times -- no, actually four. And I went over there
11 again --

12 MR. GHAN: Objection, your Honor. This is not the
13 evidence that's before the Court. This is not what was
14 testified to.

15 MR. GHAN: He keeps saying one time. You keep saying
16 one time. But it was more than one time. It was three
17 times. I did my best to -- I went over there three times
18 to talk to him, and I wasn't by myself every time, too.
19 So if I have to, you know -- to talk to him to, you know,
20 get this to stop.

21 MR. GHAN: How is this a legal closing argument in
22 rebuttal? This is new testimony.

23 THE COURT: Counsel, I'm letting her have the
24 opportunity to expound upon her original argument.

25 MS. WATTERSON: I even have a picture here.

26 THE COURT: Ma'am, now, please --

27 MS. WATTERSON: All right. And we have proven our
28 prima facie that any dish that's transmitting goes to the

1 equator in a southerly direction. That is where all
2 telemarketing are -- telemarketing things are taken, your
3 TV, everything. This dish right here is directly in the
4 line of sight of my house. We've already proven how
5 easily it can be -- a dish can be turned into a
6 transmitter. We have proven that just because you don't
7 see a microwave generator, that doesn't mean it's not
8 somewhere on the property.

9 And so that -- we did prove that last time. We
10 proved the prima facie. And all I'm trying to do is get
11 it to stop. I'm not trying to get him in any trouble.
12 I'm not trying to do anything like that. You know, I just
13 want to get it to stop.

14 MR. GHAN: Your Honor, it is not sufficient to say it
15 could be and we haven't seen it but it might be.

16 MS. WATTERSON: I didn't say it could be. It is him.
17 We've proven it. We have data sets that prove that it
18 comes from his house to my house, with science. And we
19 also have that science of microwaves, what it does to you,
20 83 hundred articles out there. And I'm 65. I don't
21 want -- you know, I don't want to get breast cancer. I
22 don't want to get cancer. I want to enjoy my
23 retirement.

24 MR. GHAN: Your Honor?

25 THE COURT: All right. Thank you, Ms. Watterson.

26 MR. GHAN: Clear and convincing evidence, that's
27 what's necessary. No reasonable mind could come to any
28 other conclusion.

1 THE COURT: Thank you, Mr. Ghan. Appreciate that.

2 Okay. The issue before the Court, if we look at
3 the definition of harassment, harassment in the sense in
4 which it is to be dealt with under the Code of Civil
5 Procedure, which is what this -- Code of Civil Procedure
6 is applicable. I think it is 527. There is several
7 variations of it.

8 But what I'm suggesting is this. Harassment is
9 a knowing and willful statement or course of conduct that
10 puts a person in fear for themselves and serves no
11 legitimate purpose. It's a course of conduct that annoys,
12 harasses and so forth, causes a person to suffer perhaps
13 emotional distress as well as physical harm.

14 Now, I'm led to believe from Ms. Watterson that
15 she has complained to Mr. Aro about this, and his expert
16 did not see any evidence of the type of equipment that
17 would intentionally allow microwaves to be addressed to
18 her property some distance away. Her expert says it was
19 possible and that, but we do not have evidence of the
20 equipment itself.

21 We're thinking that it emanates from this one
22 dish, and I'm speculating that it had to do with the
23 microphone that was in the dish or the way the dish was
24 apparently directed that could cause this interference
25 with her lifestyle.

26 I'm very satisfied that she has suffered
27 physical ailment because of these microwaves. There's no
28 doubt in my mind. It is quite clear and convincing that

1 she has suffered this harm.

2 The question that I have is whether this was the
3 result of negligence on the part of Mr. Aro. He claims to
4 be a self-professed radio amateur buff -- that is how I'm
5 going to call him -- that didn't know any better that what
6 he hooked up was causing this harm. Now, whether that
7 transmutes or transfers or transmits into willful,
8 intentional misconduct, clear and convincing, I cannot say

9 MS. WATTERSON: (Unintelligible.)

10 THE COURT: Ms. Watterson, I'm speaking.

11 There is no doubt in my mind that he has caused
12 this harm. But what causes me reflection is that we do
13 not have evidence of the actual generator that apparently
14 is necessary to operate this dish in such fashion. Maybe
15 it exists. But I do not take it as an intentional
16 invasion on his part. It was, in my opinion, the result
17 of his negligence, hooking things up that ultimately have
18 caused harm to a neighbor. This is the subject of a
19 negligence civil suit with substantial damages, but that
20 is another forum. We're dealing here with what would
21 appear to be a criminal act.

22 It's atrocious that he doesn't see his harm.
23 His stubbornness is quite apparent. But his stubbornness
24 and his attitude is such that I do not find it is
25 equivalent of intentionally harassing, intentionally
26 seeking to cause harm. I cannot call it a criminal act,
27 which is the reason for the injunctive relief that Ms.
28 Watterson sought. It is gross negligence on his part,

1 very unwitting that he permitted himself to do that.

2 I'm trusting that Mr. Aro will take it upon
3 himself to change his equipment before Ms. Watterson files
4 a civil suit and causes him real harm, because she has
5 suffered terribly under this. And it is just because of
6 the nature of the section that she chose to bring, trying
7 to represent herself, that she didn't seek the proper
8 remedy, which is a negligence suit. Not intentionally
9 inflicting harm, but a negligence suit, that his lack of
10 care harmed you just as much as if he had hit you with his
11 car. That's what we have. But I cannot find clear and
12 convincing that he did such with such a criminal intent,
13 because that's what we're dealing with.

14 I do appreciate your sincerity, Ms. Watterson.
15 This is not over. This activity that you are involved in
16 and your pursuit is not over. I suggest you seek proper
17 legal advice, but I --

18 MS. WATTERSON: I might have a picture of the
19 generator.

20 MR. GHAN: You're ruling, your Honor.

21 THE COURT: I'm ruling. I'm already ruling.

22 MS. WATTERSON: Okay.

23 THE COURT: And that may be the generator, but we do
24 not have actual proof of that.

25 Under the circumstances, the Court does not
26 sustain the petition.

27 MR. GHAN: The petition is denied; correct?

28 THE COURT: Petition is denied.

1 MR. GHAN: Thank you, your Honor.

2 THE COURT: That will be the order.

3 Return exhibits to the parties.

4 Ms. Watterson, you want your exhibits back?

5 MS. WATTERSON: Yeah, but I'd love to have them back.

6 I'd rather you look at them, though.

7 THE COURT: You may have them back.

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9 (No further proceedings on this date.)

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