

1 WILLIAM GARRISON - DIRECT

2 W I L L I A M G A R R I S O N , having first
3 been duly sworn and asked to state and spell his name, testified
4 as follows:

5 THE WITNESS: My name is William Garrison,
6 W-i-l-l-i-a-m G-a-r-r-i-s-o-n.

7 THE COURT: Just a reminder that our sound
8 system does not work. Those microphones are just
9 props. They won't be helping you. Go ahead.

10 DIRECT EXAMINATION

11 BY MR. WENIG:

12 Q Mr. Garrison, will you state your name for the record
13 please?

14 A Yes. William Garrison.

15 Q And, Mr. Garrison, where do you live?

16 A I live on 86 Liberty Street, Spencer.

17 Q And where are you employed?

18 A I'm self-employed. I work at home.

19 Q What's the nature of your business?

20 A I'm a residential MacIntosh consultant, software
21 developer.

22 Q And do you cover a certain region or other area with
23 your business?

24 A Mostly the Ithaca area.

25 Q And exactly what kind of work do you do with your

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2 business?

3 A For home owners of MacIntosh computers I make house
4 calls to do configurations, software updates, and instruction.

5 Q Do you know Kevin Saunders?

6 A Yes.

7 Q How do you know Kevin?

8 A I have been personally acquainted with Kevin since
9 1998, and professionally we've known each other since 1996.

10 Q And how did you know him professionally back in 1996?

11 A I was an employee at Cornell, and in that position was
12 a user of his product, software product. And I later took a
13 position where I was responsible for -- where I was doing campus
14 wide support for that product. So I was the liaison between
15 Cornell and Data Beast, Incorporated.

16 Q Data Beast, Incorporated is Mr. Saunders' corporation?

17 A That's right.

18 Q What's the nature of Mr. Saunders' product that you
19 handle?

20 A Mr. Saunders writes a software program called Data
21 Comet which is a terminal indicator. The basic function is to
22 mimic software functionality of an old style computer terminal
23 that was originally a monitor and a keyboard.

24 Q Did there come a time when you needed to assist Mr.
25 Saunders with his business?

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2 A Yes, in 1998. I think in the spring of 1998 I was in
3 my business at Cornell as the campus-wide technical support, and
4 Kevin was called away I believe to stay or be observed in a
5 hospital in Albany. And so for eight weeks I processed orders
6 and answered questions through e-mail.

7 Q So you were handling the business in his absence?

8 A That's right.

9 Q Were you able to confer with Mr. Saunders where he
10 was?

11 A Yes, we did. By phone at least.

12 Q And how difficult was it for you to maintain his
13 business without Mr. Saunders there?

14 A At that time I could handle routine order processing
15 and answer routine user questions. If there were bug reports I
16 could take them and pass them along. But I didn't have the
17 skill or access to make modifications to the program.

18 Q I'm sorry?

19 A Bug reports. Bug reports are reports from users of
20 the product when it crashes, or misbehaves, or malfunctions, or
21 doesn't behave the way the user of the product thought it would.
22 And those were not things that -- those are things that the
23 programmer can deal with, but not the technical support person.

24 Q Back in 1998 did you seek or contact Mr. Saunders on a
25 certain basis?

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2 A Yeah, we talked by phone pretty regularly once a
3 month, twice a month. After I had left Cornell in 2000 to start
4 my own business we conferred in person several times to get
5 advice about my business and exchange advice about his business.

6 Q Are you currently assisting Mr. Saunders with the
7 business?

8 A I have been since April 14th.

9 Q Is that at Mr. Saunders' request?

10 A Yes.

11 Q What are you doing now with the business?

12 A I'm again processing orders that come in through the
13 web and through e-mail and answering routine user questions that
14 arrive through e-mail.

15 Q Are you in contact with Mr. Saunders while he is at
16 Elmira Psychiatric Center?

17 A Yes, via telephone.

18 Q And can you describe the nature of the clientele of
19 Mr. Saunders' product?

20 A Sure. There are probably the majority of individuals
21 who work in various places, government, academia, business. We
22 have many.

23 There are many customers who are a corporate or large
24 -- have a large site where they purchase a large license to
25 distribute the software throughout their business. And their

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2 business may be located in different geographic regions.

3 Q So international clientele?

4 A Yes.

5 Q And in terms of the financial end of the business, are
6 you aware of that?

7 A Just from my last few weeks of processing orders. In
8 March there were -- we had twenty-five new customers. And after
9 I took over processing orders mostly in the month of April we
10 had a little growth, twenty-seven customers. It's been
11 consistent.

12 Q So it's an active business?

13 A Oh, yeah.

14 Q Are you continuing customer purchases?

15 A Yeah. We usually get at least one order a day and
16 generally an e-mail message a day from a customer.

17 Q How long do you think you can keep this up in terms of
18 your running the business, keeping it afloat for Kevin?

19 A I currently spend about ten, fifteen hours a week.
20 And it caught me by surprise, so I'm getting it into my regular
21 business. I could probably keep it up for another three or four
22 weeks.

23 Q Do you think the business would encounter any
24 difficulty if Mr. Saunders didn't attend to it, return to it?

25 A Yes.

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2 Q What kind of difficulties?

3 A Our policy for on-line orders is to respond to an
4 order within five days. And I have seen customers get irate if
5 we don't follow that policy.

6 And there is -- people expect to get -- when they send
7 their payments in they expect to get their product.

8 Q And is Mr. Saunders the one responsible for attending
9 to the products and making sure that the software operates
10 properly?

11 A Yes.

12 MR. WENIG: All right, thank you, Mr. Garrison.
13 I have no other questions.

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2 CROSS-EXAMINATION

3 BY MS. COCCHIOLA:

4 Q Mr. Garrison are you being compensated for your
5 efforts on behalf of the business?

6 A Not currently, but that's ...

7 Q You expect to be?

8 A I expect to be, yes.

9 Q Do you expect to be compensated on an hourly basis or
10 a percentage of what you do?

11 A I think an hourly basis.

12 Q Is that how you handled your business relationship
13 with Mr. Saunders back in 1998?

14 A No. At that time I did it as a volunteer basis.

15 Q That was only a week or so? Very short time?

16 A No, it was eight weeks.

17 Q Eight weeks?

18 A At that time.

19 Q He was in the Rochester Psychiatric Center or Albany
20 you said? Do you really know where he was?

21 A I believe it was Albany.

22 Q Could it have been Rochester?

23 A I'm not for sure about that.

24 Q You believe it was for eight weeks?

25 A From about mid-February, early February, to the end of

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2 March.

3 Q Of 1998?

4 A Of 1998.

5 Q Do you know if he was perhaps anywhere else?

6 A I don't know.

7 Q Okay. And as far as the eight weeks you then
8 volunteered and provided your services at that time?

9 A At that time I was not -- I didn't operate my
10 business. I was employed at Cornell, so my current supervisor,
11 my supervisor at that time, gave me permission to.

12 Q Now as far as the situation now, has any effort been
13 made to locate part-time or temporary help to your knowledge?

14 A To my knowledge no.

15 MS. COCCHIOLA: Thank you. I have nothing
16 further.

17 MR. WENIG: No other questions, Judge.

18 THE COURT: Thank you very much. You can step
19 down. Call your next witness.

20 MR. WENIG: Call Ann Marie Whelan.
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