

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ALCOR LIFE EXTENSION FOUNDATION, INC.

Plaintiff,

-against-

LARRY JOHNSON, VANGUARD PRESS, INC. and  
SCOTT BALDYGA,

Defendants.  
-----X

**Index No. 113938/2009**

**AFFIDAVIT OF  
BRIAN WOWK, M.Sc., Ph.D.**

**STATE OF CALIFORNIA** :

**COUNTY OF SAN BERNADINO** :

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**AFFIDAVIT OF BRIAN WOWK, M.Sc., Ph.D.**

1. I am a member of the Alcor Life Extension Foundation, Inc. (“Alcor”) Board of Directors. I have been a director since 2004. I have been involved in the field of cryonics for over 25 years. I have been an advisor to Alcor continuously since 2000. I specialize in the field of cryobiology and I received my post graduate degrees in medical physics.

2. I am familiar with the operations of Alcor, and I am personally familiar with information available regarding Alcor. I have personally surveyed information which is available about Alcor, and I personally surveyed the information available pertaining to the defamatory statements contained within the book, “*Frozen: My Journey into the World of Cryonics, Deception, and Death*” (“*Frozen*”) by Larry Johnson and Scott Baldyga, published by Vanguard Press, which is the subject of this litigation.

3. The book, "*Frozen*", improperly portrays Alcor as a criminal organization involved in, or suspected of, narcotics smuggling ("*Frozen*", pp. 328-329, 364), assault (Prolog and at p. 269, 275), theft (p. 326), kidnapping (p. 332), mutilation (p. 118, 187, 193, 302, 346), serial death threats (p. 308, 342, 370), and influencing state legislation by death threats (p. 347). There are fictional accounts of car chases through the streets of greater Los Angeles by Alcor operatives (pp. 338-341), "all-night gay sex parties in the Alcor operating room" (p. 325), supposed caches of guns, bombs, and underground bunkers of cryonics supplies surrounded by barbed wire and claymore mines (p. 332), and there are false allegations of "Alcorians" who kidnap teenagers and homeless people and experiment on them until they die (p. 332). These nefarious activities improperly described in "*Frozen*" are ostensibly overseen by Alcor officials who are scabies-infested (p. 109) sexual deviants (p. 87) who "scare the hell" out of local police while riding a bicycle (p. 111).

4. These defamatory allegations strain credulity. No reasonable person could believe the totality of what the authors claim in "*Frozen*". It is not credible that an organization depicted as Alcor is in "*Frozen*" could exist for decades with no victims, no witnesses, no charges, and no parade of former, brainwashed members attesting to these horrific criminal characterizations. It is also not credible that such an organization could be operated by a board of directors with day jobs as respected attorneys, university-affiliated physicians, scientists and distinguished professors who have testified before Congress.

5. It is not credible that Defendants Vanguard and Baldyga lacked doubts as to the truth of "*Frozen*," or least parts of "*Frozen*," and thereby published the book in reckless disregard of the truth. The following examples prove that Vanguard and Baldyga knew of its reckless disregard for the truth of the book and its defamatory statements.

6. The defamation referenced in the pending complaint as Subparagraph 122.A. states:

ALCOR and related persons were involved in an “international illegal drug trafficking operation” and that “people associated with Alcor had been arrested in Florida on cocaine smuggling charges.”

To support the alleged involvement of Alcor in an “international illegal drug trafficking operation,” the Affidavit of Linda Sanders, Exhibit 1, (“Aff. Sanders”) cites a newspaper article containing the text, “an indictment charged Kent and Faloon with urging customers to buy drugs that hadn’t been approved for sale in the U.S. from two overseas companies.” However the context of the phrase “international illegal drug trafficking operation” in “*Frozen*” obviously implies involvement in illegal narcotics, not unapproved supplements or medications. The very next sentence on page 328 of the book says that people associated with Alcor had been arrested for cocaine smuggling. To support the statement that, “people associated with Alcor had been arrested in Florida on cocaine smuggling charges,” Sanders Exhibit 1 cites references concerning one Stephen Ruddel, a claimed “Alcor member and early patron of the organization,” who in 1986 was arrested for cocaine *trafficking*, but only convicted of cocaine possession with probation according to this article cited by Sanders Exhibit 1 itself -- not “trafficking,” which is completely different allegation and manifestly false. [Exhibit A](#). Another article reported that the cocaine trafficking charges were automatic because of the quantity found, and that “it was substantiated that he never sold drugs.” [Exhibit B](#). “*Frozen*” did not say, “a person associated with Alcor had been arrested in Florida on cocaine trafficking charges.” The book says specifically, “people [plural, implying a group or conspiracy] associated with Alcor had been arrested in Florida on cocaine *smuggling* charges.” Since no sources cited by Sanders Exhibit 1 describe any individual or group being arrested for cocaine smuggling, only one person, Mr.

Ruddel, being arrested for a different alleged crime, the statement in “*Frozen*” was made with knowing falsity. Sanders Exhibit 1 asks the Court to observe that Alcor is not the subject of the actual statement, only “people associated with Alcor.” However this statement is also plainly understood as a preface to the defamatory statements contained in Paragraphs 122.B. and C., which states that Alcor itself is involved in illegal narcotics because it possesses the chemical mannitol.

7. Paragraph 122.B of the Complaint addresses the defamatory statement that:

ALCOR was “Ordering Mannitol in bulk...It is, however, commonly used in the illegal drug trade as a cutting agent for heroin, methamphetamines, and other illicit drugs;” “I had seen Mannitol myself while working at Alcor in Scottsdale....”

Indeed, Johnson would have seen mannitol at Alcor. But similarly, Johnson would have known specifically that mannitol was a major ingredient of the “MHP-2” blood substitute used by Alcor for decades. Johnson is well-aware that mannitol is used for exclusively medical purposes at Alcor. It is used in blood replacement solutions, cryoprotectant carrier solutions and in pharmaceutical form during the initial stabilization phase of cryonics. Alcor’s use of mannitol, an osmotic agent in medicine and organ preservation science, is mentioned in numerous public documents. The text “cutting agent for heroin, methamphetamines, and other illicit drugs,” appears drawn from Wikipedia sometime after March 2009, presumably during final editing of “*Frozen*” by Vanguard before publication in October 2009. [Exhibit C](#). There is no factual basis to justify the above defamatory statement since mannitol was exclusively used by Alcor for medical purposes, as stated in the very Wikipedia entry relied upon by Vanguard. When looking at this Wikipedia article, it would not be possible to miss the 400-word “Medical applications” section of the article, leaving no doubt that mannitol had legitimate uses in a medical scientific facility, especially one dealing with perfusion. Note especially the Wikipedia article text,

“Mannitol is commonly used in the circuit prime of a heart lung machine during cardiopulmonary bypass.” This medical use information was plausibly seen and certainly available to Defendants. The statement that mannitol was used by Alcor as a cutting agent for illegal narcotics is farcical and a clear intention to invent fiction for profit. The medical use of mannitol in cryonics was carelessly and recklessly avoided by the Defendants so they could publish a false statement about Alcor. Given the gravity of this specific defamation, one would expect this specific statement to be properly vetted. Notwithstanding the above, Defendants caused to be published the statements of Paragraph 122.B. which directly implies Alcor’s involvement in the illegal drug trade because Johnson saw mannitol while working at Alcor in Scottsdale. This is an allegation about Alcor regardless of whether the people alleged to be doing the bulk ordering were of Alcor or merely “people associated with Alcor” as asserted in Sanders Exhibit 1. The bulk ordering text is immediately followed by the statement that mannitol was seen on the premises of Alcor. The natural and proper question to ask Johnson and/or independent sources would be to determine for what purpose mannitol was used at Alcor, i.e., medical applications. Instead, the Defendants chose to intentionally skew the truth and suggest it was being used by Alcor for the smuggling and distribution of illegal narcotics.

8. Paragraph 122.C. of the Complaint pertains to the presence and use of mannitol at Alcor. It states:

“I never knew why Alcor stored Mannitol, but Detective Alan Kunzman’s informant alleged that some Alcorians had run an international cocaine smuggling venture;” “And, after working for [sic] other Alcorians, I believed they would do anything to further their cause and to protect themselves, the self-styled saviors of humanity...”

The statement, “I never knew why Alcor stored mannitol” was defamatory and reckless because Johnson and Vanguard knew exactly why mannitol was used by Alcor, e.g., for medical

purposes. There was never any use of mannitol in illegal activities, and the implication otherwise is reckless and ignores that Johnson knew why mannitol was at the premises. Further, the previous defamatory statement references mannitol as a cutting agent for illegal narcotics, and the subsequent anonymous allegation “that some Alcorians had run an international cocaine smuggling venture” plainly implicate Alcor in illegal narcotics, which is defamatory and reckless. Johnson knew why Alcor stored mannitol, Defendants also should have known why Alcor stored mannitol from both Johnson and the publically available information which Vanguard apparently consulted for their narcotics references from paragraph 122.B. Defendants would certainly have known why Alcor stored mannitol if they searched at all the defamatory remark and allegation of Johnson on the Internet. Had they done so, they would also have known that Johnson simply lied. Searching "mannitol" on just the Alcor website produces a list of occurrences five pages long. [Exhibit D](#). This reckless and intentional ignorance of Johnson and the Defendants is a pattern of behavior. For instance, Johnson even falsely questioned the standard practice of cardiopulmonary support in cryonics, saying on Page 151 of the book, “Charles [Platt] couldn’t figure it out [why it’s done] either.” However, Charles Platt just a few months earlier wrote an eight-page article to explain cryonics procedures to medical professionals, one that Johnson and Defendants would certainly have seen at Alcor in addition to numerous more technical materials. [Exhibit E](#).

9. Perhaps the most obvious example of Johnson feigning ignorance to prop up false statements was to question anesthetics and other drugs in Alcor’s facility. Sanders Exhibit 1 recounts this portion of “*Frozen*” in connection with Paragraph 122.B., apparently to justify suspicions about mannitol because other “suspicious agents” were also observed by Johnson at Alcor. In fact, all of those items were properly used by Alcor in its operations. Of course, a

casual read would believe otherwise. But, the Defendants and their alleged fact-checker were not casual readers. They had an obligation to perform a reasonable search to determine if Johnson's claimed ignorance and suspicion about substances such as mannitol were consistent with public information about cryonics. Visiting the public, online library of the Alcor website would have easily provided various manuals which explain the use of legacy and current medications in cryonics, including anesthetics. [Exhibit F](#). For example, searching "Diprivan" would have led to the documents easily available and explanatory of the legitimate use of the medication by Alcor. **Id.** The Defendants either recklessly failed to review the Alcor library or the Defendants intentionally ignored the truthful materials available. Even searching the Alcor website for "mannitol" would have generated more than 40 hits, making clear the extensive use of mannitol in cryonics stabilizations and blood replacement solutions in cryonics. See [www.alcor.org](http://www.alcor.org) <search: mannitol>.

10. Paragraph 122.D. includes a defamatory statement of Johnson, which is derived directly from the contents of the book. Johnson stated:

"I was scared to death. I didn't want to have them... start doing experiments on me," implying specifically that ALCOR was capable of imminently harming JOHNSON physically. This comment was stated on national television network CNN on a program called "The Situation Room" with Wolf Blitzer.

Johnson, no longer a party to this lawsuit after filing for bankruptcy protection and conceding that statements in the book were false, made the foregoing statement while on a media tour presumably arranged by Vanguard and their publicist to promote "*Frozen*." This statement was partly a retelling of contents from the book. Page 322 of the book says:

It disturbed me when I reflected on the fact that the Nazis, from the arrogant heights of their presumed superiority, also meticulously and thoroughly documented virtually all of their evil deeds. As with Alcor's reams of record-keeping, examples of which I've presented in this book, the Nazis employed an

early form of punch-card technology that had been developed by IBM and leased to the German government. They conducted medical experiments on people they'd forcibly detained; catalogued the identities of their victims; photographed the theaters of death they created; and carefully kept records of it all. The analogies to Alcor chilled me. Like the Nazis, the Alcorians also seemed oblivious to the self-incriminating nature of all their obsessive documentation.

As outlined in Paragraph 122.G., the book at Page 332 goes on to state that Alcor was suspected of serial kidnapping and experimentation on victims until they died, and that Johnson "heard rumors of the exact same thing" while employed at Alcor. There is absolutely no support for this false statement. Far from tongue-in-cheek hyperbole, Johnson's statement on CNN was a bootstrapped comment from the content of the Book. Johnson repeatedly stated that he was "scared to death" in the book, and it became a familiar refrain during this interview. However, there is no support whatsoever for these comments by Johnson, which are also contained in the book.

11. The defamatory statement contained in Paragraph 122.E., states:

ALCOR and cryonicists had a "Fortress...Ventureville in the Phoenix area" which contained "survivalist gear buried out there. Guns, bombs, medical supplies, cryonics equipment, everything they'd need to hole up prior to Armageddon and prepare for its aftermath. There were underground bunkers... surrounded by barbed wire and claymore mines;" "Buses...joined together underground. These were filled with water pumps and supplies, and the entire area was mined."

Sanders Exhibit 1 claims that Alcor is not mentioned or implied in the actual statement in the book. However, this is not an accurate statement by Sanders. As detailed in Sanders Exhibit 1, "*Frozen*" says on page 332:

While Alan Kunzman was working the Dora Kent case, his informant told him all about a cryonist 'fortress' owned by a David Pizer. This apparently wasn't the Creekside Preserve location near Prescott I had visited; in some postings online I gathered there had been an earlier version of Ventureville in the Phoenix area. The informant claimed there were stores of survivalist gear buried out there. Guns, bombs, medical supplies, cryonics equipment, everything they'd need to hole up prior to Armageddon and prepare for its aftermath. There were underground bunkers, he said, surrounded by barbed wire and claymore mines.

Clearly, the statement imputed Alcor because David Pizer is identified in "*Frozen*" as a "high-ranking Alcorian" (p. 97), "prominent Alcorian" (p. 150), and "one of the Alcorian leaders" (p. 152, 354). Mr. Pizer is also connected directly to Alcor as a former Alcor board member and "past vice president (who) remains very active at Alcor" (p. 354). David Pizer was heavily involved with Alcor in 1988, the year this "mined fortress" was alleged to exist. Readers are led to believe that a "high ranking Alcorian" caching guns, bombs, medical supplies and cryonics equipment protected by land mines to kill passersby would be doing so in the service of Alcor. Needless to say, this is patently false and no responsible publisher, fact-checker or attorney would allow such a defamatory statement to be placed into a book without support.

12. To support the allegations of Paragraph 122.E., Sanders Exhibit 1 cites an unidentified informant said to have contacted Riverside County Coroner's deputy Alan Kunzman in 1988. According to Kunzman's book, "*Mothermelters*," this contact was anonymous and solely by telephone from the other side of the country. As shown in Sanders Exhibit 1, quoting page 116 of "*Mothermelters*," the informant allegedly said:

For one thing they've got—I don't know exactly what you'd call it—a redoubt, a fortress, somewhere outside of Tempe Arizona. I'm not really certain where it is, but if you can get down there and look around, you'd find they have an underground bunker surrounded by barbed wire and Claymore mines.

However there are no "guns, bombs, medical supplies, cryonics equipment" in this quote. Nor is there any clarity about who "they" are. Most significantly, there is no mention of David Pizer. In "*Mothermelters*" the anonymous telephone informant does not mention David Pizer until 125 pages later. The "*Frozen*" allegation of Paragraph 122.E. -- that Alcor official David Pizer owned an underground fortress containing "guns, bombs, medical supplies, cryonics equipment" surrounded by mines -- is entirely invented within the book, "*Frozen*," having no basis in

evidence given in Sanders Exhibit 1. Meaning there is no support at all for this defamatory statement, and it was clearly published with reckless disregard for its truth or falsity.

13. Defendants were aware of Kunzman's book, "*Mothermelters*," during preparation of "*Frozen*" as cited in Sanders Exhibit 1 and page 385 of "*Frozen*." In the Sanders Affidavit, Exhibit 1, Defendants describe Kunzman as "a former police detective and state investigator with over 20 years of experience in law enforcement and corporate investigations who previously investigated Alcor." Defendants therefore presumably believed that Kunzman accurately reported in "*Mothermelters*" what his informant told him. For Defendants to print in "*Frozen*" that Kunzman's informant reported something that he did not report was a knowing falsity. That the falsity concerned a criminal allegation, i.e., planting mines that could injure or kill passersby, demonstrates reckless disregard for truth and actual malice.

14. Aside from a knowingly false account of what Kunzman's informant said as detailed in "*Mothermelters*," simply searching "Ventureville" on CryoNet (a mailing list Defendants were aware of per Plaintiff's defamation claims contained in Paragraph 122.H. and J.) would have revealed that the "earlier version of Ventureville in the Phoenix area" that was alleged in Paragraph 122.E. to be a mined fortress was actually a three-bedroom boarding house. [Exhibit G](#). That house was closed in 1995 due to lack of interest. [Exhibit H](#). The property that David Pizer subsequently called "Ventureville" is the Creekside Preserve in Mayer Arizona, where Larry Johnson taught a training course in March, 2003, while in the employ of Alcor. [Exhibit I](#). Of this, and the people Johnson met at Pizer's Creekside Lodge, Johnson would say a few weeks later:

LJ: I really enjoy how close-knit everyone is. It's kind of like a small family. I had the opportunity to meet the folks out in Southern California — a bunch of really nice individuals out there. I also got to meet several people from around the world

at the recent training we had up at Creekside Lodge. It was very friendly, and seems to be a very close-knit family.

Yet, in *“Frozen”* at page 350, the very friendly people whom Johnson enjoyed meeting at Creekside in 2003 had become “David Pizer and his militant cult at Venturville.” “In truth, these men scared me.” (p. 151). “Frankly, it terrifies me still to think what that man (David Pizer) seemed capable of.” (p. 152) “I was relieved to get the hell out of Ventureville.” (p. 154). Johnson further wrote, “I believe Pizer’s Ventureville is every bit as much a cult compound, a stronghold of fanaticism, as David Koresh’s Davidian complex was.” (p. 337) “Ventureville was another Waco waiting to happen.” (p. 153). A simple search of “Creekside Preserve” by Defendants on Google or Google Maps would have revealed that this supposed militant cult compound with cached weapons (p. 153) is actually a travel motel with love tubs on a major highway. [Exhibit J](#). According to <www.achive.org>, the Creekside Preserve website has been visible since 2003, long before the book was published. Further, rather than the leader of a militant cult, David Pizer was described in the Wall Street Journal (WSJ) in 2006 as an “Arizona resort operator.” In this WSJ article about cryonics trusts, Pizer was featured in the good company of hedge fund pioneer, mathematician, professor, and Alcor patron, Dr. Edward O. Thorp. [Exhibit K](#). So great is the dissonance between what was written about “high-ranking Alcorian” and former Alcor official, David Pizer, and his properties hosting Alcor activities in *“Frozen,”* versus what is visible in public sources -- including Johnson’s own contrary statements -- it is difficult to imagine how the statement of Paragraph 122.E. and related content in *“Frozen”* was not a deliberately false or grossly negligent attack upon Alcor without regard for its truth.

15. Among the more patently faulted claims in the book, Paragraph 122.F. states:

I found references to a separate, underground storage facility—a salt mine Alcor owned outside Hutchinson, Kansas... It was the kind of thing weapons

manufacturers did. They would buy an abandoned salt mine in the middle of nowhere and store sensitive materials and documents inside it.”

As established by the Sanders Affidavit, Exhibit 1, the Defendants knew this statement was false. The affidavit and exhibit provided by the Defendants quotes the paragraph on Alcor’s website explaining that members can store personal valuables at “Underground Vaults & Storage in Hutchinson Kansas.” <[www.alcor.org](http://www.alcor.org)> On Alcor’s website, that company name, Underground Vaults & Storage, is bolded and hyperlinked to the website of Underground Vaults & Storage, Inc. <<http://www.undergroundvaults.com>> This business stores records for Fortune 500 companies, film masters for Hollywood studios, and other valuables requiring long-term storage. **Id.** This mine is obviously owned by Underground Vaults & Storage, Inc, not Alcor. Alcor never bought or owned a salt mine. The false statement of Paragraph 122.F. is defamatory because the non-sequitur reference to weapons is crafted to reinforce the depiction of Alcor and “Alcorians” in “*Frozen*” as participants in caching weapons and explosives for storage in underground locations (p. 153, 332) and “like weapons manufacturers,” large enough to own and maintain its own underground mine in the middle of nowhere in another state. Alcor is neither of these things, and Defendants knew Alcor was neither when the book was published. There is no basis whatsoever to make the defamatory statement. The evidence is overwhelmingly the opposite.

16. Paragraph 122.G. sets forth yet another defamatory statement made with reckless disregard for the truth:

Desert locations where he believed bodies could be found. Teenage runaways and homeless people...Alcorians and David Pizer’s Venturists had kidnapped ‘people who would not be missed’ and then experimented on them until they died;” “That was a very serious and shocking allegation. However, after having spent time with Pizer and his followers, I believed it could be true....That was one of the reasons I had wanted to stay even longer at Alcor, bugging my colleagues, to get proof of those rumored kidnappings and alleged murders.

Text from Page 332 of “Frozen” without ellipsis is:

Alan’s informant also talked about desert locations where he believed bodies could be found. Teenage runaways and homeless people. Alan’s informant suspected Alcorians and David Pizer’s Venturists had kidnapped ‘people who wouldn’t be missed’ and then experimented on them until they died.

Defendants made this defamatory statement of serious crimes while knowing of, possessing, and themselves citing source material that said something completely different than the statement from the book. It is difficult to avoid the conclusion that this statement was published with actual malice. To support the defamatory statement of Paragraph 122.G, Sanders Affidavit, Exhibit 1 cites an unidentified informant said to have contacted a California coroner’s deputy, Alan Kunzman, by telephone from Florida in 1988. Text from Kunzman’s book, “*Mothermelters*” describing Kunzman’s contact with this informant is selectively quoted in Sanders Exhibit 1, beginning with a snippet from page 116. However David Pizer’s Venturists are not mentioned in “*Mothermelters*” until page 241. Complete text of “*Mothermelters*” following that first mention on page 241 is reproduced below in italics with no gaps or omissions. Quotes and ellipsis points are exactly as they appear in “*Mothermelters*.” The text begins with the informant addressing Kunzman:

*“...Another thing you’ve got to investigate is the Church of Venturism. It’s located in Tempe Arizona. David Pizer runs it...”*

*When Bogan had arrested the Alcor people, the newspapers had listed Pizer as “a visitor from Arizona.” I also remembered the name from some of the documents I’d found at Alcor.*

*“...and they are using it to recruit new members for Alcor. It’s every bit a cult...”*

*I didn’t want to put words in his mouth, but with everything I’d learned from Alcor there was something I needed to ask. “Why do you suppose they recruit like they do?”*

*“Well...” His words slowed to a crawl. “I don’t want to speculate. But from what I’ve learned of these people, I fully believe they are capable of doing*

*anything. And I do mean an-y-thing to make money. I'm not so sure that if someone were to go down there and start digging in the desert..."*

*There was a very long, very thoughtful pause.*

*"...Well let me just say it might be incredible. With all of the runaway kids who disappear... Let me just say that Federowicz is a man without a conscience. And there are plenty more in that organization just like him."*

*It was easy to imagine Federowicz and his cronies preaching their gospel about immortal life to a group of people with low self-esteem. Federowicz would relish being the head of a group of loyal zombies who would worship him and follow his leadership. "But you don't know where this place is?"*

*"No." He admitted slowly. "Once I'd established myself as someone who was trying to get them to go honest, they wouldn't allow me any deeper into their inner circle. I did get into some of their records and copied a box full of documents, but I was never able to find the exact location of their redoubt. Listen, I've got to go. I'll give you a call in a few days."*

Here Kunzman's informant begins by describing the "Church of Venturism," an organization he claims is a cult used to recruit new members for Alcor. Kunzman asks, "Why do you suppose they recruit like they do?" The informant responds that if someone were to go digging in the desert of Arizona, they might find something incredible related to missing kids. Kunzman then interprets this to mean that Mike Federowicz and his "cronies" might be found "preaching their gospel" to missing runaways with low self-esteem ("a group of loyal zombies") at a secret place in Arizona. That is the only content and context. The entire discussion is about alleged recruitment activities. There is no allegation or suspicion of "kidnapping people" or "experimenting on them until they die." For Vanguard to cite this text as supporting the "Frozen" claim that some informant suspected Alcor of kidnapping people and experimenting on them until they died was knowingly false. Having been aware of Kunzman's book "Mothermelters" from lengthy discussion in "Frozen" (pp. 309-334), and that "Mothermelters" was source material for the serious allegation that Alcor was suspected of kidnapping and experimenting on people until they died, Defendants surely read the pages of "Mothermelters"

reproduced above, pages that they cite in Sanders Affidavit, Exhibit 1. Therefore Defendants clerally made the allegation that Alcor was suspected of kidnapping and experimenting on people until they died with actual malice, knowing that the source material contained a different statement. To further suggest the book was “non-fiction” was itself a fiction.

17. Sanders Affidavit, Exhibit 1 states that the authors interviewed “*Mothermelters*” author, Alan Kunzman, and that a fact checker “confirmed an interview.” However, if the fact checker is saying that the authors said that Alan Kunzman said in a private interview that an anonymous telephone caller from Florida said in 1988 that he suspected Alcor people were kidnapping and experimenting on teenagers and homeless people in the Arizona desert until they died (note: at a time when Alcor was located in California), then Kunzman should have said something similar in his book. Kunzman already printed the incredulous allegation that somebody was planting Claymore mines, and thus there was no reason to withhold allegations of kidnapping. However, no such allegations appear in the Kunzman book. Thus, the statement made in Paragraph 122.G was false and known to be without any support whatsoever by the Defendants. It was a reckless publication intended to simply profit from a falsehood.

18. There can be no doubt that the defamatory statement of Paragraph 122.G. was aimed at plaintiff, Alcor. A reasonable person would believe that “Alcorian” was of or pertaining to Alcor, This is especially true since medical experimentation is an activity expected of organizations, not individuals acting in isolation. David Pizer is identified in “*Frozen*” as a “high-ranking Alcorian” (p. 97) , “prominent Alcorian” (p. 150), and “one of the Alcorian leaders” (p. 152, 354). He is a former Alcor board member and “past vice president [who] remains very active at Alcor” (p. 354). Further comingling of Alcor, “Alcorians,” and Venturists occurs on page 350 of the book:

As of July, 2009, there are at least 888 active Alcorians who consider me a mortal enemy.... This group includes David Pizer and his militant cult at Ventureville.

At that time, there were approximately 888 members of Alcor. Thus, the term “Alcorians” used by the Defendants was intended to include Alcor and its members, and “Venturists” were defined to also be “Alcorians” (i.e. part of Alcor). This Court also previously determined that Defendants’ use of a term derived from Alcor’s name can be reasonably concluded to mean that this and other allegations about “Alcorians” are of and concerning the Plaintiff (Decision and Order, Index No. 113938-2009, Motion Seq. 005, 006, 007, October 29, 2010).

19. Paragraph 122.H. pertains to the defamatory statement that Alcor or its personnel posted a photograph of Johnson on an Internet email list service:

In August 2003 “Someone at Alcor posted [JOHNSON’S] picture on CryoNet.org, along with [JOHNSON’S] Scottsdale address.”

The entire statement which Defendants falsely claim to have vetted, stated:

Someone at Alcor posted my picture on CryoNet.org, along with my Scottsdale address. It was an open invitation to every cryonicist on the planet to come after me. Beverly and I were terrified to leave the apartment but we also knew we’d be safer in the long run if we left town. We couldn’t stay indoors forever. Finally, we snuck out late one night.

Vanguard and Balydga with either knowledge of falsity, reckless disregard or intentionally to avoid obtaining the truth, failed to type “CryoNet.org” into any Internet search engine. Had they done so, they would have immediately seen that CryoNet mailing list messages are archived at <<http://www.cryonet.org>> and publicly searchable and indexed. It would have taken approximately 60 seconds to discover that Johnson lied about his address appearing on CryoNet. CryoNet was a text-only mailing list -- not a discussion board -- on which it would have been impossible to post a picture. This simple task would have exposed Johnson as an abject liar.

The Defendants apparently cared little about vetting this statement and more about sensationalism.

20. Not only did Alcor not post any threats or personal information about Johnson, but Alcor actually requested that the CryoNet administrator remove the text of two mild criticisms of Johnson from the CryoNet archives in case they might be construed as repugnant.

[Exhibit L](#). However, the serial numbered nature of CryoNet messages, and existence of hundreds of email recipients, made the retroactive deletion request effectively impossible. These two messages remain archived and Internet-indexed at multiple locations. [Exhibit M](#). None of the messages contain the photograph or address of Johnson. This statement is an outright lie apparently not vetted or reviewed by anyone who cared to determine its truth or falsity. This statement would have been one of the easiest for a fact checker to confirm, yet it either wasn't checked or the discrediting result of the check was ignored.

21. Paragraph 122.I falsely suggests that Johnson received death threats from Alcor. The specific statement is:

JOHNSON received death threats from ALCOR or ALCOR associated individuals, as set forth at Pages 308, 342 and 370 of the Book.

Sanders Affidavit, Exhibit 1 states, "OBSERVE: Alcor is not mentioned in the Actual Statement." However the alleged death threats are plainly attributed to Alcor by the book, which depicts Alcor as a criminal organization that uses physical threats to intimidate critics and even influence legislation. "*Frozen*" even describes a named Alcor staff member committing assault upon Larry Johnson and his wife (p. 269). Johnson spends the remainder of the book claiming to be scared to death by "Alcor" and "Alcorians." The term Alcorians is used by the Defendants to impute upon Alcor the conduct of anyone claiming interest in cryonics. The front jacket of "*Frozen*" even states:

Then Alcor found out. The death threats began. Fleeing from state, Larry was stalked and threatened again and again. They chased him through the streets. They left death threats under his windshield wipers. They terrorized his family.

This defamatory text accusing Alcor of criminal threats and harassment was and remains part of the publisher's book description on <www.amazon.com> to this day. Needless to say, the false assertion of Sanders should not be heard to support a false statement of fact in the book.

22. In a feeble attempt to prop up these false statements, Sanders Affidavit, Exhibit 1 cites reports of anonymous "threatening calls" made to the Riverside County Coroner's office in the late 1980s, a single Alcor staff member who brandished a pistol at Alcor's door in 1991, and a reputed long-time Alcor member who in his private life was convicted of harassing the Church of Scientology by picketing it about matters completely unrelated to cryonics or Alcor. There are also references to newspaper stories reporting that Johnson alleges to have been threatened and was "scared to death." Such telling and re-telling of Johnson's own allegations establishes drama, but not credibility or a reasonable basis to publish false statements. Sanders Affidavit, Exhibit 1 also quotes an email in which the former supervisor of Johnson, Charles Platt, said "I am probably the only person whom it is safe for you to talk to at Alcor right now." This attempt to contact Johnson was motivated by the disturbing discovery that Johnson was selling photographs implied to be remains of Ted Williams on a pay-per-view Internet website. <www.freeted.com> However, the full email from Mr. Platt to Johnson is much different:

Date: Wed, 13 Aug 2003 23:48:09 -0400 (EDT)  
From: Charles Platt <charles@platt.us>  
To: ljwiseguy@hotmail.com  
Cc: Charles Platt <charles@platt.us>  
Subject: Oh Larry!

And you were the one who was supposedly worried about losing your paramedic license?

Larry, it appears that you stole Alcor photos, attempted to sell this stolen property, and now that I have seen some of the photos, they are not even of Ted Williams.

That's copyright violation, theft, and fraud!

Larry, what the hell has happened to you?

I would still like to understand. I am probably the only person whom it is safe for you to talk to at Alcor right now. Please get in touch[.]

In this context, it is patently clear that “safe” meant confidential because in the wake of learning that Johnson was selling stolen photographs of body parts of Alcor patients, everyone else at Alcor wanted to sue Johnson for the stated violations of confidentiality, theft and fraud. Those persons would likely use whatever Johnson might say in such a lawsuit. There was no threat of physical harm, and the suggestion otherwise is clearly false. Of this incident, Johnson wrote on page 270 of “*Frozen*” a confession that he was wrong and not trustworthy for having done so:

A few days earlier, in between packing our belongings and stewing in anxiety, I had started a Web site called freed.com. Now, on Wednesday (August 13, 2003) morning, I posted some pictures on my Web site and charged visitors a fee for viewing them. Some of them were shots of an Alcor patient taken during cryonic suspension. The photos were completely anonymous but very graphic. Out of the extreme stress of uncovering the hideous acts of Alcor’s officers—and being in fear for my life—I sank to Alcor’s level... The photographs were on my Web site only a few hours before I came to my senses and took them down, but I’ll regret posting those pictures for the rest of my life.

Like much of “*Frozen*,” this paragraph contains transparent lies which went unchecked by Defendants. As reported by CNN at the time, the photographs were not “anonymous.” Johnson was specifically marketing them as photographs as Ted Williams. [Exhibit N](#). In relevant portion:

Johnson certainly doesn't mind using his connections as an ex-employee to make a buck. CNN has learned Johnson started a Web site, where for a so-called

donation of at least \$20, graphic photographs were displayed, photographs, he said, documenting the fate of Ted Williams.

A <whois> Internet search would also have shown that Johnson registered <www.freeted.com> on July 3, 2003 -- six weeks earlier than represented in the book. Once again, this mountain of lies were easily discernible had there by any effort of the Defendants to determine the truth or falsity of the contents of the book.

23. Mostly bizarrely, Johnson's aforementioned expression of regret for selling photographs of deceased individuals online was printed in a book called "*Frozen*" that itself offered stolen photographs of severed human heads for money in bookstores. A reasonable person would obviously question how Johnson "regrets" selling photographs of deceased persons on the Internet, but relishes in selling photographs of deceased persons through a book -- with the assistance of the other Defendants. Johnson's credibility is directly at issue and oxymoronic in the wake of such contradiction. Defendants repeatedly cite Johnson's paramedic qualifications as evidence of credibility, but no medical "professional" would steal and sell photographs of severed heads of their own patients, online or otherwise. Even erstwhile ardent Johnson supporter, Jack Polidoro, terminated contact with Johnson after learning about Johnson's macabre pay-per-view website in 2003. [Exhibit O](#). This deplorable and unscrupulous conduct of Johnson indeed motivated Alcor to sue Johnson in 2003, and to use the pay-per-view website to support the lawsuit. This is why it was not "safe to talk" to anyone at Alcor when Charles Platt emailed Johnson.

24. Despite the alleged death threats and mayhem claimed in "*Frozen*," Sanders Affidavit, Exhibit 1 does not reference a single police report. The Prologue of "*Frozen*" reads

My wife and I were in the living room packing frantically, rushing to get out of town, when suddenly there was a thunderous pounding on the door. Beverly started screaming. I ran to the bedroom, grabbed my 9mm Berretta from under

the bed, and rushed back to the living room. The banging was so powerful, the molding was breaking off from the wall; they were literally bashing their way in. I inched toward the door. Beverley was on the floor, crying hysterically, her hands over her ears. I put my eye to the peephole but the door was vibrating too violently for me to see who was there. Shouts came from the other side.

‘Johnson, you motherfucking traitor! We’ll get you, you son of a bitch!’

I backed up, aimed my gun at the door, shaking in its hinges, and screamed, ‘If you come through that door I’ll put a bullet through your head!’ I meant it. At that moment, I really believed I was going to have to kill someone.

“‘You traitor, we’ll kill you! You too, Beverly. You will both die!’ The banging stopped. Footsteps ran down the outside stairs.

Beverly was crumpled in a heap on the floor, sobbing. I stood, trembling, looking down at my wife.

No reasonable person could believe such an assault actually took place without a resulting 911 call and police report. After this incident on August 11, 2003 (p. 269), another virtually identical assault was said to have happened on August 19, 2003 (p. 275), leaving neighbors shouting “just like before,” and his wife “screaming in hysterics.” If not Johnson, if not the neighbors, one might expect a landlord to file a police report for the property damage. On page 349 there is a dramatic account of Johnson receiving a call at work in 2007 threatening his wife, and racing home with his 9mm Beretta gun to find his wife lying on the floor sobbing. In fact, Johnson is more than capable of filing a police report if the conduct warranted. Alcor easily obtained a police report using a simple public records request. That lone police report filed by Johnson during 2003 pertained to his motorcycle which was stolen. [Exhibit P](#). Certainly, if Johnson could file a police report because his motorcycle was stolen, he could have filed a police report if the lives of he and his wife were directly threatened at his home -- a place where the assailant could return at any time. Of course, there is no such report because the account of Johnson was

fictional, and the Defendants failed to undertake a cursory search which would have proven there were no reports to support these defamatory remarks. Yet Defendants chose to publish recklessly these and other claimed threat incidents nonetheless.

25. Interestingly, police reports of threats against Johnson did begin appearing in 2010, just in time conveniently for Johnson to include one in an Arizona court filing to thwart the taking of his deposition. The threat was allegedly written on his door using nothing more than a washable marker. Upon arriving for an October 20, 2010 deposition, Johnson also verbally claimed that Las Vegas PD CSI were at his home at that very moment investigating yet another death threat. However, when inquired about this and other incidents, Johnson invoked the Fifth Amendment to avoid committing perjury and incriminating himself in such false claims. Finally, although Defendants were apparently aware that Alcor and Johnson previously exchanged lawsuits against each other, Defendants either never read or disregarded the lawsuit documents that Johnson should have provided -- and which the Defendants should have independently obtained. Those documents included a deposition in which Johnson described one, and only one, threat incident in August, 2003, when specifically asked about death threats under oath in April 23, 2004. This date is after multiple and frightening threat incidents described in "*Frozen*," including a written death threat said to have left his wife shaking and crying in March 2004 (p. 341). This inconsistency was brought to the attention of this Court in Alcor's Reply Memorandum in Support of Injunctive Relief Against Defendant, Larry Johnson in December, 2009. The Memorandum was responding to a new sworn statement by Johnson saying that he received one of his written death threat notes on a different date and in a different context than claimed in "*Frozen*." An excerpt of that Reply brief is reproduced, below, to illustrate the untrustworthy stories repeatedly told by Johnson prior to and during litigation:

Mr. Johnson states at pages 338-342 of his book, *“Frozen, A True Story, My Journey into Cryonics, Deception and Death”* (“*Frozen*”) that he received the very same “death threat” in **March 2004**. Wolff Affirmation (Dec. 8, 2009) [sic]. Mr. Johnson even reproduced the same document in his book and claimed he received this (threat) in **March 2004 -- not December 2004** as he now states in his false affidavit in a desperate attempt to distort the facts, avoid culpability, and avoid an imminent injunction. One must question if Mr. Johnson or his counsel even read the book he authored before filing his false affidavit.

Lastly, the deposition of Mr. Johnson from the previous Arizona litigation confirms that Mr. Johnson is a habitual liar. Mr. Johnson and his counsel should have read the deposition testimony he provided on April 24, 2004 before filing his false affidavit. In that deposition, Mr. Johnson was asked if he received any death threats. Wolff Affirmation (Dec. 8, 2009), [sic]. Mr. Johnson revealed in that deposition that he received exactly *one* alleged death threat. He claims the death threat was verbal and took place in **August 2003**. Id. At page 253-255 of the deposition, Mr. Johnson alleged that one person simply knocked on his door and made a verbal death threat. Id. Mr. Johnson was obviously able to recall in his April 2004 deposition an alleged death threat that took place in August 2003 - - eight months prior. However, there was not a single mention in his deposition of April 24, 2004 of a written death threat which he claims in his book to have received *just one month earlier* in March 2004. If Mr. Johnson really received the written death threat in March 2004 -- as he states in his book, *“Frozen, A True Story”* -- then he lied under oath in his April 2004 deposition when he stated that he only received one death threat, and it was a verbal threat received in August 2003. The most obvious questions remain:

1. Did Mr. Johnson lie under oath in his prior deposition?
2. Did Mr. Johnson lie in his book? *and/or*
3. Did Mr. Johnson lie to this Court in his recently filed affidavit?

Of course, the answer depends on the moment and motivation of Mr. Johnson. For him, truth is a relative term that is bent, twisted and severed to serve his currently-existing purpose. When Mr. Johnson is a defendant involved in litigation in Arizona, he lies in a deposition to avoid financial culpability. When Mr. Johnson desires to sell books for a profit, he lies in the book for dramatic effect. When Mr. Johnson is trying to avoid an injunction that should be entered against him by this Court, he files a false affidavit in hope of avoiding the injunction.”

26. Paragraph 122.J. discusses the false statement that Alcor physically threatened a sitting state representative:

Alcorians [sic] actually posted physical threats against [Arizona State Representative Robert Stump] on Cryonet.org.

This is a plain and simple lie. A search of “Stump” reveals no physical threat ever posted against Rep. Stump on the CryoNet.org mailing list. <cryonet.org> <search: Stump>. Defendants published this lie either knowing it was false, or with reckless disregard by avoiding the expedient of a text search. This is one of many examples of failure to perform simple checks that would have revealed the authors’ propensity to lie, thereby establishing their lack of credibility in other allegations that could not be investigated as easily. Moreover, a simple search would have revealed the falsity of the defamatory statement. Furthermore, this Court previously determined that Defendants’ use of a term derived from Alcor’s name can be reasonably concluded to mean that this and other allegations about “Alcorians” are of and concerning the Plaintiff (Decision and Order, Index No. 113938-2009, Motion Seq. 005, 006, 007, October 29, 2010). Thus, this statement is defamatory to Alcor, and the Defendants should be culpable for its reckless disregard for the truth or falsity of the published statement.

27. Paragraph 122.K. is cumulative of the defamatory statement of Paragraph 122.J.

It states:

And then, the one time they were faced with regulation, they [i.e., ALCOR] avoided it by threatening the life of Arizona state representative who wrote the reform bill.

Page 347 of “Frozen” says in totality:

But the people at Alcor have been abusing the fact that they’ve always slipped through the cracks. And then, the one time they were faced with regulation, they avoided it by threatening the life of the Arizona state representative who wrote the reform bill.

This defamatory statement contains two egregiously false statements. First, there is absolutely no evidence that “the people at Alcor” threatened the life of Arizona State Representative Robert Stump. Second, public information and other sources (including Rep. Stump himself) make clear that alleged threats were not the reason the bill was withdrawn.

28. As is extensively documented on Alcor’s website on the page entitled “Chronology of Attempted 2004 Cryonics Legislation in Arizona,” Alcor dealt with the pending state cryonics legislation the same way as ordinary organizations would handle a political issue. A lobbyist was hired, and legislators were engaged in discussions of the issues. Alcor opposed the initial form of the legislation for good reasons it explained in detail. [Exhibit Q](#). After amendments to the bill were made by Representative Stump, Alcor spent most of the time supporting and helping shape the legislation to explicitly recognize cryonics as a personal choice. [Exhibit R](#). In fact, Alcor worked with Representative Stump, not against him politically or personally. While there was a “Legislative Alert” which resulted in various communications to Arizona legislature members, there is no evidence in any of the materials provided by Johnson or provided in the Sanders Affidavit which show any threat made by Alcor personnel. Nor did Alcor’s respected lobbyist condone any such threats. As a matter of common sense, Alcor would not attempt to sidetrack the progress it made to shape legislation by issuing counter-productive threats to politicians. As would be expected, a threat made by an unknown individual against Rep. Stump had the opposite effect, generating angry legislators and embarrassed Alcor supporters. It is not credible that Defendants believed that Alcor threatened a state legislator. In publishing “Frozen,” Defendants took the actions of a deranged individual and imputed them to Alcor knowing this could not reasonably be true. Having already depicted Alcor as a destructive

cult of kidnapers, drug traffickers, and loathsome diseased people (page 110), this was a comparatively small liberty with truth. But it is an unsupported falsehood nonetheless.

29. After the threat was made by someone other than Alcor, Representative Stump continued his sponsorship of the bill for weeks to the point of it reaching the Senate Commerce Committee. However, he then withdrew the bill, claiming reasons that had nothing to do with Alcor or threats. [Exhibit S](#). This is all easily-accessible information. Notably, Defendants never asked Stump himself why the bill was withdrawn. In response to the allegations in “Frozen”, CNN did exactly what the Defendants could have done. CNN easily obtained a reply from Representative Stump:

CNN did confirm the threats against Stump and his family via an e-mail statement from the former congressman on Friday, October 09, 2009. However Stump claimed other issues were the reason the bill was withdrawn.

Nor did Defendants contact Barry Aarons, the respected lobbyist who worked with Alcor on the bill in 2004. Had they done so, they would have been told what Mr. Aarons told Alcor in response to a 2009 inquiry about this question:

I know for a fact that the bill was withdrawn in the Senate by Senator Leff on April 1, 2004 because she recognized that the bill was a solution without a problem.

The alleged threat occurred before the House took a floor vote. After the bill passed the House there was at least one stakeholder meeting in the Senate where the parties tried to negotiate a compromise. The meeting was held at the invitation of Senator Leff whose committee the bill was assigned to. After the meeting was when Senator Leff realized that she did not want to hear the bill and so notified then Rep. Stump and then me (through a member of her staff). Yes, I would be more than happy to testify to those facts.

30. The allegations of Paragraph 122.L discusses falsely the quality of services rendered by Alcor:

I did get a solid overview of everything that normally happened during an Alcor cryosuspension. Basically, it was a total mess; They just went in there and sliced somebody up.

To support this defamatory assessment, Sanders Affidavit, Exhibit 1 cites a supposedly objective account of an Alcor case reported in the “*Frozen*” chapter entitled, “*TOURISTS AT A MUTILATION.*” The surgery is alleged to take “a full four hours.” Such tedium is inconsistent with an allegation that Alcor just goes in and “slices people up.” The public report of this case A-1217 <<http://www.alcor.org/Library/html/casesummary-munson.html>> documents that Alcor’s contract (retired) neurosurgeon, Dr. Kanshepolsky, was assisted by Jeff Kelling, who was a practicing professional OR scrub nurse and surgical technician. <<http://www.alcor.org/Library/html/alcornews002.html>> Even if Defendants believed that one former surgical professional had somehow lapsed into complete incompetence, they could not reasonably believe that two medical professionals with extensive OR experience “just went in there and slice somebody up.” Larry Johnson was a street paramedic who never worked a day in a hospital OR in his life. He had no qualifications to make such a defamatory assessment of the work of two trained surgical professionals. Sanders Affidavit, Exhibit 1 next cites a “*Frozen*” allegation about the state of Alcor patient A-1025 upon arrival at Alcor as told on page 136:

The floor of the vehicle was covered in human blood, hair, bile, urine, fecal waste, and God knows what other bodily fluids, all mixed into a nauseating soup. During the six-and-a-half-hour trip from Southern California to Scottsdale, Arizona (after sitting in the Orange County sun for four hours), somewhere in the middle of the Sonora Desert in the middle of the day, the ice had begun to melt. Every fluid inside A-1025 had seeped out every opening in his body. And then the body bag had leaked. Now there was a thick puddle of yellow, red, and brown pestilence soaking into the minivan’s upholstery, the carpets, everything.

The obvious problem with this account is that records show that A-1025 arrived at Alcor with a body temperature of 2 degrees Celsius. Weather records for the day of the patient's arrival, March 2, 2003, in Scottsdale show high 60° F (15.6° C), average 52° F (11.1° C), low 43° F (6.1° C), which are cool temperatures. [Exhibit T](#). Sanders Affidavit, Exhibit 1 next cites the alleged treatment of patient A-1234, making particular reference to an alleged “disgusting odor” of decomposition reported in a photograph caption in “*Frozen*” (p. 5 photo insert):

Arrival of patient in a U-Haul truck. Even after twenty-five years as a paramedic, I was repulsed by the condition of this body, after it had been driven through the desert in a truck with no refrigeration. In this picture you can see me turning my head away in disgust from the smell.

Page 155 of “*Frozen*” further says about this photograph:

I had been a paramedic for twenty five years. Take a look at the expression on my face. That's how bad the body smelled after travelling through the desert in an unventilated, uncooled U-Haul truck.

The problem with this account is that the public case summary, easily visible on the Alcor website reports that Patient A-1234 arrived at Alcor at 7:02 p.m. with a core body temperature of 4.1 degrees Celsius (39 degrees Fahrenheit). [Exhibit U](#). No strong odor or decomposition could occur at that temperature. Although the photo caption in “*Frozen*” claims that Johnson is turning away in disgust from the closed bag containing the patient and ice packs, Johnson is shown in the photo at the top of the very next page with his mask off and no sign of discomfort working above the exact same patient with bag open in Alcor's operating room. Patient A-1234 was also reported to have a successful cryoprotectant perfusion in the public case summary, which would have been impossible if decomposition had occurred. Sanders Affidavit, Exhibit 1 cited the case summary for patient A-1025 on Alcor's website, so Defendants were almost certainly also aware of the A-1234 case summary and its irreconcilability with “*Frozen*.” The Defendants obviously

chose to ignore the available information. Had Defendants and their alleged fact-checker not made such a studious effort to avoid contacting Alcor to check the accuracy of anything in “*Frozen*,” Alcor could also have shared Johnson’s internal memo about patient A-1234. He wrote in his April 6, 2003, Report to the Board of Directors:

The patient was moved and received at Alcor later that evening (please see case report from Charles Platt regarding details of the transport). The patient perfused well with no signs of blood clotting.

This statement by Johnson would have been after all the alleged odiferous decomposition and horrific surgical malpractice on this patient claimed in “*Frozen*,” which is a complete contradiction. Page 156 of the book also wrote of patient A-1234:

Once again, there was a crowd of nonessential Alcorians in the OR, gawking and posing around the body. This time I took pictures of my own.

One then must ask -- and surely the Defendants should have questioned -- where are Johnson’s pictures documenting this alleged celebration (p. 155) and posing around the body for pictures. Alleged partying and posing for photographs with human remains lacks all reasonable credibility. Sanders Affidavit, Exhibit 1 also cites horrible happenings alleged to have occurred during the Ted Williams cryopreservation as evidence to support the plausibility of Alcor’s cases “being a total mess.” However, as explained at length for defamation alleged in Paragraphs 122.T, through 122.FF., the “*Frozen*” account of the Ted Williams case provides some of strongest examples of internal inconsistencies and contradictions of public information in the book. To the extent there was concern about truth in “*Frozen*,” significant scrutiny of Johnson’s narrative of the Williams case should have raised serious questions about Johnson’s credibility with Defendants, not enhanced it.

31. One would expect the Defendants to have reviewed the very words of Johnson available on the Alcor website. After two of his Alcor patient cases (out of a total of just three), Johnson stated in March 2003:

I really can't think of anything disappointing as far as my work is concerned right now, as far as Alcor. So far I've been very pleased with what I've seen and with what has been going on.

[Exhibit V](#). The most charitable interpretation is that Johnson tells people whatever serves his interests at a particular time, whether it be to cur favor with an employer or later craft a book to destroy them. As for the remaining Defendants, they also ignore obvious and available facts when attempting to sell a book and now attempting to defend their wrongful conduct. In point of fact, Defendants were aware of the above March 20, 2003 interview based on citation of it elsewhere in Sanders Affidavit, Exhibit 1. The Defendants simply ignore their reckless behavior when attempting to defend themselves without support.

32. Paragraph 122.M. again attempts to impugn the conduct of Alcor facilities:

Alcor's surgical standards were not even remotely up to those of say, your average hospital....I had never seen such a gross lack of professionalism in all my life.

As detailed in connection with Paragraph 122.L., above, and Paragraphs 122.T. through 122.FF., *passim*, Johnson's assessments of standards and professionalism at Alcor lacked credibility after only modest scrutiny. The surgery being described in this defamatory text was being performed by a former neurosurgeon assisted by a practicing surgical technician and OR nurse with surgical qualifications and experience far greater than Johnson's. As explained above in connection with Paragraph 122.L., this was public information available to Defendants. Also, the book "*Frozen*," published by Defendants themselves, describes Johnson stealing confidential records of patients that were entrusted to him (p. 230), secretly collaborating with a lawyer seeking to have an Alcor patient cremated (p. 219), and finally selling stolen photographs of severed heads on a pay-per-

Affidavit of Dr. Brian Wowk, p. 30

view website (p. 271). There is great cognitive dissonance in publishing judgments by Johnson about professionalism and how hospitals operate.

33. Dissonance is apparent in “*Frozen*” itself. Page 197 of “*Frozen*” alleges that Ted Williams was surgically decapitated by men who “had no medical training or certification for this type of procedure.” But, there is no “training or certification” for surgical removal and perfusion of a human head. The “*Frozen*” narrative of the Ted Williams cryopreservation describes Mike Darwin as an unqualified “bumbling hobbyist” (p. 197) presiding over outrageous disasters. Yet Sanders Affidavit, Exhibit 1 cites Mike Darwin as an apparent authoritative source for opinions of cryonics competence or lack thereof. Page 198 questions whether listing Jose Kanshepolsky, MD, a retired neurosurgeon, as surgeon on an alleged Ted Williams operating room log was to mislead people into thinking “that qualified medical personnel had performed the surgery.” But if Dr. Kanshepolsky’s credentials were those of a qualified medical person, and his assistant’s credentials were those of a qualified medical person, then “*Frozen*” should not have said that their cryonics surgical work looked worse than remains partially eaten by coyotes (p. 156). “*Frozen*” plainly sought to depict Alcor in the worst possible light at every turn, with no pretense of objectivity, consistency, or factual accuracy.

34. Johnson makes several bogus statements in the book pertaining to false environmental violations. Paragraph 122.N. states:

There were three issues I was researching. The first was the environmental infractions that I believed Alcor employees had committed.

Defendants were reckless in publishing Johnson’s allegations that Alcor broke environmental laws without acknowledging the exonerating findings of the government investigation that resulted. In Sanders Affidavit, Exhibit 1, defendant Vanguard quotes the August 12, 2003 *Sports Illustrated* story, “What Really Happened to Ted Williams,” as saying:

Johnson has contacted authorities from the Occupational Safety & Health Administration and the Arizona Department of Environmental Quality.

Vanguard was therefore aware that complaints were made to these agencies in 2003. In fact, as detailed in Sanders Affidavit, Exhibit 1, Defendants found and published in “*Frozen*” Alcor’s own report of four non-environmental infractions being found in a subsequent OSHA inspection (p. 388). What Defendants did not do was publish the corresponding report of the ADEQ investigation that exonerated Alcor of environmental infractions, and did so only three days after Johnson’s waste disposal allegations first appeared in *Sports Illustrated*. Both reports appeared in *Alcor News Bulletin*, an electronic publication on Alcor’s website. However Defendants chose to only publish the outcome of the OSHA investigation, not the exoneration of the ADEQ investigation. Defendants left their false and defamatory allegations of illegal waste disposal in “*Frozen*” without any hint they had ever been investigated, falsely depicting Johnson’s 2003 allegations as uninvestigated and unresolved nine years later.

35. The September 1, 2003, issue of *Alcor News Bulletin* reported:

Alcor has undergone several regulatory inspections during the past month, including a visit from the Fire Department and the Department of Environmental Quality. The only concern expressed by DEQ was that some cement left over from a floor-tiling procedure was found in the parking lot behind the facility. We are waiting for instructions on the correct way to dispose of this waste. The fire department made eight requests for minor changes, all of which have been completed.

[Exhibit W](#). Just typing “Alcor illegal waste” into Google would have yielded the CryoNet post which features an Arizona Republic newspaper story reporting that authorities found Larry Johnson’s environmental allegations to be unfounded. [Exhibit X](#). That report sets forth the truth of the situation, i.e., clearance of any alleged wrongdoing:

Cryonics Facility Clears Inspection, Sept. 3, 2003

SCOTTSDALE - A Scottsdale cryonics facility where baseball great Ted Williams' body is stored has passed recent inspections stemming from allegations by a former executive.

Rural/Metro Fire Department found no violation during an annual inspection last week of Alcor Life Extension Foundation, Rural/Metro spokesman Mike Clark said. Inspectors evaluated Alcor's storage of hazardous materials and documentation for handling those materials, Clark said.

Scottsdale did not find any illegal discharge into the city's sewage system or storm drains, said Larry Person, the city's senior environmental coordinator.

Last month, former Alcor executive Larry Johnson, who quit the cryonics foundation three weeks ago, alleged that Alcor illegally dumped biomedical waste into the city's sewage treatment system and into drains behind its storage warehouse. Alcor is storing the remains of 58 people who have paid as much as \$120,000 each with hope that advances in science will allow them to come back to life.

**Id.** Contacting the ADEQ or contacting Alcor directly (something that Defendants studiously and intentionally avoided during the entire publication process of “*Frozen*,”) would have yielded the detailed and exonerating ADEQ documents. [Exhibit Y](#). Note, these documents show that the ADEQ inspected Alcor in response to a complaint from Johnson that included everything Johnson believed to be proof of environmental law violations, including transcripts of clandestinely taped conversations related to waste disposal and his memo reproduced in “*Frozen*.” The ADEQ findings are summarized most succinctly by the August 15, 2003, 4:55 p.m. email of official Gregory Workman:

I've attached a summary of today's inspection of Alcor. No violations were discovered and the complaint was unsubstantiated. A report will be written and this case will be considered closed by us. Please let me know if you need and further information.

**Id.** Every environmental concern that Johnson wrote about in “*Frozen*” was addressed and dismissed in these documents as a matter of public record. As discussed in the ADEQ documents, all the alleged evidences spun in “*Frozen*” to depict Alcor as an environmental law

violator have innocuous explanations that could have been communicated to Defendants had they ever contacted Alcor -- and which the Defendants recklessly disregarded despite Alcor being the focus of the book. The main points are:

- \* The disposal of cryoprotectant chemicals used by Alcor, and bodily fluids from deceased humans, into sanitary sewers is perfectly legal. (It may be noted parenthetically that sanitary sewer disposal of blood and embalming chemicals is common practice in mortuaries despite embalming chemicals being more hazardous than any chemicals used by Alcor);

- \* The waste that was disposed of in the parking lot and storm drains behind Alcor in 2003 was ice that patients were packed in. (This is no longer done.) As described in the ADEQ report, there are no chemicals or significant amounts of blood in this ice. As discussed in connection with defamation Claim R, no hazardous chemicals are used to prepare patients who are packed in ice for transport to Alcor; and

- \* The suspicious white stains on the pavement leading to the storm drain behind Alcor were the result of painting and flooring contractors cleaning up outside Alcor's back door during facility renovations in 2002. This is confirmed by Google Earth archival imagery which shows the pavement stains appearing suddenly in 2002 and slowly fading afterward. Alcor has operated at this location since 1994 with no stains appearing until the renovations in 2002. (It should never have been credible to Defendants that water-soluble chemicals used for parenteral administration could create long-lasting pavement stains anyway).

Relevant questions for inquiry are:

- \* Why was Alcor's Charles Platt recorded as saying he was very nervous about the possibility of a "*National Enquirer* photographer with infrared film"? Because leaving piles of ice to melt behind a cryonics facility, regardless of actual hazard posed by the ice, could be spun into something sinister. Ironically this is what Johnson and Defendants have now done.

- \* Why did Charles Platt ask Johnson to erase his memo about waste disposal? Defendants might have considered the possibility that Platt regarded the memo as unnecessary and misleading. One can agree that practices can be improved upon without agreeing that they are illegal.

Regardless of how suspicious Johnson's evidence was regarding Alcor's waste disposal practices, it was grossly negligent and reckless of Defendants to not check (if in fact they did not) the actual outcome of the ADEQ complaint they acknowledge that Johnson made in August,

2003. Had they done so, they should have avoided publishing a defamatory statement they knew to be false.

36. Paragraph 122.O. related to outright lies regarding the operations of Alcor:

“An incident occurred...that resulted in the dumping of waste water on the ground behind the Alcor facility that contained human blood. I have mentioned in the past to Mr. [Charles] Platt that such disposal of biohazardous waste is a violation of federal and Arizona law and cannot be allowed to continue.” “It didn’t bother Charles [Platt] that they were illegally dumping tainted blood and dangerous chemicals.”

The last sentence of this defamatory remark from “*Frozen*” states as fact, not opinion, that Alcor illegally dumped blood and dangerous chemicals. As detailed in the discussion of Paragraph 122.N., above, Defendants either knew this statement was false pursuant to the ADEQ investigation in 2003, or they published the statement with reckless disregard knowing that Johnson complained to the ADEQ without ever checking the outcome of that complaint. The exonerating outcome of the ADEQ investigation of Alcor waste disposal practices would have jumped out at Defendants from Alcor’s website, CryoNet, or newspaper archives, had they done the slightest Internet diligence of the allegation.

37. The last sentence of Paragraph 122.O is especially false and troublesome for the Defendants because the statement was made in the context of discussing waste that was dumped outdoors at Alcor. As explained in the discussion of Paragraph 122.N., above, that waste was ice that contained no dangerous chemicals whatsoever. Defendants knew and believed that no cryopreservative chemicals could be dumped outdoors. They published on page 122 of “*Frozen*” that Alcor’s cryopreservation solution smelled worse than a “liquefied” corpse rotting in desert heat for days. If Defendants believed this then they knew it was impossible for Alcor to dispose of any such waste on the ground surrounding the small industrial building that Alcor shared with other tenants who surely would have complained about such an odor.

38. Paragraph 122.P. once again reiterates the false statement that Alcor performed improper “dumping” of waste:

[T]hey have been dumping toxic chemicals as well as AIDS and cancer-ridden blood down the drain into the public water systems and into the plant beds outside their back door -- for decades.”

This statement is crafted to imply that Alcor’s allegedly illegal waste disposal practices of Paragraphs 122.N. and 122.O. have put the public at risk of AIDS and cancer. (A photo caption in “*Frozen*” also refers to “cancer-contaminated blood.”) The legality of Alcor’s waste disposal practices is discussed in connection with those additional defamatory statements, above. However, to believe the truth of this defamatory remark raises questions which defy logic and the means in which the population of the United States operates safely: Where does waste go when people with AIDS or cancer use restrooms? Do Defendants and their fact checkers believe that cancer is a communicable disease? If not, did this depiction of cancer as a communicable disease by Larry Johnson, an emergency medical professional for 30 years, give Defendants any cause to question the veracity of Johnson’s other claims in “*Frozen*”? Does this mean Johnson is not a well-trained paramedic, and/or lacks common sense or medical training as to such issues, therefore is not being credible or trustworthy?

39. Yet another defamatory remark about Alcor facilities resides in Paragraph 122.Q.:

I knew Alcor had no proper laboratory sinks and no emergency eyewash stations.

This statement is a verifiable and outright lie. The third photograph that appears in “*Frozen*” shows an eyewash station at the top right corner of the photograph, the same emergency eyewash station that’s more fully visible above the surgeons in the third photograph on the photo gallery on Alcor’s website. [Exhibit Z](#). Alcor’s laboratory sink is also mentioned on page 20 of “*Frozen*”:

There was a large restaurant-style sink divided into three basins with a water sprayer dangling over it.

The characterization of the large stainless steel sink in Alcor's lab as "restaurant-style" was arbitrary because such sinks are used in both restaurants and labs. [Exhibit AA](#). It was therefore verifiably false to claim that Alcor had no proper laboratory sinks, which falsely implied that the operations of Alcor were deficient.

40. Paragraph 122.R. is another lie. It stated:

There weren't many mortuaries around the country like Klockgether's that would allow cryonicists to pump corpses full of hazardous chemicals in their basements.

This is a damaging, defamatory statement because it falsely claims that Alcor uses hazardous chemicals in cooperating mortuaries, and that therefore cooperating mortuaries are difficult to find. After giving examples of Alcor having difficulty finding cooperating mortuaries for reasons having nothing to do with chemicals, Sanders Affidavit, Exhibit 1 attempts to excuse the statement by saying:

Additionally, the Actual Statement merely underscores the point that the typical mortuary is not equipped to carry out the full cryopreservation process, which for Alcor members must be completed at Alcor and includes the use of cryoprotectant chemicals.

However this is nonsensical because the book statement clearly says that Klockgether's mortuary (not Alcor) is where use of hazardous chemicals is occurring. Furthermore, this sentence of Sanders Affidavit, Exhibit 1 proves that Defendants *knew* the full cryopreservation process that uses cryoprotectant chemicals "must be completed at Alcor." This knowledge is further demonstrated by the description of the use of Klockgether's mortuary on page 124, which said, "This pit stop washout was meant to reduce clotting and cool the body further." Yet, Defendants knowingly made the claim that Alcor requires use of hazardous chemicals at cooperating mortuaries like Klockgether's, thereby making it harder for Alcor to find cooperating mortuaries.

A simple consultation of Alcor's website would have revealed the nature of cryonics procedures performed at mortuaries, and the identity of non-toxic blood substitutes used (DuPont's Viaspan or Alcor's MHP-2). [Exhibit BB](#). Ironically, even the chemicals used for the full cryopreservation process at Alcor are less toxic than the embalming fluid used in mortuaries. [Exhibit CC](#). In fact, the cryoprotectant used for whole body cases at Alcor until 2005 was glycerol, a chemical used as a food sweetener and laxative. However, Sanders Affidavit, Exhibit 1 demonstrates that Defendants already knew that toxic chemicals were only used at Alcor, not mortuaries. The claim of toxic chemical use at a mortuary was made in reckless disregard for the obvious truth to the contrary of the defamatory statement.

41. The next defamatory statement is contained in Paragraph 122.S, and it pertains to the chemicals used by Alcor during cryopreservation. The suggestion is that the work of Alcor is not effective because of the improper chemicals used, and that the work of Alcor actually damages its clients:

The molecular structure of Alcor's chemical solution is too big to cross the blood-brain barrier. It gets strained out like spaghetti. [W]hat this means is the secret formula Alcor claims is the key to preserving its members' brains cannot even come in contact with the brain. Or, if it does, it can only do so by ripping the blood brain barrier to shreds.... [I]t's terribly toxic. It's like pouring gasoline into a brain.

In this book passage, Johnson is lecturing Alcor staff member Charles Platt about cryobiology while driving to a Creekside Lodge training session in northern Arizona at the end of February 2003. While there, Johnson will teach students the first stages of cryopreservation procedures that he believes to be either (a) completely ineffectual, (b) tear the blood brain barrier to shreds, (c) equivalent to pouring gasoline in the brain, or (d) perhaps some combination of all three. This is exemplary of the detached cynicism of the Johnson character of "*Frozen*," wherein Johnson takes a job as Director of Clinical Services responsible for patient care at Alcor but

instead spends the next six months narrating (but not acting upon) all the allegedly horrible care he has been supervising. If Johnson really had prior technical knowledge of the impossibility of Alcor's objectives (Johnson was only working for Alcor for four weeks at this point), it defies logic that Johnson could ethically take and continue his job at Alcor. If it was the technology rather than the objective that was the problem, Johnson could have used his self-professed expertise in molecular structure and brain anatomy to suggest improvements. Of course, he did not because Alcor was already using the best cryoprotectant solutions available for its purposes at that time. If Johnson really believed that those solutions were as toxic as gasoline, it is beyond any credibility to suggest that Johnson could not think of any preservative chemicals less toxic than gasoline and suggest them as alternatives. The reality is that Johnson did not have the technical background to make these pronouncements about Alcor's solutions in his fictionalized conversation with Charles Platt. Had the Defendants inquired at the time, they presumably would have received the same response from Johnson that he provided in his December 2009 affidavit filed with this Court:

Prior to working for Alcor, my training had been in paramedics. I am not a chemist and do not understand the science or technology behind Alcor's business.... I am not a scientist and I do not have technical understanding of Alcor's procedures, technology or methods beyond what is publicly available or disseminated by Alcor itself. For example, I do not know for sure what formula Alcor used for cryopreservation while I was there (or does now). When I was interviewed on the Howard Stern Show on October 7, 2009, Mr. Stern asked me what Alcor put in its patients' bodies to preserve them. I told them it was 'some sort of cryopreservation solution' but that I had 'no idea what the chemical makeup' of it was.

Johnson could not possibly make learned dismissals of Alcor's technology, allegations about chemical toxicity, and claims of illegal chemical disposal when Johnson swears under penalty of perjury that he didn't even know what these chemicals were. If Johnson had no knowledge of

the composition or toxicity of Alcor's cryoprotectant solutions, then Defendants could not have had such knowledge either when they published "*Frozen*" unless they independently researched the question. Had they done so, such as by visiting the Alcor website, or even just typing "brain cryopreservation" into Google, they would have easily found documentation of reasonable structural preservation of brains cryopreserved by glycerol and other solutions used by Alcor, including a 2004 mainstream scientific journal paper documenting effectiveness of the M22 vitrification solution for achieving structural preservation of the brain. [Exhibit DD](#) and [Exhibit EE](#). "*Frozen*" characterized vitrification solutions used by Alcor as, "terribly toxic... like pouring gasoline on a brain." However routine survival of kidneys after treatment with M22 is public available information frequently cited by Alcor, and also visible by typing "M22 vitrification" into PubMed, a well-known and often utilized search engine for medical research. [Exhibit FF](#). Obviously such a solution or its close chemical relatives (such as the B2C solution used for neuropreservation during Johnson's 2003 tenure) could not have been as toxic to tissue as gasoline. On the contrary, Alcor uses the expensive M22 solution because it is the *least toxic* solution developed by mainstream vitrification expert Dr. Gregory Fahy after decades of research on whole organ vitrification. This is readily-available information.

42. In Sanders Affidavit, Exhibit 1, Defendants cite vitrification expert, M22 co-inventor, and Alcor board member Dr. Brian Wowk as saying, "no vitrification solution that currently exists is capable of preserving a human brain with functional viability by current measures." This simple iteration of the common knowledge that cryonics is not currently reversible provides no support for the brain-shredding, gasoline-pouring claims of "*Frozen*." If Defendants cared about the truth or falsity of these claims, they could have checked directly with Dr. Wowk or Dr. Fahy. Such a check would have educated them that vitrification solutions work

in the brain primarily by drawing water across the blood brain barrier, not by movement of chemicals across the barrier. That Defendants were aware that Dr. Wowk was a director of Alcor, as shown in Sanders Affidavit further illustrates the unlikelihood that they actually believed the effects of Alcor's cryoprotectants were as horrible as they published. As both an Alcor member and scientific expert on vitrification solutions, Dr. Wowk would not have sanctioned the use of solutions as toxic as gasoline to be used on Alcor members.

43. The reckless falsity of this passage is further illustrated on page 148 by Johnson's response to the question of why progress on kidney vitrification was not promising for the brain. Johnson said, "the brain is a unique organ in that it is not vascular at all." In fact, the brain is one of the most vascular organs of the body, drawing 15% of all blood pumped the heart despite comprising only 2% of body mass. This manifestly proves that Johnson has no credible knowledge on this subject, and the Defendants had no reasonable basis to believe the nonsensical, defamatory statements of Johnson.

44. The next defamatory statement at Paragraph 122.T. attempts to show that Alcor is both inept, and used such ineptitude in the cryopreservation of Ted Williams:

But in assembling this narrative , I've been able to discover and piece together the details of Ted's [Williams] surgery and subsequent freezing inside Alcor. They seem to have been especially gruesome, barbaric, and utterly botched -- even by Alcor's minimal standards.

The most glaring problem for the Defendants is the admission that Larry Johnson was not even employed at Alcor during the cryopreservation of Ted Williams in 2002. Nevertheless, "*Frozen*" contains a nine-page alleged narrative of the cryopreservation of Ted Williams on pages 190-198. It was reproduced in its entirety in the Saturday, October 10, 2009, issue of New York Daily News. The narrative was so full of falsely horrific happenings, disgusting disasters, and incredible incompetence that it was plainly crafted to scandalize Alcor and generate attention at

the expense of the memory of Ted Williams rather than be a sincere reconstruction of events. A slim four pages of alleged Alcor operating room notes gave license to sensationalize and misrepresent what was covered in the notes, and credibility to fictionalize just about everything else. Like most of *“Frozen,”* the style of the account was gory, sensational, and gratuitously insulting, not investigative. On this basis alone, Defendants knew it was not a sincere reconstruction, and therefore unlikely to be accurate. Following the narrative prelude with the line, “That is not what Ted Williams should be remembered for,” (p. 176) was especially cynical given the gross insensitivity of the narrative, a self-described “horror show” (p. 198). In this defamatory remark, the choice of words shows the malicious intent of Defendants. Asserting that the cryopreservation was “utterly botched” by Alcor’s standards is the falsity. The absence of the case documentation necessary for Johnson or anyone else to determine success or failure of the cryopreservation by Alcor’s standards (final venous cryoprotectant concentration) shows complete disregard for truth. This is explained in greater length for defamation alleged in Paragraphs 122.Z. and 122.AA. A scant four pages of notes contained *on one piece of paper* was deliberately misrepresented by Defendants as the complete operating room notes of Ted Williams. The footnote of page 201 of *“Frozen”* says, “Alcor’s OR log notes for Ted Williams (2 of 3),” implying the OR log notes for Ted Williams comprised only three written pages and one data table. This was knowingly false because the page with the earliest recorded times, as reproduced on page 200 of *“Frozen,”* contains no title and describes events deep in the middle of a surgery. Defendants clumsily attempted to deal with this peculiarity by describing “Cryoprotection Data Collection Sheet B” (without “Sheet A”) on page 201 as “the front page of the OR log” (p. 198) where surgeon “Jose” is listed. The Defendants hope readers will not notice that their claimed “front page of the OR log” begins by describing procedures performed

on an isolated head. Representing only four pages found on one piece of paper written by a scribe whose first language was not English (p. 194) as “the OR log” of Ted Williams is equally absurd on the part of the Defendants because elsewhere in “*Frozen*” they referred to Alcor’s “obsessive documentation” (p. 322), and claimed that “Alcor tried to document their cryo-suspensions very carefully.” (p. 171).

45. Sanders Affidavit, Exhibit 1 cites the August 12, 2003 *Sports Illustrated* story, “What Really Happened to Ted Williams” as support for Paragraph 122.T. assertion that Ted Williams’ cryopreservation was “utterly botched – even by Alcor’s minimal standards.” However this article provides absolutely no support for this assertion. The *Sports Illustrated* article writes of confusion about which procedure was to be followed after Ted Williams’s arrival at Alcor, and of “cracking” occurring during cooling. However Alcor’s public response to the *Sport Illustrated* story and other articles easily found on the web, explains that “cracking” (fracturing without breaking) is a normal and expected part of cryopreservation of large organs with present technology. As an expected occurrence in all cryopreservations, fracturing is simply not “botching;” it is an expected process.

46. Sanders Affidavit, Exhibit 1 also cites Charles Platt’s blistering criticism of Alcor management in his July 30, 2003, internal memo, as supporting the allegation that Ted Williams’s case was botched by Alcor’s standards. However nowhere in the Platt memo is it suggested that Ted Williams didn’t receive a successful cryoprotective perfusion, which is Alcor’s standard for a successful case. In short, this defamatory remark is false and was published without any support whatsoever and in complete disregard for the truth.

47. Paragraph 122.U. is a simple false statement without any support whatsoever. It is an abject lie recklessly published by the Defendants:

[T]he body [of Ted Williams] was unloaded from a U-Haul truck...

This is only the first sentence of the “*Frozen*” narrative of what happened to Ted Williams at Alcor, and it is false. The truth is that after arrival in a private chartered jet at Scottsdale Airpark, Ted Williams was brought to Alcor in a converted ambulance that Alcor used for local transports. Larry Johnson knew of this ambulance, and knew that rental trucks had only been used by Alcor when transporting patients safely packed in ice from distant locations out of range of the ambulance. If “*Frozen*” is to be believed, then Defendants also knew that all cases in which a rental truck was reportedly used during Johnson’s employment came from out-of-state. Still more transparent lies permeating “*Frozen*” are found in other parts of the book cited by Sanders Exhibit 1 to justify the text of this Paragraph 122.U. The Sanders Affidavit draws attention to:

Photograph of U-Haul truck with Patient A-1025 (See *Frozen* p. 5 photo insert)”  
(Caption: “Arrival of patient in a U-Haul truck. Even after twenty-five years as a paramedic, I was repulsed by the condition of this body, after it had been driven through the desert in a truck with no refrigeration. In this picture you can see me turning my head away in disgust from the smell.”)

However the photograph cited is *not* of Patient A-1025, as incorrectly stated by Sanders Affidavit, Exhibit 1. The photograph is of the arrival of Patient A-1234. The public case summary reports that Patient A-1234 arrived at Alcor at 7:02 p.m. with a core body temperature of 4.1 degrees Celsius (39 degrees Fahrenheit). No strong odor or decomposition could occur at that temperature. [Exhibit GG](#). Although the photo caption in “*Frozen*” claims that Johnson is turning away in disgust from the closed bag containing the patient and ice packs, Johnson is shown in the photo at the top of the next page with his mask off and no sign of discomfort working above the exact same patient with bag open in Alcor’s operating room. Patient A-1234

was also reported to have a successful cryoprotectant perfusion in the public case summary, which would have been impossible if decomposition had occurred. **Id.**

48. As for Patient A-1025, the absence of photographs allowed Defendants to engage in even more extreme fiction. This is what “*Frozen*” wrote about the arrival of case A-1025 at Alcor on page 136:

The floor of the vehicle was covered in human blood, hair, bile, urine, fecal waste, and God knows what other bodily fluids, all mixed into a nauseating soup. During the six-and-a-half-hour trip from Southern California to Scottsdale, Arizona (after sitting in the Orange County sun for four hours), somewhere in the middle of the Sonora Desert in the middle of the day, the ice had begun to melt. Every fluid inside A-1025 had seeped out every opening in his body. And then the body bag had leaked. Now there was a thick puddle of yellow, red, and brown pestilence soaking into the minivan’s upholstery, the carpets, everything.

Records show that Patient A-1025 arrived at Alcor with a body temperature of 2 degrees Celsius. Weather records for the day of the patient’s arrival, March 2, 2003, in Scottsdale show high 60° F (15.6° C), average 52° F (11.1° C), low 43° F (6.1° C), which are actually cool temperatures, thereby easily disproving the defamatory statements made by the Defendant with reckless disregard for the relevant facts.

49. The following is the defamatory statement contained in Paragraph 122.V.:

Two men entered the OR dressed as surgeons, though neither was, Hugh Hixon, while a brilliant mechanical engineer, was no doctor. His counterpart, Mike Darwin, was a dialysis machine technician;” “[I]t was Darwin who obviously performed the surgery, assisted by High Hixon, who also had no medical training or certification for this type of procedure.

There is no support in any documents for the statement that Hugh Hixon assisted Mike Darwin with surgery on Mr. Williams. Notably absent in Sanders Affidavit is any justification to even suppose this false statement. This false statement was invented out of whole cloth with reckless disregard for the truth. As detailed in connection with the defamation set forth in Paragraph

122.T., Defendants knowingly misrepresented one piece of paper containing only four pages of notes as the OR log of Ted Williams. These documents did not describe Hugh Hixon assisting with surgery on Ted Williams, nor did any others. Defendants knew they had no documentation of Hugh Hixon assisting with surgery. Alcor's actual and complete OR logs list the surgeons on the Ted Williams case as Jose Kanshepolsky, M.D., a retired neurosurgeon and experienced cryonics surgeon, Nancy McEachern, D.V.M., an experienced cryonics surgeon, with "Lead" Mike Darwin, a published resuscitation researcher, cryonics expert, and experienced cryonics surgeon. Once again, the Defendants are shown to act without any support whatsoever, and to be clear, with malice based on their intentional disregard of even the documentation they believed they had.

50. The defamation contained in Paragraph 122.W. was clearly made without any regard or knowledge of the underlying facts. It pertains to a decision made by an Alcor client which predated Johnson's employment at Alcor:

They weren't supposed to decapitate him. Even for Alcor's amateur surgical team, this was an unfathomable blunder."

The full context of this statement follows:

Mike Darwin began sawing through Ted Williams's neck. David Hayes, the Alcor technician who had taken possession of the body in Florida from John Henry, wandered into the room to see how things were going.

Incredulous, Hayes blurted out, 'Wait! This is a full-body suspension!'

Hayes delivered the news that John Henry Williams had signed his father up that morning to be frozen in one piece, not a "neuro-suspension." They weren't supposed to decapitate him. Even for Alcor's amateur surgical team, this was an unfathomable blunder.

Darwin looked down at the bloody mess that used to be Ted Williams's neck. The head was literally hanging by a thread.

The bloodied surgical team waited in the OR, halted in their tracks, while Jerry

Lemler placed frantic calls to John Henry Williams. Alcor had nearly finished the decapitation procedure on Ted Williams. Now the Alcor leaders had to convince John Henry that his father really should be decapitated. To my knowledge, and for obvious reasons, none of this was recorded in the OR log.

The false and defamatory assertion that Ted Williams was mistakenly decapitated was presented to news media as a news item to publicize the book, "*Frozen*," upon its release. It was specifically featured on ABC Nightline, and printed in the New York Daily News (which reproduced "*Frozen's*" entire account of the Ted Williams case) the week of the book's release. As such, it was an especially high profile and damaging allegation, and should have been subject to at least cursory scrutiny by Vanguard and Baldyga. Rather than scrutinize it, Defendants made the allegation knowing that it contradicted information in their possession. They also made the allegation with actual malice, knowing it could not be true, as proven by contradictions in their own book.

51. Neither the operating room notes quoted by the Sanders Affidavit Exhibit, nor the four pages of operating room notes reprinted in "*Frozen*," nor the cited July 30, 2003, internal memo of Charles Platt contain anything to support the allegation that Ted Williams's head was separated by mistake or prior to receiving authorization. As quoted above, the book actually says, "none of this was recorded in the OR log," thereby admitting no documentation for the alleged events. Furthermore, Defendants made the allegation in direct contradiction to an internal document in their possession as they themselves admit in the Notes of "*Frozen*" at the bottom of page 381. Specifically, as quoted in the Sanders Affidavit, Exhibit 1 and Page 381 of "*Frozen*," the July 30, 2003, confidential memo of Charles Platt entitled "*A Petition to Alcor's Board of Directors*" specifically says that "The surgeon waited with scalpel in his hand" while [Alcor C.E.O. Jerry] Lemler placed a hasty phone call to the son. In fact, the full pertinent paragraph of the Platt memo says:

When the patient arrived, the surgeon prepared to do a neuroseparation. Dave Hayes intervened, claiming that the patient's son had been told that no neuroseparation would occur. The surgeon waited with the scalpel in his hand, and the patient remained lying on the table, while JL placed a hasty phone call to the son to resolve this fundamental issue."

The memo says that the surgeon "prepared to do a neuroseparation," not that the surgeon started to do a neuroseparation, or had nearly completed a neuroseparation. This memo, which Vanguard acknowledges possessing by selectively quoting it, flatly contradicts the book claim that surgical separation of the head occurred prior to authorization. As cited in Sanders Affidavit, Exhibit 1, Defendants also read the high-profile August 18, 2003, *Sports Illustrated* story featuring Larry Johnson allegations about the Ted Williams case. Page 70 of the *Sports Illustrated* story also quotes the Platt memo:

When the patient arrived, the surgeon prepared to do a neuroseparation. Just as the surgeon, scalpel in hand, was about to cut off Williams's head, David Hayes intervened, claiming the patient's son had been told that no neuroseparation would occur.

According to *Sports Illustrated*, this happened upon Ted Williams's arrival at Alcor at 8:30 p.m. *Sports Illustrated* goes on to say that Williams's son was then contacted to discuss the issue, and then neuroseparation began at 8:40 p.m. Note, this head separation procedure was not completed until 9:17 p.m. according to the surgical notes published in "*Frozen*." This account in a prominent national magazine, and compiled by *Sports Illustrated* reporter Tom Verducci ostensibly from the same internal Alcor documents supplied to Defendants by Johnson, differs completely from what Vanguard chose to publish in "*Frozen*." The book attempts to explain this away -- as it does much of its defamatory contents -- by claiming that Charles Platt privately told Johnson the real story of what happened, a story not supported by OR notes, contradicted by *Sports Illustrated*, and contradicted by Mr. Platt's own memorandum to the Alcor board. This makes no sense whatsoever because Mr. Platt's confidential memorandum to the Alcor board

was a harsh, unrestrained critique of Jerry Lemler's leadership. If something scandalous happened during the Ted Williams case, Platt had no reason to falsify his confidential memo to the board to protect Jerry Lemler. Of course, this was not included because it did not occur.

52. The strongest proof of knowing falsity is in "*Frozen*" itself. Page 196 of "*Frozen*" says that Ted Williams's head was "literally hanging by a thread" before a frantic call was placed by Jerry Lemler to son John Henry Williams to discuss and authorize a neuroseparation procedure. The bottom of Page 196 says that when this call took place, "It was nearly midnight for John Henry in Florida." This meant it was nearly 9:00 p.m. in Arizona when the call took place, because Arizona observes mountain standard time all year. However, far from "literally hanging by a thread," both the alleged OR notes (p. 200) and text of "*Frozen*" (page 195) describe tedious surgical procedures on the neck still occurring at 8:50 p.m. and actual separation occurring at 9:17 p.m. This is irreconcilable with "hanging by a thread" before 9:00 p.m. when "*Frozen*" says the call to John Henry Williams was made.

53. Defendants attempt to cover up what they knew to be the falsity of their story by printing excerpts of the alleged OR log between 8:50 p.m. and 9:16 p.m. on page 195 before the account of the call to John Henry Williams. The Defendants hoped readers would not notice that "nearly midnight for John Henry" on page 196 meant before 9:00 p.m. and before the events on Page 195. For example, the alleged OR notes in "*Frozen*" (p. 200), the text of "*Frozen*," (p. 195) and Sanders Affidavit, Exhibit 1 (pertaining to Paragraphs 122.W. and 122.X.) all agree that "Mike started using a little saw" at 9:16 p.m. after making a remark about a carving knife. Yet the gory story of Page 196 claims these exact same events happened *before* David Hayes rushed in and caused a phone call to be placed to John Henry Williams before 9:00 p.m. Arizona time

(“nearly midnight” at the bottom of page 196). This was obviously impossible, and therefore a knowingly false account made with actual malice by the Defendants.

54. The only basis for the claim that Alcor mistakenly separated Ted Williams’s head from his body is Johnson’s assertion that somebody told him so (because Johnson was not even there), in contradiction to *Sports Illustrated* and all alleged internal records that Defendants possessed. Leigh Montville’s less-embellished claim of the same mistake in his Ted Williams biography did not constitute corroboration because it merely repeats Johnson’s own implausible hearsay. In 2003 *Sports Illustrated*, which presumably had access to the same documents from Johnson as Vanguard, published an account of confusion about what was to be done prior to contacting Ted Williams’ son. They did not report a mistaken decapitation (or even near decapitation) despite digging for all the information they could about the situation. ABC News reported Johnson’s allegation of mistaken decapitation in their Nightline story. However unlike Vanguard they sought and found even more documents that contradicted it, concluding that Johnson’s story was unsupportable. [Exhibit HH](#).

55. That Vanguard and Baldyga would publish such a drastic allegation in contradiction to documents in their possession or publicly available demonstrates reckless disregard for truth. That they were only able to write the allegation with internal inconsistencies shows even lower regard for truth. Compounding the injustice, an entire fictionalized gory narrative of mistaken decapitation was published in “*Frozen*” (reproduced in its entirety in New York Daily News) claiming to be the true and detailed story of what really happened to Ted Williams. As detailed in connection with defamation claim of Paragraph 122.T., Defendants knowingly misrepresented only four pages of notes as the alleged OR log of Ted Williams. Contrary to the book lie that “none of this was recorded in the OR log,” the actual OR logs

written by two redundant scribes did in fact document the conversation with Ted Williams' son that authorized all procedures performed on Ted Williams. There was confusion in the operating room about the type of procedure to be followed after Ted Williams arrived as claimed by *Sports Illustrated*, but the question was resolved before any of the surgical events in the alleged OR notes published in "*Frozen*," which begin at 8:40 p.m. Two OR logs independently document all procedural questions being settled no later than 8:21 p.m.

56. The defamatory statement at Paragraph 122.X. is equally false and baseless. It states:

The head [of Williams] was literally hanging by a thread.

According to Merriam-Webster, to hang is to "fasten to some elevated point without support from below." The book doesn't say that the head was figuratively hanging by a thread; it says that the head was *literally* hanging by a thread. There is absolutely no support in the OR notes for such a macabre image, nor is it anatomically credible. Nor is this statement a mere tautology that remaining tissue attachments must become very small prior to being severed. "*Frozen*" specifically says on page 196 that Ted Williams' head was "literally hanging by a thread," i.e., effectively severed from his body, before David Hayes raised the question of whether Ted Williams' head was supposed to be separated from his body. As detailed in the discussion of defamation of Paragraph 122.W., this allegation is unsupported by the OR notes published by Defendants, contradicted by the highly-visible 2003 *Sports Illustrated* story, and contradicted by the July 30, 2003, internal memo of Charles Platt that "*Frozen*" acknowledges ignoring on page 381. It is also contradicted by the book "*Frozen*" itself. Page 196 of "*Frozen*" says that Ted Williams' head was "literally hanging by a thread" before a frantic call was placed by Jerry Lemler to son John Henry Williams to discuss and authorize a neuroseparation procedure. The

bottom of Page 196 says that when this call took place, “It was nearly midnight for John Henry in Florida.” This meant it was nearly 9:00 p.m. in Arizona when the call took place. However, far from “literally hanging by a thread,” both the alleged OR notes (p. 200) and text of “*Frozen*” (page 195) describe tedious surgical procedures on the neck still occurring at 8:50 p.m. and actual separation occurring at 9:17 p.m. This is irreconcilable with “hanging by a thread” before 9:00 p.m. when “*Frozen*” says the call to John Henry Williams was made.

57. Defendants knew that their “hanging by a thread” statement was false, and attempted to cover up the falsity by printing excerpts of the OR log between 8:50 p.m. and 9:16 p.m. on Page 195 before the account of the call to John Henry Williams. They hoped readers wouldn’t notice that “nearly midnight for John Henry” on page 196 meant before 9:00 p.m. and before the events on page 195. For example, the alleged OR notes in “*Frozen*” (p. 200), the text of “*Frozen*,” (p. 195) and Sanders Affidavit, Exhibit 1 (Paragraphs 122.W. and 122.X.) all agree that “Mike started using a little saw” at 9:16 p.m. after making a remark about a carving knife. Yet the gory story of page 196 claims these exact same events happened *before* David Hayes rushed in and caused a phone call to be placed to John Henry Williams before 9:00 p.m. This was obviously impossible, and therefore a knowingly false account made with actual malice.

58. Knowing falsity is further established Vanguard’s Sanders Affidavit, which explicitly cites the *Sports Illustrated* story as a factual source. Sanders Affidavit, Exhibit 1 quotes from the *Sports Illustrated* article such “facts” as:

Neuroseparation on Williams *began* [emphasis added] at 8:40 p.m. PDT (MST), according to the handwritten operating room notes, which are riddled with juvenile spelling mistakes.

Sanders’ Affidavit omits mentioning that the same page of this *Sports Illustrated* article reports the pause in procedures and call to John Henry Williams happened chronologically earlier, in a

paragraph that begins, “By about 11:30 p.m. EDT—8:30 p.m. in Scottsdale.” If the *Sports Illustrated* article was regarded as a factual source, then defendants knowingly published an account contrary to what they believed to be factual in *Sports Illustrated*. As detailed in connection with defamation set forth in Paragraph 122.T., Defendants knowingly misrepresented one piece of paper containing only four pages of notes as the OR log of Ted Williams. The Defendants then baldly and falsely asserted that “none of this was recorded in the OR log” (p. 196). Alcor’s actual OR logs, made by two redundant scribes, independently document at 7:39 p.m. and 7:40 p.m. respectively that David Hayes raised a concern about which cryopreservation procedure was to be followed. One log reports at 8:08 p.m. that John Henry Williams had been successfully reached. Both logs record that the OR was informed at 8:20 p.m. and 8:21 p.m., respectively, that John Henry Williams authorized whatever procedures Alcor thought best. This was even earlier than reported by *Sports Illustrated*, which Defendants already knew contradicted their account, which they furthermore knew to be false by virtue of its internal contradictions. In short, the suggestion that Alcor did not follow proper protocols or that Williams’ head was “hanging by a thread” is objectively false and could not have been subjectively believed.

59. Yet another defamatory statement regarding the Williams surgery is contained at Paragraph 122.Y. It states:

In what had to be the most spectacular display of ineptitude, the perfusion tubes were accidentally knocked out and Ted’s [Williams] blood poured out onto the floor.

This statement is manifestly false and contradicted by the same page of alleged OR notes that is quoted by Sanders Affidavit to support the allegation. The alleged notes published on Page 201 of the book begin by describing perfusion procedures being performed on an isolated head that

was “moved into a small plastic container” at 21:38 (9:38 p.m.). More than an hour later according to the same page it says, “Green & white tube coming out from the surgery table and lots of blood flowed out on the floor, which means blood from the rest of his body.” However, if Ted Williams’s head was removed from his body at 21:17 (p. 200) and “moved into a small plastic container” at 21:38 (p. 201), then a later blood spill from a tube coming from “the surgery table” holding “the rest of his body” (p. 201) could have nothing to do with the perfusion happening in the plastic container. The first photo page of “*Frozen*” itself documents that the “cephalic isolation box” is separate from the surgery table. The tube that dislodged “from the surgery table” was obviously not a perfusion tube (for there was no perfusion occurring at the surgery table) but a waste drainage tube from the surgery table. The described spill was therefore a table cleaning accident that could have nothing to do with the perfusion happening in a different part of the room. This false statement appears to have been made with actual malice in contradiction of the notes alleged to support it, but at the very least with reckless disregard for its truth or falsity since the documents contradicting the statement were in the possession of the Defendants.

60. Revisiting the Williams surgery, the statement of Paragraph 122.Z. was false and known by the Defendants to be false. It states:

By Alcor’s own standards, the suspension of Ted Williams was a failure before he left the operating table.

The knowing falsity of this statement is detailed in the discussion of Paragraph 122.AA., below. However, as also detailed in connection with defamation contained in Paragraph 122.T., Defendants knowingly misrepresented only four pages of notes as the alleged OR log of Ted Williams. The notes were obviously incomplete. Nevertheless, one of the pages, Page 199 of “*Frozen*,” alleges a steadily increasing jugular (venous) cryoprotectant (“CPA”) concentration as

perfusion continued three hours after it started. Numerous instances of “target concentration” on the Alcor website document the importance of meeting CPA target concentration during perfusion. Alcor’s complete perfusion record shows that Ted Williams reached final venous CPA concentrations exceeding 100% CNV (concentration-needed-to-vitrify), meaning a concentration theoretically sufficient to prevent ice formation at any temperature. In other words, the perfusion was successful by Alcor’s usual standard.

61. As explained for Paragraph 122.AA., below, Defendants knowingly misrepresented observations alleged to have been recorded seven minutes after perfusion started to draw false conclusions about the final outcome of perfusion hours later. They knew they had no records of the final outcome because their alleged records of the Ted Williams case contain no notation of when perfusion ended.

62. Paragraph 122.AA again states falsely that the cryopreservation of Ted Williams was in some way a failure, even though Johnson was not even employed by Alcor at the time, and he was not in a position to personally observe the cryopreservation:

The washout [of Ted Williams] had failed.

This was a ridiculous statement to make based on alleged note observations of “enormous amounts of arterial leakage” and blood from a pupil (sic) at 21:24 (9:24 p.m.). Those observations are time stamped only seven minutes after the head was alleged to have been separated permitting full blood washout to begin at 21:17 (p. 200). For this conclusion of failure after seven minutes to be stated near at the end of a long perfusion narrative on Page 198 (see, “hours ticked by” on page 197) was a bizarre and deliberate time warp. It also contradicted the alleged OR notes published on page 199, which show the perfusion of Ted Williams still

underway three hours after it started, not stopped after seven minutes “with a great deal of blood left in the head” (p. 198).

63. An alleged note of blood coming from a pupil (of the eye) should also have been a revelation to any fact checker. It is common knowledge available from the Internet that corneas have no blood supply and are therefore incapable of bleeding. What is the credibility of a paramedic who would cite “blood draining from A-1949’s left pupil” (an impossibility) as “indicating the washout had failed” (p. 198). Blood leakage from the right and left vertebral arteries, and other collateral arteries, is expected as carotid arteries are perfused. (Alcor has a documented instance of a backup scribe once hearing and writing “pupil” in his/her notes when another scribe wrote “vertebral” in OR notes.) These collateral arteries are clamped as perfusion proceeds to maintain perfusion pressure. Observations of collateral arteries leaking seven minutes after perfusion starts, before they are clamped, mean nothing in a perfusion that lasts hours (except to the extent that such leakage shows effectiveness of anticoagulant medications). As detailed in connection with defamation of Paragraph 122.T., Defendants knowingly misrepresented only four pages of notes as the alleged OR log of Ted Williams. Yet even the alleged notes published by Defendants on Page 199 record perfusion continuing at 0:45 (12:45 a.m.), three hours after it started. These notes show steadily rising (CPA concentrations in both left and right jugular veins. This information Page 199 totally contradicts the “*Frozen*” assertion of failed blood washout on facing Page 198, especially the statement that, “There was obviously a great deal of blood left in the head, blood that would most likely burst upon freezing.” (p. 199) This statement implied that perfusion was finished only seven minutes after starting, when Defendants knew from the alleged notes they published that perfusion continued for many hours afterward, and that the notes documented rising CPA concentrations protective against ice.

Vanguard also contradicts itself in Sanders Affidavit, Paragraph 122.Z. by citing an example case report with compromised perfusion due to blood clots (A-1025), failing to observe that the notes printed on Page 201 of "*Frozen*" say at 22:04 "no sign of clotting" in the case of Mr. Williams. The statement that Ted Williams's washout had failed was made with reckless disregard and contradiction of the Defendant's own published account of events.

64. The defamation contained at Paragraph 122.BB. once again makes false statements for the sake of sensationalism and unwarranted profit:

After they had had their fun, Ted's headless body was placed upside down in a steel pod, which in turn was placed inside a dewar with several other 'dewar-mates' to be cooled to -321 degrees.

As detailed in connection with defamation claim at Paragraph 122.T., Defendants knowingly misrepresented only four pages of notes as the alleged OR log of Ted Williams. None of these notes documented Ted Williams' body being placed straight into a steel pod, and then dewar, as alleged. None of the sources cited in Sanders Affidavit support the book narrative of direct placement of Ted Williams' body into a steel pod and cryogenic dewar with no other treatment. Even if Defendants' believed that Ted Williams' body was being separately stored by Alcor, they had no reason to believe that his body would be "after they had their fun" casually immersed into liquid nitrogen instead of being perfused with glycerol cryoprotectant and slowly cooled in a silicone oil bath, as was customary for whole body patients at that time. With no documentation, Defendants just decided to invent a false statement of direct placement into a dewar.

65. The next piece of unsupported defamation appears in Paragraph 122.CC, which states:

Instead of putting A-1949's head in the LR-40, though, Alcor placed it in the CryoStar experimental cooling machine. By Alcor's own bizarre standards, this was highly irregular.

As detailed in connection with defamation Paragraph 122.T., Defendants knowingly misrepresented only four pages of notes as the alleged OR log of Ted Williams. None of these notes document what happened to Ted Williams after cryoprotective perfusion because these alleged notes only cover narrow time windows prior to that. There are at least two falsities in the first sentence. The first is that the CryoStar is an "experimental cooling machine." As is apparent from public information sources, the CryoStar is an off-the-shelf laboratory chest freezer intended for keeping cold things cold, not cooling them. [Exhibit II](#). Cryopreservation by vitrification is known to require cooling as rapidly as possible. It is not credible that placing a large, warm object in a chest freezer would cool it quickly. So fallaciously calling the CryoStar a "cooling machine" was necessary to support the second lie, which was that Alcor placed Ted Williams straight into a CryoStar after cryoprotective perfusion. To support this false allegation, the Sanders Affidavit cites references saying that Ted Williams spent at least some time in a CryoStar freezer at an intermediate temperature warmer than liquid nitrogen. The CryoStar is designed to maintain temperatures in the vicinity of -130 degrees Celsius. However, with the apparent exception of *Sports Illustrated*, none of these sources say that Ted Williams was placed directly into a CryoStar freezer. Having no documentary evidence of an event that did not happen, *Sports Illustrated* could only have written that Ted Williams was placed in the CryoStar "first" based on the same information as Defendants, the fictional fabrication of Larry Johnson, who was never present for this alleged event.

66. The difference between *Sports Illustrated* and Defendants is that Defendants and their fact checkers had much more time to recognize the incompatibility between Alcor requiring

rapid initial cooling for vitrification, and placing a just-perfused patient into a chest freezer. However the mischaracterization of a chest freezer as an “experimental cooling machine” suggests lack of regard for such details. The Sanders Affidavit notes that “Alcor does not contest particular facts of portrayal of Ted Williams cryopreservation” in Alcor’s generic reply to the *Sports Illustrated* article in which Johnson alleged mistreatment of Ted Williams in 2003. However in researching and fact-checking the history of the Ted Williams case for “*Frozen*,” it must have crossed the attention of Defendants that the Ted Williams case was confidential. Alcor was contractually prohibited from saying anything about Ted Williams upon penalty of lawsuit from the Williams Estate. It was Ted Williams’ eldest daughter who wanted Williams removed from cryopreservation, and Larry Johnson who conspired with legal counsel to have Ted Williams removed from cryopreservation even while still employed by Alcor, who were generating all the publicity about Ted Williams at Alcor. Prior to an Arizona court decision ordering Alcor to produce certain documents in late 2004, Alcor was not legally permitted to even acknowledge that it possessed the remains of Ted Williams. [Exhibit JJ](#). Alcor was in the similar position of a hospital subjected to withering allegations of mistreatment of a patient that it could not even acknowledge was in treatment.

67. The following defamatory remark appears at Paragraph 122.DD:

Charles later confided in me that Alcor received the CryoStar as a gift from CCR and had never even tested it. Hugh had told me that it was never intended to be used for storing human heads.... CHARLES PLATT: ... The deal we had with Twenty-First Century [aka CCR] is we're not actually supposed to use that to put any human heads in it because they never really had time to test it very much.... We're supposed to be doing some testing on it...

This text from “*Frozen*” alleging negligent care of Ted Williams in an untested storage unit contains no fewer than five falsities that contradict public information. Even worse, Defendants appear to document in the Sanders Affidavit (Paragraphs 122.EE and 122.DD.) their knowledge

of a deliberate “cut and splice” of a clandestinely recorded telephone conversation to create and publish a different conversation that never took place in order to support these falsities. First, it is a lie that Alcor received its CryoStar chest freezer from CCR (Critical Care Research, Inc.). Searching “CryoStar” on the Alcor website prior to publication of “*Frozen*” would have yielded two results. [Exhibit KK](#). The first is the third quarter of 2000 issue of “Cryonics” magazine, which says on Page 11 (including a photograph):

In late July 2000, Alcor Patient Care Bay received a new piece of equipment purchased by BioTransport, Inc. The freezer could accommodate up to 12 (more likely only 6) neuropatients in a vitrified state at between -130 degC and -140 degC.

The other result would have been the August 1, 2003, issue of Alcor News Bulletin that clearly explains the purpose of the CryoStar freezer as discussed below for Paragraph 122.EE. That article revealed (as would have other diligence by Defendants) that the CryoStar freezer “is a standard item of equipment in hundreds of laboratories.” Second, it is a lie that Alcor “had never even tested it.” If the CryoStar freezer began to be used for patients in 2002, then Alcor had two years to test it. Third, it is a lie that the CryoStar was “not actually supposed to be (used) to put any human heads in it...” The aforementioned public announcement in Cryonics magazine specifically said that the CryoStar was purchased two years earlier for the purpose of storing neuropatients. **Id.** Fourth, it is a lie that “Twenty-First Century [aka CCR]” are the same company; they are not the same. Fifth, it is a lie that “they (Twenty First Century [aka CCR] (sic)) never really had time to test it very much.” Neither of these companies ever possessed Alcor’s CryoStar. To support these multiple falsities, “*Frozen*” printed on Page 222, and the Sanders Affidavit quotes, the following alleged transcript of a clandestinely recorded telephone conversation between Larry Johnson and Alcor Chief Operating Officer, Charles Platt:

LARRY JOHNSON: Well, one of the tasks that came up, you know in the board meeting before last, was the issue of the CryoStar and stuff. Has that all been taken care of?

CHARLES PLATT: ... The deal we had with Twenty-First Century [aka CCR] is we're not actually supposed to use that to put any human heads in it because they never really had time to test it very much.

LARRY JOHNSON: Right.

CHARLES PLATT: We're supposed to be doing some testing on it..."

The Sanders Affidavit referencing Paragraphs 122.EE and 122.DD., cites an audio file "CryoStar Failure with Charles Platt.wav" as the source of this alleged conversation. However this same file, obtained by Alcor from Larry Johnson's legal counsel and attached as [Exhibit LL](#), contains a very different conversation. The actual recording, with speech that Defendants deleted from their transcript shown in italics, contains the dialog:

LARRY JOHNSON: Well, one of the tasks that came up, you know in the board meeting before last, was the issue of the CryoStar and stuff. Has that all been taken care of?

CHARLES PLATT: *Okay, here's the situation. Umm, the thing that Brian Wowk made, which we brought back from California is behind the door...(audio missing).* The deal we had with Twenty-First Century is we're not actually supposed to use that to put any human heads in it because they never really had time to test it very much.

LARRY JOHNSON: Right.

*"CHARLES PLATT: We're supposed to be doing some testing on it. Now I've got the documents that Brian wrote to go with that, telling you how to use the controller and various things.*

In the actual un-edited conversation, it's obvious that Charles Platt is not talking about the CryoStar freezer. Platt is talking about "the thing that Brian [Wowk] made, which we brought

back from California (and) is behind the door,” which was a potential future replacement for the CryoStar freezer, as documented below. [Exhibit MM](#)

“A New Way to Maintain an Intermediate Temperature”

On June 14th (2003), in Rancho Cucamonga, California, biophysicist Brian Wowk of 21st Century Medicine gave a remarkable presentation attended by all Alcor board members and many staff members. Dr. Wowk has developed a simple, reliable design for an intermediate temperature storage device using a heavy-gauge metal container enclosed in a jacket of closed-cell insulating foam fitted with two 2-watt heaters. The insulating jacket is then immersed in liquid nitrogen, and the heaters are run variably by an external controller to maintain the desired temperature inside the metal liner, which conducts heat and minimizes the thermal gradient...

Alcor has purchased Dr. Wowk's first prototype and will be testing it for reliability and boiloff.

Unless Defendants implausibly and in bad faith assert (perhaps similar to the bad faith use of a spliced audio tape to support a false statement with a false audio clip) they believed Brian Wowk was the inventor of CryoStar laboratory freezers (in June 2003, almost a year after they allege Ted Williams was placed into one), and that the large CryoStar chest freezer they published a photograph of in *“Frozen”* was small enough to store and operate “behind the door,” then they knew Charles Platt was not talking about Alcor’s CryoStar freezer when he spoke of the need for testing and proscription against patient use. Deft deletion of a couple of sentences from their transcript allowed them to publish an entirely different and false meaning in bad faith, and then attempt to defend it using the same “cut and splice” in the Sanders Affidavit.

68. The final proof that Defendants made these defamatory statements with knowledge is that when Johnson attempted to steer the conversation back to the CryoStar on Page 222 (because Mr. Platt talking about Dr. Wowk’s untested device was not giving Johnson the CryoStar scandal he wanted), Mr. Platt was reported to say:

CHARLES PLATT: Oh, that part. I was just leading around to the fact that the board basically wanted to wait until June 14 to see if we could move the patient [Ted Williams and his roommate] out of the CryoStar into the new thing. Well, of course we can't because it's not ready yet.

This made it crystal clear that Platt was talking about “the new thing,” and not the CryoStar, in his previous sentences. Unfortunately that would be less clear to “*Frozen*” readers after Defendants altered the transcript they published as described above.

69. Paragraph 122.EE is another defamatory remark pertaining to Alcor:

They needed [Williams] somewhere easily accessible so they could grab it and run in case they came under court order to return it to his family for the cremation Williams had requested in his will.

This allegation of keeping Ted Williams in an expensive ultra-low temperature chest freezer (that consumed 5 kilowatts of electricity) for rapid access is plain ridiculous, and Defendants had to know it. The Sanders Affidavit cites an incident in 1987 when neuropatient Dora Kent disappeared from Alcor when a Coroner was seeking to autopsy her (and later proscribed from doing so by a court order). However there was no CryoStar freezer at Alcor in 1987. Assuming arguendo the foolish assertion of the Defendants, there was no need for Alcor to have a chest freezer in 2003 to do what it allegedly did in 1987 without one. If there ever were a need to move patients in a hurry, it is obviously easier to do so in small liquid nitrogen dewars than inside a giant chest freezer. Moving a patient in a liquid nitrogen dewar requires that the patient to be moved already be at the temperature of liquid nitrogen. Moving a patient from a -126 degrees Celsius freezer straight into liquid nitrogen 70 degrees colder would boil away the liquid nitrogen and cause severe thermal stress injury. Storing a patient in a CryoStar freezer at a temperature different than liquid nitrogen therefore *prevents* rapid transport rather than facilitating it. Defendants made this allegation in violation of common sense, and in complete

disregard of the information obtainable by searching “CryoStar” on Alcor’s website. That search would have led to:

Alcor owns a CryoStar freezer of a type that is a standard item of equipment in hundreds of laboratories, and our directors, advisors, and staff have been discussing the relative merits of maintaining patients around -125 degrees Celsius in the CryoStar instead of immersing them at -196 degrees in liquid nitrogen. While we are waiting for the Wowk design of Intermediate Temperature Storage pod to be refined and tested, the CryoStar can provide ITS on an interim basis right now, and has proved that it will reduce the incidence of fractures which tend to occur after vitrification. Alcor clearly should do whatever it can to minimize all forms of damage to its patients.

[Exhibit NN](#). This August 1, 2003, Alcor newsletter plainly explained what the CryoStar was intended for, and it had nothing to do with “quick getaways.” Alcor’s long history of interest in intermediate temperature storage (“ITS”) systems and their purpose is also documented elsewhere. [Exhibit OO](#). A search of CryoNet.org, a cryonics email discussion list mentioned numerous times in “*Frozen*,” generates 11 hits for “CryoStar” and 46 results for “intermediate temperature storage.” In knowing disregard of this public information “*Frozen*” feigned ignorance of the purpose of Alcor’s CryoStar freezer throughout the book. Only in the photo pages did they tell their “terrible truth;” a fabricated conversation in which Charles Platt said Ted Williams was stored in the CryoStar to be able to make a quick getaway. The allegation that care of Ted Williams was compromised for the sake of being able to remove him quickly from Alcor was a knowingly false allegation published by Defendants with actual malice. It was knowingly false because fact checker Sanders relating to Paragraph 122.DD., actually cites the aforementioned August 1, 2003, issue of Alcor News Bulletin, which as quoted above explained exactly why the CryoStar was used, concluding with, “Alcor clearly should do whatever it can to minimize all forms of damage to its patients.” [Exhibit PP](#).

70. Paragraph 122.FF is also defamatory and without support. It states:

Hugh [Hixon] grabbed the head by the handle and shook it vigorously to dislodge the tuna can but it was, of course, frozen on...Hugh lifted his leg and executed a few off-balance kicks, his foot whiffing two feet below the head. Then he grabbed a monkey wrench, heaved a mighty swing, missed the tuna can completely and smacked the head dead center...Hugh Hixon was treating Ted Williams' head like some kind of grotesque piñata.

The allegation that Alcor beat Ted Williams's head with a wrench was a lead allegation used to promote the release of the book "*Frozen*" in October, 2009. [Exhibit QQ](#). This allegation generated national and international attention for the book. However, the only proof offered by Vanguard for this allegation in the Sanders Affidavit is that Larry Johnson said it happened. Publication of Johnson's allegation was reckless because the following facts made it highly implausible:

\* To the best of Alcor's knowledge, there is no record or recollection of Larry Johnson reporting this incident to anyone prior to the publication of "*Frozen*" in 2009. Larry Johnson has a history of seeking public attention by making sensational allegations about Alcor's treatment of Ted Williams. He was secretly seeking a book deal about Ted Williams as far back as May, 2003, after only three months of employment at Alcor.

\* Johnson succeeded in getting national attention for his allegations about Ted Williams in an August 12, 2003 *Sports Illustrated* story, "What Really Happened to Ted Williams." However nowhere in this story does he allege that Ted Williams's head was struck by a wrench. In follow-on media coverage and public interviews in August 2003, Johnson had plenty of opportunity to report this incident directly to the public while it was still fresh in his mind from three weeks earlier. He did not do so. Larry Johnson is on record as favoring government regulation of cryonics, and expressing unhappiness that Alcor avoided it in 2004 (p. 347 ). Yet even while Arizona legislators and funeral regulators cited his *Sports Illustrated* allegations to justify a bill regulating Alcor, Johnson did not add a head strike to those allegations. This suggests that the head strike remembrance was needed as something new and newsworthy to bring his book media attention. For that, it was a smashing success.

\* Not only did Johnson not seem to report this allegation to anyone publicly, he did not seem to do so privately at the time either. Alcor is not aware of Johnson reporting this incident to anyone despite being Chief Operating Officer (or at least Director of Clinical Services) at Alcor when it allegedly happened. Notably, Sanders Exhibit 1 does not cite a single document from Johnson that reports or supports any aspect of this allegation other than Johnson's plausible presence at the alleged July 18, 2003, transfer. It's highly implausible that something as negligent as a violent head strike on any Alcor patient, let alone Ted Williams, could be allowed to happen without any internal documentation or discussion.

That's true for a supervisor sincerely interested in patient care, and especially true for Larry Johnson who three weeks before his departure and tell-all *Sports Illustrated* story was actively seeking to find and generate documentation for as much scandal at Alcor as he could. Page x of the Introduction of "*Frozen*" says, "I wore a wire every single day of my last three months there" (May –July, 2003). Then where is the recording of this incident?

\* Page 26 of "*Frozen*" quotes Charles Platt as saying, "Mike (Perry) is real protective of the patients." As Patient Caretaker, Mike Perry would have been physically present and a signatory to documentation of a patient transfer. Since Alcor executives are also supposed to sign off on patient transfers between storage units, it's likely that Larry Johnson, recently promoted to Chief Operating Officer, would also have been present and a signatory to any patient transfer on July 18, 2003. This leads to the question of why Larry Johnson did not provide Defendants with any documentation of a July 18, 2003 transfer other than emails briefly mentioning that a transfer took place. Defendants should have considered the likelihood that such documentation was not provided because it would show that Johnson himself certified a transfer occurred without incident.

\* The numerous falsehoods throughout "*Frozen*" that are contradicted by public information also underscore the recklessness of publishing this allegation in absence of documentation.

71. For the foregoing reasons, the statements made by the Defendants are defamatory and made with reckless disregard for the truth and/or with malice and/or intentional conduct intended to distort the truth.

72. Johnson was employed by Alcor for approximately six months in 2003. Johnson was not employed at Alcor during the time of cryopreservation of Ted Williams in 2002 and therefore had no personal knowledge of such events.

73. It should also be observed that the term "Alcorians," as used throughout "*Frozen*," in the Cooper affidavit, in the Sanders affidavit, and described in Defendant's Statement of Material Facts as "those with shared beliefs (of Alcor members)" is practically unknown outside the fictional universe created by Defendants. The stated material "facts" in this regard are therefore false. It does not even make sense to call cryonicists (cryonicists being the correct term) "Alcorians" because there are almost as many people with a "shared belief" in the worth of cryonics who support other cryonics organizations, not just Alcor. This observation is relevant because it is exemplary of repeated counter-factual assertions made in "*Frozen*" with the

intent to depict Alcor as a cult. It is representative of the subordination of factual accuracy to the goal of depicting Alcor in a false light. In 2010, a blogger reviewing “*Frozen*” wrote, “As someone following Alcor for almost a decade, I had never heard of that term (“Alcorian”) until Larry Johnson.” <<http://www.acceleratingfuture.com/michael/blog/2010/11/is-cryonics-evil-because-its-cold>> To further prove the near non-existence of this term outside of “*Frozen*,” in Alcor’s 41-year history and 12,000 files on the Alcor website, and 33,000 CryoNet messages, the term only occurs a few dozen times. Using Google News Archive, which goes back to the 1960’s, I could only find one newspaper article that ever used that word in connection with Alcor. Notwithstanding, “*Frozen*” effectively convinces uninformed readers that “Alcorian” pertains to anything and everything about Alcor.

74. On Page 3 of the Statement of Material Facts, Defendants also claim that Alcor has recognized that it has been the subject of “constant,” “unremitting,” and “unprecedented” media attention, citing an article published by Alcor in 1991 <<http://www.alcor.org/Library/html/coldwar.html>>. However this hyperbolic 1991 statement, which actually says that “cryonics” was the subject of such attention, was on the heels of significant and unwanted media attention that fell upon Alcor due to a 1988 Coroner’s investigation that was not finally closed until 1991.

75. Alcor occasionally, not consistently, is the subject of unwanted media attention. Unwanted attention results from such events as Alcor litigating to avoid autopsy or other interference with cryopreservation of members, family disputes over cryopreservation arrangements (as happened with Ted Williams), or persons such as Defendants making sensational allegations to profit at Alcor’s expense. In 2010 a Google News search I did yielded 1550 hits for Alcor between 2000 and 2009, but only 100 when stories mentioning Larry

Johnson or Ted Williams were excluded. The vast majority of media attention over the past decade has therefore been unwanted by Alcor, with much of it generated by Larry Johnson and Defendants. As discussed in more detail elsewhere in this affidavit, the cryopreservation of Ted Williams was completely confidential and not to be publicized by Alcor under any circumstances until a family lawsuit forced Alcor to release documents acknowledging the cryopreservation in late 2004.

76. While Alcor receives inquiries for interviews and programming, it is my understanding that interviews are only granted selectively. When interviews are granted, Alcor representatives may discuss facilities and operations and provide b-roll film footage for visual productions. Under no circumstances is confidential patient information disclosed, or are unauthorized photographs released, such as those stolen by Larry Johnson and published by Defendants with identifying case information in "*Frozen*." An unsolicited 2010 newspaper article in the wake of litigation to fulfill a member's cryopreservation wishes described Alcor's public relations and marketing as "low-key." <<http://gazette.com/article/96605>>

77. In addition to sometimes responding to unsolicited media requests, Alcor also provides information through its website in response to involuntary or unwanted attention, including Alcor providing a response on its website to the defamatory contents of the book, "*Frozen*." Such responses are not intended to promote Alcor, but rather respond to the defamatory statements contained in the Book. Prior to Alcor's statements to the press regarding false allegations in "*Frozen*" in 2009, Alcor's last press release had been in 2005 to deny the authenticity of a purported "death mask" of Ted Williams being promoted by a New York artist, which is also unwanted attention.

78. While Alcor closely monitors organ donation and right-to-die legislation as it pertains to interests of cryonicists, Alcor does not attempt to influence public opinion or foster public debate on these or other pervasive issues affecting the general public. Alcor is an organization that only facilitates personal decisions about cryonics following legal death. Alcor is involved in only the limited and narrow issue of cryonics.

79. The affidavit of Roger Cooper, at Paragraph 6, claims that “Vanguard exercised an extremely high degree of care in confirming credible support or corroboration for the factual contents of *Frozen* prior to publication.” This is difficult to reconcile with the failures to consult public sources, contradictions of public sources, contradictions of own cited source materials, internal inconsistencies, and apparent deliberate editing of source audio recordings documented elsewhere in this affidavit. However, in my opinion, the most grossly negligent failure in checking factual contents of “*Frozen*” was that no contact with Alcor or anyone else knowledgeable about the practice of cryonics was made prior to publication as far as I am aware. Rather than engage Alcor as any journalist or actual fact checker would, Defendants avoided Alcor at every step, going as far as to give the book a fake title to hide its development, “*Project Y*” by John Doe, <<http://www.goodreads.com/book/show/6715759-project-y>>, and then accelerating the book release to defeat a scheduled hearing and opportunity for this Court to hear Alcor’s case against publishing photographs of severed human heads and other stolen materials in gross violation of the privacy of the individuals concerned.

80. Cooper also says at Paragraph 6 of his affidavit that Larry Johnson previously made public allegations about Alcor. Cooper goes on to describe other news media coverage about Alcor and its handling of Ted Williams, especially in *Sports Illustrated* magazine at paragraph 10 of his Affidavit. However Mr. Cooper neglects to mention that almost all this other

news coverage, especially the 2003 *Sports Illustrated* article and its sequela, is due to Larry Johnson. Ted Williams was a confidential Alcor case, so the only source there has ever been for allegations about the care of Ted Williams at Alcor has been Johnson. So to imply that publishing allegations by Larry Johnson was in the public interest because Alcor was already controversial because of previous allegations made by Johnson is somewhat circular.

81. In Paragraph 6 of his affidavit, Cooper specifically says, “Moreover, to the best of our knowledge, Alcor did not bring suit for defamation against any news outlet that carried Mr. Johnson’s reports about Alcor in the nearly six years in which he was making those disclosures to the public—before contacting Vanguard.” But Johnson was not making disclosures to the public about Alcor for six years -- at least not under his own name. If Defendants did not already know it from their own due diligence, then they knew from the Cease and Desist letter sent by Alcor on September 17, 2009, two weeks prior to publication of “*Frozen*” that Alcor sued Johnson in 2003 and that Alcor and Johnson abated action in August, 2004 pursuant to a settlement agreement. Consequently, Alcor was not aware of any new public allegations by Larry Johnson after 2003 until the media blitz surrounding the release of “*Frozen*” in October, 2009. There were periodic media retellings of Johnson’s 2003 allegations, and Alcor took legal action to enforce the settlement agreement when it learned in late 2008 that Johnson was trying to publish a book about Alcor through Morgan James Publishing, Inc., but to imply that Johnson publicly criticized Alcor for six years after 2003 while Alcor acquiesced is false.

82. Cooper twice notes, and Sanders Affidavit, Exhibit 1 notes several times, that Alcor never sued Larry Johnson, *Sports Illustrated*, or any other media outlets regarding his 2003 allegations of mistreatment of Ted Williams. There were multiple reasons for this, the first being that Ted Williams was a confidential Alcor patient and therefore Alcor could not acknowledge

that Ted Williams was at Alcor prior to legal developments in late 2004 described elsewhere in this affidavit. A second reason, as should have been apparent from Defendants' reading of Alcor's public response to the 2003 Larry Johnson/*Sports Illustrated* allegations at <<http://www.alcor.org/Library/html/sportsillustrated.htm>> is that much of those allegations were of the nature of misleading mischaracterizations of procedures and events that actual happen in cryonics. "*Frozen*," in contrast, went farther off the deep end of fiction than anything ever previously alleged by Larry Johnson. "*Frozen*" did not merely retell or elaborate on 2003 allegations in *Sports Illustrated*, nor did it go beyond the allegations in *Sports Illustrated*, it actually contradicted what *Sports Illustrated* reported as documented elsewhere in this affidavit.

83. Cooper writes in Paragraph 15 of his affidavit that he was made aware at time of first contact about this book in 2009 that Larry Johnson had been previously sued by Alcor, but that the litigation had been dismissed years earlier. If failure to contact Alcor was the greatest fact checking negligence of Defendants, then failure to procure the documentation of this past Alcor lawsuit -- from either Johnson's counsel or Alcor's counsel -- was perhaps the second greatest negligence. One read of Johnson's 2004 deposition would have destroyed all credibility of his and Balydga's manuscript, especially Johnson's threat stories that were the only possibly excuse for not contacting Alcor. A search of police records would have done the same, but this was apparently also neglected.

84. In Paragraph 16 of his affidavit, Cooper stands behind the First Amendment in the manner of a journalist documenting matters of legitimate public concern, not wanting to risk depriving the public of significant information that should be part of the public dialog. However the manuscript presented to him was not investigative; it was a grotesque parody and a self-

described “horror show” (Page 198), self-evidently not “A TRUE STORY,” as emblazoned in big red letters on the cover.

Johnson describes first meeting Charles Platt (Page 12 of the Book):

...I have seen corpses “down” in the Nevada desert for hours that had more color in their faces than Charles Platt’s did. He was sickly looking with sunken eyes and a yellow discoloration to his skin... Charles Platt seemed like a hepatitis-positive fish whose gills were flapping their last gasps on land.

Johnson describes first meeting Michael Riskin (Page 12 of the Book):

If meeting Platt made me want to run and fetch the man a wheelchair and an IV, meeting Michael Riskin made me want to run and fetch a cop. Riskin was just about the sleaziest-looking person I had ever met. ... His hair was greasy black streaked with gray, his face coarse and covered in pockmarks.

Johnson describes first meeting Carlos Mondragon (Page 62 of the Book):

Carlos was spooky looking, with sunken cheeks and dark, beady eyes that seemed to never stop following me. Like most Alcorians, he was skinny to the point of being undernourished, but Mondragon had a particularly big head that didn’t fit the rest of his stick figure, two dimensional body. Carlos reminded me of one of those fish that live in the darkest depths and grow two eyes on the same side of their heads.

Johnson describes first meeting Saul Kent (Page 94 of the Book):

He looked like Michael Keaton in Beetlejuice. He had crazy white, Einstein-like hair, and dark circles under deep-set eyes. Saul’s skin was wrinkled and leathery, dehydrated looking. It was as if some tribe of head-shrinking pygmies had gotten hold of Saul Kent, but just for a few days.

Johnson describes Mike Perry (Page 38 of the Book):

A shadow congealed and approached. As the spectral figure drew near, I recognized Mike Perry, Alcor’s hunchbacked patient caretaker.... His frayed clothes reminded me of the hand-me-downs hospitals kept on hand to give to the homeless after a night of sobering up in the ER.

Johnson’s biker bar refuge from Alcorian nerd assassins (Page 307 of the Book):

Can you imagine Mike Perry pedaling up on his Schwinn (bicycle), hunchbacking up to the bar, and asking for a veggie-mix milk-shake, please?

Description of Alcor’s cooperating mortician (Page 127 of the Book):

...and a creepy-looking local mortician by the name of Steve Rude...

Description of Mike Perry's cat (Page 117 of the Book):

Visitors would sometimes catch a glimpse of Aido (the cat) on a tour and mention how scary he looked.

According to Johnson, even pets at Alcor were scary.

85. Cooper says that he was impressed with Johnson's professionalism and candor (Paragraph 17 of the Affidavit), and 25 years as an EMT and then Paramedic (Paragraph 18 of Affidavit). However what medical professional would attempt to sell stolen photographs claimed to be of the severed head of a patient (Ted Williams) on a pay-per-view website, as Johnson did in 2003 to capitalize on the publicity he received in *Sports Illustrated*? How could a credible medical professional say that corneas had blood vessels (Page 198 of the Book), brains had no blood vessels (Page 138 of the Book), and cancer was a communicable disease (Page 347 of the Book)? It was also clear from Johnson's 2003 website describing "Alcor's sickening and immoral existence" that Johnson was agenda-driven once he came to believe in May 2003 (according to public statements of former associate Jack Polidoro) that he could earn more money and public attention by stealing from and sensationalizing Alcor and its celebrity patients than by continuing to work for them.

86. Somewhat incredibly, Cooper quotes in Paragraph 21 of his affidavit language from an author contract that requires authors to certify that "the Work contains nothing untruthful, unlawful, defamatory, or obscene..." Page 325 of "*Frozen*" says:

'Mike [Darwin] had a rough night last night, fucking till 5:30 in the morning. Cliff, his partner, had to get up at 6 to go to work so he made what for him was a difficult decision, to call in sick as Mike ... put it, he was ill with swelling of the groin and pain in the ass.'

This "loud, all-night gay sex party" was explicitly said to take place on the operating room tables at Alcor. This seems to call into question whether the publisher read the book at all.

87. Paragraph 27 of Cooper's affidavit said that a fact checker "found credible support or corroboration for the factual statements in *Frozen* about Alcor" in various sources that do not include anywhere the simple expedient of asking Alcor for comment or background. Notwithstanding, this affidavit documents at length the public information sources that would have refuted the defamatory content of "*Frozen*" had those sources not been negligently or deliberately ignored. The fact that this paragraph of the Cooper affidavit ends by referring to internet (sic) postings by "Alcorians" (a term that appears less than once per thousand Internet posts about cryonics), if anything, confirms that "fact checking" for "*Frozen*" was divorced from information sources outside the book itself.

88. It is unknown what hearsay was received by Cooper regarding Johnson's past litigation history with Alcor, except that it appears that litigation documents were either negligently not obtained during vetting or simply ignored. Low regard by Defendants for what may have transpired in Johnson's legal past was apparent in the book "*Frozen*" itself, where Johnson writes of telling his legal counsel to "call Sid (Alcor's counsel) and tell him to stick that gag order up his ass." (Page 282 of the Book) Nevertheless, prior Arizona litigation resulted in a binding and enforceable judgment against Johnson, a copy of which was provided to Vanguard prior to publication and sale of the Book. Vanguard's response was to accelerate book release to moot a domestication of that judgment by this Court.

89. The Book contains information which is manifestly false, and there existed a valid judgment against Johnson preventing him from disseminating information of or concerning Alcor.

90. As told in "*Frozen*" itself, Johnson is a confessed thief and profiteer from gross and unprofessional violations of patient privacy. The Book contains documented conduct of

Johnson's illegal activities. It does not pass muster that anyone vetting this Book could reasonably believe Johnson to be "professional," "credible" or manifest "professionalism."

91. The audiotapes recorded without the knowledge of the persons involved in the conversations actually do not support the piecemeal representations of those conversations in the Book, as is spectacularly evident in the case of Complaint Paragraph 122.DD. Therefore, the surreptitious recordings are not reliable support for the defamatory and false recounting of events in the Book.

92. The contents of the Book were manifestly false, and the existence of an authorship contract does not change the fact that the contents of the Book were manifestly false. Vanguard had in its possession according to Cooper and Sanders materials which would and should have cast serious doubt on the veracity of the claims made in the Book.

93. While there may be no custom and practice of fact-checking according to Cooper, Vanguard engaged a fact checker who, if they did their job properly, would have revealed to Vanguard that the Book had false content. Further, Vanguard had in its possession information, including the materials provided by Johnson, which show the contents of the Book were manifestly false.

94. While Vanguard may claim it did not have resources to trace "all the steps" of the authors, it had the resources and allegedly took action to hire a "fact-checker" who claims to have spent hundreds of hours reviewing independent information. Had Vanguard or the fact-checker properly performed a cursory investigation, such as contacting Alcor, or obtaining and reading Johnson's 2004 affidavit, or consulting public sources as documented in this affidavit, properly reading their own source material, and checking audio transcripts against recordings (if in fact Vanguard did not themselves knowingly participate in editing recordings), Vanguard would

have learned that contents of the Book were false and there should have been serious doubts as to the truth or falsity of other Book contents, especially sensational matters that relied on Johnson's word alone. Confronted with only part of the weight of evidence against his manufactured fiction in "*Frozen*," Johnson himself has since made a public retraction.

95. Regardless of any faulty practice to permit an author to bootstrap his own lies in a purported attempt to avoid liability for defamation, the authors of the Book were inherently untrustworthy for all the reasons detailed in this affidavit.

96. In addition to the foregoing defamation, "*Frozen*" is peppered with absurdities that should have been apparent upon casual reading.

\* Alcor members "looked forward with glee to the day of their own decapitation" (p. 125) and celebrated decapitation like baptism (p. 126).

\* Alcor staff members bobbed decapitated heads up and down as ventriloquist puppets (p. 138) and joked about putting Jewish patients into ovens (p. 305).

\* Alcor, a facility that offers regular public tours, periodic open houses, detailed technical case reports, and a large website was "terrified of outsiders knowing exactly what went on in there" (p. 107).

\* Alcor, a facility that offers regular public tours, used a cryopreservation solution that smelled worse than a liquefied corpse-- "the most disgusting thing (Larry Johnson) ever smelled in his life" --and stank up the place for days (p. 122). This was at a time when the largest volume ingredient was the odorless food additive glycerol, and other major ingredients were ones used in mainstream cryobiology laboratories.

\* Alcor's cryogenic dewars were devices used for the distilling of Scotch whisky (pp. 24 and 363), although Johnson told a different story to Florida Today, August 14, 2003. There he claimed that the word "dewar" was actually invented by Alcor because the containers "look like what you'd make scotch whiskey in." He also said that dewars at Alcor were objects of religious worship ("gods").

\* Nitrogen gas evaporating from dewars could carry dangerous pathogens (p. 61).

\* Alcor's 2003 membership "consisted mainly of sick people, AIDS patients, cancer victims, people diagnosed with brain tumors" (i.e. desperate people being

taken advantage of) (p. 168), yet only 30 of more than 600 of them had succumbed to these illnesses six years later when “*Frozen*” was published.

\* Alcor took the body of Dr. James Bedford, the first person ever cryopreserved, “years (after) the bodies thawed and melted into each other” in the Chatsworth Incident, leaving other bodies behind because they weren’t famous like Bedford. (p. 77) This is nonsensical and exemplary of the bizarre lies deliberately told in “*Frozen*” to make Alcor look bad. Bedford was never at Chatsworth.

\* Alcor stores fluid samples separately from patients “in case the Alcorian’s DNA was needed in the future” (pp. 128 and 262). This was a ridiculous statement because any educated person knows that DNA exists with trillion-fold redundancy almost everywhere inside the body (<http://www.alcor.org/FAQs/faq07.html#dna>). It’s yet another example of medically absurd statements made by Larry Johnson that should have called his veracity into question.

\* “There is an actual oath some Alcorians take to protect the lives of their defenseless, suspended comrades.” (p. 279) A search for “oath” in more than 33,000 CryoNet messages over 23 years reveals no such oath, nor have I ever heard of any oaths or ceremonial pledges in my 27 years of contact with the field of cryonics.

\* Larry Johnson didn’t know the job function of a staff member he directly supervised for six months (p. 357).

\* Larry Johnson, with no scientific training, would be “free to pursue (his) own interests in cold-temperature research,” and have all the resources of a California biomedical research company at his disposal (p. 28).

\* Ted Williams was Larry Johnson’s childhood hero (p. 344) even though Ted Williams retired before Johnson was born.

97. Perhaps the most patently absurd statement in the entire book is this one:

“He was a war hero, a national hero. And now—after a lifetime of bravery, excellence, and service to his country—because of his son’s warped mind and the publicity-mongering fanatics at Alcor, Ted Williams had become late-night comedy fodder, a dumb head joke.” (p. 179)

Ted Williams was a confidential patient. Were it not for his estranged eldest daughter’s dispute of his cryopreservation, and were it not for Larry Johnson’s grossly unprofessional decision after three months of employment at Alcor to seek a book deal about Ted Williams and sell pictures

purported to be of his severed head, there never would have been publicity or even knowledge of Ted Williams's presence of Alcor. There would be no lurid news stories misrepresenting cryonics procedures, no late-night jokes, no "horror show" ("*Frozen's*" own words on page 198), and none of the desecration of Ted Williams's memory that the authors of "*Frozen*" so hypocritically fake umbrage at. Expressing outrage against desecrating the memory of Ted Williams inside a book fictionally describing his cryonics treatment in the most non-investigative, sensational, and offensive manner possible is surreal. In my opinion, doing so showed deep disregard for the truth of what was written in "*Frozen*". It's in the same league as Larry Johnson's serial news media apologies for publishing photographs of severed heads in 2003, and then repeating the same apology in "*Frozen*" where he is again selling stolen pictures of severed heads along with Baldyga and Vanguard. How could Defendants have taken truth in the book seriously when the book contained such deep and cynical contradictions? The book is a veritable expose of Larry Johnson's insincerity.

98. Nor can there be any reasonable public interest justification for such gross privacy violations as appeared in "*Frozen*." The fact that Alcor practices neuropreservation (cryopreservation of the brain within its protective skull), and that this involves surgical separation of the head from the body, has been disclosed and discussed in detail by Alcor for more than 30 years. It's not news. If Alcor were as famous as Defendants allege in their public figure arguments, then that even further degrades any argument to publish stolen photographs of severed heads to educate the public about Alcor. It's akin to a nurse stealing, and Vanguard publishing, identified cases of women undergoing mastectomies to prove that mastectomies happen.

99. On October 5, 2009, Ted Williams's daughter, Claudia Williams, attended this Court hoping for judicial relief to protect the privacy of her father from yet another round of Larry Johnson's sensationalism in violation of Arizona court orders. After being devastated that the Court could not act because Vanguard defeated the hearing of Alcor's case by authorizing sales of "Frozen" ahead of the scheduled October 6 release date, she issued a public statement saying that the book caused her "painful and emotional distress," and that further said:

"This book serves no public purpose and obliterates the innermost sanctuary of a family's privacy... I believe Larry Johnson violated the confidentiality of my family in the most vile manner possible. My family took every measure to maintain its privacy and confidentiality, which has now been breached for personal and financial gain... The privacy of my family and the resulting horror is of the highest degree and should never have (been) outweighed (by) the public's interest."

On behalf of Claudia Williams and other individuals whose privacy was grotesquely violated in "Frozen," on behalf the numerous people thoughtlessly defamed in "Frozen" who lacked resources to pursue their own litigation, and on behalf of Alcor and its members, I ask that the Court not grant Vanguard's motion.

FURTHER AFFIANT SAYETHE NAUGHT.

By: [signature redacted]  
Brian Wowk, M.Sc., Ph.D.

The foregoing Affiant did review the foregoing statement and swore under oath that the facts were true and correct. The Affiant did personally appear in front of me and produced identification in the form of CA driver license on this 8 day of July 2013.

By: Brian Wowk Date: 7/8/2013

NOTARY OF THE STATE Lindsay Buyer

SEAL/STAMP:

