

1 UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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5 UNITED STATES OF AMERICA, ex rel. )

6 DR. NIRA SCHWARTZ, )

7 Plaintiff, )

8 vs. ) NO. CV 96-3065

9 TRW INC., an Ohio corporation, and) RSWL (RCx)

10 BOEING NORTH AMERICA, INC., a ) VOLUME I

11 Delaware corporation, )

12 Defendants. )  
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15  
16 Deposition of ROY DANCHICK, taken at  
17 355 South Grand Avenue, 35th Floor,  
18 Los Angeles, California, commencing at  
19 9:14 A.M., Wednesday, September 3, 2003,  
20 2003, before Paula Anderson, RPR, CSR  
21 No. 8625.  
22  
23  
24

25 Pages 1 - 111

*Glenroy*

1 A My home address is 326 South ~~Glen Roy~~  
2 Avenue, Los Angeles, California 90049. My telephone  
3 number is area code 310/476-8658.

4 Q Mr. Danchick, are you presently employed?

5 A I am retired.

6 Q When did you retire?

7 A I retired in September of 1998.

8 Q Who did you retire from? 9:20:00

9 A I retired from TRW.

10 Q Since September of 1998, have you engaged in  
11 any business or consulting activities?

12 A Yes. In November, December of 1998, I did  
13 some work for -- as a consultant for Boeing. And  
14 that lasted until April of 1999. And two years ago I 9:20:30  
15 consulted for a company called Cinesite.

16 Q How do you spell that?

17 A C-i-n-e-s-i-t-e.

18 Q Say that again. I am sorry.

19 A C-i-n-e-s-i-t-e.

20 Q What kind of company is that?

21 A That's a subsidiary of Kodak. It does film  
22 restoration, camera work. 9:21:00

23 Q When did you do consulting work for  
24 Cinesite?

25 A Two years ago in 2001, approximately six

1 Q BY MR. DROOYAN: Are you familiar with the  
2 term "discrimination"?

9:48:00

3 A Yes.

4 Q What is discrimination?

5 A Discrimination is the decision process that  
6 identifies which of the -- which of several objects  
7 in space is the lethal object.

8 Q As I understand it then, you were involved  
9 in the design and development of the tracking and  
10 fusion software; correct?

9:48:30

11 A Yes.

12 Q But you were not involved in the development  
13 of the or design and development of the  
14 discrimination software; is that correct?

15 A I had to be -- I had an ancillary  
16 involvement because we had to pass tracking data to  
17 the discrimination algorithm. That part of the  
18 tracking data which was -- which involved the  
19 radiometric measurement.

9:49:00

20 And I had to understand -- more than at a  
21 cursory level I had to understand what discrimination  
22 was about. I was also involved in integrating the  
23 discrimination algorithm and integrating bulk  
24 classification algorithms.

9:49:30

25 Q Who did you report to at Carson?

24

1 1993 or '94. I also worked on preparing the  
2 proposal, the EKV proposal, that part of the proposal  
3 that had to do with tracking and fusion.

4 Q When was that worked on? 9:52:00

5 A That would be in '93 or '94. That's a rough  
6 guess but --

7 Q From the time you worked on the proposal  
8 until you went to Carson, did you have any other  
9 involvement with the EKV program?

10 A Yes. The EKV program was located at -- was  
11 located in Manhattan Beach. And I also worked on --  
12 I also worked on the EKV program there as well as I 9:52:30  
13 recall now.

14 Q Tell me what the work was that you did on  
15 the EKV program between '93 or '94 and the time that  
16 you moved over to Carson in -- sometime in 19- --

17 A I actually designed the algorithm  
18 architecture, the way the program flows.

19 Q Who did you report to on that project? 9:53:00

20 A First name is Bill. And I don't remember  
21 the last -- it was not <sup>just</sup> Irv -- it was both Irv Balin,  
22 who was there for a while, left. And the main work  
23 that I did was for a fellow by the name of Bill whose  
24 last name escapes me at the moment. 9:53:30

25 Q Can you recall how many months prior to the

1 heightened at a TRW internal TIM in September 1995 at  
2 which Dr. John Tang and Mr. Wallace Beitzel--" and 10:00:30  
3 then that sentence ~~carriers~~<sup>carries</sup> over to the next page.

4 A Uh-huh.

5 Q And looks like just a computer error,  
6 typographical error, something like that.

7 A Uh-huh.

8 Q But is the presentation that you told us  
9 about in your testimony earlier the one referenced in  
10 paragraph 8 that occurred in September of 1995?

11 A Yes, it is.

12 MR. AFFELD: Presentation -- are you referring  
13 to the technical interchange meeting, Mr. Drooyan? 10:01:00

14 MR. DROOYAN: David, you can ask your questions  
15 when you are done. Let me just --

16 MR. AFFELD: Hold on a second. Let me read the  
17 transcript here. I am trying to understand. Let me  
18 catch up with you here. If I misunderstood you --

19 MR. DROOYAN: Fine. Take your time.

20 MR. AFFELD: Okay. Mr. Drooyan, please clarify 10:01:30  
21 what you mean by "presentation." I don't see the  
22 word "presentation" in any of the earlier questions  
23 or answers. Do you mind?

24 MR. DROOYAN: David, I am going to do my 10:02:00  
25 examination. You are certainly free to clarify it

1 physical principles.

2 And I might have asked her why more  
3 prominence was not given to her work with the fast  
4 Fourier transforms.

5 And I believe Dr. Schwartz showed me some  
6 signature -- some optical signatures, infrared  
7 optical signatures. It might have been infrared, 10:39:00  
8 might have been ~~visual~~ <sup>visible</sup>.

9 Q Were the signatures classified?

10 A I don't recall whether they were classified.

11 Q Had you known about Dr. Schwartz's work  
12 regarding the fast Fourier transformer before this  
13 meeting in her office?

14 A I believe I might have -- that might have  
15 been one of the topics covered in the September 1995 10:39:30  
16 technical interchange meeting that Dr. -- that we  
17 were -- I believe we were informed that there were  
18 three -- that there were two competing algorithms --  
19 one, the maximum entropy method. I believe  
20 Dr. Crowder was looking at that. And I believe it  
21 was mentioned that Dr. Schwartz was working with the 10:40:00  
22 fast Fourier transform.

23 Q But Dr. Crowder did not make a presentation  
24 in that September 1995 meeting about what he was  
25 working on; correct?

1 termination in February of 1996 that you had the  
2 second discussion with her?

3 A It would have been long -- a long way  
4 earlier than that. Because I just -- we just had one  
5 or two conversations -- or just several in the 10:41:30  
6 vicinity -- in the time vicinity of the  
7 September 1995 meeting.

8 Q So if I understand what you are saying, your  
9 second meeting with Dr. Schwartz in her office was  
10 closer to the September technical interchange meeting  
11 than it was to her termination?

12 A That is correct.

13 Q Was it within a matter of weeks of the  
14 technical interchange meeting in September 1995? 10:42:00

15 A Yes, probably. That's my best recollection.

16 Q And no one else was present in the second  
17 meeting?

18 A No, no one else was present.

19 Q What did you say to her, and what did she  
20 say to you in the second meeting?

21 A More or less we went over the ground that we  
22 had talked about in the first information -- I had  
23 time to look at the -- or to look at the signature  
24 ~~specter~~ *spectrum* that she gave me and think about how the  
25 Kalman filter feature extractor would work, how the 10:42:30

1 after I saw the letter, I believe she was terminated.

2 I believe that's the sequence to the best of my 10:56:00

3 recollection.

4 Q Did you have any discussion with Mr. Balin  
5 about this letter?

6 A Yes.

7 Q Was that a meeting or telephone conversation  
8 with Mr. Balin?

9 A That would be a face-to-face meeting.

10 Q Was that in Carson?

11 A That would be in <sup>C</sup>Car -- in Dominguez Hills.

12 Q What did you say to Mr. Balin, and what did  
13 he say to you in this conversation?

14 A I was -- I told Irv two things. One, I was  
15 surprised by the letter. 10:56:30

16 And, two, I believe I told him I thought it  
17 was wrong to circulate the letter.

18 Q What did the letter say?

19 A To the best of my recollection, I believe

20 Dr. Schwartz said that the Kalman filter feature 10:57:00

21 extractor would not work and could not work and that

22 she -- that TRW ought to have informed both Boeing,

23 who was the prime contractor on the EKV program, and

24 the government. And that she had made several

25 attempts going through channels. And since she had

1 1996 of anything else that Dr. Schwartz was working  
2 on?

3 A I believe she was also working with the fast  
4 Fourier transform.

5 Q Anything other than the Kalman filter and 11:11:00  
6 the fast Fourier transformer prior to her termination  
7 in February of 199- --

8 A I have no knowledge of anything.

9 MR. AFFELD: Just one second. You said -- Mr.  
10 Drooyan, it is fast Fourier transform. Transformer  
11 is sort of an electrical thing.

12 THE WITNESS: Transform.

13 Q BY MR. DROOYAN: I appreciate the  
14 correction. And you can correct it in the  
15 transcript.

16 A Okay.

17 Q Did you discuss the circumstances  
18 surrounding Dr. Schwartz's termination at TRW with 11:11:30  
19 anyone at TRW?

20 A Yes. I discussed it -- I am sure I  
21 discussed it or relatively sure I discussed it with  
22 George Newnam, who is my close colleague.

23 Q Did you discuss it with George Newnam more 11:12:00  
24 than once?

25 A Perhaps. Not -- not -- in the -- at the

1 to send to me.

2 Q Have you ever had any discussions with any  
3 of Dr. Schwartz's attorneys regarding the lawsuit?

4 A I spoke to one of ~~Dr.~~ <sup>Mr.</sup> Girardi<sup>'s</sup> -

5 Mr. Girardi's -- attorney Girardi's -- 11:42:30

6 Q Colleagues?

7 A Colleagues. Colleagues is the word.

8 Q When did that conversation take place?

9 A This was just prior to the -- to Girardi's  
10 firm withdrawing from the case. I had a sequence of  
11 phone calls. This is an attorney based in Texas, in  
12 Austin, Texas -- not Austin. In a city in Texas. 11:43:00

13 Q Was that Charles Fitzpatrick?

14 A Yes.

15 Q How many conversations did you have with  
16 Mr. Fitzpatrick?

17 A Three or four.

18 Q What was the subject of the conversations?

19 A Would I be willing to testify. The answer  
20 was yes. And there were some technical -- there were  
21 some technical discussions which I don't recall the 11:43:30  
22 sum and substance of.

23 Q Did you ever have any discussions with him  
24 about their withdrawing from the case?

25 A I think it was Munger, Tolles & Olson who

1 give you any other reasons for why it wasn't included?

2 A No.

3 Q So as far as you know from your own

4 personal knowledge, the only reason that it wasn't

5 included was because of the lack of memory or speed 12:14:30

6 in the <sup>hardware</sup> software?

7 A That is correct.

8 Q Is the lack of computer memory or speed;

9 correct?

10 A That is correct.

11 Q Mr. Danchick, you retired in September of

12 1998; correct?

13 A Yes.

14 Q Was that a preplanned retirement? 12:15:00

15 A I am not sure --

16 Q Were you forced out of TRW?

17 A In a manner of speaking, yes.

18 Q Okay. Tell us how you were forced out of

19 TRW.

20 A Dr. Freiler came back from Michigan and

21 started messing around with software that had been

22 functioning for quite some time, software that I had

23 designed and developed. And that became the straw 12:15:30

24 that broke the camel's back. At that time I remember

25 saying that's enough. I am close enough to

1 I declare under penalty of perjury  
2 under the laws of the State of California  
3 that the foregoing is true and correct.

4 Executed on September 24,  
5 2003, at Los Angeles, CA,  
6 \_\_\_\_\_

7  
8 Roy Sanchez  
9 \_\_\_\_\_

10 SIGNATURE OF THE WITNESS  
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DEPOSITION EXHIBITS

*M.A.*  
ROY DANCHICK, ~~Ph.D.~~

NUMBER	DESCRIPTION	IDENTIFIED
80	Declaration of Roy Danchick, 4 pages	28
81	Distribution List, with Attachment, 2 pages	50
82	2-29-96 Letter from Nira Schwartz to Betty Saylor, 1 page	59
83	Confidential Exhibit, Under Seal, 8 pages	79
84	3-27-96 Memorandum from R.F. Maddalone to I. Balin, with Attachment, 42 pages	90

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E R R A T A      S H E E T

Pursuant to the Federal Rules of Civil Procedure and the California Code of Civil Procedure, any changes in form or substance which you wish to make to your deposition testimony shall be entered onto the deposition transcript.

To assist you in making such corrections, please use the form below. If additional pages are necessary, please furnish them and attach them to this errata sheet.

I have read the foregoing testimony of the pages of this deposition and hereby certify it to be a true and correct transcript subject to the corrections, if any, as listed below:

PAGE	LINE	
<u>9</u>	<u>1</u>	CHANGE: <u>"Glen Roy" change to "Glenroy"</u>
		REASON: <u>"Glenroy" is correct street address</u>
<u>24</u>	<u>19</u>	CHANGE: <u>"measurement" change to "measurements"</u>
		REASON: <u>sensor took <u>two</u> radiometric measurements</u>
<u>26</u>	<u>21</u>	CHANGE: <u>"it was not Inv" to "it was not <u>just</u> Inv"</u>
		REASON: <u>There was more than one Program manager.</u>

1	PAGE	LINE	
2	<u>46</u>	<u>8</u>	CHANGE: <u>change "visual" to "visible"</u>
3			REASON: <u>"visible" is the technically correct form</u>
4	<u>47</u>	<u>24</u>	CHANGE: <u>"specter" to "spectrum"</u>
5			REASON: <u>"spectrum" is the correct technical term</u>
6	<u>56</u>	<u>11</u>	CHANGE: <u>change "car" to Carson</u>
7			REASON: <u>"Carson" is the correct geographical area.</u>
8	<u>64</u>	<u>6</u>	CHANGE: <u>change "transformer" to "transform"</u>
9			REASON: <u>"transform" is correct term.</u>
10	<u>78</u>	<u>4</u>	CHANGE: <u>change "Dr. Girard's" to "Mr. Girard's"</u>
11			REASON: <u>"Mr. Girardi" is correct title</u>
12	<u>97</u>	<u>6</u>	CHANGE: <u>"<del>hardware</del>" to "software"</u>
13			REASON: <u>speed and memory are hardware not software characteristics</u>
14			CHANGE: _____
15			REASON: _____
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  ✓   SUBJECT TO THE ABOVE CHANGES, I CERTIFY THAT THE TRANSCRIPT IS TRUE AND CORRECT.

\_\_\_\_\_ NO CHANGE HAS BEEN MADE. I CERTIFY THAT THE TRANSCRIPT IS TRUE AND CORRECT.

*Roy Danchick*  
SIGNATURE OF WITNESS

11-1-2003  
DATE SIGNED

Roy Danchick  
PRINT NAME