Exhibit 12

1 IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
2

. . . . . .
3 TAMMY KITZMILLER; et al., .
.
4 Plaintiffs . CIVIL ACTION NO. 04-CV-2688
.
5 vs. .
.
6 DOVER AREA SCHOOL DISTRICT, . (JUDGE JONES)
et al., .
7 .
Defendants .
8 . . . . . .

9

10 Deposition of : ROBERT LINKER

11 Taken by : Defendants

12 Date : June 10, 2005, 9:00 a.m.

13 Before : Vicki L. Fox, RMR,
Reporter-Notary
14
Place : Two School Lane
15 Dover, Pennsylvania

16 APPEARANCES:

17 AMERICAN CIVIL LIBERTIES FOUNDATION OF PA
BY: PAULA K. KNUDSEN, ESQUIRE
18
For - Plaintiffs
19
THOMAS MORE LAW CENTER
20 BY: PATRICK T. GILLEN, ESQUIRE

21 For - Defendants

22 KILLIAN & GEPHART LLP
BY: JANE GOWEN PENNY, ESQUIRE
23
For - Jennifer Miller
24
ALSO PRESENT: Michael Baksa
25

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1 illegal and the way in which *Of Pandas* relates to that,
2 was that based on the information that Bert was
3 providing?
4 A. Well, as soon as it said the Intelligent Design, I don't
5 know if I -- I would have had the book at that time.
6 Based on my background and maybe college, I didn't think
7 you could have any religion in a public school.
8 And that as soon as I saw that word and they say
9 it is a higher being, what's a higher being? A higher
10 being I know is God. As soon as it said that, I was
11 like wait.
12 When all this happened, like you are asking for
13 dates, I know it was happening to me during this because
14 I didn't want to be doing something illegal.
15 Q. And this is the October, 2004 period?
16 A. Correct, for me.
17 Q. Had you reviewed the text *Of Pandas* by that time?
18 A. Yes. I skimmed probably the first -- I remember reading
19 the first page. Wow, this is pretty -- this would be
20 pretty tough for a ninth grader to read because I had to
21 read the first page again in order to understand it.
22 Then I thought this all talks about the origin of
23 life, and we said we don't teach the origins of life.
24 And Mr. Bonsell wanted that origin of life definitely to
25 be in this. So I wasn't getting it. So that's where it

1 was kind of --
2 Q. Let me just see if I understand your thought process on
3 that, Bob. Is it essentially your thinking if
4 Intelligent Design Theory addresses the origins of life,
5 and the curriculum has a note which says the origins of
6 life will not be taught, what is the point?
7 A. Correct.
8 Q. You have referenced some meetings with Mr. Baksa
9 relating to these competing versions of draft
10 curriculum. When Mike Baksa is coming to you with these
11 various proposals, is he telling you why he is back
12 again?
13 I mean did you have a sense that he was trying to
14 find a compromise position between that of the faculty
15 and that of the Board that everyone could live with?
16 A. I mean we would say no, we don't want this. And I
17 remember Mr. Baksa saying I'm the messenger. I remember
18 him saying -- that is what I remember about him keeping
19 -- here is another one, here is another one. We said
20 no.
21 But our compromise -- all I remember is okay, we
22 will compromise, which I couldn't point to the exact
23 one. If we did -- I remember they didn't take that,
24 even our compromise. So then I guess I was mad
25 personally. I don't know.