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 13 DVD COPY CONTROL ASSOCIATION, INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 REALNETWORKS, INC., a Washington  
 Corporation; and REALNETWORKS HOME  
 17 ENTERTAINMENT, INC., a Delaware  
 corporation,  
 18  
 Plaintiffs,  
 19  
 v.  
 20 DVD COPY CONTROL ASSOCIATION, INC.,  
 21 a Delaware nonprofit corporation, et al.  
 22  
 Defendants.  
 23  
 And Related Counterclaims.

Case No. C08 04548 MHP;  
 C08 04719 MHP

**SECOND AMENDED DVD CCA AND  
 STUDIOS' DEPOSITION  
 DESIGNATIONS; REAL'S COUNTER-  
 DESIGNATIONS**

Date: April 24, 2009  
 Time: 9:00 a.m.  
 Dept.: 15 (Hon. Marilyn Hall Patel)

24  
 25 AND RELATED CASES

1 DVD Copy Control Association, Inc. (the “DVD CCA”) and Columbia Pictures Industries,  
 2 Inc., Disney Enterprises, Inc., Paramount Pictures Corp., Sony Pictures Entertainment, Inc., Sony  
 3 Pictures Television Inc., Twentieth Century Fox Film Corp., NBC Universal, Inc., Walt Disney  
 4 Pictures, Warner Bros. Entertainment, Inc., Universal City Studios Productions LLP, Universal City  
 5 Studios LLP, and Viacom, Inc. (collectively, the “Studios”) hereby designate the following portions of  
 6 the deposition testimony of Phillip Barrett, Todd Basche, James Brennan, Jeffrey Buzzard, Jeffrey  
 7 Chasen, Edward Felten, Nicole Hamilton, and Martin Schwarz for the hearing on the DVD CCA’s and  
 8 the Studios’ preliminary injunction motions. The Studios separately designate the following portions  
 9 of the deposition testimony of Andrew Parsons. By agreement of the parties, the DVD CCA and the  
 10 Studios also include Real’s counter-designations<sup>1</sup> and objections.<sup>2</sup> On May 6, 2009, the DVD CCA  
 11 and the Studios lodged portions of the depositions and deposition exhibits implicated by the designated  
 12 testimony with the Court. *See* Dkt. No. 319. These Second Amended Designations contain additional  
 13 designations from the deposition of Nicole Hamilton that will be lodged with the Court.

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
<b>BARRETT, PHILLIP</b>	8:9 – 8:10		
	17:10 – 18:8		
	20:3 – 20:11		
	20:22 – 20:25		
	21:1 – 21:6		
	37:8 – 37:16		35:15 – 36:1

24 \_\_\_\_\_  
 25 <sup>1</sup> This document amends the previous set of designations and counter-designations filed by the DVD CCA and the  
 26 Studios on April 28, 2009. *See* Dkt. No. 309. It includes additional designations from the deposition of Nicole Hamilton,  
 as well as Real’s objections to these designations, that were inadvertently omitted from the previous set of designations and  
 counter-designations filed on April 28, 2009.

27 <sup>2</sup> The DVD CCA and the Studios object to Real’s interposing of objections subsequent to the depositions. Real  
 28 waived many of these objections by failing to assert them at the deposition. *See Quiksilver, Inc. v. Kymsta Corp.*, 247  
 F.R.D. 579, 582 (C.D. Cal. 2007).

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	51:1 – 52:4		
	52:17 – 52:25		
	54:20 – 54:25		
	56:11 – 57:21		58:20 – 59: 12
	61:23		59:13 – 60:3
	62:3 – 4		
	62:5 – 62:13; 62:16 – 63:1; 63:3 – 63:8; 63:19 – 63:22		63:24 – 64:1
	64:19 – 25		
	66:7 – 66:9		
	87:17 – 87:22; 87:25 – 88:1		87:23 – 87:24
	88:2 – 88:5; 88:15 – 17		
	91:7 – 92:18		89:10 – 89:12; 90:12 – 90:21; 92:19 – 92:23; 93 :22 – 93 :24; 94:3 – 94:7; 94:15 – 94:17

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	96:10 – 96:13		96:21 – 96:25; 97:3 – 97:13
	102:13 – 102:14; 102:20	Calls for a legal conclusion	101:22 – 103:7; 102:15 – 109:19
	110:9 – 110:22		
	110:25 – 112:13		
	121:18 – 121:23; 122:7 - 122:10		121:3 – 121:17; 121:4 – 121:12
	124:13 – 124:25; 125:2; 125:6 – 125:10; 125:12 – 125:19; 125:21		
	125:22 – 126:23		126:24 – 127:16
	128:3 – 128:12; 128:19 – 128:25		129:5 – 129:9
	133:1 – 133:16		
	153:19 – 153:23		
	158:18 – 158:21; 159:15 – 159:21; 160:1 – 160:4; 161:8 – 161:15;		159:22 – 158:25; 160:4 – 160:7; 162:3 – 162:4

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	161:25 – 162:2; 162:5 – 162:19		
	163:3; 163:11 – 164:9		163:5 – 163:10; 164:10 – 165:7
	168:12 – 168:16; 168:24 – 168:25; 169:3 – 169:18;		168:17 – 168:23
	171:8 – 171:16; 171:19 – 171:23		
	172:3 – 173:8		
	174:2 – 174:11; 174:14 – 174:16; 174:18 – 174:21; 174:24: – 175:6; 175:9 – 175:15; 175:17		
	182:24; 184:12 – 185:1		185:2 – 185:4; 189:2 – 189:22
	190:13 – 15; 190:19 – 191:1; 191:7 – 191:9		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	191:12 – 191:21		
	207:13 – 207:25		209:3 – 209:8
	212:8 – 212:23; 213:1 – 214:1;		214:2 – 214:5
	214:15 – 214:19		
	214:20 – 214:21; 214:23 215:1 – 215:3		
	215:4 – 215:16		
	260:13 260:15 – 260:16		
	260:22 – 260:25; 261:5 – 261:7 261:8 – 261:23		
	265:13 – 267:6; 267:7 – 267:11		267:12 – 267:16; 267:24
	270:22 – 270:24; 271:12 – 272:5		270:25 – 271:1; 271:4 – 271:8
	274:19 – 274:25		273:18 – 274:3

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	275:3 – 275:4; 275:7 – 275:9		
	Deposition Exhibits 1, 3, 5, 27, 29, 49, 103, 200		
<b>BASCHE, TODD</b>	8:1 – 5		
	20:24 – 21:17		
	39:24 – 40:11		40:12-20
	40:21 – 41:17		41:22 – 42:14; 43:14 43:23; 56:5-56:23
	43:24 – 44:17; 44:22 – 45:5; 45:8 – 45:10; 45:13 – 45:15		44:18 – 44:21; 46: 11 – 46:13;
	85:18 – 86:6; 86:25 – 87:3		86:15 – 86:24; 86:14 – 86:17
	172:11 – 172:18		172:22 – 173:2
	176:19 – 177:1		
	181:4 – 183:6		184:11 – 184:14
	190:25 – 191:20		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	193:2 – 193:5		
	195:10 – 195:23		195 :24 – 196:8
	199:22 – 201:7		201:8 – 201:16; 202:3 – 202:7
	205:22 – 206:17		197:15 – 198:11
	257:6 – 257:24		
	Deposition Exhibit 547		
<b>BRENNAN, JAMES</b>	7:15 – 7:16		7:17 – 7:21
	33:11 – 33:17		32:15 – 33:5
	36:4 – 36:11		12:4 – 13:6; 14:7 – 14:25; 35:13– 35:15; 35:24 – 36:3
	36:17 – 36:19 36:22 – 36:24	Lacks Personal Knowledge (602)	36:20 – 36:21; 36:25 – 37:2
	37:3 – 37:14		
	51:11 – 51:20		53:20 – 54:6

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	53:5 – 53:11		53:20 – 54:6
	58:6 – 58:12		
	63:20 – 63:22		63:23– 64:11; 65:19 – 65:22; 66:12 –67:18
	64:12 – 65:5		63:23 – 64:11; 65:19 – 65:22; 66:12 –67:18
	65:23-66:11		65:19 –65:22; 66:12 – 67:18
	102:9 – 102:11		102:12 – 102: 17
	103:11 – 103:19		
	113:2 113:5 – 113:24 114:1 – 114:6 114:8 – 114:25	Lacks Personal Knowledge (602)	
	115:19 – 116:5		115:1 – 115:4; 116:6 – 117:3
	120:7 – 120:8 120:11 – 121:9 121:12 121:14 – 121:21		121:24 – 121 :25
	124:8 – 124:12 124:23 – 125:1		125:20; 125:25 – 127:15

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	125:2 – 125:19		
	161:18 – 161:20		161:21 – 162:15; 165:12 – 166:2; 178:6 – 178:10
	194:2 – 194:5		181:20 – 183:20
	195:18 – 196:4		194:19 – 195:9
	197:5 – 197:14	Improper Opinion (701)	
	197:22 – 198:11	Improper Opinion (701)	198:12 – 199:10
	200:4 – 200:7		
	204:9 – 204:13		
	204:14 – 204:20		204:21 – 205:2
	205:3 – 205:8 205:11 – 206:18		
	206:19 – 206:22		
	206:23 – 207:12		207:13 – 208:9
	208:10 – 208:21	Foundation	208:25 – 209:1
	208:22 – 24 + 209:2	Foundation	208:25 – 209:1

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	209:13 – 210:15		210:16 – 212:2; 214:11 – 215:25
	212:3 – 212:5 212:7 – 212:17 214:5 – 214:8; 214:10		210:16 – 212:2; 214:11 – 215:25
	230:23 – 230:25		231:1 – 13; 231:24 – 232:9
	232:20 – 232:24		231:1 – 13; 231:24 – 232:9
	232:25 – 233:2		
	233:11 – 233:12 233:15 – 233:18		
	234:6 – 234:17		
	235:18 – 236:3		234:18 – 235:17
	244:9 244:14 – 244:22		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	244:23 – 245:6		245:7 – 19
	250:18 – 251:23		251:24 – 252: 1
	252:3 – 252:6 252:8 – 252:11 252:14 – 252:18		252:19 – 20; 252:24 – 252:25
	262:10 – 262:17, 262:21 – 262:25 263:4 – 263:5		
	263:7 – 263:11 263:14 – 263:24	Lacks Personal Knowledge (602); Calls for speculation	262: 12 – 262: 13
	264:2 – 264:6 264:9 – 264:11 264:14 – 264:21 264:22 – 265:13		
	266:11 – 267:10		
	268:3 – 268:8 268:11 – 268:24	Foundation; Assumes Facts; Argumentative; Compound	267:11 – 267:13; 268:1 – 268:2; 268:9 – 268:10; 268:25 – 269:15
	269:16 – 269:21		268:25 – 269: 15

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	274:8 – 274:11	Vague; Compound; Relevance (402)	274:12 – 274:14
	274:15 – 274:16		
	274:17 – 274:19	Compound; Relevance (402)	274:20
	274:21 – 274:25		
	275:1	Vague; Ambiguous	275:2 – 275:3
	275:4 – 275:5	Vague; Ambiguous	275:2 – 275:3
	275:7 – 275:25		276: 1 – 276: 13
	291:2 – 292:24		289: 1 – 289: 16; 290: 11 – 290: 17
	Deposition Exhibit 102, 534, 539		
<b>BUZZARD, JEFFREY</b>	8:10 – 8:12		
	18:1 – 18:7		
	20:1– 20:8		
	24:2 – 24:6		
	35:3 – 35:21		
	57:15 – 58:21		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	60:10 – 61:4		
	72:2 – 76:21		
	126:17 – 127:8		
	128:5 – 128:15		
	135:1 – 135:5		
	147:15 – 148:7		
	148:10 – 148:14		
	158:14 – 159:4		
	159:5 – 159:8		
	160:2 – 161:1		
	162:24 – 163:4; 163:12 – 164:2		
	171:3 – 171:24		
	175:20 – 176:25		
	187:19 – 187:23		
	191:16 – 192:2; 195:22 – 196:6		
	197:14 – 199:2		
	222:7 – 13		
	223:20 – 25		
	224:5 – 19		
	224:21 – 225:10		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	226:2 – 226:22		
	227:9 – 227:12		
	228:3 – 229:1		
	234:16 – 236:10		
	237:4 – 237:18		
	239:21 – 240:7		
	240:16 – 241:18		
	247:16 – 249:3		
	Deposition Exhibit 9, 51, 505		
			General: 18:8 – 19:10; 23:4 24:1; 24:7 – 30:24; 29:13 – 30:24; 35:22 – 37:11; 58:22 59:5; 73:9 – 73:23; 76:22 – 77:8; 77:9 – 12; 78:14 – 18; 79:6 – 79:21; 86:22 – 87:9; 127:9 – 128:4; 138:4 – 139:17; 140:21 – 142:6; 142:18 – 143:17; 148:15 – 149:13; 159:9 – 160:1; 164:3 –16; 177:1 – 11; 187:24 – 191:15; 192:3 – 7; 195:22 – 197:24; 221:8 – 222:6;

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
			222:23 –223:19; 224:1 – 4; 225:11 – 226:1; 227:9 – 228:2; 227:13 – 229:11; 236:11 – 25; 237:19 – 239:20; 241: 19 – 242: 18; 249:4 – 21
<b>CHASEN, JEFFREY</b>	8:16 – 17		
	34:22 – 35:1		
	35:16 – 35:24		
	53:2 – 53:6; 53:9 – 53:13		
	63:23 –63:25; 64:1-64:6; 64:10-64:15		
	64:18-64:20; 65:4-65:11		
	66:7 – 66:9; 66:12 – 66:14; 66:17 –67:2		
	68:9 – 68:25		
	99:19 – 99:24		
	100:2 – 100:3; 100:6 – 100:7		
	100:8, 100:11		
	100:14 – 100:17; 100:22 – 101:9		
	106:15 – 107:17		
	129:12 – 129:18		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	156:12 – 156:24; 157:2 – 157:15		
	157:24 – 158:6		
	161:14 – 162:21		
	164:9 – 164:11; 164:14 – 164:18; 164:22 – 165:1; 165:5 – 165:9; 165:10 – 165:22; 165:25 – 166:1		
	166:6 – 166:8; 166:11 – 166:17; 166:20, 167:7 – 167:17		
	168:3 – 168:6; 168:8; 168:9 – 168:17		
	171:12 – 171:14; 171:18 – 171:20		
	171:23 – 171:25; 172:4 – 172:8		
	172:12 – 172:16; 172:19 – 172:21		
	173:1 – 173:8		
	175:24 – 176:2		
	179:9 – 179:20		
	180:14 – 181:8; 181:13 – 181:24		
	183:8 – 183:18		
	184:6 – 185:7		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	185:19 – 185:24		
	188:7 – 191:1		
	191:8 – 191:9; 191:12 – 191:16; 191:24 – 192:16;		
	192:24 – 193:2; 193:14 – 193:18		
	197:19 – 197:23; 198:1 – 198:9		
	200:15 – 200:23; 201:3 – 201:4		
	201:16 – 201:18; 201:22 – 202:5; 202:9 – 202:15		
	207:15 – 207:22; 208:12 – 208:15; 208:18 – 208:21		
	209:12 – 209:20; 210:15 – 210:18; 210:22		
	211:13 – 211:22; 214:13 – 215:9		
	216:13 – 216:24; 217:3, 217:6 – 217:10; 217:23 – 218:12		
	236:7 – 236:10; 237:23 – 238:7		
	238:13 – 238:15; 238:19 – 238:22;		
	261:12 – 262:7		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	268:18 – 268:21; 268:25; 269:1– 269:3; 269:4 – 269:7		
	291:3 – 19		
	296:19 – 297:11		
	Deposition Exhibits 50, 74, 76, 143, 505, 514, 516, 518, 519		
			General: 67:3 – 10; 67:25 – 68:8; 103:11-13; 103:19 – 23; 104:15 – 16; 104:20 – 25; 129:19 – 130:2; 140:23 – 142:13; 159:6 – 11; 167:181 – 168:2; 175:8 – 23; 178:18 –21: 179:1 – 4; 179:21 – 180:5; 181:24 – 182:18; 185:8 – 11; 185:15 – 18; 185:25 – 186:11; 191:2 – 7; 198:10 – 199:10; 202:18 – 25; 207:23 –208:11; 209:21 – 210:14; 212:8 – 214:9; 215:15 – 22; 220:10 – 222:17; 238:8 – 12; 292:11 – 17; 293:2 – 11
<b>FELTEN,</b>	7:23 – 8:11		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
<b>EDWARD</b>	20:2 – 20:4		
	20:5 – 20:9		
	35:16 – 36:1		
	36:2 – 36:14		
	36:15 – 37:4		
	37:13 – 37:16; 37:18		
	37:20 – 38:8		
	39:20 – 40:2; 40:4		
	40:23 – 41:12; 41:14 – 42:10; 42:12 - 42:14		
	52:3 – 52:5;		
	52:7 – 52:17		52:18 – 53:19
	53:21 – 53:22;		52:18 – 53:19
	53:25 54:2 – 54:7		
	71:20 – 71:21; 71:24 72:1		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	72:3 – 72:6		72:7 – 72:23
	72:24 – 72:25; 73:2 – 73:3;		
	75:5 – 75:7; 75:11 – 75:14		
	75:15 – 75:20		75:21 – 25
	76:1 – 76:20; 76:23 – 76:24		
	77:12 – 77:16		
	78:3 – 78:5		
	78:6 – 78:7; 78:10 – 78:13		
	78:15 – 78:19;		
	78:21 – 79:1		79:3 – 79:11
	79:12 – 79:25		80:1 – 80:20
	80:21 – 81:6		81:10 – 82:4
	81:7 – 81:9		81:10 – 82:4

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	85:17 – 85:23		85:24 – 86:3
	86:11 – 86:13		86:14 – 86:24
	86:25 – 87:14		86:14 – 86:24
	94:18 – 95:2; 95:8 – 95:17		
	96:10 – 96:13		
	96:14 – 96:17		
	96:18 – 96:22		96:23 – 97:2· 97:15 – 18
	120:19 – 120:22; 120:24 – 120:25		116:13 – 116:17; 116:19 – 117:9; 117:12 – 118:2· 118:4 – 118:23· 121 :2 – 121:11
	135:13 – 136:3		
	136:11 – 136:16; 136:18 – 136:20;		
	136:22 – 136:25		137:1 – 138:3; 138:5 –

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
			141:9; 145:19 – 147:23
	141:10 – 141:20		137:1 – 138:3; 138:5 – 141:9; 145:19 – 147:23
	210:15 – 211:8		210:2 – 210:14
	219:19 – 220:5		211:9 – 211:15
	220:6 – 220:12		211:9 – 211:15
	262:19 – 262:22		
	262:23 – 263:4		
	265:11 – 12; 265:15 – 265:22		265:24 – 267:2
	267:3 – 268:2		265:24 – 267:2
<b>HAMILTON, NICOLE</b>	9:4 – 9:15		13:19 – 13:25
	14:4 – 14:23		
	23:18 – 23:21	Hearsay (802)	
	24:22 – 24:25		
	25:24 – 26:13		
	26:14 – 19		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	27:3 – 27:6	Hearsay (802); A/C Privilege	
	38:5 – 38:10		
	39:16 – 39:18;	Relevance (402), Prejudice (403)	
	39:23 – 41:20	Relevance (402), Prejudice (403), Hearsay (802)	41:21 – 42:4
	42:5 – 42:7	Relevance (402), Prejudice (403)	
	43:4 – 44:16	Relevance (402)	44:17 – 45:20
	64:14 – 65:2;	Lacks personal knowledge (602), Hearsay (802)	
	65:4 – 66:1	Lacks personal knowledge (602), Hearsay (802), A/C Privilege	
	66:22 – 68:2	Undisclosed expert testimony (703)	
	70:22 – 71:3	Lacks personal knowledge (602)	
	73:7 – 73:9; 73:12	Hearsay (802), Relevance (402)	
	73:24 – 74:3	Lacks personal knowledge (602), Relevance (402)	
	74:10 – 74:20		74:21 – 75:1
	75:2 – 77:7	Lacks personal knowledge (602),	77:8 – 77:25

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
		Undisclosed expert testimony (703)	
	78:19 – 78:22	Lacks personal knowledge (602), Hearsay (802)	
	78:25 – 79:6	Lacks personal knowledge (602), Hearsay (802)	
	81:9 – 81:14; 81:23	Lacks personal knowledge (602), Hearsay (802)	
	81:25 – 82:19		
	82:21 – 83:7	Lacks personal knowledge (602), Hearsay (802)	
	89:12 – 89:17		
	98:24 – 99:7	Lacks personal knowledge (602), Hearsay (802), Relevance (402)	
	101:18 – 102:1; 202:24 – 103:14	Relevance (402), inadmissible lawyer colloquy, A/C privilege	
	139:4 – 139:15		139:16 – 139:20
	168:13 – 168:21; 168:23 – 169:1;	Lacks personal knowledge (602), Hearsay (802)	
	169:4 – 169:6	Lawyer colloquy	
	171:6 – 171:20	Hearsay (802)	

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	175:10 – 175:14	Relevance (402)	
	176:12 – 176:19	Lacks personal knowledge (602)	176:1 – 11; 176:20 – 177:1
	177:2 – 177:10	Lacks personal knowledge (602)	
	178:24 – 179:20	A/C Privilege	178:2 – 178:15
	181:1 – 181:5; 181:9 – 182:17	Lacks personal knowledge (602), Hearsay (802)	181:6 – 8
	182:19-183:20	Relevance (402), Undisclosed expert testimony (702, 703), Hearsay	
	185:7 – 20		
	191:14 – 192:9		
	193:10 – 193:17	Lawyer colloquy	
	218:19 – 219:1;		219:2
	219:3 – 219:5	Lacks personal knowledge (602)	
	220:17-220:18	Undisclosed expert testimony (702, 703), Calls for legal conclusion	
	235:21 – 236:4		
	245:1 – 12		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	246:20 – 247:6		
	261:4-261:16	Hearsay (802)	
	267:16-268:11		
	278:6-279:5		
	287:16-288:23	Lacks personal knowledge re: what Barrett thought (802), Relevance (402) as to how nice man at CCA is.	
	290:16 – 290:24		
	292:14 – 292:20		
	298:15 – 299:2		
	Deposition Exhibit 571		
			General: 62:25 – 63:14; 104:16 – 108:13; 111:2 – 112:4
<b>PARSONS, ANDREW</b>	8:12 – 8:14		
	9:1 – 10:23		
	11:7 – 11:16		
	12:15 – 13:6		
	13:17 – 13:25		
	17:14 – 18:7		18:8 – 18:19; 19:8 – 19:9; 19:12 – 19:17
	21:21 – 22:14		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	23:7 – 23:15		
	32:15 – 32:18		31:17 – 31:21; 32:3 – 32:14; 32:19; 32:21 – 33:5; 33:6 – 33:8
	33:18 – 34:7		
	34:15 – 34:18		
	34:24 – 35:25		
	36:1 – 36:7		
	38:20 – 38:21		
	40:6 – 40:14		
	45:18 – 47:7	Lacks personal knowledge (602), Hearsay (802)	
	52:5 – 52:21		
	53:9 – 54:13		
	56:6 – 57:1		59:1 – 16
	78:20 – 79:2		
	79:19 – 80:11		80:12 – 81:9
	82:8 – 83:3		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	83:4 – 83:23		
	85:16 – 85:20		85: 15 – 86:7
	86:8 – 86:21		134:15 – 135:5
	88:13 – 88:18		
	91:13 – 91:21	Lacks personal knowledge (602)	
	92:4 – 92:12		92:4 – 92:12
	95:9 – 95:14		
	95:18 – 96:7		96:8 – 96:20; 100:2 – 100:9; 101:3 – 101:10; 101:25 – 102:3
	102:16 – 103:11		103:13 – 104:25; 107:20 – 107:24
	140:3 – 141:6	(140:3-141:1) Lacks personal knowledge (602), Hearsay (802)	141:3 –141:10
	180:5 – 181:11		

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	186:19 – 187:3	Lacks personal knowledge (602), Hearsay (802)	187:4 – 187:5
<b>SCHWARZ, MARTIN</b>	7:11 – 7:12		
	10:8 – 10:14		
	13:23 – 13:25		
	22:6 – 22:12		
	78:8 – 78:14		13:12 –13:22; 78:15– 78:22; 80:8 – 80:19
	78:23 – 79:6		79:7 – 80:7
	90:3 – 90:10		
	125:1 – 125:5		
	126:2 – 126:8		126:9 – 126:11
	126:12 – 126:17		
	126:18 – 126:24		
	126:25 – 127:5		127:6 – 127:8
	145:3 – 145:7		
145:15 – 145:19			
146:14 – 146:19			

DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	147:19 – 148:6		
	155:3 – 155:5; 155:8 – 155:17		
	156:5 – 156:7; 156:10 – 156:17		
	172:1 – 172:2		
	180:12 – 181:24; 182:6 – 182:11		313:5 – 313:21
	184:16 – 184:22		314:6 – 314:19
	185:3 – 186:8		191 :7 – 192:10
	188:11 – 188:24		314:6 – 314:19
	188:25 – 189:2		191:7 – 192:10
	267:5; 267:10 – 268:14		268:15 – 269:15
	270:3 – 270:11		270:12 – 271 :7
	271:12 – 271:17; 271:20		
	287:4;		287:24 – 288:5

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DEPONENT	DVD CCA/STUDIOS DESIGNATIONS	REAL OBJECTIONS	REAL COUNTER-DESIGNATIONS
	287:10 – 287:23		
	Deposition Exhibits 527, 556, 560		

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