

EXHIBIT 5b

0001

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 -----X

4
5 LOUIS PSIHOYOS and JAMES P. REED,

6
7 Plaintiffs,

8
9 No: 1:10-cv-05912-JSR

10 - against -

11 PEARSON EDUCATION, INC.,

12 Defendant.

13 -----X

14 Nelson & McCulloch LLP
15 405 Lexington Avenue
16 New York, New York 10174
17 January 13, 2011
18 9:13 o'clock a.m.

19
20 DEPOSITION OF Julie Orr, pursuant to Court
21 Order, taken at the above place, date and time,
22 before TinaMarie Cupo Quatro, a Shorthand Reporter
23 and Notary Public within and for the State of
24
25 New York.

1 A P P E A R A N C E S :

2
3 NELSON & McCULLOCK LLP

Attorneys for Plaintiffs

4 405 Lexington Avenue,

The Chrysler Building - 25th Floor

5 New York, New York 10174

(646) 704-4900 / Fax: (646) 308-1178

6 BY: DAN NELSON, ESQ.

dnelson@nelsonmcculloch.com

7
8 MORGAN LEWIS & BOCKIUS LLP

Attorneys for Defendant

9 1701 Market Street

10 Philadelphia, PA 19103-2921

11 215.963.5710 / Fax: 215.963.5001

12 BY: EZRA DODD CHURCH, ESQ.

13 echurch@morganlewis.com

14
15 AND

16
17 Karen Abraham, Esq.

18 Senior Counsel

19
20
21 ALSO PRESENT:

22
23 Michael Holba - Paralegal - Nelson McCulloch LLP

24
25 Videographer: John Martucci

1 Julie Orr

2 A. Okay, yes.

3 Q. Do you know what I mean when I
4 talk about "Non-Permissioning"?

5 A. Would that be an instance where
6 permission would not have been obtained at
7 all?

8 Q. Correct.

9 A. Then, I understand.

10 Q. So, I bring up these -- and do
11 you know what I mean when I talk about
12 "Print overrun"?

13 A. I do.

14 Q. What's your understanding of
15 that term?

16 A. That more copies were printed of
17 a product than were granted permission for
18 in a license.

19 Q. Pearson has had issues with all
20 three: Non-permissioning, late
21 permissioning and print overruns; right?

22 A. I can't speak for all of
23 Pearson. I can speak for the Curriculum
24 Group.

25 Q. The Curriculum Group has had

1 Julie Orr

2 issues with all three of those?

3 A. Yes, I believe, that's possible.

4 Q. Well, you know it to be the
5 case; right?

6 A. In some instances.

7 Q. There are situations where
8 Pearson has used third-party content and
9 never subsequently received permission for
10 that use; aren't there?

11 A. That's possible.

12 Q. It's actually happened; right?

13 A. It, it's possible. I can say,
14 yes, only if I can think of an actual
15 example. And, I'm not sure I can come up
16 with an actual example.

17 Q. We will talk in more depth about
18 that later on in the deposition.

19 A. Okay.

20 Q. But, you know that you have
21 also, been noticed for a deposition in a
22 case called, "Psihoyos versus Pearson"?

23 A. I'm aware of that.

24 Q. That notice is for tomorrow.

25 But, you understand we will be