

EXHIBIT D

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: NCAA STUDENT-ATHLETE) Case No. C09-01967 CW
NAME & LIKENESS LICENSING)
LITIGATION) CLASS ACTION

DEPOSITION OF WALTER BYERS
TAKEN ON BEHALF OF THE REPRESENTATIVE PLAINTIFFS AND
THE PLAINTIFF CLASSES
JUNE 1, 2012

11 Q. Please state your full name for the record.

12 A. Walter Byers.

13 Q. How old are you?

14 A. Well, I'm 90.

15 Q. Do you understand that you are testifying
16 here today in response to a deposition subpoena?

17 A. Yes.

18 Q. Do you understand that you are obligated to
19 testify truthfully, to the best of your recollection?

20 A. Yes.

21 Q. Did you previously work for the NCAA?

22 A. Yes.

23 Q. For how long were employed by the NCAA?

24 A. Thirty-six to 40 years.

25 Q. Were you the NCAA's Executive Director?

1 A. Yes, I was.

2 Q. What were your general responsibilities as
3 Executive Director of NCAA?

4 A. Well, supervised all the operations.

5 Q. Mr. Byers, I'm handing you Exhibit 1, which
6 is a complete photocopy of the book Unsportsmanlike
7 Conduct: Exploiting College Athletes.

8 A. Yes.

14 Q. Did you believe at the time of publication,
15 that everything you wrote in this book was true and
16 accurate?

17 A. Yes. Every effort was made to ensure it was
18 accurate.

19 Q. Sitting here today, do you still believe
20 that everything you wrote in this book was true and
21 accurate at the time of publication?

22 A. Well, yes. I answered that previously.

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by MIL
Order
Dkt.
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p. 8

2 Q. Mr. Byers, I'm handing you Exhibit 2, which
3 is a copy of the transcript of your 2007 deposition in
4 the White v. NCAA litigation. Please take a moment
5 and familiarize yourself with at least the first few
6 pages of this document.

7 A. (Witness complied.)

8 Yes, I have looked at it.

9 Q. Do you recall this deposition which took
10 place out here at your ranch?

11 A. Yes.

12 Q. Sitting here today, do you have any reason
13 to doubt the accuracy of the testimony you provided in
14 this 2007 deposition?

15 A. No.

18 Q. What year did you cease being the active
19 Executive Director of the NCAA?

20 A. Would you repeat that?

21 (Whereupon, the requested portion of
22 the record was read by the reporter.)

23 A. I don't remember exactly. I retired and
24 then was working for them on an emeritus basis
25 probably four more years after I had retired. And I

- 1 think I worked for the NCAA 36 years, so that would
- 2 make some 40 years involved, period.

4 Q. Have you discussed this case with counsel
5 for plaintiffs?

9 A. No.

17 Q. Have you discussed the possibility that you
18 would be deposed in this case with counsel for the
19 plaintiffs?

20 A. No.

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A. There were no discussions.