EXHIBIT G
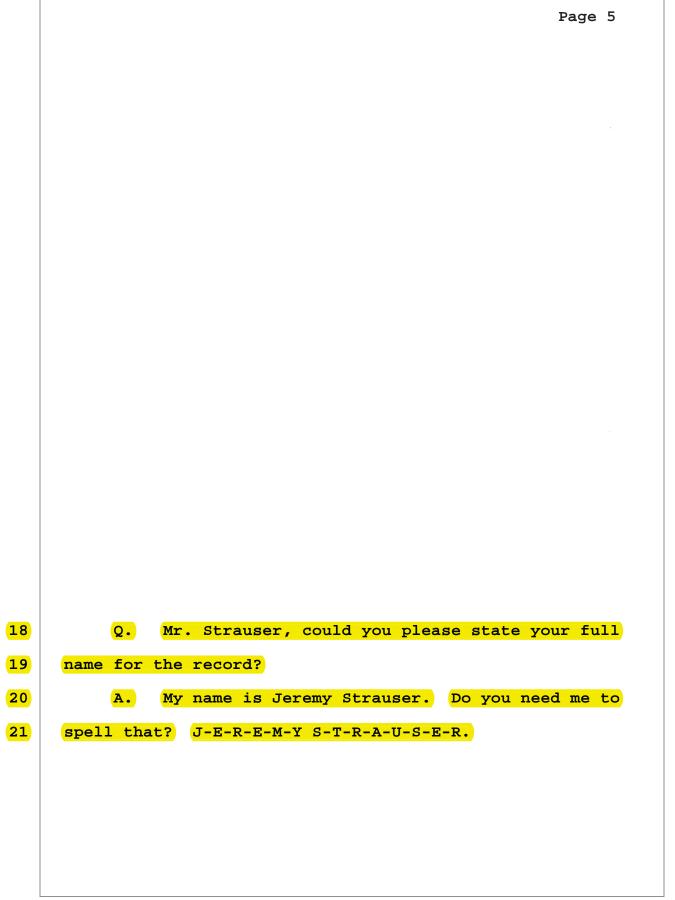
1   UNITED STATES DISTRICT COURT

    NORTHERN DISTRICT OF CALIFORNIA

2   Case No. 4:09-cv-1967 CW

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3

4   IN RE NCAA STUDENT-ATHLETE

    NAME & LIKENESS LICENSING

5   LITIGATION

6   ----------------------------------x

                    December 11, 2012

7   9:59 a.m.

8

9   - HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY -

10

11   Videotaped deposition of JEREMY STRAUSER, held at

12   the offices of Munsch, Hardt, Kopf & Harr, PC, 401

13   Congress Avenue, Suite 3050, Austin, Texas, pursuant to

14   Notice before Steven Stogel, Texas Certified Shorthand

15   Reporter No. 6174

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18   Q.   Mr. Strauser, could you please state your full

19   name for the record?

20   A.   My name is Jeremy Strauser. Do you need me to

21   spell that? J-E-R-E-M-Y S-T-R-A-U-S-E-R.

24   Q.   What was the exact date you left EA?

25   A.   It was May of 2011.
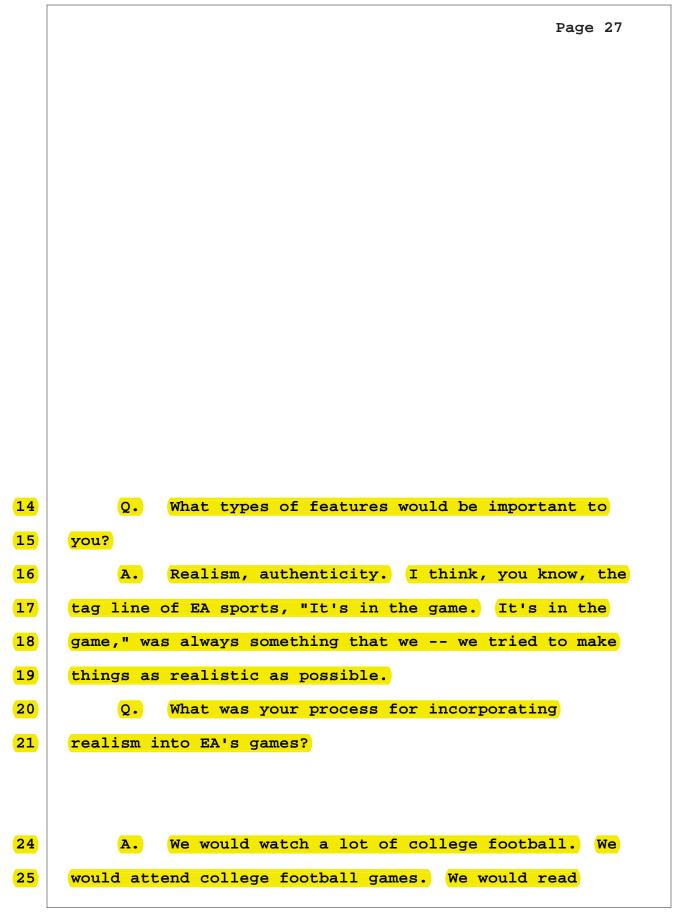
7   Q.   Was EA your first job after college?

8   A.   It was, yes.

9   Q.   Is it correct you started in 1995? I just

10   wanted to clarify that.

11   A.   Yes.

12   Q.   And what was your position in 1995?

13   A.   I joined Electronic Arts as a game tester.

13   Q.   What was your next position at EA?

14   A.   I was promoted to assistant producer at

15 Electronic Arts.

16   Q.   What year?

17   A.   I'm not certain. It would have been 1995 or

18 1996.

16   Q.   So what kind of games were you dealing with --

17   what games were you dealing with at this time?

22   Q.   As associate producer.

23   A.   In 1997, I had moved over to the NCAA Football

24   series of games.

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14   Q.   What types of features would be important to

15   you?

16   A.   Realism, authenticity. I think, you know, the

17   tag line of EA sports, "It's in the game. It's in the

18   game," was always something that we -- we tried to make

19   things as realistic as possible.

20   Q.   What was your process for incorporating

21   realism into EA's games?

24   A.   We would watch a lot of college football. We

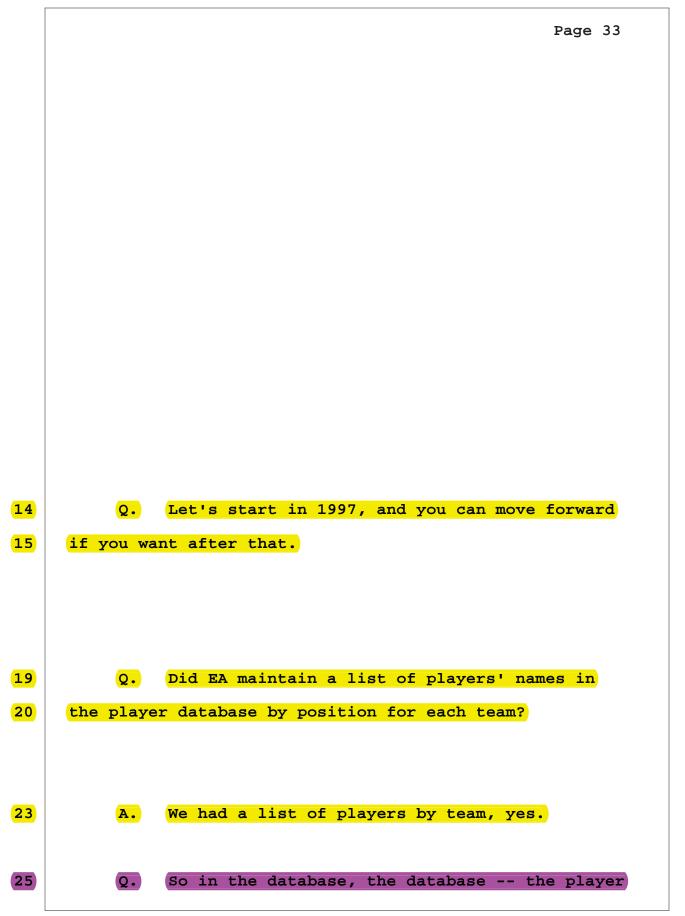25   would attend college football games. We would read

1   everything we could on college football. We tried to

2   replicate the sport of college football as best we

3   could.

7   Q.   Could you give me some examples?

13   A.   Examples would be making sure the stadium was

14   designed correctly, that we had the correct uniforms,

15   that we had the right fight song, things of that nature.

17   Q.   What other details did you include?

2   A.   I don't recall the specific details in 1998

3   that would be accurate or inaccurate.   We would try to

4   get the Wilson onto the football, to give you an example

5   of the level of detail that we would get to.

2   Q.   What types of details about the players would

3   you include in your games -- in your NCAA Football game

4   specifically in order to heighten its realism?

19   A.   Generally, we would try to recreate the player

20   and team performance as they were in real life short of

21   using a player's name or likeness.

23   Q.   What do you mean "performance"?

24   A.   When I say "performance," I mean things like

25   physical attributes; speed, strength, throwing power,

1   throwing accuracy, height, weight, things of that

2   nature.

3   Q.   Where did you get this information?

4   A.   From publicly available sources. Generally

5   the Internet or magazines or books.

6   Q.   How did you go about incorporating that

7   information into the game?

10   A.   We would type that into a player database.

12   Q.   Do you know the complete list of attributes in

13 the player database?

14   A.   No, I don't. Not off the top of my head.

15   Q.   Can you include any more? You had given a

16 couple. We talked about speed, strength, throwing

17 accuracy, height, weight. Anything else?

18   A.   There was agility, catching, awareness,

19 kicking power, kicking accuracy, tackling. There were

20 quite a few.

21   Q.   Skin tones?

22   A.   Yes, I believe so.

14   Q.   Let's start in 1997, and you can move forward

15   if you want after that.

19   Q.   Did EA maintain a list of players' names in

20   the player database by position for each team?

23   A.   We had a list of players by team, yes.

25   Q.   So in the database, the database -- the player

1   database has the players' names in it. Is that correct?

2   A.   I don't know that for a fact, no.

3   Q.   The attributes that are included; speed,

4   strength, height, throwing accuracy, agility, catching,

5   awareness, kicking, tackling, skin tones, et cetera,

6   were those linked to specific players?

10   Q.   In the player database.

13   A.   They were linked to specific player IDs, yes.

14   Each player had a unique identifying number.

15   BY MR. LAMBRINOS:

16   Q.   How were these numbers assigned?

17   A.   I believe they were random based on

18   alphabetical by team.

19   Q.   Was there an index of player IDs that you

20   could use to determine the player's actual name based on

21   the ID?

25   A.   I'm not sure on any given year whether there

1   was or was not. Generally, there was not.

3   Q.   Well, if you wanted to know, for example, Matt

4   Leinart's height and weight and his throwing accuracy,

5   would you be able to do that with the player database?

9   A.   If you knew that the US -- Matt Leinart went

10   to USC, so I think, you know, if you looked at the USC

11   quarterback, that's what you would look at.

13   Q.   And the information you were inputting for

14   Matt Leinart as the USC quarterback, for example, would

15   have Matt Leinart's attributes?

18   A.   Generally, as close as we could get without

19   using his name or likeness, yes.

21   Q.   And you knew they were his attributes because

22   his player ID told you that it was Matt Leinart. Is

23   that right?

1   A.   I don't really know how to answer that. We

2 generally tried to make the players perform as their

3 real life counterparts, short of their name and

4 likeness.

6   Q.   And in order to do that, you have to know who

7 those players are. Right?

10   A.   Yes.

11 BY MR. LAMBRINOS:

12   Q.   So when we're talking about the player

13 attributes, for example the USC quarterback in NCAA

14 Football, we're talking about Matt Leinart's player

15 attributes. Correct?

18   A.   I don't know what we're talking about. What

19 we would try to do is replicate the players as best we

20 could without using their actual name in the game.

21 BY MR. LAMBRINOS:

22   Q.   And in order to do that, you would need

23 information about the actual players. Right?

24   A.   Yes. We would get biographical information,

25 yes.

1   Q.   So you would have to have some way of

2 identifying the actual players in the player database.

3 Is that right?

10   A.   We generally looked at the player's position

11 and depth chart.

13   Q.   What's that?

14   A.   If a player played quarterback and it was the

15 starting quarterback, we would know that, and we would

16 make the attributes of the starting quarterback match

17 that.

18   Q.   And what if USC's quarterback, for example,

19 changed the next year? Then what would you do?

20   A.   The same thing. We would stay current on that

21 information.

4   When was your next position change at EA

5   after you were the associate producer in 1997?

6   A.   I don't remember the specific date. I would

7   have been promoted to producer -- it would have been

8   around 2000, 2001, somewhere in that range.

2   Q.   All right.   When was your next position change

3   at EA following your role as producer in 2000 and 2001?

4   A.   There were a couple of other producer titles,

5   supervising producer and senior producer, and then

6   ultimately I was promoted to executive producer I think

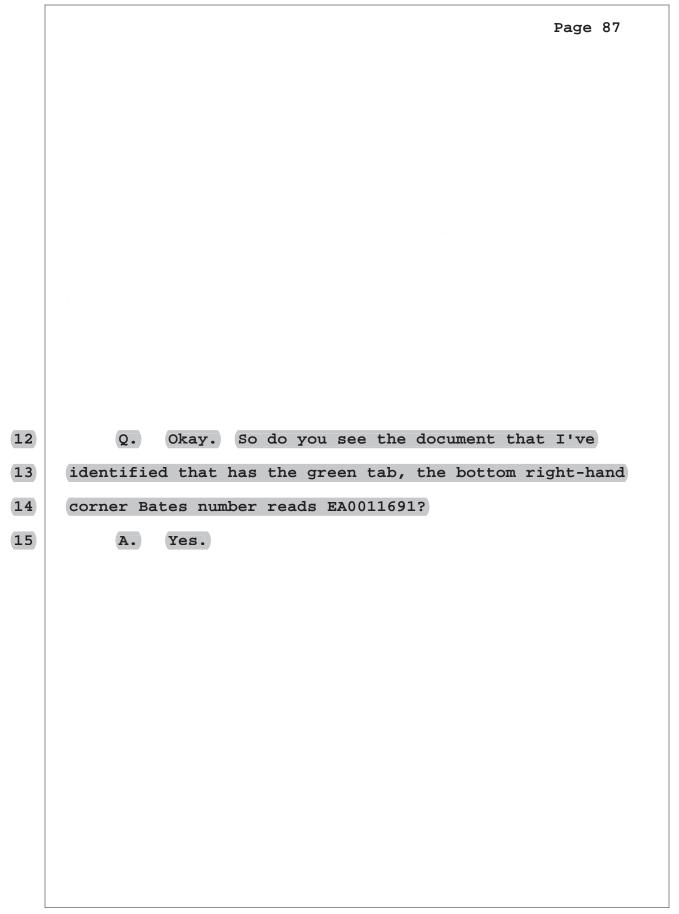7   in 2007, somewhere in that range.

22   Q.   And was the player likeness, in terms of

23   their -- what their face looked like, incorporated into

24   EA's games?

3   A.   I assume you mean the NCAA Football games?

4   BY MR. LAMBRINOS:

5   Q.   Correct.

6   A.   No.

7   Q.   Why not?

11   A.   My understanding is that the NCAA rules

12   prohibited the use of player name and likeness because
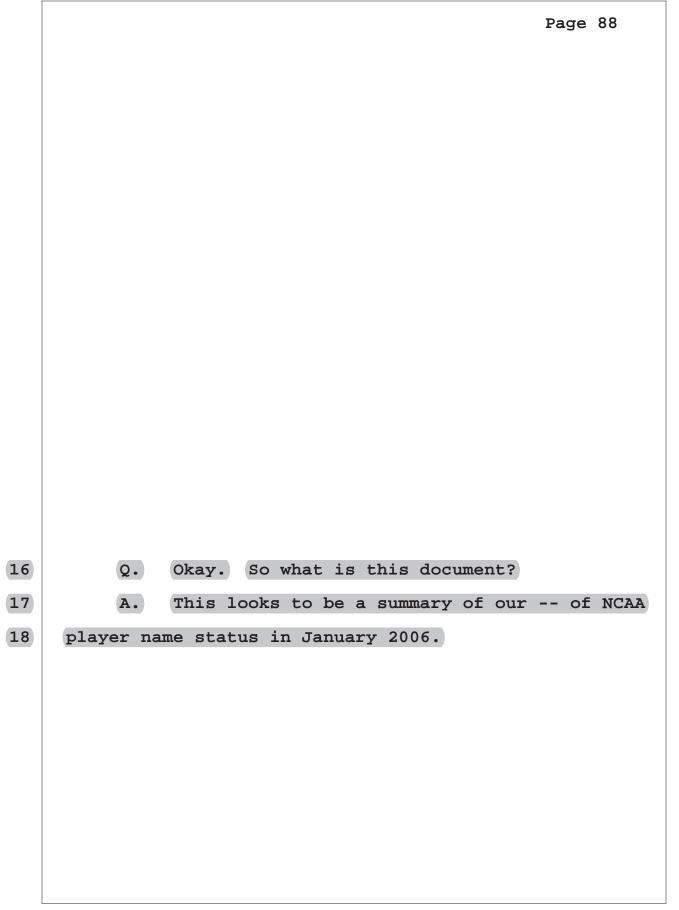
13   it would violate their eligibility.

16   Q.   Were player names included in your -- in the

17 NCAA Football games?

18   A.   No, they were not.

19   Q.   Why not?

22   A.   For that same reason. My understanding is

23 that use of names or likeness was a violation of NCAA

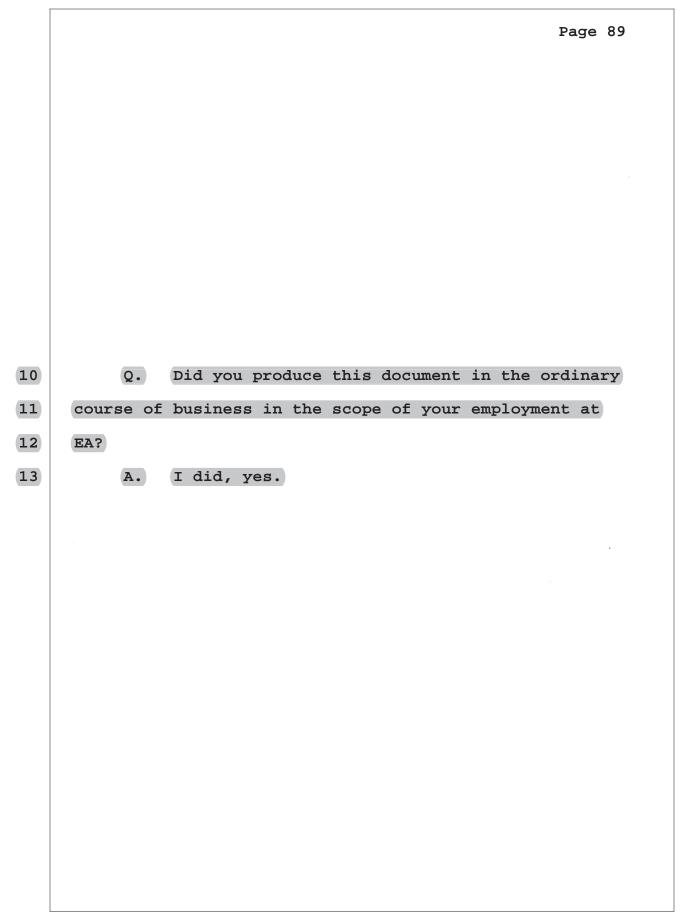24 rules in terms of player eligibility.

25

2   Q.   Did you want to include player name or

3   likeness in the games?

4   A.   Did I personally want to include? Yes, I

5   think from an authenticity standpoint, I would like to

6   include them.

7   Q.   And can -- what do you mean "from an

8   authenticity standpoint"? In what -- in what manner

9   would including the player likeness and name contribute

10   to authenticity?

11   A.   Just as if you were watching a game on

12   television or attending a game in person where player

13   names are on the back of the jerseys, you know who those

14   people are in real life, to use their name in a video

15   game would be more authentic.

16   Q.   But you were all using the numbers?

19   A.   We did use the roster numbers, yes.

21   Q.   Could the players be identified on the basis

22   of their roster numbers?

25   A.   Not within the game.
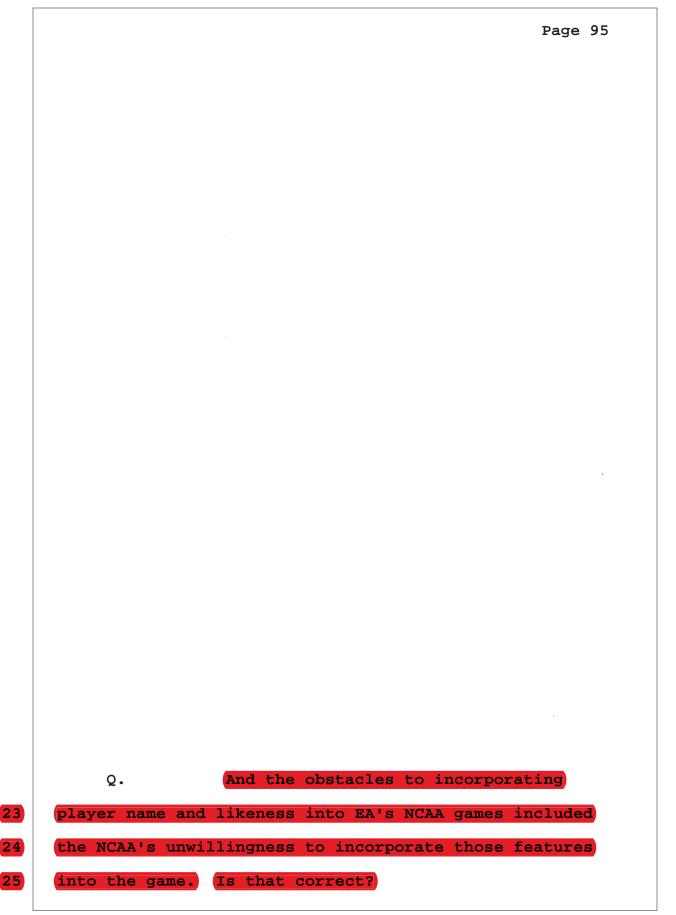
2   Q.   Outside of the game could they be recognized

3   on the basis of their roster numbers?

6   A.   You would have to look at a roster to match up

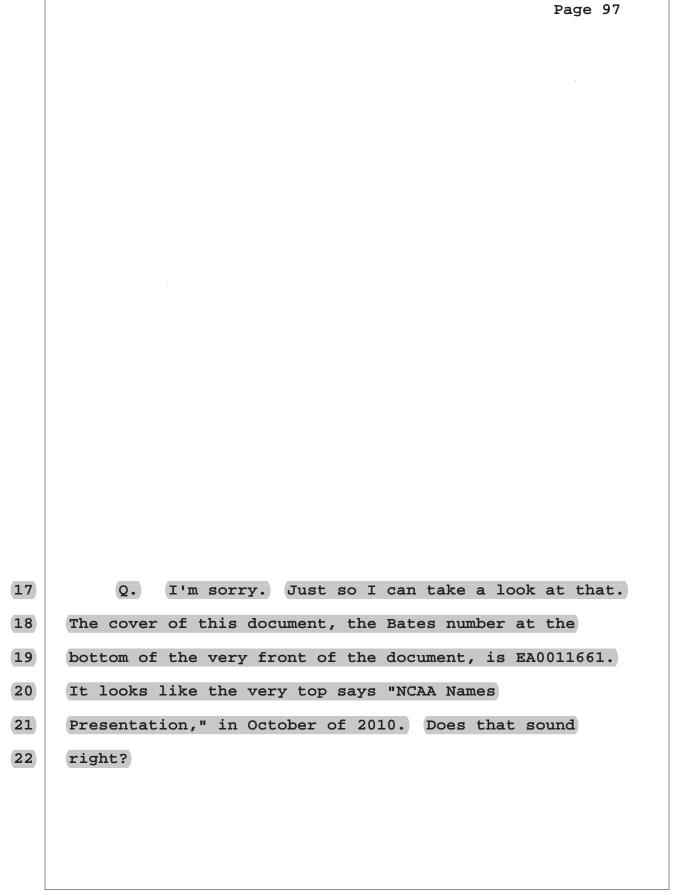7   a number with a name, I guess.

3   (Exhibit No. 700 marked)

12   Q.   Okay. So do you see the document that I've

13   identified that has the green tab, the bottom right-hand

14   corner Bates number reads EA0011691?

15   A.   Yes.

16   Q.   Okay. So what is this document?

17   A.   This looks to be a summary of our -- of NCAA

18   player name status in January 2006.

10   Q.   Did you produce this document in the ordinary

11   course of business in the scope of your employment at

12   EA?

13   A.   I did, yes.

     Q.   And the obstacles to incorporating

23   player name and likeness into EA's NCAA games included

24   the NCAA's unwillingness to incorporate those features

25   into the game. Is that correct?

4   A.   I wouldn't characterize it as unwillingness.

5   They had a rule regarding player eligibility.

6   BY MR. LAMBRINOS:

7   Q.   Okay. Well, I'm looking down at the next

8   paragraph. It says, "Two halves of the problem," and

9   then there's a section marked "redacted."

10   And it says, "To include real player

11 names, there are two current obstacles. The first is

12 NCAA approval to do this."

13   Do you see that?

14   A.   I do.

15   Q.   So was that an obstacle to incorporating

16 player name and likeness into EA's NCAA games?

17   A.   Yes. I think their approval was related to

18 their own internal rules regarding player eligibility.

17   Q.   I'm sorry. Just so I can take a look at that.

18   The cover of this document, the Bates number at the

19   bottom of the very front of the document, is EA0011661.

20   It looks like the very top says "NCAA Names

21   Presentation," in October of 2010. Does that sound
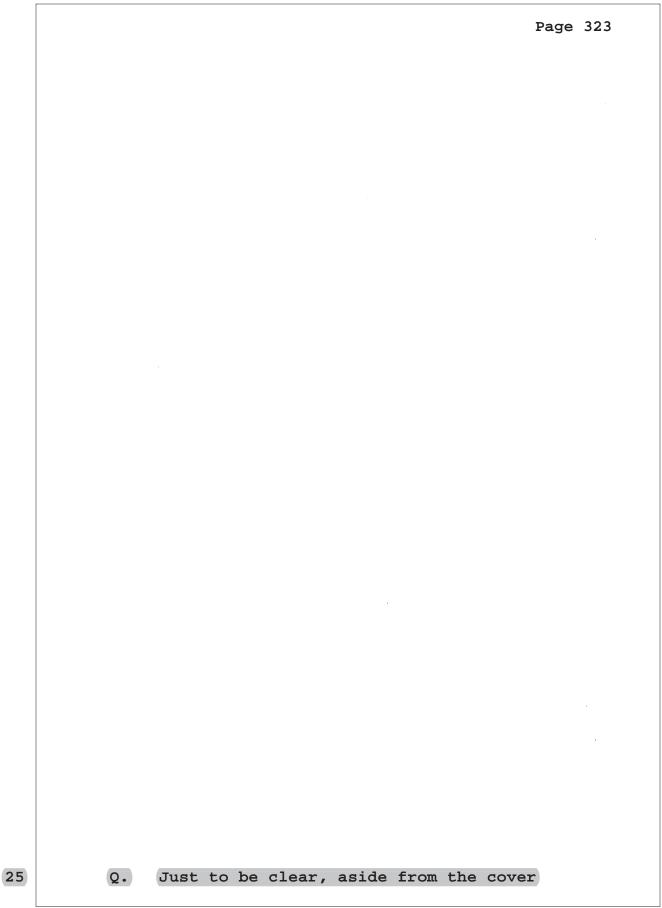
22   right?

4   BY MR. LAMBRINOS:

5   Q.   So this memo and the other materials that were

6   included behind the cover were being pulled together for

7   a meeting in 2010?

8   A.   It looks like this was a prep meeting for an

9   NCAA meeting held in 2010 and that Todd attached notes

10   from previous meetings, including January 2007, this

11   document from January 2006, and some undated exec pres.

2   Q.   I'm handing you what's just been marked as

3 Plaintiff's Exhibit 702.   And I'll read the Bates number

4 into the record, EA0031106 through 08.   You can take a

5 look at the document and let me know when you're ready

6 to talk about it.

7   A.   Okay.

8   Q.   Okay.   So starting with the email on the

9 second page, EA0031107, there's an email from you to

10 DaveK@clc, which is Dave Kirkpatrick.   Is that right?

11   A.   Yes.

12   Q.   Okay.   And was this email sent by you in the

13 regular course of business in the scope of your duties

14 at EA?

15   A.   Yes, it was.

16   Q.   Do you have any reason to think that it is not

17 a true and correct copy as it existed at the time?

18   A.   No.
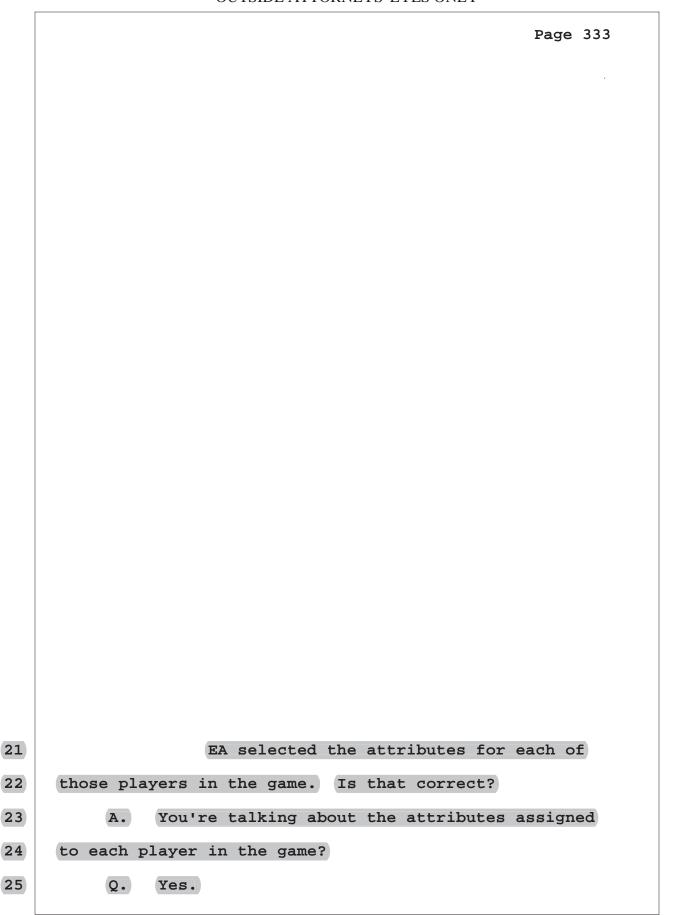
10   Q.   Have you ever heard the term "generic head" in

11   reference to any type of player attribute?

12   A.   I have, yes.

13   Q.   And what does it mean?

14   A.   We have generic faces in the -- in the games

15   that are assigned to every player in the game. I don't

16   know how they're assigned, but every player gets a face

17   number.

18   Q.   How many different faces are there?

23   A.   It was hundreds. I don't know the specific

24   number, but it was hundreds of faces.

25

1   BY MR. LAMBRINOS:

2   Q.   How were these faces compiled?

3   A.   I'm not an artist, so I can't speak to the

4   technical way that they're created, but they were

5   created by our art team.

6   Q.   Did they have any relation to actual player

7   faces?

8   A.   No, none whatsoever.

9   Q.   How do you know that?

10   A.   Because we specifically made sure not to use

11   real player likenesses in our game.

20   Q.   Did the -- did the various heads have codes

21   associated with them so you could determine that head

22   No. 1 is this head and head No. 2 is a different head?

1   A.   They did. They had a unique identifier. But

2 each face was used more than one time in the game, if

3 that makes sense. So if you had face No. 1, it could

4 have been assigned to many, many players throughout the

5 roster file.

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25   Q.   Just to be clear, aside from the cover

1   athlete, the cover of the game, to your knowledge, did

2   the NCAA Footbal game ever incorporate into the game

3   itself the name, image, or likeness of a

4   student-athlete?

7   A.   Well, I don't know the legal conclusion around

8   likeness, but, no, we never included a likeness or name.

?

21   EA selected the attributes for each of

22   those players in the game. Is that correct?

23   A.   You're talking about the attributes assigned

24   to each player in the game?

25   Q.   Yes.

1   A.   Yes. It was -- generally there was somebody

2 assigned to compile rosters. It could be one person.

3 It could have been a group of people, depending on the

4 year -- to compile the roster data.

5   Q.   Okay. The NCAA didn't have any input as to

6 the player attributes. Is that correct?

7   A.   No, they did not.

8   Q.   And the schools and universities, they didn't

9 have any input about those player attributes?

13   Q.   If you know.

14   A.   Not that I'm aware of, no.