

EXHIBIT G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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In re NCAA Student-Athlete

Name and Likeness

Case No. 09-cv-1967-CW

Licensing Litigation

_____ /

Deposition of
ALEXANDER GILBERT

Friday, November 4, 2011

MAY CONTAIN CONFIDENTIAL INFORMATION

<p>Designation Color Key Blue = NCAA Affirm Desigs. Orange = Pls' Counter Desigs. Fuchsia = NCAA Rebuttal Desigs</p>
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REPORTED BY: JOHN WISSENBACH, RDR, CRR, CBC, CCP,
CLR, CSR 6862

08:23:31 1 ALEXANDER GILBERT,
08:23:31 2 having been first duly sworn, testified as follows:
3 THE VIDEOGRAPHER: You may now proceed.
08:23:33 4 EXAMINATION BY MR. CURTNER
08:23:34 5 Q. Good morning, sir.
08:23:34 6 A. Good morning.
08:23:38 7 Q. As I said a moment ago, I'm Greg Curtner,
08:23:41 8 and I represent the National Collegiate Athletic
08:23:44 9 Association. Got some questions for you this
08:23:47 10 morning. I hope it won't take too long. And I will
08:23:52 11 be as careful and as polite as I can be in my
08:23:55 12 questions. And I would ask you to give me as full
08:24:00 13 and complete and honest an answer as you can,
08:24:02 14 realizing that some of the things may pertain to
08:24:03 15 things that happened a long time ago.
08:24:07 16 And just to get started, would you state
08:24:09 17 your full name for the record, please.
08:24:11 18 A. Alexander Gilbert.
08:24:13 19 Q. Where do you reside, sir?
08:24:15 20 A. I live in St. Louis, Missouri.
08:24:17 21 Q. How long have you lived in St. Louis?
08:24:21 22 A. Outside of college and a few years
08:24:24 23 overseas, my whole life.
08:24:28 24 Q. And just so the rules are clear, if I ask a
25 question that you don't understand or you want me to

08:24:35 1 rephrase or there's some concern about it, please
08:24:38 2 let me know, and I'll attempt to repeat it or
08:24:42 3 rephrase it. But if you answer, we'll assume you
08:24:43 4 understand it. Is that fair?

08:24:44 5 A. That's fair.

08:24:47 6 Q. And one of the -- the requirements is that
08:24:51 7 you and I not speak at the same time. And so I'll
08:24:55 8 try not to cut you off, and you need to try to wait
08:24:57 9 until I'm through speaking before you answer. Is
08:24:58 10 that fair?

08:24:58 11 A. Yes. That's fine.

08:25:01 12 Q. And -- and you can have a break whenever
08:25:04 13 you need one. We'll take one in an hour or so. And
08:25:06 14 if you need to consult with your counsel, you can
08:25:09 15 request a break for that purpose, as well. Fair
08:25:09 16 enough?

08:25:13 17 So you live in St. Louis, and have most of

08:25:16 18 your life, and other than when you went to college

08:25:20 19 at Indiana State; is that right?

08:25:21 20 A. Correct.

08:25:23 21 Q. And that means you went to high school in
08:25:24 22 St. Louis?

08:25:25 23 A. Yes, I did.

08:25:28 24 Q. And what high school did you attend?

25 A. Actually, I went to high school in East

08:26:47 1 Q. Edgewood?

08:26:48 2 A. Yes.

08:26:52 3 Q. And how long have you had that job?

08:26:55 4 A. In the capacity I'm in right now, about two

08:26:55 5 years.

08:26:57 6 Q. And what did you do prior to that?

08:27:01 7 A. I worked for the State of Illinois, the

08:27:02 8 Department of Corrections.

08:27:05 9 Q. And what did you do for the Department of

08:27:05 10 Corrections?

08:27:08 11 A. Basically the same thing. I was a

08:27:10 12 correctional officer. After that I did social work

08:27:15 13 with -- with reattaching inmates back into the

08:27:16 14 community.

08:27:19 15 Q. And how long did you do that work for?

08:27:21 16 A. 15 years.

08:27:25 17 Q. Are you trained in social work?

08:27:27 18 A. I like to think so. Yes.

08:27:29 19 Q. You -- by experience, or do you have a

08:27:30 20 degree in social work?

08:27:37 21 A. An associate's in sociology.

08:27:41 22 Q. And prior to working for the Department of

08:27:46 23 Corrections, what did you do?

08:27:47 24 A. I played basketball, I guess.

25 Q. And you said you lived abroad for a while.

08:27:53 1 Did you play basketball abroad?

08:27:54 2 A. Yes, I did.

08:27:56 3 Q. For how long?

08:28:00 4 A. Off and on for about three years.

08:28:01 5 (Discussion off the record.)

08:28:04 6 THE WITNESS: Yes, about three years.

08:28:04 7 BY MR. CURTNER:

08:28:07 8 Q. And what teams did you play for?

08:28:11 9 A. Some of the names are so long ago, I can't
08:28:12 10 even think about it.

08:28:17 11 I played in England. I played for Kelly
08:28:19 12 Girl International. They owned the team. I played
08:28:23 13 for a club team in Iceland. I can't even begin to
08:28:26 14 pronounce the name, to be quite honest with you.
08:28:31 15 Played for another club team in Finland, which is a
08:28:34 16 15-letter name, so I couldn't even begin to
08:28:35 17 pronounce that.

08:28:37 18 Q. All consonants?

08:28:39 19 A. Yeah. Something like that, yeah. It's a
08:28:39 20 very old language.

08:28:42 21 Q. Any other European league or
08:28:46 22 outside-the-United-States teams?

08:28:52 23 A. No.

08:28:55 24 Q. When you left Indiana State, did you earn
25 your degree?

08:28:59 1 A. Yes.

08:29:02 2 Q. And your degree's in sociology?

08:29:05 3 A. No, at Indiana State, criminology.

08:29:08 4 Q. Okay. And what year did you get your

08:29:11 5 degree from Indiana State?

08:29:14 6 A. 1981.

08:29:20 7 Q. Have you ever lived in the State of

08:29:21 8 California?

08:29:22 9 A. No.

08:29:24 10 Q. Have you ever worked in the State of

08:29:24 11 California?

08:29:33 12 A. No.

08:29:35 13 Q. Have you ever been a witness in a legal

08:29:38 14 proceeding similar to this, where you gave testimony

08:29:41 15 under oath?

08:29:42 16 A. No.

08:29:44 17 Q. So you've never been sworn to give

08:29:47 18 testimony, like you were this morning, before?

08:29:48 19 A. No.

08:29:53 20 Q. Have you ever been involved in litigation,

08:29:59 21 as -- as a party or a witness, in any way?

08:30:00 22 A. No.

08:30:03 23 Q. As a corrections officer, you never got

08:30:12 24 called as a witness?

25 A. No.

08:34:14 1 Q. Did you -- and are those St. Louis people?

08:34:21 2 A. One is. The other two, no.

08:34:24 3 Q. Did you play on summer teams or AAU teams
08:34:29 4 during your high school and junior college career?

08:34:31 5 A. No, they didn't have that back then. That
08:34:33 6 wasn't as popular as it is now.

08:34:39 7 Q. Right. Did you attend any camps? They may
08:34:42 8 not have had very many of those in those days,
08:34:42 9 either.

08:34:51 10 A. Maybe one. Maybe one.

08:34:54 11 Q. So you were playing at Coffeyville junior
08:34:57 12 college, and you grew some, your skills improved,
08:35:00 13 and at that point some colleges were interested in
08:35:04 14 recruiting you. Is that the way it worked?

08:35:05 15 A. Pretty much, yeah.

08:35:08 16 Q. So what schools were interested in you at
08:35:10 17 that point?

08:35:15 18 A. Oh. A lot. About 60 schools recruited me,
08:35:19 19 so --

08:35:21 20 Q. Did you make official visits to some
08:35:22 21 schools?

08:35:23 22 A. To some of them, yes.

08:35:26 23 Q. Which schools did you make an official
08:35:28 24 visit to?

25 A. Off the top of my head, Missouri, Arkansas,

08:35:43 1 Arkansas State, Indiana State, a small school in
08:35:49 2 Louisiana. I can't think of the name of it, though.
08:35:50 3 Some other places.

08:35:53 4 Q. Were you looking for a particular style of
08:35:58 5 play or attributes in a team when you were being
08:36:04 6 recruited and deciding where to go?

08:36:04 7 A. No.

08:36:08 8 Q. What were you interested in? What was your
08:36:17 9 criteria?

08:36:18 10 A. A place where I could get the education
08:36:21 11 that I was looking for at that time. I thought I
08:36:24 12 wanted to be a police officer. And a place where I
08:36:27 13 thought I could play right away, because I only had
08:36:37 14 two years left, and I wanted to play right away.

08:36:44 15 Q. And was Indiana State your first choice?

08:36:44 16 A. No.

08:36:45 17 Q. What was?

08:36:46 18 A. Missouri.

08:36:51 19 Q. And did you get an offer from Missouri?

08:36:52 20 A. Yes.

08:36:58 21 Q. So how did you wind up at Indiana State?

08:36:59 22 MR. KING: It's okay.

08:37:00 23 THE WITNESS: The reason why I went to
08:37:05 24 Indiana State, I had an older brother. And at that
25 time they had a guy by the name of Larry Bird

08:41:55 1 THE WITNESS: Just the generics, what --
08:41:58 2 what people, you know, just kind of talk about, but
08:41:59 3 other than that, no.
08:41:59 4 BY MR. CURTNER:
08:42:05 5 Q. Did you ever attend any classes or an
08:42:08 6 instruction or get any -- any books or informational
08:42:11 7 packages about what you could and could not do as a
08:42:15 8 college athlete?
08:42:16 9 A. I don't remember anything like that.
08:42:18 10 Q. Do you remember, when you got on campus at
08:42:22 11 Indiana State, signing anything about what you --
08:42:26 12 about your eligibility, academic, and that you
08:42:28 13 hadn't taken improper benefits, or anything else
08:42:31 14 like that?
08:42:33 15 A. I don't remember anything like that.
08:42:36 16 Q. So to the best of your recollection, you
08:42:41 17 never signed any forms when you arrived at Indiana
08:42:44 18 State?
08:42:48 19 A. I signed my letter of intent. That's the
20 form that I signed, my National Letter of Intent.
08:42:52 21 Q. Right. So you --
08:42:52 22 A. Other than that --
08:42:54 23 Q. -- did sign a National --
08:42:57 24 MR. KING: Greg, I don't think he was quite
25 finished.

08:42:59 1 MR. CURTNER: I'm sorry. You're right.

08:42:59 2 Q. Go ahead.

08:43:02 3 A. Outside of my letter of intent, that was
08:43:04 4 the only form that I knowingly signed, and it was
08:43:06 5 basically -- from what I understood, was stating
08:43:08 6 that I was signing a scholarship offer to take care
08:43:11 7 of me until I could graduate and get my degree from
08:43:12 8 there.

08:43:15 9 Other than that, I never sat down with
08:43:19 10 anyone who said, "These forms are the rules and the
08:43:21 11 regulations and the things that are necessary for
08:43:24 12 you to be able to compete for your -- to stay
08:43:28 13 eligible for your time here," no. I've never had
08:43:29 14 anything like that.

08:43:33 15 Q. And how many years did you get a
08:43:39 16 scholarship at Indiana State?

08:43:42 17 A. Okay. I played, but I was eligible for two
08:43:45 18 years, and the year after that I got drafted, so I
08:43:51 19 took a year off, which would be 1981. Then I came
08:43:54 20 back. I went back to school in '82, I guess, spring
08:43:59 21 of '82. So two years; two and a half, three years.

08:44:01 22 Q. And they gave you a scholarship all of
08:44:03 23 those years?

08:44:06 24 A. I'm not sure what it was called after my
25 eligibility was up. So I don't know what -- what

08:44:10 1 the actual title of that was.

08:44:13 2 Q. But you got some kind of a scholarship.

08:44:16 3 You didn't pay tuition?

08:44:17 4 MR. KING: Objection.

08:44:19 5 THE WITNESS: I -- like I said, I'm not

08:44:22 6 sure what it was. I'm not sure if it was -- it may

08:44:24 7 have just been financial aid. I don't know.

08:44:25 8 BY MR. CURTNER:

08:44:26 9 Q. Right.

08:44:32 10 You were drafted by the NBA after your --

08:44:39 11 your eligibility was completed?

08:44:39 12 A. Yes.

08:44:41 13 Q. So you were in the '79 draft; is that

08:44:41 14 right?

08:44:43 15 A. 1980.

08:44:52 16 Q. '80 draft. But it was the '79 NCAA

08:44:55 17 tournament when you guys had the famous game that

08:44:59 18 featured Bird and Magic, right?

08:45:00 19 A. Yeah.

08:45:07 20 Q. That people still talk about.

08:45:08 21 A. Yeah. Right.

08:45:09 22 Q. It was a pretty -- it must have been a

08:45:16 23 pretty exciting event to participate in.

08:45:22 24 A. That was -- yeah, it was nice.

25 Q. Did -- did -- as a result of participating

08:45:33 1 in that famous event, did you achieve some personal
08:45:36 2 popularity or fame, and people would come up to you
08:45:42 3 on the street and say, "Hey, I know you"?
08:45:42 4 MR. KING: Objection.
08:45:44 5 THE WITNESS: I don't know if it was as a
08:45:47 6 result of that, but, you know, people would come and
08:45:52 7 talk to me, yes.
08:45:53 8 BY MR. CURTNER:
08:45:55 9 Q. And you were drafted by whom?
08:45:57 10 A. The Milwaukee Bucks.
08:46:01 11 Q. And did you play for a year with Milwaukee?
08:46:02 12 A. No.
08:46:04 13 Q. You didn't -- you couldn't quite make it in
08:46:05 14 the NBA?
08:46:06 15 A. No.
08:46:09 16 Q. It's a -- it's a different level of play
08:46:16 17 than even the best college play?
08:46:19 18 A. Yeah. I guess so. Yeah, I could say that.
08:46:25 19 Q. Did anybody from that team at Indiana State
08:46:29 20 besides you and Larry Bird get drafted?
08:46:30 21 A. Yes.
08:46:33 22 Q. Who else?
08:46:37 23 A. Hmm. The guard, Carl Nicks.
08:46:43 24 Q. And did he play in the NBA?
25 A. Yeah. Yes.

08:50:18 1 A. Yes.

08:50:21 2 Q. That was a big deal, right?

08:50:23 3 A. Yeah, you wanted a chance to play for a

08:50:25 4 championship.

08:50:30 5 Q. And did -- did you -- I've forgotten now

08:50:34 6 whether Indiana State got in because you won your --

08:50:38 7 your conference or whether you were an at-large.

08:50:47 8 A. We got in because we won our conference.

08:50:52 9 Q. And that championship game against Michigan

08:50:59 10 State was on in prime time, right?

08:51:01 11 A. To be quite honest with you, I don't know.

08:51:02 12 Q. You don't remember?

08:51:04 13 A. I don't remember what time the game

08:51:06 14 started. I really don't.

08:51:16 15 Q. I was wondering if -- strike that.

08:51:19 16 Did you get to know any of the players from

08:51:28 17 the Michigan State team, either then or later?

08:51:31 18 A. No -- no more than just "hi" in passing.

08:51:32 19 That was it.

08:51:35 20 Q. You haven't made friends with Magic or any

08:51:38 21 of the other people who played on that team?

08:51:47 22 A. No.

08:51:49 23 Q. You would agree that that's one of the most

08:51:55 24 famous games in college basketball history; is that

25 right?

08:52:04 1 A. Yeah, it's probably in the top two or
08:52:04 2 three, maybe.

08:52:06 3 Q. And it is widely considered to be a game
08:52:11 4 that made the NCAA tournament even more popular than
08:52:14 5 it was prior to that?

08:52:16 6 A. That's what they tell me, yes.

08:52:19 7 Q. And it still, I believe, is -- holds the
08:52:22 8 record as the most watched college basketball game
08:52:26 9 of all time.

08:52:27 10 MR. KING: Is that a question?

08:52:28 11 BY MR. CURTNER:

08:52:33 12 Q. Is that right?

08:52:38 13 A. Do you mean -- I don't know, to be quite
08:52:39 14 honest with you. I --

15 Q. Okay. That's fair enough.

08:52:41 16 A. All right.

08:52:44 17 Q. Did -- did it sort of catapult you, in --
08:52:54 18 in terms of your popularity and people who knew you?

08:52:56 19 A. I don't know how to answer that, to be
08:53:03 20 quite honest with you. Being popular wasn't an
08:53:06 21 important thing to me, so I --

08:53:08 22 Q. I understand. Did -- well, let me ask it
08:53:11 23 this way: Did participating in that historic event
08:53:24 24 make you famous?

25 A. Another one of those things.

602

08:53:33 1 Things like that weren't that important to
08:53:37 2 me, to be quite honest with you. I -- people
08:53:40 3 recognize me on the street. But I don't know if it
08:53:46 4 made me famous. Because that kind of thing -- fame
08:53:51 5 is subjective. Who knows if they're famous.

6 Q. Right.

08:53:52 7 A. Right.

08:53:53 8 Q. Did it -- did participating in that famous
08:53:58 9 event make you go higher in the draft than you
08:54:00 10 otherwise would have?

08:54:03 11 A. I have no idea. Because that was
08:54:07 12 determined by someone else, I had no control of.

08:54:09 13 Q. Did you, after you have exhausted your
08:54:16 14 eligibility, get an agent?

08:54:18 15 A. Yes. Yes, I did.

08:54:19 16 Q. Who was that, sir?

08:54:23 17 A. I think his name was Tom, Tom Glass.

08:54:28 18 Q. Where did he live or work?

08:54:30 19 A. I'm not really sure, but I think it was
08:54:32 20 somewhere on the East Coast.

08:54:34 21 Q. Did he represent you for a long time or a
08:54:35 22 little, short time?

08:54:36 23 A. Short time.

08:54:38 24 Q. Did you have an agent after that?

25 A. No. I kind of acted as my own agent after

08:57:15 1 A. I had no idea.

08:57:17 2 Q. It wasn't really on your mind one way or
08:57:17 3 the other?

08:57:20 4 A. It wasn't important to me, no.

08:57:23 5 Q. Were you flattered to be asked to give your
08:57:29 6 autograph?

08:57:34 7 A. Once again, those kind of things just
08:57:37 8 weren't important to me, you know. I was just happy
08:57:40 9 to be, you know, where I was.

08:57:42 10 Q. Were you happy to be playing basketball, or
08:57:45 11 were you trying to figure out some way to turn it
08:57:55 12 into a career and make a living off of it?

08:57:58 13 A. Let's make sure I get this out.

08:58:01 14 You're asking me were I happy to be playing
08:58:01 15 basketball?

08:58:02 16 Q. Uh-huh.

08:58:05 17 A. Yes, I was happy to be playing basketball.
08:58:09 18 No, I never expected to make a career out of it.

08:58:13 19 Q. And so you all along expected that you
08:58:17 20 wanted to get your degree and find a job in law
08:58:20 21 enforcement or something like that; is that right?

08:58:40 22 A. Something like that, yeah.

08:58:42 23 Q. So would you agree that the fact that Bird
08:58:49 24 and Magic were the leaders of two pretty good teams,
25 or really good teams, that met in an NCAA

09:20:57 1 record. Time is 9:10.

09:23:29 2 (Recess taken.)

09:23:50 3 THE VIDEOGRAPHER: We are now going back on
09:23:53 4 the record. The time is 9:23.

09:23:55 5 BY MR. CURTNER:

09:23:57 6 Q. Mr. Gilbert, you said before the break
09:23:59 7 that -- that what motivated you to join in this
09:24:05 8 lawsuit was seeing the 1979 championship game shown
09:24:12 9 on ESPN or ESPN Classic or some of those stations
09:24:16 10 during the tournament time every year; is that
09:24:17 11 right?

09:24:28 12 A. One of the reasons, yes.

09:24:29 13 Q. Anything else?

09:24:32 14 A. I just -- well, yeah. I guess I just
09:24:34 15 didn't understand how they were able to do that and
09:24:35 16 never contact me.

09:24:38 17 Q. Did you ever contact ESPN or any of the
09:24:44 18 other media outlets that were reshewing or
09:24:48 19 rebroadcasting that game and ask them how they were
09:24:55 20 doing that or what they thought their rights were?

09:24:56 21 A. No. I didn't know that was available to
09:24:57 22 me.

09:24:59 23 Q. Did you ever contact them and say, "Please
09:25:05 24 stop; you don't have my permission"?

25 A. No.

10:45:44 1 laws are in place there. Maybe that's a better way
10:45:47 2 to say it.

10:45:48 3 Q. Laws like -- you know, like the First
10:45:51 4 Amendment has -- someone has a right to -- right to
10:45:56 5 speak, has a First Amendment right to speak?

10:45:56 6 MR. KING: Objection to form.

10:45:57 7 BY MR. SLAUGHTER:

10:45:59 8 Q. Laws like that?

10:46:02 9 A. I guess.

10:46:04 10 Q. Have you ever spoken to -- with anyone from
10:46:05 11 Electronic Arts?

10:46:06 12 A. No.

10:46:11 13 Q. Are you aware of any actions taken by
10:46:13 14 Electronic Arts to prevent you from trying to sell
10:46:18 15 your name or image in any way?

10:46:20 16 A. No, because I've never spoken with anyone.

10:46:24 17 Q. Right. But beyond speaking with them, have
10:46:27 18 you learned of any action, in any form, that EA has
10:46:29 19 ever taken that would prevent you from selling your
10:46:31 20 name or likeness?

10:46:34 21 A. No, because I've never tried to sell my
10:46:35 22 name.

10:46:37 23 Q. Because you've never tried to sell your
10:46:39 24 name or likeness. Is that right? You've never done
25 that?

10:46:42 1

A. Never did it.

10:46:46 2

Q. Are you aware of -- do you believe that --

10:46:46 3

strike that.

10:46:48 4

Do you believe that EA has ever used your

10:46:58 5

name in any advertising, to sell a product?

10:46:59 6

A. I don't know.

10:47:09 7

Q. Do you believe that EA has used your name

10:47:14 8

or image or likeness in any way?

10:47:24 9

A. Hmm. I've been told you have.

10:47:32 10

Q. Have you ever seen it yourself?

10:47:34 11

A. I don't know how to answer that. I've seen

10:47:36 12

the game.

10:47:37 13

Q. Have you ever -- have you ever played --

10:47:39 14

well, let's take it this way: Have you --

10:47:39 15

A. Okay.

10:47:42 16

Q. -- ever played EA video games?

10:47:45 17

A. I've been in rooms -- present in rooms

10:47:46 18

where people have played the game.

10:47:47 19

Q. Okay.

10:47:50 20

A. I don't play the games.

10:47:52 21

Q. When was the first time you were in a room

10:47:55 22

with people playing an EA Sports video game?

10:47:58 23

A. Oh, God. In the nineties.

10:48:02 24

Q. And were they playing EA college basketball

25

games back in the nineties?

10:58:57 1 everyone to use and see and sell and profit from.

10:58:58 2 Does that make sense to you?

10:59:01 3 Q. Well, I -- I understand what you're saying.

10:59:03 4 And I'm not quite sure I agree with it, but I

10:59:05 5 understand what you're saying.

10:59:09 6 Do you want -- do you -- strike that.

10:59:14 7 Are your -- do you want to represent people

10:59:18 8 who are currently in school, as part of this

10:59:19 9 lawsuit?

10:59:23 10 A. I can only speak for the former athletes,

10:59:25 11 the part that I play in this. That's as far as I

10:59:26 12 can go right now.

10:59:28 13 Q. Because the interests of the people in

10:59:30 14 school are different than the interests of the

10:59:31 15 people who used to be in school?

10:59:33 16 A. I don't even know how to --

10:59:33 17 MR. KING: Objection to form.

10:59:35 18 THE WITNESS: I don't even know how to

10:59:36 19 answer that, to be --

10:59:36 20 BY MR. SLAUGHTER:

10:59:36 21 Q. Well, then --

10:59:39 22 A. That's a little beyond where I'm at with

10:59:39 23 this, you know.

10:59:41 24 Q. Well, what's the difference, in your view,

25 between people that are in school and people who

10:59:45 1 have graduated?

10:59:48 2 A. You just said it. The people who have

10:59:50 3 graduated, they've started their lives. They're --

10:59:52 4 they're not college students.

10:59:55 5 Q. Okay. Should the college students be

11:00:02 6 treated fairly?

11:00:04 7 A. By "fairly," what do you mean?

11:00:07 8 Q. Well, I -- quite frankly, I mean whatever

11:00:11 9 it is that -- however you've been using the term,

11:00:13 10 Mr. Gilbert. You've said that the people ought to

11:00:15 11 be treated fairly. And should the current students

11:00:18 12 be treated the same way as the former students, in

11:00:23 13 your view?

11:00:25 14 A. This is my opinion, right?

11:00:33 15 Q. Yes.

11:00:36 16 A. I believe in amateur athletics. I think

11:00:39 17 what's fair for amateur athletics is what is being

11:00:42 18 put in place right now today. That's what I think

11:00:44 19 is fair for kids in college. Whatever's in place

11:00:50 20 for them right now is what it is. I can't change

11:00:55 21 those laws by sitting here. But former athletes,

11:00:57 22 they've left school. They went pro, as the

11:00:59 23 commercial says, in something else. So why

11:01:01 24 shouldn't they be compensated.

25 Q. And when you say "compensated," are you

11:01:07 1 talking about being compensated for what happened
11:01:11 2 while they were in school?
11:01:13 3 MR. KING: Objection to form.
11:01:14 4 THE WITNESS: What do you mean by "what
11:01:14 5 happened"?
11:01:15 6 BY MR. SLAUGHTER:
11:01:20 7 Q. Well, for instance, the 1979 championship
11:01:24 8 game. That -- you were still a -- in school
11:01:26 9 during -- when that game was played, right?
11:01:26 10 A. Uh-huh.
11:01:27 11 Q. Yes?
11:01:27 12 A. Yes.
11:01:34 13 Q. And so are you suggesting that members of
11:01:37 14 the teams that played in that game ought to receive
11:01:42 15 some compensation for that game?
11:01:46 16 A. If someone is profiting from the image of
11:01:47 17 that, that use.
11:01:49 18 Q. What about at the time? What about the --
11:01:54 19 what about any compensation that -- or profits that
11:01:58 20 occurred at the time the use was made?
11:02:02 21 A. I think I said earlier, I was an amateur
11:02:05 22 athlete, and I believe in amateur athletics. What
11:02:09 23 was in place for me at that time was a scholarship,
11:02:13 24 books and tuition. And that's what I got.
25 Q. So you got a scholarship, books, tuition,

11:02:22 1 opportunity for an education. And you played
11:02:26 2 basketball on a basketball team. You knew at the
11:02:31 3 time that the games were being broadcast, right?

11:02:36 4 MR. KING: Objection to form.

11:02:36 5 BY MR. SLAUGHTER:

11:02:38 6 Q. Yes?

11:02:39 7 A. Yes.

11:02:44 8 Q. Had you -- when you were in school, did you
11:02:51 9 see clips of old games; you know -- you know, Wilt
11:02:53 10 Chamberlain playing in college, anything like that?
11:02:56 11 I don't know if he went to college. Oscar Robertson
11:02:56 12 in college?

11:02:59 13 A. To college one year. Yes.

11:03:00 14 Q. Uh-huh. Yeah. And did you think that
11:03:03 15 those people were getting paid when you saw clips of
11:03:04 16 their old games?

11:03:07 17 A. I didn't know. No. I didn't have -- know
11:03:14 18 any idea one way or the other.

11:03:17 19 Q. Are there benefits to being on TV while
11:03:22 20 you're in college?

11:03:23 21 A. I don't know.

11:03:26 22 Q. I mean, did you enjoy seeing -- seeing
11:03:30 23 yourself -- seeing clips of your games on the sports
11:03:33 24 news shows at night, come home and see the clips?
25 Was that fun to see?

1 CERTIFICATE OF REPORTER

2 I, JOHN WISSENBACH, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [X] was [] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 DATED:

24

25 _____
JOHN WISSENBACH, CSR No. 6862