

EXHIBIT J

1 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

3 -----x

4 IN RE NCAA STUDENT-ATHLETE

NAME & LIKENESS LICENSING

5 LITIGATION

6 -----x

December 12, 2012

7 9:03 a.m.

8

9 - HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY -

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11 Videotaped deposition of BO KERIN, held at the
12 offices of Munsch, Hardt, Kopf & Harr, PC, 401 Congress
13 Avenue, Suite 3050, Austin, Texas, pursuant to Notice
14 before Steven Stogel, Texas Certified Shorthand Reporter
15 No. 6174

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Designation Color Key
Blue = NCAA Affirm Desigs.
Orange = Pls' Counter Desigs.
Fuchsia = NCAA Rebuttal Desigs

1 foundation.

2 THE WITNESS: I'm sorry. Repeat the
3 question.

4 (The requested portion was read by the
5 reporter)

6 A. I think it would have been irresponsible to
7 not be sensitive at all times to the position of our
8 corporate partners. And so -- I mean, as a matter of
9 policy, I'm not aware of anything of that nature, but as
10 with any other partner, you would be irresponsible as an
11 employee of the national office not to be sensitive to
12 those issues.

13 (Exhibit No. 735 marked)

14 BY MS. STEINER:

15 Q. I'm showing you what's been marked as
16 Exhibit 735. It's Bates stamped NCAAPROD00107857
17 through 859. Do you see that?

18 Can you identify for the record what this
19 document is?

20 A. Yes. This was a form that CBA would fill out
21 and submit to membership services to request a response
22 to an interpretive issue.

23 Q. On Page 2, it seems that you wrote the
24 response. Is that correct?

25 A. Let's see. Yes.

1 Q. Why is it that this would have been routed to
2 you?

3 A. I was one of the ILT contacts for the CBA
4 group.

5 Q. Okay. And you write that this particular
6 request is permissible. Correct?

7 A. Yes.

8 Q. Okay. And you also write, "Obviously, 2K
9 would need permission from all the former
10 student-athletes, but we'll leave that to them."

11 Do you see that?

12 A. I do.

13 Q. Why was it your opinion that 2K needed
14 permission from all the former student-athletes?

15 A. I mean, NCAA rules outline what applies to
16 student-athletes with remaining eligibility. Outside of
17 that, whatever federal, local, and state laws apply to
18 publicity, that's on the student-athlete to do whatever
19 they need to do. I mean, it's -- I'll give you an
20 example -- an on-campus example.

21 If an outside entity uses the picture of
22 a student-athlete to promote that they're televising the
23 game, the institution is required -- and, of course,
24 there's no involvement of the student-athlete. They're
25 perfectly innocent. The institution is required to take

1 I further certify that I am neither counsel
2 for, related to, nor employed by any of the parties or
3 attorneys to the action in which this proceeding was
4 taken. Further, I am not a relative or employee of any
5 attorney of record in this cause, nor am I financially
6 or otherwise interested in the outcome of the action.

7 SUBSCRIBED AND SWORN TO under my hand and seal
8 of office on this the 28th day of December, 2012.

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Steven Stogel, CSR, CLR

Texas CSR 6174

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Expiration: 12/31/14

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