

# **EXHIBIT L**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

in re NCAA Student-Athlete Name and  
Likeness Licensing Litigation

Case No.

09-cv-1967-CW

\* MAY CONTAIN CONFIDENTIAL INFORMATION \*

- - -

VIDEOTAPED DEPOSITION OF  
DAVID LATTIN  
NOVEMBER 10, 2011  
9:00 A.M.

KILPATRICK TOWNSEND & STOCKTON LLP  
1100 PEACHTHREE STREET, SUITE 2800  
ATLANTA, GEORGIA

REPORTED BY:

STEVEN S. HUSEBY, RPR  
CCR-B-1372

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

1 him we can't talk over one another. I will 09:22:20  
2 try not to cut you off, and I'll ask you to do 09:22:24  
3 the same. Okay? 09:22:29

4 A. Absolutely. 09:22:30

5 Q. If I ask you a question and you don't 09:22:31  
6 understand that question, please let me know. 09:22:32  
7 Is that fair? 09:22:34

8 A. Right. 09:22:35

9 Q. And you have to speak up. 09:22:35

10 A. Yes. 09:22:37

11 Q. Thank you. If I ask a question and 09:22:38  
12 you answer, I'm going to assume you understand 09:22:40  
13 the question, all right? 09:22:42

14 A. Unless I ask you to repeat it or 09:22:43  
15 rephrase it. 09:22:45

16 Q. That's fair. And that's perfectly 09:22:46  
17 okay. If you don't understand a question and 09:22:49  
18 you need me to repeat it or rephrase it, 09:22:51  
19 please do that, all right? 09:22:54

20 Could you please state your full name for 09:22:56  
21 the record? 09:22:58

22 A. David Lattin. 09:22:59

23 Q. And where do you reside, Mr. Lattin? 09:23:00

24 A. Houston, Texas. 09:23:08

25 Q. And how long have you lived in 09:23:10

1 Houston? 09:23:13

2 A. All my life basically. All my life. 09:23:14

3 I mean, I've lived in other cities, you know, 09:23:20

4 playing basketball, of course, but Houston is 09:23:23

5 my home. 09:23:26

6 Q. So you were born in Houston, right? 09:23:26

7 A. Yes. 09:23:28

8 Q. You grew up in Houston? 09:23:28

9 A. Yes. 09:23:29

10 Q. You lived there until you went to 09:23:30

11 college, right? 09:23:32

12 A. Correct. 09:23:33

13 Q. Now, I understand that you played pro 09:23:33

14 basketball and you may have lived outside of 09:23:36

15 Texas for a little while. Could you just run 09:23:39

16 through where you lived during the period of 09:23:43

17 time when you were playing pro basketball? 09:23:45

18 A. Phoenix, Arizona. 09:23:47

19 Q. For what time period? 09:23:50

20 A. Well, San Francisco first and then 09:23:52

21 Phoenix. '68 through '69 basketball season 09:23:54

22 over -- 09:24:01

23 Q. In San Francisco? 09:24:01

24 A. Excuse me? 09:24:04

25 Q. I'm sorry, I cut you off. I asked you 09:24:06

1 not to do that to me. For San Francisco, you 09:24:09  
2 lived there from '68 to '69? 09:24:12  
3 A. Correct. 09:24:13  
4 Q. Were you living in the city or 09:24:14  
5 outside? 09:24:16  
6 A. In the city. 09:24:17  
7 Q. Did you live in San Francisco after 09:24:18  
8 '69? 09:24:21  
9 A. No. 09:24:21  
10 Q. 1969? 09:24:22  
11 A. Correct. Well, the basketball seasons 09:24:23  
12 overlap, year to year. 09:24:27  
13 Q. All right. 09:24:30  
14 A. But go ahead. 09:24:30  
15 Q. All right. So after living in San 09:24:31  
16 Francisco, where did you move to? 09:24:37  
17 A. Phoenix, Arizona. 09:24:39  
18 Q. How long were you in Phoenix? 09:24:41  
19 A. Two years. 09:24:42  
20 Q. That brings us through 1971 roughly? 09:24:43  
21 A. Correct. 09:24:51  
22 Q. You were playing for the Phoenix Suns? 09:24:51  
23 A. Phoenix Suns. 09:24:53  
24 Q. Were they in the NBA at the time? 09:24:55  
25 A. Yes. 09:24:57

1 Q. And when you were living in San 09:25:01

2 Francisco, you were playing for the Golden 09:25:03

3 State Warriors? 09:25:05

4 A. San Francisco Warriors. 09:25:06

5 Q. When did they change their name? 09:25:08

6 A. A few years later, they moved next 09:25:10

7 door to Oakland. 09:25:13

8 Q. And after Phoenix, where did you live? 09:25:18

9 A. Then I played with the Harlem 09:25:20

10 Globetrotters for one year, so lived on the 09:25:23

11 road. 09:25:26

12 Q. Where did you consider your residence 09:25:26

13 to be when you were -- 09:25:34

14 A. Houston. 09:25:35

15 MR. CLOBES: Make sure to let him 09:25:36

16 finish the question. 09:25:38

17 BY MR. BOYLE: 09:25:38

18 Q. How about when you were living in San 09:25:41

19 Francisco, did you have a driver's license 09:25:43

20 issued by California or -- 09:25:45

21 A. My car had a Texas tag and my driver's 09:25:47

22 license was still Texas. 09:25:50

23 Q. So did you consider your residence to 09:25:52

24 be in Texas even though you were living -- 09:25:53

25 A. I did. 09:25:56

1 Q. And when you were in Phoenix, you 09:25:58  
2 considered your residence to be in Houston 09:26:00  
3 though you were living in Phoenix? 09:26:03

4 A. Yes. 09:26:04

5 Q. All right. After the Globetrotters, 09:26:07  
6 did you play for another team? 09:26:11

7 A. I did. 09:26:12

8 Q. What team? 09:26:13

9 A. Pittsburgh Condors in the ABA. 09:26:14

10 Q. How long did you play for the Condors? 09:26:21

11 A. Two years. 09:26:24

12 Q. I'm sorry, I may have overlooked this. 09:26:25  
13 How long were you with the Globetrotters? 09:26:31

14 A. One year. Well, go ahead -- well, 09:26:33  
15 anyway, yeah, one year. And then I went back 09:26:36  
16 to the Globetrotters after I left the ABA. 09:26:38

17 Q. And again, when you were playing for 09:26:41  
18 Pittsburgh, did you consider Texas to be 09:26:48  
19 your -- 09:26:51

20 A. Yes. 09:26:51

21 Q. -- state of residence? 09:26:51

22 A. Yes. 09:26:52

23 MR. CLOBES: Definitely let him 09:26:53  
24 finish. You have to try to let him finish, 09:26:55  
25 because you don't know what the question is 09:26:57

1 Q. Thank you. Penland is in Houston as 09:32:29  
2 well? 09:32:32

3 A. Was in Houston, yes. 09:32:32

4 Q. And Lone Star is in Houston as well? 09:32:34

5 A. Yes. Correct, all the companies were 09:32:36  
6 being purchased by other companies. That's 09:32:38  
7 the reason for all the switch. 09:32:42

8 Q. Okay. Have you ever held a California 09:32:44  
9 driver's license? 09:32:53

10 A. No. 09:32:53

11 Q. Have you ever voted in California? 09:32:53

12 A. No. I don't remember holding -- let 09:32:55  
13 me say I don't remember holding a California 09:32:57  
14 driver's license. I don't recall that. 09:33:03

15 Q. Mr. Lattin, you played for a fairly 09:33:05  
16 well-known college basketball team, correct? 09:33:18

17 A. Fairly well known. 09:33:21

18 Q. You were on and a star of the 09:33:23  
19 1965/65 [sic] -- '65/'66 Texas Western Miners. 09:33:26

20 A. Yes. 09:33:29

21 Q. Correct? 09:33:29

22 A. That's correct. 09:33:29

23 Q. And you won the NCAA championship that 09:33:30  
24 year? 09:33:33

25 A. Correct. 09:33:33

1 A. No, correct. 09:44:35

2 Q. Did you sign anything with Texas 09:44:37

3 Western, a letter of intent or anything like 09:44:39

4 that? 09:44:40

5 A. No. 09:44:40

6 Q. Did you sign any NCAA eligibility 09:44:41

7 forms that you recall? 09:44:46

8 A. No, I don't recall. 09:44:46

9 Q. And you didn't sign any NCAA 09:44:47

10 eligibility forms with Tennessee State either, 09:44:49

11 right? 09:44:52

12 A. No, I don't recall that. 09:44:53

13 Q. When you went to visit Texas Western 09:44:56

14 Coach Haskins was coaching there at the time, 09:45:32

15 right? 09:45:35

16 A. Yes. 09:45:35

17 Q. Did you ever have any discussions 09:45:36

18 during your recruitment phase with Coach 09:45:37

19 Haskins about NCAA eligibility rules? 09:45:42

20 A. Any discussions with Coach Haskins 09:45:44

21 about NCAA eligibility rules. 09:45:47

22 MR. CLOBES: During your 09:45:49

23 recruiting phase. 09:45:50

24 THE WITNESS: No, we never 09:45:52

25 discussed it. 09:45:53

1 don't know for sure. 10:14:47

2 Q. And you started that entire season, 10:14:55

3 right? 10:14:57

4 A. Yes. 10:14:57

5 Q. Did you miss any games due to injury? 10:15:02

6 A. No. 10:15:05

7 Q. Did you ever have any issues with 10:15:07

8 suspension for team rules or anything like 10:15:16

9 that? 10:15:18

10 A. No. 10:15:19

11 Q. Did you ever have any issues with NCAA 10:15:26

12 eligibility rules, either academic or 10:15:29

13 otherwise? 10:15:31

14 A. No. 10:15:32

15 (Exhibit Number 110 10:16:39

16 marked for identification). 10:16:44

17 BY MR. BOYLE: 10:16:44

18 Q. Mr. Lattin, you've just been handed a 10:16:45

19 document that's been marked as Exhibit 110. 10:16:48

20 It bears Bates number AP 000277 through 400. 10:16:50

21 Could you please take a look at this document 10:17:00

22 and let me know if you recognize it? 10:17:02

23 A. Yes. 10:17:04

24 MR. CLOBES: It's double-sided as 10:17:06

25 well, so there's text on both sides of each 10:17:08

1 page. Or maybe yours -- yeah, I think it 10:17:10  
2 should be. 10:17:12

3 BY MR. BOYLE: 10:17:12

4 Q. And just as a point of clarification, 10:17:13  
5 Mr. Lattin, when I refer to Bates numbers, I'm 10:17:15  
6 talking about these little numbers down here 10:17:17  
7 with the alphanumeric code, things us lawyers 10:17:20  
8 do to make it easier to refer to documents. 10:17:23  
9 But this is a book and it's got page numbers, 10:17:26  
10 so -- 10:17:28

11 MR. CLOBES: And he's asking you 10:17:28  
12 whether you recognize the whole document so 10:17:29  
13 you might want to look through it, just page 10:17:31  
14 through it and make sure it's what you recall. 10:17:32

15 THE WITNESS: Do you want me to 10:17:41  
16 read the whole book? 10:17:43

17 BY MR. BOYLE: 10:17:44

18 Q. I don't want you to read it, just make 10:17:45  
19 sure you look at it and can identify it. 10:17:46

20 A. (Witness reviews document). It 10:17:53  
21 appears to be the book that I've written. 10:18:26

22 Q. You wrote a book entitled "Slam Dunk 10:18:28  
23 to Glory," correct? 10:18:32

24 A. Correct. 10:18:33

25 Q. And you believe this to be the book, 10:18:34

1 right? 10:18:37

2 A. I believe this to be the book. 10:18:37

3 Q. All right. 10:18:38

4 A. Copies of it anyway. 10:18:39

5 Q. Exactly. And if you go to Bates 10:18:40

6 number AP 000280, it's just a few pages in, I 10:18:47

7 don't have a double-sided version so -- this 10:18:58

8 page at the beginning? 10:19:00

9 MR. CLOBES: It's on the back of 10:19:02

10 one of the pages, it's on the back of the 10:19:03

11 third page -- yeah, the beginning. That one. 10:19:12

12 BY MR. BOYLE: 10:19:12

13 Q. There you go. Looking at page 10:19:13

14 AP 000280 on the left-hand side towards the 10:19:17

15 bottom, you see a copyright notice, it says, 10:19:22

16 "Copyright, 2006, by David Lattin." Do you 10:19:24

17 see that? 10:19:27

18 A. Yes, I do. 10:19:27

19 Q. Do you understand you own the 10:19:29

20 copyrights of this book? 10:19:31

21 A. I do. 10:19:32

22 Q. Do you understand what that means? 10:19:33

23 What's your understanding of copyright rights? 10:19:35

24 A. That no one else can -- 10:19:37

25 MR. CLOBES: Objection, form. You 10:19:37

1 A. No. Well, yes and no. On my -- on my 10:22:26  
2 website it's listed -- you have seen it, okay, 10:22:36  
3 I guess. But anyway -- 10:22:41

4 Q. We'll get to that. 10:22:42

5 A. So somebody -- and on my business 10:22:43  
6 card, you know, you could -- you could contact 10:22:45  
7 me and you could purchase the book. And have 10:22:46  
8 I sold any lately? No. 10:22:48

9 Q. So -- but do you make money off of the 10:22:51  
10 book by selling the books yourself? 10:22:53

11 A. I could. 10:22:55

12 Q. Have you? 10:22:57

13 A. Yes. 10:22:58

14 Q. Any idea how many books you've sold? 10:23:03

15 A. Probably in the neighborhood around 10:23:07  
16 five, maybe 600. 10:23:11

17 Q. Since 2006? 10:23:14

18 A. Correct. 10:23:15

19 Q. And how much do you charge for the 10:23:17  
20 book usually? 10:23:25

21 A. \$20, sometimes 10. 10:23:26

22 Q. And do you have to pay White Stone for 10:23:36  
23 publication of the book for copies of the 10:23:38  
24 book? 10:23:40

25 A. No, no. 10:23:40

1 the pages of the book now because we're into 10:33:34  
2 the text. 10:33:36

3 A. It's better. 10:33:37

4 Q. Yes, if you could turn to page 76. 10:33:38

5 (Off-the-record discussion). 10:34:01

6 BY MR. BOYLE: 10:34:01

7 Q. All right. So on page 76, first full 10:34:06

8 paragraph reads, "Attending Texas Western 10:34:12

9 though was for me, for all the team, about 10:34:16

10 more than playing basketball. We intended to 10:34:18

11 get an education." 10:34:21

12 Is that true? 10:34:22

13 A. Yes. 10:34:23

14 Q. So it was important for you to get an 10:34:23

15 education, correct? 10:34:25

16 A. Correct. 10:34:26

17 Q. And you believe it was important or at 10:34:27

18 least your teammates felt it was important to 10:34:29

19 get an education, right? 10:34:31

20 A. Correct. 10:34:32

21 MR. CLOBES: Objection, form. 10:34:32

22 BY MR. BOYLE: 10:34:32

23 Q. Did you feel like you got a good 10:34:35

24 education at Texas Western? 10:34:37

25 A. Yes. 10:34:41

1 MR. CLOBES: Done with the book 10:49:06  
2 for now? 10:50:02  
3 MR. BOYLE: Done with the book for 10:50:03  
4 now. It was a good read, I enjoyed it. 10:50:05  
5 THE WITNESS: Thank you. 10:50:08  
6 BY MR. BOYLE: 10:50:20  
7 Q. When you were in college, were your 10:50:23  
8 games on television? 10:50:25  
9 A. Some of them. 10:50:28  
10 Q. Do you remember how often you appeared 10:50:31  
11 on TV in a given season approximately? 10:50:33  
12 A. No. The -- no, I do not. 10:50:38  
13 Q. Was it national television or local? 10:50:41  
14 A. Local, El Paso. 10:50:45  
15 Q. I believe I read somewhere where you 10:50:50  
16 wanted to be close enough where your family 10:50:52  
17 could come see you play; is that right? 10:50:54  
18 A. I wanted to be. 10:50:57  
19 Q. El Paso was kind of far, right? 10:50:59  
20 A. It's very far. 10:51:01  
21 Q. Was -- were the Texas Western games 10:51:03  
22 televised in Houston? 10:51:06  
23 A. Just the final game as far as I know. 10:51:08  
24 Q. Did your family -- 10:51:08  
25 A. The game against Kentucky as far as I 10:51:12

1 know. 10:51:13

2 Q. Did your family watch that game on TV? 10:51:13

3 A. Yes. 10:51:15

4 Q. They saw you play? 10:51:17

5 A. Yes. 10:51:18

6 Q. How did that make you feel? 10:51:19

7 A. Great, family watch you play, you win, 10:51:21

8 what more? 10:51:25

9 Q. They call you up, they said they saw 10:51:25

10 you on television? 10:51:28

11 A. Oh, absolutely. 10:51:29

12 Q. Was that a big deal? 10:51:30

13 A. Always a big deal, family, absolutely. 10:51:32

14 Q. When you were playing, you knew you 10:51:36

15 weren't going to get paid to appear on 10:51:40

16 television, right? 10:51:43

17 A. Correct. 10:51:43

18 Q. You never objected to being televised, 10:51:44

19 right? 10:51:47

20 A. No. 10:51:47

21 Q. Okay. You knew you were being 10:51:48

22 televised? 10:51:51

23 A. Yes. 10:51:51

24 Q. Did you ever voice any objection to 10:51:53

25 Coach Haskins that you thought you should get 10:51:58

1 A. No. 11:24:39

2 Q. Were you okay with whatever station 11:24:39

3 rebroadcast the game showing that game? 11:24:42

4 A. Yes. 11:24:45

5 Q. Did you like the fact that the game 11:24:53

6 was still being aired? 11:24:55

7 A. No comment, I -- 11:24:59

8 Q. This isn't a press interview, 11:25:02

9 Mr. Lattin? 11:25:05

10 A. I mean, I don't -- I mean I had no 11:25:06

11 control over it, right, so -- 11:25:09

12 Q. But how did you feel about the game 11:25:12

13 being shown after you left school? Did you 11:25:14

14 think that was a good thing? 11:25:16

15 A. Yes. 11:25:21

16 Q. And that was a pretty socially 11:25:23

17 significant game, right? 11:25:24

18 MR. CLOBES: Objection, form. 11:25:27

19 THE WITNESS: Yes. 11:25:28

20 BY MR. BOYLE: 11:25:28

21 Q. And do you think that because of the 11:25:29

22 social significance the game ought to be 11:25:33

23 reshowed? 11:25:35

24 MR. CLOBES: Objection, form. 11:25:37

25 THE WITNESS: Perhaps. 11:25:44

1	Q. This is a contract between you and	01:14:30
2	Panini America, Inc., correct?	01:14:34
3	A. Correct.	01:14:36
4	Q. And in this contract you granted a	01:14:36
5	release to allow Panini to use your name,	01:14:40
6	likeness and image in connection with trading	01:14:44
7	cards of you in your Texas Western uniform,	01:14:47
8	correct?	01:14:50
9	A. Correct.	01:14:50
10	Q. If you look at the bottom, there's a	01:14:51
11	signature above the printed name David Lattin.	01:14:57
12	Do you see that?	01:15:01
13	A. Yes.	01:15:01
14	Q. Is that your signature?	01:15:06
15	A. Yes.	01:15:06
16	Q. You did sign this contract, correct?	01:15:07
17	A. Yes.	01:15:09
18	Q. This contract indicates that you were	01:15:16
19	to receive \$7,000; is that right?	01:15:18
20	A. Right.	01:15:21
21	Q. Did you receive \$7,000 from Panini?	01:15:22
22	A. Yes.	01:15:27
23	Q. Did you autograph the 1,000 trading	01:15:32
24	cards as indicated in this contract?	01:15:35
25	A. Yes.	01:15:38

1	A. No.	01:34:35
2	Q. Did they ever present to you any	01:34:37
3	opportunities for selling the rights to your	01:34:39
4	name or likeness?	01:34:41
5	A. No.	01:34:42
6	Q. Did you ever have any discussions with	01:34:43
7	anyone from the association about the	01:34:46
8	possibility of selling your name or likeness?	01:34:48
9	A. No.	01:34:50
10	Q. Do you ever give speeches for	01:34:50
11	compensation? Did anyone ever hire you to	01:35:36
12	give a speech and pay you for it?	01:35:40
13	A. Yes.	01:35:42
14	Q. Are you actively engaged in giving	01:35:45
15	motivational speeches now?	01:35:47
16	A. Yes.	01:35:50
17	Q. How many times a year would you say	01:35:52
18	you give motivational speeches?	01:35:54
19	A. One, maybe two, it just depends, maybe	01:35:58
20	not any for the whole year. I mean --	01:36:07
21	Q. Have you given any in 2011?	01:36:12
22	A. No.	01:36:15
23	Q. How about 2010?	01:36:16
24	A. Yes.	01:36:17
25	Q. How many did you give in 2010?	01:36:19

1	A.	ESPN.	02:09:02
2	Q.	All right. So nobody has prevented	02:09:05
3		you since you left college from trying to sell	02:09:07
4		the rights to your name and likeness, correct?	02:09:11
5	A.	No.	02:09:14
6	Q.	The NCAA has never prevented you from	02:09:17
7		selling the rights to your name or likeness,	02:09:25
8		right?	02:09:29
9	A.	Not that I recall.	02:09:29
10	Q.	What about CLC? Has CLC done anything	02:09:31
11		to prevent you from selling the rights to your	02:09:34
12		name and likeness?	02:09:36
13	A.	Not that I recall.	02:09:37
14	Q.	Let me ask you this: Do you know who	02:09:38
15		CLC is?	02:09:41
16	A.	I said not that I recall.	02:09:41
17	Q.	Separate question, do you know who CLC	02:09:42
18		is?	02:09:45
19	A.	No, who are you talking about?	02:09:45
20	Q.	The Collegiate Licensing Company?	02:09:47
21	A.	No.	02:09:48
22	Q.	Did you ever hear of them?	02:09:49
23	A.	No.	02:09:50
24	Q.	Do you know anything about them?	02:09:50
25	A.	No, I don't know anything about them.	02:09:52

1 each other. 02:10:50

2 MR. CLOBES: It's getting a little 02:10:50

3 late, okay. 02:10:50

4 BY MR. BOYLE: 02:10:50

5 Q. Has the NCAA done anything to prevent 02:10:51

6 you from selling the rights to your image? 02:10:52

7 A. No. 02:10:57

8 Q. How about CLC? Are you aware of any 02:10:59

9 instance where CLC has done anything to 02:11:01

10 prevent you from selling the rights to your 02:11:05

11 image? 02:11:10

12 A. No, not aware. 02:11:10

13 Q. Did you ever have any plans to try to 02:11:13

14 sell rights to your name, your likeness or 02:11:15

15 your image and you've changed those plans 02:11:18

16 because of any actions taken by any of the 02:11:20

17 defendants? 02:11:26

18 A. No. Question again? 02:11:26

19 Q. Sure. Could you read the question 02:11:28

20 again? 02:11:41

21 (The record was read). 02:11:41

22 THE WITNESS: No. 02:11:42

23 MR. BOYLE: Could we go off the 02:11:43

24 record real quick? 02:11:44

25 THE VIDEOGRAPHER: The time is 02:11:46

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C E R T I F I C A T E

G E O R G I A:  
FULTON COUNTY:

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

Pursuant to Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as an independent contractor for Huseby, Inc.

1 I was contacted by the offices of  
2 Huseby, Inc. to provide court  
3 reporting services for this deposition.  
4 I will not be taking this deposition under  
5 any contract that is prohibited by O.C.G.A.  
6 15-14-7 (a) or (b).

7 I have no written contract to  
8 provide reporting services with any party  
9 to the case, any counsel in the case, or  
10 any reporter or reporting agency from whom  
11 a referral might have been made to cover  
12 this deposition. I will charge my usual  
13 and customary rates to all parties in the  
14 case.

15 This, the 12th day of November, 2011.

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STEVE S. HUSEBY, CCR-B-1372  
My Commission Expires  
January 20th, 2015.

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