

EXHIBIT M

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
PATRICK MAYNOR
NOVEMBER 14, 2011
12:00 P.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 behalf of antitrust plaintiffs from Zelle 12:06:36
2 Hofmann. 12:06:39
3 MR. ARAGON: Leonard Aragon -- go 12:06:49
4 ahead. 12:06:49
5 MR. CAREY: Rob Carey, Hagens 12:06:49
6 Berman, Plaintiffs. 12:06:49
7 MR. ARAGON: Leonard Aragon, 12:06:54
8 Hagens Berman for plaintiffs, right of 12:06:55
9 publicity plaintiffs. 12:06:56
10 MR. CURTNER: Greg Curtner for the 12:06:58
11 NCAA. 12:06:59
12 PATRICK MAYNOR,
13 being first duly sworn, was examined and
14 testified as follows:
15 EXAMINATION
16 BY MR. BRAUNIG:
17 Q. Good afternoon, Mr. Maynor. 12:07:14
18 A. How are you doing? 12:07:16
19 Q. Could you please state for the record 12:07:16
20 your full name and spell your last name. 12:07:19
21 A. Patrick Fitzgerald Maynor, 12:07:21
22 M-A-Y-N-O-R. 12:07:25
23 Q. What's your current address? 12:07:25
24 A. I live in Athens, Georgia. 12:07:27
25 Q. Do you know the address offhand? 12:07:28

1 Q. Do you have an expectation of making 12:13:41
2 money from this lawsuit? 12:13:44

3 A. I do not have expectations of making 12:13:45
4 money. 12:13:47

5 Q. Have you been -- do you have an 12:13:47
6 understanding that as a class plaintiff you'll 12:13:50
7 receive any sort of bonus for being a 12:13:53
8 representative plaintiff? 12:13:56

9 MS. HOU: Objection to form. 12:13:57

10 THE WITNESS: I'm not sure exactly 12:13:59
11 how that breakdown would work out. I'm not 12:14:00
12 sure. 12:14:03

13 BY MR. BRAUNIG: 12:14:03

14 Q. But as of right now, do you have an 12:14:04
15 expectation that you're going to receive a 12:14:05
16 bonus for being a class plaintiff? 12:14:07

17 MS. HOU: Objection to form. 12:14:10

18 THE WITNESS: I don't know. I 12:14:11
19 don't think so. 12:14:15

20 BY MR. BRAUNIG: 12:14:15

21 Q. How are you currently employed? 12:14:19

22 A. I'm in school. 12:14:20

23 Q. At Georgia's MBA program? 12:14:20

24 A. Correct. 12:14:24

25 Q. It's the Terry School of Business? 12:14:24

1	A.	Correct.	12:14:25
2	Q.	How long have you been in school at	12:14:26
3		Terry?	12:14:29
4	A.	About a year and a half.	12:14:29
5	Q.	So since probably September 2010?	12:14:32
6	A.	That sounds about right.	12:14:36
7	Q.	And do you have a plan for what you're	12:14:40
8		going to be doing after school when school	12:14:43
9		ends?	12:14:46
10	A.	Moving to Manhattan in July.	12:14:46
11	Q.	You are? Who are you going to be	12:14:48
12		working for?	12:14:50
13	A.	Bank of America.	12:14:51
14	Q.	Doing what?	12:14:52
15	A.	Sales and trading.	12:14:52
16	Q.	Equity trading or bonds or --	12:14:54
17	A.	Equity trading.	12:14:57
18	Q.	Now, you graduated from Stanford in	12:14:58
19		2009; is that right?	12:15:02
20	A.	Correct.	12:15:03
21	Q.	And what did you do between the time	12:15:04
22		you graduated and when you started business	12:15:07
23		school?	12:15:09
24	A.	I had a tryout for the Chicago Bears	12:15:10
25		right after I graduated school.	12:15:14

1 A. Played fullback for about a year in 12:18:43
2 high school as well. 12:18:46

3 Q. Were you -- 12:18:47

4 MS. HOU: Objection to form. 12:18:47

5 BY MR. BRAUNIG: 12:18:48

6 Q. Were you recruited as a fullback or 12:18:49
7 just as a linebacker? 12:18:50

8 A. Just as a linebacker. 12:18:51

9 Q. What jersey number did you wear in 12:18:53
10 high school, if you remember? 12:18:56

11 A. 44. 12:18:56

12 Q. 44. You were recruited to -- to 12:18:57
13 various colleges; is that right? 12:19:07

14 A. Yes. 12:19:09

15 Q. Which college -- which colleges 12:19:10
16 recruited you? 12:19:11

17 MS. HOU: Objection to form. 12:19:13

18 THE WITNESS: Mostly I was 12:19:14

19 recruited by Stanford, Georgia Tech, Auburn, 12:19:16

20 Florida, Boston College, and Kansas State as 12:19:20

21 well. Those are -- those are the top five to 12:19:28

22 eight. 12:19:29

23 BY MR. BRAUNIG: 12:19:30

24 Q. And there were additional ones as 12:19:31

25 well? 12:19:32

1 offensive side. When you were at Stanford was 12:31:32
2 there -- was there anybody else who wore -- 12:31:35
3 other than your freshman year, was there 12:31:37
4 anybody else who wore 44 on the team? 12:31:39

5 MS. HOU: Objection to form. 12:31:41

6 THE WITNESS: When I had -- when I 12:31:42
7 wore the number 44, I was the only one on the 12:31:44
8 team that wore that number. 12:31:46

9 BY MR. BRAUNIG: 12:31:47

10 Q. And as you said, there were people who 12:31:49
11 had the number 44 before you came to Stanford, 12:31:51
12 right? 12:31:55

13 A. Correct. 12:31:55

14 Q. And there have been people who have 12:31:55
15 had the number 44 since you left Stanford; is 12:31:57
16 that correct? 12:32:00

17 A. Correct. 12:32:00

18 Q. Do you know who wears the jersey 12:32:00
19 number 44 now? 12:32:04

20 A. I do. 12:32:05

21 Q. Who is it? 12:32:06

22 A. Chase Thomas. 12:32:06

23 Q. And what position does Chase Thomas 12:32:08
24 play? 12:32:10

25 A. Outside linebacker. 12:32:10

1 MR. HENN: He's from Marietta. 12:32:13

2 MR. BRAUNIG: Is that right? 12:32:16

3 BY MR. BRAUNIG: 12:32:17

4 Q. Same position that you played, outside 12:32:17
5 linebacker? 12:32:20

6 A. Yeah, they run a different defense now 12:32:20
7 but same -- right, same title. 12:32:23

8 Q. So to be clear, there is -- there is 12:32:25

9 currently at Stanford someone at -- wearing 12:32:29

10 the jersey number 44 and playing at 12:32:32

11 linebacker? 12:32:34

12 A. Yes. 12:32:35

13 Q. And is Chase Thomas to your knowledge, 12:32:41

14 the only person since you wore the jersey 44 12:32:43

15 at Stanford who's wearing that same jersey 12:32:43

16 number? 12:32:49

17 A. No, there was another -- another 12:32:49

18 linebacker before who also wore it before 12:32:49

19 Chase Thomas got it. 12:32:52

20 Q. Who was that? 12:32:54

21 A. Nick Macaluso. 12:32:54

22 Q. He's somebody you played with as well, 12:32:56

23 right? 12:32:58

24 A. Correct. 12:32:58

25 Q. So when you graduated he took your 12:32:59

1 Q. Did you ever -- ever accept money from 12:42:46
2 anyone while you were a student athlete, from 12:42:50
3 anyone other than -- than your parents or from 12:42:53
4 Stanford? 12:42:56

5 A. No. 12:42:56

6 MS. HOU: Objection to form. 12:42:57

7 BY MR. BRAUNIG: 12:42:58

8 Q. Did you have a full scholarship at 12:42:59
9 Stanford? 12:43:01

10 A. I did. 12:43:02

11 Q. In addition to the full scholarship, 12:43:03
12 you received other benefits from Stanford, 12:43:07
13 right? You were -- subject of coaching, 12:43:10
14 right, received benefits of coaching? 12:43:13

15 MS. HOU: Objection to form. 12:43:16

16 THE WITNESS: We had coaches on 12:43:17
17 the team, I mean, is that what you're saying? 12:43:18

18 BY MR. BRAUNIG: 12:43:20

19 Q. Yeah. Yeah, and they were -- 12:43:21

20 A. Yes, yes. 12:43:21

21 Q. And they helped you grow and develop 12:43:22
22 as a player? 12:43:23

23 A. Yes. 12:43:24

24 Q. You also had a strength trainer, 12:43:24
25 someone who helped you with your training? 12:43:27

1 A. Yes. 12:43:28

2 Q. And did you have any academic 12:43:29

3 tutoring? 12:43:31

4 A. We did. 12:43:32

5 Q. And that was something that the school 12:43:33

6 provided? 12:43:34

7 MS. HOU: Objection to form. 12:43:35

8 THE WITNESS: Yes. 12:43:37

9 BY MR. BRAUNIG: 12:43:37

10 Q. And when you lived at college, did you 12:43:39

11 live in a dorm? 12:43:41

12 A. For the first three years I lived in a 12:43:42

13 dorm. 12:43:46

14 Q. And the second two years, did you live 12:43:46

15 with friends off campus? 12:43:48

16 A. Yes. 12:43:49

17 Q. And were those, did the people you 12:43:49

18 lived with, were they other -- other players? 12:43:52

19 A. Mostly basketball players. 12:43:55

20 Q. In your -- in your dorm room or 12:43:57

21 apartment, did you guys have -- have a TV? 12:44:00

22 A. In our apartment, we did, yes. 12:44:02

23 Q. What about in your dorm room? 12:44:07

24 A. Dorm room I did not. 12:44:09

25 Q. Was there like a communal TV in a TV 12:44:11

1 same principle as the video game, pretty 03:45:06
2 equitable distribution. 03:45:08

3 BY MR. HENN: 03:45:09

4 Q. And in the event that a player is not 03:45:09
5 depicted in the broadcast, it's your position 03:45:12
6 that they should still get compensated because 03:45:15
7 of the contribution they made to the team; is 03:45:19
8 that correct? 03:45:23

9 A. Correct. 03:45:23

10 Q. That's your position? 03:45:24

11 A. Correct. 03:45:25

12 MR. BOARDMAN: Object to form. 03:45:25

13 BY MR. HENN: 03:45:29

14 Q. Does that include people on the 03:45:29
15 practice squad who don't even suit up for the 03:45:31
16 games? 03:45:34

17 A. Well, there's no -- there's no direct 03:45:34
18 practice squad in college football but -- 03:45:37

19 Q. Let's say like the redshirt guys who 03:45:40
20 are technically not playing their freshman 03:45:45
21 year but they are practicing with the team. 03:45:48

22 A. Yeah, because they are adding value 03:45:49
23 throughout the whole year in practice and 03:45:51
24 whatnot. 03:45:53

25 Q. Okay. And why should they get 03:45:53

1 pay or benefits for playing a sport; is that 04:24:04
2 right. 04:24:13

3 MS. HOU: Same objection. 04:24:13

4 THE WITNESS: That's correct. 04:24:14

5 BY MR. CURTNER: 04:24:15

6 Q. And you certified every year that you 04:24:16

7 were an amateur in compliance with those 04:24:18

8 rules, correct? 04:24:20

9 A. We had to sign forms every year, so 04:24:22

10 yeah, I think that's -- I believe that's what 04:24:25

11 you're talking about, the eligibility forms we 04:24:30

12 had to sign every year. 04:24:32

13 Q. Did you ever object to participating 04:24:34

14 in collegiate sports as an amateur? 04:24:37

15 MS. HOU: Objection to form. 04:24:40

16 THE WITNESS: Could you rephrase 04:24:47

17 that, please? 04:24:48

18 BY MR. CURTNER: 04:24:50

611b 19 Q. Did you ever object to participating 04:24:50

20 in college sports as an amateur? 04:24:52

21 MS. HOU: Same objection. 04:24:54

22 THE WITNESS: Well, we were forced 04:25:00

23 to sign those documents every year so we -- 04:25:04

24 you know, we didn't openly object to the 04:25:07

25 coaching staff who was making us sign those 04:25:12

1 papers. No, we didn't object. 04:25:15

2 BY MR. CURTNER: 04:25:17

3 Q. Well, who made you sign these papers, 04:25:17

4 sir? They were giving you a scholarship and 04:25:19

5 you wanted to play football under the rules. 04:25:23

6 Did somebody twist your arm or how were you 04:25:25

7 forced? 04:25:28

8 MS. HOU: Objection to form. 04:25:29

9 THE WITNESS: Well, they bring you 04:25:30

10 in a little tiny room, they give you a stack 04:25:32

11 of papers to sign, they go through it really 04:25:34

12 quickly, and if you don't sign them, you 04:25:36

13 don't -- you know, you don't get to practice, 04:25:39

14 you don't have eligibility. 04:25:41

15 BY MR. CURTNER: 04:25:44

16 Q. Right, but you understood the basic 04:25:44

17 rule was that you had to be an amateur in 04:25:46

18 order to play the sport, you knew that all 04:25:52

19 along, isn't that right? 04:25:54

20 MS. HOU: Objection to form. 04:25:55

21 THE WITNESS: I knew that, yes. 04:25:57

22 BY MR. CURTNER: 04:26:00

23 Q. You knew that when you were in high 04:26:00

24 school that that's the way it worked? 04:26:02

25 MS. HOU: Objection to form. 04:26:04

611b

1 THE WITNESS: I'm -- I'm not sure 05:27:02
2 if it did or not. 05:27:03

3 BY MR. CURTNER: 05:27:06

4 Q. Did anybody ever offer you any money 05:27:06
5 for your name, image or likeness before you 05:27:08
6 started playing football at Stanford? 05:27:12

7 A. Not that I can remember, no. 05:27:14

8 Q. Would you agree that your playing time 05:27:18
9 at Stanford made you a lot better known than 05:27:21
10 you were before? 05:27:25

11 MS. HOU: Objection to form. 05:27:25

12 THE WITNESS: True, yes, true. 05:27:27

13 BY MR. CURTNER: 05:27:31

14 Q. Would you also agree that you got a 05:27:31
15 very good education out of your scholarship at 05:27:32
16 Stanford? 05:27:35

17 A. Yes. 05:27:37

18 Q. And would you agree that Stanford made 05:27:40
19 a pretty good deal and that you got the 05:27:45
20 benefit of that deal -- 05:27:47

21 MS. HOU: Objection to form. 05:27:48

22 BY MR. CURTNER: 05:27:51

23 Q. -- by going there and getting a 05:27:51
24 scholarship to play football and getting a 05:27:53
25 terrific education? 05:27:55

1 MR. BOARDMAN: Objection to form. 05:27:56

2 THE WITNESS: I don't know if they 05:27:57

3 got any less benefit than I did out of it or 05:27:58

4 more -- or more or less, so I don't really 05:28:00

5 know. I can't say that for certain. 05:28:02

6 BY MR. CURTNER: 05:28:04

7 Q. Well, we won't know your benefit until 05:28:04

8 we see how you do at -- as an investment 05:28:06

9 banker at Bank of America, will we? 05:28:09

10 A. Exactly. 05:28:13

11 Q. You may turn out to be the richest man 05:28:14

12 on North America in ten years. 05:28:16

13 A. I hope so. 05:28:18

14 Q. Right? Well, I hope so too. 05:28:19

15 You understand, sir, when ESPN Classic -- 05:28:34

16 and I think you said you thought it was ESPN 05:28:40

17 Classic but you weren't sure -- shows a 05:28:43

18 rebroadcast of a Stanford/USC game or a 05:28:44

19 Stanford/UW game, that that is ESPN and the 05:28:47

20 Pac 10 who are selling those rights and not 05:28:53

21 the NCAA, correct? 05:28:56

22 MS. HOU: Objection to form. 05:28:58

23 THE WITNESS: Could you repeat 05:29:00

24 that one more time, please? 05:29:07

25 BY MR. CURTNER: 05:29:11

1 screen now. 05:34:45
2 (The record was read.) 05:34:46
3 THE WITNESS: That's a pretty long 05:35:30
4 question. Could you break that down, please. 05:35:31
5 BY MR. CURTNER: 05:35:33
6 Q. You're free to go out and sell your 05:35:34
7 appearance, your name, image, whatever it is 05:35:36
8 you own after you get out of school, right, 05:35:40
9 for whatever you can get for it? 05:35:42
10 MS. HOU: Objection to form. 05:35:44
11 THE WITNESS: Sure. 05:35:45
12 MR. CURTNER: I have no further 05:35:48
13 questions, thank you. 05:35:49
14 MR. HENN: I have a follow-up. 05:35:51
15 EXAMINATION 05:35:51
16 BY MR. HENN 05:35:51
17 Q. Mr. Maynor, I'm sorry to have to do 05:35:53
18 this, but I looked back and realized that I 05:35:55
19 misspoke when I was asking you a question and 05:35:57
20 I didn't get the right one. 05:35:59
21 At one point I asked you about your 05:36:01
22 testimony about a conspiracy or belief that 05:36:02
23 CLC and the NCAA conspires together in some 05:36:08
24 way. Do you remember that? 05:36:12
25 A. I do. 05:36:13

1 C E R T I F I C A T E

2

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4 G E O R G I A:

5 F U L T O N C O U N T Y:

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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.

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21

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

22

23

24

25

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

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13 and customary rates to all parties in the
14 case.

15 This, the 16th day of November, 2011.

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