

# **EXHIBIT S**

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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  
ERIC RILEY  
NOVEMBER 11, 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 of publicity plaintiffs. 09:09:50

2 MR. KING: John King, Hausfeld, 09:09:52

3 LLP, for the antitrust plaintiffs. 09:09:53

4 MR. BOARDMAN: Thomas Boardman, 09:09:56

5 Pearson, Simon, Warshaw & Penny, for the 09:09:57

6 antitrust plaintiffs. 09:10:00

7 ERIC RILEY,

8 being first duly sworn, was examined and

9 testified as follows:

10 EXAMINATION

11 BY MR. WIERENGA:

12 Q. Good morning, sir. Could you please 09:10:17

13 state your full name for the record. 09:10:18

14 A. Eric Riley. 09:10:21

15 Q. Okay. Do you have a middle name? 09:10:22

16 A. Oh, yes. Eric Kendall Riley. 09:10:24

17 Q. Have you ever been deposed before, 09:10:27

18 Mr. Riley? 09:10:29

19 A. Yes, but it wasn't this many lawyers. 09:10:30

20 It was just one. 09:10:34

21 Q. On how many occasions have you been 09:10:37

22 deposed? 09:10:40

23 A. Once. 09:10:41

24 Q. And how long ago was that? 09:10:41

25 A. About four years ago. 09:10:43

1	A. One year.	09:20:34
2	Q. And before we get too far, with	09:20:37
3	Boston, Dallas and Minnesota, the three NBA	09:20:40
4	teams you told me about, did you sign	09:20:42
5	year-long contracts?	09:20:44
6	A. Yes.	09:20:45
7	Q. Were you on those teams for a full	09:20:45
8	season?	09:20:48
9	A. Yes.	09:20:49
10	Q. Okay. Before Minnesota, who did you	09:20:50
11	play for?	09:20:54
12	A. Clippers.	09:20:55
13	Q. Los Angeles?	09:20:58
14	A. Yes.	09:20:59
15	Q. And how long did you play for the	09:21:01
16	Clippers?	09:21:02
17	A. One year, or half a year.	09:21:04
18	Q. What kind of a contract did you have	09:21:07
19	with the Clippers? Well, I -- and I'm no	09:21:09
20	expert here --	09:21:09
21	A. You mean how much or what --	09:21:14
22	Q. No, was it like 30 days or six months	09:21:15
23	or one year, do you know the term?	09:21:18
24	A. Well, it was minimum guaranteed for	09:21:20
25	that one year. So it was minimum.	09:21:22

1 Michigan? 09:22:13

2 A. No, Dallas drafted me and they traded 09:22:13

3 me on draft day to Houston. 09:22:16

4 Q. So Dallas drafted you but in that 09:22:20

5 first -- Dallas drafted you right out of 09:22:24

6 Michigan, but they traded you immediately so 09:22:27

7 you never played for Dallas that -- in your 09:22:30

8 first two years, right? 09:22:33

9 A. Yep, yes. 09:22:34

10 Q. And then while you were at Michigan 09:22:46

11 you lived in Ann Arbor, correct? 09:22:49

12 A. Yes. 09:22:52

13 Q. And you were there from '88 through 09:22:53

14 '93; is that right? 09:22:56

15 A. Yes. 09:22:58

16 Q. Did you live in West Quad? 09:22:59

17 A. I think I did one year, yes. 09:23:02

18 Q. Me too. 09:23:05

19 A. Oh, you -- 09:23:06

20 Q. In fact, I think we were there the 09:23:07

21 same year. I was there in '88 too. 09:23:09

22 A. Okay. Yeah. I say one year, my 09:23:11

23 freshman year. 09:23:13

24 Q. And before going to Michigan, you 09:23:15

25 lived in Cleveland; is that right? 09:23:18

1	A. Yes.	09:23:19
2	Q. And you were born and raised in	09:23:20
3	Cleveland?	09:23:22
4	A. Yes.	09:23:22
5	Q. Outside of the six months that you	09:23:27
6	played for the Clippers, have you ever lived	09:23:30
7	in California?	09:23:32
8	A. No.	09:23:33
9	Q. Have you ever had a California	09:23:39
10	driver's license?	09:23:41
11	A. Yes.	09:23:42
12	Q. When did you have a California	09:23:43
13	driver's license?	09:23:45
14	A. During that time, I think, I got one.	09:23:47
15	Q. Do you have a California driver's	09:23:50
16	license today?	09:23:53
17	A. No.	09:23:53
18	Q. Do you have an Ohio driver's license	09:23:54
19	today?	09:23:55
20	A. No, Texas.	09:23:56
21	Q. Texas. How long have you had a Texas	09:23:56
22	driver's license?	09:24:00
23	A. Since -- I don't know, I don't	09:24:01
24	remember exactly.	09:24:06
25	Q. Several years?	09:24:07

1 Q. So who was responsible for recruiting 09:36:21  
2 you primarily? 09:36:24  
3 A. I forgot his name right now. I can't 09:36:25  
4 think of his name right now. 09:36:31  
5 Q. And so why did you choose Michigan 09:36:33  
6 over the other schools in your final list? 09:36:35  
7 A. Just mainly because I liked the 09:36:38  
8 academics and then I felt comfortable around 09:36:41  
9 the staff, so, yeah. 09:36:46  
10 Q. Were the academics of these schools 09:36:49  
11 important to you in deciding which one to go 09:36:52  
12 to? 09:36:54  
13 A. Yes. 09:36:54  
14 Q. Was getting a degree important to you 09:36:55  
15 while you were in school? 09:36:57  
16 A. Yes. 09:36:58  
17 Q. You got a degree from Michigan, right? 09:36:58  
18 A. Yes. 09:37:00  
19 Q. And you got that in the five years 09:37:01  
20 that you were there? 09:37:03  
21 A. Yes. 09:37:04  
22 Q. Tell me what you can remember about 09:37:17  
23 what the Michigan coaches said about why you 09:37:20  
24 should come play for Michigan? 09:37:23  
25 MR. BOARDMAN: Objection, form. 09:37:24

1 school? 09:38:44

2 A. No. You mean a dollar amount? 09:38:45

3 Q. Yes. 09:38:49

4 A. No, to this day I don't know how much 09:38:49

5 everything cost. 09:38:51

6 Q. Did they ever say things like if you 09:38:52

7 come here you won't have to worry about 09:38:53

8 tuition or room and board, we'll take care of 09:38:55

9 all that, anything like that? 09:38:59

10 A. I think that was -- that was -- I 09:39:00

11 think I understood that, I didn't think my 09:39:04

12 parents would have to pay anything. 09:39:07

13 Q. If -- and this didn't happen but let 09:39:08

14 me ask you a hypothetical. If the Michigan 09:39:12

15 coaches had said we'd love to have you come, 09:39:14

16 there's a place for you on our team but we can 09:39:17

17 only offer you a half scholarship, do you 09:39:20

18 think you still would have gone to Michigan? 09:39:24

19 A. If the other schools were just 09:39:26

20 offering half scholarships also maybe, but if 09:39:29

21 they were offering full scholarship and they 09:39:32

22 offered half, I probably would go somewhere 09:39:36

23 else. 09:39:38

24 Q. While you were at Michigan, did you 09:39:39

25 ever have any issues with NCAA eligibility? 09:39:43

1 A. Because I felt that exposure and just 09:58:00  
2 more chance to be seen. 09:58:06

3 Q. Was that important to you while you -- 09:58:12  
4 while you were at Michigan, the exposure and 09:58:14  
5 the chance to be seen? 09:58:17

6 A. Yes, yes, once we won it and I saw the 09:58:18  
7 difference, yes. 09:58:21

8 Q. What was the difference that you saw? 09:58:22

9 A. Media attention as far as our games, 09:58:27  
10 they were pretty much all picked up by ABC, 09:58:29  
11 and were pretty much all picked up. 09:58:34

12 Q. And did you like that while you were 09:58:37  
13 at school? 09:58:38

14 A. I wouldn't say I liked it. I just 09:58:39  
15 felt it was more of an opportunity to make it 09:58:43  
16 to the NBA if I get more exposure, so yes. 09:58:46

17 Q. So you felt the more that your games 09:58:50  
18 were televised the greater the chance that you 09:58:51  
19 would come to the attention of the NBA scouts. 09:58:54  
20 Is that fair to say? 09:58:56

21 A. Yes. 09:58:58

22 Q. You didn't object to your games being 09:58:58  
23 televised while you were in school, right? 09:59:00

24 A. No. 09:59:02

25 Q. At the time did you think that 09:59:02

1 Q. Because the team wasn't as good, 10:00:20  
2 right? 10:00:21  
3 A. Exactly. 10:00:22  
4 Q. During your fourth year or the first 10:00:22  
5 of the Fab Five years, do you remember how 10:00:26  
6 many of your regular season games were on TV? 10:00:28  
7 A. I think all of them. 10:00:31  
8 Q. Is that true for your last year as 10:00:33  
9 well? 10:00:38  
10 A. Yes. 10:00:38  
11 Q. And while you were playing all these 10:00:43  
12 games, you knew at the time that they were -- 10:00:47  
13 that there were television cameras in the 10:00:50  
14 auditorium or the stadium, right? 10:00:53  
15 A. Yes. 10:00:55  
16 Q. You took the court knowing that people 10:00:55  
17 were recording what you were doing, right? 10:00:57  
18 A. Yes. 10:00:58  
19 Q. While you were playing at Michigan, 10:01:06  
20 were you ever -- did you give press interviews 10:01:07  
21 or participate in press conferences? 10:01:08  
22 A. Yes. 10:01:12  
23 Q. About how often? 10:01:13  
24 A. Probably before a game and after a 10:01:14  
25 game. 10:01:16

1 Q. Every game? 10:01:16

2 A. Yes. 10:01:17

3 Q. Was that something that you were 10:01:23

4 required to do or that you chose to do? 10:01:25

5 A. Required to do it. 10:01:27

6 Q. The school asked you to make yourself 10:01:28

7 available to the press? 10:01:31

8 A. Yes. 10:01:32

9 Q. Did you ever have any objection to 10:01:33

10 making yourself available to the press? 10:01:34

11 A. Sometimes, yes. 10:01:37

12 Q. If you were -- didn't feel like 10:01:39

13 talking in that particular situation? 10:01:41

14 A. Yeah, and just getting burned with 10:01:42

15 stories that they twist your words, so I just 10:01:44

16 felt like I didn't want to talk after a while. 10:01:48

17 Q. Were there any particular instances 10:01:50

18 you have in mind where you felt like the press 10:01:52

19 misrepresented what you had said? 10:01:54

20 A. Not really. I don't really remember 10:01:57

21 now, but I just remember being a little bitter 10:02:00

22 from not -- you know, not wanting to talk to 10:02:03

23 certain reporters, certain ones that I knew 10:02:07

24 would twist your words. 10:02:09

25 Q. Do you know if your picture, either 10:02:12

1 any kind of a portrait or like just a picture 10:02:15  
2 of a game that you appeared in, did it ever 10:02:18  
3 appear in the press while you were at 10:02:21  
4 Michigan? 10:02:23  
5 A. Yes. 10:02:23  
6 Q. Was that something that happened 10:02:24  
7 regularly? 10:02:25  
8 A. Yes. 10:02:25  
9 Q. Did you have any objection to that? 10:02:26  
10 A. No. 10:02:27  
11 Q. Were you ever paid for that? 10:02:28  
12 A. No. 10:02:34  
13 Q. Did you ever ask anyone to pay you for 10:02:36  
14 that? 10:02:42  
15 A. During that time? 10:02:42  
16 Q. Uh-huh. 10:02:43  
17 A. No. 10:02:45  
18 Q. While you were at Michigan, did the 10:02:45  
19 athletic department have someone take like a 10:02:50  
20 team photo and then maybe an individual photo 10:02:53  
21 of you in your uniform? 10:02:56  
22 A. Yes. 10:02:57  
23 Q. Did that get printed in game manuals 10:02:58  
24 and other kind of university materials like 10:03:00  
25 that? 10:03:02

1 A. Yes. 10:03:02

2 Q. Did you sign any paperwork associated 10:03:03

3 with that that you can recall? 10:03:06

4 A. I don't remember. 10:03:07

5 Q. Did you have a problem with the 10:03:07

6 university doing that? 10:03:10

7 A. No. 10:03:10

8 MR. KING: Could we take a break 10:03:14

9 fairly soon? It's been about an hour. 10:03:17

10 MR. WIERENGA: Sure. And I should 10:03:19

11 have said, if you need a break, please let me 10:03:20

12 know because you're the most important person 10:03:22

13 in the room. 10:03:24

14 BY MR. WIERENGA: 10:03:29

15 Q. And do you know the game programs that 10:03:29

16 your picture appeared in, Michigan would sell 10:03:32

17 those to people in the stadium, right? 10:03:34

18 A. Yes. 10:03:38

19 Q. Did you have a problem with Michigan 10:03:40

20 selling this magazine that had your picture in 10:03:41

21 it without paying you? 10:03:44

22 A. At the time, no. 10:03:45

23 Q. Do you now? 10:03:46

24 A. They are still selling them, yes. 10:03:48

25 Q. Do you have a problem today with what 10:03:52

1 A. Just during the season. 10:22:44

2 Q. Did you live at the -- you lived in 10:22:46

3 the dorms at Michigan for awhile, right, but 10:22:50

4 not your whole time there? 10:22:53

5 A. Just one year, just freshman year. 10:22:54

6 Q. Where did you live after freshman 10:22:56

7 year? 10:22:58

8 A. Just different apartments that were in 10:22:58

9 Ann Arbor. 10:23:03

10 Q. And did the school pick up your rent 10:23:04

11 at those apartments? 10:23:06

12 A. No. I mean, they paid me -- 10:23:07

13 Q. They paid you -- 10:23:09

14 A. -- an allowance to get an apartment, 10:23:11

15 yes. 10:23:12

16 Q. Did you receive any tutoring or 10:23:17

17 academic support while you were at Michigan? 10:23:21

18 A. Yes. 10:23:23

19 Q. How did that work? 10:23:24

20 A. If I needed a tutor, I would ask the 10:23:27

21 counselor, I need a tutor for this, and they 10:23:31

22 would set it up and that tutor would call me 10:23:35

23 and we would meet up. And I didn't have to 10:23:38

24 pay for it. 10:23:41

25 Q. What was your major? 10:23:43

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1 Q. Did you ask them to? 10:24:48  
2 A. No. 10:24:48  
3 Q. When did you -- when did you decide to 10:24:49  
4 declare for the NBA draft? 10:24:54  
5 A. When you're a senior, I don't think 10:24:57  
6 it's -- you don't have an option, really. 10:25:00  
7 Q. Well, you could have -- 10:25:03  
8 A. I could have opted out of it, I guess. 10:25:06  
9 Q. Did you ever consider, you know, maybe 10:25:07  
10 going into the NBA draft before you had 10:25:10  
11 completed your eligibility to play at 10:25:12  
12 Michigan? 10:25:14  
13 A. No. 10:25:14  
14 Q. Why not? 10:25:15  
15 A. Just because of the situation, I 10:25:15  
16 didn't -- I was coming off the bench my junior 10:25:18  
17 year, so I felt what's the point. 10:25:23  
18 Q. You were concerned you wouldn't be 10:25:25  
19 drafted or wouldn't be drafted very highly? 10:25:27  
20 A. Exactly, so I just finished up my 10:25:29  
21 degree. 10:25:32  
22 Q. And it was more important for to you 10:25:32  
23 finish up and get your degree than maybe be 10:25:35  
24 drafted? 10:25:39  
25 A. Yes. 10:25:39

1 your picture? 10:34:26

2 A. No. 10:34:27

3 Q. You don't know if you signed that 10:34:28

4 piece of paper or not? 10:34:29

5 A. I don't know. 10:34:30

6 Q. Has anyone at Michigan talked to you 10:34:31

7 since graduation and said hey, you can't do 10:34:35

8 something because you signed away your rights 10:34:39

9 to the University of Michigan? 10:34:41

10 A. No. 10:34:43

11 Q. And no one from the NCAA has 10:34:44

12 approached you at any point and said hey, you 10:34:50

13 can't do something because you signed away 10:34:52

14 your rights to the NCAA, correct? 10:34:54

15 A. That's correct. I guess if I was 10:34:56

16 selling the games, if I was trying to sell 10:35:01

17 them to a local station they would probably 10:35:03

18 stop it. 10:35:05

19 Q. What makes you say that? 10:35:05

20 A. I mean, because I don't think they 10:35:07

21 would give me the authorization to sell the 10:35:09

22 games. 10:35:12

23 Q. Have you ever approached Michigan? 10:35:13

24 Let's start with Michigan first. Have you 10:35:16

25 ever approached Michigan and asked for 10:35:18

1 permission to sell some footage that they 10:35:21  
2 owned of you playing basketball? 10:35:25  
3 A. No. 10:35:26  
4 Q. Have you ever approached the big ten 10:35:27  
5 conference about potentially using some 10:35:28  
6 footage that they have of you playing 10:35:30  
7 basketball? 10:35:32  
8 A. No. 10:35:33  
9 Q. Have you ever approached the NCAA 10:35:34  
10 about using some footage that they may have of 10:35:37  
11 you playing basketball? 10:35:40  
12 A. No. 10:35:44  
13 Q. Has anyone from -- you understand that 10:35:44  
14 CLC, who I'm pointing at Mr. Boyle because 10:35:46  
15 he's their lawyer, that they are a defendant 10:35:49  
16 in this lawsuit as well? 10:35:51  
17 A. Yes, I understand, yeah. 10:35:52  
18 Q. Has anyone from CLC ever come to you 10:35:55  
19 and said hey, Mr. Riley, you can't do 10:35:58  
20 something because you signed away your rights 10:36:00  
21 to Michigan or the NCAA or CLC or anyone like 10:36:02  
22 that? 10:36:05  
23 A. No. 10:36:05  
24 Q. Have you -- well, so we've talked 10:36:06  
25 about Mr. Calip, Mr. Mills, Mr. King are three 10:36:26

1 have a certain player, and maybe not give them 11:19:09  
2 the money while he's in college but once he 11:19:13  
3 graduates he can get the money out of his 11:19:16  
4 trust, then yes. 11:19:19

5 Q. Why do you think Nike shouldn't be 11:19:20  
6 allowed to give them the money while they are 11:19:21  
7 in college? 11:19:23

8 A. Just because of the -- they are in 11:19:24  
9 school, you know, like that would probably 11:19:29  
10 distract from them wanting to stay in school 11:19:31  
11 and do their work. 11:19:34

12 Q. You think it's important in general 11:19:36  
13 that college athletes approach what they are 11:19:37  
14 doing as being both students and athletes? 11:19:40

15 A. Yeah, I feel a certain amount of money 11:19:43  
16 up to a certain point might distract from 11:19:47  
17 that, but I mean, I think four or five 11:19:50  
18 thousand, ten thousand a year wouldn't 11:19:53  
19 distract that. But if you got two or three 11:19:55  
20 hundred thousand a year that might distract 11:19:58  
21 them from wanting to stay in school. And 11:20:00  
22 that's just my personal opinion. 11:20:03

23 MR. WIERENGA: Let's take a break 11:20:04  
24 he needs to change the tape. 11:20:06

25 THE VIDEOGRAPHER: This is the end 11:20:08

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1 came out, they just had different versions of 11:50:17  
2 it. 11:50:20  
3 Q. Do you think this is Upper Deck, this 11:50:22  
4 card? 11:50:24  
5 A. No, I have no clue, I thought -- I 11:50:24  
6 just assumed that, I never researched it, each 11:50:26  
7 different card. 11:50:29  
8 Q. Do you know when this -- when this 11:50:30  
9 card hit the market -- you know, was 11:50:32  
10 introduced? 11:50:33  
11 A. It says 1993 on the card. 11:50:35  
12 Q. Does it? 11:50:38  
13 A. Yeah. 11:50:39  
14 Q. Oh, yeah, you're right, it does. 11:50:40  
15 Okay. 11:50:42  
16 A. On the second one right here, I don't 11:50:42  
17 know what it is. 11:50:44  
18 Q. Oh, yes, you're right. 11:50:45  
19 A. I don't know. 11:50:48  
20 Q. Okay. So do you think this is another 11:50:48  
21 rookie card? 11:50:51  
22 A. I guess, yeah. 11:50:54  
23 Q. On the second page, is that your 11:50:57  
24 autograph? 11:51:02  
25 A. Yes, it is. 11:51:02

1 Q. Have you ever been paid to autograph 11:51:04

2 cards? 11:51:07

3 A. Yes, yes. 11:51:08

4 Q. Tell me what you recall about being 11:51:11

5 paid to autograph cards. 11:51:12

6 A. It was more of a convention, I've been 11:51:15

7 in maybe two conventions and I would sit at a 11:51:19

8 table and sign whatever is in front of me. 11:51:22

9 Q. And when -- when did you attend those 11:51:26

10 conventions? 11:51:29

11 A. I did one in L.A. when I was playing 11:51:30

12 for the Clippers, and I did another one in the 11:51:32

13 summertime in Houston and I think it was after 11:51:36

14 I played with the Rockets -- 11:51:41

15 Q. Were you paid -- I'm sorry, were you 11:51:47

16 paid to attend those conventions? 11:51:49

17 A. Yes. 11:51:50

18 Q. By the convention organizer? 11:51:52

19 A. Yes, by the person who set it up, yes. 11:51:55

20 Q. Do you remember how much you were 11:51:57

21 paid? 11:51:58

22 A. I think it was about 2,000, around 11:51:58

23 2,000 for each one, yeah. 11:52:03

24 Q. And at those conventions, would you 11:52:04

25 sometimes be asked to sign Michigan 11:52:06

1	memorabilia?	11:52:09
2	A. Yes.	11:52:09
3	Q. Did that happen often?	11:52:10
4	A. Yes.	11:52:11
5	Q. Did it happen more often than you	11:52:13
6	would be asked to sign Clipper memorabilia or	11:52:14
7	Rockets memorabilia?	11:52:17
8	A. Yes, yes. Well, maybe in Houston, it	11:52:19
9	was more the Rockets because we did win a	11:52:29
10	championship there, but L.A. was more	11:52:31
11	Michigan.	11:52:34
12	Q. And the NCAA didn't try to interfere	11:52:36
13	with you being paid to sign Michigan	11:52:39
14	memorabilia, did it?	11:52:41
15	A. No.	11:52:43
16	(Exhibit Number 127	11:53:04
17	marked for identification).	11:53:06
18	BY MR. WIERENGA:	11:53:06
19	Q. Sir, I've handed you what what's been	11:53:22
20	marked as Exhibit 127. Is this a copy of your	11:53:25
21	resume?	11:53:25
22	A. Yes.	11:53:25
23	Q. Did you prepare this?	11:53:27
24	A. Yes, I did.	11:53:28
25	Q. Is it -- is it accurate?	11:53:28

1 record for two minutes to make -- make sure 01:47:35  
2 I'm done before I say I'm done. 01:47:37  
3 THE VIDEOGRAPHER: The time is 01:47:39  
4 1:47 p.m. We're now off the record. 01:47:41  
5 (Brief recess). 01:47:43  
6 THE VIDEOGRAPHER: The time is 01:49:08  
7 1:49 p.m. We're back on the record. 01:49:10  
8 BY MR. WIERENGA: 01:49:10  
9 Q. Okay. Sir, are you aware of any 01:49:13  
10 instance in which you, after leaving Michigan, 01:49:15  
11 have attempted to sell or license your picture 01:49:17  
12 or your likeness of you playing basketball at 01:49:21  
13 Michigan and the NCAA has stopped you or 01:49:24  
14 attempted to stop you from doing that? 01:49:27  
15 MR. BOARDMAN: Objection to form. 01:49:28  
16 THE WITNESS: No. 01:49:31  
17 MR. WIERENGA: Nothing further. 01:49:32  
18 (Off-the-record discussion). 01:49:41  
19 EXAMINATION 01:50:01  
20 BY MR. BOYLE: 01:50:01  
21 Q. Good afternoon, Mr. Riley. My name is 01:50:01  
22 Peter Boyle. I represent the Collegiate 01:50:05  
23 Licensing Company, also known as CLC. 01:50:08  
24 A. Okay. 01:50:08  
25 Q. Hopefully we can go through some 01:50:10

1 sites particularly. I haven't seen your name 01:53:27  
2 under the sites. 01:53:31  
3 Q. Okay. Other than those articles, is 01:53:32  
4 there anything else that leads you to believe 01:53:36  
5 that CLC had some role in selling NCAA 01:53:38  
6 broadcast rights? 01:53:41  
7 A. I have no -- no -- 01:53:42  
8 MR. BOARDMAN: Objection, form. 01:53:44  
9 THE WITNESS: I have no other 01:53:45  
10 evidence that you guys -- 01:53:48  
11 BY MR. BOYLE: 01:53:53  
12 Q. Can you identify any instance in which 01:53:53  
13 CLC sold the rights to use your name and 01:53:56  
14 likeness? 01:53:59  
15 A. No. 01:53:59  
16 Q. You testified before that there were 01:54:00  
17 some trading cards of you in your Michigan 01:54:08  
18 uniform, correct? 01:54:10  
19 A. Yes. 01:54:11  
20 Q. And you authorized Upper Deck at least 01:54:11  
21 to make some of those cards, right? 01:54:14  
22 A. Yes. 01:54:16  
23 Q. And you got paid for that, right? 01:54:17  
24 A. Yes. 01:54:18  
25 Q. So you have in the past licensed other 01:54:19

1 companies to use your college image for a 01:54:23  
2 commercial product, right? 01:54:26  
3 MR. BOARDMAN: Objection, form. 01:54:27  
4 THE WITNESS: Yes. 01:54:28  
5 BY MR. BOYLE: 01:54:28  
6 Q. And none of the defendants here 01:54:32  
7 prevented you from doing that, correct? 01:54:33  
8 MR. BOARDMAN: Objection, form. 01:54:36  
9 THE WITNESS: No. 01:54:37  
10 BY MR. BOYLE: 01:54:37  
11 Q. CLC didn't prevent you from doing 01:54:39  
12 that, right? 01:54:41  
13 A. Right. 01:54:41  
14 Q. CLC didn't prevent you from receiving 01:54:42  
15 compensation for licensing your rights to 01:54:44  
16 Upper Deck, right? 01:54:46  
17 A. No, they didn't with Upper Deck. 01:54:47  
18 Q. Did CLC have any role in determining 01:54:49  
19 how much you got paid for that? 01:54:52  
20 A. No. 01:54:54  
21 Q. Since leaving Michigan, what steps 01:55:04  
22 have you taken to try to sell the rights to 01:55:09  
23 your name and likeness? 01:55:12  
24 A. If I'm hiring an agent, then the 01:55:19  
25 agent -- his best of his knowledge and his 01:55:24

1 abilities, he pretty much made calls on my 01:55:26

2 behalf or trying to sell my likeness. 01:55:30

3 Q. Are there any instances that we 01:55:33

4 haven't discussed yet where your agent went 01:55:35

5 out and actually sold the rights to your name 01:55:38

6 and likeness and you got paid for that? 01:55:41

7 A. Other than what we discussed? 01:55:44

8 Q. Yes. 01:55:46

9 A. No. 01:55:46

10 Q. And if I remember correctly, the last 01:55:48

11 year in which you had an agent was 2002; is 01:55:52

12 that right? 01:55:55

13 A. Yes. 01:55:55

14 Q. So since 2002, have you done anything 01:55:57

15 to try to sell the rights to your name or 01:55:59

16 likeness? 01:56:02

17 A. I mean, other than starting my 01:56:04

18 foundation. 01:56:07

19 Q. Okay -- 01:56:07

20 A. I mean, that's -- that's sort of -- my 01:56:09

21 name's in the -- in the title of my 01:56:13

22 foundation. 01:56:16

23 Q. Okay. Other than your foundation, 01:56:16

24 since 2002, have you done anything to try to 01:56:18

25 sell the rights to your name and likeness? 01:56:20

1 THE VIDEOGRAPHER: The time is 02:07:39  
2 2:07. We're back on the record. And this is 02:07:53  
3 the end of tape number two in the deposition 02:07:55  
4 of Eric Riley. The time is 2:08 and we're now 02:07:57  
5 off the record. 02:08:02

6 (Brief recess). 02:08:04

7 THE VIDEOGRAPHER: This is the 02:18:41  
8 beginning of tape number three in the 02:18:48  
9 deposition of Eric Riley. The time is 2:18 02:18:50  
10 p.m. We're back on the record. 02:18:54

11 (Exhibit Number 134 02:18:59

12 marked for identification). 02:19:02

13 BY MR. BOYLE: 02:19:02

14 Q. Mr. Riley, I've just handed you a 02:19:03  
15 document that's been marked as Exhibit 134. 02:19:05  
16 Could you take a look -- it's a copy of a 02:19:09  
17 check made out to the High Rise Foundation and 02:19:12  
18 a series of e-mails. Could you please take a 02:19:15  
19 look at the document and let me know if you 02:19:18  
20 have seen this check before in the various 02:19:20  
21 e-mails? 02:19:23

22 A. Well, yes, I've seen the check. 02:19:24

23 Q. All right. And this check is a check 02:19:27  
24 purportedly made out to the High Rise 02:19:29  
25 Foundation in the amount of \$1,000 and the 02:19:32

402

1 check was made out by Hoops That Help; is that 02:19:34

2 correct? 02:19:38

3 A. Yes. 02:19:38

4 Q. What is Hoops That Help? 02:19:38

5 A. That's -- that's a nonprofit that 02:19:41

6 Sonny has. 02:19:47

7 Q. Sonny Vaccaro? 02:19:49

8 A. Sonny Vaccaro has and he donated -- he 02:19:53

9 donated money to my foundation. 02:19:58

10 Q. And this check was made on or about 02:19:59

11 July 29th, 2010? 02:20:01

12 A. Yeah. 02:20:03

13 Q. And you joined this suit, when, in 02:20:04

14 March of 2010? 02:20:08

15 A. About two years. It's been -- it was 02:20:12

16 long before that. It was definitely before 02:20:14

17 this check. Yeah. 02:20:17

18 Q. You joined the suit before Mr. and 02:20:18

19 Mrs. Vaccaro made a donation to your 02:20:22

20 foundation, right? 02:20:24

21 A. Oh, yeah. 02:20:24

22 Q. Okay. Did they donate to your 02:20:25

23 foundation because you joined this suit? 02:20:26

24 MR. BOARDMAN: Objection, form. 02:20:28

402

25 THE WITNESS: I'm not sure the 02:20:30

402

1 reason why they donated it. 02:20:31

2 BY MR. BOYLE: 02:20:33

3 Q. Did you ever ask them why? 02:20:33

4 A. No. I mean, we had e-mails going back 02:20:35

5 and forth, which this is them. Yeah. 02:20:41

6 Q. And compared to the other donations 02:20:44

7 that you had received up until that time, that 02:20:47

8 was by far the most significant donation you 02:20:52

9 ever received, right? 02:20:54

10 A. Yeah, besides the commitment from 02:20:55

11 Kellogg's Foundation which I didn't get -- I 02:20:59

12 mean, I didn't receive. 02:21:01

13 Q. How much is Kellogg's giving you? 02:21:01

14 A. Well, they were. They committed three 02:21:03

15 year, \$150,000 grant. But I didn't get it. 02:21:05

16 Q. You didn't get it? 02:21:09

17 A. No, I didn't get it. 02:21:15

18 Q. Mr. Wierenga was asking you about 02:21:17

19 collecting documents that were relevant to 02:21:20

20 this case. Do you remember that? 02:21:22

21 A. Yeah. 02:21:23

22 Q. Did you look through e-mails -- well, 02:21:24

23 strike that. 02:21:27

24 Do you have an e-mail account? 02:21:28

25 A. Yeah. 02:21:29

1 A. No. 02:27:21

2 Q. You mentioned that maybe somebody had 02:27:21

3 told you that you were in a college basketball 02:27:29

4 game; is that right? 02:27:31

5 A. Yes. 02:27:32

6 Q. Do you know which college basketball 02:27:33

7 game you were told you were in? 02:27:35

8 A. No. I don't know the names of them. 02:27:36

9 Q. Well, who told you that you were in a 02:27:39

10 college basketball game? 02:27:41

11 A. Well, it wasn't more of just one 02:27:43

12 person, it's was just multiple -- you know, if 02:27:46

13 I'm at a camp speaking or I'm somewhere, a kid 02:27:49

14 would say I played with you in this game. And 02:27:53

15 I would just take a mental note, okay, well -- 02:27:56

16 okay. 02:27:58

17 Q. And which game did kids tell you that 02:27:58

18 they played with you in? 02:28:02

19 A. Never knew the name, never remembered 02:28:04

20 the name. They just said the college game, 02:28:06

21 games with March Madness. I'm not sure -- I 02:28:11

22 don't even know the name of the college games. 02:28:13

23 Q. Have you ever actually seen yourself, 02:28:15

24 either yourself or an avatar of yourself in 02:28:18

25 any EA sports college game? 02:28:20

1 MR. ARAGON: Form. 02:28:24

2 THE WITNESS: No. 02:28:24

3 BY MR. BHANSALI: 02:28:24

4 Q. So you don't actually know if you 02:28:25

5 appear in any EA college sports game? 02:28:26

6 MR. ARAGON: Form. 02:28:30

7 THE WITNESS: I don't know for 02:28:31

8 sure. No, I haven't seen it for sure. 02:28:32

9 BY MR. BHANSALI: 02:28:34

10 Q. When was the first time that you think 02:28:35

11 you heard that somebody at a camp or anywhere 02:28:36

12 else tell you that they played you in a 02:28:42

13 college basketball game? 02:28:44

14 MR. BOARDMAN: Object to form. 02:28:45

15 THE WITNESS: I would say the 02:28:48

16 first time, I can't remember the exact dates 02:28:49

17 but it's probably about six, seven years after 02:28:52

18 college. 02:28:57

19 BY MR. BHANSALI: 02:28:57

20 Q. Six or seven years after you 02:28:57

21 graduated? 02:28:59

22 A. Yes. 02:28:59

23 Q. So around 1999 timeframe? 02:28:59

24 A. Yes, around there, yeah, '99, 2000. 02:29:01

25 Q. And then you recall people telling you 02:29:05

1 MR. BOARDMAN: Object to form. 02:33:02  
2 THE WITNESS: Well, yes, if 02:33:03  
3 it's -- it should be an option, yes. 02:33:04  
4 BY MR. BHANSALI: 02:33:06  
5 Q. Jordan's interests would be better 02:33:10  
6 served by doing his own deal? 02:33:12  
7 MR. BOARDMAN: Object to form. 02:33:14  
8 THE WITNESS: It probably would be 02:33:16  
9 but I'm not sure, you know, what he can get, 02:33:19  
10 but I can imagine it would be more than 50,000 02:33:22  
11 a year. 02:33:25  
12 BY MR. BHANSALI: 02:33:27  
13 Q. Yeah. Now, if you've never played an 02:33:28  
14 EA game, you're not aware of EA ever using 02:33:35  
15 your name, image or likeness in any of its 02:33:37  
16 games, right? 02:33:42  
17 MR. BOARDMAN: Object to form. 02:33:42  
18 THE WITNESS: Well, other than 02:33:43  
19 kids secondhand telling me they played me, no. 02:33:45  
20 BY MR. BHANSALI: 02:33:48  
21 Q. Well, do they actually mention EA 02:33:48  
22 games or do they just say they played you in 02:33:50  
23 some -- some game? 02:33:52  
24 MR. BOARDMAN: Object to form. 02:33:53  
25 THE WITNESS: Probably not EA but 02:33:54

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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.

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My Commission Expires  
January 20th, 2015.