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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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In Re: NCAA Student-Athlete :
Name and Likeness Licensing :
Litigation. :
:
:
Case No. :
09-cv-1967-CW :
:
:

* MAY CONTAIN CONFIDENTIAL INFORMATION *

Deposition of: OSCAR PALMER ROBERTSON
Taken: By the Defendants
Pursuant to Notice
Date: July 26, 2012
Time: Commencing at 9:02 a.m.
Place: Waite, Schneider, Bayless
& Chesley Co., L.P.A.
1513 Fourth & Vine Tower
One West Fourth Street
Cincinnati, Ohio 45202
Before: Susan M. Gee, RMR, CRR
and
Bruce L. Sandy, Videographer
Notaries Public - State of Ohio

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

1 done this at the outset. Could you please state your
2 full name for the record?

3 A. Oscar Palmer Robertson.

4 Q. What's your current address?

5 A. 621 Tusculum Avenue, Cincinnati, Ohio.

6 MR. KING: And let me note we're going to
7 mark this deposition as confidential until we
8 further review it, all of it, please.

9 BY MR. BOYLE:

10 Q. And that address, that's your current
11 residence?

12 A. Yes.

13 Q. How long have you lived there?

14 A. Since 1976 or '7.

15 Q. And before then, where was your
16 residence? Was it in Cincinnati?

17 A. It was in Milwaukee, Wisconsin.

18 Q. How long did you live in Milwaukee?

19 A. Six or seven years. Six years, I
20 believe.

21 Q. So that would take us back to about 1970,
22 roughly?

23 A. Yes.

24 Q. Did you have one address in Milwaukee or
25 did you have multiple addresses?

1 team?

2 A. Three years.

3 Q. And after high school, you attended the
4 University of Cincinnati, correct?

5 A. Yes.

6 Q. And you played basketball for four years
7 at Cincinnati?

8 A. Three varsity, one freshman.

9 Q. Back then, freshman couldn't play
10 varsity, could they?

11 A. That's correct.

12 MR. KING: Pete, one moment. I'm sorry.
13 I heard a beep. Did someone just join on the
14 call? Okay. I'm sorry.

15 MR. BOYLE: That's okay.

16 BY MR. BOYLE:

17 Q. Did you get a scholarship to the
18 University of Cincinnati?

19 A. Yes.

20 Q. Four-year scholarship?

21 A. Yes.

22 Q. I take it Cincinnati recruited you out of
23 high school?

24 A. I'm sure they did.

25 Q. They approached you, they talked to you

1 the university.

2 Q. Did you go on any recruiting visits to
3 any other schools?

4 A. I went to Purdue, because some of the
5 players on the team that I played with when I was a
6 junior went to school there. My coach took me down to
7 Indiana to see a basketball game, and I went up to, I
8 think it was, Michigan State.

9 Q. Why did you decide to attend Cincinnati
10 over other schools?

11 A. I wanted to get a degree in business.

12 Q. Other schools had business degrees, so
13 what was it about Cincinnati that made you pick
14 Cincinnati over Purdue or Michigan State?

15 A. Oh, I don't know now. Who knows?

16 Q. Was it your decision? Was it your
17 parents' decision?

18 A. A combination.

19 Q. After leaving college, you went to play
20 in the NBA, correct?

21 A. Not right away.

22 Q. What did you do between college and your
23 NBA career?

24 A. Went to the Olympics.

25 Q. But that wasn't a, that wasn't a job, was

1 it?

2 A. The Olympics?

3 Q. Yeah.

4 A. Of course, not.

5 Q. You were an amateur, right?

6 A. Yes.

7 Q. You won a gold medal?

8 A. Yes, we did.

9 Q. Congratulations.

10 And that was, that was the summer right
11 after you graduated from college, correct?

12 A. Yes.

13 Q. When did you start playing for an NBA
14 team?

15 A. The fall of 1960.

16 Q. And you played for the Cincinnati Royals
17 at first?

18 A. Yes, I did.

19 Q. And you played for the Royals for 10
20 seasons, approximately?

21 A. Yes, I did.

22 Q. And then you played for the Milwaukee
23 Bucks, correct?

24 A. Yes.

25 Q. And how long did you play for the Bucks?

1 Q. Does Media Ventures have any
2 responsibility for licensing your name or a likeness?

3 A. Do they have any responsibility for
4 licensing my name?

5 Q. Yes.

6 A. I have no idea.

7 Q. You don't know if Oscar Robertson Media
8 Ventures goes out and solicits offers?

9 A. They do not.

10 Q. You have licensed your name and likeness
11 in the past, correct?

12 A. Yes.

13 Q. And have any of those arrangements been
14 done through Oscar Robertson Media Ventures?

15 A. Oh, no.

16 Q. And on those occasions when you've
17 licensed your name and likeness, who's handled those
18 arrangements? Have you done it personally?

19 A. My attorney.

20 Q. Who's your attorney?

21 A. Right now, it's Terry Coates.

22 Q. Does Mr. Coates handle licensing for you?

23 A. Yes.

24 Q. How long has Mr. Coates handled licensing
25 of your name and likeness?

1 Q. Has Mr. Brown represented you within the
2 last 10 years in connection with the licensing of your
3 name and likeness?

4 A. There have been two Mr. Browns. One is
5 J. W. Brown. Now, Robert Brown is the person you're
6 asking about now and within the last 10 years, and he
7 doesn't represent me anymore.

8 Q. Has Robert Brown represented you in the
9 last 10 years in connection with the licensing your name
10 and likeness?

11 A. Yes.

12 Q. Who's J. W. Brown?

13 A. His father.

14 Q. When did Robert Brown start representing
15 you?

16 A. When his father passed away.

17 Q. When was that?

18 A. I don't know the exact time.

19 Q. In the '80s?

20 A. I don't know the exact time. I don't
21 know. It may have been.

22 Q. And you mentioned a Bill Mathis?

23 A. Yes.

24 Q. When did he represent you?

25 A. He just represented me on an isolated

1 Q. That may be one instance, yes. Do you
2 recall doing any other deals to lend your name to either
3 apparel, anything like that?

4 A. No, I do not recall ever giving my name
5 to any, any apparel company.

6 Q. Do you recall ever licensing your name or
7 likeness for use in any videos or television shows or
8 anything like that?

9 A. You'd have to explain yourself a little
10 further, because I've done commercials in the past, if
11 that's what you're speaking about.

12 Q. That would be, that could be one
13 instance. What commercials have you done?

14 A. I don't know. It's been a long time ago.

15 Q. Have you done a lot of commercials?

16 A. I've done a few.

17 Q. For what products?

18 A. I don't know what they are now.

19 Breakfast things, fishing shows.

20 Q. And you were paid for appearing in these
21 commercials?

22 A. Of course.

23 Q. Have you done any commercials in the last
24 10 years?

25 A. No.

1 document marked 497. It bears Bates number CLC0174486
2 through 510 -- I should correct that. 511.

3 MR. WIERENGA: This is Exhibit 498,
4 right?

5 MR. BOYLE: Was it 498?

6 MR. KING: That's what I show.

7 MR. BOYLE: You're right. 498. Sorry.

8 BY MR. BOYLE:

9 Q. You've been handed Exhibit 498, which has
10 been marked CLC0174486 through 511. This is a series of
11 documents. I'd like to direct your attention to the
12 document at CLC0174501 through 505. If you could tell
13 me when you're at the CLC0174501, I'd appreciate it.

14 A. Is that a page or something?

15 Q. Yes, the Bates number here down in the
16 lower right-hand corner.

17 MR. KING: 501 at the end.

18 MR. BOYLE: 501.

19 MR. KING: And this long number here.

20 A. Yes.

21 BY MR. BOYLE:

22 Q. There's a letter at CLC0174501 from a
23 Robert Brown to David P. Ward. Did you ever receive a
24 copy of this letter? You're cc'd on it.

25 A. 4501 you're asking me about?

1 out of our files. The CLC is an indication that we
2 produced this to the plaintiffs. I'd like you to focus
3 on the Bates numbers ending in 502 through 505.

4 A. Go right ahead.

5 Q. Okay. The title of this document is
6 "29/34 Vintage Sportswear, Inc. Player Contract with
7 Oscar Robertson to Use Oscar Robertson's Name and
8 Likeness." Do you see that?

9 A. Yes, I do.

10 Q. Okay. If you turn to the last page,
11 which is a signature page ending in Bates 505, there's a
12 signature for Oscar Robertson there. Could you please
13 take a look at that and let me know if that's your
14 signature?

15 A. It looks like it.

16 Q. Do you have any reason to doubt that this
17 isn't your signature?

18 A. I have no reason to doubt it.

19 Q. Do you recall entering into a licensing
20 arrangement with 29/34 Vintage Sportswear?

21 A. Faintly, but I don't recall. Faintly, I
22 do.

23 Q. If you go to the first page of the
24 agreement, Bates number 502, under Section 1, "Purpose,"
25 do you see that?

1 A. Yes.

2 Q. All right. This reads, "The purpose of
3 this contract is to memorialize an agreement which shall
4 allow 29/34 VSI to utilize the players' name on replicas
5 of players' collegiate jerseys, which shall be
6 manufactured, sold and/or distributed by 29/34 VSI." Do
7 you see that?

8 A. Yes, I do.

9 Q. Is it your understanding you entered into
10 an agreement with 29/34 VSI to sell a replica University
11 of Cincinnati Oscar Robertson jersey?

12 A. A replica Cincinnati?

13 Q. University of Cincinnati.

14 A. I don't see where it says "University of
15 Cincinnati" on here.

16 Q. It says "collegiate jersey," correct,
17 sir?

18 A. "Collegiate jerseys," yes.

19 Q. Okay. Did you play for any other college
20 other than the University of Cincinnati?

21 A. No, I didn't. I did not. Not that I
22 know of.

23 Q. So is it your understanding, sir, that
24 you authorized 29/34 to make a replica collegiate jersey
25 bearing Oscar Robertson's name?

1 A. Evidently, I did.

2 Q. Did Mr. Brown represent you in connection
3 with this deal?

4 A. Yes, he did.

5 Q. Did he handle the negotiations of the
6 deal?

7 A. Yes, he did.

8 Q. Did he receive the payments on your
9 behalf made under this contract?

10 A. I never got any payments from this.

11 Q. How do you know that?

12 A. How do I know that? If you ask me that
13 question and I tell you I never got any payments, then
14 why are we here for this deposition? I swore to tell
15 you the truth about this thing, if I can recall it.

16 Q. I just want to know how you can be sure
17 you didn't get paid.

18 A. I told you I didn't get any pay for this
19 at all, and you questioned that.

20 Q. I'm not questioning it. I just want to
21 know how you can be sure.

22 MR. KING: Okay. I think it's been asked
23 and answered. Objection.

24 BY MR. BOYLE:

25 Q. The question is standing. How can you be

1 understanding of that. I think he wants you to
2 read that paragraph.

3 A. I already read it. Other than what I see
4 here, no, I don't have any recall of it. But if this
5 was signed by Robert Brown, I'm sure that I did it.

6 BY MR. BOYLE:

7 Q. It was signed by you.

8 A. Yeah, but --

9 Q. Correct?

10 A. Yeah, that's true.

11 Q. You obviously feel that you're free to
12 license your name and likeness, correct?

13 MR. KING: Objection to form.

14 A. Do I feel I'm free to do that?

15 BY MR. BOYLE:

16 Q. Yeah.

17 MR. KING: Objection to form.

18 BY MR. BOYLE:

19 Q. You can go out and do that, right? You
20 can go sell the rights to your name and likeness to
21 others, right, and you've done that?

22 MR. KING: Objection to form.

23 A. Yes, I have done that.

24 BY MR. BOYLE:

25 Q. And you've done it quite a bit, correct?

1 MR. KING: Objection to form.

2 A. Oh, no. Of course not.

3 BY MR. WIERENGA:

4 Q. And you never signed such a form while
5 you were at Cincinnati; is that right?

6 A. No. No, I did not.

7 Q. Are you -- do you recall -- let me break
8 this down. Do you recall the University of Cincinnati
9 at any time, while you were still in school there,
10 asking you to sign a release giving them permission to
11 use your name, image or likeness?

12 A. Of course not.

13 Q. Do you recall the University of
14 Cincinnati asking you, after you graduated, to sign a
15 release giving them permission to use your name, image
16 or likeness?

17 A. No, I do not recall that at all.

18 Q. Cincinnati, there's a statue of you on
19 the University of Cincinnati campus, correct?

20 A. Yes.

21 Q. And was there a media event associated
22 with the unveiling of that statue?

23 A. Yes.

24 Q. And was that covered by press and news,
25 news stations?

1 A. Yes, it was.

2 Q. Do you recall if anyone asked you to sign
3 any kind of release form associated with the statue or
4 the unveiling ceremony or anything else?

5 A. From the university?

6 Q. Yeah.

7 A. No.

8 Q. From any other entity, like one of the
9 news stations?

10 A. No. Why would a news -- no, no, no.
11 Nobody.

12 Q. Do you recall in any -- well, outside of
13 the NBA and the NBA Retired Players Association,
14 whatever you may have signed for them -- I don't want to
15 suggest you've signed anything. I just want to set them
16 aside. Do you recall anyone asking you to sign a
17 release for use of your name, image or likeness?

18 A. No.

19 MR. KING: Objection to form.

20 A. No, I do not recall anyone at all.

21 BY MR. WIERENGA:

22 Q. When you were playing at the University
23 of Cincinnati, were your regular season games televised?

24 A. They may have been, but I don't recall.

25 Q. Was there newspaper coverage of your

1 distinguish between someone with a movie camera, someone
2 with a photo camera.

3 A. I was not aware of that, that there were
4 professional people taking photographs, if that's what
5 you're asking me. I was not aware of that at all.

6 Q. You weren't aware that people were taking
7 photographs of the game?

8 A. No, I was not aware. If you're asking me
9 was I aware of professional people taking photos, no, I
10 was not.

11 Q. Were you aware of newspapers taking
12 photographs?

13 A. Yes.

14 Q. Did you receive a -- well, let me ask it
15 this way: Tell me what you remember about the
16 scholarship you received while you were at Cincinnati.
17 What costs did it cover?

18 A. Room, tuition, board.

19 Q. It was a full scholarship all four years?

20 A. If you kept your grades up.

21 Q. Did you keep your grades up?

22 A. Yes, I did.

23 Q. And you graduated with a business degree
24 in four years?

25 A. Yes. That's correct.

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

2 State of Ohio :
3 County of Hamilton : SS

4 I, Susan M. Gee, RMR, CRR, the undersigned, a
5 duly commissioned notary public within and for the State
6 of Ohio, do hereby certify that before the giving of his
7 aforesaid deposition, OSCAR PALMER ROBERTSON was by me
8 first duly sworn to depose the truth, the whole truth
9 and nothing but the truth; that the foregoing is the
10 deposition given at said time and place by OSCAR PALMER
11 ROBERTSON; that said deposition was taken in all
12 respects pursuant to stipulations of counsel; that I am
13 neither a relative of nor employee of any of their
14 parties or their counsel, and have no interest whatever
15 in the result of the action; that I am not, nor is the
16 court reporting firm with which I am affiliated under a
17 contract as defined in Civil Rule 28 (D).

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand and official seal of office at Cincinnati, Ohio, on
20 this _____ day of _____, 2012.

21

22

23 My commission expires: _____
24 September 20, 2015. Notary Public - State of Ohio

25