

EXHIBIT V

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4
5 In re NCAA Student-Athlete)
6 Name and Likeness Licensing) Case No. 09-cv-1967-CW
7 Litigation)

8 VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
9 OF
10 WILLIAM F. RUSSELL

11 * * MAY CONTAIN CONFIDENTIAL INFORMATION * *

12
13 1918 Eighth Avenue, Suite 3300
14 Seattle, Washington
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Designation Color Key
Blue = NCAA Affirm Desigs.
Orange = Pls' Counter Desigs.
Fuchsia = NCAA Rebuttal Desigs

22
23
24 DATE: FRIDAY, DECEMBER 7, 2012

25 REPORTED BY: DONALD W. MCKAY, RMR, CRR, CCR 3237

1 Q. As I said before we began a few moments ago, I'm
2 Greg Curtner, and I represent the National Collegiate
3 Athletic Association, and we're here to take your
4 testimony under oath. Do you understand that?

5 A. Yes.

6 Q. I'll ask you a series of questions. If you
7 don't understand a question or you don't hear it or you
8 think it doesn't make any sense, tell me and I'll try to
9 rephrase it. Is that fair?

10 A. (Witness nods head).

11 Q. You also have to answer verbally rather than
12 just shaking your head so that the court reporter can
13 get it down.

14 A. Oh, okay.

15 Q. And so that we've got a record of it, it's being
16 recorded on video and audio. Is that all okay?

17 A. Yes. That's okay.

18 Q. Okay. So would you state for the record, sir,
19 your full name.

20 A. William Felton Russell.

21 Q. Where do you live, Mr. Russell?

22 A. I live on Mercer Island in Washington.

23 Q. Here in the Seattle area?

24 A. Yes, sir.

25 Q. How long have you lived in the Seattle area?

<http://www.podstar.com/help>

1 A. Since 1973.

2 Q. It's my understanding that you played

3 professional basketball in Boston for a number of years

4 and coached there for a number of years. Right?

5 A. I played much longer than I coached.

6 Q. That's right. But did you live in the Boston

7 area when you played and worked at the Celtics?

8 A. Yes.

9 Q. When you were in high school, you lived in

10 Oakland, California. Is that right?

11 A. That's correct.

12 Q. And you played college basketball at the

13 University of San Francisco. Is that correct?

14 A. That's correct.

15 Q. Have you ever lived in Indiana?

16 A. No. I've never lived in Indiana.

17 Q. Before you moved to Oakland, California as a
18 teenager, you lived in Monroe, Louisiana. Is that
19 right?

20 A. No, that's not right. I moved long before I was
21 a teenager.

22 Q. I see. So you moved younger than that?

23 A. Yes.

24 Q. So you lived in Louisiana, California,
25 Massachusetts, and Washington. Is that right?

<http://www.podtrac.com>

1 A. First of all, an education.

2 Q. Okay. Let's take that one, and then we'll come
3 back and see if there are others.

4 You would agree with me, would you not, that
5 many college athletes do get an education.

6 A. I don't know. My experience is that most of
7 them don't.

8 MS. STEINER: I'm going to object to the use of
9 "college athletes," unless you mean "college athletes"
10 to mean men's Division I basketball and men's BCS -- BCS
11 football. He's not here to testify about lacrosse or
12 women's volleyball or anything else.

13 MR. CURTNER: Okay. But we had a go-around the
14 other day with the magistrate about speaking objections.
15 So I don't want to have that go-around again.

16 MS. STEINER: Well, I'm just telling you, I'm
17 going to object to every single one of your questions if
18 you use the word "college athlete" to mean something
19 other than that. So if you want to agree that that's
20 what that means, then it's going to go a lot faster,
21 because I'm not going to have to object every time.
22 That's all I'm saying.

23 MR. CURTNER: You can make all the proper
24 objections you want; but if you make speaking
25 objections, we're going to have a problem.

<http://www.podstar.com/ethp>

1 A. I don't remember.

2 Q. Did you ever discuss the subject with any other
3 former players who are involved in the case?

4 A. What's the kid's name from UCLA? I can't
5 remember his name.

6 MS. STEINER: The guy who is the class plaintiff
7 from UCLA?

8 BY MR. CURTNER:

9 Q. Ed O'Bannon?

10 A. Yes.

11 Q. I wouldn't call him a kid, but you and I are
12 both old enough that everybody is kids.

13 A. Right.

14 Q. Did you speak to Mr. O'Bannon?

15 A. Well, I ran into him -- I bought cars from the
16 dealership where he works. And somebody there -- not
17 him -- told me about that he was on this suit. I said,
18 "Good luck. I hope you win it."

19 Q. So you bought a car from the dealership in
20 Las Vegas where Mr. O'Bannon works?

21 A. Works, yeah.

22 Q. When did you last buy a car there?

23 A. Oh, it's a Toyota dealership. Okay? And I
24 drive a Lexus. So that must have been years ago.

25 Q. When you were in Boston, you used to have a

http://www.yeslaw.com/step

1 — Lamborghini. Right?

2 A. Yep.

3 Q. I read about that.

4 A. Fast cars.

5 Q. So this was more than three or four years ago?

6 A. Yes.

7 Q. Did you have a conversation with Mr. O'Bannon
8 about the lawsuit at that time?

9 A. No.

10 Q. Somebody else there mentioned it to you that he
11 was involved?

12 A. Yes.

13 Q. Was that how you first heard about it?

14 A. I'm not sure. You see, I get letters and phone
15 calls all the time about almost everything that goes on,
16 in and out of sports.

17 Q. Do you use e-mail, Mr. Russell?

18 A. Guys my age don't do that.

19 Q. Well, some do.

20 A. I think I do. Is e-mail and text different?

21 Q. Well, that's going to be my next question.

22 E-mail is what you do on a computer with --

23 A. I don't think -- I'm not really good with
24 computers.

25 Q. Okay. Do you use text on a telephone?

<http://www.podtrac.com>

1 such a form?

2 A. Well, from what I've heard, they do.

3 Q. But I'm asking for your personal knowledge.

4 A. Oh, no.

5 Q. You've got no knowledge one way or the other.

6 Is that right?

7 A. Nope.

8 Q. I take it, back when you played at USF, there
9 were no such forms.

10 A. (Witness shakes head).

11 Q. Is that correct?

12 A. That's correct.

13 Q. So you certainly have never signed any such
14 form. Correct?

15 A. Oh, no. Oh, no. If my name is going to be
16 used, I get paid.

17 Q. In fact, you've been quite successful over your
18 lifetime in getting paid for the use of your name,
19 image --

20 A. That's right.

21 Q. -- photograph and appearance. Right?

22 A. Yeah.

23 Q. Do you consider yourself to be employed,
24 Mr. Russell?

25 A. How about self-employed?

<http://www.podstar.com/help>

1 A. No.

2 Q. Did you talk to any other schools?

3 A. No.

4 Q. Did you think about going somewhere else to
5 play?

6 A. No.

7 Q. You were certainly aware of UCLA and other --
8 and Cal.

9 A. I was not -- aware basically of Cal, because
10 it's local.

11 Q. Right.

12 A. But the other schools, I -- that was a different
13 world.

14 Q. Was it important to you, in those days, to stay
15 close to home?

16 A. Not particularly.

17 Q. So is it accurate that you went to USF because
18 it was the only school that offered you a scholarship?

19 A. Yeah.

20 Q. Now, you had a terrific run while you were at
21 USF and went to the NCAA Finals two times and won it
22 both times. Right?

23 A. Right. Although my junior year, the team was
24 invited to vote on whether we went to the NIT or the
25 NCAA. Because the NIT was theoretically a bigger

<http://www.yeslaw.com/ethp>

1 film about the team, but I don't know if it went past
2 that.

3 Q. So you knew the university was making film of
4 the team and the games?

5 A. They were taking news reels, I guess, and
6 putting it into a film. See, because we won 55 straight
7 games.

8 Q. Once you started winning 55, a lot of games,
9 then you became more and more famous. Right?

10 A. Infamous.

11 Q. I wasn't going to say that.

12 A. Well, what you are missing here is that that was
13 a time when they were -- the press and the other schools
14 were not friendly to black players. So a lot of these
15 things that happened to me are anomalies. It's just
16 like -- they didn't happen to everybody.

17 Q. As you began to win more and more, they became
18 friendlier. Right?

19 A. No.

20 Q. You certainly were aware, when you played in
21 tournaments, that the tournaments were being covered by
22 the press. Right?

23 A. Yeah.

24 Q. And that there were photographers there.

25 A. I think so.

<http://www.secdatabase.com>

1 self-protection.

2 MR. CURTNER: Let's mark this as 652.

3 (Exhibit 652 marked for identification.)

4 BY MR. CURTNER:

5 Q. Exhibit 652, Mr. Russell, is an agreement
6 between Bill Russell and General Mills Marketing in 2006
7 for the period through January 31, 2008, which includes,
8 among other things, a special edition cereal box.

9 A. That's what this was.

10 Q. This is an agreement that you entered into?
11 This one is not signed. That's why I'm asking.

12 A. What is that?

13 Q. It is not signed, this copy of it.

14 A. I don't know, if it's not signed.

15 Q. But you do know that you agreed to appear on the
16 cover of the Wheaties box. Right?

17 A. Oh, yeah.

18 Q. And you did get paid for doing so.

19 A. Yes.

20 Q. And according to the first of these two
21 agreements, for the golf event, you got [REDACTED]; and for
22 the Wheaties box and autographing 100 of the special
23 edition package flats --

24 A. Yes.

25 Q. -- and a press conference, you got another

1 [REDACTED] Right?

2 A. I think so.

3 Q. How did you decide, when these commercial
4 opportunities would come along for you to rent your
5 name, image, likeness, and fame, how much to charge?

6 A. Well, it depends on what the company is. This
7 Wheaties box, I put them in touch with my lawyer.

8 Q. So did the lawyer negotiate the amount?

9 A. Yes.

10 Q. But I assume that eventually, somebody had to
11 check with you and you had to approve the amount.

12 Correct?

13 A. Yep.

14 Q. So my question was, how did you decide whether
15 it was 25 or 30 or 15?

16 A. Well, we tried to figure out what the traffic
17 would bear.

18 Q. Would it be accurate, sir, that over the years
19 since you retired from the NBA, that the value of your
20 name, image, likeness, what the traffic would bear, has
21 changed?

22 A. It goes up and down.

23 Q. Do you recall doing a one-year deal with Coors

24 Brewing about beer?

25 A. Yep.

<http://www.peta.com/help>

1 Q. Back in 2000?

2 A. Yep.

3 Q. For [REDACTED] ?

4 A. Yep.

5 Q. And then you've also done deals for as little as

6 [REDACTED]; isn't that right?

7 A. I try to forget those.

8 Q. Well, I'm sorry to remind you about it. But now
9 that I have, can we agree that it's accurate?

10 A. I don't know.

11 Q. Do you remember doing an appearance for CBS in
12 the Pontiac All-Time NCAA Men's Basketball Tournament
13 Team Promotion?

14 A. I don't recall that. I don't remember that.

15 (Exhibit 653 marked for identification.)

16 THE WITNESS: Oh, okay.

17 BY MR. CURTNER:

18 Q. 653, marked for identification, Mr. Russell, is
19 an agreement between you or on your behalf with CBS
20 Sports. Is that right?

21 A. Yeah. That's the guy I fired and sued, Alan
22 Hilburg.

23 Q. But Mr. Hilburg, when he was your agent, was
24 authorized to enter into deals on your behalf. Is that
25 right?

http://www.podiatry.com/ethp

1 A. What they call an ambassador.

2 Q. What do you do as an ambassador?

3 A. I make appearances in things like -- they have a
4 program where they bring all the rookies in before the
5 season, and I counsel the rookies. I coordinate that
6 with my work with the mentoring program. And we do
7 things like -- besides mentoring, we do things like NBA
8 Cares, where we put in computers and books into schools
9 and Boys and Girls Clubs, and we do things -- like we
10 work on Habitat for Humanity and those type of things.

11 Q. And how many appearances do you make in a year
12 for the NBA as an ambassador?

13 A. I don't know. I don't keep count.

14 Q. Is it one a month or more often than that or
15 less?

16 A. Less.

17 Q. So a few -- half a dozen a year?

18 A. Probably. For example, I go to the playoff
19 games, in particular, because in the finals, the Most
20 Valuable Player trophy is a Bill Russell Trophy.

21 Q. Yes. And I wanted to ask you about that. At
22 some point, they named the Most Valuable Player trophy
23 the Bill Russell Trophy. Right?

24 A. Yes.

25 Q. And there was a naming ceremony when they put

<http://www.secdatabase.com>

1 — your name on the trophy. Correct?

2 A. Yes.

3 Q. And you cooperated with that.

4 A. Yes.

5 Q. You appeared.

6 A. Yes.

7 Q. You were on TV?

8 A. I don't know about TV -- yeah, probably TV. I
9 don't know. It was just a press conference.

10 Q. Were you paid for that?

11 A. I always get paid.

12 Q. Were you paid for the right to put your name on
13 — the Most Valuable Player trophy?

14 A. It's part of the compensation.

15 Q. What year was that?

16 A. The All-Star Game that year was in Phoenix, I
17 believe. Yes.

18 Q. Were you paid by the NBA or somebody else?

19 A. The NBA.

20 Q. How much were you paid for that?

21 A. It was part of my yearly compensation.

22 Q. How much are you currently being paid per year
23 for your services as an NBA ambassador?

24 A. \$200,000.

25 Q. Has that changed over the years?

<http://www.yeslaw.com/help>

1 A. I don't know.

2 Q. Any others?

3 A. I don't know.

4 Q. Has the NCAA ever used your name, image, or
5 likeness in a way that you thought was not authorized?

6 A. I don't know.

7 Q. Has the NCAA ever done anything to interfere
8 with you using your own name, image, or likeness?

9 A. No.

10 MR. CURTNER: I think we need to change the
11 tape. So let's take a short break. Let's try to keep
12 it short, if that's okay.

13 MS. STEINER: We don't even need to leave the
14 room.

15 THE VIDEOGRAPHER: We're going off the record.
16 The time is now 11:37 a.m. This is the end of Disc
17 No. 1 in the continuing deposition.

18 (Recess taken from 11:36 to 11:39.)

19 THE VIDEOGRAPHER: We're back on the record.
20 The time is now 11:39 a.m. This is the beginning of
21 Disc No. 2 in the continuing deposition of Bill Russell.

22 BY MR. CURTNER:

23 Q. Mr. Russell, I don't want to go through and mark
24 all of the various agreements that we have that were
25 produced by you unless I need to. Let me see if we can

http://www.yeslaw.com/help

1 summarize them and agree and maybe save some time.

2 Did you give speeches for American Waterworks?

3 A. Yes.

4 Q. For [REDACTED] plus expenses?

5 A. Yes.

6 Q. Did you give speeches for the Council of

7 Responsible Nutrition in 2002 for [REDACTED], plus

8 expenses?

9 A. That, I don't remember, that name.

10 Q. Did you make a guest appearance for the Elegant

11 Entertainment Agency in 2001 for [REDACTED]?

12 A. He got it at a lower price. I try to forget

13 those.

14 Q. Is there any doubt in your mind, sir, that you
15 gave me a document that shows that?

16 A. Oh, okay.

17 Q. And we've talked about General Mills.

18 Did you act as a guest speaker for Genesco in
19 2002 for [REDACTED]?

20 A. What is that?

21 MR. HENN: A shoe company.

22 MR. CURTNER: SMU.

23 THE WITNESS: Do you know what Genesco does?

24 MR. CURTNER: It's a shoe company, I gather.

25 SMU is Southern Methodist. Let's look at the document.

<http://www.podtrac.com>

1 Q. Did you, in fact, sign a bunch of items for
2 somebody back -- in exchange for money?

3 A. You see, what you have to -- well, you don't
4 have to -- but understand is that a lot of the stuff
5 that Hilburg Associates did, he stole the money from me.

6 Q. My question, sir, is not where the money went;
7 my question is, did you provide the services with the
8 expectation of getting the money?

9 A. This one, I don't remember.

10 Q. Have you, over the course of your career, since
11 you stopped being a player and coach in the NBA,
12 autographed items for money?

13 A. Yes. But they are not really autographs.

14 Q. What are they?

15 A. Well, they're signatures for serious collectors,
16 and they're personalized items. In other words, if I
17 gave you one of my books, it would be personalized to
18 you, not just my signature. I never sign just by
19 putting my name on things. That's a distinction for me.

20 Q. I understand.

21 Have you ever done just signatures, like on
22 trading cards?

23 A. I have for trading card companies.

24 Q. You've done that lots of times. Right?

25 A. Huh?

1 Q. You've done that lots of times.

2 A. Yeah.

3 Q. And, in fact, you did one within the last year.

4 A. Yeah.

5 Q. You actually have done autograph deals since
6 filing this lawsuit; isn't that right?

7 A. Yeah.

8 Q. And you certainly thought that you had the
9 absolute right to enter into those deals since filing
10 this lawsuit.

11 A. (Witness nods head).

12 Q. Yes?

13 A. Yeah. You see, the other people that do
14 unauthorized signatures, they don't tell me I can't do
15 that, but what they do is they compete with me. In
16 other words, they get paid and I don't for what they're
17 doing.

18 Q. Did you enter into an agreement with HBO to do a
19 documentary about your life and career in the NBA?

20 A. Yes.

21 Q. Did you get paid [REDACTED]
[REDACTED] on that?

23 A. Yeah.

24 Q. This was back in 1999 or 2000?

25 A. I don't know.

<http://www.pacer.uscourts.gov>

1 A. Not every year.

2 Q. Let me finish, please.

3 -- to provide services and appearances in
4 exchange for compensation; isn't that accurate?

5 A. I'm not sure -- I don't think every year.

6 Q. Would you agree that it's nearly every year, if
7 not every year?

8 A. Well, close.

9 Q. Can you tell me a particular year that you
10 missed?

11 A. No. I just know that there were a couple of
12 years that we didn't do anything.

13 Q. Have you had agreements with Panini Associates
14 to autograph cards?

15 A. Who and associates?

16 Q. Panini. P-A-N-I-N-I.

17 A. Oh, yes.

18 Q. That's a card company. Right?

19 A. Yes.

20 Q. And they paid you something like [REDACTED] for 200
21 autographs. Right?

22 A. Yeah. Something like that.

23 Q. And are those cards from your college days --

24 A. No.

25 Q. -- or your NBA days?

http://www.pacer.uscourts.gov

1 A. NBA days.

2 Q. Have you ever signed cards -- autographed cards
3 from your college days?

4 A. I think about maybe a dozen.

5 Q. And those were pictures of you in your college
6 uniform?

7 A. Yes. And I told the card companies that I would
8 no longer do that.

9 Q. Why is that?

10 A. Because I didn't want to do it.

11 Q. Why didn't you want -- I mean, what was -- you
12 didn't like to see yourself when you were a college
13 player?

14 A. Well, I have a fractured relationship with the
15 college.

16 Q. So you didn't want to help promote the college.
17 Is that right?

18 A. What?

19 Q. You did not want to help promote them?

20 A. I never did.

21 Q. When were you last asked to sign cards bearing
22 your likeness from your college days?

23 A. It's been years.

24 Q. Did you ever think that you didn't have the
25 right to sign your name to cards bearing your college

1 likeness?

2 A. No. I just didn't want to.

3 Q. So you thought that you had the right to do it;
4 you just didn't want to. Correct?

5 A. Right.

6 Q. Did you have an endorsement deal or have one
7 currently with Pepsi?

8 A. Yep.

9 Q. In 2012?

10 A. Yeah.

11 Q. To endorse and market its products?

12 A. (Witness nods head).

13 Q. And they pay you [REDACTED] for a one-year
14 endorsement deal?

15 A. Yep.

16 Q. And you entered into that arrangement after you
17 filed this lawsuit. Correct?

18 A. Yes.

19 Q. Have you had deals with Raytheon --

20 A. Yes.

21 Q. -- to support their diversity and inclusion
22 programs?

23 A. Well, once it was for promoting math in the
24 schools in Massachusetts.

25 Q. Did you have one for promoting math and another

http://www.yeah.com/step

1 one for supporting their inclusion programs?

2 A. Yes.

3 Q. So one time, they paid you [REDACTED] for a
4 two-year deal?

5 A. Yeah.

6 Q. And another time, they paid you [REDACTED] for the
7 support of their math program in the schools?

8 A. Right. Yes.

9 Q. Is it accurate, sir, that you're a big believer
10 in the importance of education?

11 A. Yes.

12 Q. And you're a big believer in the importance of
13 education for underprivileged children?

14 A. For children, period.

15 Q. All children.

16 A. All children.

17 Q. And you're a big believer in the importance of
18 higher education, college education. Is that right?

19 A. That's a little iffy there.

20 Q. I know that you left college a few credits short
21 of your degree.

22 A. Uh-huh.

23 Q. But that you've become a well-educated person by
24 reading. Would you agree with that?

25 A. I don't know.

<http://www.podstar.com/help>

1 A. Academic.

2 Q. Was that --

3 A. I almost never make athletic speeches.

4 Q. What did you talk about when you spoke at
5 Florida?

6 A. Things.

7 Q. Tell me what you typically say in support of
8 academics.

9 A. I emphasize the importance of educated
10 citizenship; and that you can't be a good citizen unless
11 you know how to be a good citizen; and that we're all in
12 this thing together, whether we like each other or not.
13 Things along that line.

14 Q. So do you think that your efforts in support of
15 education have helped to make a difference?

16 A. Yes, I think so.

17 Q. Would it also be accurate, Mr. Russell, that you
18 have had agreements with Upper Deck --

19 A. Yes. Card company.

20 Q. -- a card company, each and every year, from
21 2000 through the present, continuing into 2013?

22 A. Yeah. I would say so.

23 Q. For somewhere between 300 and 800 autographs on
24 cards per year?

25 A. Yeah.

<http://www.pacer.uscourts.gov>

1 Q. And for autographing those cards, you get about

2 [REDACTED] a card. Is that right?

3 A. Something like that.

4 Q. Is that kind of the going rate?

5 A. Yeah.

6 Q. It looks like 800 turns into [REDACTED]. So I

7 guess that's [REDACTED]. Right?

8 A. Yeah, that pays the green fees.

9 Q. Are you a golfer?

10 A. Well, I can't golf now, but I used to all the
11 time. But I had open heart surgery, and the doctor told
12 me I can't play golf until next year.

13 Q. Have you ever had a business relationship with
14 Rich Altman and Hollywood Collectibles?

15 A. Yes.

16 Q. What is your deal with them?

17 A. Well, he makes memorabilia for collectors.

18 Q. Is it something called The Hobby, H-O-B-B-Y?

19 A. Yeah. Collectors. That's their hobby,
20 collecting memorabilia of notorious people.

21 Q. So give me an example of some kind of a
22 collectible item that you authorize or autograph for
23 that --

24 A. Well, they usually create things, and with my
25 approval -- like there was a company in Pennsylvania

1 your testimony as to what year it was.

2 A. And that was at practice.

3 Q. In fact, when K.C. Jones had the appendicitis,
4 he was in pain during a game, and he finished the game
5 out.

6 A. No.

7 Q. Isn't that what you write in one of your books?

8 A. No. It was on the way to the game, and we were
9 going to stop to eat and he wouldn't eat; and we knew it
10 was a serious problem, because he had a voracious
11 appetite.

12 Q. I can't probably find it, but I think you tell
13 the story a little differently in this book.

14 A. Well, that's -- when you use ghost writers,
15 that's what happens.

16 Q. How many books have you written?

17 A. Let's see. The first one was Go Up For Glory,
18 Second Wind, Russell Rules, Red and Me. I think that's
19 about it. What kind of athlete writes books anyway?

20 Q. Did you write a book called Russell Rules, 11
21 Lessons on Leadership?

22 A. Yes. I just mentioned it.

23 Q. Red and Me, My Coach, My Lifelong Friend?

24 A. Yes.

25 Q. Second Wind?

1 it state anywhere that he talked to me?

2 Q. It says you came and gave a speech.

3 A. No, the writer. Did the writer say that he
4 talked to me?

5 Q. No.

6 A. All right.

7 Q. It doesn't say they did.

8 A. Huh?

9 Q. But we all know that the press isn't always
10 right. That's why we ask questions.

11 A. Okay.

12 Q. Did you work on TV as an announcer and
13 commentator on basketball after you retired from the
14 NBA?

15 A. Yes.

16 Q. For how long?

17 A. I don't know. I worked with three networks:
18 ABC, CBS, and Turner Broadcasting.

19 Q. So you got along with everybody except ESPN.

20 A. Well, I wouldn't call it getting along.

21 Q. You just don't respect their accuracy. How do
22 you feel about Fox?

23 A. I've never been on Fox.

24 Q. But you were able to work in the television
25 industry as a sports announcer and commentator --

<http://www.pacer.uscourts.gov>

1 Q. This could be fake for all we know. Right?

2 A. We never got a ring. I can tell you that. In
3 college.

4 Q. So this does appear to have the USF logo on it.
5 Right? And then somebody has --

6 A. That's somebody's imagination.

7 Q. So we can agree, can we not, that there is all
8 kinds of stuff out there for sale about all kinds of
9 famous people and famous sporting events.

10 A. Yeah.

11 MS. STEINER: Object to form.

12 BY MR. CURTNER:

13 Q. And it's not all authorized.

14 A. No, it's not.

15 (Exhibit 668 marked for identification.)

16 BY MR. CURTNER:

17 Q. Mr. Russell, I'm showing you what has been
18 marked as 668.

19 A. What? Oh, 668.

20 Q. This is another -- this is a picture. Can you
21 identify this player?

22 MS. STEINER: Can we stop for a second.

23 THE WITNESS: No, I cannot.

24 MS. STEINER: I'm sorry. Can you stop for a
25 second. Is this all one exhibit?

http://www.podstar.com/ethp

1 A. Yes.

2 Q. And you can't identify any of them as a real
3 person?

4 A. No.

5 Q. Yes, we agree.

6 A. Yes, we agree.

7 MR. CURTNER: Okay. Thanks.

8 I've got one more, then we'll be done with that
9 silliness.

10 (Exhibit 669 marked for identification.)

11 BY MR. CURTNER:

12 Q. 669. Again, I'm going to ask you the same
13 series of questions. The first one, can you identify
14 that person?

15 A. No.

16 Q. Either from their statistics or the face or
17 anything about them?

18 A. Nope.

19 Q. This is a Cal player, No. 11. That's not you;
20 is it?

21 A. No.

22 Q. Then the next one is Cincinnati. The same face,
23 different other characteristics. You can't identify
24 this person?

25 A. Nope.

<http://www.podtrac.com>

1 Q. It's not Oscar Robertson; is it?

2 A. No. That's not Oscar.

3 Q. The next one is Indiana. The same face.

4 A. Yep.

5 Q. Everything else different. Position different,
6 statistics different.

7 A. They use different stats.

8 Q. Different height, different weight. Right?

9 A. (No response).

10 Q. The next one is Arkansas, Pine Bluff. The same
11 facial image, different everything else. And again, you
12 can't identify that as a real person. Correct?

13 A. That's correct.

14 Q. You don't know who that is.

15 A. No.

16 Q. It doesn't look like anybody you ever knew.

17 The same thing with Illinois State, the next
18 one. This one is five ten, 170 pounds. Again, you
19 can't identify that person?

20 A. Indiana.

21 Q. The same with the next one, Louisiana,
22 Lafayette. The same face.

23 A. Same face.

24 Q. Different characteristics.

25 You need to answer verbally, please. Louisiana,

<http://www.pystan.com/ethp>

1 Lafayette, that's not anyone you can identify as a real
2 person?

3 A. No, it isn't anyone I can identify.

4 Q. It is not?

5 A. No.

6 Q. And the same for New Mexico State. Again, the
7 same face, different statistics, different size,
8 different weight.

9 A. Correct.

10 Q. Different numbers. That's not a real person, so
11 far as you know.

12 A. No, it isn't. I don't know.

13 Q. And the same with North Carolina -- excuse me --
14 North Dakota State, the next one. The same face, but
15 different everything else.

16 A. Yes.

17 Q. And again, not a real person?

18 A. No.

19 Q. The next one, North Texas. Same face, different
20 everything else; and again, not a real person.

21 A. Not as far as I know.

22 Q. The next one, Ohio. This person is six three.
23 I can't tell how many pounds that is. No. 21, a
24 shooting guard, the same face; but again, not a real
25 person?

1 A. Right.

2 Q. At least not anybody you can identify?

3 A. No. It's not anybody I can identify.

4 Q. The same with the next one, Sacramento State.

5 Right? Have you got that one?

6 A. That's nobody I know.

7 Q. And again, different size, different weight,
8 different everything, but the same face, but not a real
9 person. Correct?

10 A. Right.

11 Q. And then the last one is your old school, USF?

12 A. Well, it says San Francisco.

13 Q. Yes.

14 A. That could be San Francisco State.

15 Q. It could be. Although in the background, behind
16 the face, it looks like it's US. Right?

17 A. Uh-huh.

18 Q. And again, it's 241 pounds, No. 14. That's not
19 anybody you can identify as a real person. Right?

20 A. No.

21 Q. It's certainly not you.

22 A. No.

23 MR. CURTNER: This is my favorite one. That's
24 why I've been saving it.

25 (Exhibit 670 marked for identification.)

<http://www.podstar.com/help>

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, hereby certify:

That the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully;

That the transcript of the deposition is a full, true and correct transcript to the best of my ability;

That I am neither an attorney for, nor a relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

Donald W. McKay, RMR, CRR
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