

EXHIBIT X

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
3
4 IN RE NCAA STUDENT-ATHLETE NAME
5 AND LIKENESS LICENSING
6 LITIGATION Case No.
7 4:09-CV-1967-CW

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8  
9 MAY CONTAIN CONFIDENTIAL INFORMATION

10 DEPOSITION OF  
11 JAKE SMITH

12  
13 OCTOBER 12, 2013  
14 9:37 A.M.

15  
16 One South Church Street, Suite 1700  
17 Tucson, Arizona

18  
19 SOMMER E. GREENE, CSR, RPR, CR No. 50622  
20  
21  
22  
23

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

1 TUCSON, ARIZONA;

2 OCTOBER 12, 2013; 9:37 A.M.

3

4

5 THE VIDEOGRAPHER: This is the beginning of

6 media number 1 in the deposition of Jake Smith in the

7 matter of NCAA Student-Athlete, case number 4:09-CV-1967.

8 Today's date is October the 12th, 2013, and the time on

9 the video monitor is 9:37.

10 My name is Fredrick Van Norman, and I'm the

11 videographer. The court reporter is Sommer Greene.

12 They're here with Huseby Global Litigation.

13 Counsel, please identify yourselves.

14 Afterwards, the court reporter will swear in the witness.

15 MR. POMERANTZ: Glenn Pomerantz on behalf of

16 the NCAA.

17 MR. GOSSELIN: Sathya Gosselin with

18 Hausfeld, LLP on behalf of the antitrust plaintiffs and

19 the witness.

20 MS. SCHERRER: Hilary Scherrer from

21 Hausfeld, LLP on behalf of the antitrust plaintiffs and

22 witness.

23 MS. HORAN: Claudia Horan with Hagens Berman

24 on behalf of the right of publicity plaintiff.

25

1 While the videotape will pick up the shake of your head  
2 one way or the another, the court reporter is a little  
3 harder, so just answer the question audibly each time.  
4 Okay?

5 A. Yes, sir.

6 Q. If at any time you want a break, just let me  
7 know and we'll take a break.

8 A. Okay.

9 Q. Okay?

10 A. Yeah.

11 Q. Where did you grow up?

12 A. Just outside of Philadelphia.

13 Q. And did you play sports growing up?

14 A. I did.

15 Q. What sports?

16 A. Soccer, baseball, basketball, a little bit of  
17 hockey. Those were -- and football, golf. I skied. I  
18 think that's about it.

19 Q. Sports was one of your favorite things growing  
20 up?

21 A. Yes.

22 Q. What did you enjoy about sports?

23 A. I like to win. I just like the competitive  
24 aspect of sports and being on a team and kind of coming  
25 together and -- and winning. I don't like losing.

1 Q. And is that something that you still enjoy

2 today?

3 A. Yeah.

4 Q. And one of the reasons you enjoy playing at the

5 University of Arizona?

6 A. Yeah. I think being a part of the team is

7 something that most people don't get the chance to do,

8 but yeah.

9 Q. When did you start playing football?

10 A. Seventh or eighth grade. I forget exactly  
11 which year, but I stopped playing soccer in school and  
12 started playing football.

13 Q. And what position did you play when you started  
14 out?

15 A. Kicker and punter.

16 Q. And is that the position you basically played  
17 throughout high school and college?

18 A. Yeah.

19 Q. Did you play on your high school football team?

20 A. I did.

21 Q. Which high school is that?

22 A. Cheltenham High School and then Charter my  
23 freshman year.

24 Q. How good was your high school?

25 A. Terrible.

1 MR. GOSSELIN: Objection to form.

2 THE WITNESS: I mean, I don't know if lucky  
3 would be the right word, but I'm happy that I'm playing,  
4 yeah.

5 Q. BY MR. POMERANTZ: You feel fortunate that you  
6 get to play?

7 A. I feel that my hard work has paid off.

8 Q. So you're happy you're playing college  
9 football?

10 A. Sure.

11 Q. When you were growing up in Pennsylvania, did  
12 you watch football on TV?

13 A. Yes.

14 Q. Did you have a favorite team?

15 A. Professionally, yeah.

16 Q. Who was your favorite professional team?

17 A. The Eagles.

18 Q. Did you also watch college football on TV?

19 A. I did.

20 Q. Did you have a preference? Did you like  
21 college football or professional football more as you  
22 were watching it on TV while you were growing up?

23 A. I was more of a professional football fan.

24 Q. Why?

25 A. I mean, when you grow up in Philadelphia, it's

1           A.     Honestly, I just didn't want to have to say  
2 what if -- spend the rest of my life and then say what if  
3 I did that or what if I didn't do that. So I wanted to  
4 exhaust all my options before I made the decision.

5           Q.     Well, as you were thinking through which  
6 college you wanted to attend, what factors mattered to  
7 you at that time?

8           A.     Academics, location, size, athletics.

9           Q.     What were you looking for in terms of  
10 academics?

11          A.     A well-respected institution where I would be  
12 challenged and -- and able to succeed after I was done in  
13 school.

14          Q.     And you felt like the education you would  
15 receive at college would be important to you for whatever  
16 you did after college?

17          A.     Yeah. That's something I've grown up with in  
18 my family, and -- and to do what I want to do, and you --  
19 you need that education -- you need an education.

20          Q.     And what factors relating to location mattered  
21 to you when you were looking at schools?

22          A.     I didn't really want to be in a -- in a -- in a  
23 city. I kind of wanted to get out of the city life just  
24 for college because I knew I'd want to go back to it.

25          Q.     All right. Any geographic region that you were

1 to the University of Arizona; right?

2 A. Yeah, I left Youngstown in -- after first  
3 semester. Went home, took two classes, and then came out  
4 here.

5 Q. And how did the Arizona opportunity come your  
6 way?

7 A. I decided that I now knew what I wanted in a  
8 school with -- I mean, I think you can learn more from  
9 failure than you do from success, and I kind of figured  
10 out what I -- what I liked and what I didn't like about  
11 certain schools. Kind of plugged that in and -- and did  
12 a search and kind of figured out that Arizona would be a  
13 really good place for me. Applied, got in. Good  
14 business school.

15 Q. When you say good business school, what are you  
16 referring to?

17 A. Their rankings for the business school at the  
18 University of Arizona.

19 Q. The undergraduate business school?

20 A. Correct.

21 Q. And is that where you -- where you focused  
22 since you joined the University of Arizona?

23 A. Kind of. I'm a -- I'm an econ major, but it's  
24 actually out of the business school so that I can do a  
25 sports management minor in the business school, because



1 that's what I want to do. It's just kind of how you got  
2 to do it.

3 Q. So the academic opportunity in Arizona was one  
4 of the big factors that influenced you to come to that  
5 school?

6 MR. GOSSELIN: Objection, mischaracterizes  
7 testimony.

8 THE WITNESS: It was one of the factors,  
9 yes.

10 Q. BY MR. POMERANTZ: And then there was also the  
11 football opportunity; correct?

12 A. Amongst many other things, yeah.

13 Q. So tell me what you -- what was appealing to  
14 you about the opportunity to play football at the  
15 University of Arizona?

16 A. I mean, it's a PAC 12 school. It's -- again,  
17 when you look at the depth charts and say, okay, these  
18 are the guys that I have to beat out. So I saw shots to  
19 compete here. But most importantly, the reason I picked  
20 here is because I realized that I had to be happy  
21 regardless of what happened with football, and it's  
22 pretty hard not to be happy in Tucson.

23 Q. And when did you come to the University of  
24 Arizona?

25 A. August of 2011. Yeah.

1 Q. So you've been here for a little over two  
2 years?

3 A. Yeah.

4 Q. And has it lived up to your expectations?

5 MR. GOSSELIN: Objection, vague as to it.

6 THE WITNESS: It's -- I mean, I'm happy  
7 here.

8 Q. BY MR. POMERANTZ: Are you happy with the  
9 athletic opportunity that -- that -- that you've been  
10 afforded?

11 A. Yeah. I mean, I play -- I play for a good  
12 coach and I love my teammates and everything like that.  
13 Getting injured's terrible, but it is what it is.

14 Q. And are you happy with the academic opportunity  
15 that you've been afforded here at the University of  
16 Arizona?

17 A. I am.

18 Q. If you look back at the time that you were in  
19 high school, or at Milford Academy, and you could pick  
20 any school in the country to play football at, is there a  
21 particular school you would have loved to play at?

22 MR. GOSSELIN: Objection, calls for  
23 speculation, counterfactual.

24 THE WITNESS: I don't know. I couldn't tell  
25 you that. I've -- I've never had like a school that I

1 quality professors, more tuition-paying students, which  
2 benefits everybody at the -- at the university.

3 Q. Any other advantages that you think the college  
4 student who doesn't play football gets by having a  
5 college football program in their university or college?

6 A. Recognition. Again, from my classes. Football  
7 and -- and basketball are the two most recognizable  
8 aspects of the school. The forefront of advertising and  
9 everything like that, so it's really hard to quantify  
10 what kind of advantages or value.

11 Q. Do you think the college football program  
12 affects the day-to-day experience that a college student  
13 has if that college student doesn't play football?

14 MR. GOSSELIN: Objection, calls for  
15 speculation. Objection, vague.

16 THE WITNESS: No.

17 Q. BY MR. POMERANTZ: Do you think that college  
18 football players should have to be students at their  
19 college?

20 A. Depends on what you would classify as students.

21 Q. What do you mean by that?

22 A. Full time, part time, how many credits or  
23 anything like that.

24 Q. Well, what do you think should happen? Should  
25 a player on a college football team have to be any kind

1 of student at a school?

2 A. I think that's what ties them to the  
3 university.

4 Q. And why do you think it's important to have  
5 that kind of a tie to the university?

6 A. I think that that tie that you have as a  
7 student, in some sense, gives you kind of more  
8 credibility as a program, kind of -- because then you can  
9 represent the other students.

10 Q. And why do you think that that credibility  
11 matters?

12 MR. GOSSELIN: Objection, mischaracterizes  
13 testimony, lack of foundation.

14 THE WITNESS: I guess by credibility, I  
15 really just meant that you -- you kind of have a common  
16 bond with -- with students and therefore alumni, which  
17 really are your fan base.

18 Q. BY MR. POMERANTZ: And you think it's important  
19 for a college football player to have that kind of a bond  
20 with other students and alumni?

21 MR. GOSSELIN: Objection, mischaracterizes  
22 testimony.

23 THE WITNESS: Yeah, I meant for the program,  
24 not necessarily the player.

25 Q. BY MR. POMERANTZ: Well, if you were running

1 A. I'm not sure if they have our air machines at  
2 the rec, but I don't know for sure because I haven't been  
3 to the rec in about two years.

4 Q. Did you ask for a scholarship from the  
5 University of Arizona?

6 A. No.

7 Q. Do you think you get any benefits from the  
8 coaching staff that's available to you at the University  
9 of Arizona?

10 MR. GOSSELIN: Objection. Again, vague as  
11 to benefits.

12 THE WITNESS: Personally in the kicking game  
13 when it comes to form and technique, no.

14 Q. BY MR. POMERANTZ: How about in any other way?

15 A. I think we have one, if not the best, staff in  
16 the country, just compared to what I've been around. So  
17 as a team, I think we get -- get a lot of benefits from  
18 me personally at my position. I think I can learn a lot  
19 from my coaches and what they've done personally and  
20 through life lessons more than -- more than I can on the  
21 field.

22 Q. And -- and do you think your coaches are pretty  
23 good at teaching you life lessons that may help you for  
24 the rest of your life?

25 MR. GOSSELIN: Objection, vague as to pretty

1 good.

2 THE WITNESS: If -- if you take what you can  
3 from -- from your coaches, I think you can learn a lot  
4 from -- from anybody around, whether it's professors,  
5 coaches. It's just kind of who you spend your time  
6 around.

7 Q. BY MR. POMERANTZ: And you've been spending  
8 your time around your college football coaches; correct?

9 A. Yeah, I spend more time with my football  
10 coaches than I do professors.

11 Q. And which football coaches have been the most  
12 influential on you?

13 A. I really like Coach Rodriguez. Coach Ragle --  
14 and then not just coaches, but -- but some of the other  
15 staff, whether it's our recruiting people or -- or play  
16 reps who are football operations guys. I mean, I like to  
17 get to know the people I'm around and -- and -- and try  
18 to learn from -- from everybody that I come encounter  
19 with.

20 Q. And you -- let's go through each of these, if  
21 we could.

22 Coach Rodriguez is the head coach?

23 A. Correct.

24 Q. And tell me about what -- what your interaction

25 has been like with Coach Rodriguez.

1 MR. GOSSELIN: Objection, vague.

2 THE WITNESS: In what senses? On the field?

3 Off the field?

4 Q. BY MR. POMERANTZ: Off the field.

5 A. Off the field, he -- he cares about what we do

6 as -- as people. Wants everybody to do things the right

7 way and -- and kind of live the right way and -- and

8 treat people the right way. I mean, if you take that

9 lesson from him, I think -- I think that's a good lesson

10 to take from him.

11 Q. And you feel like he cares about you as a

12 person?

13 A. Yeah.

14 Q. Do you ever talk to Coach Rodriguez about your

15 academics?

16 A. Yeah, we -- we meet with Coach Rodriguez twice

17 a year, specifically, and then you -- and then he has an

18 open-door policy, so you can go in and talk to him about

19 whatever you want.

20 Q. Does he encourage you to pursue your academic

21 interests?

22 MR. GOSSELIN: Objection, vague as to

23 encourage you to pursue your academic interests.

24 THE WITNESS: Yeah. He -- he wants -- he

25 wants everybody to succeed off the field as well as on

1 the field.

2 Q. BY MR. POMERANTZ: You mentioned another coach,  
3 and I didn't catch the name.

4 A. Coach Ragle.

5 Q. How do you spell that?

6 A. R-a-g-l-e.

7 Q. I'm sorry, R-e?

8 A. R-a-g-l-e.

9 Q. And what does he do?

10 A. He's our special teams coordinator and  
11 tight ends coach. So he's my position coach.

12 Q. And does he help you in any way off the field?

13 A. Maybe. I mean, I just -- I don't really -- I  
14 haven't really asked for any help, so...

15 Q. So Coach Rodriguez does more than Coach Ragle  
16 does in terms of just mentoring you off the field?

17 A. I'd say that -- that's fair.

18 Q. And then you said that there are some staff who  
19 you've also gotten to know.

20 Q. Could you give me the names of some of those  
21 people?

22 A. Matt Dudek, he's our recruiting coordinator,  
23 but I don't know if that's his technical job term -- or  
24 title. I think it is, but it might be like on-campus  
25 player development or something. I don't know what his



1 A. I hope so.

2 Q. When do you think you'll graduate?

3 A. December, but I might kind of take it out a  
4 little longer into the spring, maybe try to make the golf  
5 team for a semester.

6 Q. So you think you'll graduate from the

7 University of Arizona with a degree either in December of

8 2013 or sometime in the spring of 2014?

9 A. Correct. That is the plan.

10 Q. What do you plan on doing after college?

11 A. I want to get into sports representation.

12 Q. What does that mean?

13 A. Basically play representation, sports agent or

14 some -- like a manager-type role.

15 Q. Have you taken any courses at the University of  
16 Arizona where you really liked a professor?

17 A. Yeah.

18 Q. Which courses and which professors?

19 A. I think my favorite professor I've ever had was  
20 Steven Reff, who was my Econ 200 teacher -- professor.

21 One of the main reasons I was -- I became an econ major.

22 Q. What is Econ 200?

23 A. It's just kind of the intermediate economics --

24 I guess they would call it basic. It's the 200 level

25 econ class. They count it as a prereq for everything

1 Q. And is -- is it fair to say that most of your  
2 teammates take their academics seriously?

3 MR. GOSSELIN: Objection, lack of  
4 foundation, calls for speculation.

5 THE WITNESS: There's a -- there's a lot of  
6 us that -- that definitely take our academics seriously.  
7 There's some that don't. But, I mean, if you're in a  
8 class of 500 people, there's a lot of people that don't  
9 care. There's a lot of people that don't even show up to  
10 class.

11 Q. BY MR. POMERANTZ: And that's true of football  
12 players and non-football players; correct?

13 A. That's correct.

14 Q. And you said that there was tutoring available  
15 for both football players and other students at the  
16 University of Arizona; correct?

17 A. Correct.

18 Q. What tutoring are you talking about?

19 A. It's called the Think Tank. Basically -- I  
20 believe it's every class. I haven't -- I've only used it  
21 for a couple of classes. But there's specific spots  
22 that -- that tutor specific classes, and you can get  
23 one-on-one tutoring. You can get a group tutoring or an  
24 extra help as -- as the regular students. And then the  
25 same -- through the same thing, they just come to -- to

1 the athletic facility, tutors do, for -- for athletes.

2 Q. So -- so the only difference between the

3 tutoring for -- for non-football player students and

4 football players is that the mentors come to the athletic

5 facilities?

6 A. As far as I know, that's the only thing that

7 I've experienced. I've only -- I had a tutor for

8 accounting. That was about it. And then for my math

9 classes, I went to the Think Tank.

10 Q. I take it you found that some classes at the

11 University of Arizona are easier than other classes?

12 A. Absolutely.

13 Q. Have you tried to only take the easy classes?

14 A. No. I'm an econ major.

15 Q. And -- and is it fair to say that some of your

16 teammates have not just tried to take the easy classes,

17 they take classes that are of academic interest to them?

18 MR. GOSSELIN: Objection, calls for

19 speculation.

20 THE WITNESS: For example, the guy next to

21 me in the locker room is mechanical engineering --

22 mechanical engineering major, so I don't think that he

23 just takes the easy classes.

24 Q. BY MR. POMERANTZ: And are there other majors

25 that -- strike that.

1 Are there other players on your team that  
2 have majors that are not considered to be easy majors?

3 MR. GOSSELIN: Objection, vague as to easy  
4 majors and who would be considered easy majors.

5 THE WITNESS: Yeah, I mean, there's --  
6 there's kinesiology majors, there's other engineering  
7 guys, there's business majors, there's -- we -- we  
8 have -- other than architecture, I think a few other  
9 majors, we probably have the majority covered.

10 Q. BY MR. POMERANTZ: So there's a wide range of  
11 majors on your team?

12 A. Yeah, there -- there's a wide range. There's  
13 definitely a majority that are general studies majors,  
14 but there -- there's a wide range of majors.

15 Q. Has anybody ever advised you that you should  
16 try to take only the easy classes?

17 MR. GOSSELIN: Objection, vague as to  
18 anybody, location, time.

19 THE WITNESS: I mean, everybody -- there --  
20 there are people that say, oh, this class is easy, you  
21 should take it, but have I been advised to? I kind of  
22 know what I want to do and know how -- what it's going to  
23 take to get there, so I kind of choose what I want to do,  
24 not -- not just based off what somebody's going to tell  
25 me to do.

1 Q. How many hours in the course of a week do you  
2 think you spend studying in the fall?

3 A. Actual studying, are you trying -- are you  
4 including class time or -- or out of class?

5 Q. Out of class.

6 A. So homework, studying for tests, that kind of  
7 stuff? I probably do -- I probably do about eight hours  
8 a week. And -- and that's just because I -- I can  
9 usually get my -- my stuff done in -- in class and not  
10 really have to worry about it.

11 Q. And how many hours do you spend in class,  
12 again, in the fall?

13 A. Well, this fall's a little different because I  
14 have an internship which counts as class credit, which I  
15 do every week. But I have class from 10:00 to 2:00 on  
16 Monday and 11:00 to 2:00 on Wednesday, and then my  
17 internship Tuesday and Thursday. So this semester is my  
18 lightest semester I've ever taken.

19 Q. And what about -- now let's go to the spring.

20 Let's take last spring.

21 How many hours during the week do you think  
22 you spent studying, on average?

23 A. I was in five upper level econ classes, so  
24 studying, I probably spent closer to 20, maybe more than  
25 that. Last semester was hard.

1 Q. And what about the number of hours in class  
2 last spring?

3 A. It was 15 credit -- or 13 -- however many  
4 credit hours is about how many hours you spend in class.  
5 But then when it comes to upper-level econ classes,  
6 there's a lot of -- there's a lot of, like, group  
7 projects and stuff that you have to do outside of class  
8 that -- that are more of class time than studying.

9 Q. Has anyone taken a test for you in college?

10 A. No.

11 Q. To your knowledge, has anyone taken a test for  
12 one of your teammates?

13 A. No.

14 Q. Has anyone ever written a paper for you in  
15 college?

16 A. No.

17 Q. To your knowledge, has anyone ever written a  
18 paper for one of your teammates?

19 A. Not as far as I know of.

20 Q. Do you think that by the fact that you will  
21 graduate with a degree from the University of Arizona  
22 will help you get a job in the marketplace?

23 A. I'd hope so.

24 Q. That's why you're doing it; correct?

25 A. Yeah.

1 Q. And underneath it, you put the word student  
2 athlete?

3 A. I do.

4 Q. What does that mean?

5 A. It's the term that was created to designate  
6 athletes at a university that are also students.

7 Q. You think that's a fair description of what you  
8 do at the University of Arizona?

9 A. I think it's a description.

10 Q. Well, you're a student, aren't you?

11 A. I am.

12 Q. And you're an athlete; correct?

13 A. Correct.

14 Q. You've mentioned, by the way, a -- something  
15 called a 20-hour rule, I think is the term you used?

16 A. Yeah.

17 Q. What is the 20-hour rule?

18 A. 20 hours a week during the season for, I guess,  
19 mandatory football activities or sport -- whatever your  
20 sport is.

21 Q. And in your experience, does the University of  
22 Arizona honor the 20-hour rule?

23 A. Absolutely.

24 Q. Now, under the relevant experience, you  
25 mentioned the internship, which I think you've previously

1 MR. GOSSELIN: I have a few questions  
2 quickly, and then we can wrap up.

3 As a matter of process, I want to  
4 provisionally designate this transcript confidential.

5

6 EXAMINATION

7 BY MR. GOSSELIN:

8 Q. Earlier, Mr. Smith, you testified about the  
9 time commitment to college football at the University of  
10 Arizona that -- that you -- you put in.

11 How many hours a week, would you say, on  
12 average you devote to football during the season here at  
13 the University of Arizona? And I'm including any travel  
14 or any medical treatment tied to your football endeavors.

15 A. I would say a little over 40, including travel.  
16 You have 20 hours of lifting, meetings and practice, and  
17 then that's on top of about -- I mean, it varies  
18 depending on how my knee feels and -- and whatnot. But I  
19 would say roughly an hour to two hours of treatment a  
20 day, either for your post practice. Probably a little  
21 more than that, actually, with -- with like a cold tub  
22 and do that kind of thing.

23 So -- and then traveling is -- we're there  
24 at least 20 -- we're there at least 28 hours, probably  
25 closer to 30 to 35 hours on -- on any given trip, and

Objection  
611



1 that includes home games.

2 Q. Do you consider it a job?

3 A. Yeah, I do.

4 Q. What if I were to ask you the same question

5 about the spring season, how -- how -- rather -- strike

6 that.

7 If I asked you the same question about the

8 spring off season, how many hours on average do you

9 devote to Arizona football each spring?

10 A. It depends. So last spring was when I was --

11 that was pretty much the height of my rehab for my ACL,

12 which I'm still doing now, but that was -- I was in rehab

13 probably about four hours a day, six days a week, five

14 and a half days a week. Probably two hours on Saturday,

15 something like that, since we didn't have practice or

16 workouts, plus eight hours of practice. I mean, I was

17 probably in there with football-related activities over

18 20 hours, 25 hours. But the majority of that is

19 voluntary, just to make sure that I'm at the level that I

20 need to be at to play.

21 Q. And what if I were to ask you the same question  
22 with respect to the summer off season?

23 A. So summers are a little different because you

24 don't have actual practice. But I'm still in there --

25 Monday, Tuesday, Wednesday, Thursday, Friday we either

1 lifted or had speed and agility training, which was about  
2 two hours each, or maybe two and a half, plus treatment  
3 before or after. So probably four hours a day, Monday  
4 through Friday.

5 Q. Does your time commitment to football during  
6 the season ever interfere with your studies?

7 MR. POMERANTZ: Objection to the form,  
8 leading.

9 THE WITNESS: Yes. I mean, if I had more  
10 time, I feel as though I'd get better grades. I mean, it  
11 comes down to -- I mean, people had tests on Friday of  
12 this week when we traveled for Thursday night game, so  
13 they got back at 3:00 in the morning but still had to go  
14 and take those tests on Friday at 8 a.m., 9:00 a.m. They  
15 had homework, class, whatever it -- it may be. A lot of  
16 people were missing tests, projects, whatever, in class  
17 on Wednesday, Thursday, to travel. And -- and I know it  
18 interfered with them. I mean, one of my teammates didn't  
19 even want to travel because he had such -- he had a  
20 midterm on Friday. So I would definitely say it  
21 interferes.

22 Q. BY MR. POMERANTZ: And did that teammate  
23 travel?

24 A. He did.

25 Q. I want to move on to your earlier testimony

Objection  
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Objection  
611

1 the instruction.

2 MR. POMERANTZ: All right.

3 Q. BY MR. POMERANTZ: You got into the University  
4 of Arizona having nothing to do with football; correct?

5 A. Correct.

6 Q. And you chose to play college football? That  
7 was your choice; correct?

8 A. That was my choice.

9 Q. And when you hurt your knee, it was your choice  
10 to try to continue to play college football; correct?

11 MR. GOSSELIN: Objection.

12 THE WITNESS: Yeah.

13 Q. BY MR. POMERANTZ: So you chose to take on this  
14 job; correct?

15 MR. GOSSELIN: Objection, argumentative.

16 THE WITNESS: Yeah. You choose to take any  
17 job that you -- that you have.

18 Q. BY MR. POMERANTZ: You were free to attend the  
19 University of Arizona and take all of the benefits that  
20 you got without playing college football; right?

21 I'll -- I'll restate that.

22 You were free to attend the University of  
23 Arizona and to take all of the benefits that any student  
24 would have at the University of Arizona without playing  
25 college football; correct?

1 A. That's correct.

2 Q. Because you got into the university having

3 nothing to do with football; right?

4 A. Yeah.

5 Q. And your father was willing to pay for that

6 education; correct?

7 MR. GOSSELIN: Objection.

8 THE WITNESS: Whether he was --

9 MR. GOSSELIN: Harassing.

10 THE WITNESS: -- he was willing to pay or  
11 not, I got into the school because of my grades at my  
12 previous institutions where I focused and did well in the  
13 classroom, and whether he was willing to pay or not  
14 didn't affect my decision to come here.

15 Q. BY MR. POMERANTZ: Well, did you get an  
16 academic scholarship to the University of Arizona?

17 A. I didn't.

18 Q. So you needed to pay for that somehow; right?

19 A. Yes, but I could have taken out loans or have  
20 done that. I was just fortunate enough to be in a  
21 situation where I didn't have to do that.

22 Q. So if you didn't want to put in all this time

23 that you were just talking about to play football with

24 all the things that comes with that, you could have

25 declined that opportunity; correct?

1 MR. GOSSELIN: Objection, argumentative.

2 THE WITNESS: You have a choice in -- in

3 every and anything that you do. So that is correct.

4 MR. POMERANTZ: I don't have any further  
5 questions.

6 MR. GOSSELIN: We can go off the record.

7 MS. SCHERRER: Ending the deposition?

8 MR. POMERANTZ: We should put the  
9 stipulation on the record. How long have you guys been  
10 doing in terms of -- like, he'll probably need to review  
11 this transcript; is that right?

12 MR. GOSSELIN: We'll -- we'll wait and sign  
13 for it.

14 MR. POMERANTZ: Okay. Like, amount of time?

15 MR. GOSSELIN: Oh. Oh, we -- I don't know  
16 if -- I mean, whatever you want.

17 MR. POMERANTZ: Do we have 30 days?

18 MR. GOSSELIN: 30 days?

19 MS. HORAN: I think --

20 MR. GOSSELIN: It's -- it's been a while.

21 MS. HORAN: That there's a discovery order.

22 MR. POMERANTZ: Is there?

23 MR. GOSSELIN: I think it's -- I think it's  
24 30 or 21 days. Let's just adhere to whatever the  
25 protective order is.

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REPORTER'S CERTIFICATION

I, Sommer E. Greene, Registered Professional Reporter, Certified Reporter, in and for the State of Arizona, do hereby certify:

That the witness named in the foregoing deposition was, before the commencement of the deposition, duly administered an oath to the witness; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 13th day of October, 2013.



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Sommer E. Greene, RPR  
Certified Reporter 50622