

EXHIBIT A

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

4
5 Case No. 4:09-CV-1967-CW

6 -----

7
8 IN RE NCAA STUDENT-ATHLETE
9 NAME AND LIKENESS LICENSING
10 LITIGATION

11
12 -----

13 MAY CONTAIN CONFIDENTIAL INFORMATION

14
15 The Videotaped Deposition of MOSES
16 ALIPATE, taken pursuant to Notice of Taking
17 Deposition, taken before Kelly L. Hemsath,
18 RPR, a Notary Public in and for the County
19 of Hennepin, State of Minnesota, taken on
20 the 17th day of October, 2013, at 500
21 Washington Avenue South, Minneapolis,
22 Minnesota, commencing at approximately 8:30
23 a.m.

24
25

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

1 phone?

2

3

MOSES ALIPATE,

4

the witness in the above-entitled

5

matter, after having been first duly

6

sworn, deposes and says as follows:

7

8

EXAMINATION

9

BY MR. POMERANTZ:

10

Q. Good morning.

11

A. Good morning.

12

Q. Could you state your full name.

13

A. Moses Tanal Alipate.

14

Q. I want to make sure I pronounce -- Alipate,

15

is it?

16

A. Yes, sir.

17

Q. Okay. Where did you grow up?

18

A. Bloomington.

19

Q. Bloomington, Minnesota?

20

A. Yes.

21

Q. Did you play sports growing up?

22

A. Yes.

23

Q. What's your favorite sport?

24

A. Football.

25

Q. When did you start playing football?

1 A. 7th grade.

2 Q. And before you graduated high school, were
3 there other sports that you enjoyed playing?

4 A. Yes.

5 Q. What sports?

6 A. Football, basketball, baseball.

7 Q. Which sports did you play in high school?

8 A. Football, basketball and baseball.

9 Q. Did you have a favorite among those three?

10 A. Yes.

11 Q. Which one?

12 A. Football.

13 Q. Did you enjoy playing football?

14 A. Yes.

15 Q. Why?

16 A. Just love the game.

17 Q. Are there aspects of the game that you
18 enjoyed most that really made you excited
19 about football?

20 A. Yes.

21 Q. Which aspects of the game?

22 A. At first it was playing with my brother,
23 being able to do that.

24 Q. You need to speak up a little bit so the
25 Court Reporter can get you.

1 A. Yes.

2 Q. And sports generally is one of your
3 passions?

4 A. Yes.

5 Q. When did you start at the University of
6 Minnesota?

7 A. 2009.

8 Q. Did you play football in 2009?

9 A. Yes.

10 Q. On the University of Minnesota football

11 team?

12 A. Yes.

13 Q. And that's the fall of 2009?

14 A. Yes, sir.

15 Q. And were you a red shirt that year?

16 A. Yes.

17 Q. So you didn't play in any games with the

18 team that year, correct?

19 A. No, sir.

20 Q. I think probably the way I asked that -- you

21 didn't play in any games, correct?

22 A. Yes.

23 Q. How about in 2010, did you play on the

24 University of Minnesota football team?

25 A. Yes.

1 Q. Did you play in any games?

2 A. No.

3 Q. How about 2011, did you play in any games?

4 A. No.

5 Q. 2012?

6 A. No.

7 Q. We are now in the 2013 season, correct?

8 A. Correct.

9 Q. You're still on the team, correct?

10 A. Yes.

11 Q. And you've been on the team consistently

12 from 2009 to 2013, correct?

13 A. Yes.

14 Q. Have you played any games so far this year?

15 A. No.

16 Q. Before you went to college, did you follow
17 sports on television?

18 A. Yes.

19 Q. Did you watch football games on television?

20 A. Yes.

21 Q. Did you watch professional football games on
22 television?

23 A. Yes.

24 Q. Did you have a favorite team?

25 A. No.

1 role model?

2 A. Nope.

3 Q. Why are you playing college football?

4 A. I love football.

5 Q. And that's the beginning and end of the

6 story?

7 A. Yes.

8 Q. Let me go back for a second to your high

9 school. You graduated in 2009?

10 A. Yes, sir.

11 Q. And you played football for all four years?

12 A. Yes, sir.

13 Q. What position did you play?

14 A. Quarterback.

15 Q. Which of those years did you start as

16 quarterback for your football team?

17 A. Sophomore to senior year.

18 Q. Sophomore, junior and senior year?

19 A. Yes, sir.

20 Q. What was your practice schedule like in high

21 school?

22 A. A couple hours every day after school.

23 Q. And was there any other things that you did

24 to try to make yourself better as a football

25 player besides those two hours of practice

1 A. Coach Tim Brewster.

2 Q. And what was Coach Brewster doing with the
3 program at that time that appealed to you?

4 A. Trying to win.

5 Q. Did you like Coach Brewster on a personal
6 level?

7 A. Yes.

8 Q. And did you believe that you could learn a
9 lot from him?

10 A. Yes.

11 Q. And was that a factor in your deciding to go
12 to the University of Minnesota?

13 A. Yes.

14 Q. Were there any other factors, besides being
15 close to home and having a coach that you
16 liked, that influenced your decision to go
17 to the University of Minnesota?

18 A. The quarterback's coach, Mike Dunbar.

19 Q. What did you like about Coach Dunbar?

20 A. Great mentor.

21 Q. A mentor in what way?

22 A. Football and life.

23 Q. In what way was he a mentor in football?

24 A. He helped me just become more of an
25 all-around player.

1 Q. And in what way was Coach Dunbar a mentor in
2 life?

3 A. Kind of the same way as my uncle Jed was.

4 Tell me really how to grow up, learn how to
5 take responsibility for myself.

6 Q. Any other factors that influenced your
7 decision to enter the University of
8 Minnesota?

9 A. I loved the guys that were being recruited
10 there too.

11 Q. Being part of a team is important to you?

12 A. Correct.

13 Q. Something you enjoy about the sport of
14 football?

15 A. Yes.

16 Q. And you think that will benefit you for the
17 rest of your life, the ability to work with
18 a team?

19 A. Yes.

20 Q. Did the academic opportunities at the
21 University of Minnesota play any role in
22 your decision to attend the University of
23 Minnesota?

24 A. Yes.

25 Q. What academic opportunities at the

1 University of Minnesota appealed to you?

2 A. That it was a great place to get your

3 degree, and there's a lot of opportunities

4 here.

5 Q. A lot of academic opportunities?

6 A. Yes. To explore different majors.

7 Q. And at the time that you were thinking about

8 college, back in 2008, 2009, I take it you

9 were not sure which academic path you wanted

10 to go down, correct?

11 A. Correct.

12 Q. So you liked the fact that the University of

13 Minnesota offered a number of paths that you

14 could go to?

15 A. Yes.

16 Q. Did you receive any scholarship offers from

17 any school other than the University of

18 Minnesota?

19 A. No.

20 Q. You did get a scholarship offer from the

21 University of Minnesota, correct?

22 A. Yes.

23 Q. Was the fact that Minnesota played in the

24 Big 10 a factor in your decision to attend

25 the University of Minnesota?

1 A. Yes.

2 Q. And why was that a factor?

3 A. There's a lot of tradition here, a lot of
4 great teams all around in the Big 10, and I
5 wanted to be a part of that.

6 Q. Did you sign a National Letter of Intent?

7 A. Yes.

8 Q. What did that signify to you?

9 A. That I was going to be playing football at
10 the University of Minnesota.

11 Q. And did you participate in a national
12 signing day?

13 A. Yes.

14 Q. What was that day like for you?

15 A. Stressful.

16 Q. Why?

17 A. Just a lot of busy work that day.

18 Q. Was any part of that day televised?

19 A. Yes.

20 Q. What was televised?

21 A. The signing of the National Letter of
22 Intent.

23 Q. Where were you at the time?

24 A. In the gym with some other people in my
25 class that were also going to different

1 schools.

2 Q. And do you recall which television network
3 or networks televised your signing day?

4 A. I do not know.

5 Q. Did you ask to be paid for that televised
6 broadcast?

7 A. No.

8 Q. Do you think you should have been paid for
9 that televised broadcast?

10 A. No.

11 Q. If you had not received a scholarship to a
12 Division I school, would you have considered
13 walking on to a Division I school?

14 A. Yes.

15 Q. Even if that meant that you did not receive
16 an athletic scholarship?

17 A. Yes.

18 Q. Was Minnesota your first choice in terms of
19 schools to attend?

20 A. Yes.

21 Q. If you had received a scholarship from the
22 University of Alabama or the University of
23 Southern California, would you still have
24 chosen Minnesota over Alabama or Southern
25 California?

1 A. I don't know.

2 Q. Do you think you would have been admitted to
3 the University of Minnesota had you not been
4 a football player?

5 A. Yes.

6 Q. You believe that your academic, and the rest
7 of your record at the University of -- I'm
8 sorry, at high school, would have been
9 sufficient to get you admitted to the
10 University of Minnesota?

11 A. Yes.

12 Q. Do you think that colleges should offer a
13 football program?

14 A. Yes.

15 Q. Why?

16 A. Because it provides school morale, it boosts
17 school morale, and gives something that
18 everyone can come together on.

19 Q. And do you think that it's important for a
20 university to have something that the
21 students can all get together on?

22 A. Yes.

23 Q. Why?

24 A. It just makes the experience of college that
25 much better.

1 Q. Do you think that one of the things that
2 helps the entire student body rally around
3 the football team is the fact that the
4 players on the football team are also
5 students?

6 A. Yes.

7 Q. Why do you think that helps to build the
8 loyalty in the community?

9 A. Creates a more personal relationship with
10 people.

11 Q. Do you have friends at the University of
12 Minnesota who do not play football?

13 A. Yes.

14 Q. Do you have a lot of friends who don't play
15 football?

16 A. Yes.

17 Q. What benefits do you think you receive by
18 being a football player at the University of
19 Minnesota?

20 A. Able to learn things like teamwork, learn
21 how to balance a busy schedule, learning how
22 to cooperate with others if you disagree on
23 something.

24 Q. Any other benefits that you think you
25 receive as a football player at the

1 University of Minnesota?

2 A. Yes.

3 Q. What other benefits?

4 A. It looks good on your college résumé -- or
5 on your résumé.

6 Q. What do you mean by that?

7 A. That it shows people that you know how to
8 balance your time wisely, and manage your
9 time, especially if you done it all
10 throughout college.

11 Q. And you think that will be helpful in
12 getting a job after you get out of college?

13 A. Yes.

14 Q. Any other benefits that you see by being a
15 football player at the University of
16 Minnesota?

17 A. No.

18 Q. You have an athletic scholarship, correct?

19 A. As of right now?

20 Q. For your four years -- or five years at the
21 University of Minnesota.

22 A. This year I'm not.

23 Q. This year you're not on scholarship?

24 A. Yes.

25 Q. But the first four years you were?

1 A. Correct.

2 Q. So let's talk about the first four years.

3 You did receive an athletic

4 scholarship for four years, correct?

5 A. Yes.

6 Q. Do you think that that is a benefit that you

7 received as a football player at the

8 University of Minnesota?

9 A. Yes.

10 Q. What did you receive as part of that

11 scholarship?

12 A. Tuition, books, and room and board.

13 Q. Do you know what the tuition is at the

14 University of Minnesota?

15 A. I do not.

16 Q. Do you have an estimate?

17 A. I do not.

18 Q. Do you know what it costs for room and board

19 at the University of Minnesota?

20 A. No.

21 Q. Do you have an estimate of that?

22 A. Not off the top of my head.

23 Q. Do you know what books cost at the

24 University of Minnesota?

25 A. I don't. It varies every semester.

1 A. Yes.

2 Q. And besides Coach Kill and Coach Brewster
3 and Coach Dunbar, are there any other
4 coaches on your team that have been
5 particularly important to you as either a
6 football player or as a person?

7 A. No.

8 Q. Do you think -- strike that.

9 Do you know how much Coach Kill
10 gets paid?

11 A. I do not.

12 Q. Do you have a sense that he's overpaid?

13 A. I do not.

14 Q. Do you believe that any of the coaches on
15 the University of Minnesota football team
16 are overpaid?

17 A. I don't know.

18 Q. But you do believe they should get paid for
19 what they're doing?

20 A. Yes.

21 Q. Does the University of Minnesota provide you
22 with any healthcare coverage?

23 A. If you ask.

24 Q. And during your first four years at the
25 school, did you ever ask for any healthcare

1 A. Can you rephrase that?

2 BY MR. POMERANTZ:

3 Q. Sure. Do you think you receive any
4 benefits, as a football player, that other
5 students at the University of Minnesota do
6 not receive?

7 MR. STUCKEY: Same objection.

8 A. Yes.

9 BY MR. POMERANTZ:

10 Q. What benefits do you receive that
11 non-student athletes do not receive?

12 A. I got a chance to start my own non-profit
13 organization. There's a lot of
14 opportunities with community outreach that a
15 lot of student athletes participate in.

16 I don't know if I wasn't a student
17 athlete that I would have the same
18 opportunities to go out and do that kind of
19 stuff.

20 Q. Any other benefits that you believe you
21 receive as a football player that students
22 at the University of Minnesota who don't
23 play football do not receive?

24 A. I get to run out in front of 60,000 people
25 every Saturday.

1 Q. And that's a benefit?

2 A. Yes.

3 Q. Any other benefits?

4 A. No.

5 Q. How much time do you spend on community
6 outreach or community service?

7 A. Every week or every month?

8 Q. Whichever way. Any way you feel is easiest
9 to describe.

10 A. I have -- I work with Hope for the City.
11 It's a non-profit organization. I've worked
12 with ACES, Boys and Girls Club, and so it's
13 kind of whenever they have a certain event
14 that we'll get invited to, then we'll go.

15 Q. So in a given week approximately how much
16 time do you spend on any aspect of community
17 service or community outreach?

18 A. Four to six hours.

19 Q. Can you describe your schedule, in a typical
20 week, during the college football season.

21 A. Yes.

22 Q. What's your schedule like?

23 A. Which day?

24 Q. Take us through an ordinary week.

25 A. Mondays are our off day, so we don't really

Deposition
611

1 have anything but class. So I have class
2 from around 9 to 11, and then class from
3 3:45 to around 7:30.
4 Tuesday, because I graduated, I
5 don't have class on Tuesday/Thursdays, and
6 then Wednesdays I have class from 8 to 11, I
7 work out at 12:30, and then practice is
8 from -- practice is every Tuesday,
9 Wednesday, Thursday from about 1:30 to about
10 7, have to be at the complex around 1:30,
11 and then after that we usually have training
12 table, and then study hall from about 7 to
13 9.
14 Q. And complete the week then.
15 A. Then Fridays, depending on if we have a home
16 game or an away game, we lift at 6:30 in the
17 morning regardless. If we have a home game,
18 then the whole team will practice at 2:30 to
19 around 5. If it's an away game then it's
20 meetings and different things before you
21 travel.
22 Q. And then the weekends?
23 A. Saturday, game day, so if it's a home game,
24 get up around 7, be at the complex by 7:15,
25 that's if you don't travel, and then you go

Objection
611

1 through the victory walk, and then the
2 game starts at 11, get done around 4:30,
3 5 o'clock, go home and hang out with some of
4 your buddies, and then Sunday we have
5 practice from around 2:30 to about 7.

6 Q. You said that you already graduated?

7 A. Correct.

8 Q. When did you graduate?

9 A. This past summer.

10 Q. What was your degree in?

11 A. Double majored in business marketing and
12 youth studies.

13 Q. And you said that you're continuing to take
14 classes now at the University of Minnesota,
15 correct?

16 A. Correct.

17 Q. Why are you continuing to take classes?

18 A. Further my education.

19 Q. Are you seeking an additional degree beyond
20 your undergraduate degree?

21 A. Minor in sociology.

22 Q. When will you obtain your minor in
23 sociology?

24 A. If I keep going through school and go to
25 summer school and everything, next fall.

Objection
611

1 Q. Is that your plans right now?

2 A. Correct.

3 Q. How many hours a week, during the football

4 season, do you think you spend either going

5 to class or studying for class?

6 A. On average?

7 Q. Yes.

8 A. Each week kind of varies. Like this week is

9 mid-term, so we have a lot more papers and

10 stuff coming up, so I'll spend a little more

11 time in the library in the next few weeks.

12 But if I had to make a guess,

13 probably close to 15 hours a week probably

14 just with different studying, study hall and

15 different groups meeting and stuff.

16 Q. And then is your class time in addition to

17 those 15 hours or so?

18 A. Yes. It would be -- well, with class time,

19 that would be probably adding on -- that was

20 just studying and meetings with groups

21 outside of the classroom.

22 Q. Have you heard of the 20-hour rule applied

23 to football?

24 A. Yes.

25 Q. What do you understand the 20-hour rule to

1 be?

2 A. That you're only allowed to do 20 hours of

3 football-related activities, whether that

4 includes practice, meetings or film, and

5 lifting.

6 Q. And does the University of Minnesota comply

7 with the 20-hour rule?

8 A. Yes.

9 Q. Let's move to the spring semester when it's
10 not the football season.

11 Could you describe your typical

12 weekly schedule during the spring.

13 A. Yep. Wake up every day at 5 o'clock -- we

14 run at 5:45, so I'll get up at 5, and I'll

15 walk to the football complex, workouts are

16 from 5:45 to about 7:30, class is from

17 around 8 to 11, get like a two-,

18 two-and-a-half hour break, and then you lift

19 at -- I was lifting at 4:30.

20 So I'll get done around 6 with

21 lifting, and then we have on the field stuff

22 at 6:30 until about 7:30, 8 o'clock, study

23 for a little bit, hang out, and then

24 probably in bed by 11, and do it all again.

25 That's pretty repetitive.

Objection
611

1 Q. Is that your typical schedule Monday through

2 Friday?

3 A. Yes.

4 And then Saturdays would be we lift

5 at 10, and then on the field stuff is

6 usually around 11:30, and then we're done by

7 1.

8 Q. And is your class schedule, the amount of

9 time you spend in the classroom and the

10 amount of time you spend studying or working

11 outside the class, is that approximately the

12 same in the spring as in the fall, or does

13 it vary?

14 A. It varies.

15 Q. And do you typically have more class work

16 and homework in the spring or in the fall or

17 could that vary?

18 A. That can vary.

19 Q. Do you know whether the University of

20 Minnesota requires you to obtain certain

21 grades in your coursework in order to play

22 football?

23 A. Yes.

24 Q. Do you recall what that grade level is?

25 A. Not specifically, no.

Objection
611

1 Q. Have you always obtained those grades?

2 A. Yes.

3 Q. So you've always been eligible to play from
4 an academic standpoint?

5 A. Yes.

6 Q. Did anybody in the athletic department ever
7 talk to you, either individually or as part
8 of a team, about the importance of your
9 education?

10 A. Yes.

11 Q. Who discussed that with you?

12 A. Coach Kill stresses that a lot. Pretty much
13 it's a pretty common theme that education is
14 the first thing, that when you come to
15 Minnesota that's the first thing that you're
16 going to do is get your education.

17 Q. And tell me what Coach Kill in particular
18 has said to you and your teammates about the
19 importance of education.

20 A. That it's very important to be successful in
21 life is to have your college degree.

22 Q. Is it fair to say that most of your
23 teammates will not play professional
24 football?

25 A. Correct.

1 Q. And do you think most of your teammates
2 understand that?

3 A. I don't know.

4 Q. You understood that from the time you joined
5 the University of Minnesota, correct?

6 A. As far as what?

7 Q. You understood that there was a likelihood
8 that you and most of your teammates would
9 not play professional football.

10 A. Correct.

11 Q. You hoped to play professional football some
12 day when you joined, correct?

13 A. Correct.

14 Q. But you were realistic that most players
15 don't play professional football, correct?

16 A. Yes.

17 Q. What do you plan on doing after you leave
18 college?

19 A. I don't know.

20 Q. How did you go about picking your major at
21 the University of Minnesota?

22 A. It was what I was passionate -- I was
23 passionate about working with people, being
24 able to help people.

25 Q. So you decided -- strike that.

1 Remind me again what your majors
2 are.

3 A. Business marketing and youth studies. So
4 working with, like, non-profit development
5 and kids.

6 Q. And do you think that when you leave the
7 University of Minnesota you're likely to try
8 to find employment in that area?

9 A. I don't know.

10 Q. Have you applied for any jobs yet?

11 A. No.

12 Q. What was your GPA when you graduated?

13 A. I can't remember.

14 Q. Can you give me an estimate?

15 A. I can't remember.

16 Q. Were you a B student?

17 A. I was able to get into college, that's all I
18 remember, that my grades were good enough
19 that I was able to get into college.

20 Q. Yeah, I'm talking about in college. What
21 was your GPA when you graduated college?

22 A. Oh, off the top of my head I don't remember.

23 Q. But were you basically a B student at the
24 University of Minnesota?

25 A. Yeah. There's some classes I struggled in,

1 Q. Did you try to push yourself academically?

2 A. Yes.

3 Q. So I take it you didn't just reach out to

4 try to take the easiest classes that the

5 school offered?

6 A. No.

7 Q. Do you think it's unfair for people to view

8 college football players as just dumb jocks?

9 A. I don't know.

10 Q. You don't view yourself that way, correct?

11 A. Correct.

12 Q. And you don't view a lot of your teammates

13 that way, correct?

14 A. Correct.

15 Q. And that's because you know them, correct?

16 A. Yes.

17 Q. And is it fair to say that a lot of your

18 teammates work hard on their academic

19 classes?

20 A. Yes.

21 Q. Does the University of Minnesota offer any

22 academic services or tutoring to you as a

23 football player?

24 A. Yes.

25 Q. What do they offer?

1 A. If you need help in the class they'll get
2 you a tutor that can help you with that
3 specific class.

4 Q. Have you taken advantage of that tutoring
5 opportunity?

6 A. Yes.

7 Q. In which classes?

8 A. Econ, professional business writing, and
9 there was like a grammatical few weeks of
10 one of the classes that I needed help on.

11 Q. And did you find the tutoring services to be
12 helpful to you?

13 A. Yes.

14 Q. And do you think it helped to improve your
15 performance academically?

16 A. Yes.

17 Q. Do you know if those tutoring services are
18 available to students at the University of
19 Minnesota who do not play athletics?

20 A. I know that the same way that we have to
21 apply for a tutor, that you can go to One
22 Stop and apply for a tutor as well.

23 Q. Is there anyone in the University of
24 Minnesota Athletic Department who is
25 responsible for working with you on your

1 academics?

2 A. As far as?

3 Q. Just keeping track of what classes you

4 should take and how you're doing in the

5 classes?

6 A. We have an academic advisor.

7 Q. And what is his or her name?

8 A. Shaina Rigsby.

9 Q. And is she helpful to you?

10 A. Very.

11 Q. And what things does she help you with?

12 A. Helping us prioritize our class schedule,

13 learning what fits with what, and kind of

14 pointing us in the right direction, and if

15 we need help usually she's available to

16 talk.

17 Q. And have you found, over the course of your

18 years at the University of Minnesota, that

19 she's been an important resource for you?

20 A. Very.

21 Q. Do you know whether you get to register for

22 classes earlier than other students at the

23 University of Minnesota?

24 A. We are.

25 Q. And does that help you to make sure that you

1 get a schedule that works for you?

2 A. That works for the team, yes.

3 Q. So they help to arrange your classes on

4 certain days of the week that work better

5 for your football schedule?

6 A. Yes.

7 Q. And yet you're still able to take the

8 courses you need to graduate with the two

9 majors that you wanted to graduate with,

10 correct?

11 A. Correct.

12 Q. Now, you said that you had an athletic
13 scholarship for the first four years at the
14 University, correct?

15 A. Correct.

16 Q. When you consider all of the benefits that
17 you've received from that scholarship, did
18 you ever find a time when there was not
19 enough money to cover the costs of attending
20 the University of Minnesota?

21 A. Can you rephrase that?

22 Q. Sure. Did you have enough money to cover

23 your costs of attending the University of

24 Minnesota during your first four years at

25 the school?

Objection
611

1 A. As far as like tuition and books and

2 everything?

3 Q. And food and rent and anything else you

4 needed to attend the University of

5 Minnesota.

6 A. No.

7 Q. You did not have enough money?

8 A. At times, no.

9 Q. So what kind of costs were you not able to

10 cover during those first four years?

11 A. Mostly food.

12 Q. And what did you do in those situations?

13 A. Pooled our money together and went to Taco

14 Bell.

15 Q. Did you ever go hungry?

16 A. At times.

17 Q. And what did you do then?

18 A. Not enough money.

19 Q. Did you ever ask anybody who was employed by

20 the University of Minnesota to give you more

21 money for food?

22 A. No.

23 Q. How much more money do you think you would

24 need in order to cover the full cost of the

25 food that you wanted during those first four

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1 BY MR. POMERANTZ:

2 Q. If you had not received an athletic
3 scholarship to the University of Minnesota
4 could you or your family have afforded the
5 tuition at the University of Minnesota?

6 A. No.

7 Q. So you would have applied for financial aid?

8 A. Yes.

9 Q. Did you understand that when you received an
10 athletic scholarship to the University of
11 Minnesota, that that scholarship was
12 conditioned on you complying with the rules
13 of the NCAA?

14 A. Yes.

15 Q. And were you given an opportunity to
16 familiarize yourself with the NCAA rules?

17 A. As far as?

18 Q. The rules that would govern college
19 athletes.

20 A. Like were we given their rule book?

21 Q. A rule book or a summary of rules. Some
22 document that would set forth the rules.

23 A. Yes.

24 Q. And did you receive that before you started
25 playing football in your freshman year?

1 A. Yes.

2 Q. And did you have an opportunity to review
3 it?

4 A. Yes.

5 Q. Did you review it?

6 A. I honestly couldn't tell you.

7 MR. POMERANTZ: Why don't we just
8 take a five-minute break or so.

9 VIDEOGRAPHER: We are going off the
10 record at 9:43 a.m.

11 (Whereupon, a recess was taken.)

12 VIDEOGRAPHER: We are back on the
13 record. This is the beginning of media
14 number 2 in the deposition of Moses Alipate.
15 The time is 9:57 a.m.

16 We're back on the record.

17 BY MR. POMERANTZ:

18 Q. Mr. Alipate, has anyone ever taken a test

19 for you at the University of Minnesota?

20 A. No.

21 Q. Has anyone ever written a paper for you at

22 the University of Minnesota?

23 A. No.

24 Q. To your knowledge, has anyone ever taken a

25 test or written a paper for any of your

1 teammates?

2 A. Not to my knowledge.

3 Q. Do you think you've received a good

4 education from the University of Minnesota?

5 A. Yes.

6 MR. POMERANTZ: Let me have marked
7 as Exhibit 1047 a student athlete handbook
8 for the University of Minnesota for the
9 years 2012/2013.

10 (At this time ALIPATE Deposition
11 Exhibit 1047 was marked for
12 identification by the Court Reporter.)

13 BY MR. POMERANTZ:

14 Q. Mr. Alipate, can you identify this document
15 for me?

16 A. Yes. It's the student athlete handbook.

17 Q. And was this provided to you by the
18 University of Minnesota?

19 A. Yes.

20 Q. Do you receive a copy of this handbook each
21 year?

22 A. Yes. Not in this exact form, but yes.

23 Q. And from time to time have you had an
24 opportunity to read certain portions of this
25 handbook?

1 you work on your résumé for job

2 applications?

3 A. If you ask, yes.

4 Q. You mentioned some community service
5 programs that you participate in, correct?

6 A. Yes.

7 Q. Were any of those made available to you
8 through the athletic department at the
9 University of Minnesota?

10 A. Yes. The Boys and Girls Club.

11 Q. Could you turn to page 11 of the handbook.

12 A. (The Witness complying.)

13 Q. This is the code of conduct that you were
14 referring to?

15 A. Correct.

16 MR. STUCKEY: Are you looking at
17 Bates 377?

18 MR. POMERANTZ: Yes.

19 BY MR. POMERANTZ:

20 Q. And you've read this code of conduct before?

21 A. Yes.

22 Q. And you've tried your best to abide by it?

23 A. Yes.

24 Q. Do you think that it's a privilege to play

25 college football at the University of

1 Minnesota?

2 A. Yes.

3 Q. Why do you think it's a privilege?

4 A. Not a lot of people are able to do this.

5 Q. Do you think a lot more people want to do it

6 than get a chance to do it?

7 A. Correct.

8 Q. And do you think with that privilege comes
9 responsibility?

10 A. Yes.

11 Q. And that's what the code of conduct says in
12 the very first paragraph, correct?

13 A. Yes.

14 Q. What responsibility do you think you take on
15 as a football player at the University of
16 Minnesota?

17 A. Set a good example for the University,
18 represent my University well when I'm not on
19 campus. And that's it.

20 Q. Do you think you have a responsibility to
21 take advantage of the academic opportunities
22 available to you at the University of
23 Minnesota in exchange for getting an
24 athletic scholarship?

25 A. Do I think I have to?

1 that you joined the University of Minnesota
2 football team?

3 A. I believe so.

4 Q. And did you think that having a special
5 network devoted to Big 10 sports was a
6 benefit to you?

7 A. I think it's a benefit to the whole Big 10.

8 Q. Including its players and its universities?

9 A. And the NCAA.

10 Q. And the NCAA?

11 A. Yep.

12 Q. All of them?

13 A. Yes.

14 Q. Why did you decide to join this lawsuit?

15 A. Because I wanted to see the rules that were
16 being brought up about players being paid
17 changed.

18 Q. Any other reasons?

19 A. I really wanted the rules changed.

20 Q. That's it?

21 A. Yes.

22 Q. And which particular rules did you want
23 changed?

24 A. That athletes should be allowed to be paid
25 for the revenue that they do bring into the

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1 school and the amount of work that they do.

2 Q. And by athletes, you're referring to

3 Division I football and men's basketball

4 players?

5 A. Correct.

6 Q. Were you approached by someone to join this
7 lawsuit, or did you approach someone to join
8 this lawsuit?

9 A. I was approached.

10 Q. Who approached you?

11 A. My teammate Joey Balthazar.

12 Q. I'm sorry, the name?

13 A. Joey Balthazar.

14 Q. And what did Mr. Balthazar say to you?

15 MR. STUCKEY: I'm going to object
16 on that. It's privileged information.

17 BY MR. POMERANTZ:

18 Q. Was Mr. Balthazar a player on your team?

19 A. He was.

20 MR. POMERANTZ: What's privileged
21 about it?

22 MR. STUCKEY: Mr. Balthazar also
23 works with one of the attorneys here at the
24 firm.

25 MS. STEINER: He's an employee of

1 Q. How about women who play soccer?

2 A. I don't know.

3 Q. How about men who are on the track and field
4 team.

5 A. I don't know.

6 Q. Do you think one of the reasons why football
7 players should get played is because they
8 appear on television and the television
9 networks pay money for that?

10 A. I don't know.

11 Q. Do you know how hard women basketball
12 players work to play basketball at the
13 University of Minnesota?

14 A. I don't. I don't know.

15 Q. Do you know how hard women soccer players
16 work?

17 A. I don't know.

18 Q. How about the men who play track and field?

19 A. I do not know.

20 Q. Are you aware that the University of
21 Minnesota receives money from having its
22 games televised?

23 A. I am, yes.

24 Q. Do you know what the University of Minnesota
25 does with that money?

1 A. I do not.

2 Q. Have you ever tried to find out what the

3 University of Minnesota does with that

4 money?

5 A. No.

6 Q. If 50 percent of the money that the

7 University of Minnesota receives for having

8 its games televised are given to football

9 and basketball players at the University of

10 Minnesota, do you know what the University

11 of Minnesota would do to cover that expense?

12 MR. STUCKEY: Objection, form.

13 A. I do not, no.

14 BY MR. POMERANTZ:

15 Q. Do you know if the University of Minnesota

16 would have to cut back on the money it

17 spends on women's sports in order to pay the

18 money that you are seeking in this lawsuit?

19 MR. STUCKEY: Objection, form.

20 A. I do not know.

21 BY MR. POMERANTZ:

22 Q. If the University of Minnesota had to cut

23 back on the money it spent on women's sports

24 in order to pay men who play football and

25 basketball at the University of Minnesota,

1 would that change your view about whether

2 you should be pursuing this lawsuit?

3 MR. STUCKEY: Same objection.

4 A. I don't know.

5 BY MR. POMERANTZ:

6 Q. If the University of Minnesota would have to
7 cut back on the money it spent on men's
8 sports, other than football and basketball,
9 in order to pay the money that you are
10 seeking in this lawsuit, would that matter
11 to you in any way?

12 A. I haven't even thought about it.

13 Q. If the University of Minnesota would have to
14 raise tuition or fees that all students had
15 to pay in order to cover the money that you
16 are seeking in this lawsuit, would that
17 matter to you?

18 A. I haven't even given it any thought.

19 Q. Do you know whether the University of
20 Minnesota makes money or loses money on its
21 college football program?

22 A. I'm not sure.

23 Q. Does that matter to you in your decision
24 whether to pursue this lawsuit?

25 A. I haven't given it any thought.

1 Q. Do you know whether the University of
2 Minnesota makes money or loses money on its
3 college basketball program?

4 A. I haven't thought about it.

5 Q. Would that matter to you in terms of your
6 decision whether to pursue this lawsuit?

7 A. I haven't thought about it.

8 Q. Do you know whether the University of
9 Minnesota makes money or loses money on its
10 entire athletic program?

11 A. I do not know.

12 Q. Would that matter to you in your decision
13 whether to pursue this lawsuit?

14 A. I haven't thought about it.

15 Q. What is your desired outcome for this
16 lawsuit?

17 A. For the rules to be changed.

18 Q. And if you got to set the new rules, what
19 would those rules be?

20 A. I haven't thought about it.

21 Q. If you were paid for your work in playing
22 college football, what would you do with the
23 money?

24 A. I haven't thought about it.

25 Q. Do you think that the football players at

1 they saw you on TV?

2 A. Yes.

3 Q. Have you ever heard from your family that
4 they saw you on TV?

5 A. Yes.

6 Q. Is it fair to say that you do not believe
7 high school football players should be paid
8 even if their games are televised?

9 A. Yes.

10 Q. And is it fair to say that you do not
11 believe that Little League baseball players
12 should be paid even if their games are
13 televised?

14 A. Yes.

15 Q. Why do you think Little League baseball
16 players should not be paid even if their
17 games are televised?

18 A. I haven't really thought too much about
19 that.

20 Q. What uses of your name or image or likeness
21 do you think you should be paid for?

22 A. I haven't really given that too much thought
23 as well.

24 Q. Do you think if you play a game, and it
25 happens to be televised, that you should be

1 paid because it's televised?

2 A. I haven't really had that train of thought.

3 Q. That's not something you believe in?

4 A. I haven't really thought about it.

5 Q. Are there any uses of your name or image or

6 likeness that you think you should not be

7 paid for?

8 A. I haven't thought about that.

9 Q. Have you ever been interviewed on
10 television?

11 A. Yes.

12 Q. When?

13 A. High school, college during the spring game.

14 Q. When you were interviewed on television, did
15 you think you should be paid for that
16 interview?

17 A. I haven't really thought about that.

18 Q. Were you paid for that interview?

19 A. No.

20 Q. Did you ever voice an objection to not being
21 paid when you were interviewed on
22 television?

23 A. No.

24 Q. Did you ever voice an objection about not
25 being paid when your game was televised?

1 Q. Let me show you what's previously been
2 marked as Exhibit 1005.

3 Just take a moment to read
4 Exhibit 1005, Mr. Alipate.

5 A. (The Witness complying.)

6 Q. Is this the kind of form you were referring
7 to?

8 A. Yes.

9 Q. And does this look, in substance, like the
10 form that you signed each year at the
11 University of Minnesota?

12 A. Yes.

13 Q. To your knowledge, has the University of
14 Minnesota, or the NCAA, ever used your name,
15 image or likeness to promote a commercial
16 product?

17 A. I'm not sure.

18 Q. You're not aware of it as you sit here
19 today?

20 A. Yes.

21 Q. When you signed a form similar to
22 Exhibit 1005, did you understand what you
23 were signing?

24 A. Yes.

25 Q. All right. Let's turn to video games.

1 image or likeness in 2010, 2011, 2012 or
2 2013?

3 A. Has anybody ever told me?

4 Q. Yes.

5 A. Yes.

6 Q. Who?

7 A. My little brother -- or my little brothers.

8 Q. I thought you said in the 2009 game it was
9 there.

10 A. It was the -- whichever year is after that
11 fall season. They call it like 2009, the
12 year before. I'm not really sure how to
13 explain it. It's always like a year
14 after --

15 Q. Okay.

16 A. -- if that makes sense.

17 Q. Is it fair to say that you heard that your
18 image or likeness was used only in one year?

19 A. Yes.

20 Q. And not in any other year?

21 A. Yes.

22 Q. Have you ever tried to license your name,
23 image or likeness?

24 A. No.

25 Q. Do you think anyone would want to license

1 your name, image or likeness?

2 A. I have no idea.

3 MR. POMERANTZ: Let's take
4 five minutes.

5 VIDEOGRAPHER: We are going off the
6 record at 10:51 a.m.

7 (Whereupon, a recess was taken.)

8 VIDEOGRAPHER: We're back on the
9 record at 11:04 a.m.

10 BY MR. POMERANTZ:

11 Q. Mr. Alipate, I have no further questions,
12 and I appreciate your time this morning.

13 A. Thank you.

14 MR. STUCKEY: No further
15 questions -- no questions from our side.

16 MR. POMERANTZ: And I think there's
17 a -- from what I was told in my last
18 deposition there's some standard stipulation
19 that you guys agreed to a long time ago that
20 we just abide. How's that?

21 MS. STEINER: Sure. Whatever it's
22 been for four years we'll keep doing.

23 We tend to read and sign, but have
24 never objected to the use of the deposition
25 before the errata sheet got signed, so

1 STATE OF MINNESOTA)
) ss
2 COUNTY OF HENNEPIN)

3
4 Be it known that I took the deposition
of MOSES ALIPATE on the 17th day of October,
2013 at Minneapolis, Minnesota;

5
6 That I was then and there a Notary
Public in and for the County of Hennepin,
State of Minnesota, and that by virtue
7 thereof, I was duly authorized to administer
an oath;

8
9 That the witness before testifying was
by me first duly sworn to testify the whole
truth and nothing but the truth relative to
10 said cause;

11 That the testimony of said witness was
recorded in Stenotype by myself and
12 transcribed into typewriting under my
direction, and that the deposition is a true
13 record of the testimony given by the witness
to the best of my ability;

14
15 That I am not related to any of the
parties hereto nor interested in the outcome
of the action;

16
17 That the reading and signing of the
deposition by the witness was executed as
evidenced by the preceding page;

18
19 That Notice of Filing was waived.

20
21 WITNESS MY HAND AND SEAL THIS ____ day
of _____, 2013.

22
23 

24 Kelly L. Hemsath, RPR
Court Reporter

25