

EXHIBIT E

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
8

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9 MAY CONTAIN CONFIDENTIAL INFORMATION

10 DEPOSITION OF  
11 JAKE FISCHER

12  
13 OCTOBER 12, 2013  
14 1:41 P.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; 1:41 P.M.

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5 THE VIDEOGRAPHER: This is the beginning of

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

7 matter of NCAA Student-Athletes, case number

8 4:09-CV-1967-CW.

9 Today's date is October the 12th, 2013, and  
10 the time on the monitor is 1:41 p.m. My name is Fredrick  
11 Van Norman. I'm the legal videographer. The court  
12 reporter is Sommer Greene. We are here with Huseby  
13 Global Litigation.

14 Counsel, please introduce yourselves.  
15 Afterwards the court reporter will swear in the witness.

16 MR. POMERANTZ: Glenn Pomerantz on behalf of  
17 the NCAA.

18 MS. SCHERRER: Hilary Scherrer from  
19 Hausfeld, LLP on behalf of the antitrust plaintiffs and  
20 the witness.

21 MR. GOSSELIN: Sathya Gosselin from  
22 Hausfeld, LLP on behalf of the antitrust plaintiffs and  
23 the witness.

24 MS. HORAN: Claudia Horan with Hagens Berman  
25 on the behalf of the rights of publicity plaintiffs.

1 A. Yes, I did.

2 Q. Did you follow the University of Arizona  
3 football team?

4 A. Yes, I did.

5 Q. Watch them on television?

6 A. Yes, I did.

7 Q. Did you watch any other college teams while you  
8 were growing up?

9 A. The University of Nebraska.

10 Q. Is that your dad's favorite team?

11 A. Both my parents went to University of Nebraska.

12 Q. So you followed them as well?

13 A. Yes, I did.

14 Q. Did you follow any pro teams?

15 A. The Denver Broncos.

16 Q. Why Denver?

17 A. You know, I grew up a Denver fan because my  
18 parents were big Denver fans.

19 Q. Good times with the Broncos right now?

20 A. Yes. Yes.

21 Q. As you were growing up and watching college and  
22 professional football games, did you like one more than  
23 the other as a fan?

24 A. I liked the college a little more than NFL.

25 Q. Why?

1           A.     My parents, you know, going to that college,  
2     they kind of showed loyalty, you know, through going to  
3     that college. So, you know, I guess I kind of do the  
4     same thing.

5           Q.     And you feel like there's a little more loyalty  
6     in the college game than there is in the pro game?

7           A.     Yeah, because if you go to a university, you're  
8     always going to want to represent that university.

9           Q.     Did you feel loyalty to the University of  
10    Arizona just as a fan before you attended there?

11          A.     Yeah, because I was a big football and  
12    basketball fan.

13          Q.     Besides the loyalty that one has to a school,  
14    is there any other things that caught you as being  
15    different between the college and football --  
16    professional football games from a fan's perspective?

17          A.     Well, when you're at a university, you get to  
18    meet new people, and, you know, you get -- you garner new  
19    friendships and stuff like that, and, you know, you're  
20    going to class. You're there 24/7. So, you know, I  
21    haven't began to see what the NFL is like. So I mean, I  
22    can only tell you from one side. So...

23          Q.     Have you ever had your deposition taken before?

24          A.     Never.

25          Q.     Well, welcome to our life.

1 basketball before football. So when I got to freshman  
2 year is kind of when I decided which one I would be able  
3 to go farther.

4 Q. What do you enjoy about the game of football?

5 A. Just the competition. You know, it's the most  
6 enduring game. I feel like you have to be more cohesive  
7 as a unit in football because you have more people on the  
8 field at one -- you know, at one point in time and, you  
9 know, just the relationships that you gather over the  
10 years.

11 Q. Did you enjoy playing football for your high  
12 school team?

13 A. Oh, I loved it.

14 Q. Did you have a good team?

15 A. Yeah, we were pretty good.

16 Q. How did you guys do in the state tournament?  
17 Do you have a state tournament down here?

18 A. Yeah, my junior year we got knocked out in the  
19 quarter finals by our rival. The next year we beat them  
20 to get to the semifinals, and then we played one of the  
21 best teams in the country, and we got beat. So...

22 Q. Good crowds in the stands?

23 A. Not bad.

24 Q. How about once you got to the playoffs?

25 A. You know, they weren't bad. It was just -- I

1 mean, you know, we were up in Phoenix when we got to the  
2 playoffs most of the time, and I mean, it's a little bit  
3 bigger stadium but not by a whole lot. So it wasn't too  
4 different.

5 Q. When did you know that you wanted to play  
6 football in college?

7 A. Well, I wanted to play football in college for  
8 a while, but I didn't realize that I would be able to  
9 until I got my first, you know, scholarship offer. So...

10 Q. But was it -- while you were playing in high  
11 school, did you come to realize that you really wanted to  
12 play in college if you had the opportunity?

13 A. Yeah.

14 Q. And was your high school coach helpful to you  
15 in helping you figure out how to play football in  
16 college?

17 A. Well, I would give most of that to my dad. He  
18 really taught me the game and taught me how to play, you  
19 know, discipline and everything like that. But my coach,  
20 you know, really helped me develop, you know, my, I  
21 guess -- he helped me with more the schematic, you know,  
22 part of football, and he helped me get recruited as well.

23 Q. Did your dad play football growing up?

24 A. No, he didn't.

25 Q. Tell me about the recruitment -- the college

1                   And then I started receiving letters after  
2 my sophomore year, and before my junior year, there's a  
3 certain date where they -- up until where they can't  
4 offer you but they can send you mail and talk to you,  
5 that once I got to that first date after a couple of  
6 camps, I got a couple scholarship offers.

7           Q.    Which schools ultimately gave you scholarship  
8 offers?

9           A.    University of Arizona, University of Colorado  
10 and University of Utah.

11          Q.    Why did you choose the University of Arizona  
12 over the other two?

13          A.    It was just more of a family feel. You know, I  
14 just felt more comfortable there, and I wanted to, you  
15 know, major in business, and I knew they had a good  
16 business school. And it was right in my backyard. You  
17 know, I could still get the college experience and be far  
18 away -- far enough away from my parents, you know, where  
19 I'm living on my own and kind of living the college life  
20 and, you know, kind of be able to grow as a person  
21 myself. So I figured, you know, this is the best place  
22 for me.

23          Q.    Do you have a favorite book?

24          A.    You know, I have a couple by, you know, John  
25 Wooden that just basically talk about the art of how to



1 Q. And what about from game day to game day,  
2 between Saturdays? Do you enjoy being part of a campus  
3 environment during the course of the week?

4 A. Yes.

5 Q. And what do you enjoy about that?

6 A. You know, just seeing your friends every day on  
7 a day-to-day basis. You know, I take my education  
8 seriously, so, you know, going to class and trying to  
9 learn and just building relationships with people.

10 Q. Do you have friends at the University of  
11 Arizona who don't play football?

12 A. Of course.

13 Q. A lot of them?

14 A. Yeah.

15 Q. And does that add to the experience you're  
16 having at the University of Arizona as a football player?

17 A. I would say yes.

18 Q. Are you meeting a wide and diverse range of  
19 people there?

20 MS. SCHERRER: Objection. Vague.

21 THE WITNESS: I guess you could say so.

22 Q. BY MR. POMERANTZ: Now, you said that one of  
23 the reasons you chose the University of Arizona was  
24 because of its business school?

25 A. Yes.

1 Q. What did you know about its business school at  
2 the time you were considering which school to go to?

3 A. I always thought I was going to do business  
4 because my dad was big in business. You know, when we  
5 were doing the recruiting thing, you know, I kind of  
6 asked, you know, on the side. It wasn't, you know, like  
7 I dug deep into research about, you know, the business  
8 schools. It's just, you know, I knew that they were  
9 great in marketing, great in management, great in MIS,  
10 which is a major that I was actually, you know, thinking  
11 about doing.

12 But, you know, I just talked to a couple of  
13 professors, stuff like that, and, you know, they said  
14 it's really the place to be, you know, especially for  
15 management, which is one of my majors.

16 Q. So did you talk to professors at the University  
17 of Arizona before you decided to accept the scholarship  
18 here?

19 A. Yes. It was, you know, on my recruiting visit,  
20 they kind of take you around campus, and it wasn't so  
21 much a sit down as we're having now and talk. You know,  
22 it was just kind of the coaches take you around, say, you  
23 know, what do you want to major in, stuff like that. You  
24 know, we drive around. They took me to the business  
25 school, and, you know, I got to, you know, have a few

1 words with, you know, a couple professors. So I thought  
2 that was pretty cool.

3 Q. And what about that visit to the business  
4 school helped you to decide to go to the University of  
5 Arizona?

6 A. It really just assured me that I was going to  
7 be getting a good education for the most part, and I knew  
8 I was going to have to go a year and a half or two years  
9 of classes, you know, to get my gen eds and stuff like  
10 that out of the way, but, you know, I looked forward to,  
11 you know, enhancing my knowledge over there.

12 Q. And what year are you right now?

13 A. I'm a fifth year senior.

14 Q. So you've now gone into the business school;  
15 correct?

16 A. Yeah.

17 Q. How has it been? Has it lived up to your  
18 expectations?

19 A. Definitely has. You know, I thought managing  
20 my time was hard before I got into the business school,  
21 and now it's, you know, really tough, just that and, you  
22 know, football and everything. So -- but I mean, I love  
23 the education I'm getting.

24 Q. Did -- was one of the factors you considered in  
25 deciding whether to go to Arizona or some other school

1 the particular coaches who were at each school?

2 A. Yes, because you want to develop a relationship  
3 with them.

4 Q. And did you like the coach at the University of  
5 Arizona?

6 A. Yes, I did.

7 Q. Who was the coach at the time you were being  
8 recruited?

9 A. Mike Stoops.

10 Q. And did you like Mr. Stoops during the  
11 recruitment process?

12 A. Yes, I did.

13 Q. Did it turn out that he turned out to be a good  
14 coach for you in your first years here?

15 A. Yes, because he was a big, you know, advocate  
16 of discipline, and, you know, I just believed that kind  
17 of further helped me enhance my, you know, discipline  
18 and, you know, every aspect in my life.

19 Q. How long was Mr. Stoops your coach for?

20 A. He was my coach for about two and a half years.

21 Q. And when you say that he helped to teach you  
22 discipline, what did you mean by that?

23 A. You know, just he kind of helped me with kind  
24 of growing up because I had to play my freshman year. I  
25 didn't register, you know. He got on me hard, you know,

1 when I wasn't doing things right, and then, you know,  
2 when I would do something good, he would be one of the  
3 first people to let me know.

4 So, you know, he definitely coached us hard,  
5 but I believe that in order to be good, you have to be  
6 coached hard. You have to kind of be taught that way.

7 Q. And -- I'm sorry.

8 A. That was it.

9 Q. Did you believe that the discipline that  
10 Mr. Stoops was teaching you helped you in other facets of  
11 your life?

12 A. Yeah, because just like I told you about my  
13 dad, you know, really helping me out in that area, it  
14 kind of translated over into, you know, other parts of  
15 your life, whether it's -- you're thinking about an  
16 assignment, okay, I got to get it done or talking with  
17 time management again. You know, there's a lot of  
18 different things that helps you.

19 Q. Who's your coach now?

20 A. Coach Rich Rodriguez.

21 Q. And has he been a good coach?

22 A. He's been a great coach.

23 Q. And what have you learned from Coach Rodriguez  
24 that's helped you as a football player and as a person?

25 A. Really the same thing, you know. He just kind

1 of helped me mature a little more, you know. After Coach  
2 Stoops left, I was still only a junior, and, you know, I  
3 believe that you always have to keep growing and  
4 knowledge and stuff like that. So he helped me grow more  
5 as a person.

6 Q. Now, different colleges have different training  
7 facilities available to their football players; correct?

8 A. Yes, sir.

9 Q. Did you look at the training facilities at each  
10 of the schools you were considering before making your  
11 decision?

12 A. Yeah, but I mean, that wasn't the ultimate  
13 reason why, you know, I decided to pick the University of  
14 Arizona.

15 Q. Was it a factor?

16 A. A little bit. The University of Arizona is  
17 kind of behind in their facilities, and I still picked it  
18 even though they didn't have the best.

19 Q. And since you've been at the school, they've  
20 opened up a new training facility; correct?

21 A. Yes, they have.

22 Q. Can you compare the two?

23 A. No. No, I can't.

24 Q. The new one is much, much better than the old  
25 one?

1 prospects coming -- you know, kind of coming up through  
2 high school and how good each of them are, you know,  
3 according to certain analysts and whatnot.

4 Q. Did you follow Rivals Dot Com while you were in  
5 high school?

6 A. Yeah, a little bit.

7 Q. And did you follow how they were rating you?

8 A. Yeah.

9 Q. Do you recall what your highest rating was  
10 while you were in high school?

11 A. I was a three out of five stars.

12 Q. And do you think that that rating system  
13 affected the way colleges looked at you?

14 MS. SCHERRER: Objection. Calls for  
15 speculation.

16 THE WITNESS: No.

17 Q. BY MR. POMERANTZ: Do you think that some high  
18 school players are better than other high school players?

19 A. Yes.

20 Q. And do you think that if a university was able  
21 to pay money to get a student to come to their school  
22 that they pay more to the better players than to the  
23 players that were not as good?

24 MS. SCHERRER: Objection. Calls for  
25 speculation.

1 THE WITNESS: No.

2 Q. BY MR. POMERANTZ: Why do you say that?

3 A. Just because I don't believe in pay for play, I  
4 mean, especially coming out of high school.

5 Q. What do you mean by that?

6 A. I don't think you should be getting paid while  
7 you're playing unless you're in a pro sport.

8 Q. And if somebody said to the high school  
9 student, I will pay you a million dollars if you come to  
10 my college, but I'll pay it to you the day you graduate,  
11 would that be any different from your perspective?

12 A. Never really thought about that.

13 Q. And as you think about it here today, do you  
14 think that's really any different than playing the  
15 million dollars during the time that they are in school?

16 MS. SCHERRER: Objection. Form and  
17 foundation.

18 THE WITNESS: I believe that once we are  
19 done with college that we should be able to get some kind  
20 of payment just based on helping with medical issues,  
21 which a lot of people have once they get out of college,  
22 helping to, you know, maybe further enhance their  
23 knowledge, their education, you know, maybe help pay for  
24 an internship, you know, if you have to move somewhere,  
25 maybe get you on your feet, be able to pay for an



1 apartment while you're taking the internships.

2 A lot of people during college -- during

3 athletics, they don't have time to go out and, you know,

4 do an internship. They don't get the time to go out and

5 get any kind of job experience, stuff like that. So, you

6 know, I believe there's a lot of good things that can

7 come out of it.

8 Q. BY MR. POMERANTZ: Why do you think that there  
9 should not be pay for play while the student is in  
10 school?

11 A. I really believe that they shouldn't be getting  
12 paid while they are in school, you know, with maybe an  
13 exception of, you know, raising the stipend a little bit  
14 to kind of make it a little easier on us. But during  
15 college, it's, you know -- I just don't think it's right  
16 to be getting paid for, you know, your performance or for  
17 anything else rather than just giving us money to help  
18 pay our bills, you know. Maybe after college is what I  
19 believe.

20 Q. And I'm trying to figure out why you believe  
21 that. What is the reason why you think a student  
22 shouldn't be paid money for his performance while he's  
23 still in school?

24 A. Because it's not professional.

25 Q. And do you think there should be a difference

1 between professional sports and college sports?

2 A. Yes, I do in terms of, you know, pay for play.

3 Q. Your team had a close game against USC a couple  
4 nights ago; correct?

5 A. Yes.

6 Q. And you have UCLA coming up in your schedule;  
7 correct?

8 A. This week we have Utah, but we will be playing  
9 UCLA in a couple weeks.

10 Q. Right now UCLA is leading the south division of  
11 the PAC 12; correct?

12 A. Yes, they are.

13 Q. Do you think you have a reasonable chance of  
14 beating UCLA?

15 A. Yes.

16 Q. Oregon is leading the north division; correct?

17 A. Yes.

18 Q. You play them later this season; correct?

19 A. Second to last game of the year, I believe.

20 Q. Do you think you have a reasonable chance of  
21 beating Oregon?

22 A. Yes.

23 Q. And do you believe that this year the PAC 12 is  
24 a fairly well-balanced league?

25 MS. SCHERRER: Objection. Vague. Sorry.

1 Q. BY MR. POMERANTZ: Do you think it's good for a  
2 university to offer a football program?

3 A. Yeah.

4 Q. Why?

5 A. You know, I just believe it kind of adds to the  
6 collegiate experience.

7 Q. In what way does it add to the collegiate  
8 experience?

9 A. Say you're a student in Tucson. It's more of a  
10 college town than anything, and, you know, what else is  
11 there really to do? I mean, you're going to want to  
12 support your team, you know, whether it's just -- whether  
13 you went there or whether you just live in the town,  
14 you're going to want to go watch. You know, it's  
15 entertaining.

16 Q. Do you think that it helps to build a sense of  
17 community amongst the student body?

18 A. Yeah, I do.

19 Q. And do you think that matters to a university  
20 environment?

21 A. Yes, I do.

22 Q. Do you think that it matters to the school  
23 environment that the football players they see on the  
24 field on Saturday are also sitting in the classrooms with  
25 them Monday through Friday?

1 MS. SCHERRER: Objection. Calls for  
2 speculation.

3 THE WITNESS: I think that kind of creates,  
4 you know, a special bond. You know, I have a lot of  
5 friends outside of football, and, you know, it kind of  
6 puts down a lot of perceptions that are thought about us.  
7 So, yeah.

8 Q. BY MR. POMERANTZ: What kind of perceptions are  
9 you talking about?

10 A. You know, a lot of us don't hold -- the  
11 perception is a lot of us don't take school serious, and  
12 a lot of people I have met have definitely -- if they  
13 thought that before, they don't anymore.

14 Q. Because you do take school seriously?

15 A. Very.

16 Q. That was one of your primary reasons for  
17 choosing Arizona?

18 A. Yes.

19 Q. Do you think that a lot of your teammates also  
20 take school seriously?

21 A. I think the majority of them do, yes.

22 Q. They came to school both for football and for  
23 an education?

24 A. Yes.

25 MS. SCHERRER: I'm just going to insert an

1 objection there, and if you will, just slow down a little  
2 bit to give me a chance. Calls for speculation on that  
3 as to what everybody else knew or wanted.

4 Q. BY MR. POMERANTZ: Do you believe that college  
5 football players should be students at their college?

6 A. Yes.

7 Q. Why?

8 A. Isn't that what you go to college for?

9 Q. Have you heard the term "amateur"?

10 A. Yes.

11 Q. And have you heard the term "amateur" in the  
12 context of college sports?

13 A. Yes.

14 Q. What do you think that term means in the  
15 context of college sports?

16 A. To me it means that we're doing the exact same  
17 thing that professionals do, but we do not get paid for  
18 it.

19 Q. And you believe that's the way it should be in  
20 college?

21 A. Concerning pay for play, yes.

22 Q. Some other way?

23 A. I believe that we should get paid after we're  
24 done with our eligibility.

25 Q. When you say you get paid after, what kind of

1 other consideration from the school to help pay for food?

2 MS. SCHERRER: Objection. Mischaracterizes  
3 the witness' testimony a little bit as to the two  
4 differences in time as to how many meals you get.

5 THE WITNESS: What was the question?

6 Q. BY MR. POMERANTZ: Are you on a meal plan?

7 A. Yeah.

8 Q. How does that work?

9 A. We get dinner four nights a week, and then when  
10 we're on the road, when we're out about to play somebody  
11 else, we get fed there as well.

12 Q. And is there anything more to the meal plan  
13 than the -- than what you just described?

14 A. No.

15 Q. Do you get any healthcare provided by the  
16 University of Arizona?

17 A. Yes.

18 Q. What does the university provide?

19 A. You know, if we have any injuries, we can go in  
20 and get treatment.

21 Q. And has that happened to you?

22 A. Yes.

23 Q. What injury did you have?

24 A. I have blown out my knee, I have a partially  
25 torn my rotator cuff, I've had a hernia, and I have had a

1 broken foot.

2 Q. And did the University of Arizona provide

3 medical treatment for each of those injuries?

4 A. Yes.

5 Q. And was it satisfactory medical care from your

6 perspective?

7 A. Yes, but the injuries are still lingering.

8 Q. Do you also have health insurance to cover you  
9 for whatever ailment you may have, whether it's football  
10 related or not football related?

11 A. I don't know how that works. I think it's  
12 mostly just football related.

13 Q. Do you have any idea what the healthcare costs  
14 have been that the university has incurred to help you?

15 MS. SCHERRER: Objection. Calls for  
16 speculation.

17 THE WITNESS: I do not know the number.

18 Q. BY MR. POMERANTZ: Does the university provide  
19 any academic assistance to you?

20 A. Yes, but I haven't used it in the last couple  
21 years.

22 Q. What kind of academic assistance is made  
23 available to you at the school?

24 A. They have tutoring, but once you get up more to  
25 your -- kind of what you're going to major in and

1 A. I mean, there's plenty of them on campus. This  
2 one is just for us, though.

3 Q. All right. And have you taken advantage of  
4 that computer lab?

5 A. Not in awhile.

6 Q. Within the athletic department, are there  
7 people there to help you with different facets of your  
8 life at Arizona?

9 A. Yeah.

10 MS. SCHERRER: Sorry. Objection. Vague.

11 Q. BY MR. POMERANTZ: Who is available to you to  
12 help you with various aspects of life at Arizona?

13 A. What kind of aspects?

14 Q. Let's start with the academic. Is there  
15 anybody in the athletic department who assists you in any  
16 way academically?

17 A. Yes.

18 Q. Who?

19 A. You know, we have people that hire tutors, you  
20 know, like we talked about before. You have people that,  
21 you know, kind of send out reminders telling you that  
22 something is due if we have a lot of people in one class.  
23 You have, you know -- you have people that kind of help  
24 you set up appointments with, you know, your academic  
25 advisors and stuff like that. That's about it. I think



1 I covered it.

2 Q. Have you ever tried to calculate the value of  
3 everything that the University of Arizona has provided to  
4 you?

5 A. No.

6 Q. Do you think that the University of Arizona is  
7 paying for the full cost for you to attend the  
8 university?

9 A. I think I read that. They are not.

10 Q. What kind of costs are you incurring that's  
11 associated with your attendance of the University of  
12 Arizona that the university is not covering?

13 A. Can you kind of restate that?

14 Q. Sure.

15 A. I don't really --

16 Q. What are the things you're paying for these  
17 days out of your own pocket that the University of  
18 Arizona is not paying for?

19 A. Well, every now and then I still have to borrow  
20 money from my parents and stuff like that for things  
21 other than, you know, cost of living. You know, after --  
22 usually at the end of the month, there's a lot of things  
23 that I still have to get from my parents and stuff like  
24 that.

25 Q. Like food and incidentals?

1 were at the University of Arizona?

2 A. Yes.

3 Q. One year you didn't play football; correct?

4 A. Yeah, I sat out with injury.

5 Q. Was -- did you receive a scholarship even for  
6 that year?

7 A. Yes.

8 Q. All the same scholarship that you received all  
9 the other years?

10 A. Yes.

11 Q. Tuition, room and board?

12 A. Yes.

13 Q. When you graduate from -- do you plan on  
14 graduating from the University of Arizona?

15 A. Yes, I do.

16 Q. When will you graduate?

17 A. December and then I hope to come back and  
18 complete my second major.

19 Q. And your first -- your current major is what?

20 A. Marketing.

21 Q. And what's the second major you want to  
22 complete?

23 A. Management.

24 Q. When you graduate this December, will you have  
25 any debt due to your attendance at the University of

1 Arizona?

2 A. No.

3 Q. Does the university provide services to its  
4 student athletes from a nutritionist?

5 A. They tell you certain things that you should  
6 eat, you know, to help your body develop, and, you know,  
7 if you need to lose weight, they will help you lose  
8 weight. If you need to gain weight, gain weight.

9 Q. And is there somebody there who is trained in  
10 nutrition that provides advice to the student athletes?

11 A. Yeah.

12 Q. Did anyone at Arizona threaten to take away  
13 your scholarship when you got injured?

14 A. No.

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

16 A. I'm going to try to play professionally, and  
17 then I don't know. I haven't really gotten to go out and  
18 do any internships or anything like that. After  
19 professional football, I really don't know.

20 Q. So you would hope to be drafted in this coming  
21 draft?

22 A. Yeah.

23 Q. And if you're not drafted, do you expect that  
24 you would be pursuing a job in business?

25 A. Well, first I'm going to try to make a team

1 whether, you know, I'm drafted or not, and, you know, if  
2 none of that works out, of course.

3 Q. And you would then rely upon your education in  
4 marketing and maybe management to help you get that job?

5 A. I'm hoping it would help me, yeah.

6 Q. What are the favorite classes you've taken here  
7 at the University of Arizona?

8 A. An advertising class. A lot of my marketing  
9 classes are pretty interesting. We get to kind of deal  
10 with real-life issues, you know, with certain companies,  
11 and, you know, they come in and say, Sales haven't been  
12 great. What would you, you know -- what would you do if  
13 you were in our position to increase sales, increase, you  
14 know, customers coming in, conversion rate of how many  
15 people are in the store and how many people wind up  
16 purchasing something and stuff like that.

17 So, you know, just those kind of classes,  
18 none with too much math or anything like that.

19 Q. What's your GPA?

20 A. Right now it's at 3 -- it's around a 3.3. It's  
21 in the 3.3s.

22 Q. So even with the demands of college football,  
23 you've been able to maintain a pretty good GPA?

24 A. Yes.

25 Q. And to take classes in a pretty difficult

1 curriculum; correct?

2 A. Yes.

3 Q. Do you feel like you've had enough time to --  
4 strike that. I'll move on. I'll word that differently.

5 Is there word on the street at the  
6 University of Arizona that certain courses are easier  
7 than others?

8 A. Yes.

9 Q. Have you tried to take a lot of those easy  
10 classes just to make it easy on yourself?

11 A. I wouldn't necessarily say that. You know, I  
12 had to apply for the business school a semester late  
13 because of my knee injury, and I had to be in the  
14 training room 24/7, and so I mean, there's been classes  
15 I've had to fill in just to keep, you know, my hours up  
16 so that I'm eligible and stuff like that. But I try to  
17 take classes that are going to help me enhance my  
18 knowledge and education.

19 Q. You pursued a major and a curriculum that was  
20 important to you and not because it was easy; correct?

21 A. Correct.

22 Q. And I take it a lot of your teammates you feel  
23 have done the same thing?

24 MS. SCHERRER: Objection. Calls for  
25 speculation.

1 THE WITNESS: I would feel that some have.

2 Q. BY MR. POMERANTZ: Give me an example of some  
3 of the majors that your teammates are majoring in.

4 A. It's a lot of -- there's a couple other in  
5 business collage than me. One of my buddies is doing  
6 law.

7 Q. Anybody doing engineering?

8 A. Yes, one of our long snappers is doing  
9 engineering.

10 Q. Anybody in the sciences?

11 A. I'm pretty sure, yeah. And then, you know,  
12 what are the other ones, general studies, stuff like  
13 that.

14 Q. Communications?

15 A. Yeah.

16 Q. During the season, about how many hours a week  
17 do you put into class work?

18 A. Into class work?

19 Q. Either in the classroom or outside the  
20 classroom.

21 A. You know, on top of the two or three hours a  
22 day in class and then out of class online classes, this  
23 semester probably a ridiculous amount. So...

24 Q. Ridiculous amount you're putting into your  
25 class work?

1 A. Yes.

2 Q. Why are you putting in a ridiculous amount  
3 right now?

4 A. Just because the classes -- one of the classes  
5 I'm taking is a Capstone class, which is everything that  
6 you've learned over the years in marketing, kind of puts  
7 it all together and allows you to do stuff with the  
8 companies that I was talking about earlier. That's very  
9 important to me obviously because that's going to be a  
10 class that kind of brings all the curriculum together,  
11 allows me to take what I've learned into whatever I do  
12 after.

13 Management classes, because those are  
14 just -- majority of the time they are tough. Right now  
15 I'm taking a retail class that's a lot of math, but it's  
16 a marketing elective that I had to take.

17 Q. Give me an estimate of how many hours a week  
18 are you putting in during the season right now.

19 A. All the hours that I'm not using on football.  
20 So I would -- sleep six, seven hours a night; football,  
21 you know, seven to probably seven and a half hours a day  
22 if you want to be good; and then the rest of the time, I  
23 don't know. You do the math.

24 Q. Well, that would leave ten hours a day, you  
25 know, for -- if I'm doing my math correctly, for

1 everything else, but how much of those ten hours a day do  
2 you think you spend either in the classroom or doing  
3 coursework?

4 A. Probably eight or nine, especially this  
5 semester is a little harder.

6 Q. Seven days a week?

7 A. Yeah.

8 Q. So you're spending close to 60 hours a week  
9 right now on your curriculum?

10 A. A lot of it, yeah.

11 Q. Has anybody ever taken a test for you?

12 A. No.

13 Q. Has anyone ever written a paper for you?

14 A. No.

15 Q. To your knowledge, has anybody ever taken a  
16 test or written a paper for any of your teammates?

17 A. No.

18 Q. So in your view, if college football players  
19 get the reputation of having people take the test for  
20 them or write the papers for them, that's just not true?

21 A. Exactly.

22 Q. Do you have any time to participate in any  
23 activities at the University of Arizona other than  
24 football?

25 A. Not really. I don't have any time to join any



1 of the, you know, clubs or anything like that, you know,  
2 that a lot of students I know of are in, none of that  
3 stuff.

4 Q. Have you done any community service?

5 A. Yes.

6 Q. What kind of things have you done in a  
7 community service area?

8 A. We visit the children's hospital the Friday of  
9 every home game. We've gone and done things like picked  
10 up trash to going and, you know, planning food for people  
11 to buy, I guess. We've gone and done yard work. I've  
12 done stuff like, you know, speak to students, speak to  
13 kids playing football. I mean, there's a long list of  
14 things.

15 Q. Do you think that these types of community  
16 services have added to your college experience?

17 A. Yeah.

18 Q. In what way?

19 A. Well, when I was younger, I wish, you know,  
20 somebody that is in my position today would have, you  
21 know, come to practice or, you know, to just pull me  
22 aside if -- you know, I'm at a camp or something like  
23 that and, you know, talk to me for a little bit. It's  
24 kind of, you know, humbling, to be completely honest.

25 Q. And that's what you've been doing since you've

1 A. I did not know that.

2 Q. Do you know what's happened to tuition at the  
3 University of Arizona over the last several years?

4 A. Has it gone up?

5 Q. Are you aware if it's gone up?

6 A. I think I read something like that.

7 Q. Do you know if it's gone up a lot?

8 A. No.

9 Q. Are you aware of any protests that various  
10 students have participated in at the University of  
11 Arizona because of the budget cuts and the increases in  
12 tuition?

13 A. No.

14 Q. When you decided to attend the University of  
15 Arizona, did you expect to be paid for playing football?

16 A. No.

17 Q. Did you expect that there would be a payment  
18 made to you when you graduated because you played college  
19 football?

20 A. No.

21 Q. When you decided to attend the University of  
22 Arizona, did you know that the football games of the  
23 University of Arizona were televised?

24 A. Yes.

25 Q. Was that positive in your view?

1 A. I mean, it's cool if you -- you know, I always  
2 wanted to play on TV. So, yeah.

3 Q. Do you think that you personally get any  
4 benefits by the fact that your games are televised?

5 A. I mean, we don't personally get any benefits.

6 Q. Well, do you think you get visibility, for  
7 example, that you wouldn't get if your games were not  
8 televised?

9 A. Yeah, you get more notoriety and stuff like  
10 that.

11 Q. And does that notoriety help you in certain  
12 ways?

13 A. I mean, if you want to go for like awards and  
14 stuff like that and accolades, I guess, but I don't  
15 really know.

16 Q. Do you think it helps you if you want to be a  
17 professional football player?

18 A. Not necessarily because I believe that if the  
19 coaches do their homework, then they know who's good.

20 Q. Do you believe that playing college football is  
21 living the dream?

22 A. I would say the game itself, the sport itself.

23 Q. Is living the dream?

24 A. Yeah.

25 MS. SCHERRER: Objection to form.

1 A. If you're getting compensated while you're  
2 playing, that's not amateur.

3 Q. But why do you care about amateurism while  
4 you're in college?

5 A. Because I just believe that if you're playing,  
6 you shouldn't be getting paid for having to play.

7 Q. Why is it a lesser payment for having to play  
8 if you get it the day after you graduate than if you get  
9 it the day before you graduate?

10 MS. SCHERRER: Object to form.

11 THE WITNESS: I just believe that, you know,  
12 afterwards you should be able to draw from that money to  
13 help you out after your college career because most of  
14 the time during college, you know, we are getting a  
15 little help with food. You know, they do provide us with  
16 stuff that, you know, once we're done, we're done. You  
17 know what I mean? So, you know...

18 Q. BY MR. POMERANTZ: Let me show you one more  
19 document. We can have it marked as Exhibit 1045.

20 A. We're done with this one?

21 Q. Yeah.

22 (Exhibit Number 1045 was marked for  
23 identification.)

24 Q. BY MR. POMERANTZ: Have you seen this document  
25 before, Mr. Fischer?

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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 14th day of October, 2013.



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Sommer E. Greene, RPR  
Certified Reporter 50622