

1 Q You never rejected it, right?

2 A No.

3 Q Did you ever approach Blizzard and object
4 to any of the terms in either the terms of use
5 agreement or end-user license agreement?

6 A No.

7 Q You accept all of those terms, right?

8 A Yes.

9 Q And you still do, right?

10 A Yes.

11 Q By the way, you -- you described a
12 scenario where you have to scroll down and hit
13 "agree" at the end of an agreement.

14 Were you referring to the terms of use
15 agreement or the end-user license agreement?

16 A I believe both of them you have to do that
17 for.

18 Q Now, at some point you had to set up an
19 account, right?

20 A Yes.

21 Q What did that involve?

22 A E-mail address, setting up type of
23 payment --

24 Q Is this an online form we're talking
25 about?

1 Q Ten is the maximum number?

2 A Per account. I believe.

3 Q Do you know what a World of Warcraft
4 authorization key is?

5 A That would be -- remember I told you the
6 keycode at the beginning when you purchase the game,
7 that's what I'm talking about.

8 Q How do you obtain one?

9 A By purchasing the game.

10 Q Do you get more than one keycode or just
11 one?

12 A Just one.

13 Q Have you ever purchased a keycode off of
14 Internet?

15 A No.

16 Q So you only have one account, right?

17 A Uh-huh.

18 Q And only one keycode, correct?

19 A Two. When you get the Burning Crusade, to
20 upgrade the account they give you another keycode.

21 Q You've never transferred or gifted any of
22 your accounts to another player?

23 A No. I don't believe in it.

24 Q What do you mean by that?

25 A Well, real money trade and trading of

1 characters -- I believe you put the work in for your
2 character. That's the whole point you play the
3 game, again, for the competition.

4 For me to level up some character, get him
5 all the gear and then give him to, let's say, you so
6 you can be better than the next person I don't deem
7 as being fair.

8 Q Can players, in fact, do that?

9 A I'm sure they do. I can't speak for every
10 person who does it, but..

11 Q But you know it occurs, right?

12 A Right.

13 Q Frequently?

14 MR. HAVILAND: Object --

15 THE WITNESS: I can't say.

16 BY MR. HEYWOOD:

17 Q You don't contend that IGE U.S.
18 facilitates people transferring or gifting accounts,
19 do you?

20 MR. HAVILAND: Objection to form.

21 BY MR. HEYWOOD:

22 Q Mr. Hernandez, you testified that you're
23 aware --

24 A Right.

25 Q -- that people do transfer or gift World

1 of Warcraft player accounts, right?

2 A Yeah.

3 Q Do you contend that IGE is engaged in that
4 practice in any way?

5 A I believe I'm not going to answer that as
6 per --

7 MR. HAVILAND: Can I just be clear? I
8 think when -- it's the word "contention."

9 Are -- are you asking is he contending
10 that it's part of the lawsuit or does he know
11 that as a fact as whether -- do you see what
12 I'm saying?

13 You can know --

14 BY MR. HEYWOOD:

15 Q Do you know --

16 MR. HAVILAND: -- it that way.

17 MR. HEYWOOD: Thank you, Don.

18 MR. HAVILAND: Yeah.

19 BY MR. HEYWOOD:

20 Q Do you know whether IGE engages in
21 character gifting or swapping, any sort of transfer
22 of accounts?

23 A I personally have not looked into it.

24 Q So you don't know either way?

25 A No.

1 Q And you're not claiming that IGE does that
2 in this lawsuit, right?

3 A No, I'm claiming on gold farming and real
4 money trade, RMT.

5 Q But you consider gifting or trading an
6 account as a form of cheating, correct?

7 A Yes.

8 Q In your opinion, it undermines the game?

9 A Yes.

10 Q Blizzard charges a monthly fee to play
11 War of -- World of Warcraft, right?

12 A Right. Subscription fee.

13 Q How much is it?

14 A 14.99.

15 Q Has it always been 14.99?

16 A Since I started playing, yes.

17 Q What does that cover?

18 A That gives you access to the World of
19 Azeroth, to the gaming environment, to everything
20 that is entailed that they have created in that
21 game, meaning that I should be able to go in there
22 and get whatever items I need without having to
23 worry about anything else; it should already be
24 there for me.

25 Q The World of Azeroth refers to what?

1 Q So your account is -- is active and
2 current right now; is that right?

3 A Yeah.

4 Q You don't have any -- anything in arrears,
5 there's nothing you owe to Blizzard; is that right?

6 A I got another game card sitting at my
7 house just ready to log in when my time expires.

8 Q So you plan to play -- you plan -- have
9 you paid for June 2008?

10 A I'm sorry?

11 Q Have you paid for June 2008 already?

12 A I don't remember exactly what day my
13 account goes off. I usually check it every couple
14 weeks and -- like, if you look back on here, it'll
15 tell you a time in which it ends at. And I'll just
16 kind of keep an eye on that and say, okay, I need to
17 update it.

18 Q But you already have another game card
19 sort of on deck and ready to -- to cash in when the
20 current term expires; is that right?

21 A Yes, because I'm aware it's soon that my
22 last time card expires, so..

23 Q And how much is this game card worth that
24 you have in your possession?

25 A 29.99.

1 Q And that's for two months, right?

2 A That's for two months -- 60 days.

3 Q And you plan to use that, right?

4 A Yes.

5 Q And after that 60 days expires, you plan
6 to buy another game card, right?

7 A Yes, if I don't have a job.

8 Q As long as you have the money to do so,
9 you will continue to play World of Warcraft, right?

10 A Correct.

11 Q In fact, you'll continue to play it
12 through 2009, right?

13 A I couldn't speculate on how long I'm going
14 to play it, but I have -- there -- I have no
15 intention of quitting.

16 Q I take it you still play World of
17 Warcraft.

18 A Correct.

19 Q Every day?

20 A For the most part, yes.

21 Q For the most part, yes, does that mean
22 yes, you play every day?

23 A Well, emergencies arise, certain days you
24 just can't get to it because of school or studying
25 or something, you know, doing some homework.

1 I mean, it just depends. I would say
2 definitely five days out of the week I play.

3 Q At least, right?

4 A At least.

5 Q Sometimes you play seven days a week,
6 right?

7 A Yes. And times can range from jumping on
8 for an hour to jumping on for eight hours.

9 Q Sometimes you play for eight hours at a
10 time?

11 A Yeah.

12 Q Have you played for longer?

13 A Oh, I used to play for -- I think my
14 record is about 13, 14 hours.

15 Q So if you play from an hour to eight hours
16 each time you play -- is that right?

17 A Depending.

18 Q And you play at least five times a week,
19 right?

20 A Yes.

21 Q Can you ballpark for me on average how
22 many hours a week you play?

23 MR. HAVILAND: Currently?

24 MR. HEYWOOD: Currently.

25 BY MR. HEYWOOD:

1 Q For example, since May 1, 2008, Mr.
2 Hernandez, can you give me a rough estimate of how
3 many hours a week you have played World of Warcraft?

4 MR. HAVILAND: Till today?

5 MR. HEYWOOD: Correct, till today.

6 MR. HAVILAND: Okay.

7 THE WITNESS: I'd say roughly 35-plus to
8 40-plus hours, depending.

9 BY MR. HEYWOOD:

10 Q So you spend most of your free time
11 playing World of Warcraft, right?

12 A Yes.

13 Q Do you have any hobbies?

14 A Watch football.

15 Q NFL?

16 A And college.

17 Q Who's your team in college?

18 A Don't really have a team. I'm a -- I love
19 the game.

20 Q That's a good answer.

21 (Discussion off the record.)

22 BY MR. HEYWOOD:

23 Q Do you have any hobbies other than World
24 of Warcraft?

25 MR. NEWSOME: That's the one you just

1 asked, anything else.

2 THE WITNESS: Yeah.

3 BY MR. HEYWOOD:

4 Q Do you do anything else besides watch
5 football -- when you have free time, Mr. Hernandez,
6 what's the first thing you -- you want to do?

7 A Play World of Warcraft. Besides that,
8 spend time with my family, my nephew, or watch
9 sports. That's -- I'm an old-fashioned guy, I watch
10 sports, spend time with my family, play my game,
11 that's pretty much it.

12 Q How old's your nephew?

13 A He's four.

14 Q I take it he doesn't play World of
15 Warcraft.

16 A No. He plays soccer.

17 Q When -- when -- generally, what time of
18 the day do you find yourself playing World of
19 Warcraft?

20 And I take it you -- you don't play it
21 while you're in class, so it's some other time,
22 right?

23 A It's basically -- when you play, it's set
24 up to -- when you're a raider like I am, you have to
25 set a raid schedule. You have to find a time where

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CASE NO.: 07-21403-CIV-COHN/SELTZER

ANTONIO HERNANDEZ,
Individually and on behalf of all
others similarly situated,

Plaintiff,

v.

IGE U.S. LLC,
a Delaware corporation,

Defendant.

_____ /

DEPOSITION OF ANTONIO HERNANDEZ

VOLUME II

Friday, June 6, 2008
9:47 a.m. - 5:10 p.m.

420 South Orange Avenue, Suite 1200
Orlando, Florida 32801-3336

REPORTED BY:
Joan Comparato, Shorthand Reporter
Notary Public, State of Florida
Esquire Deposition Services
Orlando Office - Job# 937162
Phone: 407-426-7676

1 Q How many characters do you have total?

2 A Six to -- five to eight. I can't
3 remember -- about five to eight.

4 Q So you've spent, fair to say, thousands of
5 hours leveling up your five to eight characters to
6 where they are today; is that right?

7 A In-game hours, I believe, actually, it's
8 closer to -- well, yeah, I'd say thousands of hours.
9 Yeah.

10 Q More than 3,000?

11 A I think I have almost a year worth of play
12 time in gaming, in World of Warcraft.

13 Q So, roughly, whatever 365 times 24 is,
14 that would be about the amount of time you've spent
15 playing World of Warcraft?

16 A I think I'm closer to about 280.

17 Q 280 times 24; does that --

18 A Yes.

19 Q -- sound about right?

20 A Yes.

21 Q Total time that you've spent playing World
22 of Warcraft?

23 A Approximate, yes.

24 Q It could be higher than that?

25 A Depending on the amount of days played,

1 skills.

2 A Yes. They have -- I forget what they're
3 called, but they're in the abilities for that race.

4 Q So there's a different, I take it,
5 learning curve involved with each race, right?

6 A More so with the character class. The
7 races little traits are generally just traits that
8 kind of help along things. Like elves have higher
9 agility, so you'd want to be a class that uses more
10 agility with an elf and things of that nature.

11 Q Suffice it to say that every race has
12 different attributes --

13 A Yes.

14 Q -- and different characteristics, right?
15 And each class has different attributes
16 and different characteristics, right?

17 A Yes.

18 Q Certain races are more popular than other,
19 I take it.

20 A Yes.

21 Q And certain classes are probably more
22 popular than others, too, right?

23 A Yes.

24 Q Have you ever bought World of Warcraft
25 gold for real money from anyone?

1 A No.

2 Q Have you ever attempted to do so?

3 A No.

4 Q So you've never gone to a Web site and
5 attempted to purchase it but the transaction just
6 didn't go through, for example, that never happened
7 to you?

8 A No, sir.

9 Q Have you ever sold World of Warcraft gold
10 for real money to anyone?

11 A No, sir.

12 Q Have you ever bought or sold an item in
13 World of Warcraft for real money to anyone?

14 A No, sir.

15 Q Have you ever dropped money for another
16 player in the game?

17 A I'm sorry, dropped money?

18 Q Well, let me ask -- let me phrase that
19 question better.

20 Is it possible to drop gold pieces in the
21 landscape in the game for other players to pick up?

22 A You can't drop money.

23 If you were to come to me and ask me, hey,
24 can I borrow some gold, then I could trade it with
25 you, but..

1 put it into the guild bank for guild use on repairs
2 or something like that.

3 Q Does your guild have a policy -- a banking
4 policy, as it were, with respect to putting money in
5 the bank?

6 A No. We just basic- -- we're a community
7 base, so it's, you know, those who put in, get out.

8 Q But the guild set its own rules as far as
9 the guild bank goes, that -- is that right?

10 A It's pretty much everybody puts -- we --we
11 basically just are really friendly about it and
12 it's -- if you need it, you take it.

13 Q Do you know what a "bot" is in the context
14 of World of Warcraft?

15 A Unfortunately, yes.

16 Q What is it?

17 A A bot is an outside company or a person
18 who uses a program to run their character for them.
19 It'll either get onto farm or grind or level on its
20 own so that way the person has no actual work to do
21 until they get to the end of the game or until they
22 decide they want to play.

23 Q Have you ever used a bot?

24 A Nope.

25 Q Have you ever seen one in the game? While