

1 grinding for gold, if you were given a choice?

2 A Grinding, because I want to go back to  
3 raiding.

4 Q All right. So the goal is -- for you, is  
5 to raid, right?

6 A Yes.

7 Q You would always choose raiding over  
8 grinding for gold, right?

9 A Yes.

10 Q Ever use a -- do you know what a "mod" is  
11 in the context of World of Warcraft?

12 A Yes.

13 Q What does that mean?

14 A It's a modification generally made by  
15 somebody who plays the game that either helps or --  
16 it's either invasive or -- basically, it's either --  
17 kind of like just shows you something or it does  
18 something for you to make the game easier.

19 For the most part, mods are pretty much  
20 accepted by Blizzard, minus things like the bot that  
21 you mentioned before, which is a type of mod.

22 Q What kind of mod would be accepted by  
23 Blizzard?

24 A Blizzard doesn't mind other user  
25 interfaces, UIs, meaning the way everything's set up

1 on your screen. If you like it a little different,  
2 they don't mind if you use somebody else's.

3 There's things such as deadly boss mods,  
4 which are interfaces that work with the bosses in  
5 the game and kind of give you timers on when things  
6 are going to happen to help you be proactive for  
7 what you need to do.

8 Q To help you fight the bosses more  
9 effectively; is that fair to say?

10 A Yes.

11 Q And you say that Blizzard doesn't mind  
12 mods.

13 Why do you say that?

14 A I remember -- I don't remember the exact  
15 pressing. I remember reading something about how  
16 they were saying, you know, they were -- they  
17 were -- they didn't like certain mods because it  
18 made the game -- you know, it -- you just click one  
19 button and it does everything for you. They didn't  
20 like that, but they didn't mind mods that were just  
21 kind of there to help, not do it for you.

22 Like I said, I don't remember the exact  
23 article. It was a couple years ago that I read it.  
24 It was, I believe, on the WoW forum, actually posted  
25 by Blizzard. But basically stating, you know,

1 you'll get a warning if you have a mod that is  
2 invasive, is something they don't want, something  
3 that changes the parameters of the game itself.  
4 Otherwise, you're fine.

5 Q You're stating that Blizzard doesn't mind  
6 at least certain mods.

7 Is it based on anything other than this  
8 article you read?

9 A No, that's it. I've never talked to  
10 anybody at Blizzard about it personally, so no.  
11 It's just on the article.

12 Q Do you ever -- have you ever used a mod of  
13 any -- of any kind?

14 A Of course. Yes.

15 Q What kind of mods do you use?

16 A I'll give you a couple examples, because  
17 it's a long list.

18 Deadly boss mods, which I stated before.  
19 Simple trunk shot, which is a mod that basically  
20 just states that I used an ability so other  
21 characters in my class know when -- the time to use  
22 their ability.

23 A CT raid, which is a -- different user  
24 interface that helps me set up a raid and allows me  
25 to see -- they're called "buffs." Basically -- like

1 I'm able to give you -- I -- I'm able to cast a  
2 spell on you to make you stronger. And so I can see  
3 when they're up and things like that. It tells me  
4 when we've died too many times, some people's  
5 armor's getting broken so I can make sure everybody  
6 gets repaired --

7 Q Okay.

8 A -- things of that nature.

9 Q Are certain mods considered unfair by you?

10 Do you consider certain mods to be unfair?

11 A As far as that goes, I leave it in the  
12 hands of Blizzard.

13 Q I'm not asking what Blizzard thinks.

14 A Well --

15 Q Do you consider certain mods to be unfair?

16 A Oh, of course. Yes.

17 Q Do you find that other players, perhaps,  
18 disagree with your opinion as to whether those mods  
19 are unfair?

20 A I can't speculate towards somebody else's  
21 opinion, I can only give you mine.

22 Q Do you ever have a -- have you ever  
23 discussed mods with other players while you're  
24 playing the game?

25 A Discuss mods used, yes.

1 Q And do -- are there -- have you ever  
2 discussed the fairness of any particular mod,  
3 whether you thought it was fair or unfair to use it,  
4 with another player?

5 MR. HAVILAND: Objection to form.

6 THE WITNESS: No, never discussed the  
7 relevance of if it's fair or not, more so --  
8 honestly, I don't use mods myself that are  
9 invasive to the game. I play the game myself.  
10 I don't expect anything or anybody else to do  
11 it for me. So when something gets what's  
12 called "broken," which basically they find the  
13 mod that they do feel is too invasive, you hear  
14 people complain about it being broken; oh, man,  
15 now I got to actually do it myself.

16 But other than that, I don't really care  
17 to have those type of conversations. So I'll  
18 listen to them cry and moan.

19 But that's their opinion, I couldn't tell  
20 you.

21 BY MR. HEYWOOD:

22 Q Everyone's opinion on mods differs; is  
23 that right?

24 MR. HAVILAND: Objection to the form.

25 THE WITNESS: I wouldn't say everybody's

1 opinion differs, I'd say there are people  
2 who -- I -- I'd -- there's a different -- there  
3 is a difference of opinion, but not everybody's  
4 is different. I think there's -- you're one of  
5 two mind-sets.

6 BY MR. HEYWOOD:

7 Q Yeah.

8 Some players, perhaps, think certain mods  
9 are fair and acceptable that you don't think are  
10 acceptable; is that -- is that accurate?

11 MR. HAVILAND: Objection to the form.

12 THE WITNESS: Again, I couldn't speak for  
13 their opinion.

14 All the mods I use are -- aren't invasive,  
15 so I know for a fact that nobody would have a  
16 problem with my mods.

17 BY MR. HEYWOOD:

18 Q That's not what I'm asking.

19 Is it fair to say that you don't agree  
20 that you, as a player, Mr. Hernandez, disagree with  
21 certain other players' views on the fairness with  
22 respect to certain mods?

23 MR. HAVILAND: Let me just object.

24 It's -- when you do double negatives, I just  
25 can't follow. You said "don't" and "disagree."

1 Can you do it in the affirmative?

2 MR. HEYWOOD: Yeah. Okay.

3 MR. HAVILAND: It'd be a lot easier for us  
4 to understand the answer.

5 BY MR. HEYWOOD:

6 Q There's a -- let me ask you this question:  
7 There's a -- there's a wide range of opinion on mods  
8 within -- among World of Warcraft players, correct?

9 MR. HAVILAND: Asked and answered.

10 Go ahead.

11 THE WITNESS: Yes.

12 BY MR. HEYWOOD:

13 Q And there's a wide range of opinion as to  
14 the fairness of certain mods among World of Warcraft  
15 players; is that fair to say?

16 MR. HAVILAND: Objection to the form.

17 THE WITNESS: Again, yes, there's  
18 different sides to it.

19 BY MR. HEYWOOD:

20 Q Do you know what "power leveling" means?

21 A Unfortunately, again, yes, I do.

22 Q Have you ever engaged in power leveling?

23 A Nope.

24 Q All right. Have you ever paid someone to  
25 play for you?

1 A No, sir.

2 Q Have you ever been paid to play?

3 A No, sir.

4 Q Ever used a code or any third-party  
5 software or program to advance in the World of  
6 Warcraft?

7 A No. I mean -- see, you're talking  
8 about -- now, mods can be considered a third-party  
9 program because it's a third party that designs  
10 them, but, as I stated before, none of which I use  
11 are deemed illegal by --

12 Q That's not --

13 A -- World of Warcraft, so..

14 Q That's not my question.

15 Have you ever -- you're -- you said you've  
16 used mods before, right?

17 A Right.

18 Q And mods are created by entities or  
19 companies other than Blizzard, correct?

20 A Correct.

21 Q Have you ever used any special code or  
22 cheat to play World of Warcraft --

23 A No --

24 Q -- to your knowledge?

25 A No, I have not.



1 Q Ever hacked or attempted to hack the World  
2 of Warcraft software?

3 A No, I have not.

4 Q You know what a gold farmer is, right?

5 A Yes, I do.

6 Q What's a gold farmer?

7 A Gold farmers are people, entities working  
8 for some company that their gain is not to play and  
9 enjoy the game but to garner gold and items to sell  
10 for real money trade -- to be used in real money  
11 trade, sorry.

12 Q And you're -- so your opinion is that  
13 gold farmers don't play to enjoy the game?

14 A I don't believe they do, no.

15 Q Ever encounter a gold farmer while playing  
16 World of Warcraft?

17 A Yes, I have.

18 Q How did you know that it was a gold farmer  
19 that you encountered?

20 A Well, they generally don't speak English,  
21 which, mind you, not everybody does speak English,  
22 but on American servers in Eastern Standard Time  
23 generally everybody does.

24 Also, they won't talk to you.

25 They generally are sitting in an area that

1 A To go check it out.

2 Q What else did you tell them?

3 A To go check it out, that my court case was  
4 basically there if they had any questions, that I  
5 couldn't answer anything else.

6 Q Do you know the actual player names who  
7 operate these avatars?

8 A No.

9 Q Is there any way to find out?

10 A I could ask them. But generally when you  
11 play an MMO, you do it to be somebody else other  
12 than you are, so you don't like to bring in your  
13 real life to it.

14 Q So if I -- if I somehow found out who  
15 these people were and got them here and asked them  
16 what kind of conversations they had with you about  
17 this lawsuit, the only thing would say was, he told  
18 me to go to this Web site?

19 A Yes.

20 Q Nothing else?

21 A No.

22 Q You've testified that you've never engaged  
23 in RMT; is that right?

24 A Correct.

25 Q Do you know anyone who has?

1 A Yes, I do.

2 Q Who?

3 A I know that one of the people that I  
4 mentioned here, Keniacon, has done RMT.

5 I mean, people have told me that they've  
6 done it.

7 Q Who else has told you besides Keniacon?

8 A It's the only name that jumps out in my  
9 head, honestly.

10 Q What did Keniacon say about RMT?

11 A Just that he felt stupid he did it.

12 Q Why did he feel stupid?

13 Why did he say he felt stupid?

14 A He said he just felt stupid for doing it,  
15 for spending real money on in-game gold.

16 Q What did you say?

17 A Didn't make any reference either way.

18 And I was in channel with about four other  
19 or five other people. Other people said stuff and I  
20 just kind of sat there.

21 Q What did they say?

22 A Most of them that, yeah, he was dumb for  
23 doing it.

24 Q Most of them, but not all of them?

25 A Well, most of them didn't talk -- some of

1 them didn't talk at all.

2 Q Anybody come out in defense of RMT?

3 A No.

4 Q Anybody have anything positive to say  
5 about RMT?

6 A From that -- as far as I can recall, from  
7 that conversation, no.

8 Q Have you ever had a conversation with  
9 anyone where they defended RMT or had something  
10 positive to say about it?

11 A Not that I can recall.

12 Q You know some people do engage in RMT,  
13 though, right?

14 A Yes.

15 Q In fact, a lot of people engage in RMT.

16 MR. HAVILAND: Objection to the form.

17 THE WITNESS: I couldn't say how many, but  
18 sure, yes.

19 BY MR. HEYWOOD:

20 Q Well, in -- in your amended complaint that  
21 you filed in this lawsuit, you allege that IGE has  
22 received millions of dollars through RMT, don't you?

23 A Yes, I do.

24 Q So that must mean a lot of people have  
25 engaged in RMT, right?

1 MR. HAVILAND: Well, objection to the  
2 form, it's -- lack of foundation. It could be  
3 one person thinking a lot. Yeah.

4 So your foundation is what I have a  
5 problem with; he's answered already.

6 BY MR. HEYWOOD:

7 Q You wouldn't be bringing this lawsuit if  
8 only one person had engaged in RMT in the history of  
9 World of Warcraft, would you?

10 A I'm sorry, cheating is cheating.

11 Q That's not my question.

12 You know that a lot of people who play  
13 World of Warcraft engage in RMT, right?

14 MR. HAVILAND: Objection, asked and  
15 answered.

16 THE WITNESS: As I stated, cheating is  
17 cheating. I mean, if it was one person doing  
18 it or a million people doing it, I would still  
19 stand against it.

20 BY MR. HEYWOOD:

21 Q I need you to focus on the question.

22 You know a lot of people engage in RMT who  
23 play World of Warcraft, correct?

24 MR. HAVILAND: This is --

25 THE WITNESS: Yes.

1 MR. HAVILAND: -- the third time, and  
2 the -- the objection I have is you're asking a  
3 lot. You know, you're not -- it's a -- it's  
4 a -- it's a question without any sense in terms  
5 of --

6 MR. HEYWOOD: He -- he can define "a lot"  
7 however he wants to define it, but his answer  
8 was yes.

9 BY MR. HEYWOOD:

10 Q No one is forced to play World of  
11 Warcraft -- perhaps I'm asking an obvious question,  
12 but no one is forced to play World of Warcraft,  
13 right?

14 A To the best of my knowledge, no.

15 Q And no one is forced to buy gold or engage  
16 in RMT, right?

17 A To the best of my knowledge, again, no.

18 Q People do the -- play World of Warcraft  
19 voluntarily, correct?

20 A Yes.

21 Q And they buy gold voluntarily, correct?

22 A Again, yes.

23 Q Is it your contention that -- or is it --  
24 do you claim or believe in this lawsuit,  
25 Mr. Hernandez, that IGE U.S. is currently engaged in

1 about your avatar names.

2 A Yes.

3 Q One of them is Abbazabba, right?

4 A Yes.

5 Q What does Abbazabba mean?

6 A It's a reference to a movie.

7 Q Which one?

8 A "Half Baked."

9 Q Is that the Dave Chapelle vehicle?

10 A Yes, that is.

11 Q And what does Abbazabba mean?

12 A At one point he entered a store -- and  
13 it's a type of candy bar. And he just -- it's his  
14 favorite candy bar.

15 Q John Ramboo, I think I can guess what that  
16 means. It refers to the movie character Rambo,  
17 correct?

18 A Of course. Yes.

19 Q And you say you -- you misspelled Rambo  
20 accidentally?

21 A Hit the "O" too many times, yes.

22 Q Is it your contention that -- strike that.  
23 Do you believe that IGE U.S. is currently  
24 engaged in spamming in World of Warcraft?

25 A At the time of my complaint, yes.