

EXHIBIT 8

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DISNEY ENTERPRISES, INC.,
TWENTIETH CENTURY FOX FILM
CORPORATION, UNIVERSAL CITY
STUDIOS PRODUCTIONS LLLP,
COLUMBIA PICTURES INDUSTRIES,
INC., and WARNER BROS.
ENTERTAINMENT INC.,

Plaintiffs,

vs.

CASE NO.
11-20427-WILLIAMS-TURNOFF

HOTFILE CORP., ANTON TITOV,
and DOES 1-10,

Defendants.

AND RELATED CROSS-ACTION.

HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF MICHAEL BENTKOVER

Los Angeles, California

Tuesday, December 13, 2011

Reported by:
LORI SCINTA, RPR
CSR No. 4811

Job No. 177476A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

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4 DISNEY ENTERPRISES, INC.,
5 TWENTIETH CENTURY FOX FILM
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19 _____

20 HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

21 Videotaped deposition of MICHAEL BENTKOVER,
22 taken on behalf of Defendants and Counterclaimant
23 at 633 West Fifth Street, Suite 3600, Los Angeles,
24 California, beginning at 9:38 A.M. and ending at
25 12:17 P.M. on Tuesday, December 13, 2011, before
LORI SCINTA, RPR, Certified Shorthand Reporter No.
4811.

1 APPEARANCES:

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INDEX (Continued):

REFERENCE REQUESTED

(None)

INSTRUCTION NOT TO ANSWER

(None)

1 easier. Less confusion later on.

2 MR. ENGSTROM: So I would like to mark as
3 Bentkover 1 this document here.

4 (Bentkover Exhibit 1 was marked for
5 identification by the court reporter.)

6 (Discussion off the record.)

7 MR. FABRIZIO: She's saying that because some
8 witnesses -- not you, of course --

9 THE WITNESS: Right.

10 MR. FABRIZIO: -- tend to walk out with their
11 little fingers on the documents, and then she has to
12 chase them down the rest of the week.

13 THE WITNESS: I'll make sure I give it back to
14 you.

15 BY MR. ENGSTROM:

16 Q Please take a look and just --

17 A Okay.

18 Q -- review the document and let me know when
19 you've had a chance to...

20 You can mainly focus on the first two pages of
21 it. I won't be asking about the rest.

22 MR. FABRIZIO: Counsel, just while the witness
23 is reviewing this, I -- I -- I just note that the two
24 emails on the first page are several months apart.

25 Is this how it was produced to you?

1 MR. ENGSTROM: Yes. It -- let me -- we'll get
2 there. Yes, these are produced --

3 Q I guess the first question is: Do you have any
4 reason to believe that this document is not what it
5 appears to be?

6 A No. This is -- this looks correct.

7 Q Okay. Do you have any reason --

8 MR. FABRIZIO: I'll lodge an objection as to
9 vague.

10 BY MR. ENGSTROM:

11 Q Okay. Do you have any reason to believe that
12 any documents that were produced by Warner in this
13 deposition that bear your email address as a "To:" or
14 "From:" are not authentic?

15 MR. FABRIZIO: Objection. Calls for
16 speculation and lacks foundation.

17 BY MR. ENGSTROM:

18 Q You can answer.

19 A I don't know. This is the only document I've
20 seen. So far, I'm fine with it.

21 Q I understand.

22 But you -- there's no reason you would believe
23 that any documents that your -- Warner Bros. produced
24 would be inauthentic?

25 MR. FABRIZIO: Again, calls for speculation,

1 lacks foundation, is overbroad.

2 You haven't -- you haven't established that
3 this witness had any role in producing the documents.

4 THE WITNESS: Again, this is the only document
5 I've seen. So far this is one that I believe we
6 produced.

7 BY MR. ENGSTROM:

8 Q Do you recognize this document?

9 A Yes.

10 Q Do you recall sending -- we'll start with the
11 bottom level email, which starts on the bottom of the
12 first page WARNER025866.

13 It appears to be sent Thursday, April 30th,
14 2009.

15 Could you read the first part of the email,
16 please.

17 A Okay. "I was wondering if you have
18 any type of takedown tool that could
19 assist us in removing content from
20 HOTFILE that infringes Warner Bros.
21 Entertainment Inc. rights, rather than
22 sending an official takedown abuse
23 notice every time URL's are
24 identified. As you know, we recently
25 requested over 1000 URLs which were

1 MR. FABRIZIO: Consider it a standing
2 objection.

3 MR. ENGSTROM: Fair enough.

4 I'd like to introduce as Exhibit I believe 4 --

5 MR. FABRIZIO: Yes.

6 MR. ENGSTROM: -- the attached document to you.

7 (Bentkover Exhibit 4 was marked for
8 identification by the court reporter.)

9 THE WITNESS: Okay.

10 BY MR. ENGSTROM:

11 Q Are you familiar with this --

12 A Yes, I am.

13 Q -- document, Mr. Bentkover?

14 A Uh-huh.

15 Q Okay. Off the bat, do you know who Fileserve
16 is or what Fileserve is?

17 A Yes.

18 Q What is Fileserve?

19 A It's an online cyberlocker site.

20 Q Is it similar to Hotfile in terms of --

21 A Yes.

22 Q -- the way it operates?

23 MR. FABRIZIO: Objection to form. Calls for
24 speculation.

25 BY MR. ENGSTROM:

1 BY MR. ENGSTROM:

2 Q So the -- the extent of working with Fileserve
3 to remove infringing materials was sending takedown
4 notices?

5 MR. FABRIZIO: Same objections.

6 THE WITNESS: Yes.

7 BY MR. ENGSTROM:

8 Q Okay. Is the automated way to remove files --
9 the preferred way, the automated way to refer -- remove
10 files from the system, are you referring to an SRA?

11 A Yes, I am.

12 Q Okay. Did you communicate with Fileserve about
13 any other mechanisms for limiting infringement on
14 Fileserve?

15 MR. FABRIZIO: Objection. Lacks foundation,
16 vague as to "you."

17 BY MR. ENGSTROM:

18 Q When I say "you," I'm referring to you, Michael
19 Bentkover.

20 A No.

21 Q And if I'm referring to Warner Bros., I'll
22 refer to Warner Bros.

23 MR. FABRIZIO: Throughout the deposition?

24 MR. ENGSTROM: Yes. Unless it's clear from the
25 context. And if there is a question, please ask me to

1

2

I, the undersigned, a Certified Shorthand

3

Reporter of the State of California, do hereby certify:

4

That the foregoing proceedings were taken

5

before me at the time and place herein set forth; that

6

any witnesses in the foregoing proceedings, prior to

7

testifying, were duly sworn; that a record of the

8

proceedings was made by me using machine shorthand

9

which was thereafter transcribed under my direction;

10

that the foregoing transcript is a true record of the

11

testimony given.

12

Further, that if the foregoing pertains to

13

the original transcript of a deposition in a Federal

14

Case, before completion of the proceedings, review of

15

the transcript [x] was [] was not requested.

16

I further certify I am neither financially

17

interested in the action nor a relative or employee

18

of any attorney or party to this action.

19

IN WITNESS WHEREOF, I have this date

20

subscribed my name.

21

22

Dated: 12-15-11

23

24

LORI SCINTA, RPR

25

CSR No. 4811