

## **Exhibit 14**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-WILLIAMS

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

Plaintiffs, )

v. )

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

Defendants. )

Continued Deposition of JAMES BOYLE

Volume II

(Taken by the Plaintiffs)

Raleigh, North Carolina

January 19, 2012

Reported by: Marisa Munoz-Vourakis -  
 RMR, CRR and Notary Public

TSG Job # 45588

1 APPEARANCE OF COUNSEL:

2 For the Plaintiffs:

3 DUANE POZZA, ESQ.

4 Jenner & Block

5 1099 New York Avenue, NW, Suite 900

6 Washington, DC 20001

7

8

9

10 For the Defendants:

11 DEEPAK GUPTA, ESQ.

12 Farella Braun & Martel

13 Russ Building

14 235 Montgomery Street, 17th Floor

15 San Francisco, CA 94104

16

17

18 o0o

19

20 Continued Deposition of JAMES BOYLE,

21 taken by the Plaintiffs, at Office Suites Plus, 3737

22 Glenwood Avenue, Suite 100, Raleigh, North Carolina, on

23 the 19th day of January, 2012 at 9:38 a.m., before

24 Marisa Munoz-Vourakis, Registered Merit Reporter,

25 Certified Realtime Reporter and Notary Public.

1 have problems with extrapolating the study, but this,  
2 for the purposes of argument, I took their  
3 classifications and accepted them.

4 Q. Well, no, these numbers themselves you're  
5 taking a different variable, the paid for variable,  
6 right? They didn't analyze that?

7 A. That is correct.

8 Q. And you're saying that you can take that  
9 variable, calculate this conversion rate, which is  
10 based on this other variable daily download total that  
11 they did not consider?

12 A. I believe they did consider.

13 Q. Daily download total?

14 A. Well, they looked at daily downloads,  
15 excuse me.

16 MR. GUPTA: Objection, this line of  
17 questioning is obviously somewhat confusing  
18 and complicated.

19 BY MR. POZZA:

20 Q. I'm trying to figure out if these  
21 conversion rates that you claim for different  
22 categories of infringing and noninfringing content, are  
23 you claiming that those conversion rates would  
24 extrapolate to the entire population of files or  
25 downloads on Hotfile?

1 MR. GUPTA: Objection, to the extent  
2 it seeks a statistical analysis.

3 A. What I'm claiming is that if Dr. Waterman  
4 and Mr. Zebrak were correct about, first of all, the  
5 statistical representativeness of their study, about  
6 which I raise questions, and also the accuracy of it,  
7 about which I raise questions, but if we assume that  
8 for the sake of argument they are claiming that it  
9 provides a generalizable representative picture of  
10 Hotfile, if they take their assumption, the assumption  
11 they make in their report, then I would expect that the  
12 paid for could be extrapolated to the rest of Hotfile.

13 Q. Would it be extrapolated in the way that  
14 you have done here?

15 A. I think a court might extrapolate it in any  
16 number of ways. I think if their argument is correct,  
17 and they are presenting estoppel from which conclusions  
18 can be extrapolated, then their sample and their  
19 classifications with this one extra piece of  
20 information, namely, the sample paid for is a  
21 percentage of daily download totals.

22 Q. Is that based on your understanding of the  
23 statistical methods that Dr. Waterman employed?

24 A. It's based on my understanding that  
25 Dr. Waterman claims that his study is a statistically

SIGNATURE PAGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

you.

(Whereupon the deposition was  
concluded at 5:43 p.m.)

(Signature reserved.)

\_\_\_\_\_

JAMES BOYLE

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_

day of \_\_\_\_\_, 2012

\_\_\_\_\_

NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, Marisa Munoz-Vourakis, RMR, CRR and Notary Public, the officer before whom the foregoing proceeding was conducted, do hereby certify that the witness(es) whose testimony appears in the foregoing proceeding were duly sworn by me; that the testimony of said witness(es) were taken by me to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the testimony of the witness(es).

I do further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in which this proceeding was conducted, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereof, nor financially or otherwise interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23rd of January, 2012.

---

MARISA MUNOZ-VOURAKIS  
Notary #20032900127