

# **EXHIBIT A**

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.

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AND RELATED CROSS-ACTION.

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HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER  
VIDEOTAPED DEPOSITION OF LANCE R. GRIFFIN, ESQUIRE  
PURSUANT TO FEDERAL RULE 30(b)(6)

Los Angeles, California

Thursday, December 22, 2011

Reported by:  
LORI SCINTA, RPR  
CSR No. 4811

Job No. 178940

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Videotaped deposition of LANCE R. GRIFFIN,  
ESQUIRE, pursuant to Federal Rule 30(b)(6), taken on  
behalf of Defendants and Counterclaimant Hotfile Corp.,  
at 633 West Fifth Street, Suite 3600, Los Angeles,  
California, beginning at 9:47 A.M. and ending at  
4:49 P.M. on Thursday, December 22, 2011, before  
LORI SCINTA, RPR, Certified Shorthand Reporter No. 4811.

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APPEARANCES:

For Plaintiffs:

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-- and --

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For Defendants and Counterclaimant Hotfile Corp.:

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Videographer:

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SARNOFF COURT REPORTERS  
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10:17 1 BY MR. SCHOENBERG:

10:17 2 Q So you said that you -- you supervised the  
10:17 3 notice and takedown program at Walt Disney Company,  
10:18 4 correct?

10:18 5 A Yes.

10:18 6 Q Can you describe that program to me.

10:18 7 MR. FABRIZIO: The program or his -- his job  
10:18 8 responsibilities and supervising?

10:18 9 MR. SCHOENBERG: The program itself.

10:18 10 MR. FABRIZIO: Mr. Griffin, you can describe it  
10:18 11 at a high level.

10:18 12 THE WITNESS: Okay.

10:18 13 It involves the finding and verification of  
10:18 14 content and sending notices on that content.

10:18 15 BY MR. SCHOENBERG:

10:18 16 Q And when you say "notices," what do you mean?

10:18 17 A It could vary from a cease-and-desist letter, a  
10:18 18 DMCA notice or a notice under local law.

10:18 19 Q And when you say "DMCA," are you referring to  
10:18 20 the Digital Millennium Copyright Act?

10:18 21 A Yes.

10:19 22 Q And when you say "verification of content,"  
10:19 23 what content are you referring to?

10:19 24 MR. FABRIZIO: Objection. Vague.

10:19 25 THE WITNESS: As I explained before, it

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





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Q Did you ever send that type of notice to Hotfile?

MR. FABRIZIO: Objection. Vague.

THE WITNESS: No, I don't believe so.

BY MR. SCHOENBERG:

Q Why not?

MR. GOLDSMITH: I think that's privileged.

MR. FABRIZIO: You think that's privileged?

Okay. The determination as to what types of notices to send to which type of services is based on privileged analysis and communications internally at Disney.

And I'm going to instruct the witness not to answer.

(Instruction not to answer.)

BY MR. SCHOENBERG:

Q Have you sent DMCA takedown notices to Hotfile?

A We have sent notices to Hotfile which meets





10:46 1 BY MR. SCHOENBERG:

10:46 2 Q Can you think of any specific instance in which  
10:46 3 Hotfile did not take a file down after receiving a  
10:46 4 takedown notice from Disney?

10:46 5 MR. FABRIZIO: Objection. Objection. Calls  
10:46 6 for speculation.

10:46 7 THE WITNESS: Yes.

10:46 8 BY MR. SCHOENBERG:

10:46 9 Q When was that?

10:46 10 A I'm sure we've had to send follow-up notices  
10:46 11 several times.

10:46 12 Q Has there ever been an instance in which  
10:46 13 Hotfile did not after receiving a follow-up notice take  
10:46 14 down a link that you had given it notice of?

10:46 15 MR. FABRIZIO: Objection. Calls for  
10:46 16 speculation.

10:46 17 THE WITNESS: I -- I have never analyzed or  
10:46 18 asked for data concerning that.

10:46 19 BY MR. SCHOENBERG:

10:47 20 Q How quickly do you expect cyberlockers to  
10:47 21 remove content that you've identified in takedown  
10:47 22 notices?

10:47 23 MR. FABRIZIO: Objection. Overbroad and calls  
10:47 24 for a legal conclusion.

10:47 25 THE WITNESS: I believe Disney's position on

10:48 1 MR. FABRIZIO: Same objections.

10:48 2 THE WITNESS: I imagine it would be much less  
10:48 3 than that, yes.

10:48 4 BY MR. SCHOENBERG:

10:48 5 Q Would it be less than 24 hours?

10:48 6 MR. FABRIZIO: Same objections. Asked and  
10:48 7 answered.

10:48 8 THE WITNESS: Again, I'm not certain.

10:48 9 BY MR. SCHOENBERG:

10:48 10 Q So it could be more than 24 hours?

10:48 11 MR. FABRIZIO: Objection. Calls for  
10:48 12 speculation.

10:48 13 THE WITNESS: I -- I can't recall.

10:48 14 BY MR. SCHOENBERG:

10:49 15 Q Did you have issues with Hotfile not taking  
10:49 16 down files expeditiously in response to your takedown  
10:49 17 notices?

10:49 18 MR. FABRIZIO: Objection. Vague and ambiguous,  
10:49 19 compound and overbroad and vague as to timeframe, as  
10:49 20 well.

10:49 21 THE WITNESS: We have had to send follow-up  
10:49 22 notices on many files.

10:49 23 BY MR. SCHOENBERG:

10:49 24 Q And you're speaking of Hotfile, specifically?

10:49 25 A Yes. Yes.





11:24 1 A That would be a notice that we send after we've  
11:24 2 sent a previous notice.

11:24 3 Q And looking at this document, what is the work  
11:24 4 that -- that that -- this follow-up notice relates to?

11:25 5 A The copyrighted work?

11:25 6 Q Correct.

11:25 7 A FLASHFORWARD.

11:25 8 Q And does this document indicate when the  
11:25 9 original notice was sent?

11:25 10 A It appears to. It says, "(Original  
11:25 11 Notification Date: 9/17/2009 3:56:10 PM)."

11:25 12 Q And when was this re- -- follow-up notification  
11:25 13 sent?

11:25 14 A Well, the header at the top says it was sent  
11:25 15 9/18/2009, at 11:01:29 A.M.

11:25 16 Q And just so we're clear, this -- this is a  
11:25 17 follow-up notification to Hotfile, correct?

11:25 18 A Yes. It's -- in the "To:" line it says,  
11:25 19 "abuse@hotfile.com."

11:25 20 Q And so based on the face of this document,  
11:25 21 anyway, it appears that the follow-up notification was  
11:26 22 sent less than 24 hours after the original notice; isn't  
11:26 23 that right?

11:26 24 That's correct, isn't it?

11:26 25 MR. FABRIZIO: Objection. Lacks foundation.

11:26 1 THE WITNESS: So 9/17 at 3:56 P.M. to 9/18 at  
11:26 2 11:01 A.M. I think would be less than 24 hours, if  
11:26 3 they're on the same time zone.

11:26 4 BY MR. SCHOENBERG:

11:26 5 Q Assuming they're on the same time zone.

11:26 6 Is -- did Disney send this follow-up  
11:26 7 notification because it felt like Hotfile hadn't  
11:26 8 responded in an adequate amount of time to the original  
11:26 9 takedown notice?

11:26 10 MR. FABRIZIO: You're referring to this  
11:27 11 specific notice?

11:27 12 MR. SCHOENBERG: Yes.

11:27 13 THE WITNESS: I did not send the notice, and I  
11:27 14 can't recall this exact notice, but I -- I would suspect  
11:27 15 that's the case.

11:27 16 BY MR. SCHOENBERG:

11:27 17 Q How quickly should Hotfile have responded to  
11:27 18 this, the original takedown notice, in order to have  
11:27 19 done so in an adequate amount of time?

11:27 20 MR. FABRIZIO: You're referring, again, to this  
11:28 21 individual instance?

11:28 22 MR. SCHOENBERG: Yes.

11:28 23 THE WITNESS: Well, obviously, before 11:01 on  
11:28 24 9/18.

11:28 25 BY MR. SCHOENBERG:

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I, LANCE R. GRIFFIN, ESQUIRE, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 27<sup>th</sup> day of January,  
2012, at Burbank, California.  
(City) (State)

Lance R. Griffin  
LANCE R. GRIFFIN, ESQUIRE

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

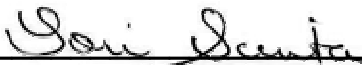
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript  was  was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 12/29/2011

  
\_\_\_\_\_  
LORI SCINTA, RPR  
CSR No. 4811