

EXHIBIT C

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.

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER
VIDEOTAPED DEPOSITION OF DAVID P. KAPLAN, ESQUIRE
PURSUANT TO FEDERAL RULE 30(b)(6)

Los Angeles, California

Tuesday, December 13, 2011

Volume 1

Reported by:
LORI SCINTA, RPR
CSR No. 4811

Job No. 177476B

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2 SOUTHERN DISTRICT OF FLORIDA
3

4 DISNEY ENTERPRISES, INC.,
5 TWENTIETH CENTURY FOX FILM
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16 Videotaped deposition of DAVID P. KAPLAN,
17 ESQUIRE, Volume 1, pursuant to Federal Rule 30(b)(6),
18 taken on behalf of Defendants and Counterclaimant,
19 at 633 West Fifth Street, Los Angeles, California,
20 beginning at 2:18 P.M. and ending at 4:58 P.M. on
21 Tuesday, December 13, 2011, before LORI SCINTA, RPR,
22 Certified Shorthand Reporter No. 4811.
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1 APPEARANCES:

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02:32 1 infringes Warner Bros. Entertainment,
02:32 2 Inc. rights, rather than sending an
02:32 3 official takedown abuse notice every
02:32 4 time URL's are identified."

02:32 5 At this time, in April of 2009, how was Warner
02:32 6 notifying Hotfile of material that Warner contended was
02:33 7 infringing its copyrights on Hotfile?

02:33 8 A I believe we were sending an email to -- well,
02:33 9 electronically -- we were notifying them electronically
02:33 10 by sending an email to an address that was I think
02:33 11 abuse@hotfile.com, or something like that.

02:33 12 Q Okay. Did you -- did Warner at any time not
02:33 13 know where to send takedown notices to have files
02:33 14 removed from Hotfile?

02:33 15 MR. FABRIZIO: Objection. Vague.

02:33 16 THE WITNESS: Well, we didn't -- we didn't
02:33 17 know -- we didn't have a name or a real address or a
02:33 18 phone number. All we had was a -- that abuse address.

02:33 19 BY MR. ENGSTROM:

02:33 20 Q Was Warner ever unable to send takedown notices
02:33 21 to Hotfile?

02:33 22 A I'm not sure I understand what you mean.
02:34 23 We were able to send notices to that abuse
02:34 24 address.

02:34 25 Q Okay. My question is: Was there ever a time

02:40 1 the point that we're talking about here.

02:40 2 Q Okay. Other than asking for this rapid
02:40 3 takedown tool which I'll refer to, alternately, as a
02:40 4 special rightsholder account, or an SRA --

02:40 5 Do you understand what I'm referring to if I
02:40 6 say those terms?

02:40 7 A I do.

02:40 8 Q Okay. Other than asking Warner Bros. -- or
02:40 9 other than asking Hotfile for an SRA, did Warner Bros.
02:40 10 ever ask Hotfile to implement any policy or tool or
02:40 11 practice that would limit the infringing material on
02:40 12 Hotfile?

02:40 13 MR. FABRIZIO: Objection. Vague as to time and
02:41 14 compound.

02:41 15 THE WITNESS: Again, the only communications
02:41 16 that exist between Warner's and Hotfile are in the
02:41 17 handful of emails to this -- substantively to the abuse
02:41 18 address.

02:41 19 The other communications would all be strictly
02:41 20 takedown notices.


02:41 21 BY MR. ENGSTROM:

02:41 22 Q Does Warner contend that any of those
02:41 23 communications asked Hotfile to implement any policy,
02:41 24 technique or process to curb infringement on Hotfile
02:41 25 other than the implementation of an SRA account?

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I, DAVID P. KAPLAN, 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 13th day of January,
20 12, at Burbank, California.
(City) (State)



DAVID P. KAPLAN, ESQUIRE
Volume 1

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 
25 LORI SCINTA, RPR
CSR No. 4811