

# **EXHIBIT 2**

101006SS.txt

1

1 UNITED STATES DISTRICT CIRCUIT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 MIAMI DIVISION

3

4 CASE NO. No

5

6 Type

6

7

8 Pl-Df ,

8

9 -vs-

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10

11

12 Pl-Df .

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14 DEPOSITION OF Witness

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16 Dy , Mo - : Date .m. , 200

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17

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19 City , Florida Zip

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22 Reported By:  
23 Thomas R. Neumann  
24 Notary Public, State of Florida  
25 Network Reporting Corporation  
Phone: 888.358.8188  
305.358.8188

25

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21 I only know what I read at the Web site. One  
22 million downloads and counting of One Goo world at  
23 \$9.99 a download.

24 Q Do you contend that the posting of that  
25 information on the Web site and the subsequent

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1 removal of it in any way is a breach of the license  
2 agreement?

3 MR. COOPER: Object to the form.

4 THE WITNESS: I think it could be in some  
5 regards because I believe it was deceitful that  
6 that was placed on the Web site to begin with.

7 I believe it was fraudulent inducement,  
8 fraudulently placed on there. If it was not  
9 accurate it should never have been placed on  
10 there.

11 Same thing with Grammy nominated album.  
12 To me that just was hype that was  
13 unsubstantiated and I think it was wrong and as  
14 the licensor I believe that is a breach. It  
15 tarnishes my name, my characters.

16 MR. KAPLAN: I'm going to go ahead and  
17 mark as Exhibit 103 a copy of the license  
18 agreement. It has already been marked, but  
19 this is a cleaner copy. Take a look at it.

20 (Deposition Exhibit No. 103 was  
21 marked for identification.)

22 BY MR. KAPLAN:

23 Q I'm handing a copy to your counsel.

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24 which provision of the license agreement  
25 Mr. Silvers do you believe is breached by that  
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1 conduct?  
2 MR. COOPER: Objection to the form.  
3 THE WITNESS: The portion of the license  
4 agreement which I'm not sure where it is at  
5 this point for Stelor Productions to  
6 commercially -- excuse me, to reasonably  
7 commercialize my property. Reasonably  
8 commercialize my property.  
9 BY MR. KAPLAN:  
10 Q Any other portion?  
11 MR. COOPER: Same objection.  
12 THE WITNESS: Without taking about an hour  
13 to read all of this over, I would not be able  
14 to go specifically to a specific area here and  
15 tell you that with specificity.  
16 I believe common sense would dictate that  
17 if somebody licenses a property to somebody and  
18 disregard myself -- to Stelor Productions,  
19 excuse me, and then it's brought to my  
20 attention as the licensor that there is  
21 erroneous, false and misrepresentation placed  
22 on the web site characterizing my characters as  
23 having a Grammy nominated album, having over  
24 one million downloads and counting, that that  
25 would be in and of itself enough. That is I as

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1 intimated to Mr. Esrig in a lengthy letter that  
2 I sent him for additional breach of the license  
3 agreement. I believe that that's accurate.

4 BY MR. KAPLAN:

5 Q But the only provision -- specific  
6 provision of the license agreement that you can  
7 point me to is the one dealing with using  
8 commercially reasonable efforts, I think as you put  
9 it, to promote the products, right?

10 MR. COOPER: Object to the form.

11 THE WITNESS: If you want me to spend an  
12 hour to read this contract over so I can give  
13 you more specifics I'll be happy to do that.  
14 At this Tim I'm going to reserve the right the  
15 fact that the contract, in my opinion, was  
16 additionally breached based upon Mr. Esrig's  
17 company not reasonably commercializing the  
18 property by placing false information on the  
19 web site to misrepresent to potential  
20 sub-licensees --

21 VIDEO OPERATOR: Hold on. Hold on.

22 (Discussion held off the  
23 record.)

24 VIDEO OPERATOR: Go ahead.

25 THE WITNESS: Sub-licensees, potential

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1 investors, even myself to go on the web site  
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2 and to see, you know, that my album or the  
3 album of the music involving my characters was  
4 Grammy nominated and to find out that that was  
5 basically a lie and it was not accurate  
6 whatsoever that I have quantified proof of and  
7 then to turn around and inquire about the  
8 downloads, a million plums downloads and  
9 counting of 9.99 and that was also a lie is  
10 preposterous. So that's my position.

11 BY MR. KAPLAN:

12 Q Look, Mr. Silvers, we are going to be a  
13 long time today. I'm going to try to ask you narrow  
14 questions.

15 A Okay.

16 Q I need you to give me narrow answers to  
17 the questions. You don't need to repeat and restate  
18 everything you have said before, okay. So let me  
19 ask you the question again and please try and answer  
20 the specific question that I'm asking.

21 As you sit here right now, can you point  
22 to any other provision of the license agreement  
23 that you believe that conduct breached, yes or no?

24 A Without reading the contract in specific  
25 detail I'm not able to give you a definitive answer

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1 on that yes or no.

2 Q Thank you. Have you put Stelcor on written  
3 notice of what provision of the contract you believe  
4 that conduct breaches?

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5 A Have I? I believe I sent them a letter.

6 Q Does the letter indicate what provision of  
7 the license agreement you believe was breached, yes  
8 or no?

9 A I don't believe so. I have not taken the  
10 time to read the letter recently.

11 Q Do you intend to put Stelor on written  
12 notice of what specific provision of the contract  
13 you believe was breached?

14 A Having hired new counsel that would be a  
15 decision that my counsel would decide.

16 Q Would you hand me that exhibit black,  
17 please?

18 A (Witness complies.)

19 Q What if any documents have you gotten from  
20 Mr. Eisenberg?

21 A I don't believe I have gotten any  
22 documents from Mr. Eisenberg.

23 Q What if any documents have you provided to  
24 Mr. Eisenberg?

25 A I provided him a copy of the recording art  
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1 institute's letter to me emphatically stating that  
2 under no circumstances was the One Goo World album  
3 ever nominated for a Grammy award and basically them  
4 asking me where I got this information from.

5 Q Any other documents?

6 A Not that I can recall at this time.

7 Q What conversations have you -- let me ask  
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17 did so or not.

18 BY MR. KAPLAN:

19 Q As you sit here today are you aware of any  
20 notice of those things to Stelor?

21 A No.

22 Q Other than the people who we have just  
23 discussed as listed on your initial disclosures and  
24 the other names you provided me, is there anybody  
25 else you think is likely to have discoverable

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1 information relative to the contract claims?

2 A Not that I can recall at this time.

3 Q Take a look at the list of documents  
4 that's on the third page of Exhibit 103 -- I'm  
5 sorry, Exhibit 102.

6 A Okay.

7 Q Are there any other documents that you  
8 believe relate to the contract claims other than  
9 what you told me before the contracts themselves and  
10 the pleadings that have been filed in the cases?

11 MS. CALABRIA: Objection to form.

12 MR. COOPER: Same objection.

13 BY MR. KAPLAN:

14 Q You can answer.

15 A I'm reading the list.

16 (Pause.)

17 A I'm going to want to add to some of this  
18 list the documents that I was provided by the  
19 recording artist in reference to the fact that the



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20 Grammy awards information that was erroneously  
21 placed on the Web site. I'm going to want to add  
22 the printouts that I made of the web site with the  
23 one million downloads.

24 I am going to want to add to the list of  
25 printouts of Go Goos that Mr. Esrig and Stelor

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1 Productions were put on notice about changing the  
2 name of the characters. I'm going to probably  
3 want to put on there some of the letters I believe  
4 that I'm not sure if they were introduced into  
5 evidence or not between myself and Mr. Esrig  
6 involving my putting them on notice of certain  
7 things that he has not done as he had promised and  
8 things of that nature.

9 Q Anything else?

10 A Not that I can think of at this time.

11 Q What's the date of your letters with  
12 Mr. Esrig?

13 A I don't know that answer.

14 Q Give me an approximate time period the,  
15 last 6 months?

16 MS. CALABRIA: Object to form.

17 THE WITNESS: I can't give you that  
18 answer. It could be from the very inception of  
19 our dispute. I have to go and search the file.

20 BY MR. KAPLAN:

21 Q About how many letters are there?

22 A Quite a few.

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23 Q Would you hand me that exhibit back.

24 What's your current business,

25 Mr. Silvers?

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1 A My current business? I'm currently  
2 working as a roof tile consultant.

3 Q Are you working with a company?

4 A No, independent.

5 Q Is there a name under which you do that  
6 business?

7 A Roof Tile Finders.

8 Q How long have you been doing that?

9 A Probably since shortly after October 2005.

10 Q Have you had any other jobs since October  
11 2005?

12 A Not that I can remember. Not that I can  
13 recall.

14 Q What do you do as a roof tile consultant  
15 try and sell roof tiles?

16 A That's one of the areas of my business  
17 model.

18 Q What else?

19 A What else what?

20 Q What else do you do other than try to sell  
21 roof tiles?

22 A I consult with contractors from time to  
23 time about their roof tile needs with homeowners.  
24 That's basically it.

25 Q Do you have any employees?

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Thomas R. Neumann  
Notary Public - State of Florida  
My Commission Expires: 3/22/07  
My Commission No.: DD187497

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1 C E R T I F I C A T E

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3 THE STATE OF FLORIDA)

4 COUNTY OF DADE)

5

6 I, Thomas R. Neumann, Registered Reporter,  
7 State of Florida at large, do hereby certify that I  
8 was authorized to and did report said deposition in  
9 stenotype; and that the foregoing pages, numbered  
from 1 to , inclusive, are a true and correct  
transcription of my shorthand notes of said  
deposition.

9

10 I further certify that said deposition was  
11 taken at the time and place hereinabove set forth  
and that the taking of said deposition was commenced  
and completed as hereinabove set out.

12

13 I further certify that I am not attorney or  
14 counsel of any of the parties, nor am I a relative  
or employee of any attorney or counsel of party  
connected with the action, nor am I financially  
interested in the action.

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15 The foregoing certification of this transcript  
16 does not apply to any reproduction of the same by  
17 any means unless under the direct control and/or  
18 direction of the certifying reporter.  
19  
20  
21  
22  
23 IN WITNESS WHEREOF, I have hereunto set my hand  
24 this Date day of Mo 200 .  
25

-----  
Thomas R. Neumann  
Notary Public - State of Florida  
My Commission Expires: 3/22/07  
My Commission No.: DD187497

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1 DATE: Mo Date , 200  
2 TO: WITNAME  
3  
4  
5 IN RE: STYLE  
6  
7 CASE NO.:

8 Please take notice that on Dy , the  
9 Date of Mo 200 , you gave your  
10 deposition in the above-referred matter. At that  
11 time, you did not waive signature. It is now  
12 necessary that you sign your deposition.  
13 Please call our office at the below-listed  
14 number to schedule an appointment between the hours  
15 of 9:00 a.m. and 4:30 p.m., Monday through Friday,  
16 at Network Reporting Corporation, 44 W. Flagler  
17 Street.  
18 If you do not read and sign the deposition  
19 within a reasonable time, the original, which has  
20 already been forwarded to the ordering attorney, may  
21 be filed with the Clerk of the Court. If you wish  
22 to waive your signature, sign your name in the blank  
23 at the bottom of this letter and return it to us.

Very truly yours,  
NETWORK REPORTING CORPORATION.