

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERICH SPECHT, an)
individual and doing)
business as ANDROID DATA) Case No. 09-CV-2572
CORPORATION, THE ANDROID'S)
DUNGEON, INCORPORATED,)
Plaintiffs,)
vs.)
GOOGLE, INC.,)
Defendant.)

The videotaped deposition of ROGER EIDE,
called for examination, taken pursuant to the
Federal Rules of Civil Procedure of the United
States District Courts pertaining to the taking of
depositions, taken before CARIANN BILLS, CSR
No. 084-003836, a Notary Public within and for the
County of Cook, State of Illinois, and a Certified
Shorthand Reporter of said state, at Suite 3100,
77 West Wacker Drive, Chicago, Illinois, on the 7th
day of July, A.D. 2010.

2

1 PRESENT:
 2 NOVACK AND MACEY, LLP,
 3 (100 North Riverside Plaza,
 4 Chicago, Illinois 60606,
 5 312.419.6900) by:
 6 MR. JOHN SHONKWILER,
 7 jshonkwiler@novackmacey.com,
 8 Appeared on behalf of the Plaintiff;
 9
 10 GREENBERG TRAURIG, LLP,
 11 (77 West Wacker Drive, Suite 3100,
 12 Chicago, Illinois 60601,
 13 312.456.8400) by:
 14 MR. CAMERON M. NELSON,
 15 nelsonc@gtlaw.com,
 16 MR. HERBERT FINN,
 17 Appeared on behalf of the Defendant.
 18
 19
 20
 21
 22 VIDEOTAPED BY: Nick Page
 23 REPORTED BY: CARIANN BILLS C.S.R.
 24 CERTIFICATE NO. 084-003836

4

1 THE VIDEOGRAPHER: This is Nick Page
 2 in association with Veritext National Court
 3 Reporting Services. The date today is July 7,
 4 2010. The time is 12:47 p.m.
 5 This deposition is being held at the
 6 offices of Greenberg Traurig located at
 7 77 West Wacker Drive, Chicago, Illinois.
 8 The case is captioned Erich Specht, et
 9 al. versus Google, Incorporated. The case number
 10 is 09 CV 2572. The name of the witness is Roger
 11 Eide.
 12 At this time will the attorneys please
 13 identify themselves and the parties they represent.
 14 MR. NELSON: Cameron Nelson on behalf of
 15 Google.
 16 MR. FINN: Herbert Finn on behalf of Google.
 17 MR. SHONKWILER: John Shonkwiler, the witness
 18 Roger Eide.
 19 THE VIDEOGRAPHER: And will the court reporter
 20 please identify herself and swear in the witness.
 21 (WHEREUPON, the witness was duly
 22 sworn.)
 23 THE VIDEOGRAPHER: Please proceed.
 24

3

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1 O. ROGER EIDE,
 2 called as a witness herein, having been first duly
 3 sworn, was examined and testified as follows:
 4 EXAMINATION
 5 BY MR. NELSON:
 6 Q. Would you please state your full name
 7 for the record.
 8 A. Olaf Roger Eide.
 9 Q. And you are the principal of Eide &
 10 Eide, CPA?
 11 A. Yes.
 12 Q. Is that a corporation or LLC?
 13 A. An LLC.
 14 Q. Any other principals or shareholders?
 15 A. No.
 16 Q. Have you ever attended a deposition
 17 before?
 18 A. Never.
 19 Q. Okay. You understand that you have
 20 taken an oath to tell the truth today?
 21 A. Yes.
 22 Q. And you will tell the truth today?
 23 A. Yes.
 24 Q. You understand that the court reporter

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1 A. Yeah, because --

2 Q. Because kids do that.

3 MR. SHONKWILER: Can I pop in a relevance

4 objection in here somewhere, just for the record.

5 BY MR. NELSON:

6 Q. So what I'm really getting at, though,

7 is he wasn't asking you for advice in naming his

8 company, correct? This was just sort of a random

9 piece of information.

10 MR. SHONKWILER: Objection to the extent it

11 calls for speculation as to what he wanted.

12 BY THE WITNESS:

13 A. I don't know what Erich wanted. I don't

14 know if it's an update. I notice it comes during

15 tax season. And typically during tax season, I

16 don't answer many e-mails, so -- and I don't recall

17 seeing this, but...

18 BY MR. NELSON:

19 Q. You typically --

20 A. No doubt he sent it.

21 Q. You typically don't provide advice on

22 selecting company names?

23 A. No.

24 Q. That's left up to your clients?

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1 A. I am an accountant.

2 Q. And that's all I was getting at is his

3 commentary here about where the name came from or

4 why he is picking the name doesn't really -- is not

5 something you would provide advice about, correct?

6 A. Never. Never. Look at the name of my

7 company.

8 Q. I notice by the way that the e-mail from

9 Erich is from Erich@devastationwagon.com?

10 A. Yeah.

11 Q. Do you know what devastationwagon is, as

12 you sit here today?

13 A. No, but if I can go in the cobwebs, is

14 that the name of a band that he had? That's pure

15 speculation. Otherwise, I don't know.

16 Q. Have you seen any documents referring to

17 devastation wagon in preparation for your

18 deposition?

19 A. None. Zero.

20 Q. Okay. Let's hand you what we'll mark as

21 Eide Exhibit No. 7.

22 (WHEREUPON, a certain document was

23 marked Eide Deposition Exhibit

24 No. 7, for identification.)

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1 MR. SHONKWILER: Would you like the witness to

2 read this?

3 BY THE WITNESS:

4 A. This --

5 BY MR. NELSON:

6 Q. Hold on. You're welcome to read it if

7 you want. I want to see if I can shave this down

8 to narrower questions.

9 Go ahead and read it. I'll note that

10 the first e-mail in the chain, which is the last on

11 the document, is the one we just read.

12 A. Yeah, you're right. This is when I

13 reviewed, it's in our perm file.

14 As a matter of fact, that's where you

15 got it from. This came from our perm file. This

16 one I can go over and talk to my mother Betty

17 about.

18 MR. SHONKWILER: I'm going to right now -- do

19 we have time to maybe confirm, but I don't believe

20 you are entitled to inquire as to which --

21 specifically which documents counsel and the

22 witness reviewed.

23 I have no problem with your questions

24 generally about the preparation and what kinds of

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1 documents reviewed, but for now I'm going to

2 instruct the witness not to answer on work product

3 grounds, not to identify particular documents he

4 reviewed with attorneys. And if we determined --

5 BY THE WITNESS:

6 A. I reviewed this with my mom.

7 MR. SHONKWILER: We can discuss it during a

8 break, if you want to, but for now --

9 MR. NELSON: Well, let me the ask the question

10 and you can make the objection on a

11 document-by-document basis and we'll deal with it

12 that way. I didn't even actually ask the question.

13 MR. SHONKWILER: Which is another good point.

14 MR. NELSON: So I do believe I'm entitled to

15 ask have you reviewed this document. If the

16 witness says yes, and, you know, did you discuss it

17 with anybody. If he discussed it with his mom and

18 it has, in fact, refreshed his recollection, it's

19 either 612 or 613 then the document, you know --

20 MR. SHONKWILER: It's okay with me if you want

21 to ask him if he reviewed a document.

22 MR. NELSON: Right, but a document that has

23 actually refreshed the witness' recollection, then

24 the fact that he reviewed it in preparation for his

102	<p>1 deposition is then admissible under that rule of</p> <p>2 evidence is obviously not your conversations.</p> <p>3 MR. SHONKWILER: But for now I'm instructing</p> <p>4 Mr. Eide not to disclose which specific documents</p> <p>5 he reviewed with his attorneys in preparation for</p> <p>6 this date. If the question asks something</p> <p>7 different or more general, like have you ever seen</p> <p>8 this document or have you reviewed it, that's fine.</p> <p>9 MR. NELSON: Can we agree that you won't</p> <p>10 volunteer it, but I still need to ask a question.</p> <p>11 MR. SHONKWILER: You can ask whatever you</p> <p>12 want. I just want to make the instruction. I'll</p> <p>13 make it again if I have to.</p> <p>14 BY MR. NELSON:</p> <p>15 Q. So have you read the document?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. This is follow-up e-mails</p> <p>18 relating to Erich's questions about changing the</p> <p>19 name of Android's Dungeon, Incorporated to Water</p> <p>20 Weight Music, Limited, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And, ultimately, your mom, Betty Ruda,</p> <p>23 filled out an assumed name form and sent it to him</p> <p>24 and instructed him how to file it, correct?</p>	104	<p>1 A. Correct. I have no reason -- yeah.</p> <p>2 MR. SHONKWILER: You've answered the question.</p> <p>3 BY MR. NELSON:</p> <p>4 Q. Now let's mark Eide Exhibit 8.</p> <p>5 (WHEREUPON, a certain document was</p> <p>6 marked Eide Deposition Exhibit</p> <p>7 No. 8, for identification.)</p> <p>8 BY MR. NELSON:</p> <p>9 Q. Did you review this document? There is</p> <p>10 four pages to the document. One is a handwritten</p> <p>11 note. The other one is some form.</p> <p>12 The third one is an e-mail, and the</p> <p>13 fourth one is an envelope.</p> <p>14 Please take your time to review the note</p> <p>15 and the e-mail and the envelope, if you feel it</p> <p>16 necessary. I don't have any questions about the</p> <p>17 form.</p> <p>18 MR. SHONKWILER: You can wait for his question</p> <p>19 and then decide if it's necessary.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Okay.</p> <p>22 BY MR. NELSON:</p> <p>23 Q. The note says -- it's dated 11/6/03.</p> <p>24 It's somebody's handwriting.</p>
103	<p>1 MR. SHONKWILER: Objection. Foundation. Its</p> <p>2 not clear whether you are asking the witness for</p> <p>3 whether it happened or whether the document says</p> <p>4 it.</p> <p>5 BY THE WITNESS:</p> <p>6 A. From my looking through the files with</p> <p>7 Betty -- or I don't call it her Betty -- with Betty</p> <p>8 was this e-mail she did what Erich told her to do</p> <p>9 and she completed it and sent it to him to process.</p> <p>10 BY MR. NELSON:</p> <p>11 Q. Okay. Well, she says she filled out</p> <p>12 Form BCA 10.</p> <p>13 A. Right.</p> <p>14 Q. She tells him to sign both copies and</p> <p>15 told him to send it to the Secretary of State,</p> <p>16 correct?</p> <p>17 A. This is what she wrote in here, so I</p> <p>18 have no reason to doubt it.</p> <p>19 Q. You have no reason to believe that that</p> <p>20 didn't occur?</p> <p>21 A. Correct.</p> <p>22 Q. You have every reason to believe that</p> <p>23 that did occur because your mother if she wrote an</p> <p>24 e-mail, then that's what happened, correct?</p>	105	<p>1 Do you know whose handwriting that is?</p> <p>2 A. My mother Betty.</p> <p>3 Q. So when you it says Gran at the</p> <p>4 bottom --</p> <p>5 A. Gram. Since my kids work there, they</p> <p>6 call her Gram out of respect, and so everybody</p> <p>7 picks that up, clients and everybody.</p> <p>8 Q. Okay. And the note -- the words of the</p> <p>9 note says 11/6/03, per Erich, let Android Data</p> <p>10 Corp. expire, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Was this in your permanent file?</p> <p>13 A. Yes.</p> <p>14 Q. Did you discuss this with Gram or</p> <p>15 Ms. Ruda?</p> <p>16 A. Yes.</p> <p>17 Q. What would you prefer I call her?</p> <p>18 A. Whatever makes you comfortable. She</p> <p>19 loves being called Gram.</p> <p>20 Q. But I feel awkward calling your mom</p> <p>21 Betty.</p> <p>22 A. That's fine with me. Every client no</p> <p>23 matter who they are call her Gram, so...</p> <p>24 Q. Okay. So you discussed this with Gram</p>

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<p>1 then, in preparation for your deposition?</p> <p>2 A. Yes.</p> <p>3 Q. What did she tell you?</p> <p>4 A. I pulled these files out and said what</p> <p>5 do you recall of it. And she read these e-mails</p> <p>6 and she said she was replying per -- processing</p> <p>7 what Erich told her to do. So she said outside of</p> <p>8 this, she couldn't recall anything on this e-mail</p> <p>9 but she said she did whatever Erich told her to do.</p> <p>10 Q. Okay. So the e-mail you're referring</p> <p>11 to, the one that bears Bates 00270 --</p> <p>12 A. Correct.</p> <p>13 Q. Now, this e-mail -- correct me if I'm</p> <p>14 wrong -- it's a little -- there is e-mails here.</p> <p>15 One is from Erich dated January 24 and there is one</p> <p>16 from Ms. Ruda dated June 20, 2004 on the e-mail</p> <p>17 page.</p> <p>18 A. Oh, got it. Yeah, you're right.</p> <p>19 Q. And so is -- on January 24, 2004,</p> <p>20 Erich -- it looks like somebody wrote to Erich and</p> <p>21 Erich's responds. And someone at your firm asked</p> <p>22 if he still wanted Android Data to expire and he</p> <p>23 said, yes, to this; is that correct?</p> <p>24 A. This looks like -- it's weird, isn't it?</p>	<p>1 sometimes.</p> <p>2 She is talking about a notice of</p> <p>3 delinquency with respect to Android's Dungeons,</p> <p>4 Inc.?</p> <p>5 MR. SHONKWILER: This question is about the</p> <p>6 exhibit, counsel?</p> <p>7 MR. NELSON: Yeah.</p> <p>8 BY THE WITNESS:</p> <p>9 A. The e-mail is she's asking him about a</p> <p>10 fax he sent her.</p> <p>11 BY MR. NELSON:</p> <p>12 Q. Right.</p> <p>13 A. And the notice of delinquency. So she</p> <p>14 wanted to get clarification from him how to</p> <p>15 proceed.</p> <p>16 Q. Okay. And then the -- under the B she</p> <p>17 refers to a 5/24/04 fax regarding a certificate of</p> <p>18 Dissolution of Domestic Corp, Android Data</p> <p>19 Corporation. And she simply says, If there is</p> <p>20 nothing more, you would have us do, I will file</p> <p>21 this in your perm file, correct?</p> <p>22 A. That's what it says, correct.</p> <p>23 Q. So at this point we have looked at</p> <p>24 e-mails and documents from '01 all the way to the</p>
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<p>1 MR. SHONKWILER: For the record, when the</p> <p>2 witness says "this," he is referring to the exhibit</p> <p>3 page 270 of the exhibit.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Page 270. Yeah. At the bottom I am</p> <p>6 assuming based on what I know from talking to Betty</p> <p>7 the "you" is Betty. And then Erich replied</p> <p>8 underneath it.</p> <p>9 And then my mother for clarification for</p> <p>10 her wrote "data" -- data, so she would know which</p> <p>11 one it was talking about, Dungeon or Data.</p> <p>12 BY MR. NELSON:</p> <p>13 Q. Okay. Then the top part of the e-mail,</p> <p>14 which is later dated June 30, 2004, there is an A</p> <p>15 and a B. And the A says, I am in receipt of your</p> <p>16 fax dated 4/18/04, quote, "notice of delinquency,"</p> <p>17 from the Secretary of State.</p> <p>18 A. Okay.</p> <p>19 Q. And she basically says, do you still</p> <p>20 want this to dissolve; is that correct?</p> <p>21 A. She is asking him --</p> <p>22 Q. Oh.</p> <p>23 A. She wants to know.</p> <p>24 Q. I screwed up the question, which I do</p>	<p>1 middle of '04 and would it be correct to summarize</p> <p>2 them as follows:</p> <p>3 At the end of '02, Erich instructed you</p> <p>4 to file a final tax return; is that correct?</p> <p>5 A. Final tax return, correct.</p> <p>6 Q. For Android Data Corporation?</p> <p>7 A. I believe so, yes. Android, yes, I</p> <p>8 believe so.</p> <p>9 Q. And then in November of '03, Erich</p> <p>10 reiterated that Android Data Corporation should</p> <p>11 expire. And I'm referring to the handwritten note</p> <p>12 at the top of this exhibit; is that correct?</p> <p>13 MR. SHONKWILER: That's exhibit -- for the</p> <p>14 record, that's exhibit what?</p> <p>15 BY THE WITNESS:</p> <p>16 A. Exhibit 8.</p> <p>17 MR. SHONKWILER: You are asking the witness</p> <p>18 about this exhibit, Exhibit 8?</p> <p>19 BY MR. NELSON:</p> <p>20 Q. Is that correct?</p> <p>21 A. This is my note. This is a note in my</p> <p>22 permanent file written by my mother of something</p> <p>23 she's discussed with Erich.</p> <p>24 Q. Okay. But, specifically, it's about</p>

28 (Pages 106 to 109)

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<p>1 letting Android Data Corporation expire, correct?</p> <p>2 A. The Corp, yes.</p> <p>3 Q. At least as early as of November 6,</p> <p>4 2003, you received instructions from Mr. Specht to</p> <p>5 let the corporation expire, correct?</p> <p>6 A. The entity corporation, yes.</p> <p>7 Q. Okay. And you did, in fact, let the</p> <p>8 corporation expire, correct?</p> <p>9 A. I do nothing. We process paper. I</p> <p>10 mean, it's whatever -- we do nothing other than</p> <p>11 process paper. So his lack of doing something is</p> <p>12 what does it. I don't do it.</p> <p>13 Q. Okay. I think letting it expire that</p> <p>14 was implicit.</p> <p>15 A. I just want to make sure it's nothing I</p> <p>16 did.</p> <p>17 Q. So every year, though, someone is</p> <p>18 supposed to file -- if you have a corporation -- a</p> <p>19 corporate annual statement, correct?</p> <p>20 A. Yes. If you've got a corporation or an</p> <p>21 LLC, yes, you have to file an annual report.</p> <p>22 Q. But if you fail to file one, it's not</p> <p>23 like it instantly ceases to exist. It takes some</p> <p>24 time for the Secretary or State to process it?</p>	<p>1 problem. So that's my -- my mom is the go-to gal</p> <p>2 and she would have helped him out.</p> <p>3 So that's the typical. We weren't doing</p> <p>4 it for him. Based on all of these e-mails, I can</p> <p>5 tell you right now we weren't doing it for them.</p> <p>6 Q. Well, wasn't your office, though, listed</p> <p>7 as the address for the Android Data Corporation to</p> <p>8 the Secretary of State?</p> <p>9 A. He might have done that at one time but</p> <p>10 that would have been Erich's desire.</p> <p>11 Q. Well, what I'm getting at, though, is if</p> <p>12 a dissolution would have come through, it would</p> <p>13 have come to your office?</p> <p>14 A. It would -- that is correct, it would.</p> <p>15 Q. When you first miss -- use my</p> <p>16 hypothetical, say, May 1. When you first miss the</p> <p>17 filing of the annual report, do you get a letter</p> <p>18 from the state saying, Hey, we didn't get your</p> <p>19 report, are you going to file one?</p> <p>20 A. You get a notice from the state saying,</p> <p>21 Listen, buddy, your return is due X and you haven't</p> <p>22 done it and this is generically what the bill is</p> <p>23 going to say. If you don't do it, we're going to</p> <p>24 dissolve it and you've got so much time. I think</p>
111	113
<p>1 A. They are getting faster, but, yes, it</p> <p>2 takes them a while.</p> <p>3 Q. Do you know when the annual report was</p> <p>4 due in 2003 for Android Data Corporation?</p> <p>5 A. No.</p> <p>6 Q. So let's say it was May, just</p> <p>7 hypothetically. If May was the date that it was</p> <p>8 due and you didn't file one in May, could we infer</p> <p>9 from that that you were instructed as early as May</p> <p>10 not to file one?</p> <p>11 MR. SHONKWILER: Objection. Compound.</p> <p>12 Ambiguous.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No, because we didn't always file them.</p> <p>15 Erich did them. You're assuming we filed them all,</p> <p>16 but we didn't.</p> <p>17 BY MR. NELSON:</p> <p>18 Q. I'm not assuming. I'm asking.</p> <p>19 A. Okay, we didn't.</p> <p>20 Q. I can't infer from that because you</p> <p>21 didn't always file.</p> <p>22 A. Right, so I mean I have no idea, so.</p> <p>23 We were in our office, which has nothing</p> <p>24 to do with Erich, clients come to us with a</p>	<p>1 it's two or three or four years to get it</p> <p>2 reinstated or whatever. It's a whole process that</p> <p>3 starts.</p> <p>4 Betty in my office handles that, so she</p> <p>5 would know the timing of it all but there is a</p> <p>6 letter that is generated to answer your question.</p> <p>7 Q. So no matter when the report was</p> <p>8 actually due in 2003 -- well, at least as early as</p> <p>9 November 6, 2003, you knew it was Erich's desire to</p> <p>10 let Android Data Corporation expire?</p> <p>11 MR. SHONKWILER: Objection. Foundation.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I can't say. I can say he communicated</p> <p>14 with my mother.</p> <p>15 MR. SHONKWILER: Just for the record, so it's</p> <p>16 clear, let the question be completed and let the</p> <p>17 objection be completed.</p> <p>18 Go ahead and answer.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I apologize.</p> <p>21 BY MR. NELSON:</p> <p>22 Q. Well, he communicated that to your</p> <p>23 mother --</p> <p>24 A. Correct.</p>