

EXHIBIT A
to
Declaration of Marc Guilford

DEPOSITION OF PETER PATERNO

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

F.B.T. PRODUCTIONS, LLC;)
AND EM2M, LLC,)

PLAINTIFFS,)

VS.)

CASE NO. CV 07-3314 PSG (MANX)

AFTERMATH RECORDS DOING)
BUSINESS AS AFTERMATH)
ENTERTAINMENT; INTERSCOPE)
RECORDS; UMG RECORDINGS,)
INC.; AND ARY, INC.,)

DEFENDANTS.)

DEPOSITION OF PETER PATERNO, TAKEN
ON BEHALF OF THE DEFENDANTS, AT
10250 CONSTELLATION BOULEVARD,
19TH FLOOR, CALIFORNIA, COMMENCING
AT 2:15 P.M., WEDNESDAY, APRIL
30, 2008, BEFORE ALEJANDRIA BAKER,
CSR NUMBER 11897.

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1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 EIGHT MILE STYLE, LLC,)
6 ET AL.,)

7 PLAINTIFFS,)

8 VS.)

9 APPLE COMPUTER, INC.,)

10 DEFENDANT.)
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CASE NO. 2:07-CV-13164

DEPOSITION OF PETER PATERNO

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14:17:56 1 THE GENERAL INSTRUCTIONS THAT I ORDINARILY GIVE, BUT.
14:17:59 2 JUST FOR PURPOSES OF CLARITY OF THE RECORD, I JUST WANT
14:18:01 3 TO GIVE A FEW VERY BASIC INSTRUCTIONS.

14:18:04 4 IN THIS DEPOSITION, I'LL BE ASKING YOU
14:18:06 5 QUESTIONS, OBVIOUSLY. AND UNLESS YOU RECEIVE AN
14:18:08 6 INSTRUCTION NOT TO ANSWER, YOU'LL ANSWER MY QUESTIONS.

14:18:12 7 IF YOU HAVE ANY QUESTIONS ABOUT THE
14:18:14 8 VERBIAGE I USE OR DON'T UNDERSTAND IT, JUST TELL ME YOU
14:18:17 9 DON'T UNDERSTAND IT, AND I'LL BE HAPPY TO REPHRASE IT.
14:18:20 10 OKAY?

14:18:21 11 A. OKAY.

14:18:21 12 Q. AND IS THERE ANY REASON YOU CAN'T ANSWER
14:18:23 13 MY QUESTIONS HONESTLY AND ACCURATELY TODAY? ARE YOU
14:18:26 14 UNDER ANY MEDICATION OR TIRED THAT MIGHT AFFECT YOUR
14:18:27 15 ABILITY TO ANSWER MY QUESTIONS HONESTLY AND ACCURATELY?

14:18:32 16 A. NO.

14:18:33 17 Q. OKAY. MR. PATERNO, WOULD YOU PLEASE
14:18:35 18 DESCRIBE FOR ME YOUR EXPERIENCE AS A LAWYER IN THE MUSIC
14:18:40 19 BUSINESS.

14:18:44 20 A. I STARTED DOING LEGAL WORK IN THE MUSIC
14:18:48 21 BUSINESS IN 1978, AND DID IT CONTINUOUSLY UNTIL 1990.
14:18:56 22 BETWEEN 1990 AND 1994, I RAN A RECORD COMPANY, AND THEN
14:19:03 23 THEREAFTER, I RETURNED TO PRACTICE LAW. I'VE BEEN DOING
14:19:06 24 MUSIC LAW SINCE THEN, UNTIL NOW.

14:19:08 25 Q. OKAY. YOU GRADUATED FROM LAW SCHOOL IN

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14:19:11 1 WHAT YEAR?

14:19:12 2 A. 1976.

14:19:13 3 Q. OKAY. AND WHEN YOU SAY THAT YOU WERE IN
14:19:15 4 THE MUSIC BUSINESS FROM '78 TO 1990, WHO DID YOU WORK
14:19:22 5 FOR?

14:19:22 6 A. WELL, I WAS A LAWYER. I'VE ALWAYS BEEN
14:19:25 7 IN THE MUSIC BUSINESS.

14:19:26 8 Q. RIGHT.

14:19:26 9 A. I WAS A LAWYER, DOING PRIMARILY MUSIC
14:19:28 10 WORK AT THE TIME, FOR MANATT PHELPS.

14:19:31 11 Q. WHICH IS A LAW FIRM HERE IN LOS ANGELES?

14:19:33 12 A. YES.

14:19:34 13 Q. AND YOU WERE IN THEIR ENTERTAINMENT
14:19:36 14 DEPARTMENT OR MUSIC DEPARTMENT?

14:19:37 15 A. YES.

14:19:38 16 Q. OKAY. AND THEN YOU LEFT MANATT IN 1990;
14:19:41 17 IS THAT WHAT I UNDERSTAND?

14:19:43 18 A. YES. END OF 1989.

14:19:45 19 Q. OKAY. AND WHAT -- YOU SAID YOU WENT
14:19:46 20 THERE -- YOU LEFT TO RUN A MUSIC LABEL?

14:19:48 21 A. A RECORD COMPANY.

14:19:49 22 Q. RECORD COMPANY.

14:19:50 23 WHAT WAS THE RECORD COMPANY?

14:19:51 24 A. HOLLYWOOD RECORDS.

14:19:52 25 Q. OKAY. AND WHY DID YOU LEAVE HOLLYWOOD

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14:19:57 1 RECORDS IN 1994?

14:20:00 2 A. BECAUSE THEY ASKED ME TO.

14:20:01 3 Q. OKAY. WHAT WAS YOUR POSITION AT

14:20:05 4 HOLLYWOOD RECORDS?

14:20:06 5 A. I WAS THE PRESIDENT.

14:20:12 6 Q. OKAY. AND WHEN YOU LEFT IN 1994, DID

14:20:17 7 YOU FORM YOUR OWN LAW FIRM AT THAT POINT IN TIME?

14:20:20 8 A. I SPENT A YEAR TRYING TO GET A REAL JOB.

14:20:23 9 AND WHEN THAT DIDN'T HAPPEN, I WENT TO -- I WENT INTO

14:20:27 10 BUSINESS WITH A COUPLE OF FRIENDS OF MINE, WHO ARE THE

14:20:35 11 PEOPLE I'M IN BUSINESS WITH TODAY.

14:20:36 12 Q. AND WHO ARE THOSE PEOPLE?

14:20:36 13 A. HOWARD KING AND KEITH HOLMES AND

14:20:37 14 JILL BERLINER.

14:20:38 15 Q. OKAY. AND YOUR LAW FIRM WAS FORMED AT

14:20:39 16 THAT POINT IN TIME?

14:20:41 17 A. YES.

14:20:41 18 Q. NOW, IN CONNECTION WITH YOUR LEGAL

14:20:42 19 PRACTICE, DO YOU REPRESENT ARTISTS?

14:20:45 20 A. MOSTLY.

14:20:46 21 Q. MOSTLY ARTISTS.

14:20:49 22 WHO ARE SOME OF THE BIGGER NAMED ARTISTS

14:20:51 23 THAT YOU REPRESENT?

14:20:53 24 MR. POMERANTZ: OVER THE COURSE OF HIS

14:20:54 25 CAREER?

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14:20:54 1 BY MR. BUSCH:

14:20:55 2 Q. YES. OVER THE COURSE OF YOUR CAREER,
14:20:57 3 WHO ARE SOME OF THE BIGGER NAMED ARTISTS THAT YOU'VE
14:21:00 4 REPRESENTED?

14:21:01 5 A. METALLICA, DR. DRE, GUNS N' ROSES, ALICE
14:21:04 6 IN CHAINS, BRIAN SETZER, PEARL JAM, METALLICA. THERE'S
14:21:11 7 A LOT MORE.

14:21:12 8 Q. BUT YOUR PRIMARY -- THE PRIMARY FOCUS OF
14:21:16 9 YOUR PRACTICE IS REPRESENTING ARTISTS?

14:21:18 10 A. PRIMARY, YES.

14:21:19 11 Q. OKAY. HAVE YOU SPOKEN WITH ANYONE
14:21:33 12 REGARDING YOUR DEPOSITION TODAY? DID YOU DO ANYTHING TO
14:21:36 13 PREPARE FOR YOUR DEPOSITION TODAY?

14:21:38 14 A. YES.

14:21:38 15 Q. WHAT DID YOU DO?

14:21:39 16 A. I MET WITH THESE GENTLEMEN.

14:21:44 17 MR. BUSCH: OKAY. AND SINCE YOU'RE
14:21:46 18 REPRESENTING HIM, I ASSUME YOU'LL BE ASSERTING THE
14:21:48 19 ATTORNEY-CLIENT PRIVILEGE CONCERNING YOUR COMMUNICATIONS
14:21:51 20 IN THE PREPARATION OF THE DEPOSITION?

14:21:54 21 MR. POMERANTZ: YES.

14:21:54 22 BY MR. BUSCH:

14:21:54 23 Q. DID YOU -- WELL, LET ME ASK YOU THIS.

14:21:54 24 HOW LONG DID YOU MEET WITH THE ATTORNEYS
14:21:56 25 FOR UNIVERSAL? DON'T DISCLOSE WHAT YOU DISCUSSED, JUST

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14:25:13 1 A. I DON'T KNOW. I MEAN, I MIGHT HAVE EVEN
14:25:14 2 READ THE COMPLAINT. I DON'T REMEMBER.

14:25:17 3 Q. OKAY. HAVE YOU SPOKEN TO ANYBODY
14:25:19 4 ASSOCIATED WITH THE PLAINTIFFS IN EITHER CASE ABOUT THE
14:25:22 5 ISSUES INVOLVED IN THESE CASES?

14:25:24 6 A. I DON'T THINK SO.

14:25:25 7 Q. OKAY. HAVE YOU DISCUSSED ANY OF THE
14:25:40 8 ISSUES INVOLVED IN THESE CASES WITH DR. DRE?

14:25:43 9 A. NO.

14:25:44 10 Q. OKAY. LET'S GO BACK FOR A SECOND, IF WE
14:26:06 11 COULD, TO YOUR POSITION AND ACTIVITIES AT HOLLYWOOD
14:26:13 12 RECORDS.

14:26:13 13 WHAT WAS YOUR DAY-TO-DAY JOB
14:26:14 14 RESPONSIBILITIES WHEN YOU WERE AT HOLLYWOOD RECORDS?

14:26:15 15 A. WELL, I RAN THE COMPANY, SO I WAS THE
14:26:18 16 CHIEF EXECUTIVE.

14:26:25 17 Q. AND WAS IT MICHAEL EISNER WHO TAPPED YOU
14:26:29 18 TO HEAD UP HOLLYWOOD RECORDS?

14:26:32 19 A. YES.

14:26:34 20 Q. OKAY. JUST GENERALLY IN YOUR ROLE AS
14:26:37 21 CHIEF EXECUTIVE, WHAT -- WHAT WERE YOU -- WERE YOU
14:26:40 22 RESPONSIBLE FOR SIGNING ARTISTS? WHAT WERE YOU
14:26:43 23 RESPONSIBLE FOR DOING? NEGOTIATING AGREEMENTS? JUST
14:26:45 24 GENERALLY, WHAT WERE YOUR DUTIES AND RESPONSIBILITIES?

14:26:47 25 A. MOSTLY MY RESPONSIBILITIES WERE

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14:26:49 1 OVERSEEING PEOPLE THAT SIGNED ARTISTS AND OVERSEEING
14:26:52 2 PEOPLE THAT MARKETED RECORDS OVERSEEING PEOPLE THAT
14:26:54 3 PROMOTED RECORDS. AND THAT WAS -- THAT'S KIND OF WHAT
14:26:57 4 YOU DO IN THAT JOB.

14:26:59 5 Q. OKAY. BUT --

14:26:59 6 A. YOU DON'T REALLY DO ANYTHING. YOU JUST
14:27:01 7 MEET WITH PEOPLE THAT DO THINGS.

14:27:03 8 Q. I UNDERSTAND.

14:27:04 9 AND YOUR EXPERTISE THAT ALLOWED YOU TO
14:27:08 10 HEAD UP THAT DEPARTMENT, WAS THAT OBTAINED THROUGH YOUR
14:27:11 11 EXPERIENCE AT MANATT.

14:27:14 12 A. I MEAN, PARTLY, I GUESS.

14:27:17 13 Q. WELL, WHEN YOU WERE AT MANATT, WHAT WERE
14:27:18 14 YOUR -- WERE YOU NEGOTIATING AGREEMENTS? WERE YOU
14:27:21 15 INVOLVED WITH SIGNING ARTISTS ON BEHALF OF CLIENTS?
14:27:23 16 WHAT WERE YOU -- WHAT WAS YOUR PRACTICE FOCUSED ON WHEN
14:27:26 17 YOU WERE AT MANATT?

14:27:27 18 A. MY PRACTICE WAS FOCUSED ON REPRESENTING
14:27:31 19 ARTISTS IN WHATEVER -- WELL, THAT WAS THE PRACTICE I
14:27:35 20 DEVELOPED. I STARTED OUT DOING A LOT OF WORK FOR RECORD
14:27:38 21 COMPANIES. I WAS -- MOST OF THE RECORD COMPANIES, WHEN
14:27:41 22 I STARTED OUT, DIDN'T HAVE IN-HOUSE LEGAL DEPARTMENTS,
14:27:43 23 AND SO THEY USED OUTSIDE COUNSEL.

14:27:47 24 AND WE WERE OUTSIDE COUNSEL FOR TWO OR
14:27:49 25 THREE MAJOR LABELS, AND I DID A LOT OF THE AGREEMENTS

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14:31:36 1 THE FORMATION OF ARY?

14:31:41 2 A. PERSONALLY, NO.

14:31:42 3 Q. OKAY.

14:31:43 4 A. MY FIRM MIGHT HAVE FORMED IT, BUT I
14:31:45 5 DON'T REMEMBER. IT WAS A LONG TIME AGO.

14:31:52 6 Q. ALL RIGHT. ARE YOU A BOARD MEMBER?

14:31:53 7 A. I DON'T THINK SO, BUT I MIGHT BE.

14:31:54 8 Q. YOU DON'T KNOW?

14:31:55 9 A. NO. I HAVE NO IDEA.

14:31:56 10 Q. ARE YOU AN INCORPORATOR OF THAT
14:31:59 11 CORPORATION?

14:31:59 12 A. PERSONALLY, NO. SOMEBODY IN MY LAW FIRM
14:32:02 13 MAY HAVE DONE IT.

14:32:03 14 Q. OKAY. WHAT IS THE NATURE OF YOUR ROLE
14:32:04 15 WITH AFTERMATH RECORDS?

14:32:06 16 A. I'M THE LAWYER.

14:32:07 17 Q. OKAY. ARE YOU OUTSIDE COUNSEL? ARE YOU
14:32:11 18 PAID AS AN EMPLOYEE, A LAWYER WHO'S AN EMPLOYEE OF THE
14:32:15 19 COMPANY, OR ARE YOU JUST OUTSIDE COUNSEL?

14:32:19 20 A. OUTSIDE COUNSEL.

14:32:21 21 Q. HAS IT CHANGED OVER TIME?

14:32:22 22 A. NO.

14:32:23 23 Q. DO YOU NEGOTIATE ON BEHALF OF AFTERMATH
14:32:26 24 RECORDS?

14:32:27 25 A. YES.

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14:32:27 1 Q. OKAY. HAVE YOU EVER REPRESENTED AN
14:32:31 2 ARTIST SIGNED TO AFTERMATH?

14:32:38 3 A. I DON'T THINK SO.

14:32:41 4 Q. OKAY. WHEN YOU SAY YOU NEGOTIATE ON
14:32:45 5 BEHALF OF AFTERMATH RECORDS, WHAT TYPE OF AGREEMENTS DO
14:32:48 6 YOU NEGOTIATE ON BEHALF OF AFTERMATH RECORDS?

14:32:52 7 A. PRIMARILY AGREEMENTS OF ARTISTS, ARTISTS
14:32:55 8 SIGNED TO AFTERMATH.

14:32:57 9 Q. OKAY. HAS THAT ROLE EVER CHANGED, OR IS
14:33:00 10 THAT PRIMARILY THE TYPE OF WORK YOU'VE DONE FOR
14:33:04 11 AFTERMATH RECORDS?

14:33:05 12 A. THAT'S PRIMARILY WHAT WE DO. THEY HAVE
14:33:07 13 EMPLOYMENT AGREEMENTS. WE DO THOSE FROM TIME TO TIME.
14:33:10 14 BUT, YOU KNOW, PRIMARILY IT'S ARTIST AGREEMENTS OR
14:33:13 15 AGREEMENTS WITH PRODUCERS. IT'S PRIMARILY WHAT WE DO.

14:33:16 16 Q. WHAT YEAR WAS AFTERMATH RECORDS FORMED?

14:33:19 17 A. I THINK 1996.

14:33:23 18 Q. OKAY.

14:33:24 19 A. I THINK IT'S AFTERMATH ENTERTAINMENT,
14:33:26 20 BUT I -- IT'S HARD -- THAT MAY BE WRONG. IT SWITCHED
14:33:29 21 BACK AND FORTH.

14:33:30 22 Q. I'LL JUST SAY AFTERMATH.

14:33:32 23 A. RIGHT.

14:33:32 24 Q. OKAY. FROM 1996 UNTIL TODAY, HAS THE
14:33:37 25 NATURE OF THE NEGOTIATIONS, WHEN AN ARTIST IS SIGNED TO

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14:33:41 1 AFTERMATH, CHANGED? AND WHAT I MEAN BY THAT IS: HAVE
14:33:45 2 THE PEOPLE WHO'VE BEEN INVOLVED ON THE AFTERMATH SIDE
14:33:49 3 STAYED PRETTY MUCH CONSISTENT?

14:33:51 4 A. YES.

14:33:51 5 Q. OKAY. AND WHO HAVE THOSE PEOPLE BEEN?

14:33:54 6 A. ME, DRE, AND WHATEVER PERSON AT MY FIRM
14:34:05 7 HANDLES THE DRE ACCOUNT. THERE'S --

14:34:08 8 Q. WHAT DOES THAT MEAN?

14:34:09 9 A. WE STAFF -- WE TYPICALLY STAFF A
14:34:12 10 PARTICULAR CLIENT WITH A -- IF IT'S MY CLIENT, WITH ME,
14:34:16 11 SECOND IN COMMAND AND A PARALEGAL.

14:34:18 12 Q. OKAY. SO BASICALLY YOU'RE THE LEAD GUY.
14:34:21 13 YOU PUT AN ASSOCIATE ON IT, AND YOU HAVE A PARALEGAL IN
14:34:24 14 CONNECTION WITH EACH PROJECT? IS THAT WHAT YOU'RE
14:34:26 15 TELLING ME?

14:34:26 16 A. YES. BUT THEN, OF COURSE, THE
14:34:28 17 ASSOCIATES STAY THERE SO LONG THAT THEY ALL BECOME
14:34:31 18 PARTNERS AND -- UNECONOMICAL, BUT, YOU KNOW, THAT'S WHAT
14:34:35 19 WE DO.

14:34:35 20 Q. OKAY. I UNDERSTAND.

14:34:36 21 A. WE'RE A SMALL FIRM. WE DON'T HAVE THE
14:34:38 22 BIG LEVERAGE THAT YOU BIG FIRMS HAVE.

14:34:41 23 Q. WHAT IS THE NATURE OF AFTERMATH RECORDS
14:34:43 24 DOING BUSINESS AS AFTERMATH ENTERTAINMENT, DO YOU KNOW?

14:34:45 25 A. NO, I DON'T KNOW.

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14:34:48 1 Q. THOSE CORPORATE FORMALITIES OR NAMES,
14:34:50 2 YOU DON'T --
14:34:51 3 (SPEAKING SIMULTANEOUSLY.)
14:34:52 4 THE DEPONENT: YEAH. I DON'T PAY A LOT
14:34:53 5 OF ATTENTION TO IT.
14:34:54 6 BY MR. BUSCH:
14:34:54 7 Q. OKAY. BUT YOU UNDERSTAND THAT ARY IS A
14:34:57 8 JOINT VENTURE BETWEEN THREE ENTITIES: AFTERMATH;
14:34:59 9 INTERSCOPE RECORDS, A GENERAL -- A CALIFORNIA
14:35:05 10 PARTNERSHIP; AND INTERSCOPE RECORDS, AN UNINCORPORATED
14:35:11 11 DIVISION OF U.M.G. RECORDINGS --
14:35:13 12 MR. POMERANTZ: I THINK YOU SAID THAT
14:35:14 13 WRONG. YOU WANT TO READ IT? YOU WANT TO SAY IS
14:35:16 14 AFTERMATH COMPOSED.
14:35:17 15 MR. BUSCH: YEAH. I'M SORRY. THAT'S
14:35:17 16 WHAT I MEANT. THANK YOU.
14:35:18 17 MR. POMERANTZ: WHY DON'T YOU RESTATE
14:35:19 18 THE QUESTION.
14:35:19 19 MR. BUSCH: THANK YOU.
14:35:20 20 BY MR. BUSCH:
14:35:20 21 Q. DO YOU UNDERSTAND THAT AFTERMATH IS A
14:35:22 22 JOINT VENTURE BETWEEN THREE ENTITIES: INTERSCOPE
14:35:25 23 RECORDS, WHICH IS A GENERAL -- CALIFORNIA GENERAL
14:35:27 24 PARTNERSHIP; INTERSCOPE RECORDS, AN UNINCORPORATED
14:35:30 25 DIVISION OF U.M.G. RECORDINGS, INC.; AND ARY?

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14:45:44 1 EMINEM'S SUCCESS?

14:45:45 2 A. WELL, THERE WERE FINANCIAL PROBLEMS
14:45:46 3 BECAUSE THERE WERE NO RECORDS AND THERE WAS NO REVENUE
14:45:49 4 SO I THINK -- I THINK EMINEM WAS THE FIRST ARTIST TO
14:45:54 5 COME OUT IN, LIKE, A COUPLE OF YEARS. SO IF YOU DON'T
14:45:57 6 HAVE REVENUE AND YOU HAVE EXPENSES, IT'S NOT A GREAT
14:46:00 7 SITUATION, BUT ...

14:46:01 8 Q. WELL, WOULD YOU AGREE THAT EMINEM'S
14:46:03 9 SUCCESS HAS GONE -- WAS INSTRUMENTAL IN AFTERMATH BEING
14:46:06 10 SUCCESSFUL?

14:46:07 11 A. I THINK IT WOULD BE INSTRUMENTAL IN ANY
14:46:09 12 LABEL BEING SUCCESSFUL. EMINEM IS A HUGE, HUGE ARTIST.

14:46:13 13 Q. SO THE ANSWER IS "YES"?

14:46:14 14 A. YES.

14:46:14 15 Q. OKAY. MR. PATERNO, IN YOUR POSITION IN
14:46:25 16 THE MUSIC BUSINESS AND AS A LAWYER, DO YOU WRITE
14:46:29 17 ARTICLES OR MAKE PUBLIC COMMENT FROM TIME TO TIME ON
14:46:33 18 ISSUES IN THE MUSIC BUSINESS?

14:46:36 19 A. I DON'T WRITE ARTICLES VERY MUCH BECAUSE
14:46:38 20 THEY TAKE TIME. BUT IF PEOPLE COME AND ASK ME
14:46:41 21 QUESTIONS, I'LL GIVE THEM SOME SILLY REPLY.

14:46:43 22 Q. SOME SILLY REPLY?

14:46:44 23 A. OR SOME -- NO. IT'S WHAT I BELIEVE, BUT
14:46:47 24 SOME MIGHT CONSIDER IT SILLY.

14:46:57 25 Q. HAVE YOU EVER SPOKEN ABOUT IN FAVOR OF

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14:47:00 1 ARTISTS' RIGHTS WITH RESPECT TO ROYALTIES IN THE MUSIC
14:47:06 2 BUSINESS?

14:47:13 3 MR. POMERANTZ: OBJECTION. VAGUE.

14:47:13 4 THE DEPONENT: YEAH. I'M NOT FOLLOWING
14:47:14 5 THAT.

14:47:14 6 MR. BUSCH: LET ME ASK -- LET ME
14:47:14 7 REPHRASE THE QUESTION.

14:47:15 8 BY MR. BUSCH:

14:47:15 9 Q. HAVE YOU EVER MADE ANY PUBLIC COMMENT
14:47:16 10 ABOUT HOW ARTISTS WITH RESPECT TO ROYALTIES SHOULD BE
14:47:17 11 COMPENSATED WHEN IT COMES TO DIGITAL EXPLOITATION OF
14:47:20 12 MUSIC?

14:47:24 13 A. HAVE I MADE PUBLIC COMMENTS?

14:47:26 14 Q. HAVE YOU -- HAVE YOU BEEN ASKED
14:47:27 15 WHETHER -- YOU KNOW, WHAT MANNER OR THE METHOD BY WHICH
14:47:32 16 ARTISTS SHOULD BE PAID FOR DIGITAL EXPLOITATION OF MUSIC
14:47:36 17 AS OPPOSED TO THE SALE OF PHYSICAL RECORDS?

14:47:39 18 MR. POMERANTZ: OBJECTION. VAGUE.

14:47:41 19 THE DEPONENT: I MEAN, I KNOW THAT'S THE
14:47:42 20 ISSUE IN THIS LAWSUIT. IF YOU WANT TO KNOW WHAT MY
14:47:45 21 OPINION IS, I CAN GIVE YOU MY OPINION. BUT I DON'T
14:47:47 22 RECALL THAT ANYBODY SPECIFICALLY ASKED ME ABOUT THAT,
14:47:50 23 LIKE ANYBODY FROM THE MEDIA OR ANYTHING LIKE THAT.

14:47:53 24 BY MR. BUSCH:

14:47:54 25 Q. WHAT IS YOUR VIEW OF THIS LAWSUIT?

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15:10:37 1 A. I WOULD -- I DON'T KNOW. I WOULD
15:10:40 2 GUESS -- I THINK THE ARTISTS ARE '60S ARTISTS, AND IT'S
15:10:44 3 PROBABLY NOT THE SAME. BUT I'D HAVE TO LOOK AT THEM.

15:10:48 4 Q. OKAY.

15:10:52 5 A. A RECORD CONTRACT IN THE '60S WERE LIKE
15:10:56 6 THREE PAGES LONG. THEY DIDN'T SAY MUCH OF ANYTHING.

15:10:59 7 Q. HAVE YOU PERSONALLY REVIEWED ANY OF THE
15:11:01 8 DIGITAL AGREEMENTS BETWEEN UNIVERSAL OR OTHER RECORD
15:11:04 9 COMPANIES AND VARIOUS DIGITAL DOWNLOAD COMPANIES?

15:11:07 10 A. NO.

15:11:07 11 Q. DO YOU KNOW WHETHER THEY ARE LICENSES OR
15:11:09 12 NOT?

15:11:10 13 A. I HAVEN'T LOOKED AT THEM.

15:11:11 14 Q. OKAY. IF THEY ARE, IN FACT, LICENSES,
15:11:22 15 IF THERE IS A DETERMINATION THAT THEY ARE, IN FACT,
15:11:24 16 LICENSES, DO YOU HAVE A VIEW OF WHETHER THE ARTIST,
15:11:28 17 THEREFORE, WOULD BE ENTITLED TO 50 PERCENT OF THE
15:11:31 18 ROYALTIES IF THEIR AGREEMENT SAYS THAT THEY ARE TO BE
15:11:34 19 PAID 50 PERCENT ON LICENSES BETWEEN RECORD COMPANIES AND
15:11:37 20 THIRD PARTIES?

15:11:38 21 MR. POMERANTZ: OBJECTION. IT'S AN
15:11:39 22 INCOMPLETE HYPOTHETICAL. IT ALSO CALLS FOR A LEGAL
15:11:42 23 CONCLUSION.

15:11:43 24 BY MR. BUSCH:

15:11:43 25 Q. GO AHEAD.

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15:48:22 1 MR. POMERANTZ: OBJECTION. VAGUE.

15:48:24 2 THE DEPONENT: IT'S A RECORDING

15:48:25 3 AGREEMENT.

15:48:26 4 BY MR. BUSCH:

15:48:27 5 Q. OKAY. IN IT, F.B.T. AGREED TO FURNISH

15:48:37 6 TO AFTERMATH THE EXCLUSIVE RECORDING SERVICES OF EMINEM;

15:48:39 7 IS THAT RIGHT?

15:48:39 8 A. THAT'S WHAT IT SAYS, YES.

15:48:40 9 Q. OKAY. AND YOU REPRESENTED AFTERMATH IN

15:48:40 10 THE NEGOTIATION AND PREPARATION OF THIS DOCUMENT?

15:48:42 11 A. IN THE NEGOTIATION. I DON'T THINK I HAD

15:48:44 12 MUCH TO DO WITH THE PREPARATION.

15:48:46 13 Q. WHAT DO YOU MEAN BY THAT?

15:48:48 14 A. I DON'T THINK I WROTE THIS.

15:48:49 15 Q. WHO WROTE IT? DID SOMEONE WRITE IT AT

15:48:52 16 YOUR DIRECTION?

15:48:52 17 A. YES. IT WOULD BE -- LET'S CALL IT MARNI

15:48:57 18 NIEVES.

15:48:59 19 Q. THE SECOND CHAIR?

15:49:00 20 A. YES.

15:49:00 21 Q. BUT YOU, AS THE FIRST CHAIR, AS THE HEAD

15:49:02 22 OF THE TEAM, YOU WOULD HAVE REVIEWED IT TO MAKE SURE

15:49:05 23 THAT IT WAS CONSISTENT WITH WHAT YOU UNDERSTOOD THE DEAL

15:49:07 24 TO BE; RIGHT?

15:49:08 25 A. I MIGHT HAVE.