

**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.

DEPOSITION OF PETER PATERNO

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15:36:48 1

A. NO.

15:36:49 2

Q. YOU DO NOT KNOW THAT?

15:36:50 3

A. NO. BUT I DON'T KNOW WHY I WOULD KNOW

15:36:54 4

THAT.

15:36:55 5

Q. WERE YOU NOT INVOLVED IN THE DECISION TO

15:36:56 6

INTERVENE IN THAT CASE ON BEHALF OF AFTERMATH?

15:37:00 7

A. NO. MY PARTNER, HOWARD, MIGHT HAVE

15:37:03 8

TALKED TO -- I DON'T KNOW. HE MIGHT HAVE TALKED TO

15:37:06 9

HARVEY, BUT I DON'T KNOW ANYTHING ABOUT IT.

15:37:08 10

Q. OKAY. DO YOU UNDERSTAND THAT THE --

15:37:09 11

WELL, DO YOU HAVE A GENERAL -- IF YOU HAVE A GENERAL

15:37:10 12

UNDERSTANDING, DO YOU UNDERSTAND THAT ONE OF THE ISSUES

15:37:13 13

IN THAT CASE IS WHETHER THE CONTROLLED COMPOSITION

15:37:16 14

CLAUSE IN THE AGREEMENTS ARE SELF-EFFECTUATING OR

15:37:20 15

WHETHER SEPARATE LICENSES HAVE TO BE AGREED TO BETWEEN

15:37:26 16

THE PLAINTIFFS, EIGHT MILE AND AFTERMATH BEFORE THE

15:37:31 17

COMPOSITIONS CAN BE LICENSED?

15:37:33 18

A. I UNDERSTAND THAT'S ONE OF THE ISSUES.

15:37:36 19

IF THAT'S THE QUESTION.

15:37:37 20

Q. OKAY. AND WHERE DOES YOUR UNDERSTANDING

15:37:39 21

OF THAT BEING ONE OF THE ISSUES COME FROM?

15:37:44 22

A. I DON'T KNOW.

15:37:45 23

THE DEPONENT: I MEAN, YOU TOLD ME

15:37:49 24

YESTERDAY.

15:37:50 25

MR. POMERANTZ: THEN I WOULD -- I WOULD

DEPOSITION OF PETER PATERNO

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15:37:50 1 MOVE TO STRIKE THAT.

15:37:51 2 BY MR. BUSCH:

15:37:51 3 Q. OKAY. DO YOU HAVE A VIEW AS TO THE  
15:37:53 4 MERITS OF THAT PARTICULAR CASE?

15:37:56 5 A. MY VIEW IS THAT THE CONTROLLED  
15:37:57 6 COMPOSITION CLAUSE DOES COVER THE DOWNLOADS.

15:38:01 7 Q. YOU'RE SAYING THAT THE CONTROLLED --  
15:38:03 8 YOU'RE SAYING THE LANGUAGE IN THE CONTROLLED COMPOSITION  
15:38:12 9 CLAUSE IS A SELF-EFFECTUATING LICENSE?

15:38:13 10 A. I'M NOT SAYING THAT. I'M SAYING THAT --  
15:38:14 11 THAT -- THAT IT COVERS A DOWNLOAD.

15:38:16 12 Q. THAT'S NOT MY QUESTION.

15:38:17 13 MY QUESTION IS: IS THE CONTROLLED  
15:38:19 14 COMPOSITION CLAUSE IN THE 1998 OR 2003 AFTERMATH  
15:38:24 15 AGREEMENTS, ARE THEY -- DO THEY CONTAIN  
15:38:30 16 SELF-EFFECTUATING CONTROLLED COMPOSITION CLAUSES?

15:38:33 17 MR. POMERANTZ: OBJECTION. VAGUE AND  
15:38:34 18 AMBIGUOUS AS TO WHAT YOU MEAN BY "SELF-EFFECTUATING."

15:38:37 19 THE DEPONENT: YEAH, I'M KIND OF THERE,  
15:38:38 20 TOO. WHAT --

15:38:38 21 BY MR. BUSCH:

15:38:39 22 Q. BY ITS TERMS, IS THE LICENSE  
15:38:42 23 SELF-EFFECTUATING BY VIRTUE OF THE LANGUAGE IN THE  
15:38:46 24 AGREEMENTS THEMSELVES, OR ARE SEPARATE LICENSES SUPPOSED  
15:38:48 25 TO BE NEGOTIATED AND EXECUTED?