

**DECLARATION OF RICHARD S. BUSCH IN SUPPORT OF PLAINTIFFS'
MOTION TO EXCLUDE LATE PRODUCED DOCUMENTS**

EXHIBIT 1-A: Excerpts of Blair Deposition Transcript

Case No. 2:07-cv-13164: Eight Mile Style, LLC, et al. v. Apple Computer Inc., et al.

DEPOSITION OF PATRICIA BLAIR

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EIGHT MILE STYLE, LLC,)
ET AL.,)
)
PLAINTIFFS,)
)
VS.) CASE NO. 2:07-CV-13164
)
APPLE COMPUTER, INC.,)
)
DEFENDANT.)
_____)

DEPOSITION OF PATRICIA BLAIR, TAKEN
ON BEHALF OF THE DEFENDANTS, AT 10250
CONSTELLATION BOULEVARD, 19TH FLOOR,
19TH FLOOR, CALIFORNIA, COMMENCING AT
11:50 A.M., THURSDAY, MAY 29, 2008,
BEFORE ALEX BAKER, CSR NUMBER 11897.

DEPOSITION OF PATRICIA BLAIR

1 APPEARANCES OF COUNSEL:

2
3 FOR THE PLAINTIFFS F.B.T. PRODUCTIONS, L.L.C.;
4 AND EM2M, L.L.C.:

5 KING & BALLOW
6 BY: RICHARD S. BUSCH, ESQ.
7 315 UNION STREET
8 SUITE 1100
9 NASHVILLE, TENNESSEE 37201
10 615.259.3456
11 RBUSCH@KINGBALLOW.COM

12 - AND -

13 CHRISTENSEN, GLASER, FINK, JACOBS,
14 WEIL & SHAPIRO, L.L.P.
15 BY: MARK L. BLOCK, ESQ.
16 10250 CONSTELLATION BOULEVARD
17 19TH FLOOR
18 LOS ANGELES, CALIFORNIA 90067
19 310.553.3000

20 FOR THE DEFENDANTS AFTERMATH RECORDS; INTERSCOPE
21 RECORDS; UMG RECORDINGS, INC.; ARY, INC.; AND PETER
22 PATERNO:

23 MUNGER, TOLLES & OLSON, L.L.P.
24 BY: GLENN D. POMERANTZ, ESQ.
25 355 SOUTH GRAND AVENUE
35TH FLOOR
LOS ANGELES, CALIFORNIA 90071-1560
213.683.9132
GLENN.POMERANTZ@MTO.COM

ALSO PRESENT:

24 JOEL MARTIN
25 SCOTT H. BAUMAN
TIM BARKER, LEGAL VIDEO SERVICES

DEPOSITION OF PATRICIA BLAIR

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I N D E X

DEPONENT:	EXAMINED BY:	PAGE:
PATRICIA BLAIR	MR. BUSCH	13
EXHIBITS FOR IDENTIFICATION:		PAGE:
PLAINTIFFS':		
90 - SUBPOENA (5 PAGES)		15

INFORMATION REQUESTED:

(NONE)

QUESTIONS UNANSWERED BY DEPONENT:

PAGE:	LINE:
33	9
34	24

DEPOSITION OF PATRICIA BLAIR

1 LOS ANGELES, CALIFORNIA, THURSDAY

2 MAY 29, 2008

3 11:50 A.M.

4
11:50:11

5 THE VIDEOGRAPHER: AND GOOD MORNING.

11:50:12

6 WE'RE ON THE VIDEOTAPE RECORD, BEGINNING TAPE NUMBER 1

11:50:15

7 OF VOLUME NUMBER I AT 11:50 A.M.

11:50:17

8 AND WILL COUNSEL PLEASE MAKE VERBAL

11:50:19

9 INTRODUCTIONS FOR THE RECORD.

11:50:21

10 MR. BUSCH: RICHARD BUSCH, ON BEHALF OF

11:50:22

11 THE PLAINTIFFS IN THE "EIGHT MILE STYLE VERSUS APPLE

11:50:26

12 CASE."

11:50:26

13 MR. POMERANTZ: GLEN POMERANTZ, ON

11:50:27

14 BEHALF OF THE DEFENDANTS IN THAT CASE. AND WITH ME IS

11:50:30

15 SCOTT BAUMAN OF UNIVERSAL MUSIC.

11:50:34

16 THE VIDEOGRAPHER: AND WILL THE COURT

11:50:34

17 REPORTER PLEASE ADMINISTER THE OATH.

11:50:36

18 ///

11:50:36

19 ///

11:50:36

20 ///

11:50:36

11:50:36

11:50:36

11:50:36

11:50:36

DEPOSITION OF PATRICIA BLAIR

PATRICIA BLAIR,

CALLED AS A DEPONENT AND SWORN IN BY
THE DEPOSITION OFFICER, WAS EXAMINED
AND TESTIFIED AS FOLLOWS:

DEPOSITION OFFICER: PLEASE RAISE YOUR
RIGHT HAND.

DO YOU AFFIRM, UNDER PENALTY OF PERJURY,
THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IN THE
FOLLOWING DEPOSITION PROCEEDING SHALL BE THE TRUTH, THE
WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

THE DEPONENT: YES, I DO.

DEPOSITION OFFICER: THANK YOU.

MR. BUSCH: MR. POMERANTZ, BEFORE WE
BEGIN THE DEPOSITION, YOU AND I HAVE AGREED TO DISCUSS A
FEW OPEN ITEMS ON THE RECORD SO THAT WE DON'T HAVE TO
EXCHANGE CORRESPONDENCE FOLLOWING THE DEPOSITION TODAY
OR THIS WEEK. SO IF YOU WANT TO GO AHEAD AND RAISE
WHATEVER ISSUES, AND WE CAN TALK ABOUT THOSE.

MR. POMERANTZ: SURE. OKAY. THE
PARTIES HAVE AGREED THAT NEITHER SIDE WILL CALL ANY OF
THE REPRESENTATIVES OF EMINEM IN THE EIGHT MILE MATTER
AS TRIAL WITNESSES AND, THEREFORE, WILL NOT TAKE THEIR
DEPOSITIONS. BY REPRESENTATIVES, I'M INCLUDING

DEPOSITION OF PATRICIA BLAIR

11:51:23 1 MR. ROSENBERG, MR. STIFFELMAN, MR. SEDLMAYR AND
11:51:27 2 MR. MATHERS HIMSELF.

11:51:31 3 MR. BUSCH: AND JUST SO THAT WE'RE
11:51:32 4 CLEAR, MR. LEVINSOHN MIGHT BE UNDERSTOOD IN SOME WAY TO
11:51:36 5 BE A REPRESENTATIVE, SO I DID WANT TO CLARIFY THAT WE
11:51:39 6 ARE PLANNING TO CALL MR. LEVINSOHN.

11:51:41 7 MR. POMERANTZ: AND WITH RESPECT TO
11:51:42 8 MR. LEVINSOHN, WE HAVE AGREED THAT WE CAN TAKE HIS
11:51:45 9 DEPOSITION AT ANY -- AT A MUTUALLY AGREEABLE DATE PRIOR
11:51:50 10 TO JULY 1, NOTWITHSTANDING THE JUNE 2 DISCOVERY CUTOFF
11:51:55 11 DATE.

11:51:55 12 MR. BUSCH: I'M GOING ON A VACATION
11:51:57 13 JUNE 28TH, SO THAT IS CORRECT, EXCEPT ON JUNE 28TH OR
11:52:01 14 29TH AND 30TH, WE WON'T BE DOING DEPOSITIONS.

11:52:05 15 MR. POMERANTZ: FINE. FINE. THEN THOSE
11:52:06 16 AREN'T MUTUALLY ACCEPTABLE DATES.

11:52:09 17 AS TO ANY OTHER DEPOSITIONS THAT WILL
11:52:11 18 TAKE PLACE AFTER JUNE 2, BUT PRIOR TO JUNE 28, THE
11:52:17 19 PARTIES, I THINK, HAVE AGREED THAT THE FOLLOWING
11:52:19 20 DEPOSITIONS CAN BE TAKEN DURING THAT PERIOD OF TIME IF
11:52:23 21 EITHER SIDE WANTS THEM. ONE WOULD BE MR. OSTROFF
11:52:27 22 (PHONETIC), WHO WE JUST DISCLOSED TO YOU AS BEING
11:52:31 23 ANOTHER WITNESS THAT WE RESERVE THE RIGHT TO CALL AT
11:52:34 24 TRIAL IN THE EIGHT MILE CASE.

11:52:37 25 ANOTHER WOULD BE MS. NIEVES, IF WE --

DEPOSITION OF PATRICIA BLAIR

11:52:43 1 UNLESS WE TELL YOU THAT WE ARE NOT RESERVING THE RIGHT
11:52:45 2 TO CALL HER, YOU CAN TAKE HER DEPOSITION DURING THAT
11:52:47 3 PERIOD. ANOTHER WOULD BE -- WE HAVE TWO 30(B)(6)
11:52:56 4 NOTICES OUT -- YOU HAVE TWO 30(B)(6) NOTICES OUT IN THE
11:53:00 5 EIGHT MILE CASE. WE'RE GOING TO BE OBJECTING TO THOSE.

11:53:03 6 THE PARTIES WILL THEN MEET AND CONFER.
11:53:06 7 AND IF WE EITHER AGREE TO A DEPOSITION OR THE COURT
11:53:11 8 ORDERS US TO PUT A WITNESS UP FOR A DEPOSITION, THOSE
11:53:15 9 DEPOSITIONS CAN TAKE PLACE AFTER JUNE 2 AND BEFORE
11:53:19 10 JUNE 28, UNLESS THE COURT OTHERWISE PUSHES THEM BACK
11:53:23 11 FURTHER. BUT WE AGREE ON THAT.

11:53:25 12 MR. BUSCH: AND EDDIE CUE.

11:53:27 13 MR. POMERANTZ: WITH MR. CUE, YOU HAVE
11:53:29 14 REQUESTED HIS DEPOSITION. WE MAY OBJECT TO THAT
11:53:33 15 DEPOSITION, BUT WE WON'T OBJECT TO IT AS BEING UNTIMELY.

11:53:37 16 MR. BUSCH: OR IN EXCESS OF TEN
11:53:39 17 DEPOSITIONS.

11:53:41 18 MR. POMERANTZ: OR IN EXCESS OF TEN
11:53:42 19 DEPOSITIONS. WE RESERVE OTHER OBJECTIONS. WE'LL MEET
11:53:45 20 AND CONFER ON THAT. BUT, AGAIN, TO THE EXTENT THAT
11:53:48 21 DEPOSITION HAS TO GO FORWARD, IT WOULD GO FORWARD -- IT
11:53:52 22 CAN GO FORWARD AFTER THE JUNE 2 DISCOVERY CUTOFF DATE,
11:53:56 23 BUT PRIOR TO JUNE 28TH.

11:53:58 24 MR. BUSCH: ACTUALLY, NO. WITH THAT ONE
11:54:00 25 I'VE TOLD YOU THAT WE NEED MR. CUE -- JUST SO THE RECORD

DEPOSITION OF PATRICIA BLAIR

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

DEPONENT'S DECLARATION

10 I CERTIFY UNDER PENALTY OF PERJURY THAT THE
11 FOREGOING IS TRUE AND CORRECT.

16 EXECUTED AT _____ ON _____.

(SIGNATURE OF DEPONENT)

DEPOSITION OF PATRICIA BLAIR

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

3

4 I, ALEX BAKER, CERTIFIED SHORTHAND REPORTER,
5 CERTIFICATE NUMBER 11897, FOR THE STATE OF CALIFORNIA,
6 HEREBY CERTIFY:

7 THE FOREGOING PROCEEDINGS WERE TAKEN BEFORE ME AT
8 THE TIME AND PLACE THEREIN SET FORTH, AT WHICH TIME THE
9 DEPONENT WAS PLACED UNDER OATH BY ME;

10 THE TESTIMONY OF THE DEPONENT AND ALL OBJECTIONS
11 MADE AT THE TIME OF THE EXAMINATION WERE RECORDED
12 STENOGRAPHICALLY BY ME AND WERE THEREAFTER TRANSCRIBED;

13 THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT
14 TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;

15 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR
16 RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANY WAY
17 INTERESTED IN THE OUTCOME THEREOF.

18 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY
19 NAME THIS 4TH DAY OF JUNE, 2008.

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