

**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

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11:50:36 19

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11:50:36 20

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11:50:36 22

11:50:36 23

11:50:36 24

11:50:36 25

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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