

EXHIBIT N

CASE No. 2:09-CV-10756
Philadelphia, Pennsylvania

JOHN B. BERRYHILL, PH.D., ESQ.
Tuesday, January 11, 2011



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND,
INC., A MICHIGAN CORPORATION,

PLAINTIFF,

VS.

NAVIGATION CATALYST SYSTEMS,
INC., A DELAWARE CORPORATION;
BASIC FUSION, INC., A DELAWARE
CORPORATION; CONNEXUS CORP.,
A DELAWARE CORPORATION; AND
FIRSTLOOK, INC., A DELAWARE
CORPORATION,

DEFENDANTS.

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CASE No. 2:09-CV-
10756

DEPOSITION OF
JOHN B. BERRYHILL, PH.D., ESQ.
Volume 1
Philadelphia, Pennsylvania
Tuesday, January 11, 2011

Exhibits Bound Separately

Reported By:
Deborah A. Brazukas

NDS Job No. 140405

1 result of him shooting the gun, how did he respond
2 to someone coming up to him and saying, could you
3 please put the gun down. Those types of -- of other
4 things are going to tell us something about intent
5 that Enrico went outside and shot a gun doesn't tell
6 us.

7 Q. I understand. I thought -- I -- when I
8 first read it, I thought it was curious because I
9 thought your opinion was that domain tasting can
10 never be cybersquatting. And now I think I
11 understand that what you're saying is domain tasting
12 in and of itself does not prove bad faith intent.
13 Is that more accurate?

14 A. That is -- that's -- that's -- that's
15 exactly what I -- what I -- well, that is a more
16 accurate description. What exactly I said is what I
17 said.

18 Q. Right.

19 A. That is a -- a closer interpretation to
20 the words that I've written, yes.

21 Q. Okay. Because -- because domain tasting
22 in itself doesn't provide us enough information to
23 determine whether or not the other factors under
24 the --

25 A. Right.

1 Q. -- ACPA for bad faith exist?

2 A. Right. Right.

3 Q. Okay.

4 A. We want to look at what was motivating
5 them, how did they respond when approached, what
6 type of -- of safeguards they may have taken, did
7 they have an ongoing, you know, process to avoid
8 running into difficulties with others.

9 Q. And those are issues that with regards
10 to NCS you don't have any opinion about or
11 information in order to formulate an opinion about
12 at this juncture, correct?

13 A. I don't know specifically what their --
14 what their practices were.

15 Q. Right. So --

16 A. Or -- or how their practices may have
17 evolved or changed since, for example, the previous
18 case that you mentioned.

19 Q. Okay. So it is -- just so I'm clear,
20 you don't have any opinion as to whether or not NCS
21 engaged in bad faith cybersquatting in this
22 particular case under this particular facts? That's
23 not your role here today?

24 A. That's correct. That's -- that's
25 correct. And that is why, as I stated before, I had

1 BY MR. SCHAEFER:

2 Q. You noted in your previous

3 answer that --

4 A. Right.

5 Q. -- that domain tasting in and -- in and

6 of itself doesn't tell us intent.

7 A. Right.

8 Q. Okay. There are other things you have

9 to look at in order to understand intent?

10 A. Right.

11 Q. The other things -- some of the other

12 things that we would look at would be the things

13 that are listed under the Cyberpiracy Prevention --

14 A. Uh-huh.

15 Q. -- (1) (B) in the statute, correct?

16 MR. DELGADO: Same objection and

17 it misstates his testimony from earlier.

18 THE WITNESS: The -- yeah.

19 There's a lot of words here. We've -- we've

20 talked a little bit about the history of this

21 and how this -- these clauses that we're

22 looking at here are an amendment to what was

23 known as the antidilution provisions of the

24 Lanham Act as they relate to famous marks.

25 The issue of domain tasting, as

1 we discussed earlier, was something that arose
2 in the middle years of the first decade, 2004,
3 2005, and -- and -- and that range there. The
4 ACPA was enacted in 1999 to attempt to
5 crystallize or -- or confine discussion about
6 some domain and trademark issues that had
7 arisen during the '90s.

8 And -- and -- and I think what
9 we sometimes have in law is that, you know, the
10 technology races forward. So, you know,
11 there -- there is certainly nothing that went
12 into the drafting of this statute that was
13 informed by the practice of domain tasting.

14 BY MR. SCHAEFER:

15 Q. Okay. I understand. But I think I
16 understand that you would agree that someone who
17 engages in domain tasting could be liable for
18 cybersquatting if a variety of other circumstances
19 existed. Is that true?

20 A. Domain tasting is a tool. And -- and
21 the potential liability of the use of that tool
22 depends upon the intent of the person using it, yes.

23 Q. Okay. And the -- and what are the
24 factors under the ACPA which help us understand
25 intent?

1 margin put a line to the end of the bad faith
2 factors as listed in the statute.

3 A. Okay.

4 Q. Okay. Okay. And the -- the section
5 that you marked, you would agree, those are the
6 factors which Congress included under the ACPA --

7 A. Uh-huh.

8 Q. -- as factors which a court could look
9 at?

10 A. Might consider, yeah.

11 Q. Permissively?

12 A. Yes.

13 Q. Okay. But the fact --

14 A. Or not.

15 Q. Well, the fact that -- that Congress did
16 list those factors --

17 A. Uh-huh.

18 Q. -- certainly tells us something about
19 how important those factors may be; does it not?

20 MR. DELGADO: Objection; calls
21 for speculation.

22 THE WITNESS: The technological
23 context and the nebulous nature of -- of -- of
24 things that -- that were attempted to be
25 captured here suggests that these were things

1 that had arisen or were of concern at that
2 time; that were drawn from the types of cases
3 that were brought prior to passage of this
4 legislation. For example, the Panavision case,
5 which was sort of the seminal antidilution
6 case, that most directly influenced the -- the
7 drafting of the ACPA.

8 BY MR. SCHAEFER:

9 Q. Okay. I think I understand where we're
10 going with this, so let me see if I can shortcut it.

11 A. Okay.

12 Q. You certainly understand these -- you've
13 read these factors, you know these factors, you --
14 you know, you've analyzed these, these bad faith
15 factors before, correct?

16 A. That is correct. I have.

17 Q. Okay. And I think what you are saying
18 is that --

19 A. Uh-huh.

20 Q. -- courts can look at these factors or
21 they can look at other factors?

22 A. Uh-huh.

23 Q. Statute is permissive?

24 A. Yes.

25 Q. Okay. I think I also understand that

1 what you're saying is that when this statute was
2 drafted in 1998, '99 --

3 A. Right.

4 Q. -- that the concept of domain tasting
5 did not exist, as far as you know, and probably
6 wasn't accounted for in the statute?

7 A. That is -- that is correct. The -- you
8 had introduced this portion of the discussion by
9 referring to whether or not Microsoft did or did not
10 pay ransom for its domain name. And what was
11 occurring in the late '90s was that persons were
12 looking for unregistered domain names that -- and
13 then looking around for, well, what are valuable
14 trademarks. There's Panavision. Let's register
15 Panavision.com and see how much they'll pay me for
16 it. There was a -- a rising tide of intentional
17 activity where trademark owners were being held up
18 for ransom to obtain these domain names which people
19 had intentionally targeted for the purpose of -- of
20 exploiting the value of the domain names as
21 trademarks per se. And -- and that is the context
22 in which -- in which this list of factors was
23 developed.

24 Q. Do you have an opinion as to whether or
25 not the bad faith factors under subsection

1 (d) (1) (B) (i) apply in a -- in a case involving
2 domain tasting?

3 A. Well, the -- the -- one -- one can look
4 at this list of factors. One can look at other
5 factors. But what this list of factors is
6 subordinate to is it is subordinate to this thing
7 that we're trying to call bad faith intent. And
8 that's -- you know, in determining whether a person
9 has a bad faith intent, you can look at this list.
10 Or you can look at --

11 Q. Other?

12 A. -- other things that indicate what sort
13 of an intent this person had.

14 Q. Okay. Let me just stop you there. So
15 is it your -- is it your opinion that a court or a
16 jury should not look at this list in a case
17 involving domain tasting?

18 A. They may.

19 Q. They may, okay.

20 A. That's what the statute says.

21 Q. And you're suggesting that there may be
22 other factors in the bulk registration domain
23 tasting arena which may be more relevant to that
24 particular model than the list of factors here. Is
25 that fair?

1 domain names that may be particularly distinctive or
2 well known or particularly fanciful domain names,
3 domain names -- or fanciful trademarks, excuse me.
4 That is trademarks like Xerox, which can't mean
5 anything other than Xerox. If you see X-E --
6 X-E-R-O-X, we know what that is, that's Xerox. And
7 it can't mean anything but Xerox.

8 I discuss in my report practices
9 which indicate whether or not someone is attempting
10 to avoid hitting a person while shooting.
11 Understanding that while no method may be reliable,
12 if one attempts to avoid liability or attempts to
13 avoid registering domain names that correspond to
14 well-known fanciful famous trademarks, this
15 indicates the opposite of an intent to register
16 trademarks.

17 Q. Okay. So what are the factors that you
18 would look at in order to determine whether or not
19 someone is avoiding trademarks --

20 A. Uh-huh.

21 Q. -- or whether or not someone -- well,
22 strike that.

23 What are specifically the factors
24 that you would look at in a domain tasting bulk
25 registration environment --

1 A. Uh-huh.

2 Q. -- to add to the list under the ACPA as
3 what -- of factors that you believe would be
4 relevant for a jury to look at --

5 A. Well --

6 Q. -- beyond the general avoiding
7 trademarks? What specifically on the ground would
8 you be looking at?

9 A. Well, some of them are the same, you
10 know. For example, referring back again to the
11 ACPA, permissive factors, you know, factor six gets
12 to this idea of holding domain names for random,
13 where it states the person's offer to transfer,
14 sell, or assign the domain name to the mark owner
15 for financial gain without having used the domain
16 name in a bona fide offering of goods. Does this
17 person, you know, who may have a number of domain
18 names, when they are approached by someone that
19 says, you know, excuse me, I think that, you know,
20 you -- you may have registered a domain name that --
21 that can only be construed as -- as some
22 representation of my trademark -- I think we want to
23 look at does that person say -- you know, as we were
24 talking about the John Zuccarini, does that person
25 say, okay, great, pay me \$50,000 and you can have

1 it, or pay me \$50,000 and I won't put porn on it.

2 You know, that type of behavior,
3 particularly if that person has a number of domain
4 names and may have been approached a number of
5 times, I think we'd want to look at how -- how does
6 that person respond to those sorts of inquiries.

7 Now, if I'm on the subway, and I'm
8 standing there and I'm standing on your foot, and
9 you say, excuse me, John, you're -- you're standing
10 on my foot. And I say, oh, I'm sorry, I didn't mean
11 to stand on your foot. Then I take my foot off of
12 yours. And I think we can fairly well assume that I
13 didn't intend to stand on your foot. If you say,
14 John, you're standing on my foot, and I say, oh,
15 yeah, and I stomp on your other foot, with my -- my
16 other foot, you know, I think we can reasonably
17 infer that I was intending to stand on your foot in
18 the first place.

19 So, you know, how this person behaves
20 is -- is encapsulated in number six.

21 Q. Let's just stop there at number six.

22 A. Uh-huh.

23 Q. And then we'll go on to the next one.

24 A. Okay.

25 Q. This one indicates that -- that it's the

1 MR. DELGADO: -- and withdraw
2 your question.

3 MR. SCHAEFER: My question
4 was -- it wasn't that. It was a long time ago.

5 THE WITNESS: Uh-huh.

6 BY MR. SCHAEFER

7 Q. My question was bona fide offering of
8 goods or services. I think --

9 A. Right.

10 Q. -- we've covered that. And then it
11 says, or a person's prior conduct indicating a
12 pattern of such conduct of essentially trying to
13 sell.

14 A. Of such conduct.

15 Q. Of such contact.

16 A. Yeah. Right.

17 Q. And the such contact there is trying to
18 sell domains at a profit to trademark owners or
19 third parties as however that's defined under --
20 under law.

21 A. Yes. I don't know about -- about third
22 parties. Because quite frankly, when we're talking
23 about, again, you know, this is -- talking about the
24 domain name, you know, this is talking about a
25 situation involving a single domain name.

1 Collections of domain names, you know, do get sold,
2 much in the same way that if you go to estate
3 auctions, sometimes there -- there are box -- what
4 are called box lots. And it's just junk collected
5 from a house that was thrown into a box. And people
6 bid on it. And there might be junk in that box;
7 there might be good stuff in the box. If you're
8 good, you get there early, you look in the box, you
9 see what's in there.

10 Q. Sure.

11 A. And there might be one thing you want in
12 that box. And there might be 50 pieces of crap in
13 that box. But there's one piece of -- of -- of, you
14 know, crystal that -- that you know is particularly
15 valuable in with, you know, a bunch of -- of -- of
16 junk from the kitchen cabinets.

17 So, you know, this is looking at sell
18 the domain name, you know, to a -- a third party.
19 Well, that's -- that's not really descriptive of
20 some of the trade that goes on with respect to -- to
21 domain portfolios.

22 But looking at what sorts of behavior
23 would be indicative of bad faith, I want to know how
24 that person responds to trademark inquiries. Do
25 they investigate the claim when they receive a

1 letter from attorney. If they determine that the
2 claim has some sort of reasonable merit, do they
3 attempt to hold that party up for -- for ransom or
4 do they say, you know, excuse me, I -- I -- I
5 accidentally stepped on your foot, let me get my
6 foot off of there. Other things we might look at --

7 Q. Yeah, let's make a -- let's make a list
8 so that -- I've got the first one.

9 A. Okay.

10 Q. And so after each one, go ahead and just
11 pause, and -- and we'll either come back to it or --

12 A. Yeah. Yeah. Number seven is -- is --
13 is certainly relevant, the person's provision of
14 material and misleading false contact information --

15 Q. Okay.

16 A. -- when applying for -- for registration
17 of the domain name. You know, are they trying to
18 hide. When -- when that cease and desist letter is
19 sent to the domain registrant, you know, does it end
20 up in a -- in -- in a mail drop in Turks and Caicos
21 Island that gets thrown into a dumpster, you know,
22 or -- or does it -- does it -- you say Mickey Mouse,
23 is this information that will reasonably lead to
24 notice? Now, sometimes domain names are held
25 through an agent of -- of some kind. For example,

1 argument that it is.

2 Q. Okay. You would expect that that would
3 return a match. And what you're telling me is that
4 as part of the issue of whether or not bad faith
5 registration would occur, you say okay, there's a
6 match. The second piece of the puzzle would be,
7 okay, if we do register this --

8 A. Uh-huh.

9 Q. -- how are we going to use it in a way
10 that's not infringing. True?

11 A. That might be one way of looking at it.
12 You know, the -- the -- the problem is that -- that,
13 you know, we're talking about the behavior of
14 technical people and business people. We're not
15 talking about the behavior of people that are
16 necessarily well-versed in trademark law. And
17 again, with respect to dictionary words that are --
18 are trademarks or combinations of -- of dictionary
19 words, they -- there are people who, in the domain
20 community and among those domainers, you know, who
21 quite often say, oh, well, no, you can't get a
22 trademark on a -- on a -- on a dictionary word. And
23 you know, what one often sees is a manifestation of
24 perhaps naivety --

25 Q. Sure.

1 A. -- rather than bad faith, ill will, that
2 type of malicious impulse animated by trademarks.

3 Q. Is ignorance of the law an excuse under
4 the ACPA? That is to say, is it your understanding
5 that if someone gets sued under the ACPA, and they
6 clearly registered the domain name, knowing about
7 the trademark, trying to profit off of that good
8 will of the trademark owner, tried to sell it for a
9 hundred thousand dollars to the trademark owner, can
10 they come into court to your knowledge and say, oh,
11 I didn't know about the ACPA, I can't be -- I can't
12 be liable of bad faith cybersquatting?

13 MR. DELGADO: Objection; calls
14 for speculation and -- and it's an incomplete
15 hypothetical.

16 THE WITNESS: Intent -- intent
17 is -- is a -- is a key element of the ACPA.
18 What's interesting is the -- one of the
19 explicit exceptions to bad faith that's
20 written, as we continue past the factors, we
21 then come to a situation which is -- which --
22 which is quite interesting where it says bad
23 faith shall not be found in any case in which
24 the court determines that the person believed
25 and had reasonable grounds to believe the use

1 to consider in the case of a bulk domain
2 registration or domain tasting situation. And you
3 had talked a little bit about willful blindness and,
4 you know, essentially the concept that someone's not
5 really trying.

6 A. Uh-huh.

7 Q. Okay. Any other factors besides willful
8 blindness, the quantity and quality of the caution
9 that they are exercising in view of trademarks,
10 whether or not they provide correct and accurate
11 information in the "who is" database, how that
12 person responds to trademark inquiries. That's what
13 I've got on my list. There may be more. But can
14 you think of anything else that you'd like to add to
15 the list that's not in the statute?

16 A. Yeah. One of the -- one of the problems
17 with intent generally -- trying to determine intent
18 as a matter of law is I think that I had referred to
19 a -- a totality of the facts. And, you know, these
20 things are facts intensive. And I, you know,
21 believe it is more of a -- more of a jury question,
22 really, for them to decide based upon the -- the
23 credibility and -- and what, you know, other
24 particular circumstances might be demonstrated in
25 the course of testimony and demeanor of the

1 witnesses and, you know, whether -- whether the jury
2 gets that -- that impression that, you know, this
3 person was the Zuccarini type, driven by a peculiar
4 animus toward trademarks and trademark attorneys, or
5 whether, you know, these people were, you know, more
6 like, you know, operators of a -- say a fishing
7 trawler where, if a tuna fishing boat puts out a
8 net, you know, they -- there's a risk that they're
9 going to catch some dolphins in that net. And we
10 have nets and fishing methods that have been
11 designed to limit my catch during fishing operations
12 of turtles and dolphins and so forth. But, you
13 know, they still get -- they still get caught up.
14 And I think that, you know, we can readily determine
15 whether a -- a fishing trawler has been operated in
16 a responsible manner or not.

17 Q. And using your dolphin analogy, so for
18 instance, if the -- the fishing boat operator were
19 to go to an area which everyone knows is heavily
20 populated with dolphins in order to throw their
21 nets, that's something you'd want to know, correct?

22 A. Well, oddly enough, dolphins tend to
23 accumulate above tuna schools. So --

24 Q. Perfect --

25 A. -- they're -- they're actually a -- a

1 And so even in the Gazette, the law
2 in the United States is that every person, I don't
3 care if you're dumb or smart or what have you, if
4 you're over the age of 18, if a trademark gets
5 registered, you're deemed under law to have
6 constructive notice of that trademark, true?

7 A. No.

8 Q. What is your interpretation of the law
9 in that regard?

10 A. My interpretation of the law in that
11 regard is if I was infringing a mark that was
12 registered, then I am deemed to have constructive
13 notice of it. I am not deemed to have constructive
14 notice of trademarks for any other purpose.

15 Q. Say that one more time. I -- I want to
16 make sure I understand that.

17 A. Okay. Because we have common law marks
18 and we have registered marks, one of the things that
19 we look at in infringement cases, as opposed to
20 other causes of action under the Lanham Act, is
21 willfulness and notice. And in infringement cases,
22 once we have established infringement and we are
23 looking at the scope of liability, then we -- I am
24 deemed to have had constructive notice of a mark
25 which I have infringed.

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I, DEBORAH A. BRAZUKAS, do hereby certify:

That I am a duly qualified Certified Shorthand Reporter, in and for the State of New Jersey, holder of certificate number XI 01938, which is in full force and effect and that I am authorized to administer oaths and affirmations;

That the foregoing deposition testimony of the herein named witness was taken before me at the time and place herein set forth;

That prior to being examined, the witness named in the foregoing deposition, was duly sworn or affirmed by me, to testify the truth, the whole truth, and nothing but the truth;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision;

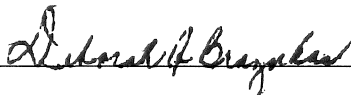
That the foregoing pages contain a full, true and accurate record of the proceedings and testimony to the best of my skill and ability;

That prior to the completion of the foregoing deposition, review of the transcript was requested.

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I further certify that I am not a relative or
employee or attorney or counsel of any of the parties,
nor am I a relative or employee of such attorney or
counsel, nor am I financially interested in the outcome
of this action.

IN WITNESS WHEREOF, I have subscribed my name
this 17th day of January, 2011.



DEBORAH A. BRAZUKAS, CSR No.



JOHN B. BERRYHILL, PH.D., ESQ.
Wednesday, May 4, 2011

CASE No. 2:09-CV-10756
Los Angeles, California

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND,
INC., A MICHIGAN CORPORATION,

PLAINTIFF,

VS.

NAVIGATION CATALYST SYSTEMS,
INC., A DELAWARE CORPORATION;
BASIC FUSION, INC., A DELAWARE
CORPORATION; CONNEXUS CORP.,
A DELAWARE CORPORATION; AND
FIRSTLOOK, INC., A DELAWARE
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DEFENDANTS.

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CASE No. 2:09-CV-
10756

DEPOSITION OF
JOHN B. BERRYHILL, PH.D., ESQ.
Volume 2
Los Angeles, California
Wednesday, May 4, 2011

Confidential - Under Seal

Reported By:
Judy Samson
CSR No. 6916
NDS Job No. 141449

1 is it being used for, I usually cut off the twists 01:43:35
2 and turns in the discussion very early on when 01:43:39
3 someone tells me they registered a domain name and 01:43:42
4 tells me what the domain name is, I usually ask them 01:43:44
5 up-front, "Why did you register the domain name?" 01:43:46
6 because that's -- that's what we're talking about 01:43:51
7 when we're talking about specific bad faith intent. 01:43:54
8 And they might be -- they might not be 01:43:57
9 telling me the truth. 01:44:01
10 But a truthful answer to that question is 01:44:02
11 what determines whether or not someone is engaged in 01:44:04
12 cybersquatting or not. 01:44:07
13 Q Sure. 01:44:08
14 But one of the -- one of the additional 01:44:09
15 hurdles that they're -- they're going to face if 01:44:11
16 it's a valid registered trademark is the -- the 01:44:13
17 constructive notice issue -- 01:44:18
18 A It's the part -- this -- 01:44:18
19 Q -- of U.S. trademark law. 01:44:29
20 A For the purpose of trademark infringement 01:44:33
21 claims, if someone is using something as a mark 01:44:37
22 in the relevant competitive market, yes, there's a 01:44:41
23 duty of constructive notice. 01:44:44
24 But we've -- we've talked about this notion 01:44:46
25 of some open-ended duty, you know, on the part of 01:44:47

1 every citizen marching around. 01:44:49

2 What we're talking about under the ACPA is 01:44:53

3 specific bad faith intent. We're talking about 01:44:56

4 willfulness. We're talking about intention. 01:44:59

5 That's not a trademark infringement action, 01:45:02

6 for which purpose, yeah, we do have a -- you know, 01:45:05

7 you do have constructive notice. 01:45:10

8 Q Now, in this sentence we were talking where 01:45:11

9 you talked about: 01:45:15

10 "So, you know, if one knows 01:45:15

11 that one's traffic is coming 01:45:17

12 primarily from trademark typos..." 01:45:18

13 I want to talk about that notion because 01:45:20

14 we've kind of shifted from just looking at the 01:45:22

15 domain name itself, and now we're looking apparently 01:45:24

16 at the traffic that's coming to your website on that 01:45:27

17 domain name. 01:45:30

18 A We're drilling -- we're drilling down 01:45:30

19 into a situation that was set up by your 01:45:34

20 intentionally registering typographic variations. 01:45:40

21 Q Sure. 01:45:43

22 So how does one know -- 01:45:44

23 A So if you know that's where -- because you 01:45:44

24 were intentionally doing it. 01:45:46

25 Q Okay. Does it -- so is one of the ways 01:45:47

1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF LOS ANGELES)
3

4 I, JUDY SAMSON, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 6916, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;


21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

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I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this 17th day of May, 2011.



JUDY SAMSON, CSR No. 6916