

EXHIBIT A

TO

SUGGESTIONS IN SUPPORT OF DEFENDANT
LEGALZOOM.COM, INC.'S MOTION IN LIMINE TO EXCLUDE
ADVERTISING UNDER FEDERAL RULES OF EVIDENCE 402 AND 403

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

TODD JANSON, et al.,)
)
 Plaintiffs,)
) Case No.
 vs.) 10-04018-CV-C-NKL
)
LEGALZOOM.COM, INC.,)
)
 Defendant.)
)

Deposition of BRIAN P.Y. LIU
Wednesday, February 16, 2011

Reported by: Vicki A. Saber
 CSR No. 6212, RPR, CRR, CCRR

1 don't want to have to play every ad for you to say,
2 "Yes, this ad ran."

3 Is there any way to -- and I'm going to show
4 you some of the ads and ask you questions about them,
5 but is there any way for you to look at the file names,
6 for example, and tell me whether or not this encompasses
7 all of the television advertising that LegalZoom did
8 over a certain time period?

9 A. We probably have run only -- no more than ten
10 main types of ads, so I believe I should be able to tell
11 you whether those ads was something that we had run or
12 not.

13 Q. Okay. I'm going to put Exhibit Number 96 into
14 the computer, and maybe we'll look at the files before
15 we play some ads, and we'll see what you can tell us.

16 A. Okay.

17 MR. CLEMENT: I don't think you need to film
18 this. When we play the video perhaps we can see if it
19 shows up on the video camera.

20 Q. Okay. As you see, Mr. Liu, there are three
21 subfiles, online banner ads, print which only contain
22 one ad, and then TV ads 2007 to 2011, correct?

23 A. Correct.

24 Q. And then if we click on that, there's another
25 subfile that says "TV ads 2007 to 2011," correct?

1 A. Yes.

2 Q. And then there are two subfiles that say
3 "creative video files" and "online air sponsorships."
4 Okay? Let's look at creative video files first.

5 A. Okay.

6 Q. There are two subfiles above that say "2010
7 final H.D. spots without slates" and "2010 revised price
8 spots," and there's some other ads in those files which
9 we'll look at.

10 A. Okay.

11 Q. But there are several ads listed under this
12 subfile, and I take it those do not include 2010 ads
13 because of these subfiles. Is that a fair statement?

14 A. Yes.

15 Q. Are the ads that are listed here under "TV ads
16 2007-2011 creative video files" all of the television
17 ads that ran from 2007 until 2010?

18 A. They do appear to be with the caveat that I
19 don't know if the 2010 revised spots took their place in
20 2010, and I -- I can go through the ads and let you
21 know, you know, what played and whatnot. I recognize
22 the ads from that file.

23 I don't see anything anymore right now, but...

24 Q. Okay. I don't know that we want to spend the
25 time to go through each and every ad. Are there any ads

1 that you think ran that are not included?

2 A. No.

3 Q. Okay. Now, if we click on "2010 final H.D.
4 spots without slates" there are nine or so additional
5 ads that appear; is that correct?

6 A. Yes.

7 Q. Can you tell without -- by the file names
8 whether those are ads that ran in 2010?

9 A. No, because I can't tell if these are
10 completed ads or not. These may not be completed ads.
11 These may be incomplete creative parts of ads but not
12 the complete ad so I would have to look at one of these
13 ads.

14 Q. All right. Well, let's just look at --

15 A. Because it says "without slates" so I don't
16 know what that means, "without slates."

17 Q. Let's look at the third one down which is --
18 has some letters and numbers and it says "general 30
19 original," correct?

20 A. Okay.

21 Q. I'm going to -- if you don't mind, if you can
22 maybe walk over here so --

23 (Discussion held off the record.)

24 (Video transcription:

25 "I'm Robert Shapiro. Over a million

1 people have discovered how easy it is to
2 use LegalZoom for important legal
3 documents, and LegalZoom will help you
4 incorporate your business, file a patent,
5 make a will and more. You can complete
6 our online questions in minutes. Then
7 we'll prepare your legal documents and
8 deliver them directly to you. So start
9 your business, protect your family,
10 launch your dreams. At LegalZoom.com we
11 put the law on your side.")

12 BY MR. CLEMENT:

13 Q. Okay. We'll play it again so you can see it
14 and tell us if this ad ran.

15 (Video transcription:

16 "I'm Robert Shapiro. Over a million
17 people have discovered how easy it is to
18 use LegalZoom for important legal
19 documents, and LegalZoom will help you
20 incorporate your business, file a patent,
21 make a will and more. You can complete
22 our online questions in minutes. Then
23 we'll prepare your legal documents and
24 deliver them directly to you. So start
25 your business, protect your family,

1 MR. BUTSCH: Otherwise we're going to need
 2 another witness to confirm it.
 3 MR. CLEMENT: Why don't we take --
 4 MR. THOMPSON: Obviously you're going to use
 5 some -- presumably you're going to use some of them as
 6 exhibits to say -- make some point. Why don't you play
 7 that ad and say --
 8 MR. CLEMENT: Well, because --
 9 MR. THOMPSON: -- did you tell people this?
 10 MR. CLEMENT: -- before I do that I want to
 11 know whether you actually tell people that. I mean, I
 12 think that's only fair.
 13 MR. THOMPSON: If you show him an example he's
 14 going --
 15 MR. CLEMENT: He's going to say "I don't
 16 know."
 17 MR. THOMPSON: No.
 18 MR. CLEMENT: He's already said he can't --
 19 MR. THOMPSON: That's very different than --
 20 playing one and asking him, "Did this one run" is very
 21 different than looking at a listing of a thousand and
 22 saying, "Did all those run?"
 23 BY MR. CLEMENT:
 24 Q. Okay. Mr. Liu, let's look at -- here's a
 25 subfile from Bill O'Reilly, and we'll just pick one.

1 We'll pick 122106 LegalZoom -- well, that's probably not
 2 good because it says "unedited." I don't know what that
 3 means. But let's do "Bill O'Reilly ASWESPEAK." All
 4 right?
 5 A. Yes.
 6 (Video transcription:
 7 "Hey, here's an amazing LegalZoom.com
 8 demonstration. Go to your computer. Log
 9 on to LegalZoom.com and check out filing
 10 incorporation papers for a new business.
 11 Click the tab marked 'Incorporations,
 12 LLCs and DBAs.' Then click the 'get
 13 started' button, and you're in. Just
 14 answer a few simple online questions and
 15 LegalZoom takes over. You get a quality
 16 legal document filed for you by real
 17 helpful people. Look for yourself and
 18 see how easy LegalZoom.com really is.
 19 LegalZoom isn't a law firm. They provide
 20 self-help services at your specific
 21 direction. You're in control. That
 22 explains why you'll save up to 85
 23 percent, wills, trusts, trademarks,
 24 patents, copyrights, even bankruptcy
 25 solutions. Whatever your common legal

1 document needs, LegalZoom.com does it.
 2 And don't forget to type 'no spin' in the
 3 referral box to get your special
 4 discount. So please go to LegalZoom.com.
 5 That's LegalZoom.com.")
 6 BY MR. CLEMENT:
 7 Q. Can you tell me if that ad ran?
 8 A. That appears to me to be an ad that ran, yes.
 9 Q. Why do you think that?
 10 A. Because it appears to me to be an ad that ran
 11 because Bill O'Reilly voiced it.
 12 Q. So you're basing it just because Bill O'Reilly
 13 voiced it you think it ran?
 14 A. I'm assuming that the recording was recorded
 15 from the radio station or from some other person that's
 16 not us because we can't create that audio file
 17 ourselves. Only Bill O'Reilly or the people at the
 18 radio station could create that and not us.
 19 Q. So is it fair to say that if a radio
 20 personality that is not employed by LegalZoom is in the
 21 ad, that we can assume that that ad ran?
 22 A. I believe that would be a fair statement, yes.
 23 MR. THOMPSON: Is that helpful?
 24 MR. CLEMENT: Yes.
 25 MR. THOMPSON: Because we're not trying to

1 play games. I just don't want him to commit to
 2 something on a list of thousands that he can't know.
 3 MR. CLEMENT: Let's take a short break.
 4 THE VIDEOGRAPHER: We're off the record. The
 5 time is 3:20.
 6 (Recess taken.)
 7 THE VIDEOGRAPHER: We're back on the record.
 8 The time is 3:31.
 9 MR. THOMPSON: We've conferred while we were
 10 on break. If it's an on-air personality, you can
 11 presume the ad ran. No representation as to when or how
 12 many times, but it ran.
 13 MR. CLEMENT: All right.
 14 MR. BUTSCH: And that applies to television
 15 and radio advertising; is that correct?
 16 MR. THOMPSON: That would be correct. If it's
 17 an on-air personality.
 18 THE WITNESS: There is no TV personalities for
 19 the television advertising.
 20 MR. BUTSCH: I was considering Shapiro a
 21 personality.
 22 THE WITNESS: The TV ads -- the TV ads in the
 23 main folder that I saw earlier, I would testify that
 24 they ran with the exception of Vargas -- there was one
 25 Vargas, and I'm not sure whether it's Vargas 1 or 2.

1 are. Baba Boeey got power of attorney
2 and stuff. Only on LegalZoom.com and
3 save a ton of money.")

4 BY MR. CLEMENT:

5 Q. Anything in that ad that you found to be
6 inaccurate or misleading?

7 A. When I listen to that ad taken as a whole and
8 in conjunction with the information that appears on our
9 website, in general I did not hear anything that was
10 misleading or inaccurate in that ad.

11 MR. CLEMENT: Okay. Let's take a short break.

12 THE VIDEOGRAPHER: We're off the record. The
13 time is 4:11. This is the end of tape number 3 of the
14 deposition of Mr. Brian Liu.

15 (Recess taken.)

16 THE VIDEOGRAPHER: And we're back on the
17 record. The time is 4:23. This is tape number 4 of the
18 videotape deposition of Mr. Brian Liu.

19 BY MR. CLEMENT:

20 Q. Mr. Liu, we're back after a short break. Who
21 is Dan Patrick?

22 A. Dan Patrick is a radio personality primarily
23 for sports talk.

24 Q. And LegalZoom has advertised on his show; is
25 that right?

1 LegalZoom.com, America's premier online
2 document service. Last year LegalZoom
3 helped more entrepreneurs and small
4 business owners get off the ground than
5 anyone else online. And the reason?
6 Great service, great price. LegalZoom
7 goes the extra mile with real humans who
8 check your work for consistency and
9 completeness. Plus they're going to file
10 your documents with the proper government
11 agency so you know it's being done right.
12 Bottom line, your legal document needs to
13 stand up in court. LegalZoom is not a
14 law firm but provides self-help services
15 at your specific direction. For even
16 more savings enter 'Patrick' in the
17 referral box at checkout. For wills,
18 LLCs, bankruptcy help, real estate forms
19 and more go to LegalZoom.com.
20 LegalZoom.com.")

21 BY MR. CLEMENT:

22 Q. Is there anything in that ad that is
23 inaccurate or misleading?

24 A. In general, when I hear that ad, it does not
25 appear -- nothing appears to be misleading or

1 A. Yes, we have advertised on the Dan Patrick
2 show.

3 Q. Over what time period, do you know? If you'd
4 like to look at the ad file titles, please do.

5 A. I believe that we have advertised on Dan
6 Patrick since 2009. Maybe as early as 2008.

7 Q. Okay. Do you know if LegalZoom continues to
8 advertise on Dan Patrick's show?

9 A. I believe that we do continue to advertise on
10 Dan Patrick, but I cannot be a hundred percent positive.

11 Q. I'm going to play the ad that's labeled "LZ
12 dash Dan dash SUIC." By the title of that ad can you
13 tell when it ran?

14 A. No, I cannot tell by the title of that.

15 (Video transcription:

16 "15 years ago who would have believed
17 that you could trade stocks online
18 without using a broker? Who would have
19 thought that you could prepare and file
20 your taxes online without an accountant?
21 Now through LegalZoom.com you can create
22 your own binding legal documents online
23 without the high cost of an attorney.

24 Some of the brightest minds in law and
25 technology came together to create

1 inaccurate.

2 Q. Which employees at LegalZoom check the
3 documents for consistency and completeness as
4 Mr. Patrick said in his ad?

5 A. We have employees in different departments
6 whose job it is to ensure that the information that's
7 provided by the customers in a suitcase contains the
8 information that's needed to complete the template as
9 well as to make sure that the information provided is
10 correct from a spelling and grammar perspective.

11 Q. About how many employees at LegalZoom do that
12 work?

13 A. I can't give you an exact number, but --
14 because that's not the only work that somebody would do,
15 so I would say that it is in the neighborhood of 30 to
16 50 employees who have that as part of what they do.

17 Q. What are their general qualifications to do
18 that type of work?

19 A. The general qualification is that they go
20 through a training program that we have at LegalZoom.
21 Most of them are college graduates. I believe at a
22 minimum they have an associate's degree, and they go
23 through the -- as I said, a training and learning
24 program at LegalZoom before they do that type of review
25 work.