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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 ENTRAL GROUP INTERNATIONAL, LLC,)

5 Plaintiff,)

6 vs.)

CV-05-1912

7 YHCL VISION CORP., and JEFF)
8 CHEN,)

9 Defendants.)
10 -----)

11 (CONTAINS ATTORNEY'S EYES ONLY PORTIONS)

12 VIDEOTAPED DEPOSITION OF RAY YIM
13 New York, New York
14 Tuesday, May 23, 2006
15
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18
19
20
21
22
23

24 Reported by:

Philip Rizzuti

JOB NO. 7392
25

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May 23, 2006
10:02 a.m.

Videotaped deposition of RAY
YIM, held at the offices of Alston &
Bird, LLP, 90 Park Avenue, New York,
New York, pursuant to Notice, before
Philip Rizzuti, a Notary Public of the
State of New York.

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A P P E A R A N C E S:

ALSTON & BIRD, LLP
Attorneys for Plaintiff
90 Park Avenue
New York, New York 10016
BY: ROBERT E. HANLON, ESQ.
BROOK A. CLARK, ESQ.

DAVID J. HOFFMAN, ESQ.
Attorney for Witness
29 Broadway, 27th floor
New York, New York 10006

ALSO PRESENT:

JOSH LIPSON, Videographer
NICHOLAS CHAI,
ZACHARY B. CHAPMAN,

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IT IS HEREBY STIPULATED AND AGREED,
by and between counsel for the respective
parties hereto, that the filing, sealing and
certification of the within deposition shall
be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same force
and effect as if signed and sworn to before
the Court.

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Yim

THE VIDEOGRAPHER: This is the
start of tape number 1 of the videotape
deposition of Ray Yim in the matter of
Entral Group International versus YHCL
Vision Corp. Today's date is May 23,
2006 at approximately 10:02 a.m.

Will counsel please introduce
themselves and who they represent.

MR. HANLON: Robert E. Hanlon of
Alston & Bird, LLP, representing Entral
Group International, LLC, plaintiff in
this matter.

MS. CLARK: Brook Clark also of
Alston & Bird also representing
plaintiff, Entral Group International.

MR. HOFFMAN: David Hoffman, 29
Broadway, 27th floor, New York, New York,
for the witness, Ray Yim and the North
American Karaoke Works Trade Association,
non-party witness.

MR. HANLON: Also present at this
deposition is Nicholas Chai, president of
Entral Group International, plaintiff in
this matter. And Zach Chapman, an intern

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1 Yim
2 Are you also appearing here
3 pursuant to this subpoena?
4 A. It is the same?
5 Q. No. The subpoena is different.
6 One subpoena was addressed to you personally
7 and the other subpoena was addressed to the
8 North American Karaoke Works Trade Association
9 Inc.
10 A. I only got one, so --
11 Q. Well, let me explain. This
12 subpoena was issued to an organization that we
13 believe you are employed by or a
14 representative of, we will come to that in a
15 few moments. We have been told by your
16 attorney that you are appearing to answer
17 questions in response to the subpoena on
18 behalf of the association.
19 Is that your understanding as
20 well?
21 A. Yes.
22 Q. Please turn to page 5 of that
23 subpoena, the first two pages don't have
24 numbers, but if you look in that -- let's make
25 sure first, let's make sure I am talking about

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1 Yim
2 the right document, 20?
3 A. 20.
4 Q. Turn to page 5 numbered at the
5 bottom. There are three topics listed there,
6 do you see the topics for testimony on page 5;
7 page numbered 5?
8 A. Okay.
9 Q. Do you see the three topics there?
10 A. Yes.
11 Q. Of those three topics, which are
12 the topics that you are going to be answering
13 on behalf of the company?
14 I am sorry, by you in this case,
15 the word you means the Trade Association.
16 A. I am going to answer all
17 questions.
18 Q. You are going to answer all those
19 questions?
20 A. Uh-hum.
21 Q. Mr. Yim, would you please state
22 the name of the organization that you
23 representing here?
24 A. North American Karaoke Works Trade
25 Association.

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1 Yim
2 Q. Incorporated?
3 A. Incorporated.
4 Q. Can you tell us the business
5 address of that organization?
6 A. We -- can I ask my attorney
7 questions?
8 Q. No.
9 A. We do not have physical address,
10 we only have mailing address.
11 Q. What is your mailing address?
12 A. 41-70 Main Street, unit B-363,
13 Flushing, New York 11355.
14 Q. When you say you do not have a
15 physical address --
16 A. Correct.
17 Q. But only a mailing address?
18 A. Yes.
19 Q. Out of what location does the
20 organization generally do business?
21 A. We don't do business. We only
22 have meetings for board members. We do not
23 have our physical address, so we go to
24 member's clubs to have our meetings, different
25 clubs, different meetings, different time. If

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1 Yim
2 we need to.
3 Q. Where does the association
4 maintain its books and records?
5 A. Held by the president of the
6 association, Sam Chan.
7 Q. Where does the organization store
8 its equipment or the physical things that are
9 part of its activities?
10 A. You mean the books or --
11 Q. No.
12 A. The machine.
13 Q. Machines?
14 A. We do not have machines.
15 Q. We will come back to that.
16 A. Okay.
17 Q. Mr. Yim, what is your home
18 address?
19 A. Is it required?
20 Q. It is.
21 A. 1257 65th Street, Brooklyn, New
22 York 11219.
23 Q. And your home telephone number?
24 A. 718-234-0911.
25 Q. And the telephone number of the

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1 **Yim**
2 **Trade Association?**
3 A. It is the cell phone number.
4 **Q. What is that number, please?**
5 A. 718-308-5935.
6 **Q. I notice that you are reviewing a**
7 **piece of paper. Are you using that piece of**
8 **paper to refresh your recollection?**
9 A. This is the press conference
10 information, and the number we hardly use it,
11 just for people to call. So that is why I
12 don't remember, I have to look at the paper to
13 answer your question.
14 **Q. I understand.**
15 A. Okay.
16 **Q. But you are using that paper to**
17 **refresh your recollection?**
18 A. Yes.
19 **Q. We ask that that paper be**
20 **submitted into evidence now so we can make**
21 **copies of it.**
22 MR. HOFFMAN: Let him make a copy
23 of it.
24 **Q. Please hand it over.**
25 **Mr. Yim, what is your date of**

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1 **Yim**
2 **birth?**
3 A. December 13, 1964.
4 **Q. And what is your Social Security**
5 **number?**
6 A. Is it required?
7 **Q. It is required?**
8 MR. HOFFMAN: What is the purpose
9 of that?
10 MR. HANLON: The purpose is to
11 insure that we can identify the
12 individual if we have to at another point
13 in time.
14 MR. HOFFMAN: I would ask that
15 that portion of the transcript be marked
16 attorney's eyes only.
17 MR. HANLON: We have no problem
18 with that.
19 **Q. Please state it?**
20 MR. HOFFMAN: For this one
21 question.
22 (The following portion has been
23 deemed attorney's eyes only)
24
25

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Page 17

1 Yim - attorney's eyes only
2 **Q. State your Social Security number?**
3 A. 125-72-0761.
4 (Continued in non attorney's
5 eyes only portion of transcript.)
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1 Yim
2 **Q. Mr. Yim, what is the highest level**
3 **of education that you have completed?**
4 A. Some college.
5 **Q. Approximately how many years or**
6 **how many credits?**
7 A. One year.
8 **Q. Where did you attend that college?**
9 A. SUNY at Old Westbury.
10 **Q. What did you study in that**
11 **program?**
12 A. Management.
13 **Q. You completed -- I assume you**
14 **completed high school somewhere before that?**
15 A. Not in the United States.
16 **Q. Where did you complete it?**
17 A. Hong Kong.
18 **Q. Other than the program at SUNY,**
19 **have you taken any other educational programs**
20 **whether or not they are degree programs?**
21 A. No.
22 **Q. What is your position in the North**
23 **American Karaoke Works Trade Association**
24 **Incorporated?**
25 A. Vice president.

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1 Yim
2 **Q. How long had you been employed**
3 **there?**
4 A. About two or three years, I don't
5 quite remember exactly.
6 **Q. Before that?**
7 A. Student.
8 **Q. Other than your work at Digital**
9 **Dynasty have you had any employment in the**
10 **electronics business or related communications**
11 **business?**
12 A. Related to telecommunication
13 business?
14 **Q. Electronics or telecommunications?**
15 A. No.
16 **Q. Have you had any employment in the**
17 **entertainment business, including bars,**
18 **restaurants, clubs, music settings?**
19 A. Yes.
20 **Q. What employment have you had in**
21 **that business?**
22 A. Pop Music Studio Incorporated.
23 **Q. What type of business is Pop Music**
24 **Studio Incorporated in?**
25 A. Karaoke bar.

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1 Yim
2 **Q. Where is that located?**
3 A. 37-08 Main Street, Flushing, New
4 York 11354.
5 **Q. For what period were you employed**
6 **by Pop Music Studio Incorporated?**
7 A. 2001 to present.
8 **Q. What is your job at Pop Music**
9 **Studio Incorporated?**
10 A. I am the owner.
11 **Q. Are you the 100 percent owner or**
12 **are there other people with ownership**
13 **interest?**
14 A. Majority.
15 **Q. Are you also an employee of Pop**
16 **Music Studio Incorporated?**
17 A. Yes.
18 **Q. What are your duties as an**
19 **employee?**
20 A. Excuse me?
21 **Q. What are your duties as an**
22 **employee?**
23 A. Watch the business.
24 **Q. Would you say you are the manager**
25 **of the business?**

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1 Yim
2 A. I don't manage the place, I just
3 watch the business. I mean how can I explain.
4 I would say I am the owner would be better, if
5 I don't physically operate the place.
6 **Q. Well, an owner doesn't necessarily**
7 **have to watch a business or appear at the**
8 **business and take any active role, and an**
9 **owner doesn't have to be employed by the**
10 **business. He doesn't have to be -- he doesn't**
11 **have to take a salary and have duties?**
12 A. I watch the money.
13 **Q. Do you regularly appear at that**
14 **business, at the location?**
15 A. No, not really.
16 **Q. How often do you visit Pop Music**
17 **Studio?**
18 A. A few hours a week.
19 **Q. Are you very familiar with the**
20 **operation of a karaoke bar?**
21 A. Okay, moderate.
22 **Q. So you generally know how a**
23 **karaoke bar operates?**
24 A. To a specific, not really.
25 **Q. You don't know how it operates?**

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1 Yim
2 A. That is why my answer is moderate.
3 **Q. Well, tell me what you do know**
4 **about a karaoke bar's operation?**
5 A. On a business wise, yes, I know
6 how to run the business. But the
7 entertainment part, I am not quite familiar
8 with entertainment, how to entertain the
9 customer.
10 **Q. Who are the other owners of Pop**
11 **Music Studio Incorporated?**
12 MR. HOFFMAN: Why do you need to
13 know that?
14 MR. HANLON: Excuse me?
15 MR. HOFFMAN: Why do you need to
16 know that?
17 MR. HANLON: I need to know that,
18 who the other owners are.
19 MR. HOFFMAN: No, I instruct him
20 not to answer.
21 MR. HANLON: On what basis?
22 MR. HOFFMAN: What does that have
23 to do with this case?
24 MR. HANLON: This individual has a
25 relationship between himself, a karaoke

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1 **Yim**
2 **looking at earlier that you used to refresh**
3 **your recollection and I asked for a copy?**
4 A. That is correct.
5 **Q. Who prepared this document?**
6 A. You mean physically write down or
7 a discussion for the goal?
8 **Q. Who was involved in discussing**
9 **this, to come up with this paper?**
10 A. All the members. All the members.
11 **Q. Who actually wrote it out?**
12 A. Sam, Sam Chan.
13 **Q. Are you familiar with the contents**
14 **of this press release?**
15 A. Quite familiar.
16 **Q. I would like to look at the**
17 **heading -- withdrawn, start again.**
18 **Do you see the second paragraph**
19 **that begins the North American Karaoke Works**
20 **Trade Association is a not-for-profit**
21 **organization. The purposes for NAKWTA is to,**
22 **and then there is a list of purposes?**
23 A. Yes.
24 **Q. I would like to look at purpose D:**
25 **To provide free resources and supports to**

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1 **Yim**
2 **members of the karaoke business or industry.**
3 **What types of free resources does**
4 **the Trade Association provide?**
5 A. Where to get the liquor license
6 and if they need a lawyer for the violation,
7 and that is what is all being discussed.
8 **Q. When you say where to get a liquor**
9 **license, you provide information about --**
10 A. The web-site and what kind of
11 document they need. There are several
12 members, they may not know English, so that
13 kind of document is helpful for them.
14 **Q. When you say a lawyer, does the**
15 **association provide a lawyer, or do you give**
16 **them information about lawyers?**
17 A. The association will not give the
18 lawyer, we just providing some assistance to
19 members. They are using certain lawyers to
20 apply the liquor license, they feel it is
21 good, it is kind of like a referral.
22 **Q. So you provide most of the**
23 **information?**
24 A. Excuse me.
25 **Q. Most of the information?**

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1 **Yim**
2 A. Ah-ha.
3 **Q. Any other free resources that the**
4 **association provides?**
5 A. We provide the song as well.
6 **Q. When you say you provide the song,**
7 **what does that mean?**
8 A. We provide the songs which give
9 those members alternative way for those
10 members who cannot afford the original MTV
11 karaoke.
12 **Q. Let's back up a little bit. You**
13 **have used the phrase MTV karaoke. Can you**
14 **explain what you -- when you say karaoke MTV,**
15 **what do you mean?**
16 A. Which people can use the music
17 video to sing a song in their club.
18 **Q. Can you explain what a MTV karaoke**
19 **music video is like?**
20 A. It is like a motion picture, plus
21 the music background so you can go by the
22 rhythm and to sing a song.
23 **Q. On this MTV karaoke video, do they**
24 **usually have the original artists displayed in**
25 **the video?**

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1 **Yim**
2 A. Original artists means?
3 **Q. The well known --**
4 A. The singer?
5 **Q. Yes.**
6 A. May not.
7 **Q. Do some of them have the singer?**
8 A. Yes.
9 **Q. And do some of them have other**
10 **scenes --**
11 A. Actor, yes.
12 **Q. So when you say -- you call it a**
13 **MTV video because it is like --**
14 A. I mean original MTV, which some --
15 basically it is distributed by the record
16 company which Entral Group -- I mean -- you
17 probably know what kind of detail about the
18 Entral group's work. I am trying to explain.
19 **Q. When you say MTV video, you don't**
20 **mean it comes from the television station MTV,**
21 **you mean it is that type of video?**
22 A. They might.
23 **Q. They might be on MTV?**
24 A. Correct.
25 **Q. But they are not all on MTV?**

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1 Yim
 2 **Q. Guong Zhou?**
 3 A. Yes.
 4 **Q. That is in PRC?**
 5 A. Yes.
 6 **Q. Did you ever meet him anywhere**
 7 **other than in Guong Zhou?**
 8 A. No.
 9 **Q. You had talked about going to**
 10 **China and I am not sure if it was Hong Kong or**
 11 **PRC, in June of 2005. Is that when you met**
 12 **Mr. Cheng?**
 13 A. Yes, the first time.
 14 **Q. And when you met him the first**
 15 **time what happened?**
 16 A. Basically when we were here in,
 17 before I, before I take a trip to China, to
 18 Hong Kong, and we were looking for people who
 19 can create this kind of work. So we asked
 20 people -- we asked friend's friends to look
 21 for us. And then he came up with a person.
 22 So I flew to Hong Kong and into China to meet
 23 this person. That is how I met him.
 24 **Q. Who referred you to Mr. Cheng?**
 25 A. A friend's friend.

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1 Yim
 2 **Q. What was the name of the person?**
 3 A. I don't remember.
 4 **Q. Was it someone in the karaoke**
 5 **business?**
 6 A. No, it is people in Hong Kong.
 7 **Q. Who was the friend who connected**
 8 **you to that friend?**
 9 A. One of the previous member.
 10 **Q. Who was that?**
 11 A. I don't remember his name. He
 12 joined the club and he closed the business.
 13 **Q. What club was that?**
 14 A. I forget the name also. But if --
 15 let me see if I can possibly to take out the
 16 karaoke bar's name.
 17 **Q. We will leave a blank in the**
 18 **transcript for you to fill that in.**
 19 **TO BE FURNISHED:**
 20
 21 **Q. When did you first contact -- did**
 22 **you contact Mr. Cheng before you went to Guong**
 23 **Zhou?**
 24 A. No. It is someone -- it is people
 25 in Hong Kong who contacted for me.

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1 Yim
 2 **Q. Who in Hong Kong contacted him?**
 3 A. The friend of the previous members
 4 friend.
 5 **Q. Do you have any information that**
 6 **would give you the name of the person in Hong**
 7 **Kong?**
 8 A. I believe I don't have it. The
 9 thing is if I dig out the information of the
 10 previous member, I might possibly to get
 11 information.
 12 **Q. You said that you then went to**
 13 **Guong Zhou to meet with Mr. Cheng?**
 14 A. Yes.
 15 **Q. What happened then?**
 16 A. Then I asked him if he can do this
 17 kind of things, and he said yes. But I
 18 said -- but only problem he has, he know how
 19 to do it, but he needs the equipment. I said
 20 what kind of equipment do you need. He said
 21 he needs the computer. I said oh, I said all
 22 right. So I called back here and to discuss
 23 with Sam to see -- I tell him the story. And
 24 he spoke to the members about the equipment
 25 they are looking for.

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1 Yim
 2 So at the end they find somebody
 3 in Hong Kong who is willing to give the
 4 computer, which is like a used one, so they
 5 give it to the club. So I give it to them for
 6 them to use it, and then they see the unit,
 7 they say it is usable.
 8 **Q. When you met with Mr. Cheng, where**
 9 **did you meet with him?**
 10 A. In the restaurant.
 11 **Q. Did Mr. Cheng have an office or**
 12 **place of business?**
 13 A. No. I believe he doesn't have it.
 14 He never mentioned his company or stuff like
 15 that. I asked him what kind of things he can
 16 do, and he told me roughly what he is going to
 17 do. So I said, you know, let's try.
 18 **Q. Who in Hong Kong gave you the**
 19 **computer?**
 20 A. It is one of the members also of
 21 the -- also one of the friends of the members.
 22 **Q. Who is that?**
 23 A. I don't remember exactly the name.
 24 **Q. Which member?**
 25 A. I think I have to ask Sam, because

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1 **Yim**
 2 A. I never mentioned how many. I
 3 said do whatever you can, I need the work.
 4 **Q. Well, did you give him any idea**
 5 **about how many?**
 6 A. No.
 7 **Q. So how many did he actually**
 8 **produce?**
 9 A. So far?
 10 **Q. Yes.**
 11 A. Approximately 8,000.
 12 **Q. 8,000?**
 13 A. Yes.
 14 **Q. How did he know that you wanted up**
 15 **to 8,000; why didn't he just make a hundred?**
 16 MR. HOFFMAN: Objection.
 17 A. My lawyer object.
 18 **Q. You can answer.**
 19 MR. HOFFMAN: Just answer to your
 20 own knowledge.
 21 A. I just asked him to do it. I
 22 didn't ask him to make how many or -- he just
 23 make -- he wants to make.
 24 **Q. Did you tell him to make as many**
 25 **as he could?**

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1 **Yim**
 2 A. I didn't mention it actually. I
 3 said can you make it, so he made it.
 4 **Q. Mr. Yim, I am puzzled. I guess my**
 5 **reaction is you told Mr. Cheng you wanted him**
 6 **to create some karaoke works, but you gave him**
 7 **no sense of how many at all?**
 8 A. I asked him to make --
 9 **Q. You are saying it, what does it**
 10 **mean?**
 11 A. My conversation is can you make
 12 it. But the it to me is the karaoke.
 13 **Q. How much?**
 14 A. To him is karaoke.
 15 **Q. How much?**
 16 A. I said can you make it for me, he
 17 said no problem. We never mentioned how many,
 18 how much, never. So he just make, he just
 19 keep making it.
 20 **Q. How much did you agree you were**
 21 **going to pay him for the karaoke?**
 22 MR. HOFFMAN: Objection.
 23 A. There is no money involved.
 24 **Q. You didn't pay Mr. Cheng anything?**
 25 A. No. I said can you -- they have a

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1 **Yim**
 2 skill to do it. But they just need the
 3 machine to do it. I said you know what, I
 4 will give you the machine, can you make it for
 5 me. He said okay. What is that called,
 6 barter service.
 7 **Q. Barter?**
 8 A. Barter service.
 9 **Q. You gave him the computer and in**
 10 **exchange for the computer --**
 11 A. Exchange the work.
 12 **Q. Let's try again. You asked**
 13 **Mr. Cheng to create karaoke works for you?**
 14 A. Uh-hum.
 15 **Q. To find musicians, to find**
 16 **singers. To have them perform, to record**
 17 **these performances?**
 18 A. Uh-hum.
 19 **Q. To create some kind of video?**
 20 A. Uh-hum.
 21 **Q. And create a text of lyrics on the**
 22 **screen and put all this together?**
 23 A. Right, ah-ha.
 24 **Q. And to create a lot of it, create**
 25 **thousands of works?**

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1 **Yim**
 2 A. Basically the time when we talked,
 3 I said the work, after you create it, right,
 4 you can use your own. You just give it to me
 5 to use it, and if you want it for your own
 6 purpose or if you want to sell it, it is up to
 7 you. That is the things we have.
 8 **Q. So you asked him to create this**
 9 **and to give you a copy?**
 10 A. Correct.
 11 **Q. And you didn't tell him how many**
 12 **works, you didn't give him any idea at all?**
 13 A. I said you make it, give it to me.
 14 I am assuming that they are using this to do
 15 business in China, but I don't know.
 16 **Q. Do you think there was an**
 17 **understanding between you and Mr. Cheng that**
 18 **you needed many thousands of karaoke works?**
 19 A. You mean how many songs?
 20 **Q. Yes.**
 21 A. Probably he just make as many as
 22 he can. I said when you make it just send it
 23 over to me, that is what I told him. So at
 24 the end of the last year Sam Chan went to Hong
 25 Kong to pick it up. Then he has this many

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1 **Yim**
2 A. I never seen any writing.
3 **Q. Did Mr. Cheng ever give you a**
4 **written license or written permission to use**
5 **these works?**
6 A. No.
7 **Q. What did Mr. Cheng tell you about**
8 **the rights of the lyricists or the composers**
9 **concerning the creation of these works?**
10 MR. HOFFMAN: If any?
11 A. Can you repeat the question.
12 **Q. Sure, can you read it back,**
13 **please.**
14 **(Record read.)**
15 A. He didn't tell me anything about
16 the lyricists, composer's rights, but I know
17 the rights.
18 **Q. What do you know those rights to**
19 **be?**
20 A. If you have to play in public, you
21 have to obtain the right. That is what I
22 know.
23 **Q. How do you obtain those rights?**
24 A. Through ASCAP.
25 **Q. Did Mr. Cheng tell you anything**

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1 **Yim**
2 **about the publisher's rights about these works**
3 **in connection with karaoke videos?**
4 A. Can you repeat, please.
5 **(Record read.)**
6 A. I asked him, okay, that has any
7 right, and he told me they tape themselves.
8 **Q. They tape --**
9 A. On all those pictures, they tape
10 themselves.
11 **Q. What did he tell you about**
12 **creating karaoke videos from those musical**
13 **works as far as the rights go?**
14 MR. HOFFMAN: Wait a minute, what
15 do you mean by that?
16 **Q. He can answer the question?**
17 A. I didn't get it.
18 MR. HOFFMAN: How do you create a
19 video from a musical work, I don't
20 understand the question. If you
21 understand it you can answer it.
22 A. I don't understand.
23 **Q. I will try it again.**
24 **Mr. Cheng took musical**
25 **compositions, he then arranged to have them**

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1 **Yim**
2 **recorded, and then he arranged to combine**
3 **those musical recordings with video**
4 **recordings; correct?**
5 MR. HOFFMAN: Only testify to your
6 own knowledge, but you can answer that.
7 MR. HANLON: He already testified
8 to that effect, I am trying to review it.
9 A. I don't know how they make it, but
10 the thing is that is what shows on what they
11 made. It has a picture, it has people
12 singing. So I believe that is what they put
13 them together.
14 **Q. Let's go back and review just to**
15 **make sure that we get it right. I think you**
16 **told me before, correct me if I am wrong, that**
17 **it is your understanding that Mr. Cheng**
18 **arranged to have singers perform and arranged**
19 **to have musicians perform, and Mr. Cheng**
20 **arranged to have that recorded, the audio**
21 **portion, the musical portion recorded; is that**
22 **correct?**
23 A. I don't know if he does it
24 himself, but he has --
25 **Q. I understand, I don't know if he**

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1 **Yim**
2 **is pushing the buttons on the recorder, I**
3 **don't care. He arranged it as far as you**
4 **know?**
5 A. Yes.
6 **Q. At your request, you requested him**
7 **to get this material?**
8 A. I requested him to do it, but --
9 **Q. Well, you asked whether he could**
10 **do it. He said yes, I can do it. You said**
11 **please go ahead, we would like this stuff,**
12 **right?**
13 A. I said show me the sample.
14 **Q. Right. After he showed you the**
15 **sample you said please do it and we will take**
16 **as much as you can do?**
17 A. I said this is good.
18 **Q. You asked him to do it and you**
19 **would take it, right?**
20 A. Yes.
21 **Q. You also indicated before, you**
22 **also said before that you believed that**
23 **Mr. Cheng created the videos or arranged to**
24 **have them created, the visual part of this?**
25 A. Yes.

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1 Yim
 2 THE VIDEOGRAPHER: The time is
 3 2:57. We are back on the record.
 4 MR. HANLON: Could you read back
 5 the last question and answer, please.
 6 (Record read.)
 7 **Q. You said that Mr. Sam Chan brought**
 8 **the works back on a hard drive from China; is**
 9 **that correct?**
 10 A. Hong Kong or China. I think it is
 11 Hong Kong.
 12 **Q. What happened next?**
 13 A. We bring to the place, we restored
 14 the hard drive, and then whoever member wants
 15 it, then we made a copy for them.
 16 **Q. Where do you store them?**
 17 A. Where we store?
 18 **Q. Yes.**
 19 A. In Sam's position. So if you want
 20 to know where he put it, you can ask him.
 21 **Q. Is there only one set of hard**
 22 **drives that have these works on them?**
 23 A. Yes.
 24 **Q. Where are those hard drives now?**
 25 MR. HOFFMAN: They are in my

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1 Yim
 2 office.
 3 MR. HANLON: I asked the witness.
 4 MR. HOFFMAN: Well, they are in my
 5 office.
 6 **Q. Mr. Yim, you can answer the**
 7 **question.**
 8 A. In my attorney's office.
 9 **Q. Have you personally arranged to**
 10 **have any copies of the hard drives made?**
 11 A. I don't really understand the
 12 question.
 13 **Q. I will try again.**
 14 **Have you ever taken those hard**
 15 **drives and given them to someone to make a**
 16 **copy?**
 17 A. No.
 18 **Q. As far as you know has Sam Chan**
 19 **ever taken those hard drives and given them to**
 20 **somebody to make a copy?**
 21 A. I don't think so.
 22 **Q. Do you know if anyone else in the**
 23 **Trade Association who has taken those hard**
 24 **drives and given them to someone to make a**
 25 **copy?**

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1 Yim
 2 A. No.
 3 **Q. Do you know if Mr. Cheng has a**
 4 **copy of those hard drives in China?**
 5 A. I am assuming that he has it.
 6 **Q. Has Mr. Cheng, have you spoken to**
 7 **Mr. Cheng since Sam Chan went to China?**
 8 A. After that I don't -- I didn't
 9 speak to him, but Sam spoke to him.
 10 **Q. Approximately when was that?**
 11 MR. HOFFMAN: Objection.
 12 A. I don't know.
 13 **Q. Have you communicated with**
 14 **Mr. Cheng in any other way since then?**
 15 A. No.
 16 **Q. We are up to 22, would you mark as**
 17 **Plaintiff's Exhibit 22, list.**
 18 **(Plaintiff's Exhibit 22, list,**
 19 **marked for identification, as of this**
 20 **date.)**
 21 **Q. Mr. Yim, I have just given you a**
 22 **document that has been marked as Plaintiff's**
 23 **Exhibit 22. Can you tell me what this**
 24 **document is?**
 25 MR. HOFFMAN: Can we ask Mr. Chai

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1 Yim
 2 to step out.
 3 MR. HANLON: At this point we are
 4 not discussing the content of the
 5 document, I am identifying the document
 6 without discussing the content. The
 7 existence of the document is not
 8 privileged.
 9 **Q. I am not asking you to describe in**
 10 **detail the specific contents of the document,**
 11 **but I am asking you --**
 12 A. It is a list.
 13 **Q. What is this song list from?**
 14 A. From Mr. Cheng.
 15 **Q. Does this song list represent a**
 16 **list of songs that Mr. Cheng gave to Sam Chan**
 17 **on the hard drives in December or January?**
 18 A. I never go through the song list,
 19 but I know this is a song list. I don't know
 20 that this -- all the song list, this -- I
 21 don't know if it is the hard drive that we
 22 have, if it includes all these songs, I never
 23 go through it.
 24 **Q. So what is this a list of?**
 25 A. Excuse me?

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1 **Yim**
2 **songs). Then it says \$500?**
3 A. Uh-hum.
4 **Q. Is that a fixed amount or does**
5 **that change?**
6 A. It is called donation, you can put
7 any money you want to donate for the
8 association.
9 **Q. In exchange for that donation what**
10 **does the member get?**
11 A. It is not to exchange anything.
12 It is just to donate to the association.
13 Since the association is non-profit
14 organization, so the organization needs the
15 money to operate day-to-day and to -- to begin
16 the business.
17 **Q. Next to the word donation it says**
18 **a set of songs, what does that mean?**
19 A. A set of songs; I am not quite
20 sure, okay. I would say it refers to the
21 songs, the NAKWTA songs.
22 **Q. If you make a donation you are**
23 **entitled to get a set of NAKWTA songs?**
24 A. Not necessarily.
25 **Q. Then why does the set of songs**

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1 **Yim**
2 **appear on the line next to donation?**
3 A. I think -- I think you have to ask
4 Sam Chan why he put a set of songs next to the
5 donation.
6 **Q. You don't know?**
7 A. No.
8 **Q. Item 3 says membership dues per**
9 **year, all members, \$100. In this case it says**
10 **zero there. Do you know why it says zero?**
11 A. Because one year later you pay an
12 annual fee, \$100.
13 **Q. And the zero is there because this**
14 **is the first application?**
15 A. Yes, the first year.
16 **Q. Under that there is a note, what**
17 **is the purpose of that note?**
18 A. The purpose that the song, the
19 NAKWTA songs, if they have to use in public,
20 they have to obtain the license from ASCAP.
21 If they use privately they don't have to. If
22 they use -- they want to sing at home they
23 don't have to. But if they use in the public
24 they have to.
25 Since people in the karaoke

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1 **Yim**
2 business, it is used for the public. So we
3 asked them to have to obtain the license from
4 ASCAP.
5 MR. HANLON: Did we get that
6 transcript back?
7 MR. HOFFMAN: I never got it.
8 MR. HANLON: That is right, I read
9 it.
10 THE VIDEOGRAPHER: The time is
11 3:45. We are going off the record.
12 (Recess taken.)
13 THE VIDEOGRAPHER: The time is
14 3:50. This is the start of tape number 4
15 of the videotape deposition of Mr. Yim.
16 **Q. Who first contacted someone at**
17 **Black Swan club about the becoming a member of**
18 **NAKWTA?**
19 MR. HOFFMAN: Objection.
20 **Q. You can answer the question.**
21 A. I don't know.
22 **Q. Did you?**
23 A. No.
24 **Q. When was Black Swan first**
25 **contacted?**

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1 **Yim**
2 A. I don't know.
3 MR. HOFFMAN: Objection.
4 **Q. The date on this application is**
5 **January 10, 2006. Were they contacted on or**
6 **about that time?**
7 MR. HOFFMAN: Objection.
8 A. No, earlier.
9 **Q. Approximately when?**
10 A. I don't remember.
11 **Q. Weeks earlier, months earlier?**
12 A. Months. Months.
13 **Q. What was their reaction when they**
14 **were contacted?**
15 A. They are one of the few members
16 that we were -- in the beginning we would talk
17 about first. So that is like March or April
18 of last year, that we already talked about
19 together.
20 **Q. And why didn't they join back in**
21 **March or April of last year?**
22 MR. HOFFMAN: Objection. I think
23 the testimony was that it didn't exist.
24 A. At the beginning of like March or
25 May, everything is not mature, we are just

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