Page 1 UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK VIACOM INTERNATIONAL INC., COMEDY PARTNERS, COUNTRY MUSIC TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION LLC, Plaintiffs, Case No. 1:07CV02103 VS. YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC., Defendants. THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al.,) on behalf of themselves and all others similarly situated, Plaintiffs, vs.) Case No. 07CV3582 YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC., Defendants. DEPOSITION OF ALEX ELLERSON NEW YORK, NEW YORK Friday, May 22, 2009 JOB NO: 16902

DAVID FELDMAN WORLDWIDE, INC. 805 Third Avenue, New York, New York 10022 (212)705-8585

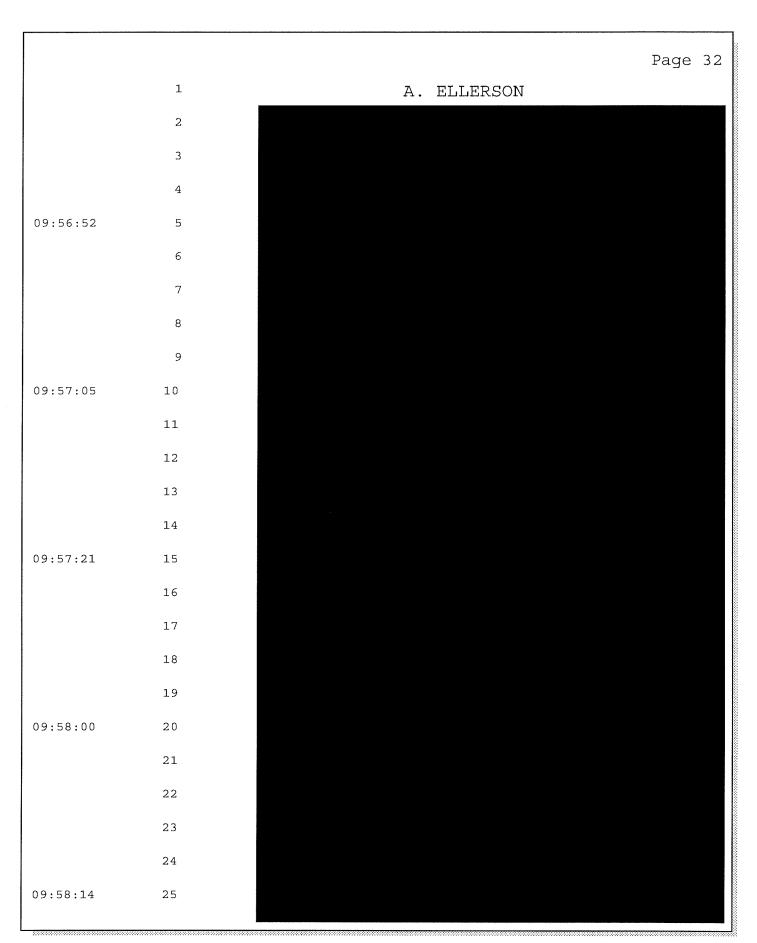
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4	May 22, 2009
5	9:28 a.m.
6	
7	VIDEOTAPED DEPOSITION OF ALEX
8 E	LLERSON, held at the offices of Proskauer
9 R	Rose, LLP, 1585 Broadway, New York,
10 N	New York, pursuant to notice, before Erica
11 I	. Ruggieri, Registered Professional
12 R	Reporter and Notary Public of the State of
13 N	lew York.
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2	APPEARANCES
3	FOR THE VIACOM PLAINTIFFS:
4	JENNER & BLOCK, LLP BY: SUSAN KOHLMANN, ESQ.
5	919 Third Avenue, 37th floor New York, New York 10017-2024
6	(212) 355-9500 Skohlmann@jenner.com
7	<u>-</u>
8	FOR THE CLASS PLAINTIFFS IN THE PREMIER LEAGUE ACTION:
9	
10	PROSKAUER ROSE, LLP BY: NOAH SISKIND GITTERMAN, ESQ. 1585 Broadway
11	New York, New York 10036-8299 (212)969-3727
12	Ngitterman@proskauer.com
13	
14	FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and GOOGLE, INC.:
15	MAYER BROWN, LLP BY: BRIAN WILLEN, ESQ.
16	1675 Broadway New York, New York 10016
17	(212) 506-2146 Bwillen@mayerbrown.com
18	1
19	FOR THE WITNESS:
20	PERKINS COIE BROWN & BAIN BY: TIMOTHY J. FRANKS, ESQ.
21	2901 N. Central Avenue Phoenix, Arizona 85012
22	(602) 351-8390 Tfranks@perkinscoie.com
23	_
24	ALSO PRESENT: CARLOS KING, Videographer
25	

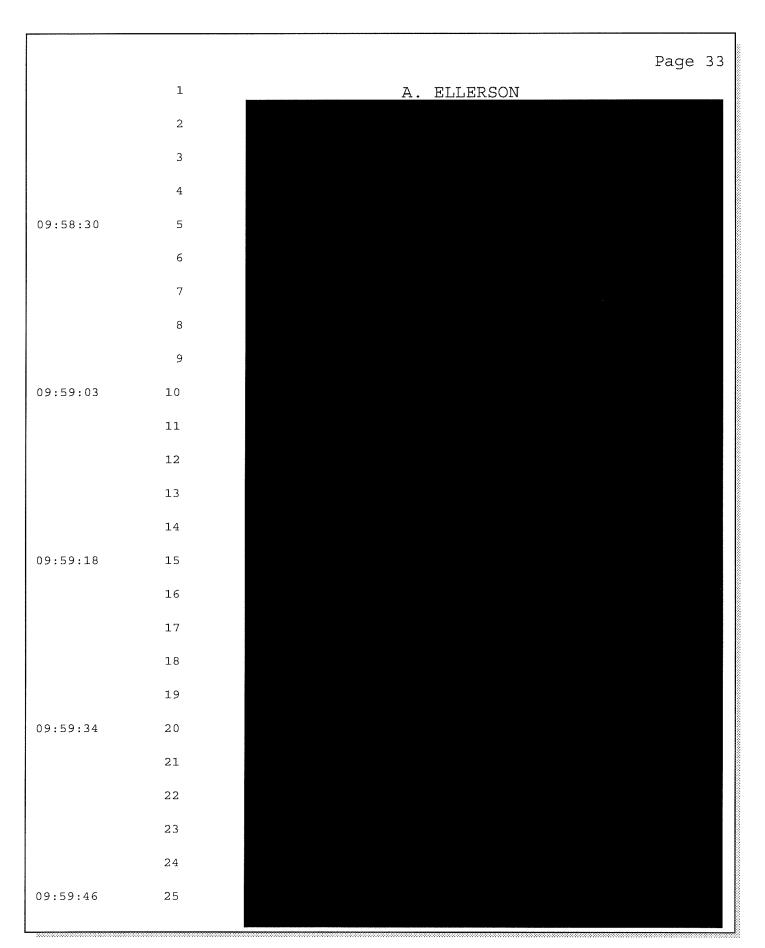
Page 4 1 2 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be 10 11 reserved to the time of the trial; 12 IT IS FURTHER STIPULATED AND 13 AGREED that the within deposition may 14 be signed before any Notary Public 15 with the same forceand effect as if 16 signed and sworn to before the Court. 17 18 19 20 21 22 23 24 25

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	2	THE VIDEOGRAPHER: Alex
	3	Ellerson, in the matter of Viacom
	4	International, Inc. and the Football
09:20:22	5	Association Premier League versus
	6	YouTube, Inc. et al., in the United
	7	States District Court, for the
	8	Southern District of New York.
	9	This deposition is being held at
09:20:31	10	1585 Broadway, New York, New York, on
	11	May 22, 2009 at approximately
	12	9:20 a.m.
	13	My name is Carlos King, from the
	14	firm of David Feldman Worldwide, and
09:20:43	15	I'm your legal video specialist. The
	16	court reporter is Erica Ruggieri, in
	17	association with David Feldman
	18	Worldwide.
	19	Will counsel please introduce
09:20:53	20	themselves.
	21	MR. GITTERMAN: Noah Gitterman,
	22	on behalf of the class plaintiffs in
	23	the Premier League action, from the
	24	Proskauer Rose firm.
09:21:02	25	MS. KOHLMANN: Susan Kohlmann,

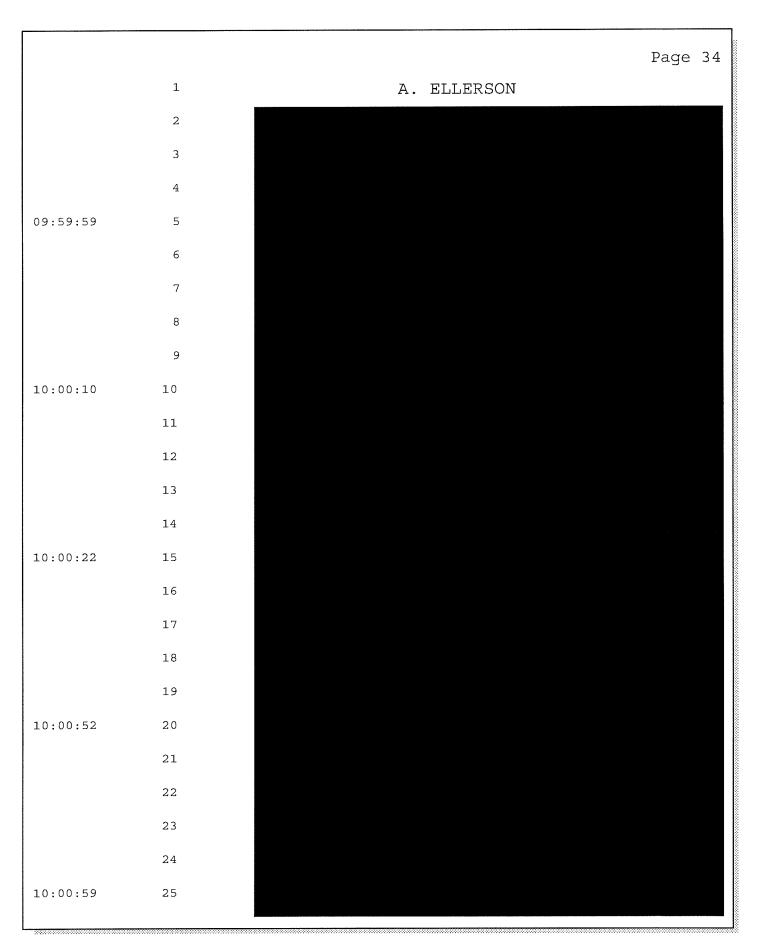
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	1	A. ELLERSON
	2	from Jenner & Block, on behalf of the
	3	Viacom plaintiffs.
	4	MR. WILLEN: Brian Willen, from
09:21:08	5	Mayer Brown, on behalf of Google and
	6	YouTube.
	7	MR. FRANKS: Tim Franks, from
	8	Perkins Coie Brown & Bain, on behalf
	9	of the witness.
09:21:15	10	THE VIDEOGRAPHER: Will the
	11	court reporter please swear in the
	12	witness.
	13	ALEX ELLERSON, called as a
	14	witness, having been duly sworn by a
	15	Notary Public, was examined and
	16	testified as follows:
	17	EXAMINATION BY
	18	MR. GITTERMAN:
	19	Q. Mr. Ellerson, good morning.
09:21:31	20	A. Good morning.
	21	Q. Have you ever been deposed
	22	before?
	23	A. I have not.
	24	Q. Have you ever taken a deposition
09:21:36	25	before?
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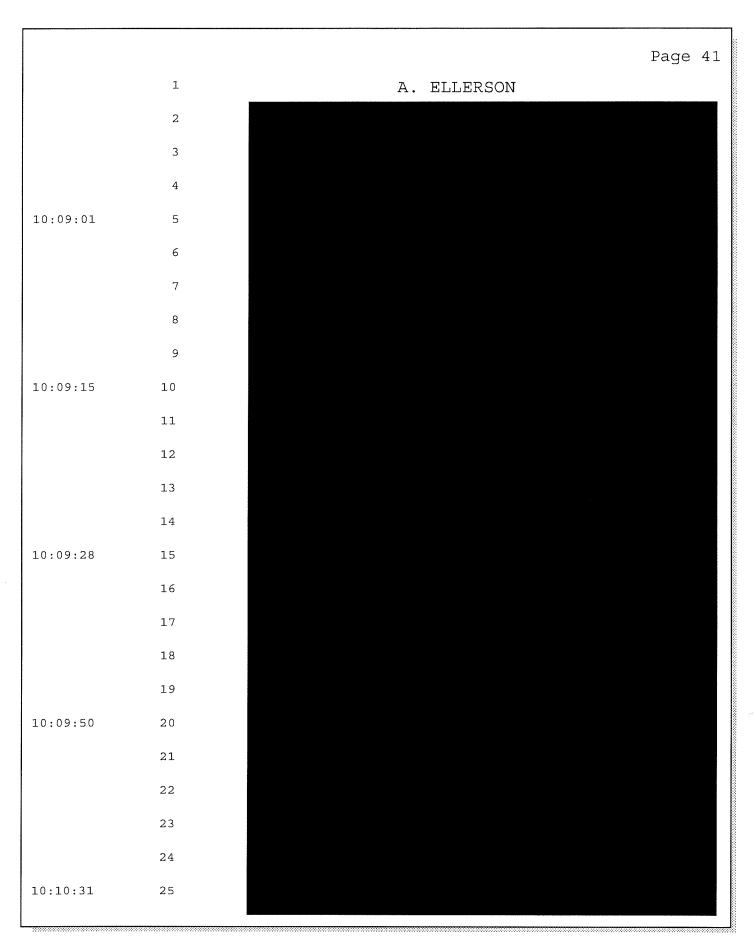
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