

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL INC., ET AL.,	)	
	)	
Plaintiffs,	)	ECF Case
v.	)	Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	
THE FOOTBALL ASSOCIATION	)	
PREMIER LEAGUE LIMITED, ET AL.,	)	
on behalf of themselves and all others	)	
similarly situated,	)	ECF Case
	)	
Plaintiffs,	)	Civil No. 07-CV-3582 (LLS)
v.	)	
YOUTUBE, INC., ET AL.,	)	
	)	
Defendants.	)	

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**SUPPLEMENT TO  
THE DECLARATION OF ANDREW H. SCHAPIRO  
IN SUPPORT OF DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY  
JUDGMENT AND DEFENDANTS' OBJECTIONS TO  
EVIDENCE AND MOTION TO STRIKE MATERIAL  
FROM VIACOM'S SUMMARY JUDGMENT  
SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS'  
RULE 56.1 STATEMENT**

# **Schapiro Exhibit 78**

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, )	
vs. )	Case No. 07CV2203
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. )	
	)

VIDEOTAPED DEPOSITION OF TINA EXARHOS

NEW YORK, NEW YORK

MONDAY, FEBRUARY 23, 2009

REPORTED BY:  
ERICA RUGGIERI, CSR, RPR  
JOB NO: 16507

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

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February 23, 2009

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9:36 a.m.

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7

VIDEOTAPED DEPOSITION OF TINA

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EXARHOS, held at the offices of Wilson  
9 Sonsini Goodrich & Rosati, 1301 Avenue of,  
10 New York, New York, pursuant to notice,  
11 before before Erica L. Ruggieri,  
12 Registered Professional Reporter and  
13 Notary Public of the State of New York.

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2           A P P E A R A N C E S

3           FOR THE PLAINTIFFS:

4                   JENNER & BLOCK, LLP

5                   BY: SCOTT B. WILKENS, ESQ

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11           FOR THE DEFENDANTS

12                   WILSON SONSINI GOODRICH & ROSATI, PC

13                   BY: BART E. VOLKMER, ESQ.

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17                   Bvolkmer@wsgr.com

18           - and -

19                   MAYER BROWN, LLP

20                   BY: JASON KIRSCHNER, ESQ.

21                   1675 Broadway

22                   New York, New York 10019

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2           A P P E A R A N C E S: (Cont'd)

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4           ALSO PRESENT:

5           MICHELENA HALLIE, MTV Networks

6           CARLOS KING, Videographer

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1 T. EXARHOS  
2 article or interview.  
3 Can I read it?  
4 MR. WILKENS: If you need to  
10:33:19 5 read it, take your time and read it.  
6 THE WITNESS: Yeah, I don't  
7 remember, so I'd like to read it.  
8 MR. VOLKMER: Sure.  
9 (Witness reads document.)  
10:37:18 10 A. Okay.  
11 Q. So having read the article, do  
12 you recall being interviewed for it?  
13 A. I don't remember the exact  
14 interview, but I do remember the article.  
10:37:25 15 Q. And who did you talk with in  
16 connection with this article?  
17 A. Again, I don't recall the  
18 interview, but I'm sure it was the  
19 reporter.  
20 Q. Mr. Morrissey?  
21 A. Brian Morrissey.  
22 Q. Do you remember speaking with  
23 Mr. Morrissey about these issues?  
24 A. I don't remember the interview  
25 itself, because it was three years ago.

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1 T. EXARHOS

2 Q. Do you recall sending any  
3 e-mails about this article?

4 A. I don't recall.

10:37:58 5 Q. In the second page, the third  
6 paragraph, there's a quote from you,  
7 saying "For MTV, giving promotional clips  
8 was a no brainer, because it didn't have  
9 to pay for placement."

10:38:14 10 That refers to giving  
11 promotional clips to YouTube, correct?

12 A. Yes.

13 Q. And is that an accurate quote?

14 A. Yeah. I don't remember the

10:38:30 15 interview, but I don't see anything that I  
16 disagree with, so.

17 Q. And you believed that providing  
18 promotional clips to YouTube was a no  
19 brainer, correct?

10:38:39 20 A. Yes, I believed it was, you  
10:38:39 21 know, a good way to market some of our  
10:38:39 22 priority shows, amongst other things. But  
10:38:39 23 yes, I think that it was a mutual --  
10:38:39 24 mutually beneficial relationship. They  
10:39:01 25 were receiving valuable content that we

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1 T. EXARHOS

2 were providing, and they were providing  
3 good promotional placement for us.

4 Q. And the promotional clips that  
5 MTV provided to YouTube, they were  
6 authorized to be on YouTube, correct?

7 A. The ones that I'm referring to?  
8 Q. Right. They were authorized to  
9 be on YouTube, correct?

10:39:24 10 A. Correct.

11 Q. Do you know what the term  
12 content council refers to?

13 A. It was a meeting.

14 Q. A single meeting?

10:39:38 15 A. I don't recall exactly how many  
16 meetings, but I think that it might have  
17 been a -- it might have been a one-time  
18 meeting that we did. I don't remember if  
19 it was more than one meeting.

10:39:54 20 Q. And what was the topic of the  
21 meeting?

22           A.     If it's the meeting that I think  
23     we are talking about, we discussed just  
24     kind of in the changing environment -- you  
25     know what, I can tell you what I know I

10:40:14 25 know what, I can tell you what I know I

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