

Schapiro Exhibit 369

From: Black, Marnie <Marnie.Black@mtvstaff.com>
Date: Fri, 6 Apr 2007 07:34:04 -0400
To: Greco, Michael N - MTV <MichaelN.Greco@mtvstaff.com>, Graden, Brian <Brian.Graden@mtvstaff.com>, Curren, Lois <Lois.Curren@mtvstaff.com>
Cc: OKeefe-Wright, Allison <Allison.Keefe@mtvstaff.com>, Little, Scott <Scott.Little@mtvstaff.com>, Urbont, Ariana <Ariana.Urbont@mtvstaff.com>, Mitchell-King, Tikki <TikkiR.Mitchell-King@mtvstaff.com>
Subject: RE: Youth Insights

Brian/Lois - Borrowing from a lot of these themes, I am also attaching a speech I wrote for Christina which Greco and his team were very helpful in providing information along the same lines as what they've provided below...A LOT of it is outdated as she gave it in August, but there are some things that might work and it might help with finding some poetry.

From: Greco, Michael N - MTV
Sent: Thursday, April 05, 2007 7:32 PM
To: Graden, Brian; Curren, Lois
Cc: O'Keefe-Wright, Allison; Black, Marnie; Little, Scott; Urbont, Ariana; Mitchell-King, Tikki
Subject: Youth Insights

Attached is a document that we put together for you, which provides some background information on core themes that define young people today. We start off with some buzzwords that you might want to integrate into conversation to show that we're tapped in. The one-liners so to speak.

Then we break out each section which describes the themes, provides evidence of how these themes play out in kids' lives (not MTV related), and then links them to how our programming (past and present) harnesses this insight into youth.

These can serve as the "Todd info" you referred to on the phone, and Lois I think it might help you add some color around the programming.

Brian--I am having Allison (who authored much of this) over a hard copy to your hotel tonight so that you can read it on the plane. Scott--will you ensure this gets to Lois's house this weekend.

Mike

List of attachments:
CN WhatTeensWant06_13FINAL.doc

Christina is announced: "Lady and Gentleman please welcome Christina Norman" **Q1 SLEEP DANCE SPOT AB**

Thank you so much, X, for that kind introduction.

It's an honor and a pleasure to be here.

Most of all, I'm excited to talk about what teens really want. Reaching young people is our mission and our passion at MTV. And to succeed at it, we have to know them better than they know themselves.

Almost anybody today can paint in broad strokes what it means to be a teenager. We all know they're media savvy, they use every platform out there, and they're driven to be hyper-competitive. They text as much as they talk and browse the web while they **watch TV. (Q2 CELLPHONE)**,

We see that picture painted by magazines and newspapers every day. And yes, it's all true.

But to really speak to them, you have to do more than just observe their habits. You have to get inside their heads, understand their values, and know how they perceive the world.

Their perceptions of what they do are obviously different than ours are. For example, where we see all this new technology as part of a "digital revolution," they simply see the tools of their everyday interactions.

And while we may perceive them as being spin smart, they are placing a greater value on authenticity and integrity – integrity, as I'll explain later, within a shifting moral standard.

At MTV, we get inside young people's heads through a constant dialogue. MTV spends more time on lifestyle research than any other media brand in the world. We've been monitoring youth tastes and trends ever since the channel launched, almost 25 years ago.

And it's not just the quantity of the research – it's the insanity. Our Research team hangs out in coffee shops and videotapes young people in their homes. They bandy around terms like "audience dynamic behavior mapping" and "in situ perspectives" – you need a translator to even understand what they're saying.

We live and breathe by not just knowing what young people are doing – but why they are doing it, and what they're going to do **next. Q3 GUITARDCORE**

Today, I'm going to tell you about the five key trends you need to know about young people – and then push those ideas a little further to give you a real sense of the current youth landscape.

We all know that teens today are more tech savvy than any of us could ever hope to be. IM, texting, facebook, sconex, and MTV's broadband channel Overdrive are just a few of their daily touchpoints that build their sense of community. Their native familiarity with these revolutionary tools make them the masters of their universe.

But that's old news. The first trend I want to tell you about today is the evolution of these behaviors. Online creativity used to be a funny IM or the use of the cool "slanguage". But that's not relevant anymore.

Teens today are putting Web 2.0 to new and innovative use through a process we call **"create, share, and validate."** **Q4 BEES**

The first step is to *create*. That's self-explanatory enough. *Everybody* today is a producer. It's not enough to just watch a music video by Hype Williams or Marc Webb interpreting your favorite song. Now our audience is creating their own interpretations – as in Videos by Andrew, where we found some hilarious stick figure interpretations of Fall Out Boy's "Sugar, We're Going Down" by a kid who couldn't understand the lyrics so he made up his own.

Then you *share* the video online. User-generated content is king these days, and it's everybody's dream to be an internet celebrity. Sites like youtube, MySpace, Grouper, and VH1's Web Junk 2.0 are hubs where young people put their material in front of their peers. The aforementioned Andrew had his own website, which was getting passed around the internet.

But the real heart of the process is the *validation* – feedback from your friends. It's not enough to just put your work out there – young people need to hear what their peers think about it. They vote with their views, rank the videos, and leave comments. Validating ideas and social status is at the heart of social networking sites like Facebook and MySpace. Young people want photo comments, testimonials, and to have their profile ranked in a person's "top 8 friends."

We found one young person who actually banned a friend of his from viewing his MySpace page because the friend had looked at his new pictures and not left any comments.

A great example of this evolution is the way young people interact with photos. It used to be enough to just take pictures. Then ofoto came around, and you put your pictures online to share. Now you put your photos on Flickr and narrate a story, and then get feedback on what you posted.

What this means for us in the media is that the content we put out there is no longer our own. Young people see any content as part of a dialogue – and for them, a mashup or a tribute video is part of the validation process that then spawns its own epicycle – they share their work, and want feedback on that, too.

Think of all the response videos and imitations that came out after Lazy Sunday, the Emogirl imitators on youtube, or the huge outpouring of web site homages and fake quotes to Snakes on a Plane – even though that didn't exactly light up the box office. [This real estate saved for good super-contemporary example right before speech]

At MTV, we're responding to this new way of viewing media by putting the power of creating, sharing, and validating right in our users' hands – and making it as simple as possible.

- We just launched The Stew Channel, a new broadband destination. It was inspired by our Sunday Stew programming block where shows like Jackass and Wild Boyz and Pimp My Ride premiered, and it's our home for on demand short form – both original and curated user gen. So you'll find stuff there like My Tunes, where a popular band writes a song based on photos that viewers have submitted on a theme the band picked. Then, we'll unveil the video of the completed song, made up of those photos.
 - We also managed to track down the infamous Andrew I was telling you about, of Videos by Andrew. Though when we first called him and told him that MTV wanted to put his videos on-air, he thought his friends were pranking him and he hung up on our producer. The producer had to call him repeatedly and ultimately gave him the MTV main line before he believed it. He's working on a series of video interpretations for us that will premiere on line.
- And, we're giving our audience the chance to create, share and validate with our new Virtual Laguna Beach, which you may have read about. In this on line community, users can create digital versions of themselves, dress them, accessorize them ... and then *share* their avatars by going out and socializing with others in the virtual world. And of course, as in any social situation, validation comes immediately. Virtual Laguna Beach is the perfect ways for rabid Laguna Beach fans to dive deeper into their favorite show, and we're looking to extend this in other ways soon. [do we have any response #s?]
- On our broadband channel Overdrive, users can create video playlists from their favorite or MTV show clips and share them with their friends. And since young people don't view media linearly, we don't make them organize their playlists by show. You can do it by mood, so sending a list

with everything from x to y to cheer up your best friend is as easy as clicking.

- Our college channel, mtvU, airs a series called “Fresh Produce” that showcases student-produced video hijinx, perfect for downloading and forwarding on.
- And maybe the best example is our TV show “Made.” While it’s not web-based, it takes the philosophy behind create-share-validate and translates it into real life. For those of you who don’t know the show, we take a young person who has a dream – whether it be to play varsity sports or become a rock star – and try to help them meet it, by connecting them with all the coaches, trainers, stylists, and motivators they’ll need. Then the rest is up to them – their talent, and their heart.
- Basically, the show is all about turning yourself into whoever you want to be – *creating* your persona. Then, by playing in the school’s Battle of the Bands or trying out for the basketball team, you’re *sharing* it with your peers. And the finale of every Made episode is the *validate* – where the subject gets in front of the class ...as scary as it might be and hears an honest assessment of how they’ve done.

The constant need to create, share, and validate using new media actually leads to my second trend. It seems that all this activity and the drive to succeed has teens pretty stressed out. Young people lived through the dotcom crash and grew up in a recession, and don’t have the same giddy expectations of a brilliant future that their older brothers and sisters had. A BA is what a high school diploma once was, and people are deciding in high school what they want to be when they’ve completed their doctorates. My 15 year old has already written her obituary. That’s not as creepy as it sounds. For her, it’s the map of her future from the perspective of a look back on a life filled with success, accolades and extraordinary accomplishment. Talk about pressure.

However, young people today have also grown up in an environment where anybody can become a celebrity overnight. Some how or other, they got the idea that they can become stars just by stapling things to their butts or throwing lavish parties.

So, we’ve seen that today’s teens are redefining success. They’re celebrating – and stressing out over – what we call their “**successories**” **Q5 DOGS**. Their competitive prowess extends from being the top of their class to being the best HALO player, and both are equally valuable. You see, even if you’re champion of the chess club, you still want a high Hot or Not score. And if you don’t have either, you can define yourself by being a trend-spotter for new music and movies.

Young people have been at the forefront of turning extreme behavior into a career path. They use the web to project themselves to the world – and pick up major network development deals. Graffiti is an artform. Vince on *Entourage* just bought a pair of \$20,000 sneakers because they were made by a famous graffiti artist – a shout-out to the real graffiti wunderkind, Nigo. DJ academies let them earn a degree in spinning. And now young people are building careers as professional video gamers, through the Cyberathlete Professional League

At MTV, we have a history of rewarding that sort of irreverent genius. We've always tapped those future stars – like Johnny Knoxville and his Jackass cohorts – whose skills might not exactly qualify them for the boardroom.

Andy Milonakis is another “unconventional success,” who started out making webcam recordings of his freestyle rhyming and funny videos. And “My Super Sweet Sixteen” takes a look at “social prowess” as the ultimate badge of success for a sixteen year old. Just to be invited to these gala parties is a small victory.

That diversity of how to achieve “success” leads me into the third trend ... which is, actually, **diversity. Q6 TRIBE**

Today's young people are the most diverse generation ever. Interracial friendships, marriages, and families are all on the rise, and being gay is finally considered just one of many lifestyle choices. The divide between “boys' roles” and “girls' roles” is decreasing.

Young people today are as comfortable with this diversity as they are with their technology – they grew up with it, it's what they know.

As a result, when it comes to forming communities, they no longer surround themselves just with people who look like them. Teens today form what we call “identity tribes” of people who share their interests – regardless of where they live, who they love, or what they look like.

Young people have IM friends from around the nation and share music with their peers from around the world. A community can be online graphic designers, Entourage-haters, or people who love Kevin Federline. Although actually, I'm not sure his wife and mom qualify as a “community.”

Community today is about rallying around passions and ideas, not around “sameness.” And young people's approach to rallying their tribes or communicating their stance can be as overt as a rock concert or as covert as mobile clubbing or Lance Armstrong bracelets.

When they're really too cool for school, they only want people within their own tribe to recognize their membership. So, for example, we found some young people who were wearing canvas sneakers as a badge of vegetarianism. Nobody

outside the tribe got it – Parents and teachers didn't see any significance to the shoes. It's not like they had slogans, or were black and white like a Holstein cow. But it didn't matter, because their friends and peers understood and respected it.

Speaking to identity tribes is second nature to us at MTV, because music is a key rallying point for many tribes. Shows like *Headbanger's Ball* and *Sucker Free* celebrate different genres. And, yes, **TRL (Q7 TRL SCREAMS)** speaks to the enormous tribe of screaming teenage girls.

Issue-oriented activism is another fairly common identity tribe. Young people around the country are uniting to help save the environment, fight HIV, or end discrimination. We've helped bring them together through our THINK pro-social campaigns, and recently aired a show on *Alternative Spring Break* to celebrate those students who chose to volunteer their time instead of getting wasted in Cancun.

mtvU's Sudan campaign noticed that college students were rallying against the genocide in Darfur ... but nobody in the media was listening. We took this virtual activist community, and broadcast their voices across the nation on our airwaves. The result was a huge uptick in awareness about the Sudan – both on college campuses and across the country.

Tribes connect around ethnicity as well, and *MTV Tres* is a new way for us to connect young people who share a Latino roots and want to find a place that celebrates their music and distinct culture. And we've got another new initiative, to better connect young people looking to rally around a cause. As part of our THINK pro-social campaigns, we're creating the "thinkubator," an online tool for young people to get together around issues they're passionate about. So a young person in Detroit who wants to volunteer in a homeless shelter can find other people in her community doing the same thing. They can blog, upload video and inspire their friends to join them. The Thinkubator is truly about finding your tribe – connecting online, and then meeting in-person to create real change.

If identity tribes sound like a niche marketer's dream, the fourth trend should preach caution against too quickly launching your "canvas shoes campaign."

And that is (Q8 COPY TBD, FIRE "AUTHENTICITY") – young people are very "spin smart." They live in a world of shades of gray—where heroes become criminals over night (think Mel Gibson), and exploitationists are often extolled – think Joe Francis,.. They're well aware of the 24-hour news cycle and constant spin – whether it's Foley being treated for "alcoholism," or Lindsay Lohan suffering from "exhaustion" after a night out at the clubs. Heck, they grew up with Bill Clinton asking what the definition of "is" is. [waiting on immediate examples]

So they are used to "flexible rules" and fluid morality. They are comfortable with paradoxes and they pick and choose the ideologies that are right for them. Just

because you are born-again, doesn't automatically mean you oppose gay marriage rights, and the kid with Thug Life tattooed on his back still goes to church on Sunday.

Young people are masters of spin themselves. They don't necessarily consider it cheating to get homework off the web, or pay a site like "Term Paper Relief" to write their essays. It could just be a good use of resources, a smart application of technology and web-browsing know-how in their quest to succeed. Or if they do their homework while IMing with their friends, that just seems like using cooperation skills.

Nevertheless, in this muddled landscape of "fluid" ideals, young people are more and more appreciative of authenticity on the rare occasion that they encounter it. Because it is so unusual, they truly value the genuine article, whether that is a person, an artist, a website or a brand.

50 Cent, for example, really does have 9 bullet wounds – more now, maybe. I've lost count.

That doesn't mean a musician has to seem tough to win their respect. Panic! At the Disco doesn't exactly look "hard" dressed up like circus performers and mimes. They just need to be honest and unique, and not another "me too" in a sea of clones. Our audience saw OK GO's totally original treadmill performance at the VMAs and the next day, their album sales spiked 95%.

That love of authenticity also leads young people towards embracing old-school brands, like Hershey for its pure commitment to the business of chocolate – they haven't come out with an energy drink. X-Box 360 gamers play Asteroids on an Atari, to learn about the origins of the gaming lifestyle they're dedicated to.

Musically, we're seeing a lot of young people embracing classic rock like Led Zeppelin, and even, once again, 80s music. The Journey song "Don't Stop Believin'" actually soared to popularity recently after Stephen on Laguna Beach was seen driving in his car with it playing – and our audience could see his raw emotional reaction. The next day, the song hit the iTunes top 10, and stayed there for over two months.

They're also turning more and more towards a less sleek, rougher style and aesthetic. They like glossy mags, but their whole lives have been photoshopped. They appreciate things that look real. For example, when Dove showed their dedication to "real women" with their new ads – and not just the size 0 models that typically grace soap ads – they got an enormous response.

But you've got to be careful. Woe be unto the marketer who gets caught *trying* to be real.

Pop Secret Mountain was a website *allegedly* created by an outpouring of Pop Secret fanatics, an identity tribe that was obsessed with their popcorn. The site featured videos that seemed user-made with their low-production values. It turns out, it was actually made by an ad agency, expertly tailored to seem low-fi. And our audience saw right through it.

A lot of websites and social networks are facing that same threat by so completely giving over their infrastructure to advertisers. Everybody in this day and age walks a thin line in their advertising. But when users are confronted by more marketing messages than real people, and half the profiles are for new movies or products, sites risk losing their authenticity, and you have to wonder how long users will put up with that. We've already seen 18-24 year old users dropping for some of the bigger sites.

As you probably heard, when it turned out that LonelyGirl15 – who was an internet phenomenon – was actually a marketing ploy, the marketers faced a tidal wave of backlash, anger and media soul-searching about internet authenticity, that undid almost any positive impact the video had in the first place.

We avoid that phoniness at all costs at MTV – we never pay girls to scream outside our studios and we don't shy away from the criticism of our audience. So when we decided to launch a new show about music journalists, we went to Rolling Stone to bring it to life.

We also tap into that authenticity by giving them a direct, unfiltered connection to the artists they love.

One of the newest ways we've done that is with our "two-screen" experience in TRL. Audiences know TRL is a place for them to see all the biggest music and movie stars of the moment. And whenever they come on it's always a party. We wanted to find a way to bring the audience at home closer to the madness that goes on in the studio. With the two-screen TRL, we're always on. So the audience at home can go to their computers during a commercial break and see Jamie Foxx running around the control room or Christina Aguilera chatting with fans live on mtv.com. It's a great way for us to tap into their multi tasking nature and bring them the real experience of TRL.

We wanted to answer those questions. So this year, for Overdrive, we put our cameras backstage, letting our viewers see all the unedited, unscripted moments when the stars go off the teleprompter – like Al Gore chatting with Steve-O from Jackass.

We also do that by finding new, interesting, and authentic bands and giving them a platform. Shows like MTV2's Discover & Download and Subterranean seek out the raw, original groups that are about to break big and give our audience access

before anybody else has it. mtvU's Woodie Awards is the definitive awards show for breaking new music and talent, celebrating the music that college students are listening to.

We also want to be sure our programming captures our audience's lives as they really are. We have shows like "True Life," our award-winning documentary series that follows young people facing everything from sibling rivalry, to crystal meth addiction, to merely living life as a Staten Island girl. And this year, we premiered a new series Two-A-Days that follows an Alabama football team through a season, complete with all the drama and conflict of sports, school and relationships.

Showing their lives as they really are means capturing the conflicting pulls of adulthood and responsibility, and the exuberance of youth. And that leads me into my fifth and final trend.

Teens today grow up fast. The idea of age-appropriate content or ideas has all but disappeared. Hard-core pornography is a click away, and the salacious secrets of congressmen are trotted out on political blogs for the world to read.

As a result, teens both *expect* the fully story – and are *expected* to deal with adult situations and decisions previously considered inappropriate for their age.

Given all this, it's tempting to think of them and treat them as smaller, more pimply adults. But even with all their sophistication, we have to remember that they're not. They look at and interact with the world from a youthful point of view. They have young goals – like having a lot of fun, right now. And recent research even suggests that their brains still work fundamentally differently than adults' do.

They are impatient, and impulsive, and – in their minds – indestructible. "Teen" things are important to them – rites of passage like parties and prom, friends and practical jokes.

Nevertheless, because they've lived in a world without blinders, they've seen it all. Though they're still kids, they're hard kids to shock. Crude humor is the norm, and sex is no longer shocking – Paris Hilton built a career as a global icon on a sex tape. So, for example, they're not going to be titillated by just skin anymore. Every ad has scantily-clad women – from deodorant to slimfast ads for their moms.

To break through the clutter, you need to be more than shocking – you need to get clever and creative, you need to celebrate the things that matter to them, and never forget the importance of fun.

South Park is a great example. It constantly pushes the envelope, but isn't shocking for the sake of being shocking. It's both shocking and hilarious as it ridicules cultural hypocrisy, from racism to scientology to Family Guy.

At MTV, we try to adopt the **Just "17". (Q9 PIGEONS)** Laguna Beach highlights their priorities like prom. Two-a-Days is not just about athletics – you see those kids struggling with grades and relationships as well.

The Jackass movie, featuring those exuberant suspended adolescents, is all about the "carpe diem" mentality of being a kid. And it's not just about shocking the unshockable audience – their stunts are intricately and elaborately set-up before they reach their hysterical conclusions. Like freezing the stairs in Bam Margera's parents' house to create a hill for sledding. Or the "toro totter," a four-man teeter totter set up in a bull rink, where the last person left on the totter – that is, not chased off by the bull – wins. The end result may be painful, but the audience really loves the setup and the drawn-out attempt to use, for example, the simple mechanism of a teeter totter repurposed to avoid a rampaging bull.

MTV's pro-social campaigns are also tailored to help young people address the issues they deal with as part of their lives. For example, because they're teenagers, we knew they were grappling with issues of sexual health when we launched our Fight For Your Rights: Protect Yourself sexual health campaign. And though they'd like you to think they know everything there is to know about sex, millions of people called our hotlines, ordered our free guides, and actually got tested as a result of the campaign.

"Create, share, and validate", "Successories," identity tribes, authenticity, and kids just being kids – though hard kids to shock. Those are the five most important trends in understanding young people today ... and in reaching them.

Ultimately, however, young people are never going to be able to tell us exactly what they want, because they're not entirely sure themselves. So no matter how much we learn about them, we are going to have to trust to our guts when we're programming, marketing, creating, and designing.

That's not a bad thing. Human emotions are universal, and if a compelling story or a humorous situation moves me, it stands a good chance of moving them, too. The worst thing you can do is shovel out shlocky product believing that it speaks to young tastes – that's an almost surefire recipe for failure. Believe in what you produce, enjoy it as much as you hope your audience will, and if the mission is pure, you stand a pretty good chance of success.

Thank you very **much. Q10 SLEEP DANCE SPOT C >PLAY AS SHE WALKS OFF STAGE**

Schapiro Exhibit 370

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC.,
COMEDY PARTNERS, COUNTRY MUSIC
TELEVISION, INC., PARAMOUNT
PICTURES CORPORATION, and BLACK
ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs. NO. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

-----X

VIDEOTAPED DEPOSITION OF
SCOTT HURWITZ
NEW YORK, NEW YORK
WEDNESDAY, SEPTEMBER 10, 2008

Reported By:
Jennifer Ocampo-Guzman
JOB NO.: 15778

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September 10, 2008
10:09 a.m.

Videotaped Deposition of SCOTT
HURWITZ, held at the offices of Mayer
Brown, 1675 Broadway, New York, New
York, pursuant to subpoena, before
Jennifer Ocampo-Guzman, a Real-Time
Shorthand Reporter and Notary Public of
the State of New York.

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2 A P P E A R A N C E S: (Continued)

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APPEARANCES (Continued):

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ALSO PRESENT:

MANUEL ABREU, Videographer

1 Hurwitz

2 11:04:27 anything that says specifically we want this

3 11:04:29 on YouTube, upload this to YouTube. YouTube

4 11:04:33 specifically isn't asked.

5 11:04:35 Q. That's never occurred as far as you

6 11:04:37 can recall?

7 11:04:37 A. I don't believe so, no.

8 11:04:39 Q. Do you have any YouTube accounts?

9 11:04:53 A. Yes.

10 11:04:54 Q. What is the YouTube user name for

11 11:04:57 those accounts?

12 11:04:57 A. Thatsfunny, thatisalsofunny.

13 11:05:02 Q. Are those your personal accounts or

14 11:05:05 are those ICED Media accounts?

15 11:05:08 A. Both.

16 11:05:08 Q. Do you have any other accounts?

17 11:05:15 A. No.

18 11:05:15 Q. Does ICED Media have any other

19 11:05:17 accounts?

20 11:05:18 A. No.

21 11:05:26 Q. Have you ever logged into YouTube

22 11:05:28 through another account?

23 11:05:29 A. Personally, no.

24 11:05:33 Q. Has anyone at ICED Media logged

25 11:05:36 into YouTube to another account for work

Hurwitz

1
2 11:05:39 purposes?
3 11:05:40 A. For work purposes, it's possible.
4 11:05:45 Q. Have you ever used content that was
5 11:06:19 already on YouTube; in other words, content
6 11:06:21 that you did not upload to YouTube yourself
7 11:06:24 in the context of a campaign?
8 11:06:27 A. Could you define "used"?
9 11:06:30 Q. Incorporate into a marketing --
10 11:06:33 A. Sure.
11 11:06:34 Q. -- project?
12 11:06:35 A. Yes.
13 11:06:36 Q. Have you ever done that on behalf
14 11:06:38 of Viacom?
15 11:06:38 A. Incorporate content that's already
16 11:06:42 been uploaded to YouTube into the marketing
17 11:06:46 for a campaign, yes.
18 11:06:49 Q. What campaign?
19 11:06:52 A. Jackass.
20 11:06:53 Q. Could you explain?
21 11:06:56 A. Jackass has been around for years,
22 11:07:02 many clips out there from the television
23 11:07:06 series, from, I guess, there's a variety of
24 11:07:10 Jackass clips on the internet, websites.
25 11:07:15 Again, the way the -- you set up

1 Hurwitz

2 11:07:18 features with websites, you make it as easy

3 11:07:20 as possible for them to post a feature for

4 11:07:23 you. Try and do as much work for them as you

5 11:07:26 can. So rather than telling a website, hey,

6 11:07:29 go on YouTube, there's a lot of Jackass clips

7 11:07:33 on there, go find them, and develop a feature

8 11:07:34 for me. Sometimes it's easier to provide

9 11:07:37 them with, you know, a bunch of links of

10 11:07:40 stuff that's already out there. I know you

11 11:07:41 make top ten funniest moments of all time,

12 11:07:45 here is 20 to help you make your top ten

13 11:07:48 list. That's one way.

14 11:07:50 Q. Was Viacom aware that you did that?

15 11:07:54 A. Yeah.

16 11:07:55 Q. And they approved of you doing

17 11:07:56 that?

18 11:07:56 A. Yeah.

19 11:07:58 Q. Any other times that you did that?

20 11:08:02 A. I mean there's -- I can't think of

21 11:08:04 specifics, but when there is content out

22 11:08:07 there that pertains to a project and they can

23 11:08:10 help you tell a story, you tell them about

24 11:08:13 that clip and let them know to go to watch

25 11:08:17 something.

1 Hurwitz

2 11:08:17 Q. And the client is always approving

3 11:08:19 of that activity?

4 11:08:21 A. Sure.

5 11:08:21 Q. Do you know what the embed feature

6 11:08:31 is on YouTube?

7 11:08:32 A. Yes.

8 11:08:32 Q. Have you ever used that feature?

9 11:08:34 A. Yes.

10 11:08:35 Q. Could you explain what that feature

11 11:08:36 is?

12 11:08:36 A. Specifically to YouTube, I'm not

13 11:08:38 sure if we've used their embed feature, but I

14 11:08:44 am familiar with what the embed feature is as

15 11:08:48 it pertains to these viable video sites.

16 11:08:52 Q. Could you explain that?

17 11:08:52 A. The embed feature allows that media

18 11:08:56 player to be easily featured on a website

19 11:08:59 where, I believe, you're one or two clicks

20 11:09:01 away from watching the video rather than

21 11:09:06 clicking on a link sending you to a website

22 11:09:06 to go watch that content.

23 11:09:08 Q. Is this part of making it easy for

24 11:09:10 other sites that you were just describing?

25 11:09:13 A. Yes.

1 Hurwitz

2 11:09:13 Q. And you can't recall whether you've

3 11:09:15 ever used YouTube for that process?

4 11:09:17 A. Used YouTube's specific embed code,

5 11:09:20 like where you click on their embed code or

6 11:09:23 if we gave the link and the website embedded

7 11:09:26 it on their page, I don't know which one was

8 11:09:29 used, but we have used content that's, like,

9 11:09:32 we have given YouTube content that's already

10 11:09:37 on the website to websites to third-party

11 11:09:41 websites, and that content has been embedded

12 11:09:44 on their home pages or logs.

13 11:09:47 Q. And you indicated that you have

14 11:09:50 both uploaded client content yourself and

15 11:09:53 found preexisting client content for that

16 11:09:57 purpose; correct?

17 11:09:59 A. Yeah.

18 11:10:00 Q. And the clients always approved of

19 11:10:02 that?

20 11:10:02 A. Yeah.

21 11:10:14 Q. In the course of using YouTube,

22 11:10:17 have you ever used any other features of the

23 11:10:19 website?

24 11:10:20 A. Specifically?

25 11:10:23 Q. Such as commenting?

Hurwitz

- 1
2 12:58:45 unrelated to "Jackass" itself?
- 3 12:58:49 A. Yeah, these guys have done lots
4 12:58:51 of -- there is lots of video content online
5 12:58:56 that has Johnny Knoxville or Steve-O or any
6 12:59:00 of that crew.
- 7 12:59:02 Q. If you could turn to the next page,
8 12:59:12 please. If you see down at the bottom it
9 12:59:20 indicates reporting?
- 10 12:59:22 A. Uh-huh.
- 11 12:59:22 Q. It indicates that ICED Media would
12 12:59:27 be sending full reporting on a biweekly
13 12:59:30 basis?
- 14 12:59:30 A. Uh-huh.
- 15 12:59:31 Q. Is that correct?
- 16 12:59:32 A. Or as, or by request at any time
17 12:59:34 during the life of the campaign.
- 18 12:59:35 Q. Did you provide those reports?
- 19 12:59:38 A. Yeah.
- 20 12:59:39 Q. How did you provide those reports?
- 21 12:59:41 A. I believe they were weekly reports.
- 22 12:59:45 Q. In what form did you provide them?
- 23 12:59:47 A. In the same form as all of our
24 12:59:49 other reporting.
- 25 12:59:50 Q. And what form is that?

1 Hurwitz

2 12:59:51 A. Electronically.

3 12:59:52 Q. Via e-mail?

4 12:59:54 A. Yes.

5 12:59:56 Q. Are they in, are those reports

6 12:59:59 always provided in the body of e-mails or are

7 13:00:02 they also sometimes provided as attached Word

8 13:00:04 documents?

9 13:00:04 A. It could be both.

10 13:00:04 (Deposition Exhibit IM-010, E-mail

11 13:00:04 dated 7/31/06, Bates Nos. VIA000367207

12 13:00:04 through VIA00367211, marked for

13 13:00:35 identification, this date.)

14 13:00:35 MR. RUBIN: I would like to mark

15 13:00:36 the next exhibit as Deposition Exhibit

16 13:00:40 number 10. This document was produced

17 13:00:42 by Viacom marked VIA00367207 through

18 13:00:56 VIA00367211.

19 13:01:04 Q. Do you recognize this document?

20 13:01:06 A. Uh-huh, yes.

21 13:01:07 Q. What is it?

22 13:01:09 A. It's an e-mail between myself and

23 13:01:10 Amy Powell.

24 13:01:12 Q. And what does the e-mail say?

25 13:01:15 A. That we are very excited about the

Hurwitz

1
2 13:01:19 campaign, we've done research on YouTube over
3 13:01:22 the last few days and have found that there
4 13:01:25 are so many different clips that we're going
5 13:01:28 to create a few different quote, unquote,
6 13:01:31 lists to give to our site targets.
7 13:01:33 "These quote, unquote, lists will
8 13:01:35 be along the lines of quote, unquote, most
9 13:01:38 painful; quote, unquote, laugh out loud
10 13:01:41 funniest; quote, unquote, most obnoxious;
11 13:01:44 quote, unquote, best montage, et cetera.
12 13:01:46 "Each list will include URLs to
13 13:01:50 view that particular content on YouTube. We
14 13:01:51 will also encourage our site to create their
15 13:01:54 own list from the document of links we send
16 13:01:57 them. "
17 13:01:59 Q. Does the e-mail consist of anything
18 13:02:01 else?
19 13:02:02 A. Yeah, I mean we talk about I
20 13:02:06 haven't heard back from her regarding a
21 13:02:09 promotional opportunity that we were looking
22 13:02:11 to put together and just wanted to touch
23 13:02:17 base, standard.
24 13:02:18 Q. Is there an attachment to the
25 13:02:21 e-mail?

1 Hurwitz

2 13:02:21 A. It looks like there is, yeah, it

3 13:02:23 looks there's a Word document attached to it.

4 13:02:27 Q. And is this the list of "Jackass"

5 13:02:32 content you found on YouTube?

6 13:02:34 A. I believe so. I don't -- without

7 13:02:37 seeing the actual e-mail and seeing the Word

8 13:02:40 document and not having seen this e-mail in

9 13:02:46 years, looks to be.

10 13:02:48 Q. And you have no reason to doubt

11 13:02:50 that it is?

12 13:02:51 A. I shouldn't, no.

13 13:02:54 Q. Do you recall Amy Powell's response

14 13:02:59 to this e-mail?

15 13:03:01 A. I do not.

16 13:03:02 Q. Did Amy Powell instruct you not to

17 13:03:04 engage in that marketing plan?

18 13:03:05 A. I don't recall.

19 13:03:06 Q. Did you engage in this marketing

20 13:03:07 plan?

21 13:03:07 A. I believe we did.

22 13:03:13 MR. RUBIN: I would like to

23 13:03:14 introduce the next exhibit marked as

24 13:03:16 Exhibit 11.

25 (Deposition Exhibit IM-011, E-mail

1 Hurwitz

2 dated 8/18/06, "Jackass The Movie:

3 Number Two" Online Marketing Weekly

4 Update, Bates Nos. VIA00346888 through

5 VIA00346892, marked for identification,

6 13:03:48 this date.)

7 13:03:48 Q. Do you recognize this document?

8 13:03:50 A. Yes.

9 13:03:50 Q. This was produced by Viacom bearing

10 13:03:53 Bates numbers VIA00346888 through

11 13:04:03 VIA00346892.

12 13:04:04 What is this document?

13 13:04:08 A. It is an online update from

14 13:04:12 8/18/06.

15 13:04:13 Q. Is this one of the online marketing

16 13:04:15 weekly updates referenced in the proposal?

17 13:04:17 A. That's what it says.

18 13:04:18 Q. And to whom was this sent?

19 13:04:21 A. Amy Powell, to Tamar Teifeld and

20 13:04:24 Mickey Worsnup copying Omar, Jim, and

21 13:04:28 Bahiyah.

22 13:04:30 Q. Does this confirm that you did

23 13:04:32 follow through and send out lists of those

24 13:04:35 YouTube postings?

25 13:04:38 A. According to this second paragraph,

Schapiro Exhibit 371

Redacted at the request of Plaintiffs pending a meet and confer and,
if applicable, further action of the Court.

Schapiro Exhibit 372

Redacted at the request of Plaintiffs pending a meet and confer and,
if applicable, further action of the Court.

Schapiro Exhibit 373

Subject: ICED Jackass Campaign
From: "Scott Hurwitz" <>
To: Amy Powell
Cc: Date: Mon, 31 Jul 2006 23:46:40 +0000

Hi Amy-

My team is very excited about getting the Jackass 2 online campaign going. We've been doing some research on YouTube for Jackass clips over the last few days and have found that there are so many different clips that we're going to create a few different "lists" to give to our site targets. These "lists" will be along the lines of "most painful," "laugh out loud funniest," "most obnoxious""best montage" etc. Each list will include the urls to view that particular content on youtube. We'll also encourage our sites to create their own lists from the document of links we send them.

In addition to working the YouTube angle, we're also going to start getting the trailer out to all of our contacts.

I haven't heard back from you regarding the subservient chicken/do bad stuff to Steve-O idea. But if you want us to create that piece of viral content, we definitely can.

Just wanted to touch base today as we're all ready to start this campaign off tomorrow, August 1 and run thru release day.

Please let me know if we're good to go and we can hit the ground running.

Thanks so much.

Talk to you soon,

Scott

--

Scott J. Hurwitz
Senior Vice President
ICED MEDIA
415 W Broadway Ste 2N
NY NY 10012-3737
646-753-6401
scott@icedmedia.com

List of attachments:

JackassOnYoutubeDoc1.doc

Jackass on YouTube Sheet 1

Bam Margera collage

<http://youtube.com/watch?v=aXrTzL-RyIM&search=bam%20margera>

Jai alai

<http://youtube.com/watch?v=DsVQeYIleW4&search=jackass%20clip>

collage of all the characters

<http://youtube.com/watch?v=4vN4D8VZpig&search=jackass%20clip>

Johnny Knoxville on Viva La Bam

http://www.youtube.com/watch?v=F_lYuxTYISY&search=johnny%20knoxville

Johnny Knoxville Gets Hit By a Car

<http://www.youtube.com/watch?v=IFcaa3VmWSA&search=johnny%20knoxville>

Knoxville Self Defense Test

<http://www.youtube.com/watch?v=n5X8nvsqIwY&search=johnny%20knoxville>

Jackass Paintball

<http://www.youtube.com/watch?v=cvqI5jcGq5I&search=johnny%20knoxville>

Butterbean vs. Knoxville

<http://www.youtube.com/watch?v=GdomsuXleq0&search=johnny%20knoxville>

Johnny Knoxville Dropping in for the First Time

<http://www.youtube.com/watch?v=quEBXmn3sSE&search=johnny%20knoxville>

Johnny Knoxville Naked in the Shower

<http://www.youtube.com/watch?v=RoP7veq3iqU&search=johnny%20knoxville>

Yoga Class

<http://www.youtube.com/watch?v=Pmj4w2pO0kk&search=johnny%20knoxville>

Johnny Knoxville – Sprayed with Waterhose

<http://www.youtube.com/watch?v=XKNyoptmC7s&search=johnny%20knoxville>

Johnny Knoxville versus Bull

http://www.youtube.com/watch?v=XYqO9pg_PPk&search=johnny%20knoxville

Boner Boy

<http://www.youtube.com/watch?v=xI7VclXtg4o&search=johnny%20knoxville>

Johnny Knoxville Getting Butt Kicked By Priest (from Jackass the movie)

<http://www.youtube.com/watch?v=F09aL2rZjs&search=johnny%20knoxville>

Jackass: Cup Test

<http://www.youtube.com/watch?v=ATqS3Xd9iUk&search=johnny%20knoxville>

Wildboyz Whip Game

<http://www.youtube.com/watch?v=qvU72LNcVsq&search=johnny%20knoxville>

Golf Air Horn

<http://www.youtube.com/watch?v=TZAFRO9hJqA&search=johnny%20knoxville>

Rugby

<http://www.youtube.com/watch?v=2QyWH69gN2Q&search=johnny%20knoxville>

Steve-O Gets Humped By an Elk

<http://www.youtube.com/watch?search=johnny+knoxville&v=DGzOSJ39gv4>

Jackass Fire Stunt

<http://www.youtube.com/watch?v=kNk3dijMYT8&search=johnny%20knoxville>

Jackass presents Gumball 3000

<http://youtube.com/watch?v=bmoimO85rUk&search=johnny%20knoxville>

Heavy Metal Alarm Clock & Poo Cocktail

<http://youtube.com/watch?v=SizavQipClo&search=johnny%20knoxville>

Papercut

<http://youtube.com/watch?v=wO-upqLTVdQ&search=johnny%20knoxville>

The Burglars

<http://youtube.com/watch?v=wO-upqLTVdQ&search=johnny%20knoxville>

Hockey Equipment Test

<http://youtube.com/watch?v=bm4fHcQQUa8&search=johnny%20knoxville>

The Gong

<http://youtube.com/watch?v=RWCTpptovJI&search=johnny%20knoxville>

Golfcarts

<http://youtube.com/watch?v=ZJlc-Hb8wpY&search=johnny%20knoxville>

Jackass Clip Montage

<http://youtube.com/watch?v=5zQ6S3cl8-l&search=johnny%20knoxville>

Phil & Ape Margera (Bam's Parents)

<http://youtube.com/watch?v=XxpdiyLwo4c&search=johnny%20knoxville>

Urban Kayak

<http://youtube.com/watch?v=hZQeflITNuc&search=johnny%20knoxville>

Season 1 Montage

http://youtube.com/watch?v=bT_UFh_yIqA&search=johnny%20knoxville

Prank Wars Part 2

<http://youtube.com/watch?v=PvKdAv1Dha4&search=johnny%20knoxville>

L.A. Derby Dolls

<http://youtube.com/watch?v=a7pkBXWfEbM&search=johnny%20knoxville>

Carpet Skateboarding

<http://youtube.com/watch?v=y-Vq3aGLsB8&search=johnny%20knoxville>

A Drunk Steve-O

<http://youtube.com/watch?v=GYxCfP2JBU8&search=steve-o>

Steve-O Vs. Windshield

<http://youtube.com/watch?v=U7KSVEbEYul&search=steve-o>

Steve-O Sneaux Nutter 1

<http://youtube.com/watch?v=zXxitFByrkM&search=steve-o>

Steve-O Vs. Poppers

<http://youtube.com/watch?v=VoZ5Jqf5wUI&search=steve-o>

Steve-O Attempts to Fly

<http://youtube.com/watch?v=8rEiz6PXmCq&search=steve-o>

Steve-O Sour Milk Drinking

<http://youtube.com/watch?v=Hhcs4O64aLw&search=steve-o>

Steve-O Compilation

<http://youtube.com/watch?v=5Zh6HVHPRpk&search=steve-o>

Steve-O Tongue Piercing

<http://youtube.com/watch?v=sixiVBSZx2E&search=steve-o>

Call Right Now!

http://youtube.com/watch?v=Cxr5sVx_L6U&search=steve-o

Steve-O Alligator Shoe Bite

http://youtube.com/watch?v=heYSZpA_FOE&search=steve-o

Wildboyz

<http://youtube.com/results?search=steve-o&sort=relevance&page=4>

Steve-O Long Jump Commercial

<http://youtube.com/watch?v=l8k2fP6kY1o&search=steve-o>

Street Fishing

http://youtube.com/watch?v=O_zHn77_XaU&search=steve-o

Steve-O Plays with Fireworks

<http://youtube.com/watch?v=RwTZQB2CBn8&search=steve-o>

The Best of Bam Margera Stunts

<http://youtube.com/watch?v=aXrTzL-RyIM&search=bam%20margera>

Elementality

<http://youtube.com/watch?v=mlj0rh-yOWs&search=bam%20margera>

Treadmill

<http://youtube.com/watch?v=77NggE2uLdw&search=bam%20margera>

Bam Beating Up His Parents

<http://youtube.com/watch?v=x7os-QqUiho&search=bam%20margera>

Phil's Pies

<http://youtube.com/watch?v=7IEOP73KiJQ&search=bam%20margera>

Beating Up Phil

<http://youtube.com/watch?v=x7os-QqUiho&search=bam%20margera>

Bam Margera Crawls Into Someone's Car

<http://youtube.com/watch?v=gNZkRKn3c3o&search=bam%20margera>

Bam Margera Hanging From a Hot Air Balloon

<http://youtube.com/watch?v=cm9LBDINj2o&search=bam%20margera>

Busting Cars

<http://youtube.com/watch?v=1HY2og31YV8&search=bam%20margera>

Teasing a Dog

<http://youtube.com/watch?v=wGZRHewuPAE&search=bam%20margera>