

**SCHAPIRO DECLARATION
EXHIBITS CONTINUED**

1 M. GANELESS

2 Mr. Cucci reported, was traffic increases
3 since the YouTube take-down.

4 And you said you didn't see now
5 03:38:32 a 90 percent increase, as reported by
6 Mr. Dooley to the analysts, could be
7 accurate on any metric; isn't that what
8 you are saying here?

9 MS. KOHLMANN: Objection.

10 03:38:41 Misstates the record.

11 A. What I'm saying is we didn't
12 know exactly what metric they were using
13 and that that 90 percent number didn't
14 reflect any of the data that I had at that
15 03:38:58 time.

16 Q. You are saying it couldn't have
17 been accurate, no matter what metric
18 Mr. Dooley was referring to, right?

19 A. I said I didn't see how it could
20 03:39:09 be accurate on any metric.

21 Q. What were you referring to, when
22 you said you didn't see how that can be
23 accurate on any metric?

24 A. I was referring to the fact that
25 03:39:25 the data that I had at the time didn't

1 M. GANELESS

2 show a 90 percent increase.

3 Q. Since the YouTube take-down?

4 A. Yes, since the YouTube

5 03:39:34 take-down.

6 Q. Later on in this thread,

7 Exhibit 20, you say, "Wouldn't put it past

8 a certain someone who is intent on proving

9 we are better than Google."

10 03:39:44 Do you see that?

11 A. I do.

12 Q. Who were you referring to?

13 A. I'm not sure.

14 Q. You don't think that was Adam

15 03:40:16 Cahan?

16 MS. KOHLMANN: Objection.

17 Q. Do you think that the person you

18 are referring to, when you say you

19 wouldn't put it past a certain someone who

20 03:40:24 is intent on proving we are better than

21 Google, is Adam Cahan?

22 A. It's possible, but I don't

23 remember who I was referring to.

24 Q. But you were suspecting at this

25 03:40:43 point, in your message to Mr. Flanagan at

1 M. GANELESS

2 the top of Exhibit 20, that someone had
3 fed Mr. Dooley misinformation, correct?

4 MS. KOHLMANN: Objection.

5 03:40:48 Misstates the record.

6 A. No. I didn't say anything about
7 misinformation.

8 Q. What wouldn't you put past a
9 certain someone, then, who is intent on
10 03:40:57 proving we are better than Google?

11 A. I don't know what I was
12 referring to.

13 Q. You have no idea what you are
14 referring to here?

15 03:41:06 A. No.

16 Q. Aren't you saying that you
17 wouldn't put it past -- aren't you saying
18 that it wouldn't surprise you to find out
19 that a certain someone provided Mr. Dooley
20 03:41:21 misinformation, which he repeated on the
21 earnings call?

22 MS. KOHLMANN: Objection.

23 Misstates the record.

24 A. I don't remember what I was
25 03:41:30 saying here.

1 M. GANELESS

2 Q. As you read it, sitting here
3 today, doesn't that seem like the most
4 sensible reading of your words?

5 03:41:48 A. It's possible that I had thought
6 that someone had cut the data different
7 ways to come up with that number. Based
8 on what I'm saying here, that's what it
9 seems.

10 03:42:23 Q. Someone had cut the data
11 inaccurately to come up with that number,
12 right?

13 A. I don't know if it was
14 inaccurately. It was just in a way that I
15 03:42:31 hadn't thought of yet.

16 Q. So at some point it occurred to
17 you that Mr. Dooley's statement was, in
18 fact, accurate, as reported by Mr. Cucci?

19 A. I didn't know if John had
20 03:42:44 misheard what Dooley said on the call, so
21 I couldn't -- I couldn't tell you if
22 Dooley said something incorrectly. I
23 never saw the transcript. I only had
24 John's reference; and perhaps incorrectly,
25 03:43:00 but I assumed that John had misheard it.

1 M. GANELESS

2 Particularly when we found out that that
3 90 percent referred to a specific piece of
4 data.

5 03:43:15 Q. Take a look at what's been
6 marked as Exhibit 21. I'm sorry, hang on
7 a second, before we go to Exhibit 21.

8 (Ganeless Exhibit 21, e-mail
9 thread, Bates number VIA00349674,
10 03:44:53 marked for identification, as of
11 this date.)

12 Q. Did you think it was scary that
13 Mr. Dooley had made such a clear
14 misrepresentation in a stock call with
15 03:43:32 analysts?

16 MS. KOHLMANN: Objection.

17 Misstates the record.

18 A. I didn't believe that Mr. Dooley
19 had made a misrepresentation. I believed
20 03:43:39 that John Cucci had misheard.

21 Q. You didn't think it was very
22 scary that Mr. Dooley had made a
23 misrepresentation?

24 MS. KOHLMANN: Objection. Asked
25 03:43:54 and answered.

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M. GANELESS

A. I didn't know that Mr. Dooley had made a misrepresentation. I only knew what John had reported to me.

03:44:00 Q. And what John had reported to you, you knew was inaccurate?

A. What John reported to me did not jibe with any of our internal data. I subsequently learned that that 90 percent was a real metric that referred to year-over-year growth, and I assumed that that was what Dooley was referring to.

Q. Let's take a look at 21.

Ms. Ganeless, Exhibit 21 was produced to us by Viacom. It's an e-mail thread. Again, it starts with the same message from Mr. Cucci to you, and it goes off in another direction from the prior two exhibits that we have looked at. It bears document number VIA00349674.

After reporting that Mr. Dooley mentioned Comedy traffic is up 90 percent since the YouTube take-down, and a couple of intervening messages, Mr. Cucci writes an e-mail to you in which he says,

1 M. GANELESS

2 "Scary."

3 Do you see that?

4 A. I do.

5 03:45:14 Q. And you responded, "Very."

6 Do you see that?

7 A. I do.

8 Q. So you thought it was very scary

9 that Mr. Dooley would make the

10 03:45:24 misrepresentation attributed to him by

11 Mr. Cucci in his message?

12 MS. KOHLMANN: Objection.

13 Misstates the record.

14 A. I believed it was very scary

15 03:45:34 that there was a number that didn't jibe

16 with any of our data, until I discovered

17 that that 90 percent was an accurate

18 metric, referring to year-over-year

19 growth.

20 03:45:44 Q. Ms. Ganeless, the 90 percent

21 figure that Mr. Cucci reports here was as

22 for an increase in traffic on the Viacom

23 Comedy site since the YouTube take-down.

24 That's how he reported to it to you. He

25 03:45:57 then said it was scary, and you said it

1 M. GANELESS

2 was very scary.

3 You thought it was scary that a
4 statement attributed to Mr. Dooley from
5 03:46:04 the earnings call was false, right?

6 MS. KOHLMANN: Objection.

7 Misstates the record.

8 Are you testifying, David?

9 A. I thought it was scary that our
10 03:46:14 data could be so totally off from the data
11 that Dooley had used and John had reported
12 me from the earnings call. I had no
13 reason to believe that Dooley had used
14 false data.

15 03:46:28 Q. You say, continuing in your
16 message to Mr. Cucci on March 1st at 9:42,
17 "I could be totally off here, but
18 something tells me Cahan may be involved."

19 A. It's very possible that I was
20 03:46:59 referring to Mr. Cahan.

21 Q. In Exhibit 20, right?

22 A. In Exhibit 20, since I referred
23 to him in Exhibit 21.

24 Q. And you believed that Mr. Cahan
25 03:47:09 was the certain someone who is intent on

1 M. GANELESS

2 proving that we are better than Google?

3 By "we," you are referring to Viacom?

4 MS. KOHLMANN: Objection.

5 03:47:19 You can answer.

6 A. I don't remember specifically
7 what I meant by that, other than I
8 remember that Adam had really wanted the
9 deal to get done.

10 03:47:31 Q. What deal?

11 A. The YouTube/Google deal.

12 Q. You wrote, "Where else could it
13 come from," because you knew that
14 Mr. Dooley's statement on the earnings
15 03:47:47 call, as reported by Mr. Cucci, didn't
16 jibe with any of your data, and you had no
17 idea where it could have come from, right?

18 MS. KOHLMANN: Objection.

19 Misstates the record.

20 03:47:55 A. I was guessing that Adam Cahan
21 may have provided the data, because it
22 didn't come from my research department;
23 and he was involved with anything that had
24 to do with the YouTube deal.

25 03:48:17 Q. Did you ever learn that

1 M. GANELESS

2 Mr. Cahan was involved in Mr. Dooley's
3 statement on the earnings call about the
4 growth in traffic on Viacom's sites,
5 03:48:25 following the February 2nd take-down?

6 MS. KOHLMANN: Objection.

7 You can answer.

8 A. No, because the investigation
9 stopped, when I learned that that
10 03:48:34 90 percent actually referred to a real
11 metric, which was a 90 percent
12 year-over-year growth.

13 Q. And so at that point you said --
14 you told that to Mr. Cucci?

15 03:48:48 A. I believe so.

16 Q. And that was the end of your
17 involvement in this matter?

18 A. Yes, that I recall.

19 Q. So you didn't have a
20 03:48:59 conversation with Mr. Dooley about his
21 statement?

22 A. I don't recall --

23 MS. KOHLMANN: Objection.

24 A. -- having a conversation with
25 03:49:04 Mr. Dooley about his statement.

1 M. GANELESS

2 Q. Did the possibility occur to you
3 that Mr. Dooley was making a
4 misrepresentation?

5 03:49:13 A. I don't remember.

6 Q. So it might have?

7 A. It might have.

8 Q. Do you think it was possible
9 that Mr. Dooley was stretching the truth,
10 03:49:24 when he said that the traffic had
11 increased 90 percent to the Viacom Comedy
12 site since the YouTube take-down?

13 MS. KOHLMANN: Objection.

14 Misstates the record.

15 03:49:34 You can answer.

16 A. I have no idea what Tom Dooley
17 was thinking.

18 Q. Because you didn't talk to him?

19 A. Because I didn't talk to him.

20 03:49:43 Q. Would it surprise you to learn
21 that Mr. Dooley was trying, during the
22 earnings call, to lead analysts to believe
23 that there was an increase in Viacom
24 traffic caused by the YouTube take-down?

25 03:49:57 MS. KOHLMANN: Objection.

1 M. GANELESS

2 Misstates the record.

3 A. It would not surprise me that
4 Tom Dooley was reporting whatever data had
5 03:50:11 been given to him to report traffic
6 increases.

7 Q. Not my question.

8 Would it surprise you to learn
9 that, in fact, Mr. Dooley was trying to,
10 03:50:20 during the earnings call, lead analysts to
11 believe that there was an increase in
12 Viacom traffic caused by the YouTube
13 take-down?

14 MS. KOHLMANN: Objection.

15 03:50:27 Misstates the record.

16 You can answer.

17 A. I would not be surprised to
18 learn that Tom Dooley was reporting a
19 traffic increase, because there was a
20 03:50:41 traffic increase.

21 Q. Sorry, there was a traffic
22 increase?

23 A. There was a traffic increase.

24 Q. On Viacom's Comedy sites
25 03:50:49 following the February take-down, between

1 M. GANELESS

2 the period of February and March 1st,
3 2007, there was an increase in traffic?

4 A. I recall there was a slight
5 03:50:57 increase in traffic.

6 I recall that the 90 percent, I
7 could be recalling incorrectly, but I
8 recall there was a 90 percent increase
9 year-over-year, and there was a slight, in
10 03:51:10 Exhibit 18, streams are up slightly post
11 take-down, seven percent.

12 (Ganeless Exhibit 22, March 1,
13 2007 e-mail thread, bearing Bates
14 number VIA00349675 to 77, marked for
15 03:51:54 identification, as of this date.)

16 Q. Exhibit 22, Ms. Ganeless, yet
17 another e-mail thread concerning the
18 subject of Mr. Dooley's statements on the
19 Viacom earnings call on March 1st, 2007,
20 03:52:16 starting again with Mr. Cucci's e-mail to
21 you, stating, "On the earnings call Dooley
22 mentioned that Comedy traffic is up 90
23 percent since YouTube take-down." This
24 thread bears Bates number VIA00349675 to
25 03:52:32 77. The first -- I'm sorry, the

1 M. GANELESS

2 last-in-time e-mail from you,

3 Ms. Ganeless, says, "Wouldn't be

4 surprised if they misspoke on the call

5 03:52:45 or -- or tried to lead people to believe

6 it was YouTube-related, but that it's

7 right in the release."

8 It wouldn't have surprised you

9 to find that Mr. Dooley and Mr. Dauman

10 03:52:57 would misstate the statistics to suggest

11 there was a boost in Viacom's traffic, due

12 to the YouTube take-down in February of

13 2007, right?

14 MS. KOHLMANN: Objection.

15 03:53:07 Misstates the record.

16 A. I think there's a difference

17 between they misspoke and they -- what you

18 said.

19 Q. You say in your message you

20 03:53:16 wouldn't be surprised if they tried to

21 lead people to believe it was

22 YouTube-related.

23 Aren't you suggesting there that

24 you wouldn't be surprised if Mr. Dooley

25 03:53:25 and Mr. Dauman tried to mislead people

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M. GANELESS

into believing that a traffic increase was
YouTube-related?

MS. KOHLMANN: Objection,
03:53:35 misstates the record.

A. I did not say mislead. I said I
wouldn't be surprised if they tried to
lead people to believe it was
YouTube-related.

03:53:49 Q. But it wasn't YouTube-related,
right? In fact, there wasn't an increase
at all, right?

MS. KOHLMANN: Objection.
Misstates the testimony.

03:53:57 MR. KRAMER: Withdrawn.

Q. Do you think Mr. Dooley would
say something untrue to support Viacom's
case against YouTube?

MS. KOHLMANN: Objection.
03:54:08 A. No.

Q. How about Mr. Dauman, do you
think he would say something untrue, to
support Viacom's case against YouTube?

A. No.

03:54:14 Q. Why would you say it wouldn't

1 M. GANELESS

2 surprise you if they were trying to lead
3 people to believe there was an increase in
4 traffic, due to the YouTube take-down?

5 03:54:26 MS. KOHLMANN: Objection.

6 You can answer.

7 A. I said I wouldn't be surprised
8 if they misspoke or tried to lead -- or
9 tried to lead people to believe it was
10 03:54:43 YouTube-related, because the data that I
11 had showed it was YouTube -- there was an
12 increase after the YouTube take-down. The
13 data that I had showed a seven percent
14 increase.

15 03:54:54 They had a lot of data in front
16 of them. One of the other statistics was
17 that data was up or traffic was up 90
18 percent versus a year ago. I wouldn't
19 have been surprised, if they misspoke.

20 03:55:02 Q. Ms. Ganeless, the data that you
21 are referring to that shows an increase is
22 contained within this Exhibit 22?

23 A. It's contained within
24 Exhibit 18.

25 03:55:10 Q. Is it also contained within this

1 M. GANELESS

2 Exhibit 22?

3 A. Yes. It's under the e-mail from
4 Angela Hamlin, sent at 10:57 a.m. on
5 03:55:23 Thursday, March 1st.

6 Q. And that shows a 13 percent
7 decrease in unique visitors to
8 Comedycentral.com?

9 A. It shows a seven percent
10 03:55:31 increase in weekly video streams.

11 Q. And a 13 percent decrease in
12 unique visitors to the Comedycentral.com
13 site, right?

14 A. A 13 percent decrease in unique
15 03:55:44 visitors to the stand-alone site. That
16 doesn't reflect video views, which is my
17 understanding of what this is all about.

18 Q. You didn't have any
19 understanding of what this was all about,
20 03:55:53 did you? You didn't think it was accurate
21 on any measure -- on any metric?

22 MS. KOHLMANN: Objection.

23 Misstates the testimony.

24 A. I said I didn't -- it didn't
25 03:56:00 jibe with any of the data that I had.

1 M. GANELESS

2 Q. Right, because the data you had
3 shows a 13 percent decline in users of the
4 Comedy Central.com site, in the period
5 03:56:09 after the YouTube take-down.

6 MS. KOHLMANN: Objection.

7 A. The data that I have shows an
8 increase in video usage, after the
9 take-down.

10 03:56:16 Q. And that's what you refer to --
11 that's what you understood Mr. Cucci to be
12 referring to, when he reported a
13 90 percent increase in Comedy traffic --

14 A. Yes.

15 03:56:26 Q. -- was streams?

16 A. Video. Yes, we were talking
17 about video after the YouTube take-down,
18 so I was under the impression, and that's
19 why we looked at all of the different
20 03:56:37 pieces of data. And that's why Angela
21 says in her e-mail to me streams are up
22 slightly, post take-down.

23 Q. And you thought -- you thought
24 it wouldn't surprise you if Mr. Dooley and
25 03:56:56 Mr. Dauman were trying to lead people to

1 M. GANELESS

2 believe that an increase in traffic was
3 YouTube-related; is that correct?

4 A. I said I wouldn't be surprised
5 03:57:04 if they misspoke or tried to lead people
6 to believe it was YouTube-related.

7 Q. So it wouldn't surprise you to
8 find out that Mr. Dooley and Dauman were
9 trying to lead people to believe that any
10 03:57:13 increase in traffic was YouTube-related;
11 is that right?

12 MS. KOHLMANN: Objection.

13 A. It wouldn't surprise me to
14 believe that they misspoke or tried to
15 03:57:23 lead people to believe the increase in
16 traffic was YouTube-related.

17 Q. I can read the words there, but
18 I'm asking you what they mean, in a
19 slightly different way.

20 03:57:31 Are you saying here it wouldn't
21 have surprised you to find out that
22 Mr. Dooley and Mr. Dauman were trying to
23 lead analysts to believe that some
24 increase in traffic was YouTube-related?

25 03:57:43 MS. KOHLMANN: Objection.

1 M. GANELESS

2 A. I am saying that I wouldn't be
3 surprised if they misspoke on the specific
4 data points, and they were trying to lead
5 03:57:53 people to believe it was YouTube-related;
6 because at that point I understood that
7 there had been an increase in video
8 streams, and that is what I thought this
9 was all about.

10 03:58:03 Q. Aren't you aware, Ms. Ganeless,
11 that Mr. Dauman made misrepresentations at
12 an analyst conference a few days later
13 that were similar to the one made by
14 Mr. Dooley?

15 03:58:24 MS. KOHLMANN: Objection.
16 Misstates the record.

17 A. I am not familiar with that.

18 Q. You have no recollection of that
19 whatsoever?

20 03:58:32 A. I do not.

21 Q. So if -- here's 26 -- 23.

22 (Ganeless Exhibit 23, e-mail
23 thread, bearing Bates numbers
24 VIA01129009 to 910, marked for
25 03:58:55 identification, as of this date.)

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M. GANELESS

THE WITNESS: Thank you.

Q. Exhibit 23, Ms. Ganeless, is an e-mail thread in which you participate, produced to us by Viacom in discovery, bearing Bates number VIA01129009 to 910, the subject of which is, "Viacom Chairman Said Traffic At Company Sites Increased." And it starts with a message from you to a number of other MTVN executives, attaching a news article written by Mike Farrel about statements by Mr. Dauman at the Bear Stearns media conference that day.

Do you see that?

A. I do.

Q. You attached the article, and you say, "He is still out there touting that traffic increased back to our sites after the take-down, which our data contradicts."

You are saying that Mr. Dauman is still making public misrepresentations about the impact of the YouTube take-down on traffic to Viacom sites, right?

MS. KOHLMANN: Objection.

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M. GANELESS

Misstates the record.

A. I am saying he is still out there touting traffic increases back to our sites after the take-down, yes, I am saying that in this e-mail.

04:00:08 Q. Your use of the word "still," that was referencing a prior misrepresentation about the impact of the YouTube take-down on traffic, right?

MS. KOHLMANN: Objection.

Misstates the record.

A. It must have been, but I don't remember this.

04:00:27 Q. So you have no recollection of why you chose to use -- it must have been referencing misrepresentations about increases in traffic, right?

A. I think I just said that. Yes, it must have been.

Q. And your data contradicted a claim of any increase in traffic after the take-down, right?

MS. KOHLMANN: Objection.

04:00:48 A. Based on this e-mail, yes, that

1 M. GANELESS

2 is true.

3 Q. In fact, your data showed that
4 traffic to Comedy Central had been
5 04:00:58 decreasing in the four weeks after the
6 take-down, didn't it?

7 A. According to this, yes, that is
8 true.

9 Q. According to you, is it true?

10 04:01:10 A. According to what I wrote in
11 this e-mail, it is true.

12 Q. You have no other recollection
13 of that besides what you wrote in this
14 e-mail?

15 04:01:16 A. I don't, because until I saw
16 this e-mail, my recollection was that it
17 had gone up; but clearly I recalled
18 incorrectly.

19 Q. You were saying that your data
20 04:01:29 contradicted Mr. Dauman's statements at
21 this conference, right?

22 A. I am saying that the data I had
23 is different than what he was saying, yes.

24 Q. You are saying it contradicted
25 04:01:43 what he said, right?

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M. GANELESS

A. Yes. I used the word
"contradict."

Q. So Mr. Dauman was still out
04:01:48 there referencing an increase in traffic,
based on the YouTube take-down, when you
knew that the traffic had decreased. This
is March 6, 2007.

A. Correct.

Q. Where did you get the data that
04:01:59 you are referencing in Exhibit 23?

A. I don't remember.

Q. Did it surprise you this time to
see Mr. Dauman making misrepresentations
04:02:17 about the impact of the YouTube take-down
on Viacom's traffic?

MS. KOHLMANN: Objection.

Misstates the record.

A. I can't remember, but I do seem
04:02:24 surprised.

Q. Are you surprised right now?

A. I am surprised. My recollection
was not that it had gone down.

Q. So knowing that Viacom's CEO was
04:02:36 still making misstatements to bankers and

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M. GANELESS

investors about the impact of the YouTube
take-down on Viacom's traffic, what action
did you personally take to correct it?

04:02:45 MS. KOHLMANN: Objection.

Misstates the record.

A. My goal in this e-mail was to
find out where the data was coming from.
I assumed he was getting the data from
04:02:59 someone inside the company, so my goal was
to find out where the data was coming
from.

I can't tell from this if I ever
got that kind of clarification.

04:03:15 Q. So as you sit here today, you
can't tell me a single thing that you did,
after sending this message that's in
Exhibit 23, to correct misstatements made
by Mr. Dauman?

04:03:26 A. I knew that it contradicted data
that I had. I didn't know where his data
was coming from, and I wanted to find that
data.

Q. Did you --

04:03:34 A. I cannot remember. Unless you

1 M. GANELESS

2 have it in an e-mail that you are about to
3 show me, I cannot remember.

4 Q. Is it possible, Ms. Ganeless,
5 04:04:15 that Mr. Dauman was misrepresenting the
6 impact of the YouTube take-down on traffic
7 to Viacom sites, in order to boost
8 Viacom's lawsuit against Google?

9 MS. KOHLMANN: Objection.
10 04:04:25 Misstates the record.

11 A. I have no idea why he was saying
12 what he was saying.

13 Q. Is it possible that he was
14 saying it in order to boost Viacom's stock
15 04:04:35 price?

16 MS. KOHLMANN: Objection.
17 Misstates the record.

18 A. I have no idea.

19 Q. Do you believe it was important
20 04:04:43 at Viacom -- do you believe it was
21 important to Mr. --

22 MR. KRAMER: Withdrawn.

23 Q. You reference, in your e-mail, a
24 meeting. You say, "I'm afraid he's going
25 04:05:07 to bring this up in tomorrow's meeting."

1 M. GANELESS

2 Do you see that?

3 What meeting are you referring
4 to?

5 04:05:13 A. I can't remember.

6 Q. Do you recall having a meeting
7 with Mr. Dauman in March of 2007?

8 A. I don't.

9 Q. Do you routinely meet with
10 04:05:24 Mr. Dauman?

11 A. I generally meet with Mr. Dauman
12 twice a year, in the summer for the LRP
13 and in the fall for the budget. So I
14 don't remember a March meeting.

15 04:05:32 Q. So this would have been a
16 relatively significant occurrence, meeting
17 with Mr. Dauman, right?

18 MS. KOHLMANN: Objection.

19 Misstates the record.

20 04:05:39 MR. KRAMER: How does that
21 misstate the record, Susan?

22 MS. KOHLMANN: You haven't
23 established that she's meeting with
24 Mr. Dauman tomorrow. You are
25 04:05:45 misstating what the e-mail says.

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M. GANELESS

MR. KRAMER: Okay.

MS. KOHLMANN: Thank you.

MR. KRAMER: For the record, I
04:05:52 disagree completely.

MS. KOHLMANN: Well, not
surprisingly.

MR. KRAMER: Which is pretty
clear.

MS. KOHLMANN: I don't think so.

A. I don't -- I don't know what
kind of a meeting it was. If I don't
remember it, it could have been a lunch
meeting. I don't know what it was.

Q. As far as you know, sitting here
04:06:10 today, has anything been done to correct
Mr. Dauman's misstatements at the Bear
Stearns conference in March of 2007?

MS. KOHLMANN: Objection.

A. I don't know where Mr. Dauman
04:06:56 got the statements that he made at the
Bear Stearns conference. I don't know
what follow-up was done after this e-mail
chain was sent.

Q. You don't know if any was done?
04:07:09

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M. GANELESS

A. I don't know if any was done,
no.

Q. Ms. Ganeless, when I was talking
04:07:56 to you about Mr. Dooley's statements, you
said that you had discovered that he had
been or that the 90 percent figure was
year-over-year statistics.

Do you recall that?

A. I do.
04:08:06

Q. But Mr. Dauman's statement is
specifically referencing the fact that
traffic went up after the YouTube
take-down notice was sent, right?

A. Yes, it is.
04:08:14

Q. So you can't justify
Mr. Dauman's statement on the notion that
it was reporting year-over-year
statistics, right?

MS. KOHLMANN: Objection.
04:08:20

A. I am not saying that
Mr. Dauman's statement was referencing
year-over-year statistics. I'm saying
that there may have been data that they
04:08:35 pulled on different metrics that I did not

1 M. GANELESS

2 have. That's why I asked, do you know
3 where that data is coming -- or do you
4 know where that is coming from, because I
5 04:08:44 assumed somebody had pulled data for him,
6 in a different capacity than me, and I
7 wanted to see that data.

8 Q. But as far as you know, that
9 wasn't correct that somebody pulled data
10 04:09:37 for him, in a different capacity than you,
11 right?

12 MS. KOHLMANN: Objection as to
13 form.

14 A. I don't recall.

15 04:09:54 Q. So Ms. Ganeless, if your own
16 data showed that in the month after taking
17 your content off of YouTube, the traffic
18 on your site, Comedycentral.com, declined,
19 having the content on YouTube was actually
20 04:10:04 helping your site, wasn't it?

21 MS. KOHLMANN: Objection.

22 A. No, I wouldn't make that
23 connection.

24 Q. It doesn't follow?

25 04:10:13 A. No, it doesn't follow.

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M. GANELESS

Q. Why not?

A. Because months following that, with our content still off of YouTube, our traffic went up. There could have been many, many factors contributing to why our traffic went down, how many original shows we had on the air at the time. Our traffic is always helped by what's happening in the news.

I have no way of knowing if the YouTube traffic take-down had a direct effect on our traffic.

Q. You have no way of knowing whether the YouTube traffic had a direct effect in increasing the traffic to the Comedycentral.com site, right?

A. I have no way of knowing what impact it had, no.

Q. There could have been many, many factors contributing to the increase in traffic that, ultimately, Comedycentral.com has recognized, right?

MS. KOHLMANN: Objection.

A. Yes.