

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.)	
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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
9:36 a.m.

VIDEOTAPED DEPOSITION OF TINA
EXARHOS, held at the offices of Wilson
Sonsini Goodrich & Rosati, 1301 Avenue of,
New York, New York, pursuant to notice,
before before Erica L. Ruggieri,
Registered Professional Reporter and
Notary Public of the State of New York.

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

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

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

ALSO PRESENT:

MICHELENA HALLIE, MTV Networks

CARLOS KING, Videographer

* * *

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

1 T. EXARHOS

2 article or interview.

3 Can I read it?

10:33:19

4 MR. WILKENS: If you need to
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.

10:37:41

20 Q. Mr. Morrissey?

21 A. Brian Morrissey.

22 Q. Do you remember speaking with
23 Mr. Morrissey about these issues?

10:37:48

24 A. I don't remember the interview
25 itself, because it was three years ago.

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?

10:38:30

14 A. Yeah. I don't remember the
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
21 know, a good way to market some of our
22 priority shows, amongst other things. But
23 yes, I think that it was a mutual --
24 mutually beneficial relationship. They
25 were receiving valuable content that we

10:39:01

1 T. EXARHOS

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

10:39:14

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