

Schapiro Exhibit 78 continued

1 T. EXARHOS

2 I can't tell you definitively.

04:32:23

3 Q. Right. But you have
4 considerable expertise in marketing,
5 especially the marketing practices at MTV.
6 There might be no one who is more
7 qualified to make a guess about what's
8 happening in this e-mail than you. And I
9 want to know what you think is the most
10 likely scenario here.

04:32:32

11 Is this clip being leaked to
12 YouTube with MTV's authorization?

13 MR. WILKENS: Objection.

04:32:50

14 A. Yeah. Well, I have expertise.
15 I just don't have the specifics around
16 this campaign. So again, my guess,
17 without the definitive knowledge, is that
18 it was; but it's a guess, because I don't
19 have the information.

04:33:03

20 Q. Okay. And if you could turn to
21 the last page.

22 A. Uh-hum.

23 Q. The title is More Perez Hilton
24 Freaking Out.

04:33:17

25 Do you know what that video was?

1 T. EXARHOS

2 A. It was, I believe it was from
3 the show Celebrity Rap Superstar. And
4 Perez Hilton was freaking out.

04:33:37

5 Q. And do you know if this
6 particular clip at 2359232 was authorized
7 to be on YouTube by MTV?

04:34:04

8 A. Again, I think this is the clip
9 that Andrea Manning is referring to, so --
10 yeah. Again, we were promoting the show
11 at that time. I don't remember the
12 specifics of that clip, so I can't tell
13 you definitively.

04:34:19

14 Q. You don't know one way or the
15 other whether this clip is authorized to
16 be on the YouTube service?

17 A. Around this specific clip, I
18 don't know.

04:34:30

19 Q. What would you need to find out?

20 A. I could easily -- I could have
21 called on Andrea and found out. I mean
22 whoever was responsible for that campaign,
23 I would have been able to find out.

04:34:42

24 Q. And the user, the YouTube user
25 here is gossip girl 40.

1 T. EXARHOS

2 Are you familiar with that
3 YouTube user?

4 A. No.

04:34:48 5 Q. Have you ever heard that user
6 name before, gossipgirl40?

7 A. No.

8 Q. Do you know if that's somebody
9 at MTV?

04:34:59 10 A. I don't.

11 Q. Do you know if it's someone
12 working at MTV's direction?

13 MR. WILKENS: Objection.

14 A. I don't.

04:35:29 15 MR. WILKENS: Is this a good
16 time for a break?

17 MR. VOLKMER: It is. Let's take
18 a break.

04:35:34 19 THE VIDEOGRAPHER: The time is
20 4:36 p.m., and that's -- we are taking
21 a break.

22 (Whereupon, there is a recess in
23 the proceedings.)

04:49:42 24 THE VIDEOGRAPHER: The time is
25 4:50 p.m. and we are back on the

1 T. EXARHOS

2 record.

3 Q. Back on.

04:49:50

4 Does MTV engage in any marketing
5 for shows that are no longer on the air
6 and for which they, they have not put out
7 a DVD?

8 A. Not that I can think of, no.

9 Q. Do you know why that is?

04:50:05

10 A. Well, my primary goal, from a
11 marketing perspective, is to drive people
12 back to either watch our shows or go to
13 our website or buy our products. So if
14 there was no call to action like that,
15 then we wouldn't be actively marketing
16 anything.

04:50:23

17 Q. Because there's nothing to
18 market, right?

19 A. Yeah.

04:50:32

20 MR. WILKENS: Objection.

21 A. I can't think of an instance
22 where we would be.

04:50:43

23 Q. Okay. I'm going to read off a
24 list of shows that I have here, and I'd
25 like you to tell me whether MTV or its

1 T. EXARHOS

2 that Viacom produced, with Bates
3 number VIA00397855, marked for
4 identification, as of this date.)

05:09:34

5 (Exarhos Exhibit 38, screen
6 shot of URL from Exhibit 37 printed
7 off the Internet February 20th,
8 2009, marked for identification, as
9 of this date.)

05:09:10

10 (Witness reviews documents.)

11 Q. 37 is an e-mail that Viacom
12 produced in this litigation, with Bates
13 number VIA00397855. It's from Eric
14 Eckelman to Tina Exarhos and Eric Mackall,
15 on October 11, 2006.

05:09:30

16 And Exhibit 38 is a screen shot
17 of the URL from Exhibit 37 that I have
18 printed off the Internet on February 20th,
19 2009. And the subject line of the e-mail
20 is "There's No Hope," and then there's a
21 YouTube URL.

05:09:49

22 Do you remember watching that
23 YouTube URL?

24 A. I don't remember, specifically.
25 Though looking at the -- it looks

05:10:03

1 T. EXARHOS

2 familiar, but I don't remember,
3 specifically.

05:10:10

4 Q. And the video is entitled
5 "George Versus Suzanne Malveaux," and the
6 screen shot shows a portion of the video
7 clip which was the journalist Suzanne
8 Malveaux interviewing George W. Bush on
9 C-span about North Korea's nuclear arms
10 proliferation.

05:10:26

11 Do you recall watching that
12 video on YouTube?

13 MR. WILKENS: Objection.

05:10:34

14 A. Yeah. I'm not sure -- I'm not
15 sure if I watched it or if I watched it,
16 you know, from this link. I may have. I
17 just don't recall.

05:10:52

18 Q. And do you know who uploaded
19 this video, George versus Suzanne
20 Malveaux?

21 A. I don't.

22 Q. Do you know if it was authorized
23 to be on YouTube?

05:10:59

24 A. I don't know if it was
25 authorized, but it looks like a news clip,

1 T. EXARHOS

2 which my understanding of news clips is
3 that there was fair use of news clips.

4 MR. VOLKMER: Let's mark

05:11:21

5 Exhibit 39.

6 (Exarhos Exhibit 39,

7 December 5, 2006 e-mail produced by

8 Viacom, bearing Bates numbers

9 VIA00865730, marked for

05:11:41

10 identification, as of this date.)

11 Q. This is an e-mail produced by

12 Viacom, with Bates numbers VIA00865730.

13 It's an e-mail from Laura Levine to

14 several individuals, including Tina

05:11:57

15 Exarhos, on December 5, 2006.

16 A. Okay.

17 Q. Who is Laura Levine?

18 A. Lauren Levine.

19 Q. I'm sorry, Lauren Levine.

05:12:13

20 A. That's okay. She -- she's a
21 friend of mine. She works at Nickelodeon.

22 Q. She's an MTV employee?

23 A. MTV Networks.

24 Q. She says, "Check out this link,

05:12:27

25 it's a bit of a wow."

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1 T. EXARHOS

2 You respond, "Who did this? I
3 must know."

05:12:33

4 She says, "It's Robbie Williams,
5 part of his Rude Box something, something.
6 Genius."

7 Do you know what this video is?

05:12:53

8 A. I don't remember what it was,
9 but something genius from Robbie Williams,
10 I guess. I don't remember if I watched
11 it, but [REDACTED]
12 I don't know what the actual video was.

13 Q. You say "Who did this? I must
14 know." That suggests you watched the
15 video.

05:13:10

16 A. Or I must know before I watch
17 it.

18 Q. Possibly.

19 MR. VOLKMER: I'd like to mark
20 Exhibit 40.

05:13:15

21 (Exarhos Exhibit 40, e-mail
22 produced by Viacom, Bates number
23 VIA00908297, marked for
24 identification, as of this date.)

05:13:30

25 Q. This is an e-mail produced by