

10/20/2008 Horan, Jerry



1 UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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

5)
6 Plaintiffs,)

7 vs.)

Case No. 1:07CV02103

8 YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

9 Defendants.)

10 THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
11 on behalf of themselves and all)
others similarly situated,)

12 Plaintiffs,)

13 vs.)

Case No. 07CV3582

14 YOUTUBE, INC., YOUTUBE, LLC, and)
15 GOOGLE, INC.,)

16 Defendants.)

17
18 DEPOSITION OF JERRY HORAN
NEW YORK, NEW YORK
19 MONDAY, OCTOBER 20, 2008

20 REPORTED BY:
ERICA RUGGIERI, CSR, RPR
21 JOB NO: 15952
22
23
24
25

1 J. HORAN

2 A. I'm sorry, I didn't hear you.

3 Q. What, specifically, was your
4 role with regard to licensing?

5 A. I negotiated fees. I oversaw
6 the preparation of the licenses. That's
7 basically it.

8 Q. Did you negotiate any other
9 license provisions, besides fees?

10 MR. HART: Objection, form.

11 A. I'm not sure what you mean.

12 Q. With respect to the preparation
13 of the licenses, what did you do?

14 A. I assigned various people to
15 prepare the licenses. That's it.

16 Q. Did you have any involvement
17 negotiating the licenses?

18 A. Yes.

19 Q. And what was that involvement?

20 A. Fees. And in instances where a
21 licensee wished to have terms that were
22 not part of our standard licenses,
23 negotiating that particular aspect of it.

24 Q. Can you give me some examples of
25 nonstandard licenses that customers would

1 J. HORAN
2 profit they derive is due to unauthorized
3 content?

4 MR. HART: I'm sorry, Bourne
5 unauthorized content or unauthorized
6 content generally?

7 MS. HERNANDEZ: Unauthorized
8 content generally.

9 MR. HART: Okay. Competence,
10 foundation.

11 And him personally, right?

12 MS. HERNANDEZ: Yes.

13 A. On a personal basis, yes, I do.
14 You said, do I believe.

15 Q. That any profit that they derive
16 is due to unauthorized content?

17 MR. HART: Same objections.

18 I think you answered it.

19 A. Yes.

20 Q. How exactly has Bourne been
21 harmed by YouTube?

22 MR. HART: Foundation.

23 Q. Let me rephrase the question.

24 Has Bourne been harmed by
25 YouTube?

1 J. HORAN

2 MR. HART: Same objection and

3 competence and prior testimony.

4 Go ahead.

5 Q. To your understanding.

6 A. Any unlicensed use of any Bourne
7 song is a loss of revenue for Bourne.

8 Q. Has Bourne conducted any
9 analysis to determine its loss of revenue,
10 as you described it?

11 MR. HART: I'm sorry, you
12 mumbled the last -- to what?

13 Q. Has Bourne conducted any
14 analysis to determine its loss of revenue,
15 as you described it?

16 MR. HART: Same objection,
17 foundation, competence, prior
18 testimony.

19 A. I don't know.

20 Q. Is it your understanding that
21 someone from YouTube uploaded any of the
22 Bourne works that have appeared on
23 YouTube?

24 MR. HART: Form.

25 A. I don't know.