

EXHIBIT I

TERESA TINGLE-HEPPNER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,
Plaintiff,

CIVIL ACTION FILE

vs.

NO. 07 Civ. 8580 (DAB)

TWENTIETH CENTURY FOX FILM
CORPORATION, FOX BROADCASTING
COMPANY, TWENTIETH CENTURY FOX
TELEVISION, INC., TWENTIETH CENTURY
FOX HOME ENTERTAINMENT, INC., FUZZY
DOOR PRODUCTIONS, INC., THE CARTOON
NETWORK, INC., SETH MACFARLANE,
WALTER MURPHY,
Defendants.

DEPOSITION OF
TERESA TINGLE-HEPPNER

March 13, 2008

9:29 a.m.

600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia

Jennifer D. Hamon, CCR-B-2287, RPR

TERESA TINGLE-HEPPNER

1 Q. (By Ms. Stark) You can answer.

2 A. I would consider Fox a broadcast
3 network.

4 Q. These are not trick questions. I'm
5 just trying to get my terminology correct.

6 So I will refer to it as a telecast,
7 then, when I'm referring to Cartoon Network.

8 Does the Cartoon Network --

9 MR. RIMOKH: One second. I'm sorry.

10 Let her finish her question and
11 pause before you answer.

12 Q. (By Ms. Stark) Does Cartoon Network
13 telecast the show "Family Guy"?

14 A. Adult Swim telecasts the show
15 "Family Guy." They share channel space with
16 Cartoon Network.

17 Q. Can you explain the relationship to
18 me between Adult Swim and Cartoon Network.

19 A. The way I view it, they are two
20 separate program services that share the same
21 channel space, sort of like in the daytime
22 hours, it's Cartoon Network, and
23 post 11:00 p.m., it's Adult Swim.

24 Q. Adult Swim is not owned by Turner?

25 A. Yes, it is.

TERESA TINGLE-HEPPNER

1 Q. Is Cartoon Network also owned by
2 Turner?

3 A. Yes.

4 Q. Do they share the same office space?

5 A. No.

6 Q. Where are Adult Swim's offices
7 located?

8 A. Adult Swim is located on Williams
9 Street. I don't know the street number.

10 Q. And Cartoon Network's office is
11 located where?

12 A. 1050 Techwood Drive.

13 Q. How far away are the offices,
14 approximately?

15 A. A mile.

16 Q. Tell me about your position at
17 Cartoon Network. At the time of the airing of
18 the Weinstein episode, what was your position?

19 A. My title at that time was senior
20 vice president standards and practices for the
21 Turner Entertainment Group.

22 Q. So what was your responsibility with
23 respect to the Weinstein episode?

24 A. My responsibility for that episode,
25 as for all programming, is to ensure

TERESA TINGLE-HEPPNER

1 compliance with our standards and practices
2 guidelines.

3 Q. So it didn't matter that the program
4 was part of Adult Swim as opposed to part of
5 Cartoon Network, did it?

6 MR. RIMOKH: Objection.

7 Q. (By Ms. Stark) You can answer.

8 A. It does matter, because the
9 standards are different for the two services.

10 Q. I'll rephrase the question, then.
11 Your responsibility to review a
12 program does not differ regardless of whether
13 the program airs on Adult Swim or Cartoon
14 Network; is that correct?

15 The criteria may differ, but your
16 responsibility to review a program does not
17 change; is that correct?

18 A. That is correct.

19 Q. When did Adult Swim start the
20 telecast of "Family Guy"?

21 A. I don't remember exactly.

22 Q. Was it in 1999? 2000?

23 A. I don't remember exactly. I think
24 it was after that.

25 Q. 2001?

TERESA TINGLE-HEPPNER

1 briefly discussed in the beginning, when we
2 were talking about your conversations before
3 the episode aired.

4 Before Adult Swim aired the episode,
5 take me through the steps that you went
6 through one by one to make the decision
7 whether or not it would go on Adult Swim and
8 be telecast.

9 What was the very first thing you
10 did?

11 MR. RIMOKH: Just to be clear, when
12 you say "you," do you mean her, or do you
13 mean --

14 MS. STARK: I mean the company.
15 She's here's as a representative of the
16 company. She's here identified to discuss
17 that particular issue.

18 Q. (By Ms. Stark) Please tell me what
19 the company did step by step.

20 I'll help you a little bit. How did
21 it come to be that this episode was going to
22 be telecast on Adult Swim?

23 A. As is the case in general, James
24 Bagley, in my department, was the first to see
25 the program. He screened the program and

TERESA TINGLE-HEPPNER

1 wrote the e-mail that you have to Mike Lazzo
2 and Keith Crawford, giving his opinion of the
3 program from a standards and practices point
4 of view and outlining what he thought
5 appropriate next steps were.

6 At some point after that, I recall
7 that Mike Lazzo called me to discuss it and
8 asked me to take a look at it. I screened it
9 and gave Mike my thoughts.

10 Sometime after that, alternate lines
11 were presented for review, and we reviewed
12 those, according to our practice.

13 And then I wrote a memo in an
14 e-mail, which you have, giving my opinion
15 about the program and how it should be
16 handled. And then the decision was made by
17 the network to move forward.

18 Q. Who made the decision?

19 A. I believe that ultimately -- this is
20 my opinion. I believe ultimately it was Jim
21 Samples.

22 Q. Who is Jim Samples?

23 A. Jim Samples, at that time, was the
24 head of Cartoon Network.

25 Q. And what does he do now?

TERESA TINGLE-HEPPNER

1 A. Jim is no longer with the company.

2 Q. So going back to the answers that
3 you gave, you said -- and I may be
4 paraphrasing, so please correct me if I'm not
5 stating it correctly -- as always, James
6 Bagley screened the program.

7 Why is James Bagley the one to
8 always screen the program?

9 A. James's role in the department is to
10 support Cartoon Network and Adult Swim, and he
11 is identified as the first point person to
12 look at programming for those networks.

13 Q. And was Adult Swim/Cartoon Network
14 aware that this episode had not aired on Fox?

15 A. Yes.

16 Q. And had you, meaning the company,
17 had conversations with Fox about why it had
18 not aired?

19 A. I did not.

20 Q. The company.

21 A. I do not know who in the company may
22 have spoken to Fox. I don't know.

23 Q. Did you, in preparation for this
24 deposition, talk to anybody who may have had
25 conversations with Fox about why the episode

TERESA TINGLE-HEPPNER

1 didn't air on Fox?

2 A. No.

3 Q. Did the fact that the episode didn't
4 air on Fox enter into your decision-making
5 process?

6 A. No.

7 Q. Why is that?

8 A. We make decisions based on the
9 content of the program. We don't know what
10 other networks' standards and practices
11 guidelines or decision-making is.

12 Q. So just to clarify, you don't know
13 whether anyone spoke with Fox or you don't
14 think anyone spoke with Fox regarding why the
15 episode didn't air on Fox?

16 A. I don't know.

17 Q. With respect to the alternate lines
18 in the program, did Cartoon Network/Adult Swim
19 request the alternate lines?

20 A. My department will identify content
21 that cannot air and refer that back to the
22 network. I do not know what conversations
23 anyone else had in terms of requesting those
24 lines. I wasn't a part of that process. I
25 merely identified the line that I wasn't

TERESA TINGLE-HEPPNER

1 comfortable with airing.

2 Q. And what line was that?

3 A. That was the line "Even though they
4 killed my Lord."

5 Q. In the song?

6 A. In the song.

7 Q. Was there any other content that you
8 identified in the episode or in the song that
9 you were uncomfortable with?

10 A. No.

11 Q. So you testified that you identified
12 this line in the song that you were not
13 comfortable with. Who proposed the alternate
14 line? Who proposed an alternate line?

15 MR. RIMOKH: Objection.

16 MS. STARK: Basis?

17 MR. RIMOKH: It's vague and
18 ambiguous.

19 Q. (By Ms. Stark) Was an alternate
20 line proposed for the song?

21 A. An alternate line was presented to
22 me at some later point. And it was
23 acceptable.

24 Q. Who presented the line to you?

25 A. Mike Lazzo.

TERESA TINGLE-HEPPNER

1 Q. What was the line?

2 A. "I don't believe they killed my
3 Lord."

4 Q. Did Mike tell you how that line came
5 about, how that new line came about?

6 A. I don't recall.

7 Q. And you found that line acceptable?

8 A. Yes.

9 Q. And once you found that line
10 acceptable, what actions did you take, based
11 on that determination, with respect to the
12 episode and the song? And I say "you,"
13 meaning the company.

14

15

16

17

18

19

20

21

22

23

24

25

REDACTED

TERESA TINGLE-HEPPNER

1 MR. RIMOKH: Thank you.

2 Q. (By Ms. Stark) Can you tell me what
3 this is, what this document is.

4 A. This e-mail has the memo I wrote on
5 the Weinstein episode.

6 Q. The one that you just testified to?

7 A. The one that I just referred to.

8 Q. And just so we can get the record
9 clear, is that on page TCN-00014, there on the
10 bottom right?

11 A. Yes.

12 Q. Okay. Continue.

13 A. And I see comments from other people
14 and discussion about how we would move
15 forward.

16 Q. When you print e-mails, it goes from
17 the bottom up. So did you receive this full
18 chain here on this first page, TCN-00013?

19 A. Yes.

20 Q. I see your name appears on each one
21 of these back and forth. So you received
22 this.

23 A. Yes.

24 Q. Turning to your memo on the second
25 page that you were discussing, I just want to

TERESA TINGLE-HEPPNER

1 go back to -- I want to go back to exploring
2 and learning about after you wrote this
3 memo -- and this memo, you testified that you
4 wrote this after the alternate line was
5 approved; correct?

6 A. That is my memory, yes.

7 Q. At the very bottom, in the last
8 paragraph before it says, "Please call," it
9 says, I do believe CN should use one of the
10 edited versions that lose -- I assume that
11 means loses -- the line, quote, even though
12 they killed my Lord.

13 Does this refresh your memory as to
14 the circumstances concerning the edited
15 version of the episode?

16 A. I remember that there were alternate
17 lines available and that they satisfied my
18 need for an alternate line that was
19 approvable. I do not know where they came
20 from.

21 Q. Is it fair to characterize this memo
22 to Jim as stating that you recommend airing
23 this program with that line revised?

24 A. Yes.

25 Q. And if you look at the date of this

TERESA TINGLE-HEPPNER

1 memo, it's dated October 27th, 2003. Does
2 that refresh your memory as to when the
3 program aired?

4 A. I'm sorry. No.

5 Q. Not a month later or six months
6 later?

7 A. No.

8 Q. But it is your testimony that you
9 know that it did air.

10 A. Yes.

11 Q. After you wrote this memo, what
12 happened between this memo and the time --
13 although you can't remember when -- the time
14 that the episode aired?

15 A. I don't have much memory of what
16 happened once the decisions were made and they
17 had my information. I'm sorry. I don't
18 remember much.

19 Q. If you look at the first page, just
20 take a minute to read this chain and see if
21 that refreshes your memory at all.

22 A. My memory is very vague. I mean,
23 all of this is familiar.

24 Q. Can you just tell me generally what
25 this is discussing.

TERESA TINGLE-HEPPNER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDACTED

Q. (By Ms. Stark) You can answer.

A. I don't honestly remember any

TERESA TINGLE-HEPPNER

1 between any of the other defendants in this
2 case, Fox, Fuzzy Door, MacFarlane, and the
3 Anti-Defamation League, or any other
4 organizations representing the Jewish
5 community regarding the Weinstein episode?

6 A. No.

7 Q. So I just want to go back to these
8 changes that were made to the episode. Is it
9 your testimony that you don't know how these
10 changes were made?

11 I'm sorry. This one change. Is
12 that this one change to the line of the song?

13 A. I am not clear whether you mean
14 technically or what you mean.

15 Q. Let's go through it, then. You
16 testified that you wanted to change that one
17 line of the lyric, and you asked for it to be
18 changed; is that correct?

19 A. Yes.

20 Q. Take me through the steps of how
21 that got changed.

22 A. Our department communicated to Adult
23 Swim that that line was not acceptable for
24 air. At some point later, they came back to
25 us with alternate lines which were acceptable.

TERESA TINGLE-HEPPNER

1 And subsequently, a final was produced with
2 the alternate dialogue in its place, and that
3 was approved for air.

4 Q. And did it air with the alternate
5 dialogue?

6 A. Yes.

7 Q. The first airing aired with the
8 alternate dialogue?

9 A. Yes.

10 Q. Does "Family Guy" have closed
11 captioning?

12 A. I don't know that for a fact.

13 Q. So would you know whether the lyric
14 had been changed in the closed captioning of
15 the episode?

16 A. I do not know.

17 Q. Should it have been if there were
18 closed captioning?

19 A. Yes.

20 Q. Are you still in standards and
21 practices?

22 A. Yes.

23 Q. Were you in '04?

24 A. Yes.

25 Q. Would you have been responsible for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TBS telecasts as well?

REDACTED

TERESA TINGLE-HEPPNER

1 A. I don't see August 13th.

2 Q. (By Ms. Stark) If you look at the
3 subject line in the middle of the second page,
4 it says, TBS viewer comments for the period
5 8/13 to 8/20.

6 So my presumption is that the
7 comment came in sometime between that time
8 period. That's why I'm listing that date.

9 So you remember this happening?

10 A. Yes.

11 Q. And can you just tell me the details
12 of what happened.

13 A. Apparently, in the library, the
14 original Fox version was never pulled from the
15 shelf when the replacement master was created.
16 And when TBS scheduled the episode, the wrong
17 master was pulled -- we were not aware of the
18 wrong master still being in the library -- and
19 aired.

20 We became aware of it because we
21 received this viewer complaint, and
22 immediately afterwards, we had the wrong
23 version that does not have the alternate
24 dialogue removed from the library and
25 destroyed.

TERESA TINGLE-HEPPNER

1 Q. And on the first page of this
2 document, it says this is from Karen Cassell
3 to you. It says, "My gut is to apologize."

4 Who is Karen Cassell?

5 A. Karen Cassell is the senior vice
6 president of public relations for TBS and TNT.

7 Q. Is she still?

8 A. Yes.

9 Q. And did somebody apologize to this
10 viewer?

11 A. It is my understanding that they
12 did.

13 Q. It wasn't you, though.

14 A. It was not me.

15 Q. So you don't know specifically how
16 that happened, this apology?

17 A. I don't know specifically.

18 Q. How does Cartoon Network or Turner
19 normally apologize to a viewer?

20 A. If the complaint comes by e-mail, we
21 generally respond to their e-mail, because
22 that's the only contact information we have
23 for them.

24 Q. Other than destroying the master and
25 responding to the complaint by the viewer by

TERESA TINGLE-HEPPNER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDACTED

EXHIBIT PL 40

***EXHIBIT FILED
WITH THE COURT
UNDER SEAL
PURSUANT TO
PROTECTIVE
ORDER***