

**EXHIBIT A**  
**TO ONE 3 TWO, INC.'S**  
**OPPOSITION TO THE AP'S**  
**MOTION IN LIMINE NO. 3**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHEPARD FAIREY AND OBEY GIANT )  
ART, INC., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE ASSOCIATED PRESS, )  
 )  
Defendant and )  
Counterclaim Plaintiff, )  
 )  
vs. )  
 )  
SHEPARD FAIREY, OBEY GIANT ART, )  
INC., OBEY GIANT, LLC, and STUDIO )  
NUMBER ONE, INC., )  
 )  
Counterclaim )  
Defendants. )  
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No. 09C1V01223 (AKH)  
VOLUME II

Continued Videotaped deposition of  
AMANDA FAIREY, taken at 333 South  
Hope Street, Suite 2900, Los Angeles,  
California, commencing at 10:13 a.m.,  
Sunday, March 28, 2010, before Daryl  
Baucum, RPR, CRR, RMR, CSR No. 10356.

1 stuff before the crying started. 11:02:01

2 Q. So based on that --

3 A. But I don't remember, you know, exactly.

4 We -- I don't remember if it was night or day.

5 Q. Did you see Shepard working with rubyliths? 11:02:11

6 A. It did.

7 Q. What did you see him do with rubyliths?

8 A. He cuts the rubylith.

9 Q. Did you see him work with rubyliths of the

10 Obama Hope poster? 11:02:27

11 A. I saw at least one layer.

12 Q. You saw Shepard work on at least one layer?

13 A. Uh-huh.

14 Q. Where was he?

15 A. I don't remember. It was either at the 11:02:37

16 office or at our home.

17 Q. Was it in your bedroom?

18 A. Well, it would have been in our bedroom,

19 yes, if it was at our home.

20 Q. His work area is in your bedroom? 11:02:46

21 A. Yeah.

22 Q. Because the rubylith is acetate, right?

23 A. Uh-huh.

24 Q. And he uses the acetate in your bedroom,

25 there is a space for that? 11:02:54



1 Q. Do you remember seeing him in the office 11:05:17  
2 working on the Obama Hope poster?

3 A. I don't remember.

4 Q. Do you remember seeing Shepard working on a  
5 Mac tower when he was the working on the Obama Hope 11:05:29  
6 poster?

7 A. I don't -- I don't remember.

8 Q. All that you remember is Shepard working on  
9 a laptop when he was working on the Obama Hope  
10 poster, right. 11:05:40

11 A. Yes. Initially, yeah.

12 Q. Do you remember him working on anything  
13 other than the laptop at any other stage beside the  
14 initial stage?

15 A. Wait. Do I -- I'm sorry. I do remember -- 11:05:51  
16 can you repeat that part?

17 Q. Do you remember him working on anything  
18 other than the laptop?

19 A. Well, the rubyliths.

20 Q. So the laptop and the rubyliths, right? 11:06:00

21 A. Uh-huh.

22 Q. And you remember one rubylith?

23 A. I -- I don't remember specifically how many  
24 I saw, but they actually all kind of look alike.

25 Q. But you did see the rubyliths? 11:06:12

1 A. Yeah, I did see the rubylith. 11:06:14

2 Q. And if it was at home, it would have been  
3 in your bedroom?

4 A. It would have been in our bedroom.

5 Q. Do you remember what day Shepard was 11:06:24  
6 working on the rubyliths?

7 A. I don't. I don't.

8 Q. You remember it was in late January?

9 A. Yes.

10 Q. Do you keep a day book or anything? 11:06:33

11 A. No.

12 Q. Diary, Daily Planner?

13 A. I wish.

14 Q. Do you know if Shepard does?

15 A. Yeah, I do know and he doesn't. He does 11:06:42  
16 not.

17 Q. Are there any logs that you use at your  
18 businesses to determine when Shepard's working or  
19 when Shepard's not working?

20 A. Yes, yeah. 11:06:53

21 Q. What's that?

22 A. ICal, but we don't use it.

23 Q. What do you mean "we don't use it"?

24 A. Shepard and I -- well, I -- I used it -- I  
25 used to use it a little bit, but Tina, our -- now 11:07:06