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

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1	UNITED STATES DISTRICT COURT
2	SOUTHERN DISTRICT OF NEW YORK
3	
4	SHEPARD FAIREY AND OBEY GIANT)
	ART, INC.,
5)
	Plaintiffs,)
6)
	vs.) No. 09C1V01223 (AKH)
7)
	THE ASSOCIATED PRESS,) VOLUME II
8)
520	Defendant and)
9	Counterclaim Plaintiff,)
)
10	vs.
)
11	SHEPARD FAIREY, OBEY GIANT ART,)
10	INC., OBEY GIANT, LLC, and STUDIO)
12	NUMBER ONE, INC.,
13	Counterclaim)
13	Defendants.
14	Defendancs.
15	· · · · · · · · · · · · · · · · · · ·
16	
17	Continued Videotaped deposition of
18	AMANDA FAIREY, taken at 333 South
19	Hope Street, Suite 2900, Los Angeles,
20	California, commencing at 10:13 a.m.,
21	Sunday, March 28, 2010, before Daryl
22	Baucum, RPR, CRR, RMR, CSR No. 10356.
23	
24	
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	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	
]]	LO	Obama Hope poster?	11:02:27
	11	A. I saw at least one layer.	
	L2	Q. You saw Shepard work on at least one layer?	
	13	A. Uh-huh.	
	14	Q. Where was he?	
2	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.	
2	20	Q. His work area is in your bedroom?	11:02:46
	21	A. Yeah.	
	22	Q. Because the rubylith is acetate, right?	
2	23	A. Uh-huh.	
2	24	Q. And he uses the acetate in your bedroom,	
:	25	there is a space for that?	11:02:54

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	1	A. There is a table, uh-huh.	11:02:56
	2	Q. Did he work on the rubyliths during the	
	3	same session during approximately the same time as	
	4	you saw him selecting photos?	
	5	A. I don't recall that. You kind of can't do	11:03:11
	6	that.	
	7	Q. Why not?	
	8	A. You have to you have to get from the	
	9	photo to the black and white to whatever stages	
	10	that you choose and and then you put the acetate	11:03:29
	11	and you use this as a guide. You use the reference	
	12	as a you know, as a guide based on the levels	
	13	that he choose chose.	
	14	So I do remember him remember him doing	
	15	it.	11:03:49
	16	Q. How long did the process take?	
	17	A. I don't know exactly.	
	18	Q. Do you know whether it was accomplished in	
	19	one day?	
	20	A. Maybe one phase one phase of it.	11:04:01
	21	Q. Did you	
	22	A. Meaning like photograph, then the next	
	23	phase would be doing figuring out which layers.	
	24	So that might have taken a day.	# c
	25	Q. Did you see Shepard working with rubyliths	11:04:19

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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

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