

ONE 3 TWO, INC.'S DESIGNATION OF PRIOR DEPOSITION TESTIMONY

Pursuant to Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) designates the following witnesses whose testimony One 3 Two expects to present by deposition and the pertinent parts of each witness deposition:¹

James Danziger – July 7, 2009

Page 5, Lines 6 - 8
Page 22, Lines 11 - 19
Page 22, Line 23 - Page 23, Line 7
Page 23, Lines 13 - 21
Page 38, Line 18 - Page 39, Line 16
Page 45, Line 2 - Page 46, Line 16
Page 47, Line 5 - Page 48, Line 11
Page 49, Line 9 - Page 50, Line 12
Page 52, Lines 18 - 21
Page 52, Line 24 - Page 53, Line 17
Page 53, Line 20 - Page 54, Line 1
Page 55, Line 2 - Page 56, Line 24
Page 59, Line 19 - Page 60, Line 2
Page 60, Line 9 - 12
Page 60, Line 18 - Page 61, Line 7
Page 61, Line 10 - 11
Page 61, Line 20 - Page 66, Line 12
Page 66, Line 23 - Page 68, Line 1
Page 68, Line 10 - 12
Page 68, Line 16 - 17
Page 70, Line 19 - 23
Page 71, Line 3 - Page 72, Line 11
Page 72, Line 14 - 19
Page 73, Line 11 - 17
Page 73, Line 23 - Page 74, Line 12
Page 74, Line 19 - 23
Page 75, Line 1 - Page 76, Line 1
Page 77, Line 7 - Page 78, Line 4
Page 82, Line 7 - 10

¹ The above designations reflect One 3 Two’s current understanding of which witnesses will be available to testify at trial. One 3 Two reserves the right to supplement this list should other witnesses become unavailable.

Page 83, Line 1 - 3
Page 83, Line 7
Page 96, Line 4 - Page 99, Line 1
Page 101, Line 8 - 20

Farah DeGrave – March 23, 2010

Page 134, Line 23 - Page 135, Line 12
Page 179, Line 25 - Page 180, Line 24
Page 202, Lines 5 - 13

Mannie Garcia Vol. 1 – March 4, 2010

Page 12, Lines 22 - 25
Page 16, Lines 1 - 11
Page 29, Line 7 - Page 30, Line 22
Page 34, Line 14 - Page 35, Line 4
Page 35, Line 17 - Page 36, Line 8
Page 37, Line 3 - Page 38, Line 15
Page 39, Line 15 - Page 40, Line 18
Page 226, Lines 10 - 23
Page 227, Line 7 - Page 229, Line 2
Page 230, Line 23 - Page 231, Line 11
Page 236, Lines 5 - 10
Page 236, Line 17 - Page 237, Line 2
Page 237, Lines 13 - 15

Mannie Garcia Vol. 2 – March 5, 2010

Page 48, Line 16 - Page 50, Line 3
Page 50, Lines 15 - 22
Page 63, Line 12 - Page 65, Line 18
Page 68, Line 16 - Page 69, Line 8
Page 70, Line 13 - Page 71, Line 21
Page 76, Line 21 - Page 78, Line 4
Page 80, Lines 8 - 14
Page 80, Line 19 - Page 81, Line 4
Page 81, Lines 9 - 15
Page 86, Lines 16 - 17
Page 87, Lines 7 - 12
Page 107, Line 16 - Page 110, Line 6
Page 113, Line 4 - Page 115, Line 5
Page 117, Line 22 - Page 118, Line 22
Page 119, Lines 3 - 22
Page 121, Lines 5 - 8
Page 121, Line 21 - Page 122, Line 3

Page 122, Lines 10 - 12
Page 130, Lines 2 - 12
Page 138, Lines 1 - 15
Page 149, Lines 2 - 9
Page 150, Line 19 - Page 151, Line 3
Page 162, Line 11 - Page 164, Line 11
Page 165, Lines 2 - 11
Page 166, Lines 2 - 14
Page 167, Line 2 - Page 168, Line 4
Page 169, Lines 1 - 4
Page 170, Lines 9 - 15
Page 172, Lines 2 - 5
Page 173, Lines 6 - 10
Page 174, Line 18 - Page 175, Line 9
Page 175, Lines 14 - 19
Page 176, Lines 1 - 20
Page 180, Line 9 - Page 181, Line 21
Page 182, Lines 7 - 19
Page 183, Lines 2 - 5
Page 183, Lines 9 - 11
Page 184, Lines 9 - 21
Page 188, Lines 8 - 16
Page 207, Line 19 - Page 209, Line 6
Page 209, Lines 17 - 19
Page 215, Line 18 - Page 218, Line 20
Page 219, Line 11 - Page 221, Line 7
Page 221, Line 22 - Page 222, Line 1
Page 222, Line 18 - Page 223, Line 7
Page 223, Lines 10 - 17
Page 224, Lines 6 - 12
Page 224, Line 15 - Page 226, Line 3
Page 229, Line 14 - Page 230, Line 11
Page 230, Line 15 - Page 231, Line 2
Page 231, Lines 5 - 8
Page 232, Lines 6 - 8
Page 232, Lines 11 - 21
Page 233, Lines 5 - 13
Page 235, Lines 13 - 16
Page 236, Lines 1 - 4
Page 237, Lines 7 - 10
Page 238, Line 16 - Page 239, Line 5
Page 239, Lines 15 - 21
Page 250, Line 19 - Page 251, Line 17
Page 253, Line 8 - Page 254, Line 13
Page 258, Line 18 - Page 259, Line 14
Page 260, Line 3 - Page 262, Line 22

Page 264, Line 7 - Page 265, Line 17
Page 266, Line 6 - Page 268, Line 22
Page 277, Line 6 - Page 278, Line 16
Page 279, Lines 5 - 9
Page 284, Lines 6 - 19
Page 285, Lines 6 - 13
Page 300, Lines 1 - 21
Page 302, Lines 16 - 22
Page 312, Line 21 - Page 316, Line 6
Page 320, Line 1 - Page 321, Line 6
Page 321, Line 15 - Page 322, Line 4
Page 324, Lines 14 - 21
Page 325, Line 10 - Page 326, Line 5
Page 326, Line 21 - Page 327, Line 7
Page 327, Lines 11 - 21
Page 328, Line 18 - Page 329, Line 7
Page 329, Line 13 - Page 330, Line 1
Page 335, Lines 5 - 10
Page 337, Line 7 - Page 338, Line 2
Page 338, Line 8 - Page 339, Line 20
Page 340, Line 19 - Page 341, Line 22
Page 346, Line 17 - Page 347, Line 8
Page 350, Lines 7 - 14

Gregory Payan – April 6, 2010

Page 13, Lines 3 - 9
Page 14, Lines 5 - 22

**EVIDENTIARY OBJECTIONS AND COUNTER DEPOSITION DESIGNATIONS OF
COUNTERCLAIM DEFENDANT ONE 3 TWO, INC. PURSUANT TO RULE
26(a)(3)(A)(ii) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) provides the following evidentiary objections to testimony the Associated Press expects to present by deposition and counter-designates the following witness testimony:²

DEPOSITION OF AMANDA FAIREY (September 18, 2009)

EVIDENTIARY OBJECTIONS:

The Associated Press’s Designation

Page 138, Line 19 - Page 138, Line 18

Page 149, Lines 7 – 14

Page 149, Line 7 - Page 150, Line 5

Page 150, Lines 6 – 10

One 3 Two, Inc.’s Objection

Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague); Federal Rule of Evidence 801 (Hearsay)

Federal Rule of Evidence 801 (Hearsay)

Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague); Federal Rule of Evidence 701 (calls for legal conclusion by lay witness)

Federal Rule of Evidence 801 (Hearsay)

² One 3 Two reserves the right to supplement this list should other witnesses become unavailable.

COUNTER-DESIGNATIONS:

Deposition of Amanda Fairey - (September 18, 2009)

Page 16, Line 18 - Page 17, Line 3
Page 22, Line 9 - Page 23, Line 7
Page 151, Line 10 - Page 152, Line 2
Page 152, Line 8 - Page 156, Line 11
Page 161, Line 16 - Page 162, Line 7

DEPOSITION OF AMANDA FAIREY (March 28, 2010)

COUNTER-DESIGNATIONS:

Deposition of Amanda Fairey - (March 28, 2010)

Page 391, Line 5 - Page 392, Line 1
Page 394, Line 17 - Page 395, Line 9
Page 466, Lines 13 - 20
Page 467, Lines 11 - 19
Page 469, Lines 11 - 23
Page 470, Line 19 - Page 471, Line 4

DEPOSITION OF AMANDA FAIREY (July 27, 2010)

EVIDENTIARY OBJECTIONS:

The Associated Press's Designation

One 3 Two, Inc.'s Objection

Page 567, Line 5 - Page 568, Line 14

Federal Rule of Evidence 402 (Relevance)

Page 569, Line 14 - Page 573, Line 12

Federal Rule of Evidence 402 (Relevance)

Page 572, Lines 4 - 6

Federal Rule of Evidence 602 (Lack of Personal Knowledge)

Page 573, Lines 2 - 11

Federal Rule of Evidence 801 (Hearsay)

Page 588, Line 13 - Page 593, Line 13

Federal Rule of Evidence 402 (Relevance)

Page 588, Line 18 - Page 589, Line 4

Federal Rule of Evidence 801 (Hearsay)

Page 589, Lines 2 - 7	Federal Rule of Evidence 602 (Lack of Personal Knowledge)
Page 599, Lines 13 - 19	Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 408 (Offer to Compromise)
Page 601, Line 24 - Page 605, Line 15	Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 408 (Offer to Compromise)
Page 602, Lines 4 - 12	Federal Rule of Evidence 801 (Hearsay)
Page 603, Line 22 - Page 604, Line 3	Federal Rule of Evidence 801 (Hearsay)
Page 604, Lines 22 - 23	Federal Rule of Evidence 801 (Hearsay)
Page 605, Lines 10 - 15	Federal Rule of Evidence 602 (Lack of Personal Knowledge)
Page 607, Lines 10 - 16	Federal Rule of Evidence 602 (Lack of Personal Knowledge)
Page 610, Line 14 - Page 611, Line 17	Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 408 (Offer to Compromise)

COUNTER-DESIGNATIONS:

Deposition of Amanda Fairey - (July 27, 2010)

Pages 612, Line 15 - Page 613, Line 15
Pages 783, Line 6 - Page 785, Line 13
Pages 790, Line 22 - Page 794, Line 17
Pages 843, Line 6 - Page 846, Line 9

DEPOSITION OF MANNIE GARCIA – VOL. I (March 4, 2010)

EVIDENTIARY OBJECTIONS:

The Associated Press’s Designation

Pages 31, Line 16 - Page 32, Line 10

One 3 Two, Inc.’s Objection

Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague)

Page 35, Lines 5 - 16	Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague, assumes facts not in evidence)
Page 43, Lines 10 - 18	Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague, assumes facts not in evidence)
Page 45, Lines 1 - 5	Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: assumes facts not in evidence)
Page 47, Line 7 - Page 50, Line 1	Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 602 (Lack of Personal Knowledge)
Page 48, Line 23 - Page 49, Line 5	Federal Rule of Evidence 602 (Lack of Personal Knowledge); Federal Rule of Evidence 611 (objection to form: vague)

COUNTER-DESIGNATIONS:

Mannie Garcia Vol. 1 – (March 4, 2010)

Page 26, Lines 2 - 10
Page 226, Lines 10 - 23
Page 227, Line 7 - Page 229, Line 2
Page 230, Line 23 - Page 231, Line 11
Page 236, Lines 5 - 10
Page 236, Line 17 - Page 237, Line 2
Page 237, Lines 13 - 15

DEPOSITION OF MANNIE GARCIA – VOL. II (March 5, 2010)

COUNTER-DESIGNATIONS:

Mannie Garcia Vol. 2 – (March 5, 2010)

Page 19, Lines 2 - 13
Page 48, Line 16 - Page 50, Line 3

Page 50, Lines 15 - 22
Page 63, Line 12 - Page 65, Line 18
Page 68, Line 16 - Page 69, Line 9
Page 70, Line 13 - Page 71, Line 21
Page 76, Line 21 - Page 78, Line 4
Page 79, Line 12 - Page 81, Line 15
Page 80, Lines 8 - 14
Page 80, Line 19 - Page 81, Line 4
Page 81, Lines 9 - 15
Page 86, Lines 16 - 17
Page 87, Lines 7 - 12
Page 107, Line 16 - Page 110, Line 6
Page 113, Line 4 - Page 115, Line 5
Page 117, Line 22 - Page 118, Line 22
Page 119, Lines 3 - 22
Page 121, Lines 5 - 8
Page 121, Line 21 - Page 122, Line 3
Page 122, Lines 10 - 12
Page 130, Lines 2 - 12
Page 138, Lines 1 - 15
Page 149, Lines 2 - 9
Page 150, Line 19 - Page 151, Line 3
Page 163, Line 20 - Page 164, Line 11
Page 165, Lines 2 - 9
Page 167, Line 10 - Page 168, Line 4
Page 169, Lines 1 - 4
Page 172, Lines 2 - 5
Page 172, Lines 9 - 16
Page 174, Line 18 - Page 175, Line 9
Page 175, Lines 14 - 19
Page 176, Lines 1 - 20
Page 180, Line 9 - Page 181, Line 21
Page 182, Lines 7 - 19
Page 183, Lines 2 - 5
Page 183, Lines 9 - 11
Page 184, Lines 9 - 21
Page 188, Lines 8 - 16
Page 207, Line 19 - Page 209, Line 6
Page 209, Lines 17 - 19
Page 215, Line 18 - Page 218, Line 20
Page 219, Line 11 - Page 221, Line 7
Page 221, Line 22 - Page 222, Line 1
Page 222, Line 18 - Page 223, Line 7
Page 223, Lines 10 - 17
Page 224, Lines 6 - 12
Page 224, Line 15 - Page 225, Line 1

Page 229, Line 14 - Page 230, Line 11
Page 230, Line 15 - Page 231, Line 2
Page 231, Lines 5 - 8
Page 232, Lines 6 - 8
Page 232, Lines 11 - 21
Page 233, Lines 5 - 13
Page 235, Lines 13 - 16
Page 236, Lines 1 - 4
Page 237, Lines 7 - 10
Page 238, Line 16 - Page 239, Line 5
Page 239, Lines 15 - 21
Page 250, Line 19 - Page 251, Line 17
Page 253, Line 8 - Page 254, Line 13
Page 258, Line 18 - Page 259, Line 14
Page 260, Line 3 - Page 262, Line 22
Page 264, Line 7 - Page 265, Line 17
Page 266, Line 6 - Page 268, Line 22
Page 277, Line 6 - Page 278, Line 16
Page 279, Lines 5 - 9
Page 284, Lines 6 - 19
Page 285, Lines 6 - 13
Page 300, Lines 1 - 21
Page 302, Lines 16 - 22
Page 312, Line 21 - Page 316, Line 6
Page 320, Line 1 - Page 321, Line 6
Page 321, Line 15 - Page 322, Line 4
Page 324, Lines 14 - 21
Page 325, Line 10 - Page 326, Line 5
Page 326, Line 21 - Page 327, Line 7
Page 327, Lines 11 - 21
Page 328, Line 18 - Page 329, Line 7
Page 329, Line 10 - Page 330, Line 1
Page 335, Lines 5 - 10
Page 337, Line 7 - Page 338, Line 2
Page 338, Line 8 - Page 339, Line 20
Page 340, Line 19 - Page 341, Line 22
Page 346, Line 17 - Page 347, Line 8
Page 352, Line 16 - Page 353, Line 10

DEPOSITION OF BRAD GROSSMAN (August 24, 2010)

EVIDENTIARY OBJECTIONS:

The Associated Press's Designation

Page 54, Lines 20 - 23

Page 151, Line 8 - Page 153, Line 18

Page 151, Line 22 - 152, Line 6

Page 153 Lines 2 - 14

Page 205, Line 8 - Page 206, Line 4

Page 234, Line 10 - Page 239, Line 25

Page 234, Line 20 - Page 235, Line 2

Page 238 Lines 19 - 24

One 3 Two, Inc.'s Objection

Federal Rule of Evidence 611 (objection to form: leading, vague)

Federal Rule of Evidence 402 (Relevance)

Federal Rule of Evidence 801 (Hearsay)

Federal Rule of Evidence 801 (Hearsay)

Federal Rule of Evidence 611 (objection to form: leading; argumentative, misstates testimony)

Federal Rule of Evidence 402 (Relevance)

Federal Rule of Evidence 801 (Hearsay)

Federal Rule of Evidence 801 (Hearsay)

COUNTER-DESIGNATIONS:

Brad Grossman – (August 24, 2010)

Page 23, Line 22 - Page 25, Line 5

Page 28, Line 21 - Page 30, Line 16

Page 149, Line 6 - Page 151, Line 6

Page 153, Line 19 - Page 154, Line 11

Page 198, Line 4 - Page 200, Line 16

Page 153, Line 19 - Page 154, Line 11

Page 201, Lines 6 - 17

Page 204, Line 9 - Page 205, Line 7

Page 211, Line 11 - Page 212, Line 24

Page 213, Lines 6 - 24

Page 231, Line 21 - Page 233, Line 3

DEPOSITION OF OLIVIA MARGARET PERCHES (September 23, 2009)

EVIDENTIARY OBJECTIONS:

The Associated Press's Designation

One 3 Two, Inc.'s Objection

Page 454, Line 12 - Page 458, Line 19

Federal Rule of Evidence 402 (Relevance)

Page 456, Lines 4 - 8

Federal Rule of Evidence 801 (Hearsay)

Page 456, Lines 15 - 23

Federal Rule of Evidence 801 (Hearsay)

Page 457, Line 13 - Page 458, Line 2

Federal Rule of Evidence 602 (Lack of Personal Knowledge)

Page 458, Lines 11 - 19

Federal Rule of Evidence 602 (Lack of Personal Knowledge)

COUNTER-DESIGNATIONS:

Olivia Margret Perches – (September 23, 2009)

Page 77, Line 20 – Page 79, Line 4

Page 195, Line 3 – Page 196, Line 8

**DEFENDANT ONE 3 TWO'S RESPONSE TO OBJECTIONS AND COUNTER-
DESIGNATIONS OF PLAINTIFF THE ASSOCIATED PRESS**

Pursuant to Rule 26(b) of the Federal Rules of Civil Procedure, Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) provides the following evidentiary objections to the following testimony the Associated Press expects to present by deposition at trial, as well additional designations of testimony:

The Associated Press's Designation

One 3 Two, Inc.'s Objection

Deposition of James Danziger - (July 7, 2009)

Page 50, Lines 13 – 14

Federal Rule of Evidence 402 (Relevance); Federal Rule of Evidence 602 (Foundation)

Page 68, Line 23 – Line 69, Line 10

Federal Rule of Evidence 602 (Foundation)

Page 85, Lines 6 – 20

Federal Rule of Evidence 801 (Hearsay)

Mannie Garcia - (March 5, 2010)

Page 232, Line 22 – Page 233, Line 3

Federal Rule of Evidence 402 (Relevance); this is an answer that does not appear to be to any question designated

Page 259, Lines 15 – 19

Federal Rule of Evidence 602 (Foundation)

Gregory Payan - (April 6, 2010)

Page 21, Lines 23 – Page 22, Line 15

Federal Rule of Evidence 602
(Foundation); Federal Rule of
Evidence 801 (Hearsay)

Page, 70 Lines 14 – 22

Federal Rule of Evidence 801
(Hearsay)

Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) also submits these additional counter-designations to the following witness testimony that was counter-designated by Plaintiff The Associated Press:

Deposition of James Danziger - (July 7, 2009)

Page 29, Lines 6 – 23

Page 32, Line 15 — Page 33, Line 16

Page 51, Line 5

Mannie Garcia Vol. 2 – (March 5, 2010)

Page 329, Lines 2 - 7