

**EXHIBIT 47**

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

J.T. COLBY & COMPANY, INC.,  
d/b/a BRICK TOWER PRESS,  
J. BOYLSTON & COMPANY,  
PUBLISHERS, LLC, and  
IPICTUREBOOKS, LLC,  
Plaintiffs,

CASE NO.  
11-CIV-4060 (DLC)

v.  
APPLE, INC.,  
Defendant.

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VIDEOTAPED DEPOSITION OF

RICHARD FREESE

September 25, 2012

Prince Frederick, Maryland

2:04 p.m.

REPORTED BY:

Lori J. Goodin

REF: 8254

1 Q. Okay. Did you bring any documents  
2 to the deposition with you today?

3 A. I did not.

4 Q. Okay. Are you familiar with the  
5 entity, J.T. Colby & Company, Inc.?

6 A. I am.

7 Q. And what do you know about that  
8 company?

9 A. I know that they are a book  
10 publisher.

11 Q. Do you know anything else about  
12 them?

13 A. Well, I know that they publish, that  
14 they were involved in the purchase of the Byron  
15 Preiss ebooks out of the bankruptcy.

16 And I am familiar with the list as  
17 it was then. And I am familiar with that  
18 backlist specifically, because that was what was  
19 so attractive to me.

20 Q. When you say the list as it was  
21 then, what are you referring to?

22 A. The publishing list. The frontlist

1 and backlist titles of the Byron Preiss ibooks.  
2 And actually, you know, John's other, Milk and  
3 Cookies and the imprints that I have personally  
4 been involved with present at both PGW and NBN.

5 Q. And when you said you also mentioned  
6 as it was then. What time frame are you  
7 referring to?

8 A. Through my days at PGW and my time  
9 at NBN. I am not, you know, John and I don't  
10 talk about his business, you know, outside of  
11 that association. Or have not spoken, really,  
12 about his business outside of that association.

13 Q. Does J.T. Colby & Company do  
14 business as Brick Tower Press?

15 A. Yes, that is my understanding.

16 Q. Do you know where the offices of  
17 Brick Tower Press are located?

18 A. I know that John -- no, the answer  
19 is no, okay.

20 Q. Okay. I actually can't argue with  
21 that.

22 Are you familiar with the entity,

1 J. Boylston & Company Publishers, LLC?

2 A. I remember the name. I really don't  
3 recall.

4 Q. Okay. Are you familiar with the  
5 entity, ipicturebooks, LLC?

6 A. No, I'm not.

7 Q. Okay.

8 MS. JARRETT: Okay. I'm going to  
9 mark Freese Exhibit 2, which is Plaintiffs' Third  
10 Amended Rule 26(a) Initial Disclosures.

11 (Freese Exhibit Number 2  
12 marked for identification.)

13 BY MS. JARRETT:

14 Q. I will give you a moment to look  
15 through that document. And my question will be  
16 when you have had a chance to review it, if you  
17 have ever seen it before?

18 A. I don't believe so. No, I don't  
19 think I have seen this before.

20 Q. Okay. If the you would turn to  
21 Page 2, please. Do you see your name in the  
22 table there?

1 A. Yes.

2 Q. And this document says that  
3 plaintiffs believe that you are likely to have  
4 discoverable information regarding the business  
5 dealings leading to the acquisition by  
6 John T. Colby of the business, the distribution  
7 of plaintiffs' books, and books generally,  
8 including during the period of time encompassing  
9 the transition of the business from Byron Preiss  
10 to John T Colby. Do you see that?

11 A. Yes, I do.

12 Q. Okay. What business dealings do you  
13 have knowledge of?

14 A. As President of Publishers Group  
15 West, I was the primary contact for John on the  
16 purchase of Byron Preiss. The primary contact  
17 from a PGW standpoint. The purchase of ibooks.

18 Q. Did PGW have an ownership interest  
19 in ibooks, Inc.?

20 A. We did not have an ownership  
21 interest.

22 Q. Okay. What kind of things did