

EXHIBIT 16

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EDWARD CARRINGTON, et al.,)
)
 Plaintiffs,)
)
vs.) No. 1:08-CV-00119
)
DUKE UNIVERSITY, et al.,)
)
 Defendants.)
)
)

Videotaped Deposition of
 BENJAMIN KOESTERER
Friday, February 17, 2012
San Francisco, California

1 Q. At the time you left, had Ms. Mangum and
2 Ms. Roberts come to the party already?

3 A. Yes.

4 Q. As of the time you left, had Ms. Mangum and
5 Ms. Roberts left the party?

6 A. Sort of.

7 Q. Were they still in the vicinity, at 610?

8 A. On the premise.

9 Q. Were they outside of the house? At the time
10 you left.

11 A. I think they went out the back door, and I
12 went out the front door.

13 Q. And at the time you left, to the extent that
14 Ms. Mangum and Ms. Roberts performed, they had already
15 done that; correct?

16 A. Yes.

17 Q. Were any non-lacrosse team members present at
18 the party?

19 MS. SMITH: I'm just going to assert an
20 objection here. Ben, along this line of questioning,
21 to the extent that any information you derived from
22 your attorneys at Ekstrand and Ekstrand, I would
23 instruct you not to answer.

24 To the extent you have personal knowledge from
25 that night, or from some outside source, outside our

1 attorney-client representation with your teammates, go
2 ahead and answer.

3 But if you don't, I would instruct you not to
4 answer.

5 THE WITNESS: Can you repeat that, Stefanie?

6 MR. THOMPSON: What she's saying is if you
7 know the answer to this question, only because someone
8 at Ekstrand and Ekstrand told you, then you can't
9 answer the question. But if you have any other basis
10 for answering the question, then go ahead and answer
11 the question.

12 THE WITNESS: Understood. Can you repeat it,
13 please?

14 MR. SEGARS: Sure.

15 Q. Were any people who were not members of the
16 lacrosse team in attendance at the party?

17 A. Not that I know of.

18 Q. Were any Duke administrators at the party?

19 A. Not that I know of.

20 Q. Were any of the coaches of the lacrosse team
21 at the party?

22 A. Not that I know of.

23 Q. Did any of the coaches assist in planning the
24 party?

25 A. Not that I'm aware of.

1 Mr. Finnerty was trying to discover whether this sort
2 of information existed?

3 A. I don't think I was aware of this.

4 Q. Did you ever discuss the subject of whether
5 there were on-campus security cameras with Collin
6 Finnerty?

7 A. Not that I recall.

8 Q. After Ms. Mangum's allegations came to light,
9 did you and Collin Finnerty ever discuss the fact that
10 you walked back to your dorm room together?

11 A. Yes.

12 MS. SMITH: Objection. To the extent that
13 those discussions were part of your relationship with
14 Ekstrand and Ekstrand, and our joint defense agreement
15 with Tom Finnerty, and in connection with that
16 representation, I would instruct you not to answer.

17 MR. THOMPSON: But if it wasn't something you
18 learned about from Ekstrand and Ekstrand, go ahead and
19 answer.

20 THE WITNESS: Yes.

21 MR. SEGARS: Q. What did you and Collin
22 discuss about that?

23 A. Just the fact that we left together, and we
24 just discussed what we did; where we went.

25 Q. Did you and Collin discuss that after Collin