

EXHIBIT 25

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action Number 1:07-CV-00953

RYAN McFADYEN, et al.)
)
 Plaintiffs,)
)
vs.)
)
DUKE UNIVERSITY, et al.,)
)
 Defendants.)
_____/

VIDEOTAPED DEPOSITION OF JOHN RYAN MCFADYEN

(Taken by Defendants)

Durham, North Carolina

Wednesday, September 19th, 2012

Reported in Stenotype by
 Sophie Brock, RPR, CRR
Transcript produced by computer-aided transcription

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 MS. SMITH: Objection. I think that's
5 confusing to him. It's confusing to me when I hear
6 that. I think that asks the same question.

7 BY MR. SEGARS:

8 Q. Well, I guess -- here's what I'm trying to
9 find out. I'm trying to find out your reasons for
10 hiring Glen Bachman --

11 MS. SMITH: And we're instructing him
12 not to answer.

13 MR SEGARS: I understand.

14 BY MR. SEGARS:

15 Q. And my question is, is there any information
16 responsive to that question that is outside of the
17 instruction that you've been given?

18 MS. SMITH: Objection. I think it's
19 confusing. I mean, these boys are not --

20 MR. EKSTRAND: I think he's answering
21 "no," so...

22 MR. SEGARS: I'm just --

23 MS. SMITH: I just mean --

24 MR SEGARS: You're the one who's
25 instructing him.

1 MS. SMITH: -- they don't understand
2 privilege as well as we might, and so they have to
3 follow our instruction. And I think every time you
4 follow up with these questions it's confusing to them.

5 And they not trying to withhold anything --

6 MR SEGARS: Well -- right.

7 MS. SMITH: -- but they're also trying
8 to follow their counsel's instruction and the
9 follow-up question. It's like -- they're not lawyers.
10 They can't determine what's reasoning that's separate
11 from privilege; what's facts and separate from our
12 work product. They just can't. And it happens at
13 every single deposition. And we're not trying to have
14 them withhold anything, but at the same time they
15 should be able to follow their own counsel's
16 instruction.

17 BY MR. SEGARS:

18 [REDACTED]

19 [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. [REDACTED]

25 [REDACTED]