## **EXHIBIT 25**

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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

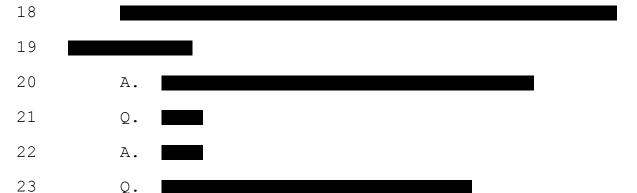
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Sophie Brock, RPR, CRR
Transcript produced by computer-aided transcription

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                   MS. SMITH: Objection. I think that's
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    confusing to him. It's confusing to me when I hear
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 6
     that. I think that asks the same question.
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    BY MR. SEGARS:
         Q. Well, I guess -- here's what I'm trying to
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 9
     find out. I'm trying to find out your reasons for
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    hiring Glen Bachman --
                   MS. SMITH: And we're instructing him
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12
    not to answer.
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                   MR SEGARS: I understand.
    BY MR. SEGARS:
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          Q. And my question is, is there any information
    responsive to that question that is outside of the
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17
     instruction that you've been given?
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                   MS. SMITH: Objection. I think it's
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    confusing. I mean, these boys are not --
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                   MR. EKSTRAND: I think he's answering
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     "no," so...
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                   MR. SEGARS: I'm just --
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                   MS. SMITH: I just mean --
                   MR SEGARS: You're the one who's
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MS. SMITH: -- they don't understand privilege as well as we might, and so they have to follow our instruction. And I think every time you
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- 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
- should be able to follow their own counsel's
- 16 instruction.
- 17 BY MR. SEGARS:



- 24 A.
- 24 A.

25