

# EXHIBIT A

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p style="text-align: center;">-----</p> <p>DAVID RUDOVSKY and LEONARD SOSNOV, Plaintiffs,  No. 09-CV-727  v.  WEST PUBLISHING CORPORATION, WEST SERVICES INC., AND THOMSON LEGAL AND REGULATORY INC., t/a THOMSON WEST, Defendants.</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Video-recorded Deposition Upon Oral Examination of: Karen A. Earley</p> <p>Location: Thomson West .50 Broad Street East Rochester, New York 14614 Date: March 3, 2010 Time: 2:01 p.m. Reported By: LYNN A. MULLEN, RPR</p>	<p style="text-align: center;">Page 3</p> <p>1 E X H I B I T S 2 Earley 3 Exhibit Description 4 . 5 No. 1 Agreement between David Rudovsky 6 and Leonard Sosnov, Authors, and West 7 Group, Publisher, August 2000, Bates 8 West-R 06297 through 06303 (PAGE-13) 9 . 10 No. 2 Agreement between David Rudovsky 11 and Leonard Sosnov, Authors, and West 12 Services, Inc., Publisher, June 2007, Bates 13 West-R 06304 through 06309 14 (PAGE-13) 15 . 16 No. 3 E-mail, 8/23/07, to Karen Earley 17 from Tanya Smith plus attachments, Bates 18 West-R 00013 through 00149 (PAGE-18) 19 . 20 No. 4 Attorney Continuing Education, 21 Philosophy of Publishability Review &amp; 22 Metrics, Bates West-R 06134 through 06187 23 (PAGE-64) 24 .</p>
<p style="text-align: center;">Page 2</p> <p>1 A P P E A R A N C E S 2 Appearing on Behalf of Plaintiffs: 3 Noah H. Charlson, Esq. 4 Bazelon, Less &amp; Feldman, P.C. 5 .1515 Market Street, Suite 700 6 Philadelphia, Pennsylvania 19102-1907 7 ncharlson@bazless.com 8 . 9 Appearing on Behalf of Defendants: 10 Aaron M. Zeisler, Esq. 11 Satterlee, Stephens, Burke &amp; Burke, LLP 12 .230 Park Avenue 13 New York, New York 10169 14 azeisler@ssbb.com 15 . 16 Also Present: 17 John Wierzbicki 18 Appearing as Videographer: 19 David Parrotta 20 W I T N E S S 21 . 22 Name Page 23 Karen A. Earley 24 By Mr. Charlson 8</p>	<p style="text-align: center;">Page 4</p> <p>1 EXHIBIT INDEX CONTINUED 2 . 3 No. 5 Training Schedule, 6/24/08, Bates 4 West-R 05911 through 05916 (PAGE-69) 5 . 6 No. 6 Printout of all the hits on 7 the Westlaw PAPRAC database during a 8 particular time frame, Bates West-R 00224 9 through 00225 (PAGE-73) 10 11 EXHIBITS PREVIOUSLY MARKED 12 Exhibit Description 13 Redzic 4 Time Data Report, 1/1/07 14 through 12/31/09, Bates West-R 05866 15 through 05869 (PAGE-22) 16 . 17 Redzic 6 Publishability Review, Bates 18 West-R 05980 through 06133 (PAGE-27) 19 . 20 Smith 2 E-mail string ending with an 21 e-mail dated 1/18/08 to John Wierzbicki 22 from Karen Earley, Bates West-R 00204 23 through 00205 (PAGE-51) 24 .</p>

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<p>1 included.                  2 Q. When you say "check them,"                  3 check them how?                  4 A. I would look them up on                  5 Westlaw. I would see if they were still                  6 accurate and valid, and I'd see the                  7 point of law that they were using the                  8 case for in regard to the text that was                  9 in the main volume, and to see if it                  10 was on point as they had summarized it.                  11 Q. And in your experience with Mr.                  12 Rudovsky and Mr. Sosnov, was their                  13 manuscript generally accurate?                  14 MR. ZEISLER: Objection. Lacks                  15 foundation.                  16 A. I recall that it was                  17 publishable. I don't recall specifics                  18 about any individual case that I checked                  19 two years ago.                  20 Q. It didn't have to be returned                  21 to them to be reworked?                  22 A. It did not.                  23 Q. In fact, you performed                  24 something called a publishability review</p>	<p>1 Criminal Procedures 2nd Edition. That's                  2 Pennsylvania Criminal Procedure, correct?                  3 A. Yes, correct.                  4 Q. And the code is "Activity                  5 Code 375," "AE Publishability Review"?                  6 A. Correct.                  7 Q. So is that -- would that have                  8 been the time you spent doing a                  9 publishability review for the supplement?                  10 MR. ZEISLER: Objection.                  11 Vague. What's "that"?                  12 Q. Would this time entry -- did                  13 this time entry reflect the time you                  14 spent doing a publishability review?                  15 A. It may not reflect all of the                  16 time I spent doing the publishability                  17 review because I only -- I only entered                  18 time for a 40-hour workweek, and often it                  19 was over that. And if it wasn't -- if I                  20 was working on it in a time that wasn't                  21 in that 40 hours, then it wouldn't be                  22 reflected here.                  23 Q. Is it fair to say, though, that                  24 your publishability review was conducted</p>
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<p>1 for this 2007 supplement?                  2 MR. ZEISLER: Objection. Lacks                  3 foundation.                  4 Q. Isn't that correct?                  5 A. I -- I don't recall exactly                  6 when I would have performed a                  7 publishability review.                  8 (The following exhibit was                  9 marked at a previous deposition:                  10 Redzic 4.)                  11 Q. Let me show you what was                  12 previously marked as Exhibit 4 at the                  13 deposition of Sarah Redzic.                  14 A. This document?                  15 Q. Yes. And have you seen this                  16 document before or documents like it?                  17 A. I recognize this type of report                  18 from our time system, yes.                  19 Q. Okay. And if you look at                  20 the -- on the second page -- I'm sorry.                  21 If you look at the last page                  22 of this document, the one, two, three four                  23 -- fifth entry is for Karen Earley,                  24 September 14, 2007, PA PR Volume 2,</p>	<p>1 around September 14, 2007?                  2 A. Correct.                  3 Q. What exactly is a publishability                  4 review?                  5 A. You mean specifically -- I'm                  6 sorry, could you clarify what you mean?                  7 In general when we do a publishability                  8 review or tasks or what -- Q. Well,                  9 there is something at West called a                  10 publishability review, correct?                  11 A. Correct.                  12 Q. And that's an actual process                  13 with its own activity code, correct?                  14 A. Correct.                  15 Q. And there's guidelines for that?                  16 A. Correct.                  17 Q. So I'm asking for your own                  18 understanding of what the Attorney                  19 Editors' publishability review is.                  20 MR. ZEISLER: Objection.                  21 Overbroad.                  22 Q. You can answer the question.                  23 A. Okay. My understanding of what                  24 a publishability review is, is to check</p>

<p style="text-align: center;">Page 37</p> <p>1 understanding is that an Attorney Editor                  2 is trained. I'm not aware of -- that's                  3 my understanding, is an Attorney Editor                  4 is trained.                  5 Q. And how long does the training                  6 process last?                  7 A. It could vary from one Attorney                  8 Editor to the other. I'm not aware of                  9 any set time frame for the training                  10 process.                  11 Q. When Sarah Redzic started at                  12 West, she shadowed you, correct?                  13 A. I don't recall her shadowing me                  14 specifically, no. I don't recall her                  15 shadowing me.                  16 Q. Were you responsible for her                  17 training?                  18 A. I was not responsible for her                  19 training.                  20 Q. Who was?                  21 A. I believe Andrea Nadel. I                  22 don't recall specifically.                  23 Q. Do you have any idea if Sarah                  24 Redzic was ever certified as trained?</p>	<p style="text-align: center;">Page 39</p> <p>1 Overbroad.                  2 Q. In the 2007 and 2008 time                  3 frame.                  4 A. Low margin depends on what                  5 you're comparing it to, which other                  6 products you're comparing it to.                  7 Q. Well --                  8 A. So it's relevant to what you're                  9 comparing it to individually.                  10 Q. What would you have compared                  11 the Pennsylvania Criminal Procedure to in                  12 terms of its margin?                  13 A. What would I have compared it                  14 to?                  15 Q. Yes.                  16 A. I'd be -- I'm kind of                  17 speculating as to what I'm going to                  18 compare it to. If I'm comparing it in                  19 my mind to another product right now is                  20 -- if I compared it to another product,                  21 I would look at the other product's                  22 revenue, another product on a similar                  23 topic, similar coverage.                  24 Q. Well, let me ask you a</p>
<p style="text-align: center;">Page 38</p> <p>1 A. I don't have any knowledge                  2 regarding that.                  3 Q. Can you turn to page West-R                  4 .06003? Are you there?                  5 A. Yes, I'm there.                  6 Q. If you look at the last bolded                  7 question, it reads, "Do I conduct a                  8 publishability review on a product with a                  9 low margin?" Do you see that?                  10 A. Yes, I do see it.                  11 Q. It reads, "You must use your                  12 best business judgment in determining the                  13 appropriate level of review of a                  14 submission on a product with a low                  15 margin." I'm just going to stop there.                  16 Having -- having read this document                  17 before, what's your understanding of what                  18 a product with a low margin is?                  19 A. It relates to the amount of                  20 revenue that we make on the product.                  21 Q. Was Pennsylvania Criminal                  22 Procedure considered a low margin                  23 product?                  24 MR. ZEISLER: Objection.</p>	<p style="text-align: center;">Page 40</p> <p>1 different question. Do you recall having                  2 concerns after you took over the                  3 Pennsylvania Criminal Procedure from Doug                  4 Booth that the title was a low revenue                  5 project -- product?                  6 MR. ZEISLER: Can you read back                  7 the question?                  8 MR. CHARLSON: Yeah, Aaron,                  9 please pay attention to my questions,                  10 because you're asking to have a lot of                  11 questions read back, and I'm really                  12 trying hard to -- I'm asking --                  13 MR. ZEISLER: No, it's my                  14 right. And actually your question                  15 was --                  16 MR. CHARLSON: It is your                  17 right.                  18 MR. ZEISLER: Your question was                  19 confusing, actually, because it said --                  20 it was confusing as to your use of "from                  21 Doug Booth," and I couldn't tell whether                  22 your question was did she have concerns                  23 stated to her from Doug Booth or on the                  24 product received from Doug Booth.</p>

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<p>1 Q. Were you opposed to -- did you 2 write back to Ms. Smith here and say, 3 "Catherine, that's not what I said. 4 That's not my recommendation. I disagree 5 with you"?</p> <p>6 MR. ZEISLER: Objection. 7 Compound.</p> <p>8 A. Could you repeat that question? 9 Q. You received this e-mail, 10 correct? 11 A. I was copied on this e-mail, 12 yes. Correct. 13 Q. And you presumably read it, 14 correct? 15 A. Correct. 16 Q. This was a topic that had been 17 in discussion -- 18 A. Yes. 19 Q. -- at that time? 20 A. Yes. 21 Q. And it was an important matter, 22 correct? 23 MR. ZEISLER: Objection. 24 A. Important relevant to -- it was</p>	<p>1 when Sarah and I called them. 2 Q. And that was \$2,500 a piece? 3 A. That's correct. 4 Q. And you were aware that that 5 was half of what they had been getting 6 previously, correct? 7 MR. ZEISLER: Objection. 8 A. I was aware that that was half 9 of what I paid them in 2007. 10 Q. Did you expect them to agree to 11 have their fee cut in half to do the same 12 work? 13 A. I had -- I had no expectation 14 of what they would say or what they would 15 not say. 16 Q. At that meeting with Teri Kruk, 17 did you discuss what you would -- what 18 you would do with the title if Rudovsky 19 and Sosnov rejected the offer? 20 A. I don't recall any specific 21 discussions regarding that. 22 Q. Was there any discussion at 23 that meeting about whether you expected 24 Mr. Rudovsky and Mr. Sosnov would accept</p>
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<p>1 one of the items that I was involved in. 2 Q. Right. And so when you saw 3 Ms. Smith recommending to Teri Kruk, who 4 was her superior, that "we" - and you're 5 the only other person copied on this 6 e-mail -- that "we would like to terminate 7 this title," did you go to Catherine Smith 8 and say, "Catherine, I disagree with 9 you"?</p> <p>10 A. No. I -- I don't recall any 11 specific discussions following this 12 particular e-mail that relate to this 13 particular e-mail. 14 Q. But you did have a discussion 15 at some point in the future after this 16 with Teri Kruk, right? 17 A. Yes, we did discuss the title. 18 Q. And what decision was reached 19 at that meeting? 20 MR. ZEISLER: Objection. 21 A. Decision regarding the title? 22 Q. How to proceed. 23 A. I was instructed how much to 24 offer the authors for the next update</p>	<p>1 the offer to have their compensation cut 2 in half for the same amount of work? 3 MR. ZEISLER: Objection. 4 A. I don't recall expecting them to 5 have a particular response. 6 Q. Well, let me ask you this: 7 When you made the offer to Mr. Rudovsky 8 and Mr. Sosnov to do the 2008-2009 9 supplement for half of their prior fee, 10 did you expect them to do half the work? 11 A. I did not have an expectation 12 for how much they would do of their 13 work. 14 Q. Did you have an expectation 15 that they would provide you with half of 16 the material that they had done -- that 17 they had provided in the past? 18 A. I didn't have any expectation 19 of them at that point, no. 20 Q. After Mr. Rudovsky and Mr. 21 Sosnov rejected your offer to cut their 22 compensation in half, what -- what steps 23 did you take with respect to Pennsylvania 24 Criminal Procedure?</p>

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<p>1 A. After that meeting, I didn't 2 have any further involvement with the 3 title. 4 Q. Is that because you handed it 5 off to Sarah Redzic? 6 A. Yes, it transitioned to Sarah 7 Redzic as the Attorney Editor. 8 Q. Take a look at Smith Exhibit 3, 9 same document. On the second page, 10 there's a Friday January 18th e-mail 11 dated 4:36 p.m. 12 A. Okay. I'm there. 13 Q. You say -- this is to John 14 Wierzbicki, who's sitting next to Mr. 15 Zeisler -- "There is extensive overlap of 16 coverage in the existing PA Criminal 17 Practice title." You write, "Rudovsky 18 is rather sensitive, and his national 19 title, 'Police Misconduct: Law and 20 Litigation, 3rd edition, 2007-2008' brings 21 in approximately \$330,000 in revenue. He 22 will not be happy if someone else 23 revises." 24 What did you mean when you said</p>	<p>1 A. Maybe around ten. I'm not sure 2 exactly. 3 Q. Had you ever met him in person? 4 A. No, I have not met him in 5 person. 6 Q. So you had approximately ten -- 7 maybe roughly -- I don't expect you to 8 be totally accurate, but roughly ten 9 phone conversations with him? 10 A. That's possible, yes. I don't 11 know the exact number, no. 12 Q. And some e-mail communication as 13 well? 14 A. Yes. 15 Q. And I'm just trying to get at 16 what your interactions with -- what prior 17 interactions with Mr. Rudovsky caused you 18 to describe him as "rather sensitive." 19 MR. ZEISLER: Objection. Asked 20 and answered. 21 A. I don't recall specific prior 22 interactions that would have me write 23 that in -- two years ago. I don't 24 recall.</p>
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<p>1 to Mr. Wierzbicki that Mr. Rudovsky is 2 rather sensitive? 3 A. I don't recall exactly what I 4 -- what I meant by that "he's rather 5 sensitive." I -- I don't know exactly 6 what that would revert -- would refer to. 7 I don't recall specifically. 8 Q. Are you the Attorney Editor for 9 "Police Misconduct and the Law"? 10 A. I am not. 11 Q. Were you at any time? 12 A. I was not. 13 Q. Prior to January 18th, 2008, 14 what dealings had you had with Mr. 15 Rudovsky? 16 A. Prior to January 18th, 2008? 17 Q. Right. 18 A. The 2007 supplementation process 19 when they submitted the manuscript. 20 Q. How many conversations had you 21 had with him? 22 A. I don't recall specifically how 23 many. 24 Q. More than ten? Less than ten?</p>	<p>1 MR. CHARLSON: Let's go off the 2 record and take a quick break. 3 THE VIDEOGRAPHER: It's 3:06 4 p.m. Going off the record. 5 (There was a pause in the 6 proceeding.) 7 (The following exhibit was 8 marked for identification: Earley 4.) 9 THE VIDEOGRAPHER: 3:21 p.m. 10 We're back on the record. 11 Q. I'm handing you what's been 12 marked as Earley Exhibit 4. It's a 13 document bearing Bates numbers West-R 14 .06134 through 06187. I ask whether you 15 had any involvement in preparing any 16 portion of this document. 17 A. I did not. 18 Q. Have you seen this document 19 before? 20 A. I have. 21 Q. What is it? 22 A. It's the ACE training for 23 Attorney Editors here at West on 24 "Philosophy of Publishability Review."</p>