

# EXHIBIT B

<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</p> <p style="text-align: center;">v.</p> <p>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>Video-recorded Deposition Upon Oral Examination of: Catherine J. Smith</p> <p>Location: Thomson West .50 Broad Street East Rochester, New York 14614</p> <p>Date: March 3, 2010 Time: 11:44 a.m. Reported By: LYNN A. MULLEN, RPR</p>	<p style="text-align: center;">Page 3</p> <p>1 EXHIBITS 2 Smith 3 No. 1 Rochester Content Center 4 organizational chart, Bates West-R 05934 5 through 05941 (PAGE-9) 6 . 7 No. 2 E-mail string ending with an 8 e-mail dated 1/18/08 to John Wierzbicki 9 from Karen Earley, Bates West-R 00204 10 through 00205 (PAGE-31) 11 . 12 No. 3 E-mail string ending with an 13 e-mail dated 2/11/08 to Catherine Smith 14 from Teri Kruk, Bates West-R 04728 15 through 04730 (PAGE-32) 16 . 17 No. 4 E-mail string ending with an 18 e-mail dated 5/21/07 to Teri Kruk from 19 Catherine Smith, Bates West-R 00004 20 through 00006 (PAGE-55) 21 . 22 . 23 . 24 .</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES 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 . 21 WITNESS 22 Name Page 23 Catherine J. Smith 24 By Mr. Charlson 7</p>	<p style="text-align: center;">Page 4</p> <p>1 EXHIBIT INDEX CONTINUED 2 No. 5 E-mail string ending with an 3 e-mail dated 2/13/09 to Betty Walker and 4 others from Amber Becker, Bates West-R 5 .00216 through 00217 (PAGE-62) 6 . 7 No. 6 E-mail string, 2/11/09, between 8 Sarah Redzic and Catherine Smith, Bates 9 West-R 00214 (PAGE-64) 10 . 11 EXHIBITS PREVIOUSLY MARKED 12 Redzic 13 Exhibit Description 14 No. 4 Time Data Report, 1/1/07 15 through 12/31/09, Bates West-R 05866 16 through 05869 (PAGE-28) 17 . 18 DOCUMENT REQUESTS 19 Request 20 Copy of contract with Ms. Gimeno 21 (By Mr. Charlson) (PAGE-60) 22 E-mail communications with Ms. Gimeno that 23 Ms. Smith was copied in on 24 (By Mr. Charlson) (PAGE-61)</p>

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<p>1 State Practice Group?                  2 A. For the State Practice Group,                  3 just a few months.                  4 Q. And roughly -- generally                  5 speaking, what products are contained                  6 within the State Practice Group?                  7 A. State Practice series,                  8 analytical publications for -- well, state                  9 by state for each jurisdiction.                  10 Q. Are all states covered in that                  11 Practice Group?                  12 A. At that time, no.                  13 Q. That's changed?                  14 A. (The witness indicated                  15 nonverbally.)                  16 COURT REPORTER: Your answer?                  17 THE WITNESS: Yes.                  18 MR. ZEISLER: You have to say                  19 it audibly.                  20 THE WITNESS: Sorry.                  21 Q. So, in February 2008, was                  22 Pennsylvania Criminal Procedure one of the                  23 titles that was part of your group?                  24 A. Yes, it was.</p>	<p>1 Q. Do you remember what the                  2 outcome of that meeting was?                  3 A. We made a counteroffer to the                  4 authors for a sum approximately half of                  5 what they had requested, and they did not                  6 accept the offer.                  7 Q. Was there discussion at that                  8 time of what steps were going to be taken                  9 with respect to that title? Other than                  10 what you've already testified to.                  11 MR. ZEISLER: Objection.                  12 A. Not specifically.                  13 Q. Do you recall discussing whether                  14 the title should be terminated?                  15 A. Yes.                  16 Q. And what is -- what does it                  17 mean to terminate a title?                  18 A. To stop publishing it,                  19 essentially.                  20 Q. And what do you recall about                  21 that discussion?                  22 A. My recollection is that that                  23 discussion took place in the fall of the                  24 year at a jurisdictional meeting to review</p>
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<p>1 Q. And what was the first                  2 experience you had with that title?                  3 A. It was a meeting that Attorney                  4 Editor Karen Earley called about the                  5 authors' contract, the authors'                  6 arrangements.                  7 Q. And what do you remember about                  8 that meeting?                  9 A. I remember that we talked about                  10 the 2008-2009 pocket part, and the authors                  11 requested a certain flat fee to do their                  12 work on that publication, and we rejected                  13 it.                  14 Q. What was the reason for                  15 rejecting it?                  16 A. We thought it was too high.                  17 Q. And were you aware at the time                  18 that it was the fee that they had been                  19 paid for this -- the same fee that they                  20 had been paid for their prior updates?                  21 MR. ZEISLER: Objection. Lacks                  22 foundation.                  23 Q. You can answer the question.                  24 A. I can't remember.</p>	<p>1 a number of our Pennsylvania titles.                  2 Q. Well, let's talk about that                  3 fall jurisdictional meeting. Who was                  4 present?                  5 A. The people I remember by name                  6 would be John Levine, who was a Director                  7 of Print Strategy; Sarah Redzic, the                  8 Attorney Editor in charge of the                  9 Pennsylvania Practice line; and myself,                  10 the State Practice Team Coordinator.                  11 There were representatives of New Product                  12 Development, Sales, Marketing and other                  13 organizations.                  14 Q. Were Ms. Kruk or Ms. Gang at                  15 that meeting?                  16 A. No, they were not.                  17 Q. How about Ms. Earley?                  18 A. No, she was not.                  19 Q. And what was the substance of                  20 the discussion at the fall jurisdictional                  21 meeting? And this was 2008, correct?                  22 A. Correct.                  23 Q. About the future of the                  24 Pennsylvania Criminal Procedure title?</p>

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<p>1 A. We suggested terminating it 2 because we had duplicate coverage in that 3 area of the law. 4 Q. And who suggested terminating 5 the title? 6 A. Sarah Redzic. 7 Q. And yourself? 8 A. I supported it. 9 Q. And who was that suggestion 10 made to? 11 A. To Director of Print Strategy 12 John Levine. 13 Q. And did Mr. Levine have a 14 reaction that he expressed to you at that 15 meeting? 16 A. He agreed with us. 17 Q. Okay. And was that decision 18 executed? 19 A. No, it was not. 20 Q. Why not? 21 MR. ZEISLER: Objection. 22 Q. You can answer. 23 A. It was close to the end of the 24 year.</p>	<p>1 title? 2 A. Yes, it's a department. 3 Q. Anybody else? Is that because 4 Mr. Rudovsky was considered a Key Author? 5 MR. ZEISLER: Objection. Calls 6 for speculation. 7 Q. Well, what is a West Key 8 Author? 9 A. It's -- it's a group that 10 oversees author relations and management 11 of titles. 12 Q. Is it -- do they oversee all 13 authors or particular authors who have -- 14 A. All authors. 15 Q. Okay. So does the "key" in 16 that title, to your understanding, refer 17 to the West key system rather than the 18 particular authors? 19 MR. ZEISLER: Objection. 20 A. No. 21 Q. Okay. But somebody from that 22 department had to approve the decision? 23 A. Correct. 24 Q. Anybody else whose approval was</p>
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<p>1 Q. Can you elaborate? 2 A. Generally, to terminate a 3 product takes research and an investment 4 of time, and we had to make a publishing 5 decision as to whether or not to -- to 6 publish a supplement to this title by the 7 end of the year. 8 Q. And just so I'm clear -- and 9 please correct me if I misstate something 10 -- although the team decided that 11 termination was the plan, there simply 12 wasn't enough time to go through all the 13 work that was necessary to do that before 14 the end of the year? 15 MR. ZEISLER: Objection. 16 A. That was not the only reason. 17 There was also not approval to terminate 18 by the end of the year. 19 Q. Whose approval was required? 20 A. Polly Gang and others in the 21 organization. 22 Q. Who besides Polly Gang? 23 A. West Key Author. 24 Q. Is that a department or a</p>	<p>1 required? 2 A. New Product Development, Print 3 Strategy, probably -- there may have been 4 other people. I'm sorry. 5 Q. No, no. Please finish. 6 A. People at higher levels may 7 have needed to approve that. 8 Q. But you don't know specifically? 9 A. I don't know specifically. 10 Q. New Product Development and 11 Print Strategy were both at the 12 jurisdictional meeting, correct? 13 A. That's correct. 14 Q. Were the representatives there, 15 did they have the authority to make -- to 16 make that decision? 17 A. No. 18 Q. Now, you say that approval from 19 all these various people or departments 20 was required. Was it the case that any 21 of them disagreed with the decision, or 22 was it that there simply wasn't enough 23 time to get the approval before the 24 publishing decision had to be made?</p>

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<p>1 MR. ZEISLER: Objection. Lacks 2 foundation. Ambiguous. 3 Q. You can answer the question. 4 A. To my knowledge, no one 5 disagreed with the decision. 6 Q. Was the termination decision -- 7 was the termination recommendation 8 presented to any of these people: Polly 9 Gang, the West Key Author Group, New 10 Product Development, et cetera? 11 A. Not formally. 12 Q. Was it discussed informally? 13 A. Yes. 14 Q. And did anybody register any 15 disagreement? 16 MR. ZEISLER: Objection. 17 A. No. 18 Q. So at about that time in the 19 fall of 2008, was it your understanding 20 that the product was going -- the title, 21 Pennsylvania Criminal Procedure, was going 22 to be terminated? 23 A. Yes. 24 Q. And was that something that you</p>	<p>1 been prepared at that point? 2 MR. ZEISLER: Objection. It's 3 vague. Ambiguous with respect to 4 "prepared." 5 Q. I'll rephrase. Ms. Smith, 6 you're aware that a fall 2008 supplement 7 was prepared by Sarah Redzic, correct? 8 A. I am aware. 9 Q. And you understand what I mean 10 when I say "prepared," right? 11 MR. ZEISLER: Objection. 12 A. Yes. 13 Q. At the time of the fall 14 jurisdictional meeting, had Sarah done 15 that work? 16 A. I do not know. 17 Q. Well, was the decision to 18 terminate -- the informal decision to 19 terminate made before or after the fall 20 .2008 supplement was prepared? 21 MR. ZEISLER: Objection. 22 Misstates prior testimony. 23 A. I don't quite understand. 24 (The following exhibit was</p>
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<p>1 anticipated happening in calendar year 2 2009? 3 A. Yes. 4 Q. But it wasn't terminated, 5 correct? 6 MR. ZEISLER: Objection. 7 A. Right. 8 Q. Because there was a publishing 9 deadline, you and Sarah Redzic decided to 10 publish -- prepare a supplement, correct? 11 MR. ZEISLER: Objection. 12 Misstates prior testimony. 13 But you can answer. 14 A. We had a commitment to publish 15 a supplement that year. It was in our 16 publishing plan, so, yes. 17 Q. Approximately -- approximately 18 when was the fall jurisdictional meeting? 19 A. Early November. 20 Q. At the time of the fall 21 jurisdictional meeting, had anybody 22 prepared the fall 2008 supplement? 23 MR. ZEISLER: Objection. 24 Q. Had the fall 2008 supplement</p>	<p>1 marked at a previous deposition Redzic 4.) 2 Q. Can you take a look at what we 3 previously marked as Redzic Exhibit 4 at 4 the deposition of Sarah Redzic? And do 5 you recognize this document or documents 6 like it? 7 A. Documents like it, yes. 8 Q. And you understand it to be a 9 printout of West employee time records 10 with respect to Pennsylvania Criminal 11 Procedure? 12 A. Yes. 13 Q. If you look at the second page, 14 Ms. Smith, you'll see that Sarah Redzic 15 has entries for "Other Production" for 16 about ten and a half hours on October 17 .29th and November 3rd. Do you see that? 18 A. Yes. 19 Q. And do you know, Ms. Smith, 20 whether that was -- that work that Sarah 21 did was before or after the fall 22 jurisdictional meeting? 23 MR. ZEISLER: Can you read back 24 the question, please? (The</p>

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<p>1 reporter read the requested material.)                  2 MR. ZEISLER: Okay. Thank you.                  3 A. I don't remember the exact date                  4 of the jurisdictional meeting. It looks                  5 like before.                  6 Q. Prior to the jurisdictional                  7 meeting, had you and Sarah discussed                  8 whether or not Pennsylvania Criminal                  9 Procedure should be terminated?                  10 A. I really don't remember it very                  11 clearly.                  12 Q. Do you remember that --                  13 discussing that question in February in                  14 connection with Ms. Earley and Ms. Redzic?                  15 MR. ZEISLER: Objection.                  16 Vague. February what?                  17 MR. CHARLSON: February 2008.                  18 MR. ZEISLER: Okay. Thank you.                  19 A. I don't remember it.                  20 Q. Since we're looking at                  21 Redzic 4, if you look at the first page,                  22 Ms. Smith, there's some time entries for                  23 yourself, only one of which is in                  24 November 2008. Do you see that? I'm</p>	<p>1 West-R 00204 and 205.                  2 (The following exhibit was                  3 marked for identification: Smith 2.)                  4 Q. Ms. Smith, do you recall this                  5 e-mail?                  6 A. Yes, now that I see it.                  7 Q. And so does this refresh your                  8 recollection that the topic of whether or                  9 not to terminate Pennsylvania Criminal                  10 Procedure was discussed in February -- or                  11 as early as January of 2008?                  12 A. Yes.                  13 Q. And was it the recommendation                  14 in January 2008 of Karen Earley that the                  15 title be terminated? Was it Karen                  16 Earley's recommendation that the title be                  17 terminated?                  18 MR. ZEISLER: Objection. Are                  19 you asking for her recollection? You're                  20 pointing her to the document. I was just                  21 confused.                  22 MR. CHARLSON: I'm asking for                  23 her knowledge.                  24 MR. ZEISLER: Okay. Thank you.</p>
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<p>1 sorry, only one of which is in 2008 at                  2 all. On November 12th, 2008, you have a                  3 "Business Planning Meeting" which you                  4 coded an hour of time to. Do you have a                  5 recollection of what that was for?                  6 A. I'm not sure.                  7 Q. Could it have been the fall                  8 jurisdictional meeting?                  9 A. No.                  10 Q. Now, as a Team Coordinator, are                  11 you required to record your time?                  12 A. Yes.                  13 Q. So any time that you spent                  14 devoted to Pennsylvania Criminal Procedure                  15 you would have accurately recorded,                  16 correct?                  17 MR. ZEISLER: Objection.                  18 Q. I'm sorry, I didn't hear your                  19 answer.                  20 A. Yes.                  21 Q. Thank you.                  22 MR. CHARLSON: I'm going to                  23 ask the court reporter to mark as Smith                  24 Exhibit 2 document Bates- numbered</p>	<p>1 A. Seems to be her recommendation,                  2 based on this.                  3 Q. And do you recall specific                  4 discussions now with Ms. Earley or anybody                  5 else in the period of time January or                  6 February of 2008 about whether to                  7 terminate the title?                  8 A. I don't specifically recall.                  9 Q. Do you know if a decision was                  10 made at that time whether to terminate?                  11 A. No.                  12 (The following exhibit was                  13 marked for identification: Smith 3.)                  14 Q. Showing you what's marked as                  15 Smith Exhibit 3 bearing Bates numbers                  16 West-R 4728 through 4730, it's an e-mail                  17 string that begins at the very end                  18 earliest in time with a January 18th                  19 e-mail from Karen Earley, and it goes up                  20 through February 11th, 2008, with an                  21 e-mail exchange between yourself and Teri                  22 Kruk. Do you see that?                  23 A. Yes.                  24 Q. Do you recall these e-mails?</p>

<p style="text-align: center;">Page 37</p> <p>1 answer? (The reporter read the 2 requested material.) 3 Q. Did you personally ever have 4 any interaction with Mr. Rudovsky or Mr. 5 Sosnov? 6 A. No, I did not. 7 Q. Now, before you came into this 8 room, Ms. Smith, Sarah Redzic was here 9 testifying, and she testified that she had 10 a meeting with you sometime towards the 11 end of 2008 about the status of 12 Pennsylvania Criminal Procedure. Do you 13 recall that meeting? 14 MR. ZEISLER: Objection. I'm 15 going to object to counsel's 16 characterization of her testimony. 17 What he's saying to you is his 18 interpretation of her testimony. But you 19 can answer his question. 20 A. I don't recall a one-on-one 21 meeting, but I do recall an Attorney 22 Editor meeting where it came up. 23 Q. Do you recall when that meeting 24 was held?</p>	<p style="text-align: center;">Page 39</p> <p>1 Q. After those meetings, do you 2 prepare any sort of report or memo to 3 file about what's discussed? 4 A. No. 5 Q. Do you keep handwritten notes 6 of your meetings? 7 A. Sometimes. 8 Q. Any kind of -- do you make any 9 kind of recording of those meetings as -- 10 on a regular basis? 11 A. No. 12 Q. Have you searched your files to 13 see if you have notes of that particular 14 meeting? 15 A. Yes, I have searched. No, I 16 could find no notes on that particular 17 meeting. 18 Q. Did you find notes about any 19 meeting regarding Pennsylvania Criminal 20 Procedure? 21 A. I don't think so. 22 Q. What's your recollection of what 23 discussion you had with Sarah Redzic at 24 that Attorney Editor meeting that you</p>
<p style="text-align: center;">Page 38</p> <p>1 A. No, I don't. 2 Q. So you're talking about a 3 meeting with multiple Attorney Editors? 4 A. Correct. 5 Q. And do you have regular 6 meetings with the Attorney Editors who 7 report to you? 8 A. Absolutely. 9 Q. And during those meetings, do 10 you talk about the status of various 11 titles? 12 A. Yes, we do. 13 Q. And what needs to be done with 14 some of them? 15 A. Sometimes, yes. 16 Q. Are those held monthly? 17 A. Or more frequently. I believe 18 we were meeting weekly at that time. 19 Q. Is that because it was getting 20 to the end of the year? 21 A. Yes. 22 Q. And is the end of the year 23 crunch time at West? 24 A. Yes, it is.</p>	<p style="text-align: center;">Page 40</p> <p>1 referred to? 2 A. I told the Attorney Editors as 3 a group that we needed to make all our 4 shipments for the rest of the year; that 5 we needed to deliver everything that we 6 had committed to. 7 Q. And am I correct that the 8 .2008-2009 supplement was part of your 9 publication schedule for that year? 10 A. Yes. 11 Q. And so you felt that that was 12 something that was an obligation that your 13 team had to meet? 14 A. Yes. 15 Q. At the time that you had this 16 meeting, was the -- was the supplement 17 for Pennsylvania Criminal Procedure already 18 overdue? 19 MR. ZEISLER: Objection. Vague 20 with respect to "overdue." 21 A. I really don't know. 22 Q. Would you be surprised if Sarah 23 Redzic had testified that it was overdue? 24 MR. ZEISLER: Objection.</p>

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<p>1 Mischaracterizes prior testimony.                  2 A. No.                  3 Q. "No," you wouldn't be surprised?                  4 A. No.                  5 Q. With respect to Pennsylvania                  6 Criminal Procedure, what specifically did                  7 you discuss with Sarah Redzic at that                  8 meeting?                  9 A. My recollection is that Sarah                  10 identified that supplement as a supplement                  11 that we had no manuscript for, and she                  12 volunteered to produce a supplement.                  13 Q. And what was your reaction to                  14 that?                  15 MR. ZEISLER: Objection. Lacks                  16 foundation.                  17 Q. Did you have a reaction to                  18 that?                  19 A. Yes.                  20 Q. And what was your reaction?                  21 A. That we should do it if we                  22 could.                  23 Q. At that time, how long had                  24 Sarah Redzic been a member of the West --</p>	<p>1 A. That's correct.                  2 Q. Did you give Sarah any specific                  3 direction as to what she should do or how                  4 she should go about preparing a supplement                  5 on her own, given that she had never done                  6 it before?                  7 MR. ZEISLER: Objection. Vague                  8 as to time frame.                  9 A. No, I personally did not.                  10 Q. Did you make any suggestions to                  11 her about talking with other Attorney                  12 Editors or getting some guidance from                  13 anybody who had done one?                  14 A. I do not recall.                  15 Q. Did you make any suggestions                  16 for what source material she should                  17 review?                  18 A. No, I did not.                  19 Q. Did you provide her with                  20 anything?                  21 A. At that time, no.                  22 Q. At any time?                  23 MR. ZEISLER: Objection.                  24 A. Personally, no.</p>
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<p>1 how long had she been a member of your                  2 team?                  3 A. Approximately one year.                  4 Q. Did you have any concerns about                  5 Sarah Redzic's ability to produce a                  6 supplement to Pennsylvania Criminal                  7 Procedure?                  8 A. No, I did not.                  9 Q. Were you aware of whether she                  10 had ever prepared a supplement on her own                  11 before?                  12 MR. ZEISLER: Objection with                  13 respect to -- vague with respect to                  14 "prepared."                  15 A. I don't think she had.                  16 Q. What kind of time frame did                  17 Sarah have to prepare this update from                  18 the time of your meeting to the date that                  19 a manuscript was required?                  20 A. Exactly, I don't know. Less                  21 than a month, I would expect.                  22 Q. And am I correct that this                  23 would not have been Sarah's only task                  24 during that period; is that correct?</p>	<p>1 Q. Did you do it through somebody                  2 else indirectly?                  3 MR. ZEISLER: Just for clarity,                  4 you mean her personally? Not West; her?                  5 Q. Ms. Smith, you answered that                  6 you did not personally provide her with                  7 any information. My question is whether                  8 you're aware that anybody else provided                  9 her information at your direction                  10 indirectly, but that you did not provide                  11 to her personally.                  12 A. Are you asking specifically                  13 about this supplement?                  14 Q. Yes.                  15 A. No.                  16 Q. Do you recall a discussion with                  17 Ms. Redzic about an attempt to locate                  18 contractors to prepare the supplement?                  19 A. Yes.                  20 Q. Do you recall when that                  21 conversation took place?                  22 A. No.                  23 Q. Do you have a recollection of                  24 whether it was at the same meeting with</p>



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<p>1 -- same Attorney Editor meeting that we've 2 been discussing? (Mr. 3 Wierzbicki left the deposition room.) 4 A. I don't remember. 5 Q. And did Sarah -- did you follow 6 up with Sarah or did Sarah follow up with 7 you about her effort to identify a 8 contractor? 9 A. I do not recollect. 10 Q. In fact, no contractor was 11 located, correct? 12 MR. ZEISLER: Objection. 13 Q. You can answer. 14 A. I don't think so. 15 Q. Well, in fact, Sarah is the one 16 who prepared the supplement, right? 17 A. That's correct. 18 Q. Did you give her any -- did 19 you or anyone at West give her any 20 guidance as to how much material -- new 21 material should go into the 2008 22 supplement? 23 MR. ZEISLER: Objection. Calls 24 for speculation.</p>	<p>1 Q. Now, you said that at this 2 attorney meeting -- Attorney Editor 3 meeting -- and this was in the fall, 4 correct? 5 A. Yes. 6 Q. You told your team that all of 7 your commitments had to be met, right? 8 A. Correct. 9 (Mr. Wierzbicki returned to the 10 deposition room.) 11 Q. And the commitments that are in 12 your publishing schedule -- publishing 13 plan; is that the phrase? 14 A. Yes. 15 Q. The commitments that are in 16 your publishing plan, I assume that that 17 is factored into revenue projections for 18 your unit? 19 MR. ZEISLER: Objection. 20 A. Yes. 21 Q. Okay. And meeting those 22 revenue projections required that you meet 23 your publishing commitments, correct? 24 MR. ZEISLER: Objection. Lacks</p>
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<p>1 Q. I'm only asking for what you 2 know. 3 MR. ZEISLER: Okay. But my 4 objection is your question as phrased is 5 "you or anyone at West." 6 Q. Let me rephrase the question. 7 Did you or, to your knowledge, anyone 8 else at West -- just so it's clear -- 9 ever make such a requirement? 10 And just so it's clear, I'm 11 always asking for your knowledge, what you 12 know. If I'm asking about what somebody 13 else at West may have done, I'm asking 14 what you know. I certainly don't want 15 you to guess unless you can tell me, 16 based on your own experience, with some 17 degree of accuracy, how you think 18 something -- what you think happened. 19 MR. ZEISLER: And I'm going to 20 instruct the witness that I do not want 21 her to guess or speculate. 22 Q. You can answer the question. 23 A. Regarding this specific 24 supplement, I don't know.</p>	<p>1 foundation. 2 A. Yes. 3 Q. And that was part of the reason 4 that it was important that you meet your 5 publishing commitments, right, to generate 6 the revenue that your unit was projected 7 to generate, correct? 8 MR. ZEISLER: Objection. 9 A. Correct. 10 Q. Because these pocket parts don't 11 go out for free, right? The subscribers 12 actually pay for them, correct? 13 MR. ZEISLER: Objection. 14 Q. That's a question. You can 15 answer it. 16 A. Correct. 17 Q. And needless to say, if it 18 doesn't get sent out, the customers don't 19 pay for anything, correct? 20 MR. ZEISLER: Objection. Can 21 you read back the question, please? 22 (The reporter read the requested 23 material.) 24 A. Correct.</p>

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<p>1 MR. ZEISLER: I repeat my 2 objection to the question. 3 Q. Did you review Sarah Redzic's 4 -- well, let me withdraw that question. 5 I want to make sure I have the 6 right terminology here, Ms. Smith. The 7 document that Sarah prepared, you consider 8 that a manuscript? What terminology would 9 you use to reflect that? 10 MR. ZEISLER: Just for clarity, 11 we're talking about the December '08 12 pocket part? 13 MR. CHARLSON: Yep. 14 MR. ZEISLER: Okay. 15 A. "Manuscript" is... 16 Q. So did you personally review 17 Sarah Redzic's manuscript for the 2008 18 supplement? 19 A. No, I did not. 20 Q. Did you approve it? 21 MR. ZEISLER: Objection. 22 A. Yes. 23 Q. And how did you -- how did you 24 approve it?</p>	<p>1 Q. -- regardless of how experienced 2 that Attorney Editor is? 3 MR. ZEISLER: Objection. 4 A. Yes. 5 Q. Are you familiar with the term 6 "certified Attorney Editor"? 7 A. No. 8 Q. Are you involved at all in 9 training Attorney Editors? 10 A. No. 11 Q. Are you familiar with the 12 concept of a publishability review? 13 A. Yes. 14 Q. Is that something that you 15 perform? 16 A. No. 17 Q. What is a publishability review? 18 A. A publishability review is a 19 review of the portion of the manuscript 20 to ensure that it is accurate, complete, 21 up-to-date. 22 Q. And who conducts the 23 publishability reviews? 24 MR. ZEISLER: Objection.</p>
<p>Page 50</p> <p>1 A. By directing her to submit the 2 manuscript for publication. 3 Q. So I'm clear, when you say 4 "approval," that was the approval given to 5 proceed with the project? 6 MR. ZEISLER: Objection. 7 A. Yes. 8 Q. Did anybody review Sarah 9 Redzic's manuscript for the 2008 10 supplement? 11 MR. ZEISLER: Objection. Calls 12 for speculation. 13 A. I don't know. 14 Q. Well, in the normal course, 15 would you expect that anybody else at 16 West would provide -- would conduct a 17 substantive review of Sarah Redzic's 18 manuscript? 19 A. No. 20 Q. So the Attorney Editor, after 21 being tasked with preparing a supplement 22 on their own, was the final -- had the 23 final say in what went into it -- 24 A. Yes.</p>	<p>Page 52</p> <p>1 A. Attorney Editors. 2 Q. Are they typically performed on 3 work authored by an outside author? 4 A. Yes. 5 Q. What about when a work is 6 authored by an internal author? 7 A. No. 8 Q. So West performs a 9 publishability review for work submitted 10 by experienced outside Attorney Authors 11 but not for work performed by its own 12 internal authors, regardless of their 13 experience level? 14 MR. ZEISLER: Objection. Vague 15 with respect to the term "experienced 16 outside Attorney Authors." 17 Q. Are you familiar with David 18 Rudovsky? 19 A. I've heard his name. 20 Q. Do you consider him an 21 experienced outside Attorney Author? 22 A. We would, yes. 23 Q. When Mr. Rudovsky or Mr. Sosnov 24 had submitted earlier drafts or if Mr.</p>

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<p>1 of the last update to the time of</p> <p>2 the 2008-2009 update?</p> <p>3 MR. ZEISLER: Objection. Could</p> <p>4 you read the question back, please?</p> <p>5 (The reporter read the requested</p> <p>6 material.)</p> <p>7 MR. ZEISLER: You're asking for</p> <p>8 her understanding, or what are you --</p> <p>9 Q. Yeah, I'm asking for what your</p> <p>10 understanding of West's obligation in</p> <p>11 publishing that 2008-2009 supplement was.</p> <p>12 MR. ZEISLER: Well, objection,</p> <p>13 then. If you're asking about West's</p> <p>14 obligation, it calls for a legal</p> <p>15 conclusion.</p> <p>16 Q. I'm asking for, Ms. Smith, your</p> <p>17 understanding of what West's obligations</p> <p>18 to its customers were; not in a legal</p> <p>19 sense, but in your own understanding as</p> <p>20 the Team Coordinator for this group, what</p> <p>21 you thought West was -- West standards</p> <p>22 require in the supplement, and that's a</p> <p>23 question you can answer.</p> <p>24 A. My understanding was that we</p>	<p>1 MR. CHARLSON: No further</p> <p>2 questions.</p> <p>3 THE VIDEOGRAPHER: It's 1:12</p> <p>4 p.m. The deposition is now completed.</p> <p>5 .</p> <p>6 .</p> <p>7 .</p> <p>8 .</p> <p>9 .</p> <p>10 .</p> <p>11 .</p> <p>12 .</p> <p>13 .</p> <p>14 .</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 .</p> <p>19 .</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p>
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<p>1 would update the law existing in the</p> <p>2 pocket part.</p> <p>3 Q. And did you understand that the</p> <p>4 readers of Pennsylvania Criminal Procedure</p> <p>5 used it as a guide to the most up-to-date</p> <p>6 -- or to the up-to-date status of</p> <p>7 criminal procedure law in Pennsylvania?</p> <p>8 MR. ZEISLER: Objection.</p> <p>9 Again, is this your representation or a</p> <p>10 question?</p> <p>11 MR. CHARLSON: I'm asking her</p> <p>12 her understanding.</p> <p>13 MR. ZEISLER: No, you were</p> <p>14 making a representation disguised as a</p> <p>15 question.</p> <p>16 MR. CHARLSON: I'll ask it</p> <p>17 again.</p> <p>18 Q. Did you have an understanding</p> <p>19 that the intended audience of Pennsylvania</p> <p>20 Criminal Procedure used the book for the</p> <p>21 purpose of educating themselves on the</p> <p>22 current status of Pennsylvania Criminal</p> <p>23 Procedure law?</p> <p>24 A. Yes.</p>	<p>1 WITNESS CERTIFICATION</p> <p>2 .</p> <p>3 .</p> <p>4 I hereby certify that I have</p> <p>5 read the foregoing transcript of my</p> <p>6 deposition testimony, and that my answers</p> <p>7 to the questions propounded, with the</p> <p>8 attached corrections or changes, if any,</p> <p>9 are true and correct.</p> <p>10 .</p> <p>11 .</p> <p>12 .</p> <p>13 _____</p> <p>14 DATE CATHERINE SMITH</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 _____</p> <p>19 PRINTED NAME</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p>