

EXHIBIT D

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1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
4 Civil Action No. 05-145J

5 ----- x
6 VALENCIA M. McCLATCHEY,

7 Plaintiff,

8 vs.

9 THE ASSOCIATED PRESS,

10 Defendant.
11 ----- x

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14 DEPOSITION OF: JAMES R. GERBERICH
15 January 19, 2006, 9:10 a.m.
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22 EXHIBIT

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1 A. I'm not sure.

2 Q. I'm not sure I understood my question
3 either.

4 A. I'm not sure I understand what you're
5 asking.

6 Q. I'll ask it again.

7 So when The Associated Press deleted
8 the McClatchey photograph from its system it did
9 nothing or took no actions to delete the photograph
10 from its member or subscriber systems; is that
11 correct?

12 A. We took no action.

13 I'm still not sure I understand the
14 question because they're unrelated. At least the
15 way I think, they're unrelated.

16 Q. Could you just answer the question I
17 asked though first.

18 When The Associated Press deleted the
19 McClatchey photograph from its system it took no
20 action, at that time, to ensure that the McClatchey
21 photograph was also deleted from its members' or
22 subscribers' systems; is that correct?

23 A. That's correct.

24 Q. Do you know who makes the decision to