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1
                  IN THE UNITED STATES DISTRICT COURT
                     FOR THE DISTRICT OF COLUMBIA
 2
 3
         AMERICAN EDUCATIONAL
                                            Case No.
         RESEARCH ASSOCIATION, INC.
                                         ) 1:14-cv-00857
                                            TSC-DAR
 4
         AMERICAN PSYCHOLOGICAL
 5
         ASSOCIATION, INC.; and
         NATIONAL COUNCIL ON
 6
         MEASUREMENT IN EDUCATION,
 7
         INC.;
         Plaintiffs-Counterdefendants
 8
 9
         VS.
         PUBLIC.RESOURCE.ORG, INC.,
10
         Defendant-Counterclaimant
11
12
13
                Videotaped 30(b)(6) Deposition of
14
                        AERA, APA and NCME
                     through the testimony of
                      Felice J. Levine, Ph.D.
15
                          Washington, D.C.
                          August 16, 2019
16
17
                              9:51 a.m.
18
19
         Reported by:
         Bonnie L. Russo
20
         Job No. 3475330
2.1
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5				Inc.'s Rule 30(b)(6)
6			7	Deposition Notice of
7				American Educational
			8	Research Association, Inc.
8	Videotaped 30(b)(6) Deposition of AERA, APA a	nd	9	Exhibit 1301 Public.Resource.Org, 14
9	NCME through the testimony of Felice J. Levine,		10	Inc.'s Rule 30(b)(6)
10	Ph.D. held at:		10	Deposition Notice of American Psychological
	Th.D. Held do.		11	Association Inc.
11				Exhibit 1302 Public.Resource.Org, 15
12	Spaces			Inc.'s Rule 30(b)(6)
13	1441 L Street, N.W.		13	Deposition Notice of
	,		١	National Council on
14	Washington, D.C.		14	Measurement in Education, Inc.
15			13	Exhibit 1303 Plaintiffs- 15 Counterdefendants'
16	Pursuant to Notice, when were present on behalf		16	Response and Objections
	•		17	to Public.Resource.Org's
17	of the respective parties:			Second Set of Requests
18			18	for Production
19			19	Exhibit 1304 Plaintiffs- 19
			20	Counterdefendants'
20			20	Response to
21			21	Public.Resource.Org's Third Set of Requests
22			22	for Production
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1	APPEARANCES:		1	EVIJIDITG (CONTINUED)
2	On behalf of Plaintiffs/Counterdefendants:		1	EXHIBITS (CONTINUED):
3	CLIFTON S. ELGARTEN, ESQ.		2	Exhibit 1305 Plaintiffs- 24
	CROWELL & MORING, LLP		3	Counterdefendants'
4	1001 Pennsylvania Avenue, N.W.			
	Washington, D.C. 20004		4	Responses to
5	202-624-2523		5	Public.Resource.Org's
6	celgarten@crowell.com		6	Second Set of Interrogatories
7	cergarten (gero wen.com		7	_
8	On behalf of Defendant/Counterplaintiff:			
	SHANNON TURNER, ESQ.		8	Educational and
9	FENWICK & WEST, LLP		9	Psychological Testing
10	Silicon Valley Center		10	
	801 Mountain View, California 94041			1
11	650-335-7844		11	AERA_APA_NCME_RFP2_0000027
12	sturner@fenwick.com		12	Exhibit 1307 American Educational 37
	-and-		13	Research Association
13	MATTHEW BECKER, ESQ.			
14	FENWICK & WEST, LLP		14	Standards for Educational
15	555 California Street		15	and Psychological Testing
	12th Floor		16	(2014 Edition)
16	San Francisco, California 94104			` '
	650-335-7930		17	2014 Sales Reports
17	mbecker@fenwick.com		18	Showing the Number of Sales
18			19	of Specific Units Sold
19	Also Present:			-
20	Deanne M. Ottaviano, Esq., General Counsel,		20	AERA_APA_NCME_RFP2_0000001-26
21	American Psychological Association		21	
22	Daniel Russo, Videographer		22	
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1			
1	EXHIBITS (CONTINUED):	1	Public.Resource.Org, Incorporated,
2	Exhibit 1308 Standards for Educational 56	2	defendant-counterplaintiff, filed in the United
3	& Psychological Testing	3	States District Court for the District of
4	(2014 Edition)	4	Columbia, Civil Action No.
5	Exhibit 1309 1999 Standards 59	5	1:14-cv-00857-TSC-DAR.
6	Exhibit 1310 AERA Book Order Form 65	6	This deposition is being held at
7		7	Spaces, located at 1441 L Street, Northwest,
8		8	Washington, D.C.
9		9	My name is Daniel Russo from the
10	PREVIOUSLY MARKED EXHIBITS:	10	firm Veritext Legal Solutions and I'm your
11	Exhibit 1207 Standards for Educational	11	videographer today. The court reporter is
12	and Psychological Testing	12	Bonnie Russo from the firm Veritext Legal
13	Sales Report, 1999 Edition	13	Solutions.
14	Exhibit 1208 Standards for Educational	14	Counsel and all present in the room
15	and Psychological Testing	15	and everyone attending remotely will now state
16	Sales Report	16	their appearances and affiliations for the
17	-	17	record, please.
18		18	MS. TURNER: Shannon Turner from
19		19	Fenwick & West on behalf of
20		20	Public.Resource.org. With me today is also
21		21	Matthew Becker from Fenwick & West.
22		22	MR. ELGARTEN: Cliff Elgarten,
	Page 6	5	Page 8
1	PROCEEDINGS	1	Crowell & Moring.
2		2	MS. OTTAVIANO: Deanne Ottaviano,
3	THE VIDEOGRAPHER: Good morning. We	3	APA.
4	are going on the record at 9:51 a.m. on August	4	THE WITNESS: Felice Levine on
5	16, 2019.	5	behalf of the American Educational Research
6	Please note that the microphones are	6	Association, the American Psychological
7	sensitive and may pick up whispering, private	7	Association and the National Council of
	conversations and cellular interference.	8	
8		0	Measurement and Education.
8 9	Please turn off all cell phones or place them	9	Measurement and Education.  THE VIDEOGRAPHER: Will the court
	Please turn off all cell phones or place them away from the microphones as they can interfere		
9		9	THE VIDEOGRAPHER: Will the court
9 10	away from the microphones as they can interfere with the deposition audio. Audio and video	9 10	THE VIDEOGRAPHER: Will the court
9 10 11	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless	9 10 11	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE,
9 10 11 12	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.	9 10 11 12	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the
9 10 11 12 13	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6)	9 10 11 12 13	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE,
9 10 11 12 13 14 15	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA,	9 10 11 12 13 14 15	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:
9 10 11 12 13 14 15 16	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by	9 10 11 12 13 14	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows: EXAMINATION BY COUNSEL FOR DEFENDANT
9 10 11 12 13 14 15 16 17	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by counsel for defendant in the matter of American	9 10 11 12 13 14 15 16 17	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:  EXAMINATION BY COUNSEL FOR DEFENDANT BY MS. TURNER:
9 10 11 12 13 14 15 16 17 18	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by counsel for defendant in the matter of American Educational Research Association, Incorporated,	9 10 11 12 13 14 15 16 17 18	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:  EXAMINATION BY COUNSEL FOR DEFENDANT BY MS. TURNER: Q. Good morning.
9 10 11 12 13 14 15 16 17 18 19	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by counsel for defendant in the matter of American Educational Research Association, Incorporated, American Psychological Association,	9 10 11 12 13 14 15 16 17 18	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:  EXAMINATION BY COUNSEL FOR DEFENDANT BY MS. TURNER: Q. Good morning. A. Hi.
9 10 11 12 13 14 15 16 17 18 19 20	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by counsel for defendant in the matter of American Educational Research Association, Incorporated, American Psychological Association, Incorporated, and National Council on	9 10 11 12 13 14 15 16 17 18 19 20	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:  EXAMINATION BY COUNSEL FOR DEFENDANT BY MS. TURNER: Q. Good morning. A. Hi. Q. Will you please state your name and
9 10 11 12 13 14 15 16 17 18 19	away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.  This is Media Unit 1 of the 30(b)(6) video-recorded deposition of APA, NCME, AERA, through the testimony of Felice Levine taken by counsel for defendant in the matter of American Educational Research Association, Incorporated, American Psychological Association,	9 10 11 12 13 14 15 16 17 18	THE VIDEOGRAPHER: Will the court reporter please swear in the witness.  FELICE LEVINE, being first duly sworn, to tell the truth, the whole truth and nothing but the truth, testified as follows:  EXAMINATION BY COUNSEL FOR DEFENDANT BY MS. TURNER: Q. Good morning. A. Hi.

1 2	initial is I Lavina I E V I N E	1	A Olsov
	initial is J, Levine, L-E-V-I-N-E.  Q. My name is Shannon Turner and I will	1	A. Okay.
3	be taking your deposition today.		Q. So, you know, no head nods, uh-uhs, uh-huhs, because that can be hard for the court
4	Have you ever been deposed before?	3 4	
	A. Yes.		reporter to write down.
5		5	Is there any reason you cannot
6	Q. And how many times?	6	provide truthful and accurate testimony today?
7	A. Once.	7	A. No reason at all.
8	Q. What case was that?	8	Q. Are you taking any medication that
9	A. This case.	9	would affect your ability to give truthful
10	Q. Great. So are you the same Felice	10	answers?
11	Levine who has given testimony in this case?	11	A. No.
12	A. To the best of my knowledge.	12	Q. Great. Are you employed?
13	Q. Great. And have you ever testified	13	A. Yes.
14	at trial?	14	Q. By whom?
15	A. No.	15	A. American Educational Research
16	Q. And have you ever testified for	16	Association.
17	anyone other than AERA?	17	Q. Great. And what is your title
18	A. No.	18	there?
19	Q. I'm going to ask you a series of	19	A. Executive director.
20	questions today and the court reporter is going	20	Q. Can you please state your work
21	to record your answer.	21	address for the record.
22	Do you understand?	22	A. Yes. 1430 K Street, Northwest,
	Page 10		Page 12
1	A. Yes.	1	Washington, D.C. 20005, Suite 1200.
2	Q. And your answers are under oath and	2	Q. Thank you. What did you do to
3	under penalty of perjury so it's the same as	3	prepare for today's deposition?
4	though you're in front of a court and a judge	4	A. I essentially reread my filings. I
	and a jury.	5	41 1.4 T 1.4 4
5		)	thought I might read my prior deposition.
5 6	Do you understand?	6	Q. Did you review your prior deposition
6	Do you understand?	6	Q. Did you review your prior deposition
6 7	Do you understand? A. Uh-huh.	6 7	Q. Did you review your prior deposition testimony?
6 7 8	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is	6 7 8	<ul><li>Q. Did you review your prior deposition testimony?</li><li>A. Really only a few pages. A little</li></ul>
6 7 8 9	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase	6 7 8 9	<ul><li>Q. Did you review your prior deposition testimony?</li><li>A. Really only a few pages. A little discussion that Mark and I had, it was a little</li></ul>
6 7 8 9 10	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.	6 7 8 9 10	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed.
6 7 8 9 10 11	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.	6 7 8 9 10	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.
6 7 8 9 10 11 12	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then	6 7 8 9 10 11 12	<ul> <li>Q. Did you review your prior deposition testimony?</li> <li>A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.</li> <li>Q. Did you review any documents to help</li> </ul>
6 7 8 9 10 11 12 13	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the	6 7 8 9 10 11 12 13	<ul> <li>Q. Did you review your prior deposition testimony?</li> <li>A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.</li> <li>Q. Did you review any documents to help refresh your recollection?</li> </ul>
6 7 8 9 10 11 12 13 14	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.	6 7 8 9 10 11 12 13 14	<ul> <li>Q. Did you review your prior deposition testimony?</li> <li>A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.</li> <li>Q. Did you review any documents to help refresh your recollection?</li> <li>A. Just the fillings that I submitted.</li> </ul>
6 7 8 9 10 11 12 13 14 15	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time,	6 7 8 9 10 11 12 13 14 15	<ul> <li>Q. Did you review your prior deposition testimony?</li> <li>A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.</li> <li>Q. Did you review any documents to help refresh your recollection?</li> <li>A. Just the fillings that I submitted. MS. TURNER: I'll ask the court</li> </ul>
6 7 8 9 10 11 12 13 14 15 16	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time, please let me know and as long as a question is	6 7 8 9 10 11 12 13 14 15 16	<ul> <li>Q. Did you review your prior deposition testimony?</li> <li>A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.</li> <li>Q. Did you review any documents to help refresh your recollection?</li> <li>A. Just the fillings that I submitted. MS. TURNER: I'll ask the court reporter to mark this as Exhibit 1300.</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time, please let me know and as long as a question is not pending, we can break.	6 7 8 9 10 11 12 13 14 15 16 17	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.  Q. Did you review any documents to help refresh your recollection?  A. Just the fillings that I submitted.  MS. TURNER: I'll ask the court reporter to mark this as Exhibit 1300.  (Deposition Exhibit 1300 was marked)
6 7 8 9 10 11 12 13 14 15 16 17 18	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time, please let me know and as long as a question is not pending, we can break.  A. Okay.	6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.  Q. Did you review any documents to help refresh your recollection?  A. Just the fillings that I submitted.  MS. TURNER: I'll ask the court reporter to mark this as Exhibit 1300.  (Deposition Exhibit 1300 was marked for identification.)
6 7 8 9 10 11 12 13 14 15 16 17 18	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time, please let me know and as long as a question is not pending, we can break.  A. Okay.  Q. And please verbalize your answer so	6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.  Q. Did you review any documents to help refresh your recollection?  A. Just the fillings that I submitted.  MS. TURNER: I'll ask the court reporter to mark this as Exhibit 1300.  (Deposition Exhibit 1300 was marked for identification.)  BY MS. TURNER:
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Do you understand?  A. Uh-huh.  Q. If I ask a question and anything is unclear or ambiguous, please ask me to rephrase the question.  A. Okay.  Q. If you don't ask me to clarify, then I'm going to assume that you understand the question.  If you need a break at any time, please let me know and as long as a question is not pending, we can break.  A. Okay.  Q. And please verbalize your answer so that the court reporter can write them down.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Did you review your prior deposition testimony?  A. Really only a few pages. A little discussion that Mark and I had, it was a little joke I made. You laughed. You just laughed. That's good.  Q. Did you review any documents to help refresh your recollection?  A. Just the fillings that I submitted.  MS. TURNER: I'll ask the court reporter to mark this as Exhibit 1300.  (Deposition Exhibit 1300 was marked for identification.)  BY MS. TURNER:  Q. Do you recognize this document?

1	4 7771 4 6711 4 6 6 4	4	
	A. This was the filing that set forth,	1	Q. Great. And you understand that
2	I suppose, primarily focused on the topics of	2	these are plaintiff's written responses to
3	examination but the issues that we might	3	Public.Resource.Org's request for documents?
4	discuss today.	4	A. Correct.
5	Q. Is this a 30(b)6) notice to American	5	Q. Did AERA search for documents in
6	Educational Research, Inc.?	6	response to these requests?
7	MR. ELGARTEN: We agree it is.	7	A. I did.
8	THE WITNESS: Yes.	8	Q. And how did AERA go about searching
9	BY MS. TURNER:	9	for documents?
10	Q. And you understand you are produced	10	A. I looked through our files that were
11	as a witness designated to answer questions on	11	saved information in our share drive where we
12	behalf of AERA today?	12	have information on this and through e-mails,
13	A. Correct, yes.	13	as did two other colleagues.
14	MS. TURNER: If I could have the	14	Q. Did you look for any hard copy
15	court reporter mark as Exhibit 1301.	15	documents?
16	(Deposition Exhibit 1301 was marked	16	A. I suppose I did. I mean, I went
17	for identification.)	17	through the stack of our material.
18	BY MS. TURNER:	18	Q. And did AERA produce documents in
19	Q. Do you recognize this document?	19	response to these requests?
20	MR. ELGARTEN: You can put the other	20	A. Yes.
21	one in front of her and we will agree that she	21	Q. And did AERA withhold any documents
22	is testifying on behalf of all three	22	it otherwise found in its search?
	Page 14		Page 16
1	organizations.	1	A. No.
2	THE WITNESS: I see.	2	Q. And did APA search for documents in
3	MR. ELGARTEN: We will agree that	3	response to these requests?
4	she's testifying on behalf of all three	4	
			A. To the best of my knowledge, they
5	organizations and this was per agreement with		did.
5 6	organizations and this was per agreement with Mr. Becker.		
		5	did.
6	Mr. Becker.	5	did.  Q. And how did APA go about searching
6 7	Mr. Becker. MS. TURNER: Great. So if you could	5 6 7	did.  Q. And how did APA go about searching for documents?
6 7 8	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.	5 6 7 8	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism,
6 7 8 9	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked	5 6 7 8 9	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism, hard copy files, to the extent to the extent
6 7 8 9 10	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)	5 6 7 8 9	did. Q. And how did APA go about searching for documents? A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic.
6 7 8 9 10 11	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is	5 6 7 8 9 10 11	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic.  Q. Okay. And did APA produce documents
6 7 8 9 10 11 12	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.	5 6 7 8 9 10 11 12	did. Q. And how did APA go about searching for documents? A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic. Q. Okay. And did APA produce documents in response to these requests?
6 7 8 9 10 11 12 13	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the	5 6 7 8 9 10 11 12 13	did. Q. And how did APA go about searching for documents? A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic. Q. Okay. And did APA produce documents in response to these requests? MR. ELGARTEN: I will tell you all
6 7 8 9 10 11 12 13 14	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the court reporter mark this as 1303.	5 6 7 8 9 10 11 12 13 14	did. Q. And how did APA go about searching for documents? A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic. Q. Okay. And did APA produce documents in response to these requests? MR. ELGARTEN: I will tell you all documents were produced by all three parties.
6 7 8 9 10 11 12 13 14 15	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the court reporter mark this as 1303.  (Deposition Exhibit 1303 was marked)	5 6 7 8 9 10 11 12 13 14 15	did. Q. And how did APA go about searching for documents? A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic. Q. Okay. And did APA produce documents in response to these requests? MR. ELGARTEN: I will tell you all documents were produced by all three parties. THE WITNESS: Although I think the
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6 7 8 9 10 11 12 13 14 15 16 17	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the court reporter mark this as 1303.  (Deposition Exhibit 1303 was marked for identification.)  BY MS. TURNER:	5 6 7 8 9 10 11 12 13 14 15 16 17	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic.  Q. Okay. And did APA produce documents in response to these requests?  MR. ELGARTEN: I will tell you all documents were produced by all three parties.  THE WITNESS: Although I think the ones I had are the ones that were responsive.  Everybody responded.  BY MS. TURNER:
6 7 8 9 10 11 12 13 14 15 16 17 18	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the court reporter mark this as 1303.  (Deposition Exhibit 1303 was marked for identification.)  BY MS. TURNER:  Q. Are you familiar with this document?	5 6 7 8 9 10 11 12 13 14 15 16 17 18	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic.  Q. Okay. And did APA produce documents in response to these requests?  MR. ELGARTEN: I will tell you all documents were produced by all three parties.  THE WITNESS: Although I think the ones I had are the ones that were responsive.  Everybody responded.  BY MS. TURNER:
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Mr. Becker.  MS. TURNER: Great. So if you could mark this as Exhibit 1302.  (Deposition Exhibit 1302 was marked for identification.)  MR. ELGARTEN: The deposition is half over already.  MS. TURNER: If we can have the court reporter mark this as 1303.  (Deposition Exhibit 1303 was marked for identification.)  BY MS. TURNER:  Q. Are you familiar with this document?  A. Yes.  Q. What is this document?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	did.  Q. And how did APA go about searching for documents?  A. I am assuming a similar mechanism, hard copy files, to the extent to the extent we have them and electronic.  Q. Okay. And did APA produce documents in response to these requests?  MR. ELGARTEN: I will tell you all documents were produced by all three parties.  THE WITNESS: Although I think the ones I had are the ones that were responsive.  Everybody responded.  BY MS. TURNER:  Q. Do you know if the APA withheld any

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1	Q. Thank you. And for NCME as well?	1	I went through the hard copies, but most things
2	A. I'm less of a long-standing I'm	2	I know I have electronically even if a hard
3	sure they withheld nothing.	3	copy doesn't exist.
4	MR. ELGARTEN: The nature of the	4	Q. Did AERA produce documents
5	NCME	5	A. Yes.
6	THE WITNESS: I was going to say,	6	Q in response?
7	NCME is a smaller organization of the three of	7	A. Yes.
8	us and they don't really they have a	8	Q. Did AERA withhold any documents in
9	management company managing the association so	9	response?
10	there is nothing really they would have that I	10	A. No.
11	wouldn't have.	11	Q. What about APA? Did APA search for
12	BY MS. TURNER:	12	documents in response to these requests?
13	Q. Do you know if NCME searched for	13	A. Yes.
14	documents?	14	Q. And how did they go about searching?
15	A. Yeah, I'm sure they did across	15	A. I am assuming the same way.
16	e-mails, but they are more likely to have	16	Q. Okay. Did APA produce documents in
17	things that I sent them as attachments by	17	response to these requests?
18	virtue of being part of the management	18	A. Yeah.
19	committee of the testing standards project.	19	Q. Did APA withhold any documents?
20	Q. And do you know if NCME withheld any	20	A. Not to my knowledge. Same response.
21	documents?	21	Q. Great. And for NCME, did NCME
22	A. I am I'm sure they didn't. Page 18	22	search for any documents responsive to these Page 20
1	<del>-</del>	1	
1	<ul><li>Q. Okay.</li><li>A. As sure as one could be who is not</li></ul>	1	requests?
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$	the executive director of NCME.	2 3	A. Yes. They all we all received this and searched and provided anything we had.
4	MS. TURNER: We will mark as Exhibit	4	
5	1304, please.	5	Q. Okay. And how did NCME go about searching?
6	(Deposition Exhibit 1304 was marked	6	A. There's probably less of a stack
7	for identification.)	7	anywhere because there isn't someone who is
8	,	'	any where because there isn't someone who is
0	BY MS THRIBER:	Q	
	BY MS. TURNER:  O And are you familiar with this	8	staffing NCME on this, but went through e-mails
9	Q. And are you familiar with this	9	staffing NCME on this, but went through e-mails and whatever someone might have had in print.
9 10	Q. And are you familiar with this document?	9 10	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in
9 10 11	<ul><li>Q. And are you familiar with this document?</li><li>A. Yes.</li></ul>	9 10 11	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?
9 10 11 12	<ul><li>Q. And are you familiar with this document?</li><li>A. Yes.</li><li>Q. And you understand that these are</li></ul>	9 10 11 12	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.
9 10 11 12 13	<ul><li>Q. And are you familiar with this document?</li><li>A. Yes.</li><li>Q. And you understand that these are plaintiff's written responses to</li></ul>	9 10 11 12 13	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.
9 10 11 12 13 14	<ul> <li>Q. And are you familiar with this document?</li> <li>A. Yes.</li> <li>Q. And you understand that these are plaintiff's written responses to</li> <li>Public.Resource.Org's third request for</li> </ul>	9 10 11 12 13 14	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?
9 10 11 12 13 14 15	Q. And are you familiar with this document?  A. Yes.  Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?	9 10 11 12 13 14 15	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?  Q. Yes, of the last one.
9 10 11 12 13 14 15 16	Q. And are you familiar with this document?  A. Yes.  Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?  A. Uh-huh.	9 10 11 12 13 14 15 16	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge. Q. If you could turn to Page 2, please. A. Of the last one? Q. Yes, of the last one. A. Okay.
9 10 11 12 13 14 15 16 17	<ul> <li>Q. And are you familiar with this document?</li> <li>A. Yes.</li> <li>Q. And you understand that these are plaintiff's written responses to</li> <li>Public.Resource.Org's third request for documents?</li> <li>A. Uh-huh.</li> <li>Q. Did AERA search for documents in</li> </ul>	9 10 11 12 13 14 15 16 17	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?  Q. Yes, of the last one.  A. Okay.  Q. If you look at the bottom of the
9 10 11 12 13 14 15 16 17 18	Q. And are you familiar with this document?  A. Yes. Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?  A. Uh-huh. Q. Did AERA search for documents in response to these requests?	9 10 11 12 13 14 15 16 17 18	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge. Q. If you could turn to Page 2, please. A. Of the last one? Q. Yes, of the last one. A. Okay. Q. If you look at the bottom of the page, you see Request for Production No. 44?
9 10 11 12 13 14 15 16 17 18	Q. And are you familiar with this document?  A. Yes. Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?  A. Uh-huh. Q. Did AERA search for documents in response to these requests?  A. Yes.	9 10 11 12 13 14 15 16 17 18	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?  Q. Yes, of the last one.  A. Okay.  Q. If you look at the bottom of the page, you see Request for Production No. 44?  A. Uh-huh.
9 10 11 12 13 14 15 16 17 18 19 20	Q. And are you familiar with this document?  A. Yes. Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?  A. Uh-huh. Q. Did AERA search for documents in response to these requests?  A. Yes. Q. How did AERA go about searching?	9 10 11 12 13 14 15 16 17 18 19 20	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?  Q. Yes, of the last one.  A. Okay.  Q. If you look at the bottom of the page, you see Request for Production No. 44?  A. Uh-huh.  Q. The requests asks for all documents
9 10 11 12 13 14 15 16 17 18	Q. And are you familiar with this document?  A. Yes. Q. And you understand that these are plaintiff's written responses to Public.Resource.Org's third request for documents?  A. Uh-huh. Q. Did AERA search for documents in response to these requests?  A. Yes. Q. How did AERA go about searching?	9 10 11 12 13 14 15 16 17 18	staffing NCME on this, but went through e-mails and whatever someone might have had in print.  Q. Did NCME withhold any documents in response to these requests?  A. No, not to my knowledge.  Q. If you could turn to Page 2, please.  A. Of the last one?  Q. Yes, of the last one.  A. Okay.  Q. If you look at the bottom of the page, you see Request for Production No. 44?  A. Uh-huh.

1	Do you see that request?	1	which we gave you, but unless you asked for new
2	A. Uh-huh.	2	forms of information.
3	Q. Okay. If you turn the page, the	3	MS. TURNER: If the court reporter
4	plaintiffs' response, it states that:	4	could please mark this as Exhibit 1305.
5	"Plaintiffs have already produced or are	5	(Deposition Exhibit 1305 was marked
6	producing all documents on which they intend to	6	for identification.)
7	rely on this litigation, but note they have not	7	BY MS. TURNER:
8	made any final determination."	8	Q. Are you familiar with this document?
9	Do you see that response?	9	A. Yes.
10	A. Yes.	10	Q. What is this document?
11	Q. When the plaintiffs respond "or are	11	A. These were additional sets of
12	producing," what does that mean?	12	requests or questions that you asked and our
13	MR. ELGARTEN: This is my language	13	responses.
14	because this asked what we're going to rely on	14	Q. So you understand these are
15	as a legal matter in the case, so you could ask	15	plaintiffs' written responses to
16	that question of me.	16	Public.Resource.Org's interrogatories?
17	MS. TURNER: Well, these are also	17	A. Yes.
18	plaintiffs' responses to the document request.	18	Q. If you could just let me finish the
19	MR. ELGARTEN: That's right, and I	19	question.
20	answered this question because I make the	20	A. Sorry.
21	determination of what we're going to rely on	21	Q. It's a little tough for the court
22	ultimately in the case, and I do this in	22	reporter to get it when we are talking over
	Page 22		Page 24
1	consultation with Ms. Levine in connection with	1	each other.
2	this, and so if you want to pose this question	2	A. Okay.
3	to me, you can, but you can't make the judgment	3	Q. If you could turn to Page 10,
4	about what we legally the documents to rely	4	please, which is the last page of the document
5	on.	5	A. Uh-huh.
6	MS. TURNER: I understand that's a	6	Q. Is this your signature?
7	legal question but what I wanted to ask Dr.	7	A. Yes.
8	Levine is the language "or are producing."	8	Q. And it's verifying that the
9	BY MS. TURNER:	9	statements in plaintiffs' responses are true
10	Q. So are plaintiffs withholding any	10	and correct?
11	documents?	11	A. Correct.
12	A. No. No.	12	Q. Do you have any reason to believe
13	Q. Okay.	13	that any of the statements in here are
14	MR. ELGARTEN: Sorry.	14	incomplete or incorrect?
15	THE WITNESS: Really, you got	15	A. No, I have no reason to believe
16	everything the first time around, folks. It	16	that.
17	was this was a no-brainer to give you	17	Q. Okay. Did plaintiffs withhold any
18	whatever was left because there was nothing	18	information responsive to these
19	left.	19	interrogatories?
20	BY MS. TURNER:	20	A. No.
21	Q. Great. Thank you.	21	Q. Thank you.
22	A. I mean, there were some things left Page 23	22	MS. TURNER: The court reporter can Page 25

1	-1	1	A 37
1	please mark this as Exhibit 1306.	1	A. Yes.
2	(Deposition Exhibit 1306 was marked	2	Q. What is this document?
3	for identification.)	3	A. This document is a sales report of
4	MS. TURNER: For the record, this is	4	the 1999 edition of the testing standards and
5	a document produced by plaintiffs that is	5	the preceding edition before the 1999 edition.
6	identified as Bates No.	6	Q. Okay. What was the preceding
7	AERA_APA_NCME_RFP2_0000027.	7	edition?
8	BY MS. TURNER:	8	A. I think it was '85. I don't
9	Q. Dr. Levine, do you recognize this	9	remember exactly the year without looking at
10	document?	10	the I think it was '85.
11	MR. ELGARTEN: Well, we have two	11	Q. Is this a document that is kept in
12	different questions here. I produced this	12	the ordinary course of business?
13	document from my files because I felt I had	13	A. This or something equivalent.
14	told Mr. Becker I think it was Mr. Becker	14	Q. How is this document created?
15	that we looked for certain documents. This	15	A. I'm going to not exactly guess, but
16	document was not present in the files of the	16	I'm going to extrapolate from my knowledge,
17	client, but it was present in my law firm files	17	how's that, because I did not I didn't
18	and since I had said something to Mr. Becker	18	become executive director until 2002.
19	that I would try to find something, and he	19	Q. Okay.
20	asked, I said, I didn't think I could find real	20	A. And I had no contact with the prior
21	old information but he asked and I really	21	edition, so when I came in 19 2002, the 1999
22	didn't object to it. I decided to produce this	22	edition was already published.
	Page 26		Page 28
1			
1	to him.	1	Q. Okay.
1 2	to him.  So Ms. Levine had no role in this	1 2	<ul><li>Q. Okay.</li><li>A. The prior edition was published by</li></ul>
	So Ms. Levine had no role in this		-
2		2	A. The prior edition was published by
2 3	So Ms. Levine had no role in this because it followed the prior production, it	2 3	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this
2 3 4	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr.	2 3 4	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it
2 3 4 5	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document	2 3 4 5	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years
2 3 4 5 6 7	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?	2 3 4 5 6	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition.
2 3 4 5 6 7 8	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on	2 3 4 5 6 7 8	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years
2 3 4 5 6 7 8 9	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know	2 3 4 5 6 7 8 9	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition.  Q. Okay. When say, "preceding the 1999 edition"
2 3 4 5 6 7 8 9	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because	2 3 4 5 6 7 8 9	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition.  Q. Okay. When say, "preceding the 1999 edition"  A. The 1999 edition picks up with
2 3 4 5 6 7 8 9 10	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because  THE WITNESS: I know what it is.	2 3 4 5 6 7 8 9 10	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition. Q. Okay. When say, "preceding the 1999 edition" A. The 1999 edition picks up with probably the 1768 as my this will be my
2 3 4 5 6 7 8 9 10 11 12	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because  THE WITNESS: I know what it is.  MR. ELGARTEN: the original	2 3 4 5 6 7 8 9 10 11 12	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition. Q. Okay. When say, "preceding the 1999 edition" A. The 1999 edition picks up with probably the 1768 as my this will be my guess, as the partial year sales of the 1999
2 3 4 5 6 7 8 9 10 11 12 13	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because  THE WITNESS: I know what it is.  MR. ELGARTEN: the original source of the document was the client files, so	2 3 4 5 6 7 8 9 10 11 12 13	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition. Q. Okay. When say, "preceding the 1999 edition" A. The 1999 edition picks up with probably the 1768 as my this will be my guess, as the partial year sales of the 1999 edition.
2 3 4 5 6 7 8 9 10 11 12 13 14	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because  THE WITNESS: I know what it is.  MR. ELGARTEN: the original source of the document was the client files, so you can ask those questions but she doesn't	2 3 4 5 6 7 8 9 10 11 12 13 14	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition. Q. Okay. When say, "preceding the 1999 edition" A. The 1999 edition picks up with probably the 1768 as my this will be my guess, as the partial year sales of the 1999 edition. Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	So Ms. Levine had no role in this because it followed the prior production, it was pursuant to a discussion I had with Mr. Becker. I think it was you, Matt.  MS. TURNER: Was this document produced by plaintiffs on behalf of plaintiffs?  MR. ELGARTEN: It is produced on behalf of all plaintiffs, yes, and she may know what it is because  THE WITNESS: I know what it is.  MR. ELGARTEN: the original source of the document was the client files, so you can ask those questions but she doesn't know that it was produced.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. The prior edition was published by on behalf of the three organizations by the American Psychological Association. So this was I'm going to assume a running tab, as it were, of each year's sales for the years preceding the 1999 edition. Q. Okay. When say, "preceding the 1999 edition" A. The 1999 edition picks up with probably the 1768 as my this will be my guess, as the partial year sales of the 1999 edition. Q. Okay. A. Because that's what we did similarly
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1	can you tell what the time period is there?	1	November 1999. I just don't know.
2	A. I'm going to allow again, infer	2	It may have been so de minimis at
3	that this is the sales from from January	3	that point that it was really a 2000 the
4	through January through August 1999, and	4	beginning of the reported sales might have been
5	depending upon when it was literally published,	5	in 2000 depending upon when the release of that
6	I suspect it might be the old edition. I don't	6	edition happened.
7	there is usually kind of a crossover.	7	I could go a step further. It could
8	Q. Okay. Were there any sales between	8	also be there is a little hiatus that they were
9	August and December of 1999?	9	taking orders but then not selling because
10	A. I literally don't know but I can	10	maybe it didn't come out until November.
11	only assume so.	11	BY MS. TURNER:
12	Q. Okay. Is that	12	Q. Dr. Levine, do you want to take a
13	A. Although it may be crumped in the	13	quick break?
14	2000 in other words, it might have been	14	A. No, I'm fine.
15	the new edition I don't know when the new	15	Q. I think we will take a quick break
16	edition literally came out, so let's say it	16	right now if that's okay with you.
17	came out in September, so it might have been	17	A. Sure.
18	incorporated in to what you are seeing as 2000.	18	THE VIDEOGRAPHER: We are going off
19	I don't believe there is a gap. It's just a	19	the record. The time is 10:14.
20	matter of when the cutoff of one edition	20	(A short recess was taken.)
21	happened and when the new edition happened.	21	THE VIDEOGRAPHER: We are going back
22	Q. So when calculating a sales number,	22	on the record. The time is 10:20.
	Page 30		Page 32
1	if a new edition comes out mid-year, let's say,	1	MS. TURNER: Thank you.
2	would that those numbers for the new	2	BY MS. TURNER:
3	edition, the sales numbers be encompassed in	3	Q. Dr. Levine, during the break, did
4	the following year's sales?	4	you have an opportunity to review your prior
5	A. Well, I can tell you about 2014.	5	testimony in this case?
6	You have that report. 2014, we continued to	6	A. I did.
7	monitor 1999 in 2014, and you will see	7	Q. Okay. And I will introduce to you
8	something that looks like July or August 2014	8	previously marked Exhibit 1207.
9	to the end of the year. That is under my	9	A. Thank you.
10	watch. I don't know exactly what happened	10	Q. And I will represent that this was
11	under somebody else's watch.	11	marked during your previous deposition in this
12	MR. ELGARTEN: I believe Ms. Levine	12	matter.
13	is referring to the additional documents	13	And, Dr. Levine, if you could state
14			
14	showing sales figures that were provided to	14	whether or not the Exhibit 1207 and Exhibit
15	showing sales figures that were provided to you.	14 15	whether or not the Exhibit 1207 and Exhibit 1306, the numbers between 1999 and 2013 are the
15	you.	15	1306, the numbers between 1999 and 2013 are the
15 16	you.  THE WITNESS: Yeah. Exactly. So	15 16	1306, the numbers between 1999 and 2013 are the same?
15 16 17	you.  THE WITNESS: Yeah. Exactly. So that's how we do it now. That's why I	15 16 17	1306, the numbers between 1999 and 2013 are the same?  A. Well, 1207 and 1306 are not
15 16 17 18	you.  THE WITNESS: Yeah. Exactly. So that's how we do it now. That's why I extrapolated but logically, there is a little	15 16 17 18	1306, the numbers between 1999 and 2013 are the same?  A. Well, 1207 and 1306 are not identical insofar as 1207 is reporting on the
15 16 17 18 19	you.  THE WITNESS: Yeah. Exactly. So that's how we do it now. That's why I extrapolated but logically, there is a little bit of a hiatus so that side of the and I	15 16 17 18 19	1306, the numbers between 1999 and 2013 are the same?  A. Well, 1207 and 1306 are not identical insofar as 1207 is reporting on the 1999 edition and 12 1306 has information
15 16 17 18 19 20	you.  THE WITNESS: Yeah. Exactly. So that's how we do it now. That's why I extrapolated but logically, there is a little bit of a hiatus so that side of the and I don't know when it came out, so I suppose it	15 16 17 18 19 20	1306, the numbers between 1999 and 2013 are the same?  A. Well, 1207 and 1306 are not identical insofar as 1207 is reporting on the 1999 edition and 12 1306 has information about the prior edition which I believe is '85

1			
	for the record, 1999 in 1306, what standard is	1	go back and review that detail.
2	that are those sales for?	2	BY MS. TURNER:
3	A. In 1306, I believe they are the 1999	3	Q. Thank you. And then for the 1989
4	edition.	4	through 1998, those numbers there
5	Q. Okay. Thank you. And, Dr. Levine,	5	A. Uh-huh.
6	if you could turn back to 1306, Exhibit 1306.	6	Q which standard is that for?
7	A. Uh-huh.	7	A. '99.
8	Q. For the 19 if you see 1989 there	8	Q. So 1989
9	at the top through 1998.	9	A. I'm sorry. '85 that continues
10	A. Uh-huh.	10	with the '85 through, let's say, the
11	Q. What versions of the standard are	11	presumptive '85 through 1998, so and not
12	encompassed in these sales units?	12	atypically as the scientific and research and
13	A. I am going to I am going to	13	practice community are anticipating a new an
14	1989 shows a number of 21,920, so therefore, in	14	updated revision like all of us, you know, want
15	my I am inferring therefore that that	15	the I10 and not the I8 so people are waiting
16	encompasses it could encompass a prior	16	for the new edition of the the sales
17	edition, four years of sales at 21,000, seems	17	declines not because of the lack of value of
18	to me like that 21,000 might aggregate a prior	18	the product but because the communities are
19	edition.	19	aware that a new edition is under preparation.
20	Q. Thank you, Dr. Levine. Let's	20	Q. Thank you.
21	A. But I don't know. I mean, you know,	21	A. Or new standards that will be
22	it's roughly you could see roughly 5,000 a	22	published in the new edition are under
	Page 34		Page 36
1	year times four years, it could be it could	1	preparation.
2	be just '85 to '89. That's what I guess I'd	2	MS. TURNER: And if the court
2			
3	estimate, within our set of typical rate of	3	reporter can please mark as Exhibit 1307.
4	production of sales in the early in the	3 4	reporter can please mark as Exhibit 1307.  (Deposition Exhibit 1307 was marked
	* -		
4	production of sales in the early in the	4	(Deposition Exhibit 1307 was marked
4 5	production of sales in the early in the early years of publication.	4 5	(Deposition Exhibit 1307 was marked for identification.)
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1			
1	A. What I mean by that is, doesn't	1	Do you see that?
2	it wasn't prepared initially as one document.	2	A. Yes, I do, uh-huh.
3	It's several different pieces of documents for	3	Q. And what does that mean?
4	different purposes, so as you see, additive	4	A. I would say I believe it's the
5	documents so they were not all produced at	5	sales of the 1999 edition.
6	once.	6	Q. And if you look under "Actuals," the
7	Q. Thank you. And as the aggregate,	7	column "Actuals, December 31, 2014," do you see
8	this is authentic?	8	that 42,219.40?
9	A. Correct.	9	A. Isn't that what you were asking me
10	Q. And is this	10	about?
11	A. And it's everything we have.	11	Q. Yes.
12	Q. Thank you. And are these documents	12	A before, previously. Did I
13	that are in the aggregate, this document, is it	13	misinterpret your prior question?
14	something that's kept in the ordinary course of	14	Q. No. I was asking about what the
15	business?	15	publication income was. We will walk through
16	A. Yes.	16	the numbers.
17	Q. And how was it created?	17	A. Okay. Fine.
18	A. It's created through our inventory	18	Q. Do you see the numbers in
19	sales report, through our association	19	December
20	management system and through our financial	20	A. Yes.
21	accounting system.	21	Q are those for sales of the 1999
22	Q. And do you know what association	22	standards?
	Page 38		Page 40
1	management system that is? Is that	1	A. Yes. It could have something else
1 2	management system that is? Is that proprietary?	1 2	A. Yes. It could have something else in it, but I don't think so. I mean, I can't
2	proprietary?	2	in it, but I don't think so. I mean, I can't
2 3	proprietary?  A. It's NOAH and I believe it's through	2 3	in it, but I don't think so. I mean, I can't think of what it would be.
2 3 4	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a	2 3 4	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next
2 3 4 5	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is	2 3 4 5	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.
2 3 4 5 6	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting	2 3 4 5 6	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?
2 3 4 5 6 7	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.	2 3 4 5 6 7	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.
2 3 4 5 6 7 8	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could	2 3 4 5 6 7 8	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for
2 3 4 5 6 7 8 9	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7,	2 3 4 5 6 7 8	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?
2 3 4 5 6 7 8 9	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?	2 3 4 5 6 7 8 9	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of
2 3 4 5 6 7 8 9 10	proprietary?  A. It's NOAH and I believe it's through NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?	2 3 4 5 6 7 8 9 10 11	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.
2 3 4 5 6 7 8 9 10 11 12	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is	2 3 4 5 6 7 8 9 10 11	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13	proprietary?  A. It's NOAH and I believe it's through NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.	2 3 4 5 6 7 8 9 10 11 12 13	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.
2 3 4 5 6 7 8 9 10 11 12 13 14	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay. So this is our reporting of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.  So this is our reporting of the standards development fund from the end of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for 6995?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	proprietary?  A. It's NOAH and I believe it's through  NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.  So this is our reporting of the standards development fund from the end of for fiscal years 2014, '15, '16, '17, '18, at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for 6995?  A. Depending upon who purchased it, it
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	proprietary?  A. It's NOAH and I believe it's through NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.  So this is our reporting of the standards development fund from the end of for fiscal years 2014, '15, '16, '17, '18, at that point unaudited and projected through	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for 6995?  A. Depending upon who purchased it, it could be two.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	proprietary?  A. It's NOAH and I believe it's through NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.  So this is our reporting of the standards development fund from the end of for fiscal years 2014, '15, '16, '17, '18, at that point unaudited and projected through April 30, 2019.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for 6995?  A. Depending upon who purchased it, it could be two.  Q. If we go to the next column under
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	proprietary?  A. It's NOAH and I believe it's through NOAH although we may keep the standards on a separate spreadsheet, that are but it is definitely through our own financial reporting system.  Q. Okay. Thank you. And if you could please turn to what is identified as Page 7, and can you tell me what this page is?  A. Are these numbered?  Q. If you look at the bottom, there is a number.  A. There are numbers. Okay.  So this is our reporting of the standards development fund from the end of for fiscal years 2014, '15, '16, '17, '18, at that point unaudited and projected through April 30, 2019.  Q. And if you look under "Profit and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	in it, but I don't think so. I mean, I can't think of what it would be.  Q. Okay. And if we turn to the next column, which is December 31, 2015.  Do you see that 6995?  A. Uh-huh.  Q. How many sales again, is this for sales of the 1999 standard?  A. It yes, it should be. Net of expenses.  Q. Okay.  A. And that's true of 42,219.40, net of expenses.  Q. And how many sales would that be for 6995?  A. Depending upon who purchased it, it could be two.  Q. If we go to the next column under December 31, 2016, you see it says: "Zero

1		1	4. 4 1 1 1 1 1 1 1
1	Q. Is it accurate to say that there	1	that sales declined of the 1999 standard
2	were no sales of the 1999 standard in 2015	2	between 2014 and 2019?
3	I'm sorry, in 2016?	3	A. Uh-huh.
4	A. Yes.	4	Q. And why is that?
5	Q. And the next column under December	5	A. Because the 2014 edition was
6	31, 2017, it says: "Zero dollars."	6	released in mid-year.
7	A. Uh-huh.	7	Q. And why would the release of the
8	Q. Is it accurate to say that there	8	2014 standard affect the sales?
9	were no sales of the 1999 standard in 2017?	9	A. It's updated and expanded guidance
10	A. Correct.	10	about best practices and testing, and our user
11	Q. And moving to the next column for	11	community of scientists and students and
12	December 31, 2018, it says: "137.85."	12	faculty and teachers and test administrators
13	A. Uh-huh.	13	and test developers would turn to the new
14	Q. And about how many sales is this of	14	standard.
15	the 1999 standard?	15	Q. Thank you. If we could turn to the
16	A. Could be depending upon who	16	next item, it says: "Book royalty revenues,"
17	purchased it, it could be four or five I	17	that's right below the publication income.
18	suppose.	18	A. Correct.
19	Q. And when you say, "depending on who	19	Q. What does that mean?
20	purchased it," what do you mean?	20	A. That's the that's income from the
21	A. Whether it was a member or nonmember	21	new from the 2014 edition.
22	of one of our associations. I don't quite	22	Q. And if you look under "actual," the
	Page 42		Page 44
1	remember the selling price at that point or if	1	next column "actuals as of December 31, 2014,"
1 2	remember the selling price at that point or if it was an institutional sale, a library sale.	1 2	next column "actuals as of December 31, 2014," it is "119,113.49."
	~ ~ ~		
2	it was an institutional sale, a library sale.	2 3	it is "119,113.49."
2 3	it was an institutional sale, a library sale.  Q. Are there different prices?	2 3	it is "119,113.49."  Do you see that?
2 3 4	<ul><li>it was an institutional sale, a library sale.</li><li>Q. Are there different prices?</li><li>A. Yeah, for members and members ge</li></ul>	2 3 t 4	it is "119,113.49."  Do you see that?  A. Yes.
2 3 4 5	it was an institutional sale, a library sale. Q. Are there different prices? A. Yeah, for members and members ge a discount in all three organizations. It's	2 3 t 4 5	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?
2 3 4 5 6	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.	2 3 t 4 5 6	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard
2 3 4 5 6 7	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do	2 3 t 4 5 6 7	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X
2 3 4 5 6 7 8	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it	2 3 t 4 5 6 7 8	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report
2 3 4 5 6 7 8 9	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?	2 3 t 4 5 6 7 8	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.
2 3 4 5 6 7 8 9	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.	2 3 t 4 5 6 7 8 9	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you
2 3 4 5 6 7 8 9 10 11 12	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it	2 3 t 4 5 6 7 8 9 10	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.
2 3 4 5 6 7 8 9 10 11 12 13	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."	2 3 t 4 5 6 7 8 9 10 11 12 13	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column
2 3 4 5 6 7 8 9 10 11 12 13 14	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars"	2 3 t 4 5 6 7 8 9 10 11 12 13 14	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015,"
2 3 4 5 6 7 8 9 10 11 12 13 14 15	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.  Q. Is it accurate to say that there are	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16 17	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.  Q. Is that for sales of the 2014
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.  Q. Is it accurate to say that there are no projected sales numbers for the 1999	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.  Q. Is that for sales of the 2014 standard as well?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.  Q. Is it accurate to say that there are no projected sales numbers for the 1999 standards in 2019?	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.  Q. Is that for sales of the 2014 standard as well?  A. Correct. The royalty.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.  Q. Is it accurate to say that there are no projected sales numbers for the 1999 standards in 2019?  A. Up through that point, yeah.	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.  Q. Is that for sales of the 2014 standard as well?  A. Correct. The royalty.  Q. Royalty. Thank you.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it was an institutional sale, a library sale.  Q. Are there different prices?  A. Yeah, for members and members ge a discount in all three organizations. It's the same amount, whatever that might be.  Q. And you mentioned institutions, do they get any kind of discount?  A. Only for book sales, because it would be much higher than 137. I think it's more than ten but it's bulk.  Q. And moving to the next column, it says: "Projection as of April 30, 2019."  You see it says: "Zero dollars" there?  A. Yes.  Q. Is it accurate to say that there are no projected sales numbers for the 1999 standards in 2019?	2 3 t 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it is "119,113.49."  Do you see that?  A. Yes.  Q. And what does that represent?  A. That represents the standard development fund's royalty from the sales of X number which we can see from the sales report edition.  Q. When you say, "edition," do you mean  A. 2014.  Q. Okay. And moving to the next column where it has "actuals as of December 31, 2015," do you see the number "130,425.40?"  A. Uh-huh.  Q. Is that for sales of the 2014 standard as well?  A. Correct. The royalty.

1	that number, "110,046.35?"	1	Q. And what does royalty mean here?
2	A. Uh-huh.	2	A. Royalty is a percent of the gross
3	Q. Is that for sales of the 2014	3	sales.
4	standard during 2016?	4	Q. Do you know what that percent is?
5	A. It's the fund's royalty from that	5	A. I would need to I would need to
6	period.	6	refresh my memory. I think it is now 50/50.
7	Q. And moving to the next column where	7	Q. And are you certain that the numbers
8	it says: "Actuals as of December 31, 2017,"	8	here under book royalty revenues are royalties
9	the number "97,407.50."	9	according to that split rather than gross
10	Accurate to say that is also for the	10	revenues?
11	royalty for the sale of the 2014 standard?	11	A. Under book royalty revenue?
12	A. Correct.	12	Q. Yes.
13	Q. And moving to the next column,	13	A. Yes, I am. That's why it is called
14	"unaudited as of December 31, 2018," see that	14	something different.
15	number, "\$98,994.98?"	15	Q. Thank you. If you could please turn
16	A. Uh-huh.	16	to Page 19 of the document in front of you.
17	Q. Accurate to say that that's for	17	A. Yes.
18	royalties from the sale of the 2014 standard?	18	Q. Do you recognize this chart?
19	A. Correct.	19	A. Yes, I do.
20	Q. And then the last column there is	20	Q. What is it?
21	"projection of April 30, 2019," it says: "Zero	21	A. This is the sales report of the 2014
22	dollars."	22	edition starting in July when it was released
	Page 46		Page 48
1	A. It didn't tank.	1	through at that point, it was the report
1 2	<ul><li>A. It didn't tank.</li><li>Q. So is it accurate to say that there</li></ul>	1 2	through at that point, it was the report through end of September or almost the end of
2	Q. So is it accurate to say that there	2	through end of September or almost the end of September 2016.
2 3	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?	2 3	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold
2 3 4	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty	2 3 4	through end of September or almost the end of September 2016.
2 3 4 5	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a	2 3 4 5	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total
2 3 4 5 6 7	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty	2 3 4 5 6	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?
2 3 4 5 6 7 8	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.	2 3 4 5 6 7	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?
2 3 4 5 6 7 8	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about	2 3 4 5 6 7 8	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.
2 3 4 5 6 7 8 9	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?	2 3 4 5 6 7 8 9	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the
2 3 4 5 6 7 8 9 10	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as	2 3 4 5 6 7 8 9 10 11	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say
2 3 4 5 6 7 8 9 10 11 12	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was	2 3 4 5 6 7 8 9 10 11	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.
2 3 4 5 6 7 8 9 10 11 12 13	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the	2 3 4 5 6 7 8 9 10 11 12 13	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other	2 3 4 5 6 7 8 9 10 11 12 13 14	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at	2 3 4 5 6 7 8 9 10 11 12 13 14 15	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents that you got, so this is the with the 2014	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there could be a bookstore ordering X number of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents that you got, so this is the with the 2014 edition, the AERA underwrites all costs and so	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there could be a bookstore ordering X number of copies for a university bookstore or a college
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents that you got, so this is the with the 2014 edition, the AERA underwrites all costs and so this is the royalty. We have a royalty	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there could be a bookstore ordering X number of copies for a university bookstore or a college bookstore for costs for January, February,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents that you got, so this is the with the 2014 edition, the AERA underwrites all costs and so this is the royalty. We have a royalty arrangement to reimburse us for costs.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there could be a bookstore ordering X number of copies for a university bookstore or a college bookstore for costs for January, February, March and sometimes we get very large sales
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So is it accurate to say that there were no sales projected of the 2014 standard in 2019?  A. It this reflects when the royalty payments are made. It's a different it's a different process for the 2014 edition than for the 1999 edition.  Q. Can you tell me a little bit about that process?  A. In 2019 the 1999 edition, AERA as publisher underwrote AERA as publisher was reimbursed for all expenses, so this is the you will see you will see printing and other items well, you would see if you looked at your prior report, printing and other items.  If you went through those documents that you got, so this is the with the 2014 edition, the AERA underwrites all costs and so this is the royalty. We have a royalty	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	through end of September or almost the end of September 2016.  Q. Okay. And looking at the total sold number, is it accurate to say that the total number of units sold had declined between 2014 and 2016?  A. Between 2014 and 2016?  Q. Yes.  A. Without looking at the end of the year report, I'm not sure it is accurate to say that.  Q. I'm sorry, you  A. Because you are comparingwell, you are clearly comparing the 3242 and asking that question to the 2474, but sales come in, I'm going to say unanticipated ways, so there could be a bookstore ordering X number of copies for a university bookstore or a college bookstore for costs for January, February,

1	semester, and so it might have bumped up, so	1	Q. And can you tell me what the dates
2	this could have been 3242 for a fall semester	2	are, the sales comparison is for?
3	cost, so I can't infer that without looking at	3	A. This is comparing 2015 through it
4	the final, you know, set of the final end of	4	was prepared undoubtedly for the same
5	year because in particular, because for	5	management committee meeting and it's comparing
6	training and academic purposes, sales don't	6	January through September 28, 2015, to '16 in
7	just come linearly by month and it really	7	the same period.
8	depends upon kind of in the aggregate, who	8	Q. Okay. And why is it comparing on a
9	is teaching what, when, or who is having a	9	ten-month basis here between 2015 and 2016?
10	workshop when, and I know it seems sort of	10	A. The same reason, because of it being
11	weird, but we have been getting a lot of orders	11	an interim report before this committee met, or
12	in the past couple of years in that November	12	I had a conference call or something, but there
13	and even December period for the new semester,	13	is always an end of year report and you could
14	and it seemed like in the beginning, it was	14	see, this report gives more nuanced information
15	happening in the summer for the fall semester	15	as I was saying in my earlier statement about
16	and who's to explain what the academic	16	member and nonmember purchases and about E-book
17	workplace is like, so the best way of looking	17	purchases and print purchases and bundled
18	at it is the, you know, the stable end of 12	18	purchases.
19	months particularly because because this is	19	Q. What is a bundle?
20	used for training and workshop and course	20	A. Bundle is, you could buy and a
21	purposes.	21	further discount, the E-book edition and get a
22	Q. And is there any reason why, for	22	hard copy.
	Page 50		Page 52
1	this chart, there are cutoffs through September	1	Q. And looking at these numbers for the
2	of 20	2	ten-month period of January 1, 2015 through
3	A. Yes, because we tend to prepare this	3	September 28, 2015, and the same period for
4	report that you are looking at for a meeting of	4	2016, is it accurate to say that sales
5	our management committee. Management committee		•
		5	declined?
6		_	
6 7	is a joint committee of the three organizations	5 6 7	A. It is only accurate to say it
7	is a joint committee of the three organizations and so whenever the management committee has	6 7	A. It is only accurate to say it declined in comparing the same ten-month period
7 8	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will	6 7 8	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I
7 8 9	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce	6 7 8 9	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.
7 8 9 10	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual	6 7 8 9 10	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned
7 8 9 10 11	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting	6 7 8 9 10	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?
7 8 9 10 11 12	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent	6 7 8 9 10	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.
7 8 9 10 11 12 13	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent one in November and we had one in we had a	6 7 8 9 10 11 12 13	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.  Q. Why would someone want both an
7 8 9 10 11 12 13 14	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent one in November and we had one in we had a phone call this past July. We probably have an	6 7 8 9 10 11 12 13 14	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.  Q. Why would someone want both an E-book and a print copy?
7 8 9 10 11 12 13	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent one in November and we had one in we had a phone call this past July. We probably have an equivalent one up through July just to kind of	6 7 8 9 10 11 12 13	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.  Q. Why would someone want both an E-book and a print copy?  A. Well, I can tell you why I would
7 8 9 10 11 12 13 14 15	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent one in November and we had one in we had a phone call this past July. We probably have an equivalent one up through July just to kind of keep everybody updated.	6 7 8 9 10 11 12 13 14 15	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.  Q. Why would someone want both an E-book and a print copy?  A. Well, I can tell you why I would want it and then we could you could deduce
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7 8 9 10 11 12 13 14 15 16 17 18	is a joint committee of the three organizations and so whenever the management committee has its meetings typically twice a year, we will produce them, and since you asked us to produce anything we had, you'll see some unusual reports, like, we are going to have a meeting in November and so there will be the equivalent one in November and we had one in we had a phone call this past July. We probably have an equivalent one up through July just to kind of keep everybody updated.  Q. Okay. If you could please turn to the next page, Page 20. So I think it's the one right there.	6 7 8 9 10 11 12 13 14 15 16 17 18	A. It is only accurate to say it declined in comparing the same ten-month period which could have the same distortion I previously spoke to.  Q. And turning back, you had mentioned the print E-book bundle?  A. Uh-huh.  Q. Why would someone want both an E-book and a print copy?  A. Well, I can tell you why I would want it and then we could you could deduce why others would want it. I suppose those of us trained and reared in the nonelectronic world, like to touch print, but yet most of us
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1 yourself of what you are doing, you might want 2 it for a lecture, like, I would bring an iPad 3 into a lecture or seminar or discussion or 4 workshop, but when I am really planning what I 5 am going to say, I might want to be able to 6 have hard copy to line and take notes or, you 7 know, to do a deeper reading. 8 And I think that's an extrapolatable 8 experience, though I can't speak for every user 10 that if for a modest amount extra, you can get 11 the print, I suppose 50 years from now, nobody 12 will know what the word print means, but if you 13 can have both, you know, for a modest amount, 14 then you could have your cake and eat it. 15 Q. Any other reasons? 16 A. It's good enough that I can think 17 of. And other forms of users similarly. I 18 suppose having one on their shelf if you—if 19 your briefing staff, let's say, you are 20 developing new tests and you can project it on a 21 sereen, but if you had a print edition, you 22 serve, but if you had a print edition, you 23 similar. I'm not saying it's only used for, 24 us who have at least had more print experience. 25 Though there is some—I think 26 there is some degree of research that you might of ind it even with your own e-mailing, you know, courses, lectures and workshops. 3 If's for the deeper, I suppose the deeper 4 there is some degree of research that you might of reader and maybe more particularly for those of the sub that if you only have it electronically, you 10 might not recall things as easily as being able 11 the print, I suppose would be through 12 that if you only have it electronically, you 13 in the print in the print is a print experience. 14 knew hat You and take notes or, you 15 it, but that's mak they and planning what I am place to for identification.) 16 THE WITTHENSES: Meaning we do have 17 that if for a modest amount. 18 the print if you recognize this document? 19 your briefing staff, let's say, you can get 10 that if you only thave it for you if you if you if you have a least had print edition. 20 Great. So you had spok				
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4 workshop, but when I am really planning what I am going to say, I might want to be able to have hard copy to line and take notes or, you know, to do a deeper reading.  8 And I think thar's an extrapolatable experience, though I can't speuk for every user that if for a modest amount extra, you can get the print, I suppose 50 years from now, nobody will know what the word print means, but if you and have both, you know, for a modest amount, then you could have your cake and eat it.  10 Q. Any other reasons?  11 the print, I suppose 50 years from now, nobody will know what the word print means, but if you and have both, you know, for a modest amount, then you could have your cake and eat it.  12 of. And other forms of users similarly. I suppose having one on their shelf if you — if your briefing staff, let's say, you are developing new tests and you run a test company or revising tests and you can project it on a screen, but if you had a print edition, you serve in think the caper, I suppose the deeper reader and maybe more particularly for those of us who have at least had more print experience. Though there is some — I think the print is some degree of research that you might find it even with your own e-mailing, you know, to wise some degree of research that you might not recall things as easily as being able to just pull it off a shelf and remind yourself, get up to speed quickly, even for those who read electronically.  10 Q. So for someone to purchase the 2014 is standard, how do they go about doing that?  11 that if you only have it electronically, you might not recall things as easily as being able to just pull it off a shelf and remind yourself, get up to speed quickly, even for those who read electronically.  11 the print, I suppose, would be through the ALRA website because we are the publisher.  12 Q. Does this appear to be an accurate capture of the AFRA website and take the word "now" out, since it has been available for a while. Got to get that earn yit, so there's other ways of buying the order i	2	it for a lecture, like, I would bring an iPad	2	MS. TURNER: If the court reporter
sam going to say, I might want to be able to have hard copy to line and take notes or, you know, to do a deeper reading.  And I think that's an extrapolatable experience, though I can't speak for every user that if for a modest amount extra, you can get will know what the word print means, but if you as have both, you know, for a modest amount, the nyou could have your cake and eat it.  A. It's good enough that I can think to f. And other forms of users similarly. I suppose by the fifth of the developing new tests and you run a test company or revising tests and you can project it on a screen, but if you had a print edition, you go we know, courses, lectures and workshops.  If's for identification.  BY MS. TURNER:  Q. Do you recognize this document?  A. Yes. And would this represent, if I can ask, would this 8-14 be when you downloaded this?  A. Okay, Okay.  Q. So what is this document then?  A. Okay, Okay.  Q. So what is this document then?  A. This is from AERA website and it is is the – the access to ordering the 2014 edition.  Q. Does this appear to be an accurate correving the standard, would used for, you know, courses, lectures and workshops.  If's for identification.  A Yes. And would this represent, if I can ask, would this represent, if I can ask would this represent, if I can ask, would his represent, if I can ask would his repre	3	into a lecture or seminar or discussion or	3	can please mark this as Exhibit 1308.
6 have hard copy to line and take notes or, you 7 know, to do a deeper reading. 8 And I think that's an extrapolatable 9 experience, though I can't speak for every user 10 that if for a modest amount extra, you can get 11 the print, I suppose 50 years from now, nobody 12 will know what the word print means, but if you 13 can have both, you know, for a modest amount, 14 then you could have your cake and eat it. 15 Q. Any other reasons? 16 A. It's good enough that I can think 17 of. And other forms of users similarly. I 18 suppose having one on their shelf if you — if 19 your briefing staff, let's say, you are 20 developing new tests and you can project it on a 22 screen, but if you had a print edition, you 23 creen, but if you had a print edition, you 24 fit's for the deeper, I suppose the deeper 25 reader and maybe more particularly for those of 26 us who have at least had more print experience. 27 Though there is some — I think 28 there is some degree of research that you might 29 that if you only have it electronically, you 20 might not recall things as easily as being able 10 to just pull it off a shelf and remind 11 that if you only have it electronically, only and the print experience, there are some bookstores 12 that earry it, so there's other ways of buying 15 the EARA website because we are the publisher. 16 Q. Great, So you had spoken about 17 or this information and the print experience. 18 Though there is some electronically. 19 might not recall things as easily as being able to just pull it off a shelf and remind 19 those who read electronically. 20 Correct, yes. 21 A. Ves. And would this represent, if I 22 can ask, would this 8-14 be when you downloaded 23 this? 24 this? 25 the year. 26 A. Okay. Okay. 27 So what is this document? 28 A. Yes. 29 So what is this document then? 20 A. This is from AERA website and it is 29 the publications part of our portal, and this 29 is the – the access to ordering the 2014 20 can sk, would able se when you downloaded 21 the publication spart of our portal, and thi	4	workshop, but when I am really planning what I	4	(Deposition Exhibit 1308 was marked
7	5	am going to say, I might want to be able to	5	for identification.)
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that if for a modest amount extra, you can get that if for a modest amount extra, you can get will know what the word print means, but if you like you could have your cake and eat it.  Q. Any other reasons?  A. It's good enough that I can think like your briefing staff, let's say, you are developing new tests and you can project it on a screen, but if you had a print edition, you provide who, you could say, hey, look, look, look. Similar. I'm not saying it's only used for, you know, courses, lectures and workshops.  I know, you could say, hey, look, look, look. Similar. I'm not saying it's only used for, you know at least had more print experience. Though there is some — I think there is some degree of research that you might that if you only have it electronically, you might not recall things as easily as being able to just pull it off a shelf and remind yourself, get up to speed quickly, even for those who read electronically.  Or course, there is some bookstores that carry it, so there's other ways of buying the sort, and that if you only have it, a range of ways.  Do you recognize this document?  A. Yes. And would this represent, if I can ask, would this 8-14 be when you downloaded this?  Can ask, would this 8-14 be when you downloaded this?  Can ask, would this 8-14 be when you downloaded this?  A. Okay. Okay.  Q. Correct, yes.  A. Okay. Okay.  Q. Dos what is this document then?  A. This is from AERA website and it is the publications part of our portal, and this is the e-the access to ordering the 2014 edition.  Page 54  Page 54  Q. Does this appear to be an accurate capture of the AERA website?  A. Yes.  Page 56  Q. Great. So you had spoken about ordering the 2014 standard.  A. I suppose we could update our website and take the word "now" out, since it has been available for a while. Got to get that staff to it.  Q. You had said that one way that someone can order a copy of the 2014 standard is is through the online store, and would they — on this website, how would they go about doing that?  A. Well, th	7	know, to do a deeper reading.	7	some distributor sales.
10 that if for a modest amount extra, you can get 11 the print, I suppose 50 years from now, nobody 12 will know what the word print means, but if you 13 can have both, you know, for a modest amount, 14 then you could have your cake and eat it. 15 Q. Any other reasons? 16 A. It's good enough that I can think 17 of. And other forms of users similarly. I 18 suppose having one on their shelf if you – if 19 your briefing staff, let's say, you are 20 developing new tests and you run a test company 21 or revising tests and you can project it on a 22 screen, but if you had a print edition, you 22 screen, but if you had a print edition, you 23 screen, but if you had a print edition, you 24 screen, but if you had a print edition, you 25 screen, but if you had a print edition, you 26 screen, but if you had a print edition, you 27 screen, but if you had a print edition, you 28 screen, but if you had a print edition, you 29 screen, but if you had a print edition, you 20 screen, but if you had a print edition, you 21 screen, but if you had a print edition, you 22 screen, but if you had a print edition, you 23 screen, but if you had a print edition, you 24 screen, but if you had a print edition, you 25 screen, but if you had a print edition, you 26 screen, but if you had a print edition, you 27 screen, but if you had a print edition, you 28 screen, but if you had a print edition, you 29 screen, but if you had a print edition, you 20 know, courses, lectures and workshops. 3	8	And I think that's an extrapolatable	8	BY MS. TURNER:
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12 will know what the word print means, but if you can have both, you know, for a modest amount, then you could have your cake and eat it.  14 then you could have your cake and eat it.  15 Q. Any other reasons?  16 A. It's good enough that I can think of. And other forms of users similarly. I suppose having one on their shelf if you — if your briefing staff, let's say, you are developing new tests and you run a test company or revising tests and you can project it on a screen, but if you had a print edition, you screen, but if you had a print edition, you whow, you could say, hey, look, look. I know, you could say, hey, look, look, look.  1 know, you could say, hey, look, look, look. I lit's for the deeper, I suppose the deeper reader and maybe more particularly for those of us who have at least had more print experience. Though there is some —I think there is some degree of research that you might find it even with your own e-mailing, you know, look it in of a shelf and remind yourself, get up to speed quickly, even for those who read electronically.  10 Might not recall things as easily as being able to just pull it off a shelf and remind yourself, get up to speed quickly, even for those who read electronically.  10 Q. So what is this document then?  A. This is from AERA website and it is the publications part of our portal, and this is the – the access to ordering the 2014 edition.  Q. Does this appear to be an accurate capture of the AERA website?  A. Yes.  Q. Great. So you had spoken about ordering the 2014 standard.  A. I suppose we could update our website and take the word "now" out, since it has been available for a while. Got to get that staff to it.  Q. You had said that one way that someone can order a copy of the 2014 standard is through the online store, and would they — on this website, how would they go about doing that?  A. Well, there is a hypertext link — well, including ordering the 1999 edition.  Read more. I would have to scroll down and remind myself since I don't order it but there is a	11	the print, I suppose 50 years from now, nobody	11	can ask, would this 8-14 be when you downloaded
14 then you could have your cake and eat it. 15 Q. Any other reasons? 16 A. It's good enough that I can think 17 of. And other forms of users similarly. I 18 suppose having one on their shelf if you — if 19 your briefing staff, let's say, you are 20 developing new tests and you run a test company 21 or revising tests and you can project it on a 22 screen, but if you had a print edition, you 22 screen, but if you had a print edition, you 23 page 54  1 know, you could say, hey, look, look, look. 2 Similar. I'm not saying it's only used for, 3 you know, courses, lectures and workshops. 4 It's for the deeper, I suppose the deeper 5 reader and maybe more particularly for those of 6 us who have at least had more print experience. 7 Though there is some — I think 8 there is some degree of research that you might find it even with your own e-mailing, you know, loid that if you only have it electronically, you 10 might not recall things as easily as being able to just pull it off a shelf and remind 11 yourself, get up to speed quickly, even for 15 those who read electronically. 16 Q. So for someone to purchase the 2014 standard, how do they go about doing that? 17 A. Okay. Okay. 16 A. This is from AERA website and it is the publications part of our portal, and this is the - the access to ordering the 2014 edition. 20 Q. Does this appear to be an accurate capture of the AERA website? 21 A. Yes. 22 A. Yes. 23 A. Yes. 24 Capture of the AERA website and it is the publications part of our portal, and this is the - the access to ordering the 2014 edition. 24 Capture of the AERA website and it is the publications part of our portal dedition. 25 Q. Great. So you had spoken about ordering the 2014 standard. 26 A. I suppose we could update our website and take the word "now" out, since it has been available for a while. Got	12		12	-
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yourself, get up to speed quickly, even for those who read electronically.  Q. So for someone to purchase the 2014 that a remind myself since I don't order it but there is a hypertext link to the online book store.  Q. I can represent, I think it's at the top, right above the  The most immediate, I suppose, would be through the AERA website because we are the publisher. Of course, there are some bookstores that carry it, so there's other ways of buying  14 Read more. I would have to scroll down and remind myself since I don't order it but there is a hypertext link to the online book store.  Q. I can represent, I think it's at the top, right above the  A. You are right. Order now. Right. Q. Great. So do you offer electronic copies of the 2014 standard for sale through the website?	12	might not recall things as easily as being able	12	A. Well, there is a hypertext link
those who read electronically.  15 remind myself since I don't order it but there  16 Q. So for someone to purchase the 2014 16 is a hypertext link to the online book store.  17 Standard, how do they go about doing that? 18 A. They can do it in a range of ways. 19 The most immediate, I suppose, would be through 20 the AERA website because we are the publisher. 21 Of course, there are some bookstores 22 that carry it, so there's other ways of buying 23 remind myself since I don't order it but there 26 is a hypertext link to the online book store.  17 Q. I can represent, I think it's at the 28 top, right above the 29 Q. Great. So do you offer electronic 20 Q. Great. So do you offer electronic 21 copies of the 2014 standard for sale through 22 the website?	13	to just pull it off a shelf and remind	13	well, including ordering the 1999 edition.
Q. So for someone to purchase the 2014 16 is a hypertext link to the online book store. 17 Is and ard, how do they go about doing that? 18 A. They can do it in a range of ways. 19 The most immediate, I suppose, would be through 20 the AERA website because we are the publisher. 21 Of course, there are some bookstores 22 that carry it, so there's other ways of buying 23 that carry it, so there's other ways of buying 24 that carry it, so there's other ways of buying 25 that carry it, so there's other ways of buying 26 I can represent, I think it's at the 27 top, right above the 28 Q. I can represent, I think it's at the 29 top, right above the 29 Q. Great. So do you offer electronic 20 copies of the 2014 standard for sale through 20 the website?	14	yourself, get up to speed quickly, even for	14	Read more. I would have to scroll down and
standard, how do they go about doing that?  17 Q. I can represent, I think it's at the 18 A. They can do it in a range of ways. 18 top, right above the 19 The most immediate, I suppose, would be through 20 the AERA website because we are the publisher. 21 Of course, there are some bookstores 22 that carry it, so there's other ways of buying 23 to a represent, I think it's at the 26 top, right above the 27 Q. Great. Order now. Right. 28 Q. Great. So do you offer electronic 29 copies of the 2014 standard for sale through 20 the website?	15	those who read electronically.	15	remind myself since I don't order it but there
18 A. They can do it in a range of ways. 19 The most immediate, I suppose, would be through 20 the AERA website because we are the publisher. 21 Of course, there are some bookstores 22 that carry it, so there's other ways of buying 23 top, right above the 26 A. You are right. Order now. Right. 27 Q. Great. So do you offer electronic copies of the 2014 standard for sale through the website?	16	Q. So for someone to purchase the 2014	16	is a hypertext link to the online book store.
The most immediate, I suppose, would be through the AERA website because we are the publisher.  Of course, there are some bookstores that carry it, so there's other ways of buying the AERA website?  A. You are right. Order now. Right.  Q. Great. So do you offer electronic copies of the 2014 standard for sale through the website?	17	standard, how do they go about doing that?	17	Q. I can represent, I think it's at the
The most immediate, I suppose, would be through the AERA website because we are the publisher.  Of course, there are some bookstores that carry it, so there's other ways of buying the AERA website?  A. You are right. Order now. Right.  Q. Great. So do you offer electronic copies of the 2014 standard for sale through the website?	18	A. They can do it in a range of ways.	18	top, right above the
the AERA website because we are the publisher.  Of course, there are some bookstores  that carry it, so there's other ways of buying  20 Q. Great. So do you offer electronic  copies of the 2014 standard for sale through  the website?	19		19	
21 Of course, there are some bookstores 21 copies of the 2014 standard for sale through 22 that carry it, so there's other ways of buying 22 the website?	20		20	_
22 that carry it, so there's other ways of buying 22 the website?		_	21	-
	22	that carry it, so there's other ways of buying	22	-
	1		1	D 57

1	A. I believe there is yes, I believe	1	MR. ELGARTEN: I think this is
2	there is a hypertext link to the provider who	2	actually beyond the scope of your deposition
3	whose platform doesn't sit on our own	3	notice, but I am not trying to overly restrict
4	platform. It needs a particular kind of	4	you but just keep that in mind.
5	platform and protection of the PDF in such a	5	MR. BECKER: We just want to
6	way that it is only purchasable.	6	MR. ELGARTEN: I am trying not to
7	Q. So is it accurate to say that to	7	I am just noting that I believe it is, but you
8	order online a copy of the an electronic	8	want to ask a few questions, that's fine. I
9	copy of the 2014 standard, it's done through	9	just don't want to spend a lot of time.
10	some kind of third-party platform?	10	MR. BECKER: We are not. We are
11	A. Correct. I am blocking on the name	11	just considering it on your sales, but just
12	of the company we use. I should have refreshed	12	want to make sure that the method of sales is
13	my memory, but it's a platform that both does	13	updated to the present.
14	its own publishing, it's own E-publishing, it's	14	MR. ELGARTEN: Okay.
15	storage and works for any number of publishers.	15	MS. TURNER: Thank you.
16	Q. Thank you. If someone wanted to go	16	MR. ELGARTEN: That's fair, or I
17	about purchasing a copy of the 1999 standard,	17	think it's fair for the moment.
18	how would they do that?	18	MS. TURNER: The questioning will
19	A. Right here. I think it's that	19	not be long.
20	hypertext link to order previous edition of the	20	BY MS. TURNER:
21	standard. It's in the store.	21	Q. Dr. Levine, do you recognize this
22	Q. Can someone order it online?	22	document?
	Page 58		Page 60
1	A. Yes.	1	A. Yes.
2	Q. Okay. So	2	Q. What is it?
3	A. I believe.	3	A. This is the the website specimen
4	Q. So if I could	4	information on the 1999 edition informing
5	A. Yeah.	5	potential users that there is also a 2014
6	Q. If I could turn your attention to	6	edition.
7	order to order a previous edition of the	7	Q. Does this appear to be an accurate
8	standard, 1999, there's a hypertext link, and	8	capture of the AERA website?
9	it says: "Please use the mail fax order form	9	A. Yes.
10	available on the left-hand side of the page	10	Q. And can you purchase if you are
11	under the books tab."	11	looking on this website, can you purchase the
12	A. Then I may be wrong. Good reading.	12	1999 standards in the online store for AERA?
13	Q. Thank you. What I went to law	13	A. Well, you've just updated me on the
14	school for.	14	fact that it looks like we did not include
15	A. Sure. I almost went.	15	that, I suppose as can happen with prior
16	MS. TURNER: If you could please	16	editions of works, that it looks like a mail
17	mark this as Exhibit 1309.	17	and fax order.
18	(Deposition Exhibit 1309 was marked	18	Q. Can a person e-mail the form to AERA
19	for identification.)	19	to purchase the 1999 standard?
20	THE WITNESS: I hope you don't think		A. E-mail it with an attachment?
21	AERA is old style. I don't even have a fax	21	Q. Correct.
22	machine.	22	A. Sure.
	1 age 37		1 age of

1	Q. Do you know how to do that from	1	look on our website, many publishers are eager
2	here?	2	to sell the print edition and then delay E-book
3	A. Let's see. From this particular	3	editions, so we are trying to reach everyone in
4	page, from this particular page, no, but there	4	the modality that they work in and which
5	is any number of pages that have a pubs e-mail	5	includes with some of our major volumes being
6	and or in this case, one could, I suppose,	6	able to purchase pieces.
7	call and learn how they could e-mail the the	7	Q. Any plans to make it available in an
8	form completed without faxing it.	8	electronic format?
9	Q. Okay. Are you certain that you can	9	A. Which?
10	e-mail the form to order a copy of the 1999	10	Q. The 1999 standard.
11	standard?	11	A. It hasn't come up, I suppose. I
12	A. Am I certain? I am certain that we	12	mean, it hasn't come up with any of our
13	would take a sale for anything any way it came,	13	classics, and I think it is not likely, and we
14	we are pretty small. You might think of old	14	have many other classics that were Complete
15	AERA, 25,000 members, an annual meeting of 15	15	Research on Teaching, something that is a major
16	or 16,000, but our staff is under 30 people,	16	classic methodology book called Methods, and we
17	you know, so anything that comes in, we are	17	have 2005 editions and we are not even thinking
18	really pretty user friendly. If somebody	18	that there would be enough of an interest in
19	answers the phone, it won't be me, but it even	19	getting old pieces that way. People can buy
20	could be me and everybody helps everybody out,	20	it, you know, or use it from the university
21	so if anybody calls and wants to get something	21	libraries.
22	done, they'll get to somebody on the	22	MS. TURNER: If the court reporter
	Page 62		Page 64
1	publication staff or they'll get to our	1	can please mark this as Exhibit 1310.
2	customer service or a membership director, if	2	(Deposition Exhibit 1310 was marked
3	not, a publications director and somebody will	3	for identification.)
4	say might even say fax it to me and I'll get	4	MR. ELGARTEN: Same question. We
5	it done.	5	are wandering from your list of subjects.
6	Q. Are there any instances that you	6	MS. TURNER: Almost done. Just a
7	know of where someone had e-mailed an order	7	few more questions.
8	form for the 1999 standard?	8	THE WITNESS: As long as you fill
9	A. Any instances where they e-mailed	9	out one of each, I'm okay, when you are done
10	it?	10	really. I think your law firm should have one
11	Q. Correct.	11	of each of these.
12	A. Not without my checking with our	12	BY MS. TURNER:
13	publications director or membership, customer	13	Q. Do you recognize this document?
14	service person.	14	A. Definitely. I mean more or less.
15	Q. Is the 1999 standard available in an	15	Q. And what is this document?
16	E-book format?	16	A. This is an order form for
17	A. No.	17	depending upon when you downloaded it, for our
18	Q. Is it available in any electronic	18	various books, AERA's books that are available.
19	format?	19	Q. Okay.
			-
20		20	A. Do you know when you downloaded
	A. No. We think of ourselves as quite	20 21	A. Do you know when you downloaded this?
20	A. No. We think of ourselves as quite a progressive, however, publisher, insofar as		this?
20 21	A. No. We think of ourselves as quite	21	this?

1	that would be August 14.	1	Q. And what is it?
2	A. Okay. So then it is current.	2	A. That's the I suppose, of course,
3	Q. Can someone order the 1999 edition	3	having seen the other two, it looks like it's
4	through this order form?	4	the 1999 edition without that 1999 sales
5	MR. ELGARTEN: Want to call her	5	estimate.
6	attention to this?	6	Q. And if you could turn back, please,
7	BY MS. TURNER:	7	to what was marked as Exhibit 1306.
8	Q. Sure. Yes. If you look down where	8	A. Yes.
9	it says: "Standard for educational and	9	Q. Is this the same document?
10	psychological testing," it is the sixth gray	10	MR. ELGARTEN: As I said, I produced
11	bar and at the bottom of that, it says: "1999	11	this document, the additional document I
12	edition."	12	believe it's the same document.
13	So if someone wanted to order the	13	THE WITNESS: Well, I'm assuming.
14	1999 edition, would they put in the quantity?	14	BY MS. TURNER:
15	A. Yes.	15	Q. So is the answer yes then?
16	Q. The note?	16	A. Yes.
17	A. Yes. Uh-huh.	17	Q. Okay.
18	Q. Can you PDF this order form and then	18	MS. TURNER: Why don't we take a
19	send it via e-mail?	19	quick break.
20	A. There it is. The answer to your	20	MR. ELGARTEN: Okay. Are we almost
21	question. Members@AERA.net on the other side.	21	done?
22	Q. Perfect.	22	MS. TURNER: We are.
	Page 66		Page 68
1	A. No heads will roll this afternoon.	1	THE VIDEOGRAPHER: We are going off
2	And just so you know, our that	2	the record. This is the end of Media Unit No.
3	e-mail is customer service and membership.	3	1. The time is 11:04.
4	It's not membership questions. It's just it	4	(A short recess was taken.)
5	is we see our membership team as customer	5	THE VIDEOGRAPHER: We are going back
6	service.	6	on the record. This is the start of Media Unit
7	Q. So if someone e-mailed that with the	7	No. 2. The time is 11:26.
8	order form, would they be able to place an	8	MS. TURNER: Thank you.
9	order through that e-mail address?	9	BY MS. TURNER:
10	A. Absolutely, yeah. That's where you	10	Q. Dr. Levine, if you could please turn
11	put the PDF. We don't the order for film,	11	back to what has been marked as Exhibit 1307.
12	it comes through customer service, the label on	12	A. Yes.
13	the e-mail is membership, but it's really	13	Q. And if you could please turn to the
14	membership customer service department or team.	14	bottom of the page, No. 7.
15	Q. Okay. I'm going to hand you a	15	A. Yes.
16	document that was previously marked 1208,	16	Q. And you testified earlier that the
17	Exhibit 1208.	17	publication income entry under profit and loss
18	I'll represent this was previously	18	is for sales of the 1999 standard?
19	marked in your prior deposition in this matter.	19	A. Yes, publication income.
20	A. Uh-huh.	20	Q. And can you let us know if that is
21	Q. Do you recognize this document?	21	net of expenses or is that a gross number?
22	A. Yes.	22	A. I think that's a in that context,
	Page 67		Page 69

1	I'm going to say it's the gross number.	1	1, 1, , 1	
2	Q. Okay. If you could please turn to	1	reupdated, to take account of new things that	
		2	didn't exist, so in 1985, for example, there	
3	Page No. 25 at the bottom.	3	was no real use of technology in the way that	
4	A. Yeah, well, I'm doing it. 25 are	4	there is in 2018. So this, you know, modest	
5	you saying?	5	increase is probably some number of courses and	
6	Q. Yes, please.	6	perhaps brought a worldwide distribution.	
7	A. Of the same document?	7	Q. And to clarify, these are for	
8	Q. Of the same document.	8	sales of the 2014 standard?	
9	A. Okay. Got it. Okay.	9	A. Correct.	
10	Q. Great. And the top chart here, can	10	Q. And the chart directly below that?	
11	you tell us what this is?	11	A. Uh-huh.	
12	A. Okay. So this is total sales by	12	Q. What does this chart represent?	
13	year.	13	A. This is total quantities sold	
14	Q. Okay.	14	through April 30 each year, so building upon my	
15	A. For 2014 to 2018.	15	prior point about September 28, this document	
16	Q. Okay. If I could turn your	16	was created before we had a mini the	
17	attention to 2018.	17	management committee had a mini-meeting in May,	
18	A. Uh-huh.	18	so it was April 30, so they could get a	
19	Q. Is it accurate to say that sales in	19	snapshot before their meeting which was	
20	2018 were higher than in 2017?	20	mid-May, so it is April 30, so then it compares	
21	A. Correct.	21	year-to-date, you know, as you'll see in	
22	Q. And why is that?	22	financial statements year-to-date and	
	Page 70		Page 72	
1	A. Why did it happen?	1	comparable period, so the we were very	
2	Q. Yes, if you know.	2	pleased with the fact that the 2019, you know,	
3	A. More purchases. Sorry. It seemed	3	performance suggests, you know, this the	
4	self-evident. Why it happened. I suppose	4	work is is considered, you know,	
5	really links to my prior point. You know, you	5	increasingly is increasingly penetrating new	
6	can't you couldn't really necessarily	6	users.	
7	abstract extrapolate from September 28th	7	Q. And to clarify, this is also for	
8	that even though with certain forms of	8	sales of the 2014 standard?	
9	quote-unquote publications in the world of	9	A. All, correct, yeah.	
10	publications, one might think of them as having	10	Q. And this chart shows through 2015	
11	a limited shelf life.	11	through 2019, the total sales just for January	
12	This publication is a publication	12	through April 30	
13	about guidance and wisdom and best practices in	13	A. Correct.	
14	the field, and as that is more wide of more	14	Q of each year?	
		15	-	
1.15	of wider interest, it unlike even an			
15		14		
16	academic publications, that might be superseded	16		
16 17	academic publications, that might be superseded by well, here, it might be superseded by a	17	when it might be audited, which you have no	
16 17 18	academic publications, that might be superseded by well, here, it might be superseded by a new edition, but superseded by next, you know,	17 18	when it might be audited, which you have no control over, it still gives sort of a	
16 17 18 19	academic publications, that might be superseded by well, here, it might be superseded by a new edition, but superseded by next, you know, next stages of a research program, that a work	17 18 19	when it might be audited, which you have no control over, it still gives sort of a comparable snapshot.	
16 17 18 19 20	academic publications, that might be superseded by well, here, it might be superseded by a new edition, but superseded by next, you know, next stages of a research program, that a work that has value can have expanded in during use.	17 18 19 20	when it might be audited, which you have no control over, it still gives sort of a comparable snapshot.  Q. And is there any reason you spoke	
16 17 18 19	academic publications, that might be superseded by well, here, it might be superseded by a new edition, but superseded by next, you know, next stages of a research program, that a work	17 18 19	when it might be audited, which you have no control over, it still gives sort of a comparable snapshot.	

2 A. Without looking at who purchased, I might extrapolate that it was used in more courses or maybe more workshops, which could be a university or college sale anticipating a course, maybe even a summer course or courses. The 2015 high is reflecting the fact that this is really the first six months of publication or the availability of the standards, so there was a lot of pent up interest.	1	uptick in sales during that same time period?	1	total number of the total sales, it says:
might extrapolate that it was used in more courses or maybe more workshops, which could be a university or college sale anticipating a course, maybe even a summer courses or courses. The 2015 high is reflecting the fixet that this is really the first six months of publication or the availability of the standards, so there was a lot of pent up the standards, so there were just looking at, Page 25.  A. Yep.  MR. ELGARTEN: Oot the numbers and the salight discrepancy so we just want to clear it up.  MR. ELGARTEN: Okay.  THE WITNESS: I was going to say somebody on staff can't add a column. I don't want to say that. Total sales, 4236.  By MS. TURNER: There is a slight discrepancy so we just want to clear it up.  MR. ELGARTEN: Okay.  THE WITNESS: I was going to say somebody on staff can't add a column. I don't want to say that. Total sales, 4236.  By MS. TURNER: There is a slight discrepancy so we just want to clear it up.  Want to say that. Total sales, 4236.  By MS. TURNER: There is a slight discrepancy so we just want to seve in the column. I d				
4 courses or maybe more workshops, which could be a university or college sale anticipating a course, maybe even a summer course or courses. The 2015 high is reflecting the fact that this is really the first six months of standards, so there was a lot of pent up standards, so there was a lot of pent up interest.  2 Q. If you could please turn to Page 2  12 MR. ELGARTEN: Do the numbers match? MR. ELGARTEN: Do the numbers match? MR. ELGARTEN: Okay.  13 of the same document.  14 A. Uh-huh.  15 Q. If should look like this.  16 A. Yes.  17 Q. If should look like this.  18 A. Good. Because this one is not made 19 for my eyes. Okay.  20 Q. Can you tell me what this chart is?  21 A. This is new edition wow, this is ayou have to be quaintly interested in 20 copies sold by member group and nonmembers.  22 a You see the so, for example, work of siculy buying for courses but more 16 likely university book stores or agents, in 2014 the nine?  10 Q. Yes. So let me try to rephrase it 1 just to make sure I have it.  11 Just to make sure I have it.  12 Q. And diriestly below, there is a two under NCME members looght I suppose to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top, if you go to the number of copies at the top,				· ·
s a university or college sale anticipating a course, maybe even a summer course or courses.  The 2015 high is reflecting the fact that this is really the first six months of publication or the availability of the standards, so there was a lot of pent up 10 standards, so there was a lot of pent up 11 interest.  10 y If you could please turn to Page 2 12 MR. ELGARTEN: Do the numbers match? MS. TURNER: There is a slight discrepancy so we just want to clear it up.  11 MR. ELGARTEN: Okay.  12 Q. If you could please turn to Page 2 12 MR. ELGARTEN: Okay.  13 of the same document.  14 A. Uh-huh.  15 Q. It should look like this.  16 A. Yes. Yes.  17 Q. It should look like this.  18 A. Oreret.  19 for my eyes. Okay.  20 Q. Can you tell me what this chart is?  21 A. This is new edition — wow, this is a — you have to be quaintly interested in eopies sold by member group and nonmembers.  21 data, but this is new edition and the number of copies sold by member group and nonmembers.  21 data, but this is new chime might be book of stores or faculty buying for courses but more likely university book stores or agents, in 2014, there were, just as an illustration, six purchases of 15 copies. Does that help?  10 Q. Yes. So let me try to rephrase it just make sure I have it.  21 A. Uh-huh.  22 So, for example, in the column with the number of copies at the top, if you go to the number of copies and the top, if you go to the number, that means that two NCME members bought nine copies each?  23 A. So is the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies and the top, if you go to the number of copies			_	·
The 2015 high is reflecting the fact that this is really the first six months of publication or the availability of the standards, so there was a lot of pent up interest.  10 standards, so there was a lot of pent up interest.  11 discrepancy so we just want to clear it up.  12 Q. If you could please turn to Page 2 13 of the same document.  14 A. Uh-huh. 15 Q. It should look like this. 16 A. Yes. Yes. 17 Q. It think the other side. 18 A. Good. Because this one is not made 19 for my eys. Okay. 20 Q. Can you tell me what this chart is? 21 a. This is new edition — wow, this is 22 a — you have to be quaintly interested in 25 copies sol dy member group and nonmembers. 26 you see the — so, for example, 27 likely university book stores or agents, in 28 look to the page we were just looking at, Page 29 MR. ELGARTEN: Do the numbers match?  MS. TURNER: There is a slight 10 discrepancy so we just want to clear it up.  MR. ELGARTEN: Okay.  14 MR. ELGARTEN: Okay.  15 WAR. ELGARTEN: Okay.  16 BY MS. TURNER: 17 Q. Right. So if you see in the column. I don't 18 of 2014, it says: "Total sales 4,236," and on 18 of 2014, it says: "Total sales 4,236," and on 18 of 2014, it says: "Total sales 4,236," and on 19 Page 2, it says: "4227."  20 Any reason for that discrepancy? 21 A. It's human error, really, I suppose 22 one was an effort to do a transfer from an 24 Page 74  1 Excel spreadsheet or something of the number of 25 copies, so nonmember sales which might be book 26 stores or faculty buying for courses but more 27 likely university book stores or agents, in 28 purchases of 15 copies. Does that help? 29 purchases of 15 copies. Does that help? 20 Q. Yes. So let me try to rephrase it 21 just to make sure I have it. 22 So, for example, in the column with 23 the number of copies at the top, if you go to 24 the nime? 25 A. Uh-huh. 26 Q. And directly below, there is a two 27 under NCME member, that means that two NCME 28 members bought nime copies each? 29 A. Correct. 20 Q. And this is for the 2014 standard? 20 Q. Thank you. And if we				
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22 a you have to be quaintly interested in Page 74  1 data, but this is new edition and the number of 2 copies sold by member group and nonmembers. 3 You see the so, for example, 4 NCME, two NCME members bought I suppose nine 5 copies, so nonmember sales which might be book 6 stores or faculty buying for courses but more 7 likely university book stores or agents, in 8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 purchases of 15 copies. Does that help? 10 Q. Yes. So let me try to rephrase it 11 just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 C. Thank you. And if we go over to the  10 Excel spreadsheet or something of the number of copies. The other one was a higher number, 20 copies. The other one was a higher number, 21 Excel spreadsheet or something of the number of copies. The other one was a higher number, 22 copies. The other one was a higher number, 23 right?  4 Q. Yes. 24 Q. Yes. 25 A. So I am assuming something wasn't recorded. It might not have been human error. 26 It was missing data, but it should have been recorded as missing data, but it wasn't. So just unknown. 29 just unknown. 20 Just unknown. 21 Unknown purchases as to the 22 Unknown purchases as to the 23 purchases as to the 24 Q. Yes. 25 That's the higher? 26 Q. Correct. 27 A. Yes. 2014 standards in 2014. 28 E because we were just starting.	20	Q. Can you tell me what this chart is?	20	Any reason for that discrepancy?
1 data, but this is new edition and the number of 2 copies sold by member group and nonmembers. 3 You see the so, for example, 4 NCME, two NCME members bought I suppose nine 5 copies, so nonmember sales which might be book 6 stores or faculty buying for courses but more 7 likely university book stores or agents, in 8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 purchases of 15 copies at the top, if you go to 11 just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Correct. 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the	21	A. This is new edition wow, this is	21	A. It's human error, really, I suppose
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3 You see the so, for example, 4 NCME, two NCME members bought I suppose nine 5 copies, so nonmember sales which might be book 6 stores or faculty buying for courses but more 7 likely university book stores or agents, in 8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 Q. Yes. So let me try to rephrase it 10 Q. Yes. So let me try to rephrase it 11 Just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the  3 right? 4 Q. Yes. 5 A. So I am assuming something wasn't 6 recorded. It might not have been human error. 11 twas missing data, but it should have been 12 in my view as a scientist, it should have been recorded as missing data, but it wasn't. So 10 just unknown. 11 Unknown purchases as to the 12 quantity, probably one, you know, just given the dominant mode of of us also, you know, being interested in volume sales because that means it penetrates and hits more users and students. 15 Q. So is the number on Page 25, the 4236 number, is that the more accurate number? 16 A. Let's see. 25. That's the higher? 17 Q. Correct. 18 A. Yes. At that point, we didn't have E because we were just starting.	1	data, but this is new edition and the number of	1	Excel spreadsheet or something of the number of
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5 copies, so nonmember sales which might be book 6 stores or faculty buying for courses but more 7 likely university book stores or agents, in 8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 recorded as missing data, but it should have been 9 purchases of 15 copies. Does that help? 9 recorded as missing data, but it wasn't. So 10 Q. Yes. So let me try to rephrase it 11 Just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 10 Just unknown. 11 Unknown purchases as to the 12 quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 4236 number, is that the more accurate number? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 22 E because we were just starting.	3	You see the so, for example,	3	right?
6 stores or faculty buying for courses but more 7 likely university book stores or agents, in 8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 recorded as missing data, but it should have been 9 purchases of 15 copies. Does that help? 9 recorded as missing data, but it wasn't. So 10 Q. Yes. So let me try to rephrase it 11 Unknown. 11 just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 10 just unknown. 11 Unknown purchases as to the 12 quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 4236 number, is that the more accurate number? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 20 E because we were just starting.	4	NCME, two NCME members bought I suppose nine	4	
likely university book stores or agents, in  2014, there were, just as an illustration, six  purchases of 15 copies. Does that help?  Q. Yes. So let me try to rephrase it  just to make sure I have it.  So, for example, in the column with  the number of copies at the top, if you go to  the nine?  A. Uh-huh.  Q. And directly below, there is a two  under NCME member, that means that two NCME  members bought nine copies each?  A. Correct.  Q. And this is for the 2014 standard?  A. Yes. 2014 standards in 2014.  Q. Thank you. And if we go over to the  7 It was missing data, but it should have been  8 in my view as a scientist, it should have been  8 in my view as a scientist, it should have been  8 in my view as a scientist, it should have been  8 in my view as a scientist, it should have been  8 in my view as a scientist, it should have been  9 recorded as missing data, but it wasn't. So  10 just unknown.  11 Unknown purchases as to the  12 quantity, probably one, you know, just given  13 the dominant mode of of us also, you know,  14 being interested in volume sales because that  15 means it penetrates and hits more users and  16 students.  17 Q. So is the number on Page 25, the  18 4236 number, is that the more accurate number?  A. Let's see. 25. That's the higher?  Q. Correct.  20 Q. And this is for the 2014 standard?  21 A. Yes. At that point, we didn't have  22 E because we were just starting.	5		5	
8 2014, there were, just as an illustration, six 9 purchases of 15 copies. Does that help? 9 recorded as missing data, but it wasn't. So 10 Q. Yes. So let me try to rephrase it 11 just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 10 just unknown. 11 Unknown purchases as to the 12 quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 23 in my view as a scientist, it should have been 24 in my view as a scientist, it should have been 25 recorded as missing data, but it wasn't. So 26 just unknown.  10 just unknown.  11 Unknown purchases as to the 12 quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 4236 number, is that the more accurate number? 19 A. Let's see. 25. That's the higher? 20 Q. Correct. 21 A. Yes. At that point, we didn't have 22 E because we were just starting.	6			
purchases of 15 copies. Does that help?  Q. Yes. So let me try to rephrase it  just to make sure I have it.  So, for example, in the column with the number of copies at the top, if you go to the nine?  A. Uh-huh.  Q. And directly below, there is a two under NCME member, that means that two NCME members bought nine copies each?  A. Correct.  Q. And this is for the 2014 standard?  Q. Thank you. And if we go over to the  9 recorded as missing data, but it wasn't. So 10 just unknown.  11 Unknown purchases as to the quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, being interested in volume sales because that means it penetrates and hits more users and 16 students.  Q. So is the number on Page 25, the 4236 number, is that the more accurate number? Q. Correct.  Q. Correct.  A. Yes. 2014 standards in 2014.  E because we were just starting.	7		· ·	
10 Q. Yes. So let me try to rephrase it 11 just to make sure I have it. 12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Correct. 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 21 Unknown purchases as to the 22 quantity, probably one, you know, just given 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 4236 number, is that the more accurate number? 20 Q. Correct. 21 A. Yes. 2014 standards in 2014. 22 E because we were just starting.	8			-
just to make sure I have it.  So, for example, in the column with the number of copies at the top, if you go to the nine?  A. Uh-huh.  Q. And directly below, there is a two under NCME member, that means that two NCME members bought nine copies each?  A. Correct.  Q. And this is for the 2014 standard?  Q. Thank you. And if we go over to the  11 Unknown purchases as to the quantity, probably one, you know, just given the dominant mode of of us also, you know, the dominant mode of of us also, you know, being interested in volume sales because that means it penetrates and hits more users and students.  Q. So is the number on Page 25, the 4236 number, is that the more accurate number? A. Let's see. 25. That's the higher? Q. Correct.  A. Yes. At that point, we didn't have E because we were just starting.				_
12 So, for example, in the column with 13 the number of copies at the top, if you go to 14 the nine? 15 A. Uh-huh. 16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Correct. 20 Q. And this is for the 2014 standard? 20 Q. Thank you. And if we go over to the 21 quantity, probably one, you know, just given 16 the dominant mode of of us also, you know, 16 the dominant mode of of us also, you know, 18 the dominant mode of of us also, you know, 19 the dominant mode of of us also, you know, 10 the dominant mode of of us also, you know, 11 the dominant mode of of us also, you know, 12 the dominant mode of of us also, you know, 13 the dominant mode of of us also, you know, 14 being interested in volume sales because that 15 means it penetrates and hits more users and 16 students. 17 Q. So is the number on Page 25, the 18 4236 number, is that the more accurate number? 19 A. Let's see. 25. That's the higher? 20 Q. Correct. 21 A. Yes. At that point, we didn't have 22 E because we were just starting.				
the number of copies at the top, if you go to  the nine?  14 being interested in volume sales because that  15 A. Uh-huh.  16 Q. And directly below, there is a two  16 students.  17 under NCME member, that means that two NCME  18 members bought nine copies each?  19 A. Correct.  19 Q. So is the number on Page 25, the  18 4236 number, is that the more accurate number?  19 A. Let's see. 25. That's the higher?  20 Q. And this is for the 2014 standard?  21 A. Yes. 2014 standards in 2014.  22 Q. Thank you. And if we go over to the  23 the dominant mode of of us also, you know,  14 being interested in volume sales because that  15 means it penetrates and hits more users and  16 students.  17 Q. So is the number on Page 25, the  4236 number, is that the more accurate number?  20 Q. Correct.  21 A. Yes. 2014 standards in 2014.  22 E because we were just starting.				_
the nine?  14 being interested in volume sales because that 15 A. Uh-huh. 15 means it penetrates and hits more users and 16 Q. And directly below, there is a two 16 students. 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 23 being interested in volume sales because that 25 means it penetrates and hits more users and 26 students. 27 Q. So is the number on Page 25, the 28 4236 number, is that the more accurate number? 29 Q. Correct. 20 Q. And this is for the 2014 standard? 20 Q. Correct. 21 A. Yes. 2014 standards in 2014. 22 E because we were just starting.				
15 A. Uh-huh.  16 Q. And directly below, there is a two 16 under NCME member, that means that two NCME 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 23 means it penetrates and hits more users and 26 students. 27 Q. So is the number on Page 25, the 28 4236 number, is that the more accurate number? 29 Q. Correct. 20 Q. Correct. 21 A. Yes. 2014 standards in 2014. 22 E because we were just starting.				-
16 Q. And directly below, there is a two 17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 25 students. 26 Q. So is the number on Page 25, the 27 4236 number, is that the more accurate number? 28 Q. Correct. 29 Q. Correct. 20 Q. Correct. 21 A. Yes. At that point, we didn't have 22 E because we were just starting.				_
17 under NCME member, that means that two NCME 18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 25 So is the number on Page 25, the 4236 number, is that the more accurate number? 42 Q. Correct. 43 A. Let's see. 25. That's the higher? 44 A. Yes. At that point, we didn't have 45 Decause we were just starting.				
18 members bought nine copies each? 19 A. Correct. 19 A. Let's see. 25. That's the higher? 20 Q. And this is for the 2014 standard? 20 Q. Correct. 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 23 4236 number, is that the more accurate number? 26 Q. Correct. 27 A. Yes. At that point, we didn't have 28 E because we were just starting.		•		
19 A. Correct.  19 A. Let's see. 25. That's the higher?  20 Q. And this is for the 2014 standard?  20 Q. Correct.  21 A. Yes. 2014 standards in 2014.  22 Q. Thank you. And if we go over to the  23 E because we were just starting.				
20 Q. And this is for the 2014 standard? 21 A. Yes. 2014 standards in 2014. 22 Q. Thank you. And if we go over to the 22 E because we were just starting.				
21 A. Yes. 2014 standards in 2014. 21 A. Yes. At that point, we didn't have 22 Q. Thank you. And if we go over to the 22 E because we were just starting.				
22 Q. Thank you. And if we go over to the 22 E because we were just starting.				
				_
	44			· ·

1	Q. So if you could please turn to Page	1	cut off for printing purposes.
2	3 of the same document.	2	A. Correct. Definitely.
3	And what's on this page of the	3	Q. Okay. Can you tell me what this
4	document?	4	document is or these pages represent?
5	A. Well, the what is the whole	5	A. These are at the most microlevel
6	document about? Is that what you want to know?	6	number of sales, it looks like somehow we did
7	Q. This particular page, yes.	7	intervals of five and then above 65, I suppose
8	A. Yeah. So it's so it's an effort	8	they are the literal numbers that someone put
9	to depict or report on net sales by number of	9	in, I mean that we were reporting. That's the
10	copies aggregating the copies less than ten and	10	way we counted, so it's the exact count so you
11	including the nonmembers, so that of the 2,356	11	can see it's it really isn't in intervals of
12	nonmember sales, less than a third probably	12	five. It's under 10. It's 10, 11, 12, so it's
13	somewhere in the neighborhood of 28 percent	13	the literal count and it jumps from 30 to 35 to
14	were individual, and you could see that if I	14	40, 47, 50, so it's the literal purchases.
15	am not I don't know that the 934 were all	15	With some of these categories, there
16	individual but once you get above ten, you are	16	appears to be more than one of those, but
17	talking about, you know, persons, merchants or	17	and then the revenue that it generated and then
18	book dealers or book stores.	18	when you see that discount is for that which
19	Q. And to clarify, this is for sales of	19	we saw on another sheet, it's the volume sales
20	the 2014 standards?	20	discount for above ten.
21	A. 2014, that first year, which is the	21	Q. To clarify, this is for the 2014
22	first six months and I hope those numbers tie.	22	A. 2014.
	Page 78		Page 80
1	The financial I have no doubt tie. And this	1	Q standard?
2	Sheridan Books I believe is our platform for	2	A. Correct.
3	the E-book. That wasn't reflecting E-book.	3	Q. 2014 standard
4	That was reflecting them serving as the	4	A. Yes.
5	printer. I think they were also the platform.	5	Q in the year 2014.
6	Q. When you say, "serving as the	6	A. Correct.
7	printer," is that for the physical copy?	7	Q. Okay.
8	A. Yeah, literal printer. We don't	8	A. And you didn't receive other copies
9	print in-house. So we printed 5,400 AERA	9	of this because we were really obsessing on
10	printed 5,436-ish, I suppose it was probably a	10	what was happening, you know, we wanted to know
11	run of 5500 initially and then needed to go	11	kind of what was happening as we were
12	into a second printing in November.	12	launching, so we were running all this stuff,
13	Q. If you could please turn to the next	13	like, you wouldn't want to see this every year
14	page, Page 4.	14	at that level.
15	A. Uh-huh. Yes.	15	Q. If you could turn to Page 15 of the
16	Q. And then also on Page 5 as well if	16	same document.
17	you want to take a look.	17	A. Uh-huh. Uh-huh.
18	A. You must think research is crazy	18	Q. At the top, it states that it's the
19	that we do all these little microlevel tables.	19	standards royalty calculation.
20	Okay. Let's see. Okay.	20	Do you see that?
21	Q. So I can represent to you, I believe	21	A. Yep.
22	· · · · · · · · · · · · · · · · · · ·		*
44	these are the same documents but it was just	22	Q. And then just to clarify for the

1 record, you testified earlier about the royalty 2 percentage. 3 A. Yeah. 4 Q. And you believed it was a 50/50 5 split? 6 A. It switched though at the beginning 7 of AERA having underwritten all these costs 8 had a little bit higher royalty. If you really 9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  4 A. Weah. Yeah. Yeah.  1 Q. And the publisher is 45 percent? A. Yeah. I will let our attorney know wif if I am recalling wrong. So it might have bee 50/50 at the beginning and then 45/55.  Q. And then A. That's what happens when you are part of the same family, you forget how much you make.  Q. And If you could just turn to Page 116 there.  10 A. 16? Q. Yes, the next page. A. Yeah. A. Yeah. Q. To clarify A. It says right here, "development fund," so that is prima facie as it were here. Q. And the royalty A. That's 55 percent of the joint project so that's 45 percent to AERA. Q. Okay. And then on the following Page 84  1 Page, Page 17. A. Same, yeah. Q. So you are saying 55 percent was the royalty So you are saying 55 percent was the royalty So you are saying 55 percent was the royalty A. That's 50 percent was the royalty A. That's 50 percent was the royalty A. Same, yeah. Q. So you are saying 55 percent was the royalty A. Or or clearify A. Same, yeah. Q. So you are saying 55 percent was the royalty A. Or or or the year ending December 31, 2018? A. Uh-huh. Yes.
3 A. Yeah. 4 Q. And you believed it was a 50/50 5 split? 6 A. It switched though at the beginning 7 of AERA having underwritten all these costs 8 had a little bit higher royalty. If you really 9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it. 22 Q. Yes, the next page. 34 A. It says right here, "development 45 fund," so that is prima facie as it were here. 46 A. That's what happens when you are 47 part of the same family, you forget how much 48 you make. 49 Q. And If you could just turn to Page 40 A. 16? 41 Land If you could just turn to Page 41 A. Yes. 41 A. Where are you here? 42 A. A Same, yeah. 43 It says right here, "development 44 Fund," so that is prima facie as it were here. 45 Q. Okay. And then on the following 46 Page 82 47 Page, Page 17. 48 A. Same, yeah. 49 Q. And then on the following 49 Page, Page 17. 49 A. Where are you here? 50 Q. If you look down, it says: "Royalty 51 A. Yeah. 52 Q for the year ending December 31, 53 Page, Page 17. 54 A. Yeah. 65 Q for the year ending December 31, 56 Q for the year ending December 31, 57 2018?
4 Q. And you believed it was a 50/50 5 split? 6 A. It switched though at the beginning 7 of AERA having underwritten all these costs 8 had a little bit higher royalty. If you really 9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  4 A. Where are you here? 5 Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.
5 split? 6 A. It switched though at the beginning 7 of AERA having underwritten all these costs 8 had a little bit higher royalty. If you really 9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it. 24 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  4 A. Where are you here? 5 Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  5 Q. And then 6 A. That's what happens when you are 7 part of the same family, you forget how much 8 you make. 9 Q. And If you could just turn to Page 10 16 there. 11 A. 16? 12 Q. Yes, the next page. 13 Again, this is the royalty for the 14 six months ending June 30, 2018? 15 A. Yes. 16 Q. To clarify 17 A. It says right here, "development 18 fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint 21 project so that's 45 percent to AERA. 22 Q. Okay. And then on the following 24 Page 82  25 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
A. It switched though at the beginning of AERA having underwritten all these costs had a little bit higher royalty. If you really want to know, I have to double-check but I  Okay. Do you know when that change happened?  A. I believe, but I would want to verify that it happened after the first full year, meaning it was I would have to look. I I don't remember. I think it was the first six months of sales and '15 and then it switched.  O. And if I could just draw your attention A. But I would really have to look. If that's important to you, I would need to verify it.  Page 82  A. Thet's what happens when you are part of the same family, you forget how much you make.  Q. And If you could just turn to Page 10 16 there. 11 A. 16? Q. Yes, the next page. Again, this is the royalty for the six months ending June 30, 2018?  A. Yes. 16 Q. To clarify 17 A. It says right here, "development 18 fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's S5 percent of the joint 21 project so that's 45 percent to AERA. 22 Q. Okay. And then on the following Page 84  1 Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  A. Yeah. Q for the year ending December 31, 2018?
7 part of the same family, you forget how much had a little bit higher royalty. If you really want to know, I have to double-check but I think now it's 50/50.  11 Q. Okay. Do you know when that change happened?  12 happened?  13 A. I believe, but I would want to verify that it happened after the first full year, meaning it was I would have to look. If Think it was the first six months of sales and '15 and then it switched.  18 Q. And if I could just draw your attention where it says royalty percentage, it says: "55 Q. If you look down, it says: "Royalty for the six months family, you forget how much you make.  9 Q. And If you could just turn to Page 10 there.  10 there.  11 A. 16?  12 Q. Yes, the next page.  13 Again, this is the royalty for the six months ending June 30, 2018?  14 A. It says right here, "development fund," so that is prima facie as it were here.  19 Q. And the royalty A. It says right here, "development fund," so that is prima facie as it were here.  19 Q. And the royalty A. That's 55 percent of the joint project so that's 45 percent to AERA.  20 Q. Okay. And then on the following Page 84  1 Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  1 page, Page 17.  2 A. Same, yeah.  3 Q. So you are saying 55 percent was the royalty A. Yeah.  4 A. Where are you here?  5 Q. If you look down, it says: "Royalty for the six months ending June 30, 2018?  1 page, Page 17.  2 A. Same, yeah.  3 Q. So you are saying 55 percent was the royalty A. Yeah.  4 A. Yeah.  6 Q for the year ending December 31, 2018?
8 had a little bit higher royalty. If you really 9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  Q. If I you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  8 you make. 9 Q. And If you could just turn to Page 10 16 there. 11 A. 16? 12 Q. Yes, the next page. 14 A. 16? 12 Q. Yes, the next page. 14 A. 16? 12 Q. Yes, the next page. 15 A. Yes. 16 Q. To clarify 17 A. It says right here, "development fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint project so that's 45 percent to AERA. 21 page, Page 17. 22 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
9 want to know, I have to double-check but I 10 think now it's 50/50. 11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  Q. If I you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  10 16 there. 11 A. 16? 12 Q. Yes, the next page. 13 A. 16? 14 A. 16? 15 A. Yes. 16 Q. To clarify 17 A. It says right here, "development fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint project so that's 45 percent to AERA. 21 Page, Page 17. 22 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
think now it's 50/50.  Q. Okay. Do you know when that change happened?  A. I believe, but I would want to reify that it happened after the first full year, meaning it was I would have to look. If G. A. But I would really have to look. If that's important to you, I would need to verify it.  Q. If I could draw your attention where it says royalty percentage, it says: "55 Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  10 16 there.  11 A. 16?  12 Q. Yes, the next page.  13 Again, this is the royalty for the six months ending June 30, 2018?  14 A. Yes.  16 Q. To clarify  17 A. It says right here, "development fund," so that is prima facie as it were here.  18 Q. And the royalty  20 A. That's 55 percent of the joint project so that's 45 percent to AERA.  21 page, Page 17.  22 A. Same, yeah.  3 Q. So you are saying 55 percent was the royalty  4 A. Where are you here?  5 Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  10 16 there.  11 A. 16?  A Jerin J
11 Q. Okay. Do you know when that change 12 happened? 13 A. I believe, but I would want to 14 verify that it happened after the first full 15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  11 A. 16? 12 Q. Yes, the next page.  Again, this is the royalty for the six months ending June 30, 2018?  A. Yes.  10 Q. To clarify 14 A. It says right here, "development fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint project so that's 45 percent to AERA. 21 prage, Page 17. 22 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
happened?  12
A. I believe, but I would want to verify that it happened after the first full typear, meaning it was I would have to look. I don't remember. I think it was the first six months of sales and '15 and then it switched.  Q. And if I could just draw your that's important to you, I would need to verify it.  Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  Q. If I you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  A gain, this is the royalty for the six months is the royalty for the six months ending June 30, 2018?  A. Yes.  Q. To clarify A. It says right here, "development fund," so that is prima facie as it were here.  Q. And the royalty A. That's 55 percent of the joint project so that's 45 percent to AERA.  Q. Okay. And then on the following Page 82  Page, Page 17. A. Same, yeah. Q. So you are saying 55 percent was the royalty A. Yeah. Q for the year ending December 31, 7 2018?
verify that it happened after the first full year, meaning it was I would have to look. Idon't remember. I think it was the first six months of sales and '15 and then it switched.  Q. And if I could just draw your attention A. But I would really have to look. If that's important to you, I would need to verify it.  Page 82  Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  Page 82  A. Yes.  Q. To clarify A. It says right here, "development fund," so that is prima facie as it were here.  Q. And the royalty A. That's 55 percent of the joint project so that's 45 percent to AERA.  Q. Okay. And then on the following Page 84  1 page, Page 17. A. Same, yeah. Q. So you are saying 55 percent was the royalty 5 A. Yeah. Q for the year ending December 31, 7 2018?
15 year, meaning it was I would have to look. 16 I don't remember. I think it was the first six 17 months of sales and '15 and then it switched. 18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  16 Q. To clarify 16 Q. To clarify 17 A. It says right here, "development 18 fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint 21 project so that's 45 percent to AERA. 22 Q. Okay. And then on the following Page 84  1 page, Page 17. 2 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
I don't remember. I think it was the first six  17 months of sales and '15 and then it switched.  18 Q. And if I could just draw your  19 attention  20 A. But I would really have to look. If  21 that's important to you, I would need to verify  22 it.  Page 82  1 Q. If I could draw your attention  2 where it says royalty percentage, it says: "55  3 percent."  Q. If you look down, it says: "Royalty  6 percentage, total royalty," it's kind of  7 grouping of text right before the last one.  10 Q. To clarify  11 A. It says right here, "development  12 A. It says right here, "development  14 A. It says right here, "development  15 Q. And the royalty  20 A. That's 55 percent of the joint  21 project so that's 45 percent to AERA.  22 Q. Okay. And then on the following  23 Page 84  24 Page 87  25 A. Same, yeah.  26 Q for the year ending December 31,  27 2018?
months of sales and '15 and then it switched.  Q. And if I could just draw your  attention  A. But I would really have to look. If  that's important to you, I would need to verify  it.  Page 82  Q. And the royalty  Q. And the royalty  Q. And the royalty  Q. And the royalty  Q. Okay. And then on the following  Page 84  Q. Okay. And then on the following  Page 84  Q. So you are saying 55 percent was the  A. Where are you here?  Q. If you look down, it says: "Royalty  percentage, total royalty," it's kind of  grouping of text right before the last one.  1
18 Q. And if I could just draw your 19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  4 A. Where are you here? 5 Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  18 fund," so that is prima facie as it were here. 19 Q. And the royalty 20 A. That's 55 percent of the joint 21 project so that's 45 percent to AERA. 22 Q. Okay. And then on the following Page 84  1 page, Page 17. 2 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
19 attention 20 A. But I would really have to look. If 21 that's important to you, I would need to verify 22 it.  Page 82  1 Q. If I could draw your attention 2 where it says royalty percentage, it says: "55 3 percent."  A. Where are you here?  Q. If you look down, it says: "Royalty 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one.  1 Q. And the royalty 20 A. That's 55 percent of the joint 21 project so that's 45 percent to AERA. 22 Q. Okay. And then on the following 21 page, Page 17. 2 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
A. But I would really have to look. If that's important to you, I would need to verify it.  Page 82  A. That's 55 percent of the joint project so that's 45 percent to AERA.  Q. Okay. And then on the following Page 84  Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  A. Where are you here? Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  A. That's 55 percent of the joint project so that's 45 percent to AERA.  Q. Okay. And then on the following Page 84  A. Same, yeah. A. So you are saying 55 percent was the royalty  A. Yeah. Q for the year ending December 31, 7 2018?
that's important to you, I would need to verify it.  Page 82  Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  A. Where are you here? Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  21 project so that's 45 percent to AERA. Q. Okay. And then on the following Page 84  1 page, Page 17. 2 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
22 it.  Page 82  Q. Okay. And then on the following Page 84  1 Q. If I could draw your attention where it says royalty percentage, it says: "55 percent."  A. Where are you here? Q. If you look down, it says: "Royalty percentage, total royalty," it's kind of grouping of text right before the last one.  22 Q. Okay. And then on the following Page 84  23 A. Same, Page 17.  2 A. Same, yeah. 3 Q. So you are saying 55 percent was the 4 royalty 5 A. Yeah. 6 Q for the year ending December 31, 7 2018?
Page 82  Q. If I could draw your attention  where it says royalty percentage, it says: "55  percent."  A. Same, yeah.  Q. So you are saying 55 percent was the  A. Where are you here?  Q. If you look down, it says: "Royalty  percentage, total royalty," it's kind of  grouping of text right before the last one.  Page 82  Page 84  A. Same, Page 17.  A. Same, yeah.  Veah.  Q. For the year ending December 31,  2018?
where it says royalty percentage, it says: "55 2 A. Same, yeah.  Q. So you are saying 55 percent was the  A. Where are you here? 4 royalty  Q. If you look down, it says: "Royalty 5 A. Yeah.  percentage, total royalty," it's kind of 7 grouping of text right before the last one. 7 2018?
where it says royalty percentage, it says: "55 2 A. Same, yeah.  Q. So you are saying 55 percent was the  A. Where are you here? 4 royalty  Q. If you look down, it says: "Royalty 5 A. Yeah.  percentage, total royalty," it's kind of 7 grouping of text right before the last one. 7 2018?
3 Q. So you are saying 55 percent was the 4 A. Where are you here? 5 Q. If you look down, it says: "Royalty 5 A. Yeah. 6 percentage, total royalty," it's kind of 7 grouping of text right before the last one. 7 2018?
4 A. Where are you here? 5 Q. If you look down, it says: "Royalty 5 A. Yeah. 6 percentage, total royalty," it's kind of 6 Q for the year ending December 31, 7 grouping of text right before the last one. 7 2018?
5 Q. If you look down, it says: "Royalty 5 A. Yeah. 6 percentage, total royalty," it's kind of 6 Q for the year ending December 31, 7 grouping of text right before the last one. 7 2018?
6 percentage, total royalty," it's kind of 7 grouping of text right before the last one. 6 Q for the year ending December 31, 7 2018?
7 grouping of text right before the last one. 7 2018?
o in contest so that it was
9 originally I suppose, then 45/55 or something 9 MS. TURNER: Okay. Unless your
10 like that I suppose. 10 counsel has any questions, we are done.
Q. So for the six months ended in 2017, 11 MR. ELGARTEN: I have no questions.
does it refresh your recollection that it was 12 Thank you.
13 55 percent was the royalty percentage? 13 THE VIDEOGRAPHER: We are going off
14 A. So it may it might have ended 14 the record at 11:48 a.m. This concludes
15 with '17 I suppose, standards royalty  15 today's testimony given by Felice Levine on
16 calculation. 1, 2, 16. It could be it's leady's testimony given by Tence Zevine on leady set to the le
17 not 50/50, it might be 45/55.  17 media units used was two and will be retained
18 Q. And how is that split?  18 by Veritext Legal Solutions.
19 A. The testing standard is the larger 19 (Whereupon, the proceeding was
20 amount. 20 concluded at 11:48 a.m.)
21 Q. Testing standard is 55 percent?
22
Page 83 Page 85

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1	
2	I declare under penalty of perjury
3	under the laws that the foregoing is
	true and correct.
	and correct.
5	
6	Executed on, 20,
7	at
8	
9	
10	
	EELICE LIEVINE DILD
11	FELICE J. LEVINE, PH.D.
12	
13	
14	SUBSCRIBED AND SWORN TO BEFORE ME
15	
	THIS DAY OF 2010
16	THISDAY OF, 2019.
17	
18	
19	(NOTARY PUBLIC) MY COMMISSION EXPIRES:
20	•
21	
22	n 06
	Page 86
1	CERTIFICATE OF NOTARY PUBLIC
2	
3	I, Bonnie L. Russo, the officer before
4	whom the foregoing deposition was taken, do
	hereby certify that the witness whose testimony
5	appears in the foregoing deposition was duly
6	sworn by me; that the testimony of said witness
7	was taken by me in shorthand and thereafter
8	•
	reduced to computerized transcription under my
9	direction; that said deposition is a true
10	record of the testimony given by said witness;
	that I am neither counsel for, related to, nor
11	employed by any of the parties to the action in
12	which this deposition was taken; and further,
13	that I am not a relative or employee of any
14	attorney or counsel employed by the parties
15	hereto, nor financially or otherwise interested
16	in the outcome of the action.
17	ownound of the westorn
18	
19	
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	4
20	ponnie e Person
	Notary Public in and for
20 21	Notary Public in and for the District of Columbia
20	Notary Public in and for

# [& - 42,219.40]

&	<b>1307</b> 5:12 37:3,4	<b>1:14</b> 1:3 8:5	44:2 46:21 47:4
<b>&amp;</b> 3:3,9,14 6:3	69:11	2	47:11 73:2,11,22
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	<b>1310</b> 6:6 65:1,2	<b>2,356</b> 78:11	<b>2020</b> 87:22
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<b>000002</b> 7 3:11 26:7 <b>00857</b> 1:3 8:5	14 4:6,9 66:1	32:5	<b>21,920</b> 34:14
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1 1:22 7:14 53:2	<b>15</b> 4:12,15 39:17	<b>2002</b> 28:18,21	<b>25</b> 70:3,4 76:7
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<b>10</b> 25:3 80:12,12	82:17	<b>2013</b> 29:18,19	<b>25,000</b> 62:15
<b>1001</b> 3:4	<b>16</b> 1:16 7:5 39:17	33:15	<b>26</b> 5:7 37:9
<b>10:14</b> 32:19	52:6 83:16 84:10	<b>2014</b> 5:16,17 6:4	<b>28</b> 52:6 53:3 72:15
<b>10:20</b> 32:22	84:11	29:20 31:5,6,7,8	78:13
<b>11</b> 80:12	<b>16,000</b> 62:16 <b>17</b> 39:17 83:15	37:16 39:17 40:7	<b>28th</b> 71:7
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# Federal Rules of Civil Procedure Rule 30

- (e) Review By the Witness; Changes.
- (1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.
- (2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES

ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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