

AMAZING GRACE MOVIE -against- NEON RATED et al.
ANTONSON, SUMYI on 11/17/2023

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1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK

3

4 AMAZING GRACE MOVIE, LLC,)
a California limited liability)
5 company,)



6 Plaintiff,)

7 -against-)

Case No. 652869/2022

8)

9 NEON RATED, LLC, a Delaware)
limited liability company; and)
10 DOES 1-10,)

Defendants.)

_____)

13

14

15 The Videoconference Deposition of SUMYI ANTONSON,
16 commencing at the hour of 11:03 a.m., on Friday,
17 November 17, 2023, before Renee J. Ogden, CSR
18 No. 3455, RPR, pursuant to Notice of Taking
19 Deposition.

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1 A P P E A R A N C E S

2

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20

21 ALSO PRESENT:

22 Robert McCavish - Video Technician
23 Alan Elliott
24 Jessica Nickelsby
25 Isabel Peraza

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1 I N D E X

2

3 WITNESS:

4 Sumyi Antonson

5 EXAMINATION:

PAGE:

6 By Attorney Pessah

6

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8

9 E X H I B I T S

10 (Exhibits 1-5, 7-10 attached to transcript.)

11 (Exhibit 6 not offered)

12

13 EXHIBIT

PAGE

14 EXHIBIT 1 Amazing Grace Q1 2023 36

15 EXHIBIT 2 5/26/19 Email 34

16 EXHIBIT 3 NEON-11276 - 294 60

17 EXHIBIT 4 NEON-11882 - 11883 82

18 EXHIBIT 5 NEON-12087 - 120893 93

19 EXHIBIT 7 Wehrfritz Email 97

20 EXHIBIT 8 NEON 00011272 - 00011273 100

21 EXHIBIT 9 Amazing Grace from Q3 2020 105

22 EXHIBIT 10 NEON 00012494 - 00012494 108

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1 Friday, November 17, 2023
2 11:03 a.m.

3 --oOo--

4
5 VIDEO TECHNICIAN: This is the
6 deposition of Sumyi Antonson taken on behalf of the
7 Plaintiff in the matter of Amazing Grace Movie,
8 LLC, versus NEON Rated, LLC, et al., a case pending
9 in the Supreme Court of the state of New York,
10 County of New York, Index No. 652869-2022.

11 This deposition is taking place via
12 video conference from various locations, with the
13 deponent in Los Angeles, California. It is Friday,
14 November 17, 2023. We are commencing at 11:03
15 Pacific time.

16 My name is Robert McCavish with JD Court
17 Reporting, Agoura Hills, California. I am a
18 California notary public. I am not a relative or
19 employee of the attorneys or parties in this
20 action, and I do not have a financial interest in
21 its outcome.

22 Counsel, will you please introduce
23 yourselves and state your affiliations.

24 ATTORNEY PESSAH: Good morning. Maurice
25 Pessah for Plaintiff, Amazing Grace Movie, LLC.

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1 ATTORNEY STRUBLE: Morning. This is
2 Cory Struble from Quinn Emanuel Urquhart &
3 Sullivan, LLP, on behalf of NEON Rated and the
4 Witness.

5 VIDEO TECHNICIAN: May I now ask the
6 court reporter -- thank you. May I now ask the
7 court reporter to please administer the oath.

8
9 SUMYI ANTONSON,
10 was thereupon called as a witness herein, and after
11 having first been duly sworn or affirmed to testify
12 to the truth, the whole truth and nothing but the
13 truth, was examined and testified as follows:

14 COURT REPORTER: Thank you. All set.

15 EXAMINATION

16 BY ATTORNEY PESSAH:

17 Q. Good morning, Ms. Antonson. How are you today?

18 A. Good, how are you?

19 Q. I'm doing well, thank you. Thank you for joining
20 us today.

21 As you know, this is a two-hour
22 deposition, so I'm going to try to make this as
23 painless and as brief as possible. I have to ask
24 you just a couple of questions. First being, do
25 you understand that you're under oath?

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1 A. Yes, I do.

2 Q. And do you understand that the oath that you've
3 just taken carries with it a penalty of perjury,
4 and it's the same type of oath that you would take
5 in front of a judge or a jury if you were sitting
6 in court right now. Do you understand that?

7 A. Yes, I do.

8 Q. We have a court reporter here today who's
9 transcribing everything that's being said. So it's
10 important that, in the interest of having a clear
11 record, that you just let me finish my question,
12 let your Counsel state his objection, if any, and
13 then give your response. Do you understand that?

14 A. Yes.

15 Q. And we're going to try not to gesticulate or say
16 things like uh-huh or huh-uh when we mean yes or
17 no. Just to keep your answers to yes, no, or just
18 articulate them as opposed to making sound effects
19 or gesticulating. Do you understand that?

20 A. Yes, I do.

21 Q. Okay. Great. And is there any reason why we can't
22 get your best testimony today?

23 A. No, there's no reason.

24 Q. Are you under the influence of any prescription or
25 nonprescription drugs or alcohol that would impair

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1 your ability to testify competently today?

2 A. No, I'm not.

3 Q. And can -- can we assume that if you answered a
4 question that you understood it?

5 A. Yes.

6 Q. Okay. Just because we're remote, if you could just
7 tilt your camera down, or laptop screen down, and
8 just show us the workspace around you.

9 A. I have my bag, my phone, there's trash there, and
10 nothing on my desktop.

11 Q. Okay great. And would you mind just putting your
12 phone away so you can't receive messages or
13 communicate with anyone?

14 A. Sure. It's in my bag.

15 Q. Great. And, you know, your Counsel may object from
16 time-to-time, but you are not permitted to seek
17 assistance from your Counsel during this
18 deposition. Do you understand that?

19 ATTORNEY STRUBLE: I object to that to
20 the extent it's inconsistent with the rules
21 regarding privilege and confidentiality.

22 ATTORNEY PESSAH: While we're on the
23 record, I mean, Ms. Antonson.

24

25 BY ATTORNEY PESSAH:

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1 Q. So Ms. Antonson, have you had your deposition taken
2 before?

3 A. I have one time before.

4 Q. Okay, and when was that?

5 A. It was over ten years ago.

6 Q. Oh, okay. And was that for like a personal injury
7 case, car accident, something like that?

8 A. No, it was for a work matter, but I don't remember
9 the specifics of it.

10 Q. Got it. Obviously well before you were with NEON
11 and well before NEON existed, right?

12 A. Yes.

13 Q. Okay. And did you review any documents in
14 preparing for your deposition outside the presence
15 of your Counsel?

16 A. No, I did not.

17 Q. Okay. Did you prepare any notes for yourself in
18 preparation for this deposition?

19 A. No, I haven't.

20 Q. And who did you discuss this deposition with, other
21 than your Counsel?

22 A. Oh, I haven't discussed it with anyone else.

23 Q. Okay. You never discussed it with Tom Quinn?

24 A. No. I just found out of my deposition yesterday,
25 so --

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1 Q. Oh. Okay, got it. So since yesterday, you haven't
2 discussed it with anyone, other than your Counsel?

3 A. That's correct.

4 Q. And Mr. Struble, he's your lawyer?

5 A. Yes, he is.

6 Q. Okay. What is your -- you're a current employee of
7 NEON Rated, correct?

8 A. Yes, that's correct.

9 Q. And what's your title?

10 A. My job title is EVP of In-Theatre Marketing and
11 Distribution.

12 Q. EVP of what, Marketing? Sorry.

13 A. In-Theatre Marketing.

14 Q. In-Theatre Marketing and Distribution. Got it.

15 Okay. And has that always been your
16 title?

17 A. No. That's a new title since this summer in June.

18 Q. Okay. And what previous titles have you held at
19 NEON?

20 A. My previous title was SVP of Distribution and
21 Marketing.

22 Q. Okay. And any previous titles before that?

23 A. No.

24 Q. And what year did you first start working at NEON?

25 A. I started NEON from the very beginning, so 2017.

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1 Q. Okay. And how were you -- how did you initially
2 become employed by NEON?

3 A. I was working at Drafthouse Films previously, and
4 NEON, when. It -- when we started the company, I
5 was, you know, followed and became an employee
6 there.

7 Q. When you say "we," who do you mean by that?

8 A. The various employees of Drafthouse Films and
9 Radius.

10 Q. Can you -- can you unpack that for me a little bit?
11 Was Drafthouse a cofounder of NEON?

12 A. No. Tim Lee is a co-founder of NEON, and Tim Lee
13 also was the founder of Drafthouse Films.

14 Q. And is Tim Lee still involved in NEON?

15 A. Not that I'm aware of.

16 Q. And do you know why?

17 A. No, I don't.

18 Q. And what's Radius?

19 A. Radius is another distribution company.

20 Q. Okay. And so, what role did Radius and Drafthouse
21 have in the creation of NEON?

22 ATTORNEY STRUBLE: Object to form.

23 You may answer.

24 THE WITNESS: I'm sorry, I didn't hear
25 what you said, Cory.

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1 ATTORNEY PESSAH: It's -- your Counsel
2 made an objection, so unless he instructs you not
3 to answer you just let him finish his objection and
4 then answer the question.

5 THE WITNESS: Oh, okay. Sorry, do you
6 mind repeating the question?

7 BY ATTORNEY PESSAH:

8 Q. Yeah. What role did Radius and Drafthouse have in
9 the creation of NEON?

10 A. I don't know the specific rule -- roles of that.
11 Just that I was a Drafthouse employee, and when
12 NEON was created, there was a role for me there.

13 Q. Who first told you that there would be a role for
14 you at NEON?

15 A. I don't recall, but I -- to my best guess, it would
16 have been Tim Lee.

17 Q. And were you given the option, or were you simply
18 told that you would have a new job at NEON?

19 A. I was given the option.

20 Q. Okay. So when you started, you started as SVP of
21 Distribution and Marketing, correct?

22 A. Correct.

23 Q. And SVP, again, stands for Sr. Vice President,
24 correct?

25 A. Correct.

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1 Q. And then, a step above of Senior Vice President is
2 Executive Vice President, correct?

3 A. Correct.

4 Q. Okay. You seem hesitant about that.

5 A. No, I mean, it's -- as far as titles go here, yes.

6 ATTORNEY STRUBLE: Object to the
7 characterization.

8 BY ATTORNEY PESSAH:

9 Q. What were your duties when you served as SVP of
10 Marketing and Distribution? What were your job
11 duties?

12 A. Yeah, I worked in two departments at that time. So
13 on the distribution side, I would work in sales
14 for, like, basically booking theatres for a certain
15 territory on the West Coast.

16 And then, on the marketing side, I was
17 involved with traditional media buying, and also
18 just helping with overall marketing duties as far
19 as working on creative, like, trailers, run sheets,
20 that kind of thing.

21 Q. Okay. Other than what you've listed, were there
22 any other duties that you had while you were SVP of
23 Marketing and Distribution?

24 A. Those were the main duties.

25 Q. Okay. Were you ever involved in accounting issues?

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1 ATTORNEY STRUBLE: Object to form, vague
2 and ambiguous.

3 A. Not beyond as it pertained to, you know, specific
4 vendors that I may have worked with, or specific
5 theatres.

6 BY ATTORNEY PESSAH:

7 Q. Okay. And so the extent of your involvement in
8 questions of accounting were really just limited to
9 vendors that you worked with or theatres that you
10 worked with, correct?

11 ATTORNEY STRUBLE: Object to form.

12 A. Correct.

13 BY ATTORNEY PESSAH:

14 Q. Okay. And do you know as you sit here what --
15 approximately how much the film Amazing Grace has
16 grossed to date?

17 ATTORNEY STRUBLE: Object to form.

18 A. I don't remember at this time.

19 BY ATTORNEY PESSAH:

20 Q. Have you seen the film?

21 A. Yes, I have.

22 Q. Okay. And do you like the film?

23 A. Personally I liked it, yes.

24 Q. And do you believe that Amazing Grace was a
25 successful acquisition for NEON?

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1 ATTORNEY STRUBLE: Object to form.

2 A. For my opinion, I mean, I feel like that's a very
3 objective -- subjective question. Do you mind
4 clarifying?

5 BY ATTORNEY PESSAH:

6 Q. I'm asking you as your role as SVP of Marketing and
7 Distribution and in your capacity currently as EVP
8 of In-Theatre Distribution, in those capacities is
9 it your opinion that Amazing -- the acquisition of
10 Amazing Grace was a successful acquisition for
11 NEON?

12 ATTORNEY STRUBLE: Object to form, vague
13 and ambiguous as to acquisition, successful.

14 A. I'm going to answer as best as possible and then,
15 you know, obviously with all of our titles, we wish
16 them to do, you know, as -- to make as much money
17 as possible in the box office and to be as
18 successful as possible.

19 So I would -- I feel like I would love
20 Amazing Grace or any of our films to be, you know,
21 even more successful. So, but I -- that's the best
22 I can answer your question.

23 BY ATTORNEY PESSAH:

24 Q. And is it your opinion that Amazing Grace was a
25 successful acquisition for NEON?

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1 ATTORNEY STRUBLE: Object to form, vague
2 and ambiguous as to "successful acquisition" and
3 also asked and answered.

4 A. I feel I have answered to the best of my ability
5 for that question.

6 BY ATTORNEY PESSAH:

7 Q. So do you -- do you not know what your opinion is
8 on that? Because I didn't hear, if you had, in
9 your role as SVP of Marketing Distribution, any
10 particular thoughts on whether NEON's decision to
11 acquire the distribution rights to Amazing Grace
12 was a smart business decision. Do you feel that
13 way?

14 ATTORNEY STRUBLE: Object to form,
15 argumentative, lacks foundation asked and answered,
16 vague and ambiguous.

17 A. I can't speak to the business side of things. Just
18 what I can speak to is that on the marketing side
19 and distribution side, we did the best that we
20 could. And but we -- so it was successful in that
21 case, but we also feel we can always -- you, like,
22 want more for the film.

23 BY ATTORNEY PESSAH:

24 Q. No, of course. Obviously we always want more.

25 But just based on your experience with

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1 NEON and as a, I guess, entertainment executive, do
2 you think that acquiring the distribution rights
3 for Amazing Grace was a good decision?

4 ATTORNEY STRUBLE: Object to form.

5 A. Again, I feel like I've answered this question. I
6 can't speak to the business side of things. As far
7 as personally, I am happy that Amazing Grace is
8 part of the NEON catalog.

9 BY ATTORNEY PESSAH:

10 Q. Okay. And do you feel that that is a sentiment
11 across the board at NEON, just from the people that
12 you know there and your colleagues?

13 ATTORNEY STRUBLE: Object to form.

14 A. I can't speak to how my colleagues feel. I haven't
15 asked them that question. So, yeah, I don't know.

16 BY ATTORNEY PESSAH:

17 Q. Okay. And do you think that, you know, NEON as a
18 company is a good distributor?

19 ATTORNEY STRUBLE: Object to form.

20 A. Can you clarify what you mean by "good"?

21 BY ATTORNEY PESSAH:

22 Q. Yeah. Do you think NEON is effectively
23 distributing and marketing the films in its
24 catalog?

25 ATTORNEY STRUBLE: Object to form.

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1 A. Overall, yes. I'm proud of working at NEON and I
2 feel like we do the best job that we can for all of
3 our films.

4 Objectively, as far as, you know, for
5 how young our company is, winning -- you know,
6 having a place with winning Oscars and getting our
7 films in front of the widest audience that we can,
8 I feel like we do a good job of that.

9 BY ATTORNEY PESSAH:

10 Q. Okay. And is there anything that you think NEON
11 could be doing better?

12 ATTORNEY STRUBLE: Object to form.

13 A. I mean, we can always do better so that -- do you
14 have a certain area that you would like me to speak
15 to?

16 BY ATTORNEY PESSAH:

17 Q. Well, I'd like you to tell me. I mean, since it's
18 obvious that you are an ambitious person and you
19 have high standards, to me at least, I think if you
20 --

21 ATTORNEY STRUBLE: Object to the
22 characterizations.

23 BY ATTORNEY PESSAH:

24 Q. You say NEON can always do better. I'd like you to
25 tell me where you think it could possibly be doing

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1 better.

2 A. That's a very broad question. I would just say
3 that yeah, I feel like we're doing a great job as
4 it is, but there's always room for improvement.
5 There's always room for us to just continue our
6 high standards that we've been having.

7 Q. And where would you say the room for improvement
8 lies?

9 ATTORNEY STRUBLE: Object to form.

10 A. I act- -- I haven't spent time to think
11 specifically on, you know -- I was speaking, I
12 guess, more in general, or in generalities, so I
13 should have been more specific to that.

14 BY ATTORNEY PESSAH:

15 Q. Yeah. The question was general. It's just a
16 general inquiry as to how you generally think NEON
17 could improve, because you said there's room for
18 improvement. So where do you believe that room
19 lies, generally?

20 ATTORNEY STRUBLE: Object to the form,
21 and also the mischaracterization of the testimony.

22 A. I don't have a best answer to that because I
23 haven't -- you know, that's a very -- like I would
24 need to spend time to think about that
25 specifically. I would just say overall, I feel

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1 like NEON does a great job.

2 BY ATTORNEY PESSAH:

3 Q. Okay. But where could -- where is there room for
4 improvement, if at all? Is there room for
5 improvement?

6 ATTORNEY STRUBLE: Objection to form,
7 asked and answered.

8 Which question do you want the witness
9 to answer?

10 BY ATTORNEY PESSAH:

11 Q. Is there room for improvement at NEON?

12 A. Again, I would say yes, but I --

13 ATTORNEY STRUBLE: Objection to form.

14 A. Again, I would say yes, but that's just with any --
15 I mean, there's room for improvement for everybody.

16 BY ATTORNEY PESSAH:

17 Q. Okay. How about -- how about in your department,
18 in in-theatre distribution. Where is there room
19 for improvement there?

20 ATTORNEY STRUBLE: Object to form, asked
21 and answered, argumentative.

22 A. Yeah, I think I've answered as best as I can at
23 this point.

24 BY ATTORNEY PESSAH:

25 Q. You answered the question as to where there's room

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1 for improvement in your specific department.

2 ATTORNEY STRUBLE: Objection,
3 argumentative, asked and answered.

4 You have your answer. You're not going
5 to get anywhere by asking representative questions
6 that badger the witness.

7 BY ATTORNEY PESSAH:

8 Q. Let me ask it differently then.

9 In your department, in-theatre
10 distribution and marketing, where, if at all, is
11 there room for improvement?

12 ATTORNEY STRUBLE: Same objections, and
13 also object to form.

14 A. To answer that question, there isn't a specific
15 issue that I am referencing in any way. I would
16 say we always strive to have strong relationships
17 and distribution with our theatrical -- our
18 exhibition partners, so that we can get the best
19 theatre plan as possible for our films.

20 BY ATTORNEY PESSAH:

21 Q. Oh, I'm sorry. I didn't hear where you identified
22 where there is room for improvement.

23 Are you just saying there is room for
24 improvement, but you're not sure where? Is that --

25 ATTORNEY STRUBLE: Same objection.

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1 A. I can answer.

2 ATTORNEY STRUBLE: No, hold on. Hold
3 on. Because I don't -- I'm objecting to trying to
4 characterize the Witness's testimony. That's not
5 how we take testimony in court here.

6 But, object to the form of the question.

7 A. The question was where is there room for
8 improvement in distribution, correct?

9 BY ATTORNEY PESSAH:

10 Q. That's correct.

11 A. So, I'm saying that one example -- I'm not saying
12 that there's an issue with any relationships that
13 we do have with exhibitors, but I'm saying one
14 example is to continue having stronger -- to
15 strengthen and have continued relationships with
16 our exhibition partners is one area of improvement
17 that could be listed.

18 Q. So continuing to do what NEON already does is where
19 there's room for improvement; that's your
20 testimony?

21 ATTORNEY STRUBLE: Objection,
22 mischaracterizes the testimony, argumentative,
23 asked and answered, and harassing, frankly. I know
24 you're smiling right now, but it's harassing.

25 ATTORNEY PESSAH: Okay. Thank you,

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1 Cory.

2 BY ATTORNEY PESSAH:

3 Q. Go ahead, Ms. -- I can have the court reporter read
4 back the question. Would you like me to have her
5 read it back?

6 A. Oh, no. I'm -- I'm clear.

7 Q. Oh, okay.

8 A. So, but I can respond again.

9 I'm saying to continue those
10 relationships, but that's with additional -- with
11 additional exhibitors. So that would be improving
12 if I'm talking to more theatres. So that's one
13 specific area, if you need an example.

14 Q. Sorry about that. Having relationships with more
15 theatres is one way in which you believe NEON could
16 improve?

17 ATTORNEY STRUBLE: Object to form.

18 A. That is one specific example that I'm giving, since
19 you're asking me that question right now. I have
20 not spent a lot of time to -- that's a very broad
21 question to ask.

22 BY ATTORNEY PESSAH:

23 Q. Okay. But that's just one specific example that
24 you've given?

25 A. Yes.

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1 Q. Okay. Any others?

2 ATTORNEY STRUBLE: Object to form.

3 A. No.

4 BY ATTORNEY PESSAH:

5 Q. No? Okay.

6 So other than having more relationships
7 with more theatres, there is no other way you can
8 think of that NEON can improve, correct?

9 ATTORNEY STRUBLE: Object to form, asked
10 and answered.

11 A. That is my only answer at this time. I'm -- so,
12 yes. That's --

13 BY ATTORNEY PESSAH:

14 Q. Wow. Okay. Sounds like -- sounds like, you really
15 believe in the work that you do. That's great.

16 Ms. Antonson, can you tell me how much
17 the film Amazing Grace has grossed theatrically to
18 date?

19 ATTORNEY STRUBLE: And by the way, I
20 object to your commentary again. It's indicative
21 of argumentative approach, to which we object. And
22 object to the form of the question asked.

23 A. I cannot rec- -- I cannot remember the box office.

24 BY ATTORNEY PESSAH:

25 Q. Do you have an approximate notion of what that

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1 might be?

2 ATTORNEY STRUBLE: Object to form.

3 A. I can't -- I can't recall.

4 BY ATTORNEY PESSAH:

5 Q. You do have an estimate?

6 ATTORNEY STRUBLE: Object to form.

7 A. I would say somewhere in the 1 to 4 range. But I
8 cannot remember, so that is just a guess.

9 Q. 1 to 4. And when you were SVP of Marketing and
10 Distribution, was that something that you were
11 required to know?

12 A. Yes, and at the time I knew the box office. It's
13 just, it's been -- some time has passed, so I can't
14 remember off the top of my head.

15 Q. When was the last time, Ms. Antonson, you worked,
16 on distributing Amazing Grace?

17 A. I can't recall the exact last time, but after the
18 release, there will be occasional times that we're
19 still booking a theatre, you know, outside of the
20 immediate release window. So I would say maybe in
21 the last year or two. But that's, again, a
22 speculation. I can't recall the exact date that I
23 last worked on it.

24 Q. Okay. But you would say it's within the last year
25 or two?

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1 A. That is my best guess.

2 Q. Well, I don't want you to guess. I'd like an
3 estimate.

4 ATTORNEY STRUBLE: Object to form.

5 A. An estimate -- so I would estimate to the best of
6 my ability, in the last one to two years -- but I
7 cannot recall.

8 BY ATTORNEY PESSAH:

9 Q. Okay. And do you recall when the film was
10 released?

11 ATTORNEY STRUBLE: Object to form.

12 A. I recall it was released in 2019.

13 BY ATTORNEY PESSAH:

14 Q. Do you remember which month?

15 ATTORNEY STRUBLE: Object to form.

16 A. I don't, I don't recall offhand.

17 BY ATTORNEY PESSAH:

18 Q. Okay. So let me see if I can refresh your
19 recollection, Ms. Antonson. I'm going to share my
20 screen. And let me know if you could -- do you see
21 my cursor moving around in circles like this?

22 A. Yeah, I do.

23 Q. And I'm just going to scroll to the top of this
24 document. This is Exhibit 1 to the deposition of
25 Tom Quinn that was taken on August 22, 2023. And

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1 this is a document that is the distribution
2 agreement between NEON and Amazing Grace Movie.

3 Do you see that?

4 A. I can see the e-mail onscreen.

5 Q. The e-mail?

6 A. Or the letter onscreen.

7 Q. Do you -- have you seen this document before,
8 Ms. Antonson?

9 A. I have not.

10 Q. Okay. So this is the distribution agreement
11 between NEON and Amazing Grace Movie, LLC. And you
12 can see where my scroll -- where I'm highlighting
13 here, Amazing Grace Movie, LLC is one party and on
14 the other hand, you've got NEON Rated, LLC. Do you
15 see that?

16 A. Yes, I do.

17 Q. Okay, great. And I'm just going to go to page 9 of
18 this document. And it says here, "On April 5th,
19 2019, NEON commences theatrical release of the
20 picture."

21 Does that seem accurate based on your
22 best recollection?

23 A. Yes. This letter is jogging my memory of that
24 timeframe. That sounds correct.

25 Q. Okay, great. And was it, in fact, true that on

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1 June 1, 2019, NEON commenced its airline release of
2 the picture?

3 ATTORNEY STRUBLE: Object to form, lacks
4 foundation.

5 A. I don't work in -- that's outside my scope of
6 responsibility. So I don't know that, other than
7 what is being read on this letter.

8 BY ATTORNEY PESSAH:

9 Q. Okay, great. So we've sufficiently jogged your
10 memory. So would you say it's accurate that the
11 film was first theatrically released by NEON on or
12 around April 5, 2019?

13 ATTORNEY STRUBLE: You just said we
14 sufficiently jogged your memory. I don't know what
15 you mean by that because she just testified -- your
16 characterization --

17 ATTORNEY PESSAH: Mr., Mr., Mr. Struble,
18 Mr. Struble --

19 ATTORNEY STRUBLE: Don't interrupt me,
20 please.

21 ATTORNEY PESSAH: If do you not have an
22 objection and you just want to speak, then I will
23 interrupt you.

24 ATTORNEY STRUBLE: Well, you're just
25 speaking characterizations that are not questions,

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1 sir, so. We object to your characterizations. She
2 gave her testimony. You want to ask another
3 question that's redundant, go ahead.

4 Object to form.

5 ATTORNEY PESSAH: Thank you for wasting
6 our time.

7 BY ATTORNEY PESSAH:

8 Q. Okay. So you testified, Ms. Antonson, that that's
9 jogged your memory, so I'm going to take this
10 exhibit off of your screen now.

11 ATTORNEY STRUBLE: That's not what she
12 testified.

13 CERTIFIED STENOGRAPHER: I'm sorry, I
14 couldn't hear the full objection you just made.

15 ATTORNEY STRUBLE: I said it's not what
16 she testified.

17 THE COURT REPORTER: Thank you.

18 ATTORNEY PESSAH: Okay. Well, let's get
19 clarification from her.

20 BY ATTORNEY PESSAH:

21 Q. Ms. Antonson, do you recall when NEON first
22 theatrically released the film Amazing Grace?

23 A. I don't recall. You just sent -- you showed the
24 letter, and from that letter, the April timeframe
25 sounds correct.

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1 Q. April 2019, correct?

2 A. Yes, that sounds correct.

3 Q. Okay, great.

4 And, question for you: Did NEON ever
5 retain the services of outside consultants to
6 assist with distribution?

7 A. Yes.

8 Q. Okay. And why?

9 ATTORNEY STRUBLE: Object to form.

10 A. Can you be more specific with your question?

11 BY ATTORNEY PESSAH:

12 Q. What was unspecific about it?

13 A. You asked "why." Like for a specific role, or
14 what?

15 Q. Why did -- I mean, was it -- was it -- did NEON not
16 have the internal capacity to do all that it needed
17 to do to distribute the film?

18 A. So we have a consultant that does help us book
19 theatres for certain territories and other duties.
20 And that's -- and that's in addition to what, you
21 know, the scope of my work and, my colleagues in
22 distribution.

23 Q. Who is that person?

24 A. Michael Silberman.

25 Q. Okay. And does he still do consulting for NEON?

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1 A. Yes, he does.

2 Q. And are you familiar with how he's compensated?

3 A. I'm -- I'm not privy to that.

4 Q. Okay. Is there -- is there something that he can
5 do that you cannot?

6 ATTORNEY STRUBLE: Object to form.

7 BY ATTORNEY PESSAH:

8 Q. In the arena of distribution?

9 A. As far as the duties that I had, I oversee a
10 certain territory and, Michael Silberman works on
11 another territory for sales.

12 Q. I believe you testified that your territory is
13 focused on the West Coast; is that correct?

14 A. Correct.

15 Q. West Coast of the United States.

16 A. Yes.

17 Q. And what is Mr. Silberman's, where is his focus?

18 A. I don't recall what his focus was at the time, but
19 he typically handles most of the East Coast and/or
20 a bit of the Midwest.

21 Q. Is there anyone at NEON internally who's charged
22 with in-theatre distribution for the East Coast, or
23 is that fully delegated to Mr. Silberman?

24 ATTORNEY STRUBLE: Object to form.

25 A. Michael Silberman handles some of the areas of the

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1 East Coast, but the way it's broken up, there are
2 other sales reps.

3 BY ATTORNEY PESSAH:

4 Q. What do you mean "sales reps"? Like internally, or
5 outside sales reps?

6 A. Correct, internally.

7 Q. Okay. So --

8 CERTIFIED STENOGRAPHER: I'm sorry, I
9 didn't hear the answer. Internally or outside?

10 A. Correct, internally.

11 BY ATTORNEY PESSAH:

12 Q. So having more of a reach or more relationships
13 with East Coast theatres, is that another area
14 where NEON could improve?

15 ATTORNEY STRUBLE: Object to form, asked
16 and answered, lacks foundation.

17 A. It's -- the -- we hired him as a consultant because
18 we break up the way that the -- we break up the
19 territories and he helps handle that because it's a
20 lot of work and it just helps with the scope.

21 BY ATTORNEY PESSAH:

22 Q. That wasn't my question. My question was having
23 more relationships with theatres on the East Coast,
24 is that one of the ways in which NEON could
25 improve?

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1 ATTORNEY STRUBLE: Objection to form,
2 asked and answered, lacks foundation.

3 A. Yes, it could be.

4 BY ATTORNEY PESSAH:

5 Q. It could be or it is?

6 ATTORNEY STRUBLE: Object to form.

7 A. To have more relationships --

8 THE WITNESS: Sorry, Cory.

9 ATTORNEY STRUBLE: Object to form.

10 You may answer.

11 A. I'm just speaking generally that to have more
12 relationships with theatres, whether it's on the
13 East Coast or West, is always helpful and is always
14 an area that would help with -- help improvement.

15 BY ATTORNEY PESSAH:

16 Q. And did Mr. Silberman work on Amazing Grace?

17 A. I don't recall specifically, but I am assuming that
18 he did because he has worked on multiple titles of
19 ours.

20 Q. Got it.

21 So I'm going to show what I'm marking
22 for identification as Exhibit 2. And someone from
23 my office will drop it -- drop this in the chat
24 momentarily. But I'm going to just share my screen
25 for expediency purposes.

1 Do you see this e-mail, Ms. Antonson?

2 MARKED FOR IDENTIFICATION:

3 DEPOSITION EXHIBIT 2

4 5/26/19 Email

5 2:35 p.m.

6 A. Yes, I do. I see the e-mail.

7 BY ATTORNEY PESSAH:

8 Q. And is that your e-mail address at the top?

9 Sumyi -- Sorry. Sumyi, right?

10 A. Sumyi.

11 Q. Sumyi, I'm sorry about that. Sumyi.

12 [REDACTED]@neonrated.com, that's your e-mail

13 address?

14 A. Correct.

15 Q. And is that still your e-mail address today?

16 A. It is.

17 Q. And who is Elissa Federoff?

18 A. Elissa is the President of Distribution.

19 Q. Okay. And it looks like she's writing an e-mail to

20 you here at -- on May 26, 2019 at 6:33 a.m. And

21 she says, look like -- "looks like Amazing Grace

22 will hit 4 million after the long weekend."

23 So is she saying that Amazing Grace hit

24 4 million in theatres after the long weekend?

25 ATTORNEY STRUBLE: I need to object.

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1 Two objections: One, as in the Friscia deposition,
2 you are not marking exhibits or identifying them,
3 or giving me a copy of them. That is irregular.
4 We object to the taking of a deposition in that
5 fashion. I would like to have a copy simultaneous.
6 The witness should be given a copy to download to
7 review the document; and then two, object to your
8 question, object to form, calls for speculation.

9 ATTORNEY PESSAH: All right. I did mark
10 it for identification and I did say before the
11 question that we'll be dropping it into the exhibit
12 -- into the chat momentarily. But I'm just showing
13 this to the witness, again, for expediency
14 purposes.

15 ATTORNEY STRUBLE: But I -- excuse me,
16 but I want the exhibit now. And you did not give
17 us -- you did not do the exhibits the last time in
18 the Friscia deposition. We objected to it --

19 ATTORNEY PESSAH: It's going to be
20 dropped -- it's going to be dropped in the chat
21 momentarily.

22 ATTORNEY STRUBLE: And it will be
23 Exhibit 1?

24
25

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1 MARKED FOR IDENTIFICATION:

2 DEPOSITION EXHIBIT 1

3 Amazing Grace Q1 2023

4 1:37 p.m.

5

6 BY ATTORNEY PESSAH:

7 Q. Ms. Antonson, is Ms. Federoff saying that Amazing
8 Grace will hit 4 million in theatres after the long
9 weekend?

10 A. I can't read the entire e-mail because it cuts off.

11 Q. Here is the entire e-mail. Here's the whole thing.

12 A. Can you scroll down?

13 Q. Sure. Sure.

14 A. But, yes. That is showing the cume, the theatrical
15 cume of \$4 million.

16 Q. So the theatrical cumulative on/or around May 26,
17 2019 for Amazing Grace was \$4,000,633.00, correct?

18 ATTORNEY STRUBLE: Object to form.

19 A. Per this e-mail, correct. I don't recall
20 specifically this number outside of this e-mail,
21 but that sounds correct.

22 BY ATTORNEY PESSAH:

23 Q. Okay. So about a month after the film was released
24 theatrically, the film had done approximately
25 \$4 million in theatres, correct?

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1 ATTORNEY STRUBLE: Asked and answered,
2 object to form.

3 A. Correct. From this e-mail.

4 BY ATTORNEY PESSAH:

5 Q. And, based on your experience working at NEON and
6 in the industry, for a documentary like Amazing
7 Grace to gross \$4 million in box office in a period
8 of one month, would you say -- how would you rate
9 that performance for a documentary? Would you say
10 that's strong, medium, weak?

11 A. I think that --

12 ATTORNEY STRUBLE: Object -- hold on.
13 Sorry.

14 Object to the form of the question.

15 A. I was going to say, the beauty of working in,,
16 theatrical entertainment is that there is no
17 formula, so every film is very specific. You can't
18 categorize anything out of context. So I don't
19 think that's a -- there's no subjective answer to
20 that.

21 BY ATTORNEY PESSAH:

22 Q. Okay. So there's no way to assess the performance
23 of a documentary relative to others, it's just
24 always subjective?

25 A. You can't --

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1 ATTORNEY STRUBLE: Hold on. Sorry.

2 Object to form.

3 You can answer.

4 A. I -- we can look at comps, we can look at other
5 documentaries, but as far as if hitting a certain
6 number in a certain amount of time is successful or
7 not, that's not how we look at -- that's not how we
8 would rate the success of the film just based on
9 how quickly it hit a certain number. There's many
10 other factors.

11 Q. Are you aware of any other comparable documentaries
12 that NEON once distributed or is currently
13 distributing?

14 ATTORNEY STRUBLE: Object to form.

15 By ATTORNEY PESSAH:

16 Q. Comparable to Amazing Grace?

17 A. I'm sorry. Aware that --

18 ATTORNEY STRUBLE: Object to form.

19 A. Sorry. I'm aware that for -- usually what we do
20 for our best practices for all of our releases, is
21 we do look at comp titles. So I know that we would
22 have had other comp titles that we looked at for
23 Amazing Grace. But I don't recall specifically
24 those titles at this time.

25 Q. And would you say that fact that the Amazing Grace

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1 did \$4 million in just a month of theatrical
2 distribution was good news?

3 ATTORNEY STRUBLE: Objection to form,
4 argumentative.

5 You may answer.

6 BY ATTORNEY PESSAH:

7 A. Okay. Again, I feel like I answered that
8 previously with saying that the speed of how
9 quickly we hit that -- hit the \$4 million is not
10 something that is how we rate our success, because
11 some films take longer to platform out. Other
12 films, may be faster in the release pattern. So,
13 there is not --

14 BY ATTORNEY PESSAH:

15 Q. So it doesn't matter -- it doesn't -- the number
16 4 million wasn't significant. I mean, it didn't
17 matter if it was 500,000 in a month, or 4 million a
18 month, because it's just really not possible to
19 have any metric of success whatsoever when you
20 distribute a documentary; is that your testimony?

21 ATTORNEY STRUBLE: Object to form,
22 mischaracterizes the testimony, and argumentative.

23 A. I would say that is incorrect, your statement that
24 you had. I would say specifically to your
25 question, if it made 500 versus 4 million, yes,

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1 4 million is definitely more successful, than if it
2 had hit 500 in four months -- in four weeks.

3 BY ATTORNEY PESSAH:

4 Q. But how can you say that? I mean, based on your
5 prior testimony, as I understood it, it's not about
6 how quickly the film makes money because each film,
7 I think you used the term, plateaus at different
8 timeframes.

9 So what's the difference whether it does
10 500,000 in a month or 4 million a month?

11 ATTORNEY STRUBLE: Same objections.

12 A. We look at the PSA. So, I will give an example.
13 We might have another film that does not make
14 4 million in the first month, but if it continues
15 to grow and have a wide audience, and then -- but
16 takes longer than this month, then that would be
17 more successful.

18 So it's not just based on timing. But
19 yeah, the bigger the number at the box office would
20 mean that that's definitely a positive thing, and
21 more successful just on the numbers.

22 BY ATTORNEY PESSAH:

23 Q. All right. Okay. So right above here, in response
24 to Ms. Federoff's statement, that the film will hit
25 4 million, and she's showing a cume here of

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1 4,000,633.00. You say -- sorry, can you read that
2 for me? It starts with, "yay!"

3 A. Yes. It says, "Yay, we or Michael did it!"

4 Q. And then exclamation, exclamation.

5 A. Yes.

6 Q. So were -- was this good news that the film had
7 done \$4 million in theatres in a month?

8 ATTORNEY STRUBLE: Object to form.

9 A. I don't recall this correspondence, so I'm assuming
10 that I was pleased with the amount.

11 BY ATTORNEY PESSAH:

12 Q. And what was it about the amount that pleased you?

13 A. That we -- I'm assuming it's because we hit
14 \$4 million. But, normally whenever we hit any kind
15 of milestone, that's something worthy of
16 celebration.

17 Q. And, any milestone whatsoever? I mean, how do you
18 -- what makes you characterize \$4 million as a
19 milestone?

20 ATTORNEY STRUBLE: Object to form. I'm
21 assuming you want her to answer the latter
22 question?

23 A. I'm sorry, what was the last question?

24 BY ATTORNEY PESSAH:

25 Q. What was -- what about the 4 million made it a

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1 milestone worthy of saying "yay!"?

2 ATTORNEY STRUBLE: Object to form.

3 A. I don't know if I'm using milestone incorrectly.

4 I'm saying because it hit \$4 million. Just like if

5 it -- probably when it hit 1 million. It was just

6 a round number. But --

7 BY ATTORNEY PESSAH:

8 Q. Okay. So even if the milestone was \$50, you would

9 have said, yay, we did it?

10 ATTORNEY STRUBLE: Object to form.

11 A. I don't believe I would have said that if it was

12 \$50, no.

13 BY ATTORNEY PESSAH:

14 Q. Okay. How about \$100,000?

15 ATTORNEY STRUBLE: Object to form.

16 A. I would say that for this correspondence, the

17 \$4 million, we seem that we were happy with that

18 amount.

19 BY ATTORNEY PESSAH:

20 Q. Okay. So as far as this being a profitable

21 endeavor for NEON, within a month of the film being

22 released theatrically by NEON, it would seem like

23 it was the case that this was a successful endeavor

24 for NEON, correct?

25 ATTORNEY STRUBLE: Object to form,

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1 characterization of the document as well.

2 A. I can only speak to the theatrical box office of
3 this piece. The success of the film isn't just
4 based on the box office receipts.

5 BY ATTORNEY PESSAH:

6 Q. And I'm just asking you about theatrical success.

7 ATTORNEY STRUBLE: Object to form. Is
8 there a question pending?

9 ATTORNEY PESSAH: Yes. It's the same
10 question and I'm clarifying that it's just with
11 respect to theatrical.

12 A. I don't recall what our theatrical goal was. All I
13 can say is based on this e-mail, it seemed that I
14 -- that we were happy with this amount for this
15 time -- that time. On May 26th.

16 BY ATTORNEY PESSAH:

17 Q. Where -- are you suggesting that there was an
18 articulated or stated goal for this film somewhere
19 internally at NEON?

20 A. I can't recall if there was any specific number.
21 But we always are trying to achieve the highest
22 number that we can.

23 Q. And do you set targets?

24 ATTORNEY STRUBLE: Object to form.

25 BY ATTORNEY PESSAH:

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1 Q. Before you start distributing a film, do you set
2 targets?

3 ATTORNEY STRUBLE: Object to form.

4 A. We try and set like a range of -- like a range.

5 BY ATTORNEY PESSAH:

6 Q. Okay. And where -- where are those ranges
7 memorialized?

8 ATTORNEY STRUBLE: Object to form.

9 A. I don't recall because for what I do, that's
10 probably outside the scope of my responsibilities
11 as far as memorializing them anywhere.

12 Q. Okay. Whose responsibility is it to set those
13 targets for theatre -- theatrical distribution, if
14 not the SVP of Distribution and Marketing?

15 ATTORNEY STRUBLE: Object to form.

16 A. I can't speak to the exact role of my colleagues of
17 who would be memorializing that information.

18 BY ATTORNEY PESSAH:

19 Q. But you were the SVP of Distribution and Marketing
20 when this film was released; weren't you?

21 ATTORNEY STRUBLE: Object to form,
22 argumentative.

23 A. Yes.

24 BY ATTORNEY PESSAH:

25 Q. Was that a yes? Sorry.

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1 A. Yes, that's correct. That's my title.

2 Q. That was your title?

3 A. Yes.

4 Q. And while you held that title, were you aware of
5 any targets that had been set internally at NEON
6 for the theatrical distribution of Amazing Grace?

7 ATTORNEY STRUBLE: Object to form.

8 A. As mentioned, I'm sure we had some targets, but I
9 don't recall them. And it is not -- it was not my
10 responsibility to memorialize them.

11 BY ATTORNEY PESSAH:

12 Q. Okay. So you don't recall -- so you wouldn't know,
13 for example, if \$4 million was above or below the
14 target that was set at NEON for the theatrical
15 distribution of this film, right?

16 ATTORNEY STRUBLE: Object to form, asked
17 and answered.

18 A. I'm sorry. At that time I would have known, but I
19 can't recall.

20 BY ATTORNEY PESSAH:

21 Q. And so at the time you wrote this e-mail on May 26,
22 2019, you knew what the target was for theatrical
23 distribution, right?

24 ATTORNEY STRUBLE: Object to form.

25 A. I'm assuming, yes. I just can't recall.

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1 BY ATTORNEY PESSAH:

2 Q. And so, would you say, probably based on your
3 reading you saying we did it, that those targets
4 were reached?

5 ATTORNEY STRUBLE: Object to form.

6 A. I can't speculate to that -- anything beyond just
7 what I wrote in that e-mail that we -- it's -- I'm
8 assuming that I said we did it, hitting that
9 4 million, but I can't speculate to that being --
10 meaning anything beyond that, because I can't
11 remember.

12 BY ATTORNEY PESSAH:

13 Q. So what were you talking about when you say "we,"
14 did it; you don't know?

15 ATTORNEY STRUBLE: Object to form.

16 A. I can't recall beyond reading what's in this e-mail
17 now, which I didn't remember until it was shown to
18 me today.

19 BY ATTORNEY PESSAH:

20 Q. Okay. So now that it's being shown to you, does
21 that refresh your memory?

22 ATTORNEY STRUBLE: Object to form.

23 A. Not beyond saying that, as mentioned, it seemed
24 that I was pleased that -- from her e-mail below
25 with the numbers that she presented.

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1 BY ATTORNEY PESSAH:

2 Q. Okay. And do you have any reason to doubt that the
3 numbers that Elissa presented to you were accurate?

4 A. I have no reason to doubt that.

5 Q. And when you say we, and you qua- -- you seem to
6 qualify it, "where Michael," you're referring to
7 Michael Silberman, correct?

8 ATTORNEY STRUBLE: Object to form.

9 A. Correct.

10 BY ATTORNEY PESSAH:

11 Q. And why were you attributing part of the success
12 here to Michael's work?

13 ATTORNEY STRUBLE: Object to form, lacks
14 foundation.

15 A. I can't recall -- I can't recall writing this
16 e-mail. I know I must have, so -- but I just can't
17 recall the reason being behind it, my wording.

18 BY ATTORNEY PESSAH:

19 Q. Okay. So you don't know whether or not Michael
20 Silberman had anything to do with the success of
21 Amazing Grace?

22 ATTORNEY STRUBLE: Object to form,
23 argumentative.

24 A. I would say that he participated in the release of
25 the film so he would have contributed to any

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1 success of Amazing Grace. But I can't speak to
2 beyond that because I just can't recall this e-mail
3 exchange.

4 BY ATTORNEY PESSAH:

5 Q. And how often does NEON disclose to its licensors
6 that it's going to be using the services of outside
7 consultants to theatrically distribute their films?

8 ATTORNEY STRUBLE: Object to form, lacks
9 foundation.

10 A. I don't know the answer to that.

11 BY ATTORNEY PESSAH:

12 Q. How many employees did NEON have in 2019?

13 A. I cannot remember at that time.

14 Q. How many people worked with you in your office in
15 2019?

16 A. Again, I can't remember the number.

17 Q. You don't have any recollection whatsoever of how
18 many people you worked with in your office?

19 ATTORNEY STRUBLE: Object to form, asked
20 and answered.

21 A. I can give an estimate, but I don't remember enough
22 to have an exact number.

23 Q. An estimate would be fantastic. I'd love an
24 estimate.

25 A. I would say an estimate of the NEON employees

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1 around that time, my best guess is between 20 and
2 35 people.

3 Q. And so 20 and -- between 20 and 35 people, that
4 wasn't enough people to distribute a film like
5 Amazing Grace theatrically. Outside consultants
6 had to be hired in order to do that, correct?

7 ATTORNEY STRUBLE: Object to form, lacks
8 foundation, argumentative. It's unclear what
9 question you're asking.

10 A. Can you ask the exact question again so I can
11 answer?

12 BY ATTORNEY PESSAH:

13 Q. Sure. I can have Ms. Ogden repeat the question
14 back for you.

15 A. Okay.

16 (The requested portion of the record was
17 read by the court reporter.

18 QUESTION: Between 20 and 35 people,
19 that wasn't enough people to distribute a
20 film like Amazing Grace theatrically.
21 Outside consultants had to be hired in
22 order to do that, correct?)

23 A. I would say we would have needed to hire outside
24 consultants because we did. So that meant we
25 needed to.

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1 Q. Okay. And, do you recall personally ever
2 disclosing to Amazing Grace Movie, LLC or
3 Mr. Elliot that NEON needed outside consultants to
4 distribute Amazing Grace?

5 ATTORNEY STRUBLE: Object to form.

6 A. I don't recall either way.

7 BY ATTORNEY PESSAH:

8 Q. Okay. Have you ever spoken to Mr. Elliot?

9 A. He's been -- I've been on phone calls with him, on
10 group phone calls.

11 Q. Okay. And on any of those phone calls, do you have
12 any recollection of anyone disclosing to him that
13 outside consultants needed -- were needed to
14 distribute Amazing Grace?

15 ATTORNEY STRUBLE: Object to form.

16 A. I don't recall.

17 BY ATTORNEY PESSAH:

18 Q. Okay. So to the best of your recollection, that
19 was never disclosed to Mr. Elliott?

20 ATTORNEY STRUBLE: Objection.

21 A. I -- I don't recall either way.

22 BY ATTORNEY PESSAH:

23 Q. You don't recall either way. Got it.

24 ATTORNEY STRUBLE: Object to form of
25 that question.

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1 BY ATTORNEY PESSAH:

2 Q. Okay. Got it. Great.

3 ATTORNEY PESSAH: I have to use the
4 restroom, and I think this is an appropriate time
5 for a ten-minute break. Is that okay with you,
6 Sumyi?

7 Um, Mr. Struble, you good with that? I
8 have to use the bathroom anyway. So I thought the
9 ten minutes would be a good amount of time to take
10 off.

11 ATTORNEY STRUBLE: Don't let me stop
12 you.

13 ATTORNEY PESSAH: All right.

14 VIDEO TECHNICIAN: Thank you. We are
15 off the record at 11:55.

16 (Off the record at 11:55 a.m.)

17 (Back on the record at 12:05 p.m.)

18 VIDEO TECHNICIAN: All right. One
19 moment. On the record, 12:05.

20 BY ATTORNEY PESSAH:

21 Q. Welcome back, Ms. Antonson.

22 Let me just make sure I can hear you.

23 Can you just do a sound test?

24 A. Can you hear me?

25 Q. Yes. That's great.

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1 Um, other than with your attorneys, who
2 did you discuss this deposition with over the
3 break?

4 ATTORNEY STRUBLE: Object to form. And
5 the question is excluding attorneys, who did you
6 discuss your testimony with over break.

7 A. Nobody.

8 BY ATTORNEY PESSAH:

9 Q. Okay. And do you understand that you're still
10 under oath?

11 A. Yes, I do.

12 Q. Okay, great.

13 I'm going to have my colleague place
14 Exhibit 2 for identification in the chat box, and
15 I'm, just for expediency purposes, going to share
16 my screen with you.

17 This is the Q1 2023 statement for
18 Amazing Grace sent by NEON. Do you see that?

19 A. Yes.

20 ATTORNEY STRUBLE: Object to form. And
21 the witness should be permitted to look through the
22 document.

23 BY ATTORNEY PESSAH:

24 Q. So you can -- I'm sharing my screen, Ms. Antonson,
25 but if you prefer to open the document yourself,

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1 that's fine. Mine has an exhibit stamp on it from
2 Mr. Quinn's deposition. The one that you've been
3 sent in the chat is just a -- it doesn't have the
4 exhibit stamp. But it's the exact same document
5 substantively.

6 Have you seen this document?

7 ATTORNEY STRUBLE: Are you marking this
8 as Exhibit 2, or we just treating --

9 ATTORNEY PESSAH: I just -- Cory, I just
10 did that. Please listen carefully.

11 BY ATTORNEY PESSAH:

12 Q. Ms. Antonson have you seen this document before?

13 A. Um, hold on. I was trying to open it, but I'm
14 actually just going to look at your screen for now.

15 Q. Yeah. It's just faster that way.

16 A. I don't remember seeing -- I don't recall.

17 Q. Okay. Have you ever seen -- I'll just zoom out so
18 you can see the entire document.

19 Have you ever seen statements like this
20 before from NEON?

21 ATTORNEY STRUBLE: Object to form.

22 A. Sorry, I'm looking at it right now. Give me one
23 second. No, that is not a statement I typically
24 see.

25 BY ATTORNEY PESSAH:

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1 Q. Okay. What -- what -- how does it differ from the
2 statements that you typically see?

3 ATTORNEY STRUBLE: Object to form.

4 A. This statement involves other areas that I'm not --
5 other departments that I'm not in.

6 BY ATTORNEY PESSAH:

7 Q. Okay. So which -- which line item in gross
8 receipts relates to your department?

9 ATTORNEY STRUBLE: Object to form.

10 A. Um, although theatrical rental is part of
11 distribution, I typically don't see the
12 distribution, or, like, the second column, which
13 I'm guessing is distribution fee.

14 BY ATTORNEY PESSAH:

15 Q. Right. No, I'm just asking about the first column
16 in terms of categories.

17 A. Oh.

18 Q. So theatrical rental, is that your department?

19 A. Correct, yes.

20 Q. Okay. And, do you recall that we looked at an
21 e-mail from May of 2019, that said the film had
22 done cumulative gross receipts of \$4 million?

23 A. Yes.

24 ATTORNEY STRUBLE: Objection to form,
25 characterization of the document.

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1 BY ATTORNEY PESSAH:

2 Q. Okay. Where do you see that here? Where can I
3 identify that, that gross figure here?

4 A. I don't see that here.

5 Q. Would it -- is it supposed to be under theatrical
6 rental?

7 ATTORNEY STRUBLE: Objection to form,
8 lacks foundation.

9 A. I don't know because this is not a statement I
10 typically put together.

11 BY ATTORNEY PESSAH:

12 Q. No, I understand that. But this is just the
13 cumulative, or purporting to be the cumulative
14 report for the film for Q1, 2023. Do you see where
15 it says "cumulative it to date"?

16 A. Yes, I see cumulative.

17 Q. All right. And theatrical rental, is that the same
18 as box office receipts?

19 ATTORNEY STRUBLE: Objection to form.

20 A. I don't know. I'm believing it doesn't, but I
21 don't know because it's not my area.

22 Q. But I thought you testified that theatrical rental
23 was your area?

24 ATTORNEY STRUBLE: Objection to form.

25 A. I testified that theatrical rental falls under

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1 distribution. But this is a different form that I
2 -- I'm not normally privy to. So I don't know how
3 it's broken up.

4 BY ATTORNEY PESSAH:

5 Q. Where is -- what is the theatrical rental?

6 A. Again, I don't know what that specific terminology
7 means for this document because I don't normally
8 handle this document. It's outside of my scope.

9 Q. Okay. So this figure \$1.671 million, this is not
10 part of box office gross, right?

11 ATTORNEY STRUBLE: Object to form.

12 A. Again, I can't speak to what these numbers mean on
13 this document.

14 BY ATTORNEY PESSAH:

15 Q. So you have no idea what these numbers mean?

16 ATTORNEY STRUBLE: Object to form,
17 argumentative, asked and answered.

18 A. I don't know what that number is referring to.

19 BY ATTORNEY PESSAH:

20 Q. How about any of the other numbers?

21 ATTORNEY STRUBLE: Objection to form.

22 A. Again, those other numbers are outside of my
23 department.

24 BY ATTORNEY PESSAH:

25 Q. So of the categories here, where it says

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1 "cumulative to date," and then all these categories
2 of gross receipts, you don't know anything about
3 either these categories or the corresponding
4 numbers, correct?

5 ATTORNEY STRUBLE: Object to form.

6 A. Correct.

7 ATTORNEY PESSAH: I believe the witness
8 said correct.

9 ATTORNEY STRUBLE: And I objected.

10 BY ATTORNEY PESSAH:

11 Q. Ms. Antonson, did you say "correct"?

12 A. I said "correct," but I do not know what these
13 numbers mean for this document.

14 Q. You don't know what these numbers mean and you
15 don't know what any of these categories are,
16 correct?

17 ATTORNEY STRUBLE: Objection to form,
18 argumentative.

19 A. I understand what the categories say. Like I
20 understand home entertainment, physical, what that
21 means, but I don't know what it -- I don't
22 understand how this all relates as far as those
23 numbers because I'm not privy to the information.

24 BY ATTORNEY PESSAH:

25 Q. Okay. But in terms of your job, which is

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1 distribution and theatres would any of these
2 categories under gross receipts, do those overlap
3 or correspond to those areas of distribution for
4 which you were responsible?

5 ATTORNEY STRUBLE: Objection to form.

6 A. The theatrical rental would refer to aspects of
7 distribution, but I -- I cannot speak to how this
8 document is laid out.

9 BY ATTORNEY PESSAH:

10 Q. Which aspects of distribution?

11 A. Theatrical rental falls within distribution, but I
12 don't know if it covers other areas outside of that
13 e-mail that you were discussing. Basically, I
14 don't -- this is the first I've seen this document,
15 and I can't speak to these numbers.

16 Q. But theatrical rental, is that the same as box
17 office receipts?

18 ATTORNEY STRUBLE: Objection to form.

19 A. Again, I don't know the terminology for theatrical
20 rental as it pertains to this document. So I can't
21 answer that question.

22 BY ATTORNEY PESSAH:

23 Q. Not as it pertains to this document, but in
24 general.

25 Do you know what theatrical rental

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1 means?

2 A. Theatrical -- again, no. For this terminology,
3 because we use box office receipts, I don't know if
4 that means something else for -- in accounting
5 terms. So I can't -- I don't feel comfortable
6 being able to give a correct answer.

7 Q. So you don't know if theatrical rental is the same
8 thing as box office receipts, correct?

9 A. Correct.

10 ATTORNEY STRUBLE: Object to form.

11 BY ATTORNEY PESSAH:

12 Q. I'm sorry. Did you say "correct"?

13 A. Correct.

14 Q. Okay. Would it -- would there ever be a case where
15 you or someone else at NEON would ask like a
16 Comscore-type company to remove grosses?

17 ATTORNEY STRUBLE: Object to form, calls
18 for speculation.

19 A. Sorry, would there be a case?

20 BY ATTORNEY PESSAH:

21 Q. Yeah.

22 A. I would say, generally speaking, the only case --
23 the case that I can think of is if it's a stealth
24 qualifying run, which means you're qualifying a
25 film for awards, but it's not the actual theatrical

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1 release. In those instances, I could see that
2 would be something that you would ask Comscore to
3 take off because it's not the theatrical release
4 date.

5 Q. Any other instances, other than awards runs that
6 you would -- that you can think of now, that would
7 warrant an instruction to remove grosses?

8 ATTORNEY STRUBLE: Same objections.

9 A. Not that I can think of, no.

10 BY ATTORNEY PESSAH:

11 Q. Okay. We're going to mark Exhibit 3 for
12 identification.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 3

15 NEON-11276 - 294

16 3:15 p.m.

17 BY ATTORNEY PESSAH:

18 Q. It's going to be dropped into the chat but I'm,
19 again, just for expediency purposes, I'm going to
20 share my screen. It's exactly the same thing that
21 you're getting in the text chat, so. Here, I'm
22 sharing my screen. Just the Bates stamp number,
23 it's NEON-11276 and it goes down through 294. And,
24 this is the first page of a longer e-mail chain.
25 I'm just going to zoom out a little bit for you

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1 here.

2 And, Ms. Antonson, do you see your
3 e-mail address here where it says, to -- to you --

4 A. Yes.

5 Q. Okay. And that is your e-mail address, correct?

6 A. It is.

7 Q. Okay. And who is Barbara Morse?

8 A. She's someone that works at Comscore.

9 Q. Okay. And do you know her well, or --

10 A. No, I don't.

11 Q. Have you ever met her?

12 A. I have not.

13 Q. Okay. And you see further down in this e-mail
14 chain, Ms. Federoff says to you, "Will you please
15 pull down the grosses for Regal Ballston in
16 Washington, D.C., there seems to be an error
17 there."

18 Do you see that?

19 A. Yes, I do.

20 ATTORNEY STRUBLE: Object. The witness
21 should be permitted the opportunity to review the
22 19-page document before you question about it.

23 ATTORNEY PESSAH: I'm only asking about
24 this first page.

25 ATTORNEY STRUBLE: Same objection.

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1 BY ATTORNEY PESSAH:

2 Q. Ms. Antonson, why is Ms. Federoff asking you to --
3 or you and Barbara to pull down grosses?

4 ATTORNEY STRUBLE: Objection to form,
5 calls for speculation.

6 A. Um, I'd like to look at the full -- because I can't
7 recall this correspondence, so I'd like to look at
8 the full --

9 BY ATTORNEY PESSAH:

10 Q. So I'd like us to go off the record in that case,
11 just because we're limited in time. So we can just
12 take a brief pause while you look through the
13 document. When you're ready to testify about it,
14 we can go back on the record, okay?

15 A. Sure.

16 VIDEO TECHNICIAN: Thank you. We are
17 off the record at 12:17.

18 (Off the record at 12:17 p.m.)

19 (Back on the record at 12:20 p.m.)

20 VIDEO TECHNICIAN: On the record.

21 12:20.

22 BY ATTORNEY PESSAH:

23 Q. Ms. Antonson, we went off the record a moment ago
24 so you can have some time to kind of review this
25 entire e-mail chain. I still have the exhibit up

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1 and I would like you to look only at page 1 for
2 now, which is where I have questions. I'm still
3 sharing my screen. This is page 1.

4 So you've now had an opportunity to
5 review the entire chain of this correspondence,
6 correct?

7 A. Correct.

8 Q. Okay. And do you -- do you understand the document
9 that you reviewed?

10 A. Yes, I do.

11 Q. Okay. And are you -- you feel prepared to answer
12 questions about the document?

13 ATTORNEY STRUBLE: Object to form.

14 A. Yeah, I feel prepared as best as I can be.

15 BY ATTORNEY PESSAH:

16 Q. Okay, great. So what's happening here on Page 1
17 between Ms. Morse and Ms. Federoff and yourself
18 when Ms. Federoff is asking to pull down grosses,
19 what's happening here?

20 ATTORNEY STRUBLE: Object to form, vague
21 and ambiguous.

22 A. Are you asking specifically about the Regal
23 Ballston location?

24 BY ATTORNEY PESSAH:

25 Q. Sure.

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1 A. I don't remember this exchange but just based on
2 what she wrote, she said there seems to be an error
3 there.

4 And looking at the rest of the thread,
5 it looks like that whenever Ellis has asked for it
6 to be pulled off, it's due to some sort of error
7 which should not have been up.

8 Q. Okay. But this has nothing to do with awards,
9 right?

10 ATTORNEY STRUBLE: Object to form, calls
11 for speculation.

12 A. I don't believe it has to do with awards but,
13 again, I can't remember, this specific instance.

14 BY ATTORNEY PESSAH:

15 Q. So the two instances where a distributor like NEON
16 would be directing third parties to remove grosses
17 would be: A, for awards runs, screenings; and B,
18 if there were errors, correct?

19 ATTORNEY STRUBLE: Object to form.

20 A. Those two instances are correct. But then there's
21 also, you know, another -- there's other instances
22 as well.

23 For example, further down on this
24 exhibit where we have some sneak screenings that we
25 did for Amazing Grace. We -- those are sneak

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1 screenings prior to the release date in that
2 market. So we hold those grosses until the release
3 date.

4 BY ATTORNEY PESSAH:

5 Q. Okay. So here, where do you see that there is
6 discussion of an error for, specifically, Regal
7 Ballston, D.C.?

8 ATTORNEY STRUBLE: Object to form.

9 BY ATTORNEY PESSAH:

10 Q. Seems to be an error. Do you see where the error
11 is actually discussed?

12 A. In this e-mail, I do see Elissa's e-mail to Barbara
13 about the error. But I don't know if she's had
14 other conversations with her, so.

15 Q. But there's no specific identification of what the
16 error is, is there?

17 ATTORNEY STRUBLE: Object to form.

18 BY ATTORNEY PESSAH:

19 A. From reading this e-mail thread, it seems like she
20 only references that there is an error without more
21 specifics. But I don't know if she had a phone
22 call or there are other e-mails that I'm not on.

23 Q. Okay. And is it -- how often do you encounter
24 situations like this where NEON is asking folks at
25 Comscore to remove or pull down grosses? Is that

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1 something you see very often?

2 ATTORNEY STRUBLE: Object to form.

3 A. I can't give a quantitative number, but it's like,
4 within our normal practice if we see a reason for
5 it.

6 BY ATTORNEY PESSAH:

7 Q. And how often do you see a reason to take down
8 grosses?

9 ATTORNEY STRUBLE: Objection to form,
10 asked and answered.

11 A. There's no specific -- I would say it's common
12 enough that it doesn't -- it's not an outlier in
13 any way. If there's an error, or there's an
14 advance, you know, for the various reasons that we
15 need to contact them.

16 BY ATTORNEY PESSAH:

17 Q. Common enough so that on ten films, how many out of
18 ten on average would these types of errors that you
19 can't identify exist, such that NEON would ask
20 Comscore to remove grosses?

21 ATTORNEY STRUBLE: Object to form,
22 argumentative, lacks foundation, calls for
23 speculation.

24 A. Yeah, I can't speculate to that and I'm not --
25 that's not my responsibility. So I don't have full

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1 insight on how often this happens.

2 BY ATTORNEY PESSAH:

3 Q. But you just said it's not an outlier. So were you
4 speculating when you said it wasn't an outlier?

5 A. No, because --

6 ATTORNEY STRUBLE: Hold on. Sorry.

7 Object to form, argumentative.

8 You may answer.

9 A. It's not a speculation. I'm just saying based on
10 the experiences when it's involved -- when I've
11 been privy to it, it's common enough.

12 But I'm just saying since it's not my
13 responsibility, there could be other times where
14 that's happened where I'm not on that e-mail. So
15 that's why I can't give a quantitative number. But
16 --

17 BY ATTORNEY PESSAH:

18 Q. I'm just asking in your experience, what you're
19 aware of; not how often it happens in general. So
20 let me clarify the question with that.

21 So out of ten films, based on your
22 experience and knowledge, how many of those films
23 encountered the types of errors that would warrant
24 NEON to ask Comscore to pull down grosses?

25 ATTORNEY STRUBLE: Object to form, vague

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1 and ambiguous, calls for speculation, lacks
2 foundation.

3 A. Again, it depends -- it's like, dependent on
4 film-to-film, so I don't have a specific number
5 that I can give.

6 BY ATTORNEY PESSAH:

7 Q. But then how can you say it's not an outlier?

8 You're essentially saying it's not
9 unusual, right.

10 A. Correct.

11 ATTORNEY STRUBLE: Objection to form,
12 argumentative. I assume you wanted her to answer
13 the second question.

14 BY ATTORNEY PESSAH:

15 Q. So I guess, how common is it, if it's not unusual?

16 A. I can say --

17 ATTORNEY STRUBLE: Hold on. Sorry. You
18 went so fast.

19 Object to form, same objections to this
20 line of questioning.

21 A. I would say just based on this e-mail, when you
22 scroll down, you can see that there was I, Tonya
23 was mentioned in there several instances as well.
24 So that's a good example of another title that had
25 similar issues.

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1 BY ATTORNEY PESSAH:

2 Q. What were the issues?

3 ATTORNEY STRUBLE: Object to form.

4 A. That -- I'm just saying the issue that it was -- it
5 was an error to be reported. So I'm using an
6 example of when we had early sneaks of Amazing
7 Grace at Alamo, which is on one of the lower pages,
8 and those grosses were removed to be rolled into
9 gross later. I -- just looking at this form, I saw
10 that there was the same issue with I, Tonya.

11 BY ATTORNEY PESSAH:

12 Q. But you don't know what the issue was. So when you
13 say "issue," you mean the instruction to remove
14 grosses. But you actually have no idea why this
15 instruction is being given to Comscore, correct?

16 ATTORNEY STRUBLE: Object to the form
17 and characterization of the Witness's testimony,
18 argumentative.

19 You may answer.

20 A. No, that is not correct.

21 The example that I'm saying was, like,
22 with Amazing Grace, we had some sneak screenings.
23 So when you have a sneak screening, but it's before
24 the release date, you have -- you don't show your
25 grosses for those sneak screenings until the date's

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1 released in that market. And that was an example
2 in both Amazing Grace and in this e-mail thread, I,
3 Tonya.

4 BY ATTORNEY PESSAH:

5 Q. But that's just one of the instances in this
6 thread.

7 I'm asking you about the thread on
8 page 1 that specifically relates to Regal Ballston
9 in Washington, D.C. This thread has nothing to do
10 with sneak screenings, does it?

11 ATTORNEY STRUBLE: Hold on. Object to
12 form.

13 A. Again, I was saying I can't speak to that one
14 specific screening because I don't -- I don't
15 recall the specifics or other than seeing this
16 e-mail today.

17 BY ATTORNEY PESSAH:

18 Q. Do you recall when we looked at the release date
19 for the film of April 15, 2019?

20 A. Today, yes.

21 Q. Okay. And so this e-mail chain between Comscore
22 and you and other folks at NEON, it's approximately
23 15 days after the initial release date, right?

24 A. Yes.

25 Q. Okay. And so this, we can say with confidence,

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1 can't we, that has nothing to do with sneak
2 screenings because the film was already
3 theatrically released, right?

4 ATTORNEY STRUBLE: Object to form, calls
5 for speculation.

6 A. To my best knowledge, I would say that's correct.

7 There are many reasons why -- I mean,
8 sometimes there are grosses just pop up that are
9 incorrect. So basically whenever there's an error.

10 We let them know. But there's various
11 reasons on the other side that are outside of
12 NEON's purview.

13 BY ATTORNEY PESSAH:

14 Q. And just to be clear when she says "grosses" have
15 been removed, that essentially means that the
16 cumulative total for gross receipts is going to be
17 lower than it was prior to the removal, correct?

18 ATTORNEY STRUBLE: Objection to form,
19 calls for speculation.

20 A. When grosses have been removed, that's what is
21 being listed for that date. That doesn't
22 necessarily mean that like for instance when we're
23 talking about those sneak screenings, those grosses
24 do get applied at a different -- you know, for that
25 other date when it was released. So it doesn't

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1 necessarily mean that you don't see that amount.

2 BY ATTORNEY PESSAH:

3 Q. Let me be -- let me be very clear in case I haven't
4 been already. I am not asking you about sneak
5 screenings. Do you understand that?

6 A. Yes.

7 Q. I'm asking you about this one page, this first page
8 of the exhibit.

9 A. Okay.

10 Q. Okay? So I'm not talking about sneak screenings.

11 Now here, when she says grosses have
12 been removed, the effect of that, Ms. Antonson, is
13 that the cumulative total of gross receipts goes
14 down once that gross has been removed, right?

15 A. Yes.

16 ATTORNEY STRUBLE: Object to form, asked
17 and answered.

18 A. Logically, that makes sense.

19 BY ATTORNEY PESSAH:

20 Q. Logically, that makes sense. Okay.

21 So, when we looked at the \$4 million
22 number in May of 2019, that \$4 million is a number
23 that reflects certain instances where grosses had
24 been removed at the direction of NEON, right?

25 ATTORNEY STRUBLE: Objection to form,

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1 calls for speculation.

2 A. I don't know. That doesn't -- it's not something
3 that I have enough information to answer.

4 BY ATTORNEY PESSAH:

5 Q. So the grosses that have been removed here in this
6 particular example, would those have been included
7 in the \$4 million figure?

8 ATTORNEY STRUBLE: The same question,
9 same objections.

10 A. I don't know.

11 BY ATTORNEY PESSAH:

12 Q. Well, you just testified that, you know, when the
13 grosses are removed that then logically it would
14 follow that those numbers would be deducted from
15 the gross, right?

16 A. Correct. I did testify to that, but I'm saying I
17 don't know -- your other question of how it
18 pertains to the \$4 million. Because I don't know
19 the timing of it. I don't have larger context. So
20 I don't know how to -- if it affected the cume of
21 the \$4 million.

22 Q. Okay. I'm going to go to page 2.

23 Are you looking at the screen share or
24 are you looking at the individualized exhibits?

25 A. I'm looking at the screen share.

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1 Q. Okay, great. So this is an e-mail from you dated
2 April 29, 2019. Do you see that?

3 A. Yes.

4 Q. And do you see it says, you're saying to Barbara
5 Morse and other people to, "Please take art theatre
6 Long Beach's \$24 gross from Sunday."

7 Do you see that?

8 A. Yes.

9 Q. What are you instructing Barbara to do there?

10 A. Just from the e-mail, it sounds like I'm
11 instructing her to take \$24 from the art theatre in
12 Long Beach from the Sunday revenue.

13 Q. And why are you asking to her to do that?

14 A. I don't recall why.

15 Q. But this has nothing to do with sneak screenings,
16 right?

17 ATTORNEY STRUBLE: Object to form.

18 A. Again, I don't recall why, but there's other
19 reasons beyond sneak screenings.

20 BY ATTORNEY PESSAH:

21 Q. That wasn't my question.

22 This particular e-mail has nothing to do
23 with sneak screenings, does it?

24 ATTORNEY STRUBLE: Objection to form.

25 Asked and answered.

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1 A. Again, I don't recall why I asked her this.

2 BY ATTORNEY PESSAH:

3 Q. I'm sorry. I'm not hearing the answer to my
4 question.

5 This e-mail that we're looking at has
6 nothing to do with sneak screenings, correct?

7 ATTORNEY STRUBLE: Objection to form,
8 argumentative, asked and specifically answered.

9 A. I don't recall.

10 BY ATTORNEY PESSAH:

11 Q. But sneak screenings wouldn't be occurring two
12 weeks after the release of the film, right?

13 ATTORNEY STRUBLE: Objection to form.

14 A. I can't speak to this specific theatre, but, yes,
15 they can. Because as we roll out platform release,
16 just because you open in one theatre in LA doesn't
17 mean that you're not opening in other theatres
18 later. So that is possibility.

19 BY ATTORNEY PESSAH:

20 Q. And what was the release window for Amazing Grace,
21 do you know?

22 ATTORNEY STRUBLE: Object to form.

23 A. The release window?

24 BY ATTORNEY PESSAH:

25 Q. Yes.

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1 A. Sorry, what do you mean?

2 Q. Once the film was released, how long did it stay in
3 theatres?

4 A. I can't remember.

5 Q. What's the typical timeframe for how long a film
6 stays in theatres after its been released?

7 ATTORNEY STRUBLE: Object to form.

8 A. Very generally speaking, it could be anywhere from
9 like three to four weeks to several months. It
10 just depends on performance.

11 BY ATTORNEY PESSAH:

12 Q. Okay. And, how do you measure performance?

13 A. The way that we have a film in theatres is not a
14 decision just on NEON's side, it's with the theatre
15 -- the exhibitor, as well.

16 So when I say dependent on performance,
17 I -- it's -- you know, we're talking with, for
18 example, AMC, and how it ranks in their complex
19 that week or how it does. And so, it's just, when
20 we book a film, it's just for one week at a time.

21 Q. How do you measure performance?

22 ATTORNEY STRUBLE: Objection to form,
23 asked and answered.

24 A. We measure it based on how well it did, how well it
25 did in the complex.

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1 BY ATTORNEY PESSAH:

2 Q. Gross receipts?

3 ATTORNEY STRUBLE: Wait, you cut off the
4 witness. Let her finish the answer to the standing
5 question.

6 BY ATTORNEY PESSAH:

7 Q. Is that gross receipts?

8 ATTORNEY STRUBLE: She's going to answer
9 the standing question.

10 BY ATTORNEY PESSAH:

11 Q. Is gross receipts one of the ways in which you
12 measure performance of a film?

13 ATTORNEY STRUBLE: Object to form and
14 the conduct.

15 BY ATTORNEY PESSAH:

16 A. That is one aspect, yes.

17 BY ATTORNEY PESSAH:

18 Q. What were the other aspects?

19 A. As I mentioned, some of it is where it ranked in
20 the complex, and then also just what the
21 marketplace is like. So if there's other -- if
22 there's no room in the theatre, that's another
23 element where, you know, they have -- it's booked
24 already with other titles. So there's many
25 other -- it's not so black and white.

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1 Q. Is there any performance metric that's more
2 important than the other, or can you speak to what
3 the most important metric would be?

4 ATTORNEY STRUBLE: Object to form, vague
5 and ambiguous.

6 A. I would say those three things I mentioned would be
7 the most important, but outside -- yeah, I would,
8 yeah, I would say those three would be the most
9 important.

10 BY ATTORNEY PESSAH:

11 Q. So gross receipts is one of the most important
12 metrics, right?

13 A. Yeah, along with placement in the circuit and the
14 marketplace in general, and space.

15 Q. When you say, "yeah," you mean yes, right?

16 A. Yes.

17 ATTORNEY STRUBLE: Objection to form.

18 BY ATTORNEY PESSAH:

19 Q. Okay, great.

20 And so a documentary like Amazing Grace
21 grossing a cumulative box office total of
22 \$4 million within 30 days after its release, is
23 that enough of a showing to keep the film in
24 theatres?

25 ATTORNEY STRUBLE: Object to form, lacks

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1 foundation, calls for speculation.

2 A. Again, that gross number is not specific enough,
3 because you're dealing with each individual
4 theatre. So that's not how we look at it.

5 BY ATTORNEY PESSAH:

6 Q. Okay. Is it enough to keep the film in some
7 theatres?

8 ATTORNEY STRUBLE: Same objections.

9 A. I would say each theatre, it still goes down to how
10 it's performing, how it's performing in relation to
11 other films in that theatre, what else is coming
12 in. So they look at those more importantly than
13 what the cume is.

14 BY ATTORNEY PESSAH:

15 Q. And, are there any current plans to distribute
16 Amazing Grace or re-release it in theatres?

17 ATTORNEY STRUBLE: Object to form.

18 A. I'm not working on any plans right -- for that
19 right now.

20 BY ATTORNEY PESSAH:

21 Q. And if there were plans to do that, you in your
22 role as Executive Vice President of In-Theatre
23 Distribution, you would know if there were such
24 plans, wouldn't you?

25 ATTORNEY STRUBLE: Object to form, calls

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1 for speculation.

2 A. I think when it becomes more as a concrete
3 decision, yes, I would -- I would know that.

4 BY ATTORNEY PESSAH:

5 Q. And when did -- when were you promoted from SVP of
6 Distribution and Marketing to EVP of In-Theatre
7 Distribution; when did that transition occur?

8 A. In June of this year.

9 Q. Oh, okay. And so up until June of this year, had
10 you heard if NEON had any plans to re-release
11 Amazing Grace?

12 ATTORNEY STRUBLE: Object to form. And
13 in the abundance of caution, if you have had any
14 discussions with attorneys, if you have, then those
15 would be privileged and excluded from your answer.

16 BY ATTORNEY PESSAH:

17 Q. I'm not asking you about anything you've discussed
18 with attorneys. I'm just asking if you're aware of
19 any plans to re-release Amazing Grace.

20 A. No.

21 Q. So, do you know, up through June of 2023, what the
22 marketing plan was for Amazing Grace?

23 ATTORNEY STRUBLE: Object to form.

24 A. For the theatrical run?

25 BY ATTORNEY PESSAH:

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1 Q. Let's start with that.

2 A. Yes, I was involved in marketing for Amazing Grace.

3 Q. Okay. And when did the theatrical run end?

4 A. I don't recall exactly. I'm assuming later in the
5 year 2019.

6 Q. Later in the year what?

7 A. For 2019.

8 Q. Got it. Okay. And then once it ended its
9 theatrical run, did you then completely step away
10 from distribution plans for Amazing Grace that did
11 not involve theatres?

12 ATTORNEY STRUBLE: Object to form.

13 A. No. Like all of our films, we have the initial
14 release, and then once it becomes a catalog title,
15 which is, you know, after that initial release, we
16 still have the film available so if any theatres
17 want to play it, we make it available. Or if
18 there's a non-theatrical request, we can also make
19 the film available. But that's outside of what my
20 scope is.

21 BY ATTORNEY PESSAH:

22 Q. Okay. And are you responsible for buying ads for
23 films, to promote films?

24 A. I'm not anymore, but I was during the time for
25 Amazing Grace.

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1 Q. Okay. And were you through June of 2023?

2 A. Yes.

3 Q. Okay. And as part of those ad buys, were you
4 buying ads on Facebook?

5 A. No, I wasn't.

6 ATTORNEY STRUBLE: Object to form.

7 BY ATTORNEY PESSAH:

8 Q. Were you making any decisions to buy ads on
9 Facebook?

10 ATTORNEY STRUBLE: Object to form. Are
11 you talking about any movie, or Amazing Grace?

12 ATTORNEY PESSAH: Amazing Grace.

13 A. No, I wasn't.

14 Q. Okay. So I'm going to mark Exhibit 3 for
15 identification. Sorry about that. Maybe it's this
16 one. Sorry, we had a little spill here.

17 CERTIFIED STENOGRAPHER: I'm sorry. You
18 already marked 3.

19 ATTORNEY PESSAH: Okay. Sorry, 4.
20 We're on 4 for identification.

21 MARKED FOR IDENTIFICATION:

22 DEPOSITION EXHIBIT 4

23 NEON-11882 - 11883

24 12:42 p.m.

25 BY ATTORNEY PESSAH:

1 Q. I'm going to share my screen and my colleague will
2 be dropping it in the chat momentarily.

3 Okay, Sumyi, so this is a two-page
4 document. It's Bates stamped NEON-11882 through
5 NEON-11883. And as you can see here, the second
6 page is totally blank -- or, not completely blank
7 but doesn't have any substantive information on it.
8 And so we're really only looking at this first
9 page. And do you see your e-mail up here at the
10 top where it says [REDACTED]@neonrated.com?

11 A. I do.

12 Q. Okay. And this is an e-mail that you received on
13 April 11, 2019?

14 A. Yes.

15 Q. Okay. And can you tell me what this is?

16 A. Yeah. It's -- so I handle traditional media. I
17 don't handle digital media. A colleague of mine on
18 the marketing team does, but I am on the Facebook
19 account, because several members of our marketing
20 team are, so when an ad is approved, we get an
21 auto-alert. And this looks like it's one of those.

22 Q. So who's the person responsible for placing these
23 ads?

24 A. It's another colleague of mine in the marketing
25 department.

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1 Q. What is that colleague's name?

2 A. Clint Cockrill.

3 Q. And does Mr. Cockrill still work at NEON?

4 A. He does not.

5 Q. Okay. And do you know why?

6 A. Sorry?

7 Q. Do you know why?

8 A. No, I don't.

9 Q. Okay. And how long has he not been working at
10 NEON? When did he last work there, to your
11 knowledge?

12 A. I believe it was July.

13 Q. Okay. So this Exhibit 4 that we're looking at,
14 this has nothing to do with anything you do at
15 NEON, correct?

16 ATTORNEY STRUBLE: Object to form.

17 A. Correct.

18 BY ATTORNEY PESSAH:

19 Q. Okay. And, so this is, to the best of your
20 knowledge, an ad that Mr. Cockrill would have
21 placed, right?

22 A. Correct.

23 ATTORNEY STRUBLE: Object to form.

24 BY ATTORNEY PESSAH:

25 Q. So when you received this e-mail, you just ignored

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1 it?

2 A. Yes.

3 Q. Okay. And have you ever asked to be taken off the
4 Facebook account?

5 ATTORNEY STRUBLE: Object to form.

6 A. No. Because when I'm in the marketing team, I need
7 to be on the Facebook account for other reasons.

8 BY ATTORNEY PESSAH:

9 Q. What reasons?

10 A. For --

11 Q. What reasons?

12 A. For organic socials.

13 Q. Organic socials. So this ad campaign, by nature,
14 because it's an ad, has nothing to do with organic
15 socials; is that your testimony?

16 ATTORNEY STRUBLE: Object to form, calls
17 for speculation.

18 A. Correct. This looks like an ad placement.

19 BY ATTORNEY PESSAH:

20 Q. Okay. And so you -- do you know anything about
21 these ad placements?

22 A. I do not.

23 ATTORNEY STRUBLE: Object to form.

24 BY ATTORNEY PESSAH:

25 Q. Sorry?

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1 A. I do not.

2 Q. Okay. So were you aware that these ads had been
3 placed?

4 ATTORNEY STRUBLE: Object to form.

5 A. Yes, I was aware that there was a digital campaign
6 for Amazing Grace.

7 BY ATTORNEY PESSAH:

8 Q. And that digital campaign was designed to drive
9 people to theatres, right?

10 ATTORNEY STRUBLE: Object to form.

11 A. Correct.

12 BY ATTORNEY PESSAH:

13 Q. To watch Amazing Grace, right?

14 A. Yes.

15 Q. Which in turn, would increase box office receipts,
16 right?

17 ATTORNEY STRUBLE: Object to form.

18 A. Ideally, yes, that's the hope.

19 BY ATTORNEY PESSAH:

20 Q. Okay. And so how is that outside the purview of
21 what you're doing, since what you're doing is
22 distributing in-theatres?

23 A. Yeah. Sorry. As I mentioned, I handle traditional
24 media, but digital media was handled by my
25 colleague Clint.

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1 ATTORNEY STRUBLE: Objection to form of
2 the prior question.

3 BY ATTORNEY PESSAH:

4 Q. Wouldn't it be important for you to know how these
5 ads were performing since they were designed to
6 increase box office receipts?

7 ATTORNEY STRUBLE: Object to form.

8 A. I'm sure Clint gave some sort of overview or update
9 during our, you know, just our team meetings. But
10 this piece, this e-mail in particular is not
11 something that I'm involved with.

12 BY ATTORNEY PESSAH:

13 Q. Okay. And did you find that Mr. Cockrill was
14 competent in the job that he was doing?

15 ATTORNEY STRUBLE: Object to form.

16 A. I found that Clint was very good at his job.

17 BY ATTORNEY PESSAH:

18 Q. And how do you know that he was good at his job?

19 A. Again, this is a subjective question. So I feel
20 like all my colleagues are really good at their
21 jobs.

22 Q. How do you know that Mr. Cockrill was good at his
23 job?

24 ATTORNEY STRUBLE: Object to form, asked
25 and answered.

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1 A. Again, I have a high opinion of who I work with.

2 BY ATTORNEY PESSAH:

3 Q. How do you know that Mr. Cockrill was good at his
4 job?

5 ATTORNEY STRUBLE: Same objections.

6 A. Same answer.

7 BY ATTORNEY PESSAH:

8 Q. You knew that Mr. Cockrill was good at his job
9 because you have a high opinion of everyone you
10 work with; that's your answer?

11 A. Yes. I feel like he was thorough and he knew what
12 he was doing. But again, was an expert in digital
13 media, so I can't speak to his decision.

14 Q. How do you know that he was thorough?

15 A. Just based on all of our colleagues, they -- like
16 everyone at NEON works really hard. We're
17 thorough, we -- like, just looking at his work
18 ethic.

19 Q. Every one at NEON is thorough?

20 ATTORNEY STRUBLE: Object to form.

21 A. In any opinion, yes. I feel like I'm really lucky
22 that I work at a company where everyone's really
23 good at their job.

24 BY ATTORNEY PESSAH:

25 Q. How many people work at NEON?

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1 A. Now?

2 Q. Yes.

3 A. I don't know the exact number, but maybe between 40
4 and 60.

5 Q. And you know for a fact that all of those people
6 are thorough?

7 ATTORNEY STRUBLE: Object to form.

8 A. I'm specifically talking to Amazing Grace when we
9 had a smaller number. We've had a lot of new
10 hires. But in general, yes, everyone has a high
11 standard.

12 BY ATTORNEY PESSAH:

13 Q. You're specifically referring to Amazing Grace when
14 you say that everyone at NEON is thorough?

15 A. Yes, because we're -- this is the film that we're
16 talking about in this deposition.

17 Q. So everybody at NEON who worked on Amazing Grace
18 was thorough; that's your testimony?

19 ATTORNEY STRUBLE: Object to form.

20 A. In my opinion, everyone at NEON that worked on it
21 was, yeah, very thorough and good at their job.
22 That's my opinion. I don't know if that's factual,
23 but it's my opinion.

24 BY ATTORNEY PESSAH:

25 Q. What's the basis for your opinion?

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1 ATTORNEY STRUBLE: Object to form, asked
2 and answered.

3 A. Again, I just feel like everyone that I work with
4 has really good work ethic and, you know, does
5 everything they can to make the film as best as
6 possible. So seeing that day in, day out for all
7 of our releases, for Amazing Grace and beyond, is
8 how I came to the basis of my opinion.

9 BY ATTORNEY PESSAH:

10 Q. So this is just your general feeling. You don't
11 have any personal knowledge or facts to support
12 your opinion, correct?

13 A. Correct.

14 ATTORNEY STRUBLE: Object to form,
15 lacks -- sorry, object to form, argumentative.

16 A. Correct. I said it was my opinion.

17 BY ATTORNEY PESSAH:

18 Q. And you have no factual basis for that opinion,
19 right?

20 ATTORNEY STRUBLE: Object to form,
21 argumentative.

22 A. I don't think I've got anything to add to the
23 question -- to my answer, other than that's how I
24 feel about my colleagues.

25 BY ATTORNEY PESSAH:

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1 Q. And what's the underlying basis for your feeling?

2 A. I can repeat my answer again, but basically I'm
3 saying I feel like everyone has strong work ethic
4 and everyone wants to, you know, they work hard and
5 do the best they can for our films that we release.

6 Q. Did you ever meet James Wehrfritz?

7 A. I don't recall.

8 Q. Do you know who James Wehrfritz is?

9 A. I don't recall.

10 Q. You don't recall if you know who he is?

11 A. I don't -- I don't remember him.

12 Q. Are you aware that a person named James Wehrfritz
13 worked at NEON?

14 A. I'm not.

15 Q. Okay. And if somebody named James Wehrfritz worked
16 at NEON, it's your opinion, even though you have no
17 idea who that is, that he's thorough, right?

18 ATTORNEY STRUBLE: Object to form,
19 argumentative.

20 A. I would say everyone that I know.

21 BY ATTORNEY PESSAH:

22 Q. Everyone you know. So not everyone at NEON,
23 everyone that you know at NEON is thorough?

24 A. Correct.

25 ATTORNEY STRUBLE: Object to form.

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1 ATTORNEY PESSAH: Okay. I just have to
2 take one more bathroom break. So let's take a
3 quick ten, if you don't mind, and we'll be back.

4 VIDEO TECHNICIAN: Thank you. Off the
5 record at 12:52.

6 (Off the record at 12:52 p.m.)

7 (Back on the record at 1:02 p.m.)

8 VIDEO TECHNICIAN: On record, 1:02.

9 BY ATTORNEY PESSAH:

10 Q. Welcome back, Sumyi. Do you understand that you're
11 still under oath?

12 A. Yes, I do.

13 Q. Okay, great. So you don't recall who James
14 Wehrfritz is, right? I think that's where we left
15 off.

16 A. Yeah, from the break I remem- -- during that break
17 I remembered that he works in finance.

18 Q. Okay. And did you ever work with him?

19 A. Not closely.

20 Q. Did you think he was thorough?

21 ATTORNEY STRUBLE: Object to form.

22 A. I didn't work with him closely enough.

23 BY ATTORNEY PESSAH:

24 Q. Okay. So we're going to mark Exhibit 5 for
25 identification. I'm going to share my screen just

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1 to make it easy.

2 MARKED FOR IDENTIFICATION:

3 DEPOSITION EXHIBIT 5

4 NEON-12087 - 120893

5 4:03 p.m.

6 BY ATTORNEY PESSAH:

7 Q. Okay. So this is an e-mail chain between you and
8 Mr. Wehrfritz. It's Bates stamped NEON-12087
9 through 120893. Excuse me.

10 And Ms. Antonson, this is your e-mail
11 address at the top, correct?

12 A. Yes.

13 Q. And this September 9th, 2019 date, that appears to
14 be approximately five months after the initial
15 theatrical release of the film, right?

16 A. Correct.

17 Q. Okay. And, I'm going scroll down for you as slowly
18 as you would like, or can you maybe open the
19 exhibit and check it out. I'm just going to go
20 slowly so that you can look at the whole thing.
21 You let me know if, you want me to go slower, or if
22 you prefer to just open it from the chat.

23 Okay, and that's everything for the
24 substantive portion of the e-mail. Everything else
25 is just signature captions copied over and over

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1 again.

2 So do you recall this e-mail chain that
3 we just looked at together?

4 A. I don't recall it.

5 Q. You don't recall, okay.

6 But this is one example where you and
7 Mr. Wehrfritz are working together, right?

8 A. Correct.

9 Q. And what he is saying here when he says, "My bad
10 for not catching it sooner"?

11 ATTORNEY STRUBLE: Object to form, calls
12 for speculation.

13 A. I have -- I skimmed it with you but I have to see
14 if he references the issue for the --

15 BY ATTORNEY PESSAH:

16 Q. This line is Amazing Grace past due 600. Do you
17 see that?

18 A. Yes, I do.

19 Q. Okay. So maybe you should just open the exhibit on
20 your own so --

21 A. Okay. Hold on one sec. Okay. It's open.

22 Q. Okay. So, I mean, the real -- the chain is really
23 only two pages. And this relates to -- seems to be
24 relating to an accounting issue, right?

25 ATTORNEY STRUBLE: Object to form.

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1 BY ATTORNEY PESSAH:

2 Q. Or an accounts payable issue, rather?

3 ATTORNEY STRUBLE: Same objection.

4 A. From this e-mail thread, it looks like the 600

5 that's past due for a freelancer.

6 BY ATTORNEY PESSAH:

7 Q. Okay. And to your knowledge, how often were there

8 past due invoices relating to Amazing Grace?

9 A. Oh, I don't recall.

10 Q. Is it something that you commonly see at NEON, or

11 is this a rare occurrence to have past due

12 invoices?

13 A. I don't know what you mean by regular occurrence.

14 It happens.

15 Q. How often would you say it happens?

16 A. Um, I don't know.

17 Q. Okay. Are these types of mistakes always caught,

18 to the best of your knowledge?

19 A. To the best of my knowledge. We can try and catch

20 any errors.

21 Q. Okay. And do you always catch them?

22 ATTORNEY STRUBLE: Object to form.

23 A. Again, we -- everyone's doing -- we catch as best

24 as we can to the best of our ability.

25 BY ATTORNEY PESSAH:

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1 Q. Okay. When Mr. Wehrfritz writes to you, on
2 September 9th, 2019, oh wait, I think I see the
3 problem, and then he speaks of an AP tracker. Do
4 you see that? I'm moving my cursor over it and
5 highlighting it here for you. AP tracker? Do you
6 see that?

7 A. I see that, yes.

8 Q. That -- that stands for accounts payable tracker,
9 right?

10 ATTORNEY STRUBLE: Object to form.

11 A. Correct, it does.

12 BY ATTORNEY PESSAH:

13 Q. And do you have access to the accounts payable
14 tracker at NEON?

15 A. Yes, I did. We would -- yes, I did so that I could
16 input any anything that we needed to when it came
17 to an expense.

18 Q. Okay. And so how often would you interact on --
19 with the AP tracker?

20 ATTORNEY STRUBLE: Object to form.

21 A. I don't recall.

22 BY ATTORNEY PESSAH:

23 Q. Um, were you in charge of managing the AP tracker?

24 A. No, I wasn't.

25 ATTORNEY PESSAH: I'm going to mark

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1 Exhibit 7 for identification. And I will, again,
2 just pull it up on my screen.

3 MARKED FOR IDENTIFICATION:

4 DEPOSITION EXHIBIT 7

5 Wehrfritz Email

6 4:10 p.m.

7 BY ATTORNEY PESSAH:

8 Q. Now who is Andrew Brown, Ms. Antonson? Who is
9 Andrew Brown?

10 A. Andrew is a colleague of mine. He works in digital
11 and home entertainment.

12 Q. Okay. And do you see here there's an e-mail from
13 Mr. Wehrfritz asking Mr. Brown to drop something
14 into the AP tracker sheet. Do you see that?

15 A. Yes, I do.

16 Q. And do you see how Mr. Brown is saying that he
17 believes that you manage the AP tracker. Do you
18 see that?

19 ATTORNEY STRUBLE: Object to form and
20 the characterization of the document.

21 A. No, I. See that he says, "I believe Sumyi manages
22 this." But I don't -- I'm guessing he's
23 referencing whatever this is that needs to be
24 dropped into the AP tracking sheet because that's
25 not my responsibility.

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1 BY ATTORNEY PESSAH:

2 Q. Okay. And so you -- he's not saying that you
3 manage the AP tracker; that's your testimony?

4 ATTORNEY STRUBLE: Objection to form.

5 A. I don't believe he is. That -- it's not something
6 I manage.

7 BY ATTORNEY PESSAH:

8 Q. Okay. And here, this e-mail, February 14, 2019.

9 Do you see this?

10 A. Yes.

11 Q. And this is an e-mail from to you Mr. Quinn, right?

12 A. Correct.

13 Q. And what are you guys discussing here?

14 A. The MPA rating.

15 Q. Okay. And what are you asking Mr. Quinn to do
16 here?

17 A. To wire 5K to the MPA.

18 Q. Okay. And how often would you have to interact
19 with Mr. Quinn to get wires out to third parties?

20 A. Um, whenever I need a wire.

21 Q. Oh, go ahead.

22 A. I ask for his approval whenever I need a wire.

23 Q. So anytime you need to wire any money to a third
24 party, you have to get Mr. Quinn's approval?

25 ATTORNEY STRUBLE: Object to form.

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1 A. Correct.

2 BY ATTORNEY PESSAH:

3 Q. Was there a threshold amount for which you have to
4 get approval, or is it any amount of money you
5 needed to wire?

6 A. Any amount.

7 Q. So Mr. Quinn had to be consulted each and every
8 time a wire went out for Amazing Grace to a third
9 party, correct?

10 ATTORNEY STRUBLE: Object to form.

11 A. As far as when I -- if I have an expense to him,
12 that's correct.

13 BY ATTORNEY PESSAH:

14 Q. What do you mean "an expense to him"?

15 A. I'm saying if it's something that I'm requesting an
16 invoice to be paid as a wire, that's correct. I
17 can't speak to the larger company. I don't know
18 if, you know, I'm just speaking to my policy with
19 him.

20 Q. So any theatre-related, in-theatre-related
21 distribution expense that you oversaw would have to
22 be approved by Mr. Quinn, correct?

23 A. That doesn't -- that's separate from a wire. I'm
24 just saying if I need to have a wire payment from
25 him, I need his approval.

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1 Q. Okay. So any payment relating to in-theatre
2 distribution that was in the form of a wire had to
3 be approved by Mr. Quinn, right?

4 A. Correct.

5 Q. And did Mr. Quinn ever withhold his approval?

6 ATTORNEY STRUBLE: Objection to form.

7 A. Not that I can recall.

8 BY ATTORNEY PESSAH:

9 Q. Okay. And did he give you approval here?

10 A. Yes, he did.

11 Q. Okay. And where do you see that?

12 A. Well, I'm just saying this is standard practice to
13 do wires for MPA ratings, because you have to pay
14 prior to the screening date.

15 Q. Okay. Thank you for that.

16 We're going to go to Exhibit 8 for
17 identification.

18 MARKED FOR IDENTIFICATION:

19 DEPOSITION EXHIBIT 8

20 NEON 00011272 - 00011273

21 1:14 p.m.

22 BY ATTORNEY PESSAH:

23 I'm going to show you a two-page e-mail chain,
24 Ms. Antonson. Oh, actually it's two pages, but there's
25 only one page of actual content, as you can see here.

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1 And it's -- this is a chain between somebody named --
2 I'm going to butcher this name, but you see the name
3 there at the top, G-U -- that's --

4 A. Yes.

5 Q. Okay. That's Guoda, yes?

6 A. Guoda, but yes.

7 Q. And who's Guoda?

8 A. She works in the distribution team.

9 Q. Okay. And does she report to you?

10 A. She does not.

11 Q. Okay. And who does she report to?

12 A. She reports to Elissa.

13 Q. And who do you report to?

14 A. Elissa.

15 Q. And was that true in your prior role as well?

16 A. In my prior role I reported to Elissa in
17 distribution and Christian Parks in marketing.

18 Q. Got it. What are you and Guoda discussing here?

19 ATTORNEY STRUBLE: I'm just going to
20 object as incomplete exhibit, missing the
21 attachment.

22 You may answer.

23 A. Is this the full e-mail thread?

24 BY ATTORNEY PESSAH:

25 Q. Yeah, I don't think there's anything else on the

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1 second page.

2 A. Okay. I'm sorry, your question is, what is this
3 referring to?

4 Q. Yeah. What are you guys discussing here?

5 A. I don't recall this e-mail but from reading this,
6 it seems like the theatre -- Nick, who is an
7 exhibitor, noted that there was a discrepancy with
8 the billing and he attached the box office receipts
9 to verify.

10 Q. So "BR," this stands for box office receipts,
11 right?

12 A. Correct.

13 Q. And what is Far Away Entertainment, LLC?

14 A. It's part of an -- it's an exhibitor at the
15 theatre.

16 Q. Okay. And how many theatres does Far Away
17 Entertainment have?

18 A. I don't know.

19 Q. Okay. And so you -- so Guoda, it looks like, is
20 identifying -- I don't know -- is Guoda a male or
21 female?

22 A. A female.

23 Q. It looks like she's identifying a discrepancy in
24 NEON's box office receipts; is that correct?

25 A. That's what it looks like, yes.

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1 Q. And what was the discrepancy?

2 A. I don't know. I don't remember this e-mail
3 exchange. So I don't know what the discrepancy is.

4 Q. Okay, but it's safe to say that there was a
5 discrepancy, right?

6 ATTORNEY STRUBLE: Object to form.

7 A. Based on this e-mail, it says it looks like there
8 was a discrepancy.

9 BY ATTORNEY PESSAH:

10 Q. So it looks like there was discrepancy is different
11 from there is a discrepancy? You're making a
12 distinction -- distinction?

13 ATTORNEY STRUBLE: Objection to form.

14 A. I didn't see the attachment, so I can't speak to
15 what she's referencing.

16 Q. Okay. But she's clearly identifying a discrepancy,
17 isn't she?

18 ATTORNEY STRUBLE: Objection to form.

19 A. In this e-mail, yes.

20 BY ATTORNEY PESSAH:

21 Q. Okay. But you don't know what that discrepancy
22 was, right?

23 A. That's correct. I do not know.

24 Q. And this discrepancy is being caught, it looks like
25 about nine months after the film was theatric- --

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1 theatrically released in April of 2019, right?

2 A. Looking at the date, that looks correct.

3 Q. And, why would it take to long to identify this
4 sort of a discrepancy?

5 ATTORNEY STRUBLE: Object to form.

6 A. I can't speak to this particular instance, but, I
7 don't know when the -- when we booked the film with
8 them.

9 This is not one of our -- it's not a
10 large theatre chain, so I don't know what the date
11 is that we booked the release. So it could have
12 been closer in to this date, but I don't know. I
13 can't speak to it in specifics.

14 BY ATTORNEY PESSAH:

15 Q. Okay. Were you aware that sometime in the latter
16 part of 2020, there was a \$30,000 charge to Amazing
17 Grace that was erroneous and that should have been
18 charged to Apollo 11?

19 ATTORNEY STRUBLE: Object to form.

20 A. No, I was not aware of that.

21 BY ATTORNEY PESSAH:

22 Q. Okay. And do you know who Ryan Friscia is?

23 A. Yes, I know Ryan Friscia.

24 Q. And are you aware that he had his deposition taken
25 in this case?

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1 ATTORNEY STRUBLE: Object to form.

2 You may not answer the question to the
3 extent your awareness is a result of privileged
4 communications. If you have independent knowledge
5 of whether Mr. Friscia was deposed aside from
6 attorney-client communications, you may answer.

7 BY ATTORNEY PESSAH:

8 Q. Let me ask you another way. Did Mr. Friscia tell
9 you he'd been deposed in this?

10 A. No.

11 Q. Other than through your attorneys, were you aware
12 that he was deposed in this case?

13 A. Other than through my attorney, no.

14 Q. Did Mr. Friscia discuss this case with you?

15 A. No, he didn't.

16 Q. All right.

17 I think we're on 9 for identification.

18 MARKED FOR IDENTIFICATION:

19 DEPOSITION EXHIBIT 9

20 Amazing Grace from Q3 2020

21 4:20 p.m.

22 BY ATTORNEY PESSAH:

23 Q. Okay. Do you have that open, Ms. Antonson?

24 A. I'm sorry, which one? Amazing Grace Q?

25 Q. Yes.

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1 A. I'm opening it now. Okay. It's open.

2 Q. Um, yes. Do you see, this is a cumulative
3 statement from NEON regarding Amazing Grace from Q3
4 2020. Do you see that?

5 A. Yes.

6 ATTORNEY STRUBLE: Object to form.

7 BY ATTORNEY PESSAH:

8 Q. Do you see the -- do you see the first line item
9 unit receipts, it says "theatrical"?

10 A. Yes, I do see that.

11 Q. And do you know what that means?

12 A. It is -- based on this report, it looks like it's a
13 cumulative gross from theatrical.

14 Q. Theatrical, that was your department, or still is,
15 correct?

16 A. Yes, I worked in theatrical and still do.

17 Q. Okay, great. And so what this is showing is that
18 the gross cumulative total for theatrical receipts
19 as of Q3, 20 -- Q3, 2020 is \$1.6 million, right?

20 A. Yes, that's what it looks like. Yes.

21 Q. And shouldn't be closer to 4 million as we saw
22 earlier?

23 ATTORNEY STRUBLE: Objection to form,
24 argumentative.

25 A. I can't speak to this document because this is a

1 finance document, and I don't know the details of
2 all those numbers and how they came to these
3 numbers.

4 BY ATTORNEY PESSAH:

5 Q. But, based on what we reviewed together, the
6 cumulative total of box office receipts in May of
7 2019, was around 4 million, wasn't it?

8 ATTORNEY STRUBLE: Objection to --
9 objection to form and characterization of documents
10 reviewed in this deposition.

11 A. Again, I don't know the -- you know, the exact ins
12 and outs of this document, but what I can say is
13 when you have a cumulative -- like this, when we're
14 speaking cumulatively, sometimes that means how
15 much the film grossed with the box office receipts.
16 Other times it means what we received from
17 theatres. Because you receive a percentage; you
18 don't receive 100 percent of the box office
19 receipts.

20 Q. Okay. But from a reporting standpoint, wouldn't
21 you report a gross of 4 million?

22 A. I don't know at this --

23 ATTORNEY STRUBLE: Oh, sorry. Objection
24 to form, lacks foundation.

25 BY ATTORNEY PESSAH:

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1 Q. Okay. I'm going to move on to the next exhibit.

2 MARKED FOR IDENTIFICATION:

3 DEPOSITION EXHIBIT 10

4 NEON 00012494 - 00012494

5 1:23 p.m.

6 BY ATTORNEY PESSAH:

7 Q. This is an e-mail chain between you and Michael
8 Silberman. And you're saying to Mr. Silberman
9 here, "The film still just plays an art run." And
10 it looks like you're trying to create an emoji with
11 a semicolon and a P. Do you see that?

12 A. I do see that.

13 Q. What are you talking about here?

14 ATTORNEY STRUBLE: Object to form.

15 A. Can I see the whole e-mail?

16 ATTORNEY STRUBLE: Object to form.

17 BY ATTORNEY PESSAH:

18 Q. Sure. One page. That's the only page.

19 What do you mean by "art run"?

20 A. I'm just reading for more context.

21 Then an art run is an art house audience
22 and an art house theatre that attracts an art house
23 audience.

24 Q. And so why was the film just playing as an art run?

25 ATTORNEY STRUBLE: Objection to form.

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1 A. What I'm referencing here is, the audience that's
2 coming to the theatres is more of an art house
3 audience, even though we -- our reach was beyond,
4 like, the theatres that we booked are also I don't
5 understand just art house theatres.

6 BY ATTORNEY PESSAH:

7 Q. So how would you know what the demographics of the
8 audience was?

9 A. Sorry, do you mean as it relates to this e-mail
10 thread?

11 Q. Yeah. I mean, you're -- you seem to know here that
12 it's an art house audience. How do you know that?
13 How would you know that?

14 ATTORNEY STRUBLE: Object to form.

15 A. My comment is towards AMC, which is a more
16 mainstream-leaning circuit, and --

17 BY ATTORNEY PESSAH:

18 Q. Did you guys not distribute in AMC theatres?

19 A. We did which is what his reference is saying. Like
20 his e-mail below mentions AMC.

21 Q. Okay. And so what are you trying to get at here
22 when you say the film still just plays as an art
23 run, and why are you simulating an emoji?

24 Is that you simulating an emoji with its
25 tongue out?

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1 ATTORNEY STRUBLE: Objection to form.

2 Which question do you want to answer?

3 BY ATTORNEY PESSAH:

4 Q. Is that supposed to be an emoji with its tongue
5 out?

6 A. That -- is that the question? Yes. That's the --

7 Q. And so why were you making light of this, that the
8 film just plays as an art run?

9 ATTORNEY STRUBLE: Object to form and
10 the characterization.

11 A. I don't remember this e-mail thread, so I don't
12 remember context if there was sarcasm or humor in
13 it. But what I wrote that the film just plays as
14 an art run means that art house audiences are the
15 ones that are coming to see the film.

16 BY ATTORNEY PESSAH:

17 Q. And how would you know that?

18 ATTORNEY STRUBLE: Object to form.

19 A. Because the theatres that have -- like AMC, which
20 is not an art house circuit, the grosses are weak,
21 which is what Michael had mentioned. So it
22 performed better at the art house locations than at
23 more mainstream locations.

24 BY ATTORNEY PESSAH:

25 Q. Okay. And why the sarcasm or the humor with the

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1 emoji?

2 ATTORNEY STRUBLE: Objection to form and
3 the characterization.

4 A. I don't know because I can't recall this e-mail
5 thread.

6 ATTORNEY STRUBLE: Counsel, I now note
7 that we are over the two-hour allotment.

8 ATTORNEY PESSAH: No, we're not. I have
9 20 seconds left, actually.

10 ATTORNEY STRUBLE: Well, I will allow
11 you 20 seconds, but I disagree with your count.

12 ATTORNEY PESSAH: Okay, that's fine. We
13 don't have any more questions for the witness. We
14 reserve our right to call the witness at trial and,
15 serve her with a trial subpoena.

16 I do have more questions for this
17 witness but because The Court has limited us to two
18 hours, I will follow that order. But again, we are
19 reserving our right to call this witness at trial.

20 ATTORNEY STRUBLE: I don't think I need
21 to respond to that. And we don't have any
22 questions for the witness. So have a good weekend.

23 VIDEO TECHNICIAN: Off record, Counsel?

24 ATTORNEY PESSAH: Thank you.

25 VIDEO TECHNICIAN: Thank you. We are

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1 off record at 1:28, concluding the deposition.

2 (The deposition was concluded at

3 1:28 p.m. Signature of the witness was not

4 requested by counsel for the respective parties

5 hereto.)

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1 CERTIFICATE OF NOTARY

2

3 I, RENEE J. OGDEN, certify that this
4 deposition was taken before me on the date
5 hereinbefore set forth; that the foregoing
6 questions and answers were recorded by me
7 stenographically and reduced to computer
8 transcription; that this is a true, full and
9 correct transcript of my stenographic notes so
10 taken; and that I am not related to, nor of counsel
11 to, either party nor interested in the event of
12 this cause.

13

14

15

16

17

18

Renee Ogden

19

RENEE J. OGDEN, CSR-3455

20

Notary Public,
Wayne County, Michigan

21

22

23

24

25

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

<p>AMAZING GRACE MOVIE, LLC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NEON RATED, LLC, and DOES 1-10,</p> <p style="text-align: center;">Defendants.</p>

Index No. 652869/2022

Honorable Barry R. Ostrager (Part 61)

ERRATA FOR THE DEPOSITION TRANSCRIPT OF SUMYI ANTONSON

(November 17, 2023)

Page	Line	From	To	Reason
11	5	followed	folded in	Transcription Error
11	12	Lee	League	Transcription Error
11	12	Lee	League	Transcription Error
11	14	Lee	League	Transcription Error
12	16	Lee	League	Transcription Error
101	17	Parks	Parkes	Transcription Error

Dated: February 2nd, 2024

By:



Sumyi Antonson

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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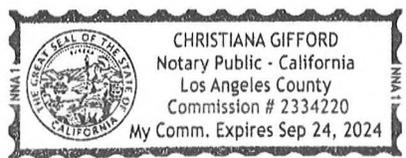
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)
On 02/02/2024 before me, Christiana Gifford, Notary Public
Date Here Insert Name and Title of the Officer
Personally appeared Sungyi Anderson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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[] Individual [] Attorney in Fact
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