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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

ALAN ELLIOTT; AMAZING GRACE)
MOVIE, LLC; AL'S RECORDS AND)
TAPES, INC.,)

Plaintiffs,)

vs.)

CASE NO.:
20STCV42553

BARRY TYERMAN; JACKOWAY AUSTEN)
TYERMAN WERTHEIMER MANDELBAUM)
MORRIS BERNSTEIN TRATTNER &)
KLEIN, a Professional Law)
Corporation; and DOES 1 through)
100, Inclusive,)

Defendants.)

VIDEOTAPED DEPOSITION VIA ZOOM OF STEVEN SPIRA

BURBANK, CALIFORNIA

THURSDAY, FEBRUARY 1, 2024, 9:07 A.M.

Stenographically Reported by:

Carina Valles, CLR
CSR No. 12605

Job No. 294589

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KLEIN, a Professional Law)
Corporation; and DOES 1 through)
100, Inclusive,)

Defendants.)

VIDEOTAPED DEPOSITION VIA ZOOM OF
STEVEN SPIRA, a witness herein,
taken on behalf of the plaintiffs,
beginning at 9:07 a.m. and ending
at 11:52 a.m., on Thursday,
February 1, 2024, before Carina
Valles, CLR, CSR 12605.

1 APPEARANCES OF COUNSEL VIA ZOOM:

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22 THE VIDEOGRAPHER: ALEX BURKE

23 ALSO PRESENT: ALAN ELLIOTT

24 KIAURA CLARK

25 ANDREW HAN

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I N D E X

WITNESS: STEVEN SPIRA

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1 THURSDAY, FEBRUARY 1, 2024, 9:07 A.M.

2 BURBANK, CALIFORNIA

3

4 THE VIDEOGRAPHER: Good morning, everyone. 09:07:29

5 Here begins the remote deposition of Steve Spira in 09:07:40

6 the matter of Alan Elliott versus Barry Tyerman. 09:07:44

7 This case is in the Superior Court of the State of 09:07:48

8 California for the County of Los Angeles. The case 09:07:51

9 number is 20STCV42553. 09:07:53

10 Today's date is February 1st, 2024. The 09:07:59

11 time is 9:08 a.m. This is a remote deposition 09:08:03

12 through Zoom videoconferencing. The videographer is 09:08:08

13 Alex Burke appearing on behalf of Network Deposition 09:08:08

14 Services. 09:08:08

15 Would counsel please identify yourselves 09:08:13

16 and state whom you represent. 09:08:16

17 MR. DOUGLAS: Good morning. Carl Douglas 09:08:17

18 and Rachel Jacobs on behalf of the plaintiff, Alan 09:08:20

19 Elliott, who is also on the Zoom. 09:08:25

20 MR. ROLFS: Colin Rolfs appearing for the 09:08:27

21 defendants. 09:08:31

22 MR. MARENBERG: Good morning. Steve 09:08:31

23 Marenberg from Paul Hastings on behalf of the 09:08:33

24 witness and Warner Bros. Discovery. 09:08:35

25 MR. DOUGLAS: Any other lawyers on the 09:08:42

1 Zoom? 09:08:44

2 THE VIDEOGRAPHER: The reporter today is 09:08:48

3 Carina Valles, CSR Number 12605. 09:08:51

4 Would the reporter please swear in the 09:08:53

5 witness.

6

7 STEVEN SPIRA,

8 a witness herein, having been sworn, testifies as

9 follows:

10

11 -EXAMINATION-

12 BY MR. DOUGLAS:

13 Q. Good morning, sir. 09:09:08

14 A. Good morning. 09:09:10

15 Q. Would you please state and spell your full 09:09:10

16 name. 09:09:13

17 A. My name is Steve or Steven S. Spira, 09:09:13

18 S-p-i-r-a. 09:09:18

19 Q. Mr. Spira, have you ever had your 09:09:18

20 deposition taken before, sir? 09:09:24

21 A. Yes. 09:09:25

22 Q. Are you a practicing attorney? 09:09:25

23 A. I am not. 09:09:28

24 Q. Have you had a chance to talk with your 09:09:28

25 lawyer about the proceeding today? 09:09:34

1	A. Yes.	09:09:35
2	Q. What is your estimate, sir, of the number	09:09:36
3	of times you've given a deposition in the past?	09:09:39
4	A. Plus or minus a dozen.	09:09:42
5	Q. You understand, sir, that the deposition is	09:09:47
6	under oath?	09:09:49
7	A. Yes.	09:09:50
8	Q. And though you're sitting in a conference	09:09:50
9	room and I'm in my office, you're subject to the	09:09:53
10	same penalties as you would be were you testifying	09:09:56
11	in front of a judge and the jury?	09:09:59
12	A. Yes.	09:10:01
13	Q. You understand this is an oral deposition	09:10:02
14	and, therefore, you're asked to give only audible,	09:10:04
15	verbal responses to my questions?	09:10:09
16	Is that clear?	09:10:11
17	A. Yes.	09:10:12
18	Q. You understand, sir, that because we are on	09:10:12
19	Zoom, there may be the necessity for there to be a	09:10:16
20	greater pause between the question and the answer	09:10:20
21	just to make sure that you understand and hear my	09:10:23
22	full question and I can understand and hear your	09:10:27
23	full answer.	09:10:30
24	Is that clear?	09:10:30
25	A. Yes.	09:10:31

1 Q. Mr. Spira, if there is a question I ask 09:10:31
2 that you do not understand, will you let me know? 09:10:36
3 A. Yes. 09:10:38
4 Q. And if you answer the question, me, and 09:10:40
5 likely everyone on this Zoom, will assume you 09:10:41
6 understood the question. 09:10:46
7 Is that fair? 09:10:47
8 A. Yes. 09:10:47
9 Q. Mr. Spira, is there any reason why you 09:10:48
10 cannot give your best testimony today? 09:10:52
11 A. No. 09:10:55
12 Q. Sir, what is your title? 09:10:55
13 A. I'm president, Worldwide Business Affairs. 09:10:58
14 Q. And that's for Warner Bros.? 09:11:01
15 A. Yes. 09:11:05
16 Q. You have been president of Worldwide 09:11:06
17 Business Affairs at Warner Bros. since when? 09:11:15
18 A. The mid 1990s. I can get it for you. 09:11:18
19 Q. Would approximately 1994 be about right? 09:11:21
20 A. Probably. 09:11:27
21 Q. And when you were first employed by 09:11:28
22 Warner Bros., what was your position then? 09:11:30
23 A. I was an entry-level business affairs 09:11:32
24 executive. 09:11:36
25 Q. As the president -- withdrawn. 09:11:36

1	You have been the president of Worldwide	09:11:43
2	Business Affairs at Warner Bros. since when?	09:11:47
3	A. Mid '90s.	09:11:51
4	Q. What is the extent of your education?	09:11:53
5	A. I graduated from law school, I want to	09:11:59
6	say, 1979.	09:12:05
7	Q. You are not a member of the California Bar?	09:12:08
8	A. I am not.	09:12:10
9	Q. Have you ever been?	09:12:13
10	A. No.	09:12:14
11	Q. As president of Worldwide Business Affairs	09:12:14
12	at Warner Bros., what are your job duties generally?	09:12:20
13	A. My department and I are responsible for the	09:12:23
14	business of the movie business, meaning, the	09:12:27
15	acquisition of rights, the hiring of above-the-line	09:12:29
16	talent, financing transactions on the film side.	09:12:34
17	Basically, the business of the movie business.	09:12:39
18	Q. Are there attorneys who work in your	09:12:41
19	office?	09:12:43
20	A. Yes.	09:12:43
21	Q. Is your office titled, "Worldwide Business	09:12:44
22	Affairs"?	09:12:50
23	A. Yes.	09:12:50
24	Q. Is that an office that is on the	09:12:50
25	Warner Bros. lot in Burbank?	09:12:54

1 A. Yes. 09:12:57

2 Q. Does your office contain attorneys and 09:12:57
3 support staff? 09:13:00

4 A. Could you clarify what you mean by my 09:13:01
5 office? 09:13:07

6 Q. The Worldwide Business Affairs office that 09:13:07
7 is located on the lot at Warner Bros. 09:13:10

8 A. Typically, there are attorneys on my staff, 09:13:12
9 but they function as business affairs executives, 09:13:15
10 not as attorneys. 09:13:18

11 Q. How many business affairs executives, as 09:13:19
12 you have defined it, are employed by your office 09:13:22
13 today, for example? 09:13:25

14 A. Today, there are three, besides myself. 09:13:25

15 Q. Fair enough. 09:13:28
16 And in 2018, how many would there be, would 09:13:30
17 you estimate? 09:13:34

18 A. Three to four. We've had a little 09:13:34
19 turnover. 09:13:38

20 Q. Sure. 09:13:38
21 Is there also a general counsel's office at 09:13:39
22 Warner Bros.? 09:13:43

23 A. There is no longer, but there is a 09:13:45
24 extensive legal department. 09:13:48

25 Q. There's no longer a general counsel office, 09:13:48

1 but there is a extensive legal department? 09:13:52

2 A. Yes. 09:13:52

3 Q. There was a general counsel's office until 09:13:53

4 when? 09:13:55

5 A. I believe until the Discovery -- Discovery 09:13:56

6 and Warner Bros. combined. 09:14:04

7 Q. And what's your best estimate of when that 09:14:05

8 occurred? 09:14:08

9 A. Two years ago -- a year and a half ago, two 09:14:08

10 years ago, April, I think. 09:14:13

11 Q. Though there's no longer a general 09:14:14

12 counsel's office, there are lawyers who perform the 09:14:18

13 same work that was performed by the general 09:14:20

14 counsel's office now? 09:14:22

15 A. I'm not sure that it's set up exactly the 09:14:23

16 same way, to be honest. A lot more has gone to 09:14:28

17 corporate. I think things are more narrowly 09:14:32

18 defined. 09:14:34

19 Q. Can you give me an understanding, please, 09:14:34

20 of what the difference is and the types of work that 09:14:35

21 the former general counsel's office did as opposed 09:14:37

22 to business affairs -- as opposed to the lawyers in 09:14:40

23 the business affairs office? 09:14:45

24 A. Lawyers in the business affairs office 09:14:46

25 don't do any -- don't do any legal work, per se. 09:14:48

1 The general counsel was responsible for typical 09:14:50
2 general counsel type stuff, regulatory stuff, waiver 09:14:54
3 stuff, litigation, things like that. Now most of it 09:14:57
4 is run directly out of the Discovery side of the 09:15:06
5 company. 09:15:08

6 Q. And what is your understanding of how many 09:15:09
7 lawyers are currently in the legal side that are run 09:15:12
8 out of the Discovery side of the company? 09:15:15

9 A. I have no idea, but it's many. Dozens and 09:15:16
10 dozens I would say. 09:15:21

11 Q. And what is your understanding of where 09:15:22
12 those lawyers are located? Are they also on the 09:15:25
13 Warner Bros. lot in Burbank? 09:15:27

14 A. I think they're all over the country and 09:15:29
15 all over the world, frankly. 09:15:31

16 Q. Very well. 09:15:33

17 Sir, in preparation for this deposition, 09:15:35
18 did you review any documents? 09:15:37

19 A. Yes. 09:15:38

20 Q. I would like to learn during the course of 09:15:39
21 our conversation everything that you reviewed. 09:15:42

22 Do you understand? 09:15:45

23 A. Yes. 09:15:45

24 MR. MARENBERG: He's not going to tell you 09:15:47
25 what he reviewed because you haven't -- I'm 09:15:49

1 objecting on the grounds of attorney-client 09:15:51
2 privilege and work product. You haven't laid a 09:15:53
3 foundation to receive that information. 09:15:56
4 MR. DOUGLAS: Thank you. I'm just 09:15:58
5 starting. 09:16:00
6 BY MR. DOUGLAS: 09:16:01
7 Q. Can you first let me understand, are you 09:16:02
8 familiar with a set of documents that were produced 09:16:06
9 pursuant to a subpoena that my office served on 09:16:11
10 Warner Bros. and your lawyer produced them 09:16:15
11 yesterday? 09:16:17
12 MR. MARENBERG: I will represent to you so 09:16:19
13 we can cut through this that Mr. Spira has not 09:16:21
14 reviewed the production of documents that was made 09:16:24
15 previously by -- directly from Warner Bros. 09:16:28
16 Discovery and yesterday's supplemental production 09:16:30
17 from -- on behalf of Warner Bros. Discovery from my 09:16:32
18 office. 09:16:34
19 MR. DOUGLAS: Thank you so much. 09:16:34
20 BY MR. DOUGLAS: 09:16:36
21 Q. Mr. Spira, you've heard the comments of 09:16:36
22 your lawyer. 09:16:39
23 Do you adopt those comments? 09:16:40
24 A. Yes. 09:16:41
25 Q. So that I'm clear, are you saying, sir, 09:16:41

1 that you have never seen any of the documents that 09:16:45
2 were produced by your lawyer yesterday or you are 09:16:49
3 not certain the collection of documents that he 09:16:53
4 chose to produce to us, if you know? 09:16:55

5 MR. MARENBERG: Objection. Foundation. 09:16:59

6 BY MR. DOUGLAS: 09:17:01

7 Q. You may answer. 09:17:02

8 A. I think there were two questions there. 09:17:02
9 Could you break it up for me? 09:17:04

10 Q. Sure. 09:17:06

11 Your lawyer said that you have not reviewed 09:17:07
12 the documents that he produced to me. 09:17:10

13 Did you hear that? 09:17:13

14 A. Yes. 09:17:14

15 Q. Now, my question is, do you have any 09:17:14
16 understanding of the documents that he produced such 09:17:17
17 that you can say, I've seen them at some point or I 09:17:21
18 have no idea what he produced and so I don't know 09:17:25
19 whether or not I've reviewed it? 09:17:28

20 MR. MARENBERG: If the answer is the 09:17:31
21 latter, you can answer it that way. If the answer 09:17:33
22 is anything other than latter, I'm instructing you 09:17:35
23 not to answer because any information -- 09:17:38

24 THE WITNESS: Could you read back what the 09:17:40
25 latter was? I'm sorry. What was the second part of 09:17:42

1 number of pages in those 8 to 12 documents that you 09:19:04
2 reviewed, what is your estimate of the number of 09:19:07
3 pages that would total? 09:19:10
4 A. 20, 25. 09:19:11
5 Q. Okay. So I'm going to try to figure out 09:19:12
6 which 25 of the 600 documents that were produced 09:19:17
7 were documents that you reviewed. 09:19:21
8 Do you understand my task? 09:19:23
9 A. Yes, but I thought I said 8 to 12 09:19:25
10 documents, 25 pages. 09:19:29
11 MR. MARENBERG: I'm not sure what the 09:19:31
12 purpose of this is. You have three hours. If this 09:19:32
13 is the way you're going to use it, it's going to be 09:19:35
14 a strict three hours. 09:19:37
15 MR. DOUGLAS: Thank you for your time, sir. 09:19:38
16 I'm just trying to understand the scope because I'm 09:19:40
17 engaged in a litigation and I'm trying to determine 09:19:43
18 the scope of what has been produced and what 09:19:46
19 Mr. Spira understands, so I can target my questions 09:19:50
20 better. I'm trying not to waste his time or my time 09:19:54
21 or your time, sir, quite honestly. 09:19:57
22 BY MR. DOUGLAS: 09:20:00
23 Q. Have you seen, Mr. Spira, a copy of the 09:20:00
24 lawsuit that was filed in this case that were among 09:20:03
25 the 600 pages of documents that your lawyer 09:20:06

1	produced?	09:20:10
2	A. No.	09:20:10
3	Q. Have you ever seen that lawsuit?	09:20:11
4	A. No.	09:20:13
5	Q. Have you ever seen a copy of a Motion for	09:20:14
6	Summary Judgment that the defendants filed in this	09:20:19
7	case?	09:20:21
8	A. No.	09:20:21
9	Q. Have you ever seen any documents that might	09:20:21
10	have been part of the lawsuit of Alan Elliott versus	09:20:24
11	Barry Tyerman?	09:20:28
12	MR. MARENBERG: Objection. Foundation.	09:20:30
13	Go ahead.	09:20:31
14	THE WITNESS: Yes.	09:20:32
15	BY MR. DOUGLAS:	09:20:32
16	Q. Give me your recollection of every document	09:20:32
17	you have seen that was -- that was labeled Alan	09:20:35
18	Elliott versus Barry Tyerman in that lawsuit. What	09:20:39
19	do you remember you've reviewed?	09:20:42
20	A. I don't remember seeing any labels. I saw	09:20:44
21	a series of Quitclaim documents and a handful of	09:20:47
22	emails.	09:20:52
23	Q. I am aware of four potential Quitclaim	09:20:52
24	documents that are relevant in this case.	09:20:59
25	And what is your recollection of the number	09:21:01

1 of Quitclaim documents that you've reviewed? 09:21:04

2 MR. MARENBERG: If you know, without 09:21:08

3 guessing. 09:21:09

4 BY MR. DOUGLAS: 09:21:09

5 Q. Your best estimate. 09:21:10

6 A. Four. 09:21:12

7 Q. Four. 09:21:15

8 A. Four. 09:21:15

9 Q. Okay. Are you able, by year or 09:21:16

10 description, to label the four Quitclaim documents 09:21:18

11 that you reviewed? 09:21:21

12 A. Not really. 09:21:22

13 Q. Let me ask you this: Of the documents that 09:21:24

14 you reviewed, did you review a copy of the 09:21:27

15 Declaration that you signed in this case? 09:21:29

16 A. Yes. 09:21:30

17 Q. Were there Quitclaim documents attached to 09:21:31

18 that Declaration? 09:21:35

19 A. Not to the version I read, but it 09:21:36

20 referenced them, yes, that they were attached. 09:21:39

21 Q. And do you recall that three or four 09:21:42

22 Quitclaim documents were referenced in your 09:21:45

23 declaration; do you recall? 09:21:47

24 A. Yes. Yes. 09:21:48

25 Q. Were they the -- were they among the 8 09:21:49

1	to 12 documents that you reviewed?	09:21:52
2	A. Yes.	09:21:53
3	Q. You also reviewed emails you've said?	09:21:54
4	A. Yes.	09:22:00
5	Q. What is your sense of the number of emails	09:22:00
6	that you've reviewed in preparation for the	09:22:04
7	deposition?	09:22:06
8	A. Three to five.	09:22:06
9	Q. Okay. Were any of the emails that you	09:22:10
10	reviewed emails that you received at some point in	09:22:12
11	time in your employment at Warner Bros.?	09:22:16
12	A. I don't recall.	09:22:19
13	Q. Were any of the emails that you reviewed	09:22:20
14	emails that you sent yourself?	09:22:23
15	A. I don't recall.	09:22:25
16	Q. You reviewed these email records when, sir?	09:22:26
17	A. Couple of days ago.	09:22:31
18	Q. Tell me everything you can recall about the	09:22:32
19	emails that you reviewed in preparation for your	09:22:37
20	deposition, everything you recall.	09:22:39
21	MR. MARENBERG: Objection.	09:22:41
22	Instruct you not to answer.	09:22:43
23	Next question.	09:22:44
24	Attorney-client privilege and work product.	09:22:45
25	MR. DOUGLAS: I'm only asking him what	09:22:47

1 documents he can remember that he reviewed. I'm not 09:22:49
2 asking anything that would trigger attorney-client 09:22:53
3 confidential information. 09:22:57
4 MR. MARENBERG: Yes, you are. Move on. 09:22:57
5 Next question, please. 09:22:59
6 BY MR. DOUGLAS: 09:23:02
7 Q. What is your understanding of what a 09:23:05
8 work-for-hire is? 09:23:08
9 A. Something that someone is specifically 09:23:08
10 hired to create on behalf of someone else. 09:23:13
11 Q. Other than the emails, other than the 09:23:16
12 Quitclaim Deed, other than your Declaration, is 09:23:20
13 there any other category of documents that you can 09:23:23
14 remember that you reviewed? 09:23:25
15 A. No. 09:23:28
16 Q. The emails that you reviewed, do you 09:23:28
17 remember what year the emails were sent? 09:23:36
18 A. No. 09:23:41
19 Q. Do you remember whether you reviewed any 09:23:42
20 emails that were sent in 2018? 09:23:45
21 A. Possibly. 09:23:55
22 Q. Did you review any emails that -- that 09:23:56
23 discussed Alan Elliott or his project, 09:24:00
24 Amazing Grace? 09:24:06
25 A. Yes. 09:24:07

1 Q. When I use the term "the film," can we 09:24:07
2 agree in this context we're talking about the film 09:24:10
3 Amazing Grace? 09:24:14
4 A. Sure, yes. 09:24:14
5 Q. Or the word "project"; is that okay with 09:24:15
6 you? 09:24:17
7 A. Yes. 09:24:17
8 Q. Did you review any emails that came from 09:24:17
9 Alan Elliott or to Alan Elliott that you can 09:24:22
10 remember? 09:24:25
11 A. I don't remember. 09:24:25
12 Q. Have you ever had any communications with a 09:24:26
13 lawyer from the firm of Miller Barondess? 09:24:31
14 MR. MARENBERG: Relating to this matter? 09:24:35
15 MR. DOUGLAS: Well -- good. 09:24:37
16 BY MR. DOUGLAS: 09:24:39
17 Q. First, related to this matter. 09:24:40
18 A. I don't know. I don't know the firm by 09:24:42
19 name and I don't know. 09:24:45
20 Q. Have you had any conversations with any 09:24:46
21 lawyers from that firm since December of 2023? 09:24:52
22 A. This month? No. 09:24:57
23 Q. December of 2023. 09:25:02
24 A. Since December of 2023? 09:25:04
25 Q. Correct. 09:25:06

1 A. No. 09:26:10

2 Q. Have you ever talked to a lawyer by the 09:26:10

3 name of Colin Rolfs -- 09:26:13

4 A. I don't know. 09:26:16

5 Q. -- another lawyer who works with Mr. Frid? 09:26:16

6 A. I don't recall. 09:26:19

7 Q. Other than Mr. Frid, do you recall talking 09:26:20

8 to any other lawyers who were involved in the 09:26:23

9 litigation involving Alan Elliott and Barry Tyerman? 09:26:28

10 A. Not that I recall. 09:26:31

11 Q. Have you ever talked to Barry Tyerman about 09:26:32

12 the litigation with Alan Elliott? 09:26:36

13 A. I don't know that I've talked to him about 09:26:37

14 the litigation. I don't recall talking -- I don't 09:26:43

15 know if I spoke about -- I know him. We do a lot of 09:26:46

16 business together. I don't know that I spoke to 09:26:49

17 about the litigation specifically. 09:26:52

18 Q. Okay. Let me -- you say you know 09:26:53

19 Mr. Tyerman? 09:26:56

20 A. Yes. I've known him for a long time, done 09:26:57

21 business -- 09:27:01

22 Q. You've known him since when? 09:27:01

23 A. Probably the last 35, 40 years. He's a 09:27:03

24 fairly prominent entertainment attorney. 09:27:07

25 Q. Have you ever socialized with him outside 09:27:09

1 of business, work environments? 09:27:11

2 A. No. 09:27:15

3 Q. Have you ever done business with him in 09:27:15

4 terms of negotiating contracts on behalf of clients 09:27:17

5 he represents for Warner Bros.? 09:27:21

6 A. Yes. Yes. 09:27:23

7 Q. Do you have an estimate of how many times 09:27:23

8 you've been engaged in such conversations with his 09:27:27

9 clients over the years, the past 30 years? An 09:27:29

10 estimate. 09:27:33

11 A. A dozen, two dozen. I don't know. 09:27:33

12 Q. You last had a conversation on the business 09:27:38

13 side with Mr. Tyerman when? 09:27:48

14 A. I don't recall. 09:27:49

15 Q. Last year? 09:27:50

16 A. I don't recall. I'm the head of the 09:27:52

17 department, if I could give you some clarification. 09:27:56

18 Q. Please. 09:27:58

19 A. So for the most part, I assign this stuff 09:27:59

20 out and delegate it as opposed to being on the line. 09:28:01

21 Q. Who is Dan Furie, F-u-r-i- -- 09:28:04

22 A. Dan Furie is one of my -- 09:28:14

23 MR. MARENBERG: Hang on one second. I 09:28:16

24 think all three of us are stepping on each other's 09:28:16

25 lines. So if you can wait until he's finished -- 09:28:19

1 THE WITNESS: I apologize. 09:28:21

2 MR. MARENBERG: -- at least the court 09:28:22

3 reporter will appreciate us. And also wait until I 09:28:23

4 can get an objection in, if necessary. And then 09:28:26

5 hopefully Mr. Douglas will stop stepping on your 09:28:29

6 answers as well so we can get a clearer transcript. 09:28:32

7 Thank you. 09:28:35

8 THE WITNESS: Dan Furie is one of my 09:28:36

9 colleagues in the business affairs department. 09:28:38

10 BY MR. DOUGLAS: 09:28:41

11 Q. He has been one of your colleagues in that 09:28:41

12 department since when? 09:28:45

13 A. Approximately 30 years. 09:28:46

14 Q. What is his title? 09:28:47

15 A. I'm going to guess it's senior vice 09:28:53

16 president, business affairs. 09:28:58

17 Q. We as lawyers don't like the word "guess." 09:28:58

18 That's your best estimate? 09:29:01

19 A. Yes. 09:29:02

20 Q. There was a Declaration that you signed in 09:29:03

21 connection with this particular litigation. 09:29:21

22 Fair to say? 09:29:25

23 A. Yes. 09:29:25

24 Q. Was the Declaration that was signed the 09:29:25

25 only draft of that Declaration that you ever 09:29:40

1 reviewed? 09:29:43

2 A. Yes. 09:29:45

3 Q. Did you ever see any earlier versions of 09:29:46

4 that same Declaration that you signed? 09:29:51

5 A. I don't recall. 09:29:57

6 Q. When you signed the Declaration, was it 09:29:58

7 accurate? 09:30:02

8 A. Yes. 09:30:02

9 Q. When you signed the Declaration, did you 09:30:02

10 make any changes before signing it after first 09:30:04

11 seeing the Declaration? 09:30:07

12 A. No. 09:30:08

13 Q. Your office was served with a Deposition 09:30:08

14 Subpoena from my office. 09:30:25

15 Are you aware of that? 09:30:26

16 A. Yes. 09:30:26

17 MR. DOUGLAS: I'd like to have that 09:30:29

18 Deposition Subpoena, Ms. Valles, marked as 09:30:30

19 Exhibit 1. 09:30:33

20 And if my staff could put it on the screen, 09:30:34

21 I'd appreciate it. 09:30:37

22 (Plaintiffs' Exhibit 1 was marked for 09:30:37

23 identification and is attached hereto.) 09:30:37

24 BY MR. DOUGLAS: 09:30:37

25 Q. Does Warner Bros. have some particular 09:30:46

1 location or office that complies with -- 09:30:48

2 MR. MARENBERG: We can't see the -- the 09:30:53

3 Subpoena. 09:30:56

4 Okay. Now we see it. 09:30:56

5 MR. DOUGLAS: I was just asking a question 09:30:58

6 while my staff put it up. 09:31:00

7 MR. MARENBERG: Ask it again since I 09:31:03

8 interrupted you. I apologize. 09:31:05

9 MR. DOUGLAS: Sure. 09:31:06

10 BY MR. DOUGLAS: 09:31:07

11 Q. Looking at Exhibit 1, do you recognize that 09:31:08

12 as being the first page of the Deposition Subpoena 09:31:10

13 that was served on Warner Bros. -- 09:31:12

14 A. Yes. 09:31:15

15 Q. -- for your testimony? 09:31:16

16 A. Yes. 09:31:17

17 MR. DOUGLAS: Can you screen down to the 09:31:20

18 production pages. 09:31:22

19 BY MR. DOUGLAS: 09:31:22

20 Q. You saw that there were certain documents 09:31:23

21 that were directed to be produced? 09:31:26

22 A. I didn't pay any attention to that. I sent 09:31:29

23 it down to the legal department to manage. 09:31:31

24 Q. So you understood that a Deposition 09:31:33

25 Subpoena is basically a court order that orders that 09:31:42

1 a certain document be produced? 09:31:46

2 A. Yes. 09:31:47

3 Q. You have been served with Subpoenas in the 09:31:47

4 past? 09:31:49

5 A. Yes. 09:31:50

6 Q. And the protocol that you use when you are 09:31:50

7 served is that you send the Subpoena to the legal 09:31:56

8 department and they deal with it? 09:31:58

9 A. Yes. 09:32:00

10 Q. Do you have any involvement whatsoever in 09:32:00

11 the production of documents that are generated -- 09:32:07

12 A. No. 09:32:09

13 Q. -- pursuant to a Subpoena? 09:32:09

14 A. No. 09:32:12

15 Q. Is there a department that -- of legal that 09:32:12

16 you are aware of that are responsive? Is that 09:32:16

17 something that the legal general counsel's office 09:32:19

18 would handle? 09:32:21

19 A. I assume so. 09:32:22

20 Q. Are you aware of a Deposition Subpoena 09:32:27

21 being served on your -- on Warner Bros. that was 09:32:35

22 produced by the defendants in this case? 09:32:39

23 A. I don't know. 09:32:41

24 MR. DOUGLAS: I'd like to have that marked 09:32:46

25 as Exhibit 2. 09:32:47

1 (Plaintiffs' Exhibit 2 was marked for 09:32:47
2 identification and is attached hereto.) 09:32:47
3 BY MR. DOUGLAS: 09:32:47
4 Q. Exhibit 2 is a Deposition Subpoena that is 09:32:55
5 dated for the production of August 21, 2023. 09:32:58
6 Do you see that? 09:33:03
7 A. Yes. 09:33:04
8 Q. And it's produced by A. Sasha Frid from 09:33:04
9 Miller Barondess. 09:33:09
10 Do you see that? 09:33:10
11 A. Yes. 09:33:10
12 Q. Have you ever seen that Deposition Subpoena 09:33:11
13 before? 09:33:13
14 A. I assume I did. I don't recall 09:33:14
15 specifically. 09:33:20
16 Q. And would it be fair to say that if you saw 09:33:20
17 that Deposition Subpoena, you would then turn that 09:33:22
18 over to legal as well? 09:33:25
19 A. Yes. 09:33:27
20 Q. Would you then rely on legal to do anything 09:33:27
21 further in response to that Subpoena? 09:33:31
22 A. Yes. 09:33:34
23 Q. Was your deposition ever taken on 09:33:34
24 August 21st of 2024 consistent with that Subpoena? 09:33:41
25 A. No. 09:33:45

1 Q. Do you know why your deposition did not go 09:33:46
2 forward then; do you know why? 09:33:49

3 A. No. No. 09:33:50

4 Q. That Deposition Subpoena also sought the 09:33:51
5 production of documents. 09:33:59

6 Are you aware? 09:34:01

7 MR. MARENBERG: Objection. Foundation. 09:34:02

8 BY MR. DOUGLAS: 09:34:04

9 Q. Can you -- 09:34:05

10 MR. MARENBERG: Do you recall seeing this? 09:34:06

11 THE WITNESS: I do not. 09:34:09

12 BY MR. DOUGLAS: 09:34:10

13 Q. So there's a request for documents that 09:34:10
14 are -- the first one says, "All communications with 09:34:12
15 plaintiff related to the film or the footage." 09:34:14

16 Do you see that? 09:34:18

17 A. Yes. 09:34:18

18 Q. The second production is, "All 09:34:19
19 communications with defendants related to the film 09:34:22
20 or the footage." 09:34:25

21 Do you see that? 09:34:26

22 A. Yes. 09:34:26

23 Q. The third was, "All your internal documents 09:34:26
24 and communications related to the film or footage." 09:34:31

25 Do you see that? 09:34:35

1 A. Yes. 09:34:36

2 Q. What is your understanding, sir, of what an 09:34:36
3 internal document is? 09:34:39

4 A. A document. It's any written record of any 09:34:40
5 activity surrounding the case, whatever is the 09:34:51
6 issue. 09:34:55

7 Q. And the fourth request is, "All documents 09:34:55
8 and communications relating to your decision whether 09:34:58
9 or not to acquire or release the film." 09:35:01

10 Do you see that? 09:35:04

11 A. Yes. 09:35:05

12 Q. Are you aware that 730 pages of documents 09:35:05
13 were produced from your legal department in response 09:35:13
14 to these four requests; are you aware? 09:35:17

15 A. No. 09:35:20

16 MR. MARENBERG: Objection. Asked and 09:35:20
17 answered. 09:35:20

18 He already said no. 09:35:21

19 MR. DOUGLAS: Mr. Marenberg, I'm sorry, 09:35:25
20 sir. I forgot the answer. The tension isn't 09:35:27
21 necessary so soon. 09:35:30

22 THE WITNESS: No. 09:35:33

23 BY MR. DOUGLAS: 09:35:33

24 Q. Okay. Did you have any conversations with 09:35:39
25 anyone at your legal department concerning what 09:35:41

1 documents would or would not be produced -- 09:35:44

2 MR. MARENBERG: If the answer is anything 09:35:48

3 other than a no, let me know. 09:35:49

4 THE WITNESS: No. 09:35:50

5 MR. MARENBERG: And the reason I phrased it 09:35:56

6 that way is just so we could avoid unnecessary 09:36:00

7 objections to get around it. 09:36:03

8 BY MR. DOUGLAS: 09:36:05

9 Q. Do you have any understanding, sir, of when 09:36:07

10 someone from Warner Bros. complied and produced 09:36:10

11 documents responsive to Exhibit 2? 09:36:13

12 A. No. 09:36:15

13 Q. Do you have any understanding of what 09:36:16

14 individual was involved with obtaining documents 09:36:22

15 that were responsive to Exhibit 2? 09:36:27

16 MR. MARENBERG: If there was -- if the 09:36:30

17 answer is anything other than no, let me know. 09:36:31

18 THE WITNESS: All right. 09:36:34

19 MR. MARENBERG: Objection. 09:36:39

20 Instruct you not to answer on the grounds 09:36:39

21 of attorney-client privilege. 09:36:41

22 We're not going to get into Warner Bros.'s 09:36:42

23 production. You have Mr. Spira's deposition in his 09:36:45

24 individual capacity. He's already told you he 09:36:48

25 wasn't involved in the document production and it's 09:36:50

1 something that he delegates. I suggest we get on 09:36:53
2 with the substance of this deposition. 09:36:55

3 MR. DOUGLAS: I appreciate that, sir, but I 09:36:56
4 have -- I have interests and issues that are a 09:37:00
5 little broader than this. I am in the midst of a 09:37:04
6 litigation and I have to lay a foundation about what 09:37:08
7 he knows so I can pursue my remedies against the 09:37:10
8 defendants in this matter for their failure to 09:37:15
9 produce or turn over documents that apparently were 09:37:17
10 turned over to them, but were not produced pursuant 09:37:21
11 to required discovery production orders. 09:37:24

12 So, respectfully, I choose to use my 09:37:28
13 limited time to make sure that I can then have a 09:37:30
14 record that I can go into court and seek remedies. 09:37:34
15 So I appreciate your understanding. I don't want to 09:37:36
16 waste your time needlessly, but it's important to my 09:37:40
17 efforts in this case. 09:37:44

18 Thank you so much. 09:37:45

19 MR. MARENBERG: Okay. And, Mr. Douglas, I 09:37:46
20 don't -- I don't intend to interfere with 09:37:48
21 whatever -- whatever issues you have with respect to 09:37:50
22 defendants' document production in this case. All 09:37:55
23 I'm suggesting is -- and I'll represent to you that 09:37:57
24 Mr. Spira, the president of business affairs at 09:38:00
25 Warner Bros. was not involved in Warner Bros.'s 09:38:03

1 document production. 09:38:06

2 And, therefore, I think you can keep asking 09:38:07

3 these questions, to the extent he had any 09:38:10

4 involvement at all, it would have been involvement 09:38:13

5 through communications with Warner Bros. attorneys 09:38:17

6 that would be privileged. And I just think we can 09:38:17

7 get on to more substantive stuff. I understand what 09:38:19

8 you've said to me, but I don't think that's Warner 09:38:23

9 Bros.'s issues or Mr. Spira's issue. He's here 09:38:26

10 as -- in his individual capacity. 09:38:29

11 MR. DOUGLAS: Sir, respectfully, I just 09:38:31

12 learned yesterday that 730 documents were produced 09:38:34

13 by Warner Bros. and I've never seen them. I just 09:38:39

14 learned -- 09:38:43

15 MR. MARENBERG: Well -- 09:38:44

16 MR. DOUGLAS: I let you talk. Let me talk, 09:38:45

17 please. Give me the same respect. I let you talk. 09:38:47

18 Everyone on this call is being paid except 09:38:51

19 for me. I don't want to waste anyone's time, least 09:38:53

20 of all yours. I'm simply trying to do my due 09:38:57

21 diligence so I can pursue my own remedies. I've 09:39:01

22 asked if he had any understanding of who might be 09:39:04

23 aware of these facts so I can ask them. I don't 09:39:07

24 want to waste his time needlessly, but you said, 09:39:10

25 don't answer that question, so that's fine. That's 09:39:13

1 your right. That's fine. I'm not arguing with 09:39:16
2 that. 09:39:18

3 MR. MARENBERG: I think we've made our 09:39:19
4 positions clear. He's not going to be testifying 09:39:20
5 about Warner Bros.'s production of documents and 09:39:23
6 certainly he's not going to be testifying about any 09:39:26
7 deficiencies or not in defendants' production of 09:39:29
8 documents. 09:39:32

9 MR. DOUGLAS: Sir, documents were produced 09:39:32
10 pursuant to a subpoena that were served on him. I'm 09:39:36
11 trying to establish that there were documents that 09:39:39
12 were produced to my defendant that were not produced 09:39:43
13 to me, so that I can then seek my remedies with the 09:39:47
14 court, respectfully. 09:39:52

15 MR. ROLFS: We might save some time by 09:39:54
16 reading the Code of Civil Procedure, which provides 09:39:57
17 that you can request documents produced by Subpoena 09:39:57
18 from the deposition officer. 09:40:01

19 MR. DOUGLAS: In this case -- wait. 09:40:03

20 Mr. Spira may not know, but there was no 09:40:05
21 deposition officer ever involved in this case 09:40:09
22 because the documents were produced privately 09:40:11
23 between Mr. Spira's office or legal and Miller 09:40:15
24 Barondess. So there was never a deposition officer 09:40:20
25 that was involved. We tried to contact the 09:40:22

1 deposition officer and they had no documents because 09:40:25
2 there was a private link sent between legal and 09:40:28
3 Miller Barondess. 09:40:19

4 MR. ROLFS: Incorrect, but let's get to the 09:40:34
5 questions. 09:40:36

6 MR. DOUGLAS: It's not you, sir, I'm just 09:40:36
7 laying the foundation so I can file a motion because 09:40:38
8 I'm furious at the quality of litigation, but it's 09:40:41
9 not you, Mr. Marenberg. I'm sorry. 09:40:45

10 BY MR. DOUGLAS: 09:40:45

11 Q. Let me ask these questions, Mr. Spira. Who 09:40:47
12 is Natalie Rodriguez? 09:40:50

13 A. She is a member of the Warner Bros. legal 09:40:51
14 department. 09:40:54

15 Q. Is she still employed by Warner Bros. 09:40:54
16 today, if you know? 09:40:57

17 A. I'm not sure. 09:40:58

18 Q. She was employed by Warner Bros. legal 09:40:59
19 since when? 09:41:03

20 A. I do not know. 09:41:03

21 Q. In 2018, she was indeed employed by 09:41:05
22 Warner Bros. legal; isn't that fair to say? 09:41:09

23 A. Yes. 09:41:11

24 Q. Have you reviewed any documents that she 09:41:11
25 may have written related to the -- the Amazing Grace 09:41:15

1 project; have you reviewed? 09:41:23

2 A. I don't know who authored the Quitclaims, 09:41:23

3 but if she authored the Quitclaims, then I would 09:41:28

4 have reviewed them, yes. 09:41:31

5 Q. Have you reviewed a letter that she may 09:41:32

6 have written to someone on behalf of Warner Bros. 09:41:34

7 dated September 17th, 2018 or seemingly to revert 09:41:37

8 the rights to the film back to Warner Bros.? 09:41:41

9 Do you recall such a letter? 09:41:45

10 A. I don't recall. 09:41:49

11 Q. Very well. 09:41:50

12 Do you know who Michele Moore is? 09:41:56

13 A. Yes. 09:41:58

14 Q. Who is Michele Moore? 09:41:59

15 A. She was at one time employed in the 09:42:01

16 Warner Bros. legal department. I can't tell you 09:42:04

17 when. 09:42:07

18 Q. Do you know when she was last employed? 09:42:07

19 A. It's been a long time. I don't know 09:42:09

20 exactly. 09:42:11

21 Q. Do you know who Eric Frankel is? 09:42:11

22 A. Eric Frankel -- 09:42:14

23 Q. F-r-a-n-k-e-l. 09:42:18

24 A. -- I believe was somehow in the television 09:42:20

25 syndication or somewhere -- something in the 09:42:24

1 distribution business. It's been a long time. 09:42:27

2 Q. Do you know who Jeremy Williams is? 09:42:29

3 A. Jeremy Williams at one time was the head of 09:42:32

4 the Warner Bros. legal department -- production 09:42:37

5 legal department. Let me clarify. 09:42:39

6 Q. What's the difference between production 09:42:41

7 legal and general counsel legal, if you know? 09:42:44

8 A. Well, general counsel would cover the broad 09:42:46

9 spectrum of the affairs of the company and 09:42:50

10 production legal would be limited to the film 09:42:52

11 production functions of the company. 09:42:56

12 Q. Do you know who Zazi Pope is? 09:42:57

13 A. Yes. 09:43:01

14 Q. Who is Zazi Pope -- one second. I'm sorry. 09:43:01

15 Is Mr. Williams still employed by 09:43:05

16 Warner Bros.? 09:43:07

17 A. No. 09:43:07

18 Q. Mr. Frankel is no longer employed by 09:43:08

19 Warner Bros.; correct? 09:43:12

20 A. Correct. 09:43:13

21 Q. Zazi Pope is still employed by 09:43:13

22 Warner Bros.? 09:43:16

23 A. No. 09:43:16

24 Q. Is Zazi Pope a male or female? 09:43:17

25 A. She's a female. 09:43:20

1 Q. And what was her occupation, if you know? 09:43:21

2 A. She was litigation support and I think IP 09:43:23

3 support, the intellectual property support. 09:43:29

4 Q. Do you know who Richard Levin, L-e-v-i-n, 09:43:33

5 is? 09:43:37

6 A. Yes. 09:43:37

7 Q. Who is he? 09:43:38

8 A. He, at a later point, become the head of 09:43:40

9 production legal. 09:43:43

10 Q. He's an attorney? 09:43:43

11 A. Yes. 09:43:44

12 Q. Is he still employed by Warner Bros.? 09:43:45

13 A. No. 09:43:47

14 Q. Do you know who Patti, P-a-t-t-i, Connolly 09:43:49

15 is, C-o-n-n-o-l-l-y? 09:43:53

16 A. Yes. 09:43:55

17 Q. Who is she? 09:43:55

18 A. She at one point ran the legal 09:43:57

19 department -- I'm sorry -- the motion picture 09:44:01

20 business affairs department for me on a day-to-day 09:44:07

21 basis. 09:44:11

22 Q. From when until when, if you can recall? 09:44:11

23 A. I don't recall, but it was quite some time. 09:44:15

24 Q. She is no longer employed by Warner Bros.? 09:44:17

25 A. Nope. 09:44:21

1 Q. Mr. Andrew Han has been employed by 09:44:21
2 Warner Bros. since when, if you know? 09:44:25

3 A. I do not know that's necessarily employed 09:44:27
4 by Warner Bros. I think he's corporate, like 09:44:29
5 Warner Bros. Discovery or something like that. 09:44:33

6 Q. Are you aware of whether Mr. Han had any 09:44:35
7 involvement in gathering documents that would be 09:44:41
8 responsive to the subpoena that you are here 09:44:45
9 testifying under? 09:44:47

10 A. No. 09:44:47

11 MR. MARENBERG: I'm going to object -- 09:44:50
12 THE WITNESS: Sorry. 09:44:53
13 MR. MARENBERG: You can answer. 09:44:53
14 BY MR. DOUGLAS: 09:44:54

15 Q. Do you know who Wayne Smith is? 09:44:55
16 A. Yes. 09:44:56

17 Q. Who is Wayne Smith? 09:44:57
18 A. Wayne Smith currently runs the production 09:44:59
19 legal department. 09:45:03

20 Q. In 2018, what, if you know, did he work -- 09:45:03
21 where did he work? 09:45:08

22 A. At Warner Bros. 09:45:09

23 Q. Do you know what department? 09:45:12
24 A. He was in legal. I'm not sure which part 09:45:14
25 of the legal department. 09:45:19

1 Q. Do you know who Lauren Eber is, E-b-e-r? 09:45:20

2 A. Yes. 09:45:26

3 Q. Who is that? 09:45:26

4 A. She's currently in the Warner Bros. 09:45:27

5 production legal department. And, again, to 09:45:31

6 clarify, when I say "production," I mean film 09:45:33

7 production. 09:45:36

8 Q. Thank you for the clarification. 09:45:36

9 Do you have any understanding -- I 09:45:39

10 understand when you were given a Subpoena, you give 09:45:53

11 it to legal. 09:45:55

12 Do you have any understanding of the 09:45:56

13 protocol that legal follows when responding to a 09:45:59

14 Subpoena? Yes, I do or no, I don't. 09:46:04

15 MR. MARENBERG: You can answer that yes or 09:46:06

16 no. 09:46:08

17 THE WITNESS: No. 09:46:08

18 BY MR. DOUGLAS: 09:46:09

19 Q. Have you ever, in your capacity working at 09:46:10

20 Warner Bros., been responsible for responding to a 09:46:12

21 Subpoena? 09:46:15

22 A. No. 09:46:15

23 Q. Were you ever present for any meetings when 09:46:16

24 the responses to the Subpoena was discussed? 09:46:25

25 A. No. 09:46:28

1 Q. Are you aware that documents that were 09:46:29
2 produced, the 597 documents that your lawyer 09:46:43
3 produced contained redactions in them; are you 09:46:47
4 aware? 09:46:51
5 A. No. 09:46:51
6 Q. Are you aware that the lawyers in this case 09:46:51
7 are operating under a protective order, which 09:47:01
8 protects the confidentiality of everything that's 09:47:06
9 produced in this matter; are you aware? 09:47:09
10 A. No. 09:47:10
11 MR. DOUGLAS: I want to show you a document 09:47:16
12 that you -- that your office or your lawyer 09:47:18
13 produced. It is Bates stamped -274 through -276. 09:47:22
14 We'll call this Exhibit 3, Ms. Valles. 09:47:28
15 And, Ms. Valles, Ms. Jacobs will send you 09:47:34
16 each of these exhibits hopefully in the order that 09:47:38
17 I'm sending them, but I'm identifying them by Bates 09:47:40
18 stamp so that it's clear. 09:47:43
19 THE REPORTER: Thank you. 09:47:45
20 (Plaintiffs' Exhibit 3 was marked for 09:47:45
21 identification and is attached hereto.) 09:47:52
22 BY MR. DOUGLAS: 09:47:52
23 Q. Looking at Exhibit 3 -- can you show the 09:47:52
24 very top of it -- it appears to be something from 09:47:56
25 the email of Richard Levin. 09:47:59

1	Do you see it at the top?	09:48:03
2	A. Yes.	09:48:04
3	Q. It's dated November 13th of 2007.	09:48:04
4	Do you see that?	09:48:12
5	A. Yes.	09:48:12
6	Q. It's from Zazi Pope to Richard Levin.	09:48:12
7	Do you see that?	09:48:16
8	A. Yes.	09:48:16
9	Q. Zazi Pope is a lawyer?	09:48:17
10	A. Yes.	09:48:19
11	Q. Richard Levin is a lawyer?	09:48:20
12	A. Yes.	09:48:25
13	Q. Patti Connolly is a lawyer?	09:48:25
14	A. Yes, but she functioned as a business	09:48:27
15	affairs executive as well.	09:48:30
16	Q. Thank you so much.	09:48:32
17	Have you ever seen this first page, this is	09:48:34
18	page -274 of Exhibit 3, before this moment?	09:48:36
19	A. Yes.	09:48:39
20	Q. Did you review this document in preparation	09:48:41
21	for your deposition?	09:48:43
22	A. Yes.	09:48:43
23	MR. MARENBERG: Well --	09:48:45
24	THE WITNESS: Sorry.	09:48:46
25	Yes.	09:48:48

1	BY MR. DOUGLAS:	09:48:48
2	Q. The document that you reviewed, was it	09:48:49
3	redacted or unredacted?	09:48:51
4	MR. MARENBERG: Objection. Instruct you	09:48:53
5	not to answer.	09:48:54
6	BY MR. DOUGLAS:	09:48:56
7	Q. Are you aware of the information that is	09:48:57
8	contained in the portions of the document that have	09:48:59
9	been redacted in the first paragraph?	09:49:02
10	MR. MARENBERG: You can answer that yes or	09:49:04
11	no.	09:49:08
12	THE WITNESS: I glanced at it. I can't say	09:49:08
13	I recall what it said.	09:49:12
14	BY MR. DOUGLAS:	09:49:14
15	Q. Do you have an understanding of why the	09:49:17
16	portion of the first paragraph was redacted as it	09:49:20
17	was redacted?	09:49:24
18	MR. MARENBERG: You can answer that yes or	09:49:25
19	no.	09:49:26
20	THE WITNESS: No.	09:49:26
21	MR. MARENBERG: Just so that the record is	09:49:32
22	clear, Mr. Douglas --	09:49:34
23	MR. DOUGLAS: Please.	09:49:35
24	MR. MARENBERG: -- the redactions are based	09:49:35
25	on attorney-client privilege and work product.	09:49:37

1 MR. DOUGLAS: Mr. Marenberg, I'm glad you 09:49:40
2 told me that because there was no privilege log for 09:49:43
3 me to understand the basis for the redactions. So I 09:49:46
4 appreciate you telling me that. 09:49:49

5 MR. MARENBERG: That's fine. As you know, 09:49:51
6 Warner Bros. is a third party here. I don't know if 09:49:54
7 there's an agreement to produce a privilege log, but 09:49:58
8 we can discuss that at some other point, but I do 09:50:02
9 want to -- since this document was recently 09:50:04
10 produced, I think you're entitled to the courtesy of 09:50:07
11 knowing why. 09:50:08

12 MR. DOUGLAS: Thank you so much. I 09:50:09
13 appreciate that. 09:50:10

14 And, Mr. Marenberg, would that be the same 09:50:11
15 for each of the other three redactions that I see in 09:50:14
16 that exhibit -- 09:50:16

17 MR. MARENBERG: Yes. 09:50:18

18 MR. DOUGLAS: -- on that same page? 09:50:18

19 MR. MARENBERG: Yes. 09:50:19

20 BY MR. DOUGLAS: 09:50:25

21 Q. Below the second redaction, it says, 09:50:36
22 Mr. Spira, "We also made two DVDs of the footage, 09:50:38
23 which I sent over to Ari Emmanuel 09:50:42
24 at Endeavor." 09:50:47
25 Do you see that? 09:50:48

1 says, "He is brokering this deal as Pollack's 09:51:37
2 friend." 09:51:42
3 Do you see that? 09:51:42
4 A. Yes. 09:51:42
5 Q. What is your understanding of what it means 09:51:43
6 to broker this deal? 09:51:45
7 MR. ROLFS: Objection. Calls for 09:51:49
8 speculation. 09:51:51
9 BY MR. DOUGLAS: 09:51:51
10 Q. You may answer. 09:51:52
11 A. That he's the intermediary. 09:51:52
12 Q. That he is going to be an intermediary 09:51:54
13 trying to market the Amazing Grace film; is that 09:51:57
14 your understanding of what it means? 09:52:01
15 MR. ROLFS: Objection. Calls for 09:52:02
16 speculation. Leading. 09:52:04
17 THE WITNESS: No. No. 09:52:05
18 BY MR. DOUGLAS: 09:52:05
19 Q. How is my understanding different than 09:52:06
20 yours then? 09:52:09
21 MR. MARENBERG: Objection. Calls for 09:52:10
22 speculation. Foundation. 09:52:11
23 MR. DOUGLAS: Withdrawn. Withdrawn. 09:52:11
24 BY MR. DOUGLAS: 09:52:13
25 Q. What does the word "brokering" in that 09:52:14

1 context mean to you then, sir, other than marketing, 09:52:17
2 we're trying to sell this? 09:52:21
3 MR. ROLFS: Objection. Compound. Calls 09:52:21
4 for speculation. Leading. 09:52:23
5 BY MR. DOUGLAS: 09:52:23
6 Q. You may answer. 09:52:23
7 MR. MARENBERG: Objection. Asked and 09:52:24
8 answered. 09:52:27
9 THE WITNESS: To me, it's about trying to 09:52:27
10 just -- bringing all the parties together. Not so 09:52:28
11 much doing a transaction, but bringing all the 09:52:32
12 parties together. That's how I would read it. 09:52:34
13 Obviously I didn't write it. 09:52:36
14 BY MR. DOUGLAS: 09:52:38
15 Q. And were you aware that Ari Emmanuel not 09:52:38
16 only was Pollack's friend, but was Alan Elliott's 09:52:45
17 friend; were you aware of that? 09:52:50
18 A. Yes. 09:52:52
19 MR. ROLFS: Objection. Compound. Leading. 09:52:53
20 THE WITNESS: I was actually only aware 09:52:55
21 that he was Alan Elliott's friend. 09:52:57
22 BY MR. DOUGLAS: 09:52:59
23 Q. You were not aware that he was Pollack's 09:53:00
24 friend? 09:53:02
25 A. No. 09:53:03

1 Q. What is your understanding of the extent of 09:53:03
2 the friendship between Ari Emmanuel and Alan 09:53:05
3 Elliott, your understanding? 09:53:09

4 A. They were friends and did a little bit of 09:53:09
5 business. 09:53:12

6 Q. Did you know that one of them was the best 09:53:12
7 man in the other's wedding; did you know that? 09:53:14

8 A. No. 09:53:17

9 MR. DOUGLAS: If we can turn to the second 09:53:21
10 page of that same document, Bates stamped -275. 09:53:23

11 BY MR. DOUGLAS: 09:53:23

12 Q. That's a memo from Eric Frankel to Michele 09:53:32
13 Moore, is it not? 09:53:36

14 A. No. 09:53:37

15 Q. What is it? 09:53:38

16 A. It's from Michele Moore to Eric Frankel, it 09:53:41
17 looks like. 09:53:44

18 Q. Thank you for that clarification. 09:53:45

19 Dated December the 6th of 1991? 09:53:47

20 A. Yes. 09:53:51

21 Q. Did you ever have a conversation with 09:53:52
22 either -- with Michele Moore about the contents of 09:54:12
23 this memo, that you can recall? 09:54:15

24 A. No. 09:54:16

25 Q. "No," you never did or "No," you can't 09:54:17

1 recall? 09:54:21

2 A. No, I -- I cannot recall. 09:54:21

3 Q. Michele Moore at that time worked in your 09:54:24

4 department at business affairs? 09:54:29

5 A. No. 09:54:30

6 Q. Where did she work? 09:54:30

7 A. She worked in Jeremy Williams's legal 09:54:32

8 department. 09:54:37

9 Q. And Eric -- 09:54:37

10 MR. MARENBERG: Let me -- let me make 09:54:39

11 that -- I will permit questioning on this. We may 09:54:41

12 need to call this back as privileged, but let's -- 09:54:44

13 since it's -- it was from a lawyer in a legal 09:54:48

14 department, let's see if we can go on without it. 09:54:53

15 It may be privileged or it may be not worth parsing 09:54:56

16 it out. 09:54:56

17 MR. DOUGLAS: Very well, Mr. Marenberg. 09:55:00

18 It's all subject to our protective order, just so 09:55:02

19 we're clear. 09:55:05

20 MR. MARENBERG: I understand, but 09:55:06

21 privileged documents are subject to the protective 09:55:07

22 order. This may have been inadvertently produced 09:55:10

23 and so I might have to call it back. And out of an 09:55:11

24 excess of caution -- well, let's take it on a 09:55:16

25 question by question basis. We can get the 09:55:19

1 testimony and get this over with, that's fine. I 09:55:22
2 don't want to be waiving privilege in the 09:55:25
3 inadvertent production of this privileged document. 09:55:27
4 If it is, I'd have to study it more. If it's not, 09:55:30
5 we can -- 09:55:33
6 MR. DOUGLAS: No argumentative -- no 09:55:33
7 argument there. All rights reserved, as you guys 09:55:38
8 like to say. 09:55:40
9 BY MR. DOUGLAS: 09:55:40
10 Q. First of all, Mr. Spira, have you read this 09:55:41
11 document in preparation for this deposition? 09:55:42
12 A. No. 09:55:43
13 Q. I'd like you to read it so that I can ask 09:55:44
14 you some questions about it. 09:55:48
15 If we can put it on the screen so he can 09:55:50
16 read it. 09:55:50
17 Let me know when you read it, sir. 09:55:52
18 A. Can I stand up and look? It's a -- 09:55:52
19 MR. DOUGLAS: Whatever you need to do. 09:55:55
20 Let's take a break. Go off the record. It's a 09:55:57
21 one-page document, that's all I care about. 09:55:59
22 THE WITNESS: Okay. What is that? 09:56:02
23 THE VIDEOGRAPHER: Do you want to go off? 09:56:04
24 MR. DOUGLAS: Can we go off for two 09:56:05
25 minutes? 09:56:08

1 MR. MARENBERG: Sure. 09:56:08

2 MR. DOUGLAS: Thank you. 09:56:09

3 THE VIDEOGRAPHER: We are going off the 09:56:09

4 record at 9:56 a.m. 09:56:11

5 (Recess was taken.) 09:56:13

6 THE VIDEOGRAPHER: We are going on the 09:59:07

7 record at 9:59 a.m. 09:59:36

8 MR. MARENBERG: And off the record, we've 09:59:40

9 had a conversation about the attachment entitled an 09:59:41

10 "Inter-Office Memo," dated December 6th, 1991 from 09:59:45

11 Ms. Moore to Mr. Frankel. I informed that -- 09:59:49

12 plaintiff's counsel that I believe that this 09:59:53

13 document was insufficiently redacted. We will 09:59:56

14 replace it with a sufficiently redacted portion of 10:00:01

15 this document. 10:00:05

16 In particular, I believe that the second 10:00:06

17 and third to last paragraphs on this document 10:00:09

18 contain privileged information specifically 10:00:13

19 concerning a discussion between two lawyers at 10:00:15

20 Warner Bros., and I'm not going to permit 10:00:18

21 questioning on that. 10:00:21

22 From my perspective, that representation 10:00:22

23 relieves Mr. Douglas from asking questions about 10:00:26

24 that so it doesn't prompt an objection based on the 10:00:30

25 attorney-client privilege. But I'll let him handle 10:00:34

1 it as he chooses to do so. But there's no waiver of 10:00:36
2 privilege on any of this. 10:00:38

3 MR. DOUGLAS: And, Mr. Marenberg, I'm not 10:00:39
4 trying to be a jerk here, but I have to lay my 10:00:41
5 foundation so that we can have the proper scope for 10:00:44
6 a ruling if appropriate, if necessary, but I 10:00:47
7 understand what you're saying. 10:00:49

8 BY MR. DOUGLAS: 10:00:50

9 Q. Looking at Exhibit 3 and page 2, which is 10:00:50
10 Bates stamped WBD 000275, when Warner Bros. films a 10:00:54
11 concert like the 1972 Aretha Franklin concert that 10:01:11
12 was turned into the film *Amazing Grace*, the footage 10:01:17
13 that is produced traditionally is owned by 10:01:23
14 Warner Bros.; true? 10:01:28

15 MR. ROLFS: Objection. Leading. Calls for 10:01:29
16 speculation. 10:01:31

17 BY MR. DOUGLAS: 10:01:34

18 Q. You may answer. And I'm asking you, sir, 10:01:34
19 based on your 30 years plus in the industry as the 10:01:36
20 president of Worldwide and your understanding, as 10:01:39
21 flawed as it may be, but based on your experience in 10:01:45
22 the industry. 10:01:48

23 MR. ROLFS: Same objections. 10:01:49

24 MR. MARENBERG: You can answer. 10:01:52

25 THE WITNESS: We don't typically do concert 10:01:52

1 films, but when we do film things for our own 10:01:55
2 account, it is our expectation that we would own 10:01:59
3 them. 10:02:03
4 BY MR. DOUGLAS: 10:02:03
5 Q. So if you filmed a concert where James 10:02:03
6 Cleveland, a noted pastor/singer/performer 10:02:06
7 performed, the footage would be owned by 10:02:11
8 Warner Bros. and not James Cleveland, is that your 10:02:14
9 understanding of the protocol that was in effect 10:02:17
10 in 1999? 10:02:19
11 MR. ROLFS: Objection. Calls for 10:02:23
12 speculation. Leading. Calls for a legal 10:02:25
13 conclusion. 10:02:26
14 MR. MARENBERG: Objection. The witness can 10:02:26
15 answer. 10:02:28
16 THE WITNESS: Yes. 10:02:28
17 BY MR. DOUGLAS: 10:02:29
18 Q. If you were -- if Warner Bros. was filming 10:02:30
19 a concert of Bruce Springsteen and wanted to market 10:02:35
20 that film, Bruce Springsteen would not have an 10:02:39
21 ownership interest, would he? 10:02:42
22 MR. ROLFS: Objection. Calls for 10:02:43
23 speculation. Incomplete hypothetical. Calls for a 10:02:46
24 legal conclusion. 10:02:48
25 MR. MARENBERG: Objection as to the term 10:02:48

1 "ownership interest," but -- as vague and ambiguous, 10:02:50
2 but Mr. Spira can answer the question. 10:02:53
3 THE WITNESS: Bruce Springsteen being a 10:02:56
4 superstar might negotiate something differently, but 10:02:58
5 it would not be typical. 10:03:01
6 BY MR. DOUGLAS: 10:03:03
7 Q. Very good. 10:03:04
8 And if Spike Lee were to have directed the 10:03:04
9 concert film of Bruce Springsteen, Spike Lee, by the 10:03:08
10 mere fact that he was the director, does not by that 10:03:14
11 fact alone secure an ownership interest in the film; 10:03:17
12 isn't that fair to say? 10:03:22
13 A. Yes. 10:03:24
14 MR. ROLFS: Objection. Calls for a legal 10:03:24
15 conclusion. Incomplete hypothetical. Calls for 10:03:26
16 speculation. 10:03:26
17 BY MR. DOUGLAS: 10:03:28
18 Q. Your answer is? 10:03:28
19 A. Yes. 10:03:29
20 MR. DOUGLAS: Abracadabra. 10:03:30
21 BY MR. DOUGLAS: 10:03:31
22 Q. Why do you say "yes"? 10:03:31
23 A. You're saying -- could you repeat the 10:03:33
24 question? You said he would not own it. 10:03:35
25 Q. Correct. 10:03:37

1 Why do you say you agree with that? 10:03:38

2 A. Because typically when you spend money to 10:03:39

3 create something, to exploit it to make more money 10:03:43

4 or get your money back plus, you typically own 10:03:47

5 control of it. 10:03:50

6 Q. In my hypothetical, if Spike Lee were 10:03:50

7 brought on as the director of the Bruce Springsteen 10:03:54

8 concert film, Spike Lee would be a work-for-hire; 10:03:58

9 fair to say? 10:04:03

10 A. Yes. 10:04:03

11 MR. ROLFS: Objection. Calls for 10:04:04

12 speculation. Calls for a legal conclusion. 10:04:05

13 Incomplete hypothetical. 10:04:06

14 BY MR. DOUGLAS: 10:04:08

15 Q. I'm sorry. Your answer, sir? 10:04:09

16 A. Yes. 10:04:12

17 MR. DOUGLAS: Abracadabra. 10:04:12

18 BY MR. DOUGLAS: 10:04:12

19 Q. And as a work-for-hire, he would not by 10:04:14

20 that fact alone secure an ownership interest in the 10:04:16

21 footage superior to Warner Bros.; fair to say? 10:04:20

22 MR. MARENBERG: Objection -- 10:04:25

23 MR. ROLFS: Objection. May call for 10:04:25

24 speculation. Incomplete hypothetical. Leading. 10:04:27

25 Calls for a legal conclusion. 10:04:28

1 BY MR. DOUGLAS: 10:04:28

2 Q. You may answer. 10:04:31

3 MR. MARENBERG: I'm a little confused. So, 10:04:31

4 Mr. Douglas, a hypothetical assumes it's a 10:04:33

5 work-for-hire? 10:04:36

6 MR. DOUGLAS: Based on the answer, yes, 10:04:37

7 sir. 10:04:37

8 MR. MARENBERG: Okay. 10:04:39

9 BY MR. DOUGLAS: 10:04:40

10 Q. You may answer. 10:04:41

11 A. He would not acquire an ownership. 10:04:41

12 Q. Okay. Are you aware at some point prior 10:04:44

13 to 2020 -- prior to 2000, there was a concern that 10:04:49

14 there was not a signed contract located by 10:04:59

15 Warner Bros. that was signed by Aretha Franklin as 10:05:03

16 it concerned Amazing Grace; were you aware of that 10:05:08

17 issue? 10:05:11

18 MR. MARENBERG: And so let me see if we can 10:05:11

19 get through this with the minimum of objections. 10:05:13

20 Independent of any document you have 10:05:16

21 reviewed, did you have that concern or were you 10:05:19

22 aware of any such concern or do you have a 10:05:23

23 recollection of any such concern? 10:05:26

24 THE WITNESS: His question was prior 10:05:27

25 to 2000; correct? 10:05:28

1	BY MR. DOUGLAS:	10:05:30
2	Q. Correct.	10:05:30
3	A. No.	10:05:31
4	Q. Are you ever -- are you aware of an	10:05:31
5	occasion when Warner Bros. had a concern that they	10:05:37
6	did not have a signed contract signed by	10:05:40
7	Ms. Franklin concerning her involvement in the	10:05:44
8	Amazing Grace film?	10:05:48
9	MR. MARENBERG: And, again, I'm going to	10:05:49
10	just limit that question slightly to, you should --	10:05:52
11	he's asking you -- unless he wants to ask you about	10:05:56
12	this document, other than what may or may not be	10:05:59
13	contained in this document --	10:06:02
14	MR. DOUGLAS: Mr. Marenberg, respectfully,	10:06:04
15	I'm trying my best to be mindful of your position	10:06:06
16	when asking the questions.	10:06:12
17	MR. MARENBERG: I understand that,	10:06:13
18	Mr. Douglas. And I think I understand what you're	10:06:14
19	doing, I'm just concerned that I don't want any	10:06:17
20	inadvertent waiver here because I think I understand	10:06:21
21	the genesis of your question.	10:06:24
22	MR. DOUGLAS: And recognizing your	10:06:26
23	position, I'm not referring to the document, I'm	10:06:31
24	asking general questions.	10:06:31
25	MR. MARENBERG: That's fine, as long as the	10:06:33

1 question is clear that you're not referring to the 10:06:35
2 document, I have no problem. 10:06:36
3 MR. DOUGLAS: Okay. 10:06:38
4 MR. MARENBERG: That was my limitation. 10:06:39
5 THE WITNESS: What time period are we 10:06:40
6 talking about? 10:06:42
7 MR. DOUGLAS: Ms. Valles, repeat the 10:06:47
8 question again. 10:06:47
9 And I can answer that, Mr. Spira. 10:06:48
10 MR. MARENBERG: Can I just suggest you ask 10:06:51
11 the question again so we have it for the record? 10:06:54
12 MR. DOUGLAS: I've forgotten the question, 10:06:57
13 sir, so I'm asking her to read it again to refresh 10:06:59
14 my recollection. 10:07:27
15 (Record read as follows: 10:07:27
16 "Q. Are you aware of an 10:05:35
17 occasion when Warner Bros. had a 10:05:37
18 concern that they did not have a 10:05:40
19 signed contract signed by 10:05:42
20 Ms. Franklin concerning her 10:05:44
21 involvement in the Amazing Grace 10:05:46
22 film?") 10:05:48
23 BY MR. DOUGLAS: 10:07:29
24 Q. And that's ever, Mr. Spira, for this first 10:07:30
25 question. 10:07:32

1 MR. MARENBERG: And, again, he's -- he's 10:07:34
2 not suggesting he's referring to this document, so 10:07:36
3 you can answer it on that basis. 10:07:39
4 THE WITNESS: Yes. 10:07:41
5 BY MR. DOUGLAS: 10:07:41
6 Q. When did you have that concern or what 10:07:41
7 period of time was that concern that caused you to 10:07:44
8 say yes? 10:07:47
9 A. Today. 10:07:48
10 Q. Other than today or before today? 10:07:50
11 MR. MARENBERG: In other words, he's asking 10:08:01
12 before today, did you ever have that concern? 10:08:02
13 THE WITNESS: No. 10:08:04
14 BY MR. DOUGLAS: 10:08:04
15 Q. Let me understand what you're saying. Are 10:08:05
16 you aware of any communications that ever took place 10:08:09
17 between Warner Bros. and anyone -- and Mr. Elliott 10:08:12
18 suggesting that Warner Bros. was not in possession 10:08:16
19 of a signed -- a signed contract by Aretha Franklin; 10:08:18
20 are you aware of any such conversations that anyone 10:08:26
21 at Warner Bros. may have had with Mr. Elliott? 10:08:29
22 MR. MARENBERG: Objection. Overbroad. 10:08:31
23 You can answer. 10:08:33
24 THE WITNESS: I don't recall. 10:08:33
25 ///

1 BY MR. DOUGLAS: 10:08:33

2 Q. Okay. Are you aware that after some years 10:08:35

3 that Warner Bros., in fact, did find a contract that 10:08:36

4 was signed by Ms. Franklin sometime after 2010? 10:08:40

5 A. Not that I recall. 10:08:47

6 MR. DOUGLAS: Okay. Abracadabra. 10:08:49

7 BY MR. DOUGLAS: 10:08:51

8 Q. So in -- as far as you can remember, there 10:08:51

9 was never an issue from 1972 until yesterday 10:08:53

10 concerning whether there was ever a contract that 10:09:02

11 was signed by Ms. Franklin in Warner Bros.'s 10:09:05

12 possession; correct? 10:09:12

13 MR. MARENBERG: Objection. Foundation. 10:09:12

14 Overbroad. 10:09:14

15 BY MR. DOUGLAS: 10:09:15

16 Q. As far as -- as far as you know. 10:09:16

17 No foundation. As far as he knows, he can 10:09:17

18 remember. 10:09:20

19 MR. MARENBERG: You're asking -- 10:09:20

20 THE WITNESS: Not to my knowledge. 10:09:21

21 MR. MARENBERG: -- as far as he knows. 10:09:22

22 THE WITNESS: Not to my knowledge. 10:09:23

23 MR. ROLFS: Objection. Calls for 10:09:25

24 speculation. Vague. 10:09:27

25 MR. DOUGLAS: It doesn't call for 10:09:28

1 speculation asking for his knowledge, Counsel, but 10:09:30
2 that's fine. 10:09:33
3 (Plaintiffs' Exhibit 4 was marked for 10:09:33
4 identification and is attached hereto.) 10:09:33
5 MR. DOUGLAS: Mr. Spira, I'd like to move 10:09:41
6 on to Exhibit 4, and that's going to be a copy of 10:09:42
7 your declaration, which is Bates stamped -244 10:09:46
8 and -245 of the Motion for Summary Judgment that was 10:09:52
9 produced. And we're going to put it up on the 10:09:57
10 screen. 10:10:03
11 And, gentlemen, I need a comfort break 10:10:07
12 while we're doing this, give me five minutes. Is 10:10:11
13 that okay? 10:10:13
14 MR. MARENBERG: Sure, fine with us. 10:10:14
15 THE WITNESS: I'm going to take one too. 10:10:16
16 MR. DOUGLAS: Please. Thank you. I 10:10:18
17 appreciate that. 10:10:20
18 THE VIDEOGRAPHER: We are going off the 10:10:21
19 record at 10:10 a.m. 10:10:23
20 (Recess was taken.) 10:10:26
21 THE VIDEOGRAPHER: We are going on the 10:16:43
22 record at 10:16 a.m. 10:16:47
23 BY MR. DOUGLAS: 10:16:49
24 Q. Mr. Spira, at the break you've had a chance 10:16:52
25 to read the two-page Declaration that we've now 10:16:55

1 marked as Exhibit 4; true? 10:16:57

2 A. Yes. 10:17:01

3 MR. MARENBERG: And the copy in front of 10:17:01

4 him is out of the file, so it's a two-page document. 10:17:04

5 MR. DOUGLAS: No problem. 10:17:07

6 BY MR. DOUGLAS: 10:17:08

7 Q. And the electronic signature on the second 10:17:08

8 page of the document is January the 4th of 2024? 10:17:11

9 A. Correct. 10:17:16

10 Q. Okay. The document mentions three 10:17:16

11 Quitclaim agreements. 10:17:25

12 Do you see that in the first -- 10:17:27

13 paragraphs 2, 3 and 4? 10:17:29

14 A. Yes. 10:17:30

15 Q. There was another Quitclaim agreement 10:17:31

16 connected with the Amazing Grace; true? 10:17:34

17 MR. MARENBERG: Objection. Vague and 10:17:38

18 ambiguous. Calls for speculation. 10:17:38

19 If you know. 10:17:41

20 THE WITNESS: There was a draft. I don't 10:17:41

21 believe there was a signed agreement. 10:17:44

22 MR. DOUGLAS: Abracadabra. 10:17:45

23 BY MR. DOUGLAS: 10:17:47

24 Q. You are aware that there was a draft of a 10:17:48

25 Quitclaim -- another Quitclaim Agreement in 2018; 10:17:52

1 correct? 10:17:52

2 A. Yes. 10:17:56

3 Q. And you are aware that Mr. Elliott never 10:17:56

4 signed that agreement; correct? 10:18:01

5 MR. MARENBERG: Objection. Foundation. 10:18:03

6 If you know. 10:18:05

7 THE WITNESS: Yes. 10:18:05

8 BY MR. DOUGLAS: 10:18:06

9 Q. And are you aware of why -- withdrawn. 10:18:07

10 What's your understanding of why 10:18:10

11 Mr. Elliott did not sign that Quitclaim Agreement? 10:18:12

12 A. He had a previously signed agreement, but I 10:18:16

13 shouldn't guess. Steve's going to hit me. I don't 10:18:19

14 know. 10:18:22

15 Q. Did you ever have any conversations with 10:18:22

16 Mr. Elliott about that Quitclaim Agreement, the 10:18:24

17 third one? 10:18:28

18 MR. MARENBERG: Third one or the fourth, 10:18:30

19 the 2018 draft? 10:18:32

20 BY MR. DOUGLAS: 10:18:32

21 Q. The fourth one. My bad. I'm sorry. The 10:18:34

22 fourth one. 10:18:36

23 And let's go -- let me ask you this 10:18:37

24 foundationally, first of all, there were two 10:18:41

25 separate drafts of the 2018 Quitclaim Agreement, 10:18:47

1 weren't there? 10:18:54

2 MR. MARENBERG: Objection. Calls for 10:18:56

3 speculation. Foundation. 10:18:58

4 THE WITNESS: I don't know. 10:18:59

5 BY MR. DOUGLAS: 10:19:02

6 Q. Let me -- before I show it to you, I'm just 10:19:03

7 trying to understand the scope of your knowledge. 10:19:07

8 Are you aware that there was -- one of the 10:19:10

9 versions of the fourth Quitclaim Agreement from 2018 10:19:12

10 inserted a new condition precedent? 10:19:17

11 A. Yes. 10:19:22

12 Q. And are you aware -- withdrawn. 10:19:22

13 What is your understanding of what the 10:19:26

14 condition precedent was that was inserted in that 10:19:29

15 Quitclaim? 10:19:32

16 A. That they would get some kind of release 10:19:32

17 from Pollack people, I think. 10:19:37

18 Q. The same Pollack people that Barry Tyerman 10:19:42

19 claimed to represent; is that right? 10:19:47

20 MR. MARENBERG: Objection. Foundation. 10:19:48

21 If you know. 10:19:53

22 THE WITNESS: Yes. 10:19:53

23 MR. DOUGLAS: Abracadabra. 10:19:55

24 MR. MARENBERG: Mr. Douglas, I take it 10:19:57

25 abracadabra is your keyword so you can search the 10:20:00

1 transcript, but it's -- it's really kind of a little 10:20:03
2 bit -- I don't know. 10:20:06

3 THE WITNESS: I kind of like it. 10:20:07

4 MR. DOUGLAS: I'm a trial lawyer. I've 10:20:09
5 done it for 43 years. I give seminars on the value 10:20:11
6 of using abracadabra. I have a second chair in my 10:20:15
7 room, she's going to go through my abracadabras and 10:20:19
8 figure out everything that I think are good points 10:20:23
9 as she reviews and summarizes my deposition. 10:20:28

10 MR. MARENBERG: Okay. All I'm saying is 10:20:30
11 that the phrase could be viewed as commenting on his 10:20:31
12 testimony. As long as it's clear that that's your 10:20:34
13 keyword for searching the transcript, that's fine 10:20:38
14 with me. 10:20:40

15 MR. DOUGLAS: Sir, you can ask my reporter, 10:20:41
16 I've been using abracadabra for the ten years that 10:20:42
17 she and I have worked together. 10:20:46

18 MR. MARENBERG: Now that the record is 10:20:48
19 clear as to why, now you can go on. 10:20:51

20 THE WITNESS: I kind of like it. 10:20:51

21 BY MR. DOUGLAS: 10:20:51

22 Q. I love it. Thank you, Mr. Spira. I 10:20:52
23 appreciate that. 10:20:54

24 So my question is, are you aware of any 10:20:55
25 conversations anyone at Warner Bros. had with Barry 10:21:02

1 Tyerman that led to the insertion of that condition 10:21:07
2 precedent; are you aware? 10:21:11
3 A. I don't recall. 10:21:13
4 Q. Oh, okay. 10:21:17
5 Mr. Spira, wouldn't you agree there was a 10:21:19
6 version of that third -- of that fourth Quitclaim 10:21:24
7 Deed that did not have that condition precedent; 10:21:29
8 isn't that true -- fair to say? 10:21:32
9 MR. MARENBERG: Objection. Foundation. 10:21:33
10 If you know. 10:21:34
11 THE WITNESS: I don't know. 10:21:34
12 BY MR. DOUGLAS: 10:21:36
13 Q. Let me ask you hypothetically then, sir. 10:21:39
14 A. Sure. 10:21:41
15 Q. If, in fact, there was a fourth Quitclaim 10:21:42
16 Deed that was prepared that did not have that 10:21:47
17 condition precedent included, then a duplicate of 10:21:51
18 that fourth version was created by Warner Bros. and 10:21:58
19 that condition precedent was now inserted so that it 10:22:02
20 would require approval from the Pollack estate, 10:22:07
21 wouldn't you agree that Mr. Tyerman must have had 10:22:12
22 some conversation with someone at Warner Bros. for 10:22:17
23 the insertion of that clause; wouldn't you agree 10:22:20
24 that makes logical sense, sir? 10:22:23
25 MR. ROLFS: Objection -- 10:22:25

1 THE WITNESS: Or he would have written a 10:22:26
2 letter about that communication. 10:22:28

3 MR. ROLFS: One second -- 10:22:30

4 THE WITNESS: Would have had a 10:22:31
5 communication, absolutely. 10:22:32

6 MR. ROLFS: Objection. Argumentative. 10:22:33
7 Asked and answered. Leading. Calls for 10:22:36
8 speculation. 10:22:37

9 MR. DOUGLAS: Well, leading, Counsel, we're 10:22:39
10 at deposition, this is somebody who you used as 10:22:41
11 your -- 10:22:44

12 MR. MARENBERG: Mr. Douglas, let's -- 10:22:44
13 Mr. Spira doesn't need to be present for that. 10:22:47

14 MR. DOUGLAS: I get it. But he says that 10:22:49
15 all the time. That's a poor objection. I'm just 10:22:51
16 trying to -- 10:22:53

17 MR. MARENBERG: I understand. 10:22:53

18 MR. DOUGLAS: He's a young lawyer, trying 10:22:54
19 to teach a young lawyer how to be a better lawyer. 10:22:56

20 MR. ROLFS: Let's move on. 10:22:56

21 MR. DOUGLAS: But I get it. But I get it. 10:23:02

22 BY MR. DOUGLAS: 10:23:02

23 Q. So, Mr. Spira, you do acknowledge there had 10:23:03
24 to have been some communication between Tyerman and 10:23:05
25 Warner Bros. for the insertion of that clause; true? 10:23:10

1 A. Yes. 10:23:14

2 MR. ROLFS: Same objections. 10:23:14

3 BY MR. DOUGLAS: 10:23:15

4 Q. Why do you say true? 10:23:16

5 A. Because why else would someone do it? They 10:23:17

6 wouldn't just invent it. 10:23:21

7 MR. DOUGLAS: Abracadabra. 10:23:23

8 BY MR. DOUGLAS: 10:23:24

9 Q. It makes logical sense; right? 10:23:25

10 A. Yes. 10:23:28

11 MR. ROLFS: Objection. Calls for 10:23:28

12 speculation. Leading. 10:23:29

13 BY MR. DOUGLAS: 10:23:29

14 Q. Did Warner Bros. have an ongoing 10:23:30

15 relationship with Barry Tyerman then in 2018 such 10:23:32

16 that they would include such a clause on their own 10:23:35

17 without speaking to Tyerman? 10:23:39

18 MR. ROLFS: Objection -- 10:23:41

19 MR. MARENBERG: Wait. Wait. 10:23:41

20 Objection. "Ongoing relationship" is vague 10:23:44

21 and ambiguous. 10:23:46

22 BY MR. DOUGLAS: 10:23:46

23 Q. You can answer. 10:23:50

24 A. Without hearing from him in one form or 10:23:50

25 another. 10:23:54

1 Q. Say that again. 10:23:54

2 A. Without having heard from him in one form 10:23:55

3 or another. 10:23:58

4 Q. So your answer is, they would not have 10:23:59

5 inserted this clause without hearing from him in one 10:24:02

6 form or another; fair to say? 10:24:06

7 A. Yes. 10:24:07

8 Q. And you don't know what form that was; fair 10:24:07

9 to say? 10:24:10

10 A. I don't recall. 10:24:10

11 Q. Well, let me ask you this: Based on your 10:24:11

12 relationships of 30 years in the business, would you 10:24:19

13 assume someone -- that Barry Tyerman or someone on 10:24:22

14 his behalf may have had a conversation with you 10:24:25

15 about that issue, but you don't recall it? 10:24:30

16 MR. ROLFS: Objection. Argumentative. 10:24:32

17 Leading. Calls for speculation. 10:24:35

18 BY MR. DOUGLAS: 10:24:36

19 Q. You may answer. 10:24:37

20 A. Yes. 10:24:39

21 MR. DOUGLAS: Abracadabra. 10:24:39

22 BY MR. DOUGLAS: 10:24:40

23 Q. Thank you for your honesty. 10:24:40

24 And would you agree that you would have 10:24:42

25 directed someone beneath you to insert that clause 10:24:44

1 if, in fact, your conversations with Tyerman had 10:24:48
2 occurred; fair to say? 10:24:51
3 MR. ROLFS: Objection. 10:24:52
4 THE WITNESS: No. 10:24:53
5 MR. ROLFS: Leading. Argumentative. Calls 10:24:53
6 for speculation. 10:24:56
7 BY MR. DOUGLAS: 10:24:56
8 Q. You said, "No." 10:24:56
9 Why do you say, "No"? 10:24:57
10 A. That's not my function. This is not on my 10:24:58
11 radar. It goes down to the legal department and 10:25:02
12 they do what they do. 10:25:04
13 Q. So would you agree, though, the protocol 10:25:05
14 would be then if you spoke to Tyerman, you might 10:25:08
15 then speak to someone in legal about that clause 10:25:11
16 being inserted? 10:25:14
17 MR. ROLFS: Objection -- 10:25:15
18 THE WITNESS: I probably -- I was not the 10:25:16
19 lead on this transaction. I probably would have 10:25:18
20 spoken to Dan Furie or whoever it was and told them 10:25:21
21 to handle it. 10:25:26
22 BY MR. DOUGLAS: 10:25:27
23 Q. Okay. Let me understand because I'm not in 10:25:27
24 the business. As the president of Worldwide, you're 10:25:30
25 on the same level to have conversations with Barry 10:25:33

1 Tyerman phone call to phone call; fair to say? 10:25:37

2 MR. MARENBERG: Objection. Vague and 10:25:39

3 ambiguous. 10:25:40

4 You can answer. 10:25:40

5 BY MR. DOUGLAS: 10:25:41

6 Q. You understand. 10:25:42

7 A. It has nothing to do with my title. It has 10:25:42

8 to do with just the job. But this particular 10:25:46

9 transaction was not my day-to-day responsibility. 10:25:48

10 Q. But you're the president of Worldwide at 10:25:52

11 Warner Bros.; true? 10:25:56

12 A. Yes. 10:25:56

13 Q. He is an influential lawyer; true? 10:25:56

14 MR. ROLFS: Objection. Argumentative. 10:26:00

15 Vague. 10:26:03

16 BY MR. DOUGLAS: 10:26:03

17 Q. You can answer. 10:26:03

18 A. He's a prominent lawyer. 10:26:03

19 Q. You called him influential earlier on today 10:26:07

20 in the deposition; true? 10:26:11

21 A. I don't recall. 10:26:12

22 Q. He represents A-list clients; true? 10:26:12

23 A. Yes. 10:26:16

24 MR. ROLFS: Objection -- 10:26:16

25 ///

1 BY MR. DOUGLAS: 10:26:17

2 Q. Warner Bros. had done a recent deal with 10:26:18

3 him for \$100 million for Robert Redford; true? 10:26:20

4 A. No. 10:26:24

5 Q. Has Warner Bros. done a recent deal with 10:26:24

6 Barry Tyerman's clients recently? 10:26:32

7 A. I'm not aware of it. It's not how it 10:26:33

8 works. I'm sorry to -- I don't mean to be 10:26:37

9 difficult. 10:26:39

10 Q. No, you're not being difficult. I'm 10:26:39

11 enjoying it. 10:26:42

12 A. Oh, good. Me too. 10:26:43

13 MR. DOUGLAS: Okay. See, Steve, we're 10:26:47

14 having fun. 10:26:48

15 BY MR. DOUGLAS: 10:26:48

16 Q. Just so I'm understanding the scope of your 10:26:54

17 testimony, you have no present recollection of a 10:26:57

18 conversation at any time in 2018 with Tyerman 10:27:00

19 concerning the insertion of the condition precedent; 10:27:05

20 correct? 10:27:05

21 A. Yes. 10:27:09

22 Q. But you don't deny that it's possible that 10:27:09

23 it happened; correct? 10:27:11

24 A. Correct. Correct. 10:27:13

25 Q. And if it happened, you would have directed 10:27:14

1 Tyerman to someone else at Warner Bros. to deal with 10:27:17
2 the issue and not you; correct? 10:27:20
3 A. Yes, correct. 10:27:21
4 MR. ROLFS: Calls for speculation. 10:27:22
5 BY MR. DOUGLAS: 10:27:23
6 Q. And because there was, in fact, this 10:27:23
7 condition inserted, you assumed someone at 10:27:26
8 Warner Bros. listened to Tyerman and did what he 10:27:30
9 wanted; fair to say? 10:27:32
10 MR. ROLFS: Objection. Calls for 10:27:33
11 speculation. 10:27:36
12 BY MR. DOUGLAS: 10:27:36
13 Q. You may answer. 10:27:37
14 A. They did what they thought was appropriate. 10:27:37
15 Q. Were you -- do you remember any 10:27:39
16 conversations about that issue, whether it would be 10:27:42
17 appropriate to bring in Pollack's approval with Alan 10:27:47
18 Elliott? Do you remember any conversations about 10:27:54
19 that at all; do you remember? 10:27:55
20 A. No. 10:27:56
21 MR. DOUGLAS: Abracadabra. 10:27:58
22 BY MR. DOUGLAS: 10:27:59
23 Q. Based on your understanding of the 10:28:01
24 protocol, if there was a conversation to be decided 10:28:07
25 as to whether there should be a condition added to a 10:28:12

1 Quitclaim in the Aretha Franklin Amazing Grace 10:28:18
2 context, those decisions would have been made by 10:28:23
3 what body of people would you estimate? 10:28:27
4 A. By the legal department. 10:28:29
5 Q. Okay. And that would be not production 10:28:30
6 legal, but general counsel legal; true? 10:28:34
7 MR. MARENBERG: No, that's -- that 10:28:37
8 misunderstands the role -- 10:28:38
9 MR. DOUGLAS: I'll swear you next. I'll 10:28:40
10 swear you next. Let him answer first, then you 10:28:42
11 can -- 10:28:47
12 MR. MARENBERG: Go ahead, answer. 10:28:47
13 THE WITNESS: It would be production legal 10:28:48
14 in concert with whoever they decided they needed to 10:28:49
15 include. 10:28:53
16 BY MR. DOUGLAS: 10:28:53
17 Q. Okay. Thank you for that. 10:28:54
18 Now I need to understand your recollection 10:28:55
19 in 2018, who would have been in production legal. 10:28:58
20 Do you understand? 10:29:02
21 A. Yes. 10:29:04
22 Q. Because you don't know anything about the 10:29:05
23 decision to insert the condition precedent; fair to 10:29:09
24 say? 10:29:12
25 A. Yes. 10:29:12

1 Q. You weren't involved in those 10:29:12
2 conversations; fair to say? 10:29:15

3 A. Yes. 10:29:16

4 Q. That insertion would not have been made 10:29:16
5 based on one person's individual opinion; fair to 10:29:20
6 say? 10:29:24

7 MR. ROLFS: Objection. Calls for 10:29:24
8 speculation. 10:29:26

9 BY MR. DOUGLAS: 10:29:26

10 Q. You may answer. 10:29:27

11 A. Yes. 10:29:27

12 Q. There would have been some kind of 10:29:27
13 roundtable discussion because it involves Barry 10:29:30
14 Tyerman, Aretha Franklin and Amazing Grace; isn't 10:29:33
15 that fair to say? 10:29:36

16 MR. ROLFS: Objection -- 10:29:36

17 MR. MARENBERG: Objection -- 10:29:37

18 MR. ROLFS: -- calls for speculation. 10:29:38
19 Argumentative. 10:29:39

20 THE WITNESS: Not necessarily because it 10:29:40
21 involved any of those people, because of the nature 10:29:44
22 of whatever communication took place. 10:29:45

23 BY MR. DOUGLAS: 10:29:47

24 Q. The creation of a new Quitclaim would be 10:29:48
25 issues that would be discussed in legal -- the legal 10:29:53

1 department; fair to say? 10:29:56

2 A. Yes. 10:29:57

3 Q. Now, you're not the one, you tell me, but I 10:29:57

4 want to figure out who was connected with that 10:30:02

5 decision. 10:30:06

6 Do you understand? 10:30:08

7 A. Yes. 10:30:08

8 Q. I contend that Barry Tyerman was involved 10:30:09

9 in that decision. 10:30:14

10 Do you understand? 10:30:15

11 A. I understand that you contend it, yes. 10:30:16

12 Q. Right. Right. 10:30:20

13 And you have given me fodder for my 10:30:21

14 contention because you recognize clearly that 10:30:25

15 Tyerman had to have some kind of say with someone, 10:30:29

16 otherwise, it wouldn't have happened -- 10:30:32

17 THE REPORTER: I couldn't hear any of the 10:30:38

18 objections. 10:30:39

19 MR. ROLFS: I'll just insert argumentative 10:30:40

20 and calls for speculation on my objections. 10:30:42

21 MR. DOUGLAS: Okay. I want to show you as 10:31:00

22 Exhibit 5 -- Ms. Valles, I believe it is? 10:31:02

23 THE REPORTER: Yes. 10:31:05

24 MR. DOUGLAS: And this would be a copy of 10:31:06

25 the 2018 Fourth Quitclaim, Bates stamped -0083. We 10:31:09

1	Bates stamped it.	10:31:24
2	(Plaintiffs' Exhibit 5 was marked for	10:31:24
3	identification and is attached hereto.)	10:31:33
4	BY MR. DOUGLAS:	10:31:33
5	Q. First of all, Mr. Spira, is this one of the	10:31:34
6	documents you've reviewed in preparation for your	10:31:36
7	deposition?	10:31:40
8	A. I've got to get up a little closer for a	10:31:40
9	second.	10:31:43
10	Q. Sure. Sure, sir. I'm sorry.	10:31:43
11	A. No, it's not your fault. I'm old.	10:31:44
12	Q. I know, but I'm trying to be polite.	10:31:47
13	A. Thank you.	10:31:50
14	Yes.	10:31:50
15	Q. You give a good answer, I'm trying to be	10:31:50
16	polite.	10:31:54
17	A. Yes.	10:31:54
18	Q. That is one of the documents you reviewed?	10:31:55
19	A. Yes.	10:31:57
20	Q. This is one -- the -- would be the third	10:31:58
21	amended Quitclaim dated November 13th, 2018;	10:32:03
22	correct?	10:32:03
23	A. Yes.	10:32:09
24	Q. Between Warner Bros. and Alan Elliott's	10:32:09
25	companies; correct?	10:32:14

1 A. Yes. 10:32:15

2 Q. And there is no condition precedent in this 10:32:15

3 particular version; correct? 10:32:20

4 MR. ROLFS: Objection. Incomplete. 10:32:24

5 BY MR. DOUGLAS: 10:32:25

6 Q. If you need to look at the second page, 10:32:27

7 turn to the second page. 10:32:28

8 A. I don't see any. 10:32:32

9 (Plaintiffs' Exhibit 6 was marked for 10:32:32

10 identification and is attached hereto.) 10:32:32

11 BY MR. DOUGLAS: 10:32:34

12 Q. Okay. Let's now turn to Exhibit 6. And 10:32:34

13 that would be -- Exhibit 6, there is now an 10:32:38

14 insertion of a condition precedent, is there not? 10:32:55

15 A. Yes. 10:32:59

16 Q. And it says, "References made to 10:32:59

17 paragraph 2 of the agreement." 10:33:02

18 That would be the original agreement; 10:33:04

19 correct? 10:33:04

20 A. I assume so, yes. 10:33:07

21 Q. And this amendment is subject to assignee 10:33:08

22 obtaining authorization from the Estate of Sydney 10:33:16

23 Pollack in connection with the project. 10:33:20

24 Do you see that? 10:33:21

25 A. Yes. 10:33:21

1 Q. Did you know that there was never a formal 10:33:22
2 Estate of Sydney Pollack ever opened in probate 10:33:27
3 court; did you know that? 10:33:32
4 A. No. 10:33:34
5 MR. ROLFS: Objection. Calls for 10:33:35
6 speculation. Calls for a legal conclusion. 10:33:36
7 BY MR. DOUGLAS: 10:33:37
8 Q. You do know that Barry Tyerman was the 10:33:37
9 lawyer for Sydney Pollack when he died in 2008? 10:33:39
10 MR. MARENBERG: Objection to the form of 10:33:47
11 the question. 10:33:48
12 He's asking did you know that? 10:33:49
13 THE WITNESS: I assume so. I can't say 10:33:50
14 that I was aware of that specifically. 10:33:51
15 BY MR. DOUGLAS: 10:33:54
16 Q. I'm sorry. I don't want to talk over you. 10:33:54
17 You are not aware of any other lawyer other 10:33:56
18 than Tyerman representing Mr. Pollack at the time of 10:33:58
19 his death; fair to say? 10:34:01
20 A. Yes. 10:34:02
21 Q. So only with the -- and let's look at the 10:34:03
22 second page of Exhibit 6 to make sure that there's 10:34:13
23 no other changes other than the insertion of that 10:34:16
24 condition precedent. 10:34:19
25 As far as you can read, Mr. Spira, 10:34:22

1 everything else is the same; fair to say? 10:34:24

2 A. Yeah. I mean, I glanced at it, but 10:34:27

3 generally, I would say yes. I don't have a great 10:34:31

4 specificity, but -- 10:34:33

5 Q. So in your preparation for this deposition, 10:34:35

6 did you review both versions of that 10:34:38

7 November 13, 2018 document? 10:34:40

8 MR. MARENBERG: Objection. 10:34:44

9 Instruct you not to answer on the basis of 10:34:45

10 attorney-client privilege. 10:34:47

11 MR. DOUGLAS: I'm asking the documents he 10:34:47

12 reviewed, sir. 10:34:49

13 MR. MARENBERG: You're asking about the 10:34:50

14 content of his preparation, which is subject to 10:34:51

15 privilege. 10:34:54

16 Now, hang on one second. Let me talk to 10:34:54

17 the witness. I'm going to turn off the video. 10:34:57

18 MR. DOUGLAS: Respectfully, the documents 10:35:01

19 he reviewed is not subject to communication. I'm 10:35:03

20 asking, did he review this document in preparation 10:35:04

21 for the deposition? I'm -- 10:35:06

22 MR. MARENBERG: And, respectfully, 10:35:08

23 Mr. Douglas, you're wrong. All right. That the 10:35:11

24 documents -- the selection of documents that he 10:35:13

25 reviewed for his deposition, in connection with his 10:35:14

1 deposition preparation is subject to privilege, 10:35:17
2 including the attorney-client privilege and work 10:35:20
3 product. 10:35:23
4 Now, let's see -- I'm going to turn off the 10:35:23
5 camera because I'm trying to get through this -- 10:35:27
6 MR. DOUGLAS: Fine. 10:35:29
7 MR. MARENBERG: -- in a way I don't have to 10:35:30
8 object. 10:35:32
9 MR. DOUGLAS: Fine. Fine. I don't agree, 10:35:32
10 but fine. 10:35:34
11 MR. MARENBERG: We can agree to disagree -- 10:35:34
12 MR. DOUGLAS: That's fine. Do you. 10:35:38
13 THE VIDEOGRAPHER: Go off, Mr. Douglas? 10:35:40
14 MR. DOUGLAS: No need. 10:35:44
15 (Pause in the proceedings.) 10:35:46
16 MR. MARENBERG: All right. Let's go back 10:35:49
17 on the record. 10:35:49
18 I think in light of what I've anticipated 10:35:53
19 the witness's testimony is, I'm going to let him 10:35:54
20 answer so we can just get past this and get on with 10:35:57
21 the deposition. 10:36:02
22 MR. DOUGLAS: And I'm closer to the end 10:36:02
23 than the beginning. Thank you so much for that. 10:36:05
24 BY MR. DOUGLAS: 10:36:08
25 Q. So, Mr. Spira, when you were reviewing 10:36:08

1 documents in preparation for this deposition, you 10:36:13
2 said that you reviewed Exhibit 5 that did not have 10:36:16
3 the condition precedent paragraph inserted; correct? 10:36:19
4 A. What I said was that I reviewed four 10:36:24
5 Quitclaims. The truth is it was a very cursory 10:36:27
6 preparation when I glanced at them. And I don't 10:36:30
7 remember saying that I didn't see any particular 10:36:33
8 provision. I just said in connection with the 10:36:35
9 comparison of the two documents you showed me. 10:36:37
10 Q. Okay. Then let me be clear. And, again, 10:36:39
11 sir, I don't know what 8 to 12 documents you 10:36:44
12 reviewed, but I'm entitled to know everything that 10:36:48
13 you reviewed to assist your preparation for the 10:36:53
14 deposition, I think. 10:36:55
15 So my question is, did you -- do you 10:36:57
16 remember reviewing two separate versions of the same 10:37:01
17 document dated the same day; do you remember that? 10:37:03
18 MR. MARENBERG: And without acceding to 10:37:07
19 Mr. Douglas's assertion that he's entitled to know 10:37:09
20 this because I think he's wrong, because I think I 10:37:14
21 know the answer, I'm going to let him answer the 10:37:17
22 question and it is not intended as a waiver of any 10:37:17
23 attorney-client privilege, work product document. 10:37:21
24 Go ahead and answer. 10:37:23
25 THE WITNESS: I'm not trying to be evasive. 10:37:23

1 I glanced at stuff very, very quickly because this 10:37:25
2 is really not on my radar and not a very significant 10:37:28
3 event for Warner Bros., so I apologize. 10:37:31
4 BY MR. DOUGLAS: 10:37:34
5 Q. Very well. 10:37:35
6 So you don't know? 10:37:35
7 A. I do not. 10:37:35
8 Q. Okay. You don't remember if you looked at 10:37:36
9 two versions of the same printed document; true? 10:37:40
10 You don't remember? 10:37:43
11 A. Correct. 10:37:44
12 Q. Is it fair to say that much of the business 10:37:44
13 in the entertainment industry and business affairs 10:38:03
14 is based on relationships? 10:38:07
15 MR. MARENBERG: So -- 10:38:10
16 MR. ROLFS: Objection. Vague. 10:38:10
17 BY MR. DOUGLAS: 10:38:15
18 Q. You may answer. 10:38:16
19 A. I don't know what you mean when you say the 10:38:16
20 business of. Typically business affairs is us 10:38:18
21 supporting the business of the creative people and 10:38:23
22 their choices. We don't actually have -- a business 10:38:26
23 is a business. Again, I'm not trying to be evasive, 10:38:29
24 I'm trying to be clear. 10:38:32
25 Q. I've always heard that the entertainment 10:38:34

1 business is the relationship business, that there 10:38:39
2 are relationships that occur and develop that can 10:38:41
3 often spur or generate business opportunities for 10:38:45
4 those in the field. 10:38:48
5 Is that fair to say? 10:38:50
6 A. Yes. 10:38:51
7 MR. ROLFS: Objection. Vague. Compound. 10:38:51
8 THE WITNESS: Yes. 10:38:53
9 BY MR. DOUGLAS: 10:38:54
10 Q. Why do you say "yes"? 10:38:55
11 A. The business opportunities are between the 10:38:57
12 creative people and finding opportunities to create 10:39:00
13 content. We're the support team that happens 10:39:03
14 afterwards. Our job is to facilitate those 10:39:06
15 relationships. 10:39:10
16 Q. So, for example -- and, again, I am not in 10:39:10
17 the field and as artful as you or certainly not your 10:39:15
18 great lawyer, but the relationships might be with 10:39:20
19 Barry Tyerman's client and someone at Warner Bros. 10:39:24
20 in the creative arena; fair to say? 10:39:27
21 A. Yes. 10:39:30
22 MR. ROLFS: Objection. Vague. Calls for 10:39:30
23 speculation. Asked and answered. 10:39:32
24 BY MR. DOUGLAS: 10:39:33
25 Q. And isn't it fair to say that those lawyers 10:39:33

1 that have a significant book of business, they 10:39:38
2 represent A-list types of clients, can be 10:39:42
3 influential in the business world of Hollywood; is 10:39:48
4 that fair to say? 10:39:54
5 MR. MARENBERG: Objection. Vague. Calls 10:39:54
6 for speculation. Argumentative. Leading. 10:39:57
7 BY MR. DOUGLAS: 10:39:57
8 Q. You may answer. 10:39:58
9 A. Again, I don't know what you mean by 10:39:58
10 "influential." That's a little -- I don't know what 10:40:01
11 that means, to be honest. 10:40:02
12 Q. What makes Barry Tyerman a lawyer of 10:40:06
13 influence, in your opinion? What makes him a lawyer 10:40:08
14 of influence? Because of his clientele; fair to 10:40:11
15 say? 10:40:15
16 MR. ROLFS: Objection. 10:40:15
17 THE WITNESS: Yes. 10:40:15
18 MR. ROLFS: Argumentative. 10:40:16
19 BY MR. DOUGLAS: 10:40:16
20 Q. Your answer was? 10:40:17
21 A. Yes. 10:40:18
22 Q. So the stronger the clientele, the more 10:40:18
23 power, arguably, that lawyer could have; is that 10:40:23
24 fair to say? 10:40:27
25 MR. ROLFS: Objection. Vague. Leading. 10:40:27

1 Argumentative. 10:40:29

2 THE WITNESS: Well, the power's essentially 10:40:29

3 in the client, so it's all relative. He wouldn't 10:40:31

4 have a powerful client that didn't have power. 10:40:35

5 BY MR. DOUGLAS: 10:40:38

6 Q. True. 10:40:38

7 But if he has a lot of powerful clients, he 10:40:40

8 becomes a powerful lawyer, don't you agree? 10:40:43

9 MR. ROLFS: Objection. Vague. Leading. 10:40:46

10 Calls for speculation. Argumentative. 10:40:46

11 MR. DOUGLAS: Mr. Rolfs, I will stipulate, 10:40:47

12 sir, that you can have that leading objection for 10:40:49

13 every single one of my questions just to obviate 10:40:51

14 your saying that. 10:40:55

15 Is that okay? 10:40:56

16 MR. ROLFS: So stipulated. 10:40:58

17 MR. DOUGLAS: Thank you so much. Now we 10:40:59

18 can avoid that objection, figure out something else 10:41:00

19 to say. 10:41:00

20 Ms. Valles, can I have that last question 10:41:03

21 read. I forgot the question. 10:41:05

22 THE REPORTER: Yes. 10:41:27

23 (Record read as follows: 10:41:29

24 "Q. But if he has a lot of 10:40:40

25 powerful clients, he becomes a 10:40:41

1 powerful lawyer, don't you agree?") 10:40:44

2 THE WITNESS: If you mean -- I'm not sure 10:41:30

3 what you mean by "powerful." It would certainly 10:41:32

4 help him get other clients and have, you know -- you 10:41:35

5 know, that's where his power comes in, in signing 10:41:39

6 clients, stuff like that. He doesn't have power 10:41:42

7 over other companies, per se. 10:41:45

8 BY MR. DOUGLAS: 10:41:47

9 Q. Of course not, but when you -- when you 10:41:47

10 look at different entertainment lawyers, one way 10:41:52

11 objectively that you are assessing their success 10:41:56

12 might be by looking at who their roster of clients 10:42:00

13 are, isn't that fair to say, just generally? 10:42:04

14 A. Yes. Yes. 10:42:07

15 MR. ROLFS: Objection. Vague. 10:42:08

16 Argumentative. 10:42:09

17 BY MR. DOUGLAS: 10:42:09

18 Q. Because the creative people at Warner Bros. 10:42:10

19 may well want to do business with some of the 10:42:12

20 creative clients of Mr. Tyerman perhaps; isn't that 10:42:15

21 fair to say? 10:42:18

22 MR. ROLFS: Objection. Vague. 10:42:18

23 Argumentative. Calls for speculation. 10:42:19

24 BY MR. DOUGLAS: 10:42:23

25 Q. You may answer. 10:42:24

1 A. I don't think they'd be influenced by who 10:42:24
2 represented them. And, typically, it starts with 10:42:27
3 the agent and the lawyers in the support position. 10:42:29
4 BY MR. DOUGLAS: 10:42:31
5 Q. Let me ask you this: Assume Mr. Tyerman, 10:42:32
6 hypothetically, because you know how the -- you know 10:42:35
7 how the creation of a Quitclaim Agreement, such as 10:42:37
8 Exhibit 5 and 6, is created globally, let me ask you 10:42:41
9 this question -- do you understand, it's 10:42:46
10 hypothetical? 10:42:47
11 So there can be an incomplete hypothetical 10:42:47
12 objection, Mr. Rolfs, I concede. In 40 years, I've 10:42:51
13 never been able to ask a question hypothetically 10:42:55
14 where there was not an objection as incomplete, so 10:42:58
15 I'll give you that one too. 10:43:00
16 Do you understand that, sir? 10:43:02
17 MR. ROLFS: Yeah. 10:43:02
18 MR. DOUGLAS: You got incomplete 10:43:03
19 hypothetical -- 10:43:06
20 MR. ROLFS: Ask your incomplete 10:43:06
21 hypothetical. 10:43:07
22 MR. DOUGLAS: Thank you very much. 10:43:07
23 BY MR. DOUGLAS: 10:43:09
24 Q. If Mr. Tyerman, Mr. Spira, wanted to have 10:43:10
25 Warner Bros. insert this condition precedent so that 10:43:14

1 Pollack's estate would have to have approval, that 10:43:21
2 might be a conversation he might have with someone 10:43:24
3 in the creative side of Warner Bros.; fair to say? 10:43:27
4 MR. ROLFS: Objection. 10:43:31
5 THE WITNESS: No. 10:43:31
6 MR. ROLFS: Vague. Calls for speculation. 10:43:32
7 BY MR. DOUGLAS: 10:43:34
8 Q. Who -- who else better than someone on the 10:43:35
9 creative side would be the source of that 10:43:38
10 information; who would that be? 10:43:40
11 MR. ROLFS: Objection. Argumentative. 10:43:41
12 MR. MARENBERG: Objection. I don't 10:43:44
13 understand the question, but -- 10:43:45
14 THE WITNESS: I don't know what you mean 10:43:46
15 when you say "source of." 10:43:48
16 BY MR. DOUGLAS: 10:43:52
17 Q. Okay. Again, Mr. Tyerman wants Sydney 10:43:52
18 Pollack's estate inserted into that fourth -- the 10:43:56
19 third amended November 13th, 2018 Quitclaim. 10:43:59
20 Do you understand? 10:44:03
21 MR. ROLFS: Objection -- 10:44:05
22 BY MR. DOUGLAS: 10:44:05
23 Q. It's a predicate question. 10:44:07
24 Do you understand the predicate? 10:44:09
25 MR. MARENBERG: You're asking him to assume 10:44:11

1 A. Yes. 10:45:00

2 MR. ROLFS: Objection. Calls for 10:45:00

3 speculation. Compound. 10:45:02

4 MR. DOUGLAS: Well, you said that was not 10:45:03

5 speculation, Rolfs, but that's okay. 10:45:05

6 BY MR. DOUGLAS: 10:45:05

7 Q. So my question is, if -- and you have no 10:45:08

8 recollection of such a conversation; correct? 10:45:10

9 A. Yes. 10:45:12

10 Q. Not that it didn't happen, you don't 10:45:12

11 recall; correct? 10:45:17

12 A. Yes. 10:45:17

13 Q. Now, so my question is, who else might he 10:45:17

14 have spoken to that would then have had the 10:45:22

15 influence to tell him to go to legal and they would 10:45:26

16 talk to legal about getting it done? Dan Furie 10:45:29

17 might be a person; would you agree? 10:45:32

18 MR. ROLFS: Objection. Vague. Calls for 10:45:35

19 speculation. 10:45:37

20 THE WITNESS: Can I try this a different 10:45:37

21 way? It's not who we would go to to get it done, 10:45:39

22 it's what he would say. He mostly like would make 10:45:42

23 some assertion of right or claim and then they would 10:45:45

24 do it as a defensive thing. He wouldn't call up and 10:45:48

25 ask us to do it and we do it. That's not how it 10:45:48

1 would typically work. This is a hypothetical. 10:45:53

2 BY MR. DOUGLAS: 10:45:53

3 Q. Yes, sir. However, as a lawyer, I need 10:45:53

4 bodies, I want a name. So I'm trying to figure out 10:45:57

5 the universe of potential people so I can then 10:46:00

6 depose those people and give Mr. Marenberg some more 10:46:05

7 money to bill, another client. 10:46:09

8 So my question is, Dan -- you would agree 10:46:10

9 Dan Furie could have been that person with that sort 10:46:13

10 of positioning; would you agree? 10:46:16

11 MR. ROLFS: Objection. Calls for 10:46:17

12 speculation. 10:46:20

13 BY MR. DOUGLAS: 10:46:20

14 Q. You may answer. 10:46:21

15 A. Can I try this a slightly different way? 10:46:21

16 I'll get to the person in a second. It's what he 10:46:23

17 would say. He wouldn't call up and say, You need to 10:46:26

18 put this in here. He would say, You know what, 10:46:28

19 you're -- I'm making this up, okay, hypothetically. 10:46:32

20 You're on dangerous ground. We think we own it, 10:46:34

21 you're going -- watch your back or some 10:46:37

22 acknowledgment or some assertion of a right that 10:46:40

23 would then get the lawyers to want to be protecting 10:46:43

24 themselves and the company. Then, yes, it could be 10:46:46

25 Dan Furie if he was the lead guy on it, then he 10:46:49

1 would go to the lawyers. And there would be a 10:46:52
2 process based on the communication and whatever it 10:46:54
3 was. But it wouldn't be him saying, I'm a big guy. 10:46:57
4 I'm asking you to do this. Please do this. 10:47:01
5 MR. DOUGLAS: Abracadabra. 10:47:01
6 THE WITNESS: Fair enough? 10:47:02
7 BY MR. DOUGLAS: 10:47:03
8 Q. You may not know Barry Tyerman as well as 10:47:03
9 you think you do, but I get what you're saying and I 10:47:06
10 thank you for that. 10:47:10
11 MR. ROLFS: Objection. Argumentative. Not 10:47:10
12 a question. No speeches, please. 10:47:14
13 MR. DOUGLAS: I speechify. Don't you know 10:47:16
14 that about me yet? That's what I do -- 10:47:19
15 MR. ROLFS: -- vague and argumentative -- 10:47:19
16 MR. DOUGLAS: -- make your objection -- 10:47:20
17 MR. MARENBERG: Okay. Let's just go to 10:47:21
18 another question. 10:47:24
19 THE WITNESS: I'm sorry. 10:47:24
20 BY MR. DOUGLAS: 10:47:25
21 Q. Were you aware that for years -- were you 10:47:25
22 aware that for years prior to 2018 Mr. Tyerman was 10:47:30
23 attempting to be paid some funds for Pollack's 10:47:37
24 involvement in Amazing Grace; were you aware? 10:47:43
25 MR. ROLFS: Objection. Argumentative. 10:47:46

1	Vague.	10:47:48
2	BY MR. DOUGLAS:	10:47:51
3	Q. You may answer.	10:47:51
4	A. Generally, at some point --	10:47:51
5	Q. Tell me everything you can remember of your	10:47:54
6	awareness.	10:47:56
7	A. Again, this was not really on my radar. I	10:47:58
8	just had a general acknowledgment that they would	10:48:02
9	flip in and out. This was a very small transaction	10:48:06
10	that I didn't pay much attention to.	10:48:08
11	Q. I get it.	10:48:10
12	But what was your awareness?	10:48:11
13	A. Just that they, at some point, wanted to be	10:48:13
14	involved or be compensated.	10:48:15
15	Q. Okay. Let me understand what you said.	10:48:17
16	You are aware that at some point after	10:48:20
17	Sydney Pollack's death; correct?	10:48:23
18	A. Yes.	10:48:25
19	Q. That Barry Tyerman was interested in being	10:48:26
20	paid for the estate's interest in the project;	10:48:28
21	correct?	10:48:34
22	MR. ROLFS: Objection. Vague.	10:48:34
23	Argumentative.	10:48:35
24	BY MR. DOUGLAS:	10:48:36
25	Q. You may answer.	10:48:36

1 A. Yes. 10:48:36

2 Q. And you were aware that since Sydney 10:48:37

3 Pollack was a director, that he had no ownership 10:48:41

4 interest in the project; correct? 10:48:44

5 MR. ROLFS: Objection. 10:48:46

6 THE WITNESS: No. 10:48:47

7 MR. ROLFS: Argumentative. Calls for a 10:48:48

8 legal conclusion. 10:48:50

9 THE WITNESS: No. 10:48:50

10 BY MR. DOUGLAS: 10:48:51

11 Q. You were not so aware. What do you mean by 10:48:51

12 "No"? 10:48:53

13 A. I had no way of knowing one way or another 10:48:54

14 whether he had any rights or not. This thing 10:48:57

15 happened when I was in high school. 10:49:00

16 Q. Okay. However, you have been in the 10:49:01

17 business for 30 years; true? 10:49:04

18 A. Yes. 10:49:06

19 Q. You have been familiar with hundreds of 10:49:07

20 deals of directors on different films over 10:49:11

21 the 30 years; true? 10:49:14

22 A. Yes. 10:49:15

23 Q. It is generally not the standard that a 10:49:16

24 director hired for a project develops or acquires an 10:49:20

25 ownership interest in the film; true? 10:49:25

1 MR. MARENBERG: Well, we've established, 10:50:16
2 Mr. Douglas, that you and I are the same age. 10:50:18
3 MR. DOUGLAS: 68 and proud. Thank you, 10:50:21
4 sir. 10:50:24
5 BY MR. DOUGLAS: 10:50:24
6 Q. Okay. But the documents speak for 10:50:25
7 themselves in terms of 1972 and ownership interest 10:50:27
8 of a director in the film; true? 10:50:32
9 MR. MARENBERG: Objection -- 10:50:34
10 MR. ROLFS: Objection. Argumentative. 10:50:35
11 Vague. Call for a legal conclusion. 10:50:37
12 BY MR. DOUGLAS: 10:50:37
13 Q. You may answer. 10:50:39
14 MR. MARENBERG: Objection. Vague. 10:50:39
15 I don't know what documents you're 10:50:40
16 referring to and also I'm not sure what -- 10:50:42
17 THE WITNESS: I have not reviewed any 10:50:44
18 ownership documents. Whatever happened in '72 10:50:47
19 happened in '72. 10:50:50
20 BY MR. DOUGLAS: 10:50:51
21 Q. I get that answer and thank you for that. 10:50:51
22 That's not my question, respectfully. 10:50:53
23 My question is, if there were any ownership 10:50:57
24 interests conferred on Sydney Pollack based on his 10:50:59
25 directing the film of Amazing Grace, that would have 10:51:04

1 been written somewhere in a contract; would you 10:51:07
2 agree? 10:51:10
3 MR. ROLFS: Objection. Vague. Calls for a 10:51:10
4 legal conclusion. Calls for speculation. 10:51:12
5 BY MR. DOUGLAS: 10:51:12
6 Q. You may answer. 10:51:14
7 A. Yes. 10:51:14
8 Q. Why do you say "Yes"? 10:51:14
9 A. Is it a typical -- 10:51:16
10 Q. Because Warner Bros. doesn't confer an 10:51:17
11 ownership interest of a movie into a director 10:51:20
12 without writing it down in a contract; isn't that 10:51:23
13 fair to say? 10:51:26
14 MR. ROLFS: Objection. Argumentative. 10:51:26
15 Calls for speculation. 10:51:29
16 THE WITNESS: They typically don't do it at 10:51:29
17 all. 10:51:31
18 MR. DOUGLAS: Abracadabra. 10:51:31
19 BY MR. DOUGLAS: 10:51:33
20 Q. But if they do it, it's going to be written 10:51:33
21 down; right? 10:51:35
22 MR. ROLFS: Objection. Argumentative. 10:51:36
23 Calls for speculation. 10:51:38
24 THE WITNESS: All transactions involving 10:51:38
25 rights, directors and otherwise need to be in 10:51:41

1	writing, yes.	10:51:44
2	BY MR. DOUGLAS:	10:51:44
3	Q. Including ownership; correct?	10:51:44
4	A. Of course, yes.	10:51:47
5	Q. And you've never seen a document in your	10:51:47
6	entire life, Mr. Spira, that conferred any ownership	10:51:49
7	interest in the film Amazing Grace to Sydney Pollack	10:51:54
8	in view of his having worked as a director, have	10:51:59
9	you, sir?	10:52:02
10	A. I have not.	10:52:02
11	MR. DOUGLAS: Abracadabra.	10:52:03
12	Five minutes, Mr. Spira. Five minutes,	10:52:04
13	please. Thank you so much.	10:52:09
14	THE VIDEOGRAPHER: We are going off the	10:52:10
15	record at 10:52 a.m.	10:52:11
16	(Recess was taken.)	10:52:13
17	THE VIDEOGRAPHER: We are going on the	10:57:22
18	record at 10:57 a.m.	10:57:36
19	BY MR. DOUGLAS:	10:57:39
20	Q. Mr. Spira, we were talking about your	10:57:39
21	understanding of the process based on your 30 years	10:57:43
22	of experience --	10:57:48
23	A. Yes.	10:57:49
24	Q. -- that if a director was hired, ownership	10:57:49
25	interest in the project would be something expressly	10:57:52

1 stated in the contract, hire the director; true? 10:57:55

2 MR. ROLFS: Objection. Calls for 10:57:58

3 speculation. Calls for a legal conclusion. 10:58:00

4 BY MR. DOUGLAS: 10:58:00

5 Q. You may answer. 10:58:01

6 A. Yes. 10:58:01

7 Q. And, similarly, if the director, by 10:58:02

8 the -- just the mere fact that he's directing the 10:58:06

9 film, does not obtain copyright interest in the 10:58:10

10 project? 10:58:15

11 MR. MARENBERG: Well, Mr. Douglas, I think 10:58:15

12 that actually calls for a legal conclusion and I'm 10:58:17

13 not sure you're right. So you might want to ask 10:58:20

14 that question a different way. 10:58:24

15 BY MR. DOUGLAS: 10:58:25

16 Q. Well, are you familiar with the Copyright 10:58:25

17 Act of 1909? 10:58:28

18 A. Not really. 10:58:30

19 Q. Okay. What is your understanding, 10:58:33

20 Mr. Spira, as to what a director of a movie acquires 10:58:37

21 ownership rights in the project merely because he's 10:58:41

22 the director; what's your understanding, if you have 10:58:44

23 any? 10:58:46

24 MR. MARENBERG: Yeah. Do you have an 10:58:47

25 understanding of the Copyright Act? 10:58:48

1 THE WITNESS: In the studio business as 10:58:50
2 opposed to the independent business, anything could 10:58:54
3 be possible. It is not something that happens. 10:58:55
4 BY MR. DOUGLAS: 10:58:57
5 Q. Thank you so much. 10:58:57
6 And I'm asking, and your experience is in 10:58:57
7 the studio business; fair to say? 10:59:00
8 A. Yes. 10:59:02
9 Q. And are you aware that Mr. Elliott at some 10:59:02
10 point in response to a letter from an assistant 10:59:07
11 general counsel of Warner Bros. paid a \$35,000 10:59:12
12 payment to Warner Bros. concerning the film; are you 10:59:15
13 aware? 10:59:18
14 A. Yes. 10:59:18
15 Q. Okay. They cashed that check, true, as far 10:59:19
16 as you know? 10:59:23
17 A. Certainly hope so. 10:59:23
18 Q. Yeah, they did. Okay. 10:59:26
19 Based on everything that you know about the 10:59:27
20 documents that were in this case, are you aware of a 10:59:30
21 document concerning Mr. Pollack's efforts or 10:59:34
22 interest in having Warner Bros. pay the Amazing 10:59:41
23 Grace film's choir director in an attempt to lip 10:59:50
24 read the choir's singing when there were efforts 10:59:57
25 being discussed to bring the film to life; are you 11:00:00

1	aware?	11:00:03
2	A. No.	11:00:03
3	Q. You've never heard of such a memo from	11:00:03
4	Pollack to WB?	11:00:08
5	A. No.	11:00:11
6	MR. ROLFS: Objection --	11:00:12
7	BY MR. DOUGLAS:	11:00:13
8	Q. Is it your understanding that Mr. Pollack	11:00:15
9	had directed a concert film like Amazing Grace prior	11:00:17
10	to this project?	11:00:22
11	A. No.	11:00:25
12	Q. Is it your understanding that he had never	11:00:26
13	directed a concert film prior to this project?	11:00:30
14	A. I don't know.	11:00:33
15	Q. You have no understanding whatsoever?	11:00:34
16	A. I understood that he shot some footage. I	11:00:38
17	don't know if there was ever a film completed -- or	11:00:43
18	a film shot.	11:00:45
19	Q. I'm sorry. Let me -- your understanding,	11:00:46
20	he had shot some footage of a different concert in	11:00:49
21	his past?	11:00:53
22	A. No. No. I'm defining a film as a	11:00:53
23	completed picture, just to clarify my --	11:00:56
24	MR. MARENBERG: I think you may be talking	11:00:58
25	past each other. He's asking you, other than the	11:01:00

1 Aretha Franklin concert, are you aware of 11:01:05

2 Mr. Pollack shooting any other concert? 11:01:07

3 THE WITNESS: I was not. I am not. 11:01:09

4 BY MR. DOUGLAS: 11:01:11

5 Q. Okay. So my -- you were unaware of any 11:01:12

6 other concert film prior to Amazing Grace that 11:01:14

7 Mr. Pollack was involved with in any way; fair to 11:01:18

8 say? 11:01:21

9 A. Yes. 11:01:21

10 Q. What's -- do you have an understanding of 11:01:21

11 how many days he was on the project directing 11:01:25

12 Amazing Grace? 11:01:29

13 A. No. 11:01:29

14 Q. Would it surprise you to hear that he was 11:01:29

15 on the set two days; would that surprise you to 11:01:35

16 hear? 11:01:39

17 A. No. 11:01:39

18 Q. In 1972, do you have an understanding of 11:01:40

19 how much a director would have been paid for a 11:01:47

20 work-for-hire for two days of work? 11:01:49

21 A. No. 11:01:52

22 MR. ROLFS: Calls for speculation. 11:01:52

23 MR. DOUGLAS: Abracadabra. 11:01:54

24 I agree with that. 11:01:55

25 ///

1 BY MR. DOUGLAS: 11:01:56

2 Q. So you have no basis to determine whether 11:01:56

3 or not \$1,500 was fair or not in 1972 dollars; is 11:01:59

4 that fair to say? 11:02:06

5 A. Yes. 11:02:06

6 MR. ROLFS: Argumentative. 11:02:07

7 MR. DOUGLAS: Abracadabra. 11:02:08

8 BY MR. DOUGLAS: 11:02:08

9 Q. Are you aware that, based on 11:02:09

10 inflation, \$1,500 in 1972 is equivalent to \$11,000 11:02:12

11 in 2024 dollars; are you aware of that? 11:02:19

12 A. I would have to take your word for it. 11:02:22

13 Q. Please do you because I did the calculation 11:02:24

14 myself. Okay? 11:02:28

15 A. You seem an honorable fellow, I'll take 11:02:28

16 your word for it. 11:02:30

17 MR. DOUGLAS: Thank you. 11:02:30

18 Abracadabra, abracadabra for that. 11:02:31

19 BY MR. DOUGLAS: 11:02:32

20 Q. Do you have any basis to make any 11:02:34

21 assessment of whether \$11,000 for a two-day director 11:02:38

22 would be reflective of that director not being a 11:02:45

23 work-for-hire simply because of the money he's being 11:02:48

24 paid? 11:02:52

25 MR. ROLFS: Objection. Vague. Compound. 11:02:52

1	THE WITNESS: No.	11:02:54
2	MR. DOUGLAS: Abracadabra.	11:02:54
3	BY MR. DOUGLAS:	11:02:54
4	Q. Thank you for that answer.	11:02:57
5	Okay. Let's look at paragraph -- let's	11:02:58
6	look at paragraph 6 of your Declaration.	11:03:08
7	"The records in the Warner Bros.	11:03:11
8	file were not sufficiently complete	11:03:13
9	to indicate whether	11:03:16
10	Warner Bros., including its	11:03:17
11	predecessors-in-interest had	11:03:19
12	acquired Pollack's rights in the	11:03:22
13	film or whether the film had been	11:03:24
14	prepared for Warner Bros. as a	11:03:27
15	work-for-hire."	11:03:28
16	Did I read that correctly?	11:03:30
17	A. Yes.	11:03:31
18	Q. To be clear, you performed no work to	11:03:32
19	determine whether or not the records in the	11:03:37
20	Warner Bros. files were sufficiently complete or	11:03:40
21	not?	11:03:44
22	MR. ROLFS: Objection. Argumentative.	11:03:45
23	MR. MARENBERG: Are you asking him	11:03:47
24	personally?	11:03:48
25	MR. DOUGLAS: Correct.	11:03:50

1 MR. MARENBERG: As opposed to people acting 11:03:50
2 at his direction? 11:03:52

3 MR. DOUGLAS: Correct. 11:03:53

4 MR. MARENBERG: You can answer. 11:03:54

5 THE WITNESS: I did none. 11:03:54

6 BY MR. DOUGLAS: 11:03:58

7 Q. Okay. Do you know who was charged with the 11:03:58
8 responsibility of looking through the Warner files 11:04:01
9 for records; do you know? 11:04:04

10 A. I do not. 11:04:05

11 MR. DOUGLAS: Abracadabra. 11:04:07

12 BY MR. DOUGLAS: 11:04:08

13 Q. Can you give me one name of the person who 11:04:08
14 concluded that the files were not sufficiently 11:04:10
15 complete to indicate whether Warner Bros. had 11:04:14
16 acquired Pollack's rights? 11:04:17

17 MR. MARENBERG: Objection. Calls for 11:04:20
18 speculation. 11:04:20

19 If you know. 11:04:21

20 THE WITNESS: I worked with Wayne Smith, 11:04:21
21 who -- who probably was in charge of the process. 11:04:24
22 Whether he did it himself, I don't know. 11:04:27

23 BY MR. DOUGLAS: 11:04:29

24 Q. So do you -- do you know for a fact that 11:04:29
25 Wayne Smith was involved with researching for the 11:04:33

1	records; do you know for a fact?	11:04:36
2	MR. MARENBERG: Objection. Asked and	11:04:38
3	answered.	11:04:39
4	THE WITNESS: My guess is he was	11:04:39
5	supervising it, but I don't actually know.	11:04:44
6	BY MR. DOUGLAS:	11:04:46
7	Q. So the answer is, you do not know for a	11:04:46
8	fact; correct?	11:04:48
9	MR. ROLFS: Objection. Asked and answered.	11:04:49
10	Argumentative.	11:04:51
11	THE WITNESS: I think to the extent that he	11:04:51
12	was supervising it or doing it himself, my guess is,	11:04:52
13	because of the relative significance, it was	11:04:56
14	probably delegated.	11:04:59
15	BY MR. DOUGLAS:	11:05:00
16	Q. But when you say the word "my guess," as a	11:05:00
17	lawyer, that says that you do not have certainty.	11:05:03
18	And I'm trying to confirm, you do not have	11:05:06
19	certainty because you said the --	11:05:09
20	A. I do not have certainty, that's a fair	11:05:11
21	statement.	11:05:14
22	MR. ROLFS: Argumentative. Asked and	11:05:14
23	answered.	11:05:17
24	BY MR. DOUGLAS:	11:05:17
25	Q. Thank you.	11:05:17

1 So based on your understanding of the 11:05:18
2 process, Wayne Smith would have been one person who 11:05:21
3 might have been responsible for looking through the 11:05:24
4 files or determining that the files were not 11:05:26
5 sufficiently complete? 11:05:28
6 A. Yes. 11:05:29
7 Q. Which? He would be -- I'm sorry. Let me 11:05:29
8 ask a better question. That's my fault. 11:05:37
9 Based on your understanding of how the 11:05:40
10 process would work, you would assume Wayne Smith was 11:05:42
11 in some way involved with researching the files; 11:05:46
12 fair to say? 11:05:51
13 A. Or having them researched, yes. 11:05:51
14 Q. But -- 11:05:53
15 A. Yes. 11:05:54
16 Q. -- the responsibility would go through 11:05:54
17 Wayne Smith and his team; fair to say? 11:05:57
18 A. Yes. 11:06:00
19 Q. You do not know who on his team may have 11:06:01
20 been assigned this task; fair to say? 11:06:04
21 A. Yes. 11:06:06
22 Q. You do not know -- do you know any other 11:06:07
23 members of his team who might be assigned this task? 11:06:10
24 MR. ROLFS: Objection. Calls for 11:06:14
25 speculation. 11:06:15

1 THE WITNESS: No. 11:06:15

2 BY MR. DOUGLAS: 11:06:16

3 Q. Okay. So do you know how many members are 11:06:16

4 on his team that could have possibly been assigned 11:06:19

5 this task? 11:06:22

6 A. No. 11:06:23

7 Q. Okay. And, secondly, you do not know 11:06:23

8 whether or not Wayne Smith concluded that the files 11:06:28

9 that were available were insufficiently complete; 11:06:32

10 fair to say? 11:06:36

11 MR. ROLFS: Objection. Argumentative. 11:06:38

12 Calls for speculation. 11:06:40

13 THE WITNESS: Yes. 11:06:40

14 BY MR. DOUGLAS: 11:06:42

15 Q. Okay. The next sentence says the only 11:06:43

16 record located in the Warner Bros. files regarding 11:06:46

17 arrangements with Pollack as to his directing of the 11:06:50

18 film was an interoffice memo, dated March 14, 1972. 11:06:53

19 Do you see that? 11:06:59

20 A. Yes. 11:06:59

21 Q. You do not know whether that's a true 11:07:00

22 statement on your own accord; isn't that fair to 11:07:03

23 say? 11:07:06

24 MR. ROLFS: Objection. Argumentative. 11:07:06

25 MR. MARENBERG: Well, objection. I think 11:07:07

1 it's clear that he relied on others to determine 11:07:09
2 that. 11:07:13

3 MR. DOUGLAS: Counsel, that's not clear to 11:07:14
4 me. I'm asking the question because it's not clear. 11:07:17

5 THE WITNESS: I was confident that it was 11:07:21
6 properly researched and that the people are telling 11:07:23
7 the truth. 11:07:25

8 BY MR. DOUGLAS: 11:07:25

9 Q. Respectfully, that's not the question. I 11:07:26
10 get that, Mr. Spira, but that's not the question. 11:07:28

11 My question is, you do not know personally 11:07:30
12 that the only record located in the files is one 11:07:34
13 memo because you didn't look? 11:07:37

14 MR. ROLFS: Objection. Argumentative. 11:07:40

15 BY MR. DOUGLAS: 11:07:40

16 Q. True? 11:07:41

17 MR. ROLFS: Misstates testimony. Asked and 11:07:42
18 answered. 11:07:45

19 MR. MARENBERG: Yeah, and I'm going to 11:07:45
20 object to the form of the question. 11:07:46

21 For one thing, it's two questions and maybe 11:07:47
22 you want to break it up. But if you want to say he 11:07:49
23 didn't look, that's one thing. If you want to say 11:07:52
24 he doesn't have a basis for relying on those he 11:07:56
25 relies on, I think that's quite another. 11:07:58

1 MR. DOUGLAS: Sir, that's your question. 11:07:59

2 MR. MARENBERG: Why are you doing this? 11:08:00

3 You don't need this. 11:08:02

4 MR. DOUGLAS: You don't know what I'm 11:08:04

5 doing, sir. I've been on the case for four years. 11:08:06

6 I'm doing this -- 11:08:09

7 MR. MARENBERG: I think I'm -- I have a 11:08:10

8 pretty good idea and I think you're reaching a 11:08:12

9 little too far. But I'm not going to instruct him 11:08:15

10 not to answer, I'm just saying break down the 11:08:18

11 questions. 11:08:20

12 MR. DOUGLAS: Very well. 11:08:20

13 BY MR. DOUGLAS: 11:08:20

14 Q. This is a sworn Declaration, Mr. Spira, is 11:08:22

15 it not? 11:08:24

16 A. Yes. 11:08:24

17 Q. And, Mr. Spira, he's objecting, man, so I 11:08:25

18 don't want to put you through this, but he's making 11:08:28

19 me do it, so I'm sorry. I know you're annoyed 11:08:28

20 because I'm annoyed too, but I'll go through it. 11:08:31

21 I'm a big boy. 11:08:35

22 You don't know whether the only record in 11:08:36

23 the Warner Bros. file is that one memo dated March 11:08:39

24 the 4th -- 14th, 1972; isn't that fair to say? 11:08:43

25 MR. MARENBERG: Objection. Asked and 11:08:48

1 answered. Vague and ambiguous. 11:08:48

2 Go ahead. 11:08:50

3 THE WITNESS: I'm confident based on the 11:08:51

4 information I got from my legal department that it 11:08:52

5 is. 11:08:54

6 MR. DOUGLAS: Objection. Nonresponsive. 11:08:54

7 BY MR. DOUGLAS: 11:08:57

8 Q. That's not my question. I understand about 11:08:57

9 your confidence, sir, but I'm asking something more 11:08:58

10 fundamental. 11:09:01

11 The statement doesn't say, I'm confident 11:09:02

12 that because someone told me who did the research, 11:09:06

13 blah, blah, blah. The statement is a direct 11:09:09

14 statement that's the only record. 11:09:12

15 And my point is, you don't have any 11:09:14

16 firsthand knowledge that there's only one record; 11:09:18

17 isn't that fair to say? 11:09:20

18 A. Yes. 11:09:22

19 MR. MARENBERG: Objection -- 11:09:22

20 MR. ROLFS: Objection. Argumentative. 11:09:22

21 Asked and answered. 11:09:24

22 MR. DOUGLAS: Abracadabra. 11:09:24

23 He hadn't answered until just now. 11:09:25

24 BY MR. DOUGLAS: 11:09:29

25 Q. And you've already said you have no basis 11:09:29

1 of assessing whether \$1,500 in 1972 was a fair fee 11:09:31
2 for a work-for-hire. 11:09:39
3 Haven't you said that already? 11:09:40
4 MR. MARENBERG: Objection. Asked and 11:09:42
5 answered. 11:09:42
6 Go ahead. 11:09:45
7 MR. ROLFS: Objection. Misstates 11:09:45
8 testimony. 11:09:46
9 THE WITNESS: Yes. 11:09:47
10 BY MR. DOUGLAS: 11:09:47
11 Q. Did I misstate your testimony, sir? 11:09:49
12 A. I don't think so. 11:09:50
13 MR. DOUGLAS: Thank you so much. 11:09:53
14 Abracadabra, Mr. Rolfs. 11:09:53
15 BY MR. DOUGLAS: 11:09:56
16 Q. The seventh -- the next paragraph says, 11:10:03
17 "Warner Bros. was not able to 11:10:11
18 determine whether the letter and 11:10:14
19 the \$1,500 check referenced were, 11:10:15
20 in fact, sent to Pollack." 11:10:20
21 When you say "Warner Bros.," who at 11:10:21
22 Warner Bros. are you referencing, sir, because 11:10:24
23 you're not saying yourself? 11:10:26
24 MR. ROLFS: Objection. Argumentative. 11:10:28
25 Compound. 11:10:32

1 THE WITNESS: Whoever the legal department 11:10:32
2 that would have been charged with researching this 11:10:33
3 information. 11:10:36
4 BY MR. DOUGLAS: 11:10:36
5 Q. Do you know who that person may be so that 11:10:36
6 I can ask that person who might know; do you know? 11:10:39
7 A. I do not. 11:10:41
8 MR. DOUGLAS: Very well. 11:10:44
9 Abracadabra. 11:10:45
10 BY MR. DOUGLAS: 11:10:45
11 Q. When you say -- the next line you write 11:10:48
12 says, "Further, given the relatively small amount of 11:10:51
13 the check." 11:10:56
14 It's fair to say because you were in high 11:10:57
15 school, you don't know -- you cannot say for a fact 11:11:00
16 that \$1,500 was a relatively small amount; isn't 11:11:03
17 that fair to say? 11:11:07
18 MR. ROLFS: Objection. Argumentative. 11:11:09
19 Also, apparently we did the interest calculations -- 11:11:10
20 not interest, the inflation calculations yourself 11:11:13
21 earlier. 11:11:16
22 MR. DOUGLAS: You'll have time to ask 11:11:16
23 questions. I'll give you time. Wait for your time. 11:11:19
24 MR. MARENBERG: I don't really understand 11:11:21
25 what the question is right now. Will you ask it 11:11:22

1 Bros., however, did not acquire or 11:12:15
2 distribute the film. Warner 11:12:16
3 Bros.'s decision to neither acquire 11:12:20
4 nor distribute the film was not a 11:12:23
5 result of any claims made by 11:12:25
6 Pollack's estate or his attorney." 11:12:27
7 When you write under oath "Warner Bros.'s 11:12:30
8 decision," who are you referencing -- reflecting 11:12:34
9 Warner Bros.? Is that your decision -- withdrawn. 11:12:37
10 Did you ever make the decision not to 11:12:39
11 acquire or distribute the film? 11:12:41
12 A. No. 11:12:44
13 MR. DOUGLAS: Abracadabra. 11:12:45
14 BY MR. DOUGLAS: 11:12:45
15 Q. Do you know who at Warner Bros. made the 11:12:46
16 decision to not acquire or distribute the film? 11:12:49
17 A. I don't recall. 11:12:54
18 MR. DOUGLAS: Abracadabra. 11:12:59
19 BY MR. DOUGLAS: 11:13:00
20 Q. If you were going to be paid a million 11:13:00
21 dollars to identify the person or persons at 11:13:03
22 Warner Bros. who decided to not acquire or 11:13:05
23 distribute the film, would you be able to collect 11:13:10
24 that money? 11:13:12
25 MR. ROLFS: Objection. Argumentative. 11:13:14

1 MR. MARENBERG: Objection. Instruct you 11:13:15
2 not to answer. 11:13:17
3 Ask a better question. 11:13:17
4 MR. DOUGLAS: Very well. 11:13:18
5 BY MR. DOUGLAS: 11:13:19
6 Q. Are you able under oath in 2024 to identify 11:13:21
7 anyone from Warner Bros. who you think was involved 11:13:24
8 in the decision to not acquire or distribute the 11:13:27
9 film? 11:13:29
10 MR. MARENBERG: Are you asking who might 11:13:31
11 have been involved in that decision? 11:13:32
12 BY MR. DOUGLAS: 11:13:32
13 Q. I'm asking everyone who you wrote was 11:13:34
14 involved when you signed the declaration so I can 11:13:37
15 ask those people. 11:13:39
16 MR. MARENBERG: So he's asking you -- well, 11:13:45
17 hang on one second. The witness has asked to 11:13:48
18 discuss with counsel. 11:13:53
19 MR. DOUGLAS: Sure. 11:13:53
20 (Pause in the proceedings.) 11:13:55
21 THE WITNESS: So I just asked my counsel if 11:13:59
22 I could tell you typically what would happen in a 11:14:01
23 situation like this. 11:14:03
24 Typically, when we have a right to look at 11:14:04
25 something like this, it would be -- they'd approach 11:14:06

1 the creators team, whoever is in charge, and I'm 11:14:09
2 guessing it was Toby Emmerich. And they would say, 11:14:12
3 Are you interested? Do you want to see it? They 11:14:15
4 could say, It's not for us, one way or another. I 11:14:17
5 don't need to see it. Or they could say, Let's see 11:14:21
6 it, and make a decision. But it would be made 11:14:25
7 somewhere in the creative world of distribution 11:14:27
8 and/or in the -- or in the creative world. It 11:14:30
9 wouldn't be made in the legal world. 11:14:34
10 BY MR. DOUGLAS: 11:14:36
11 Q. I understand. 11:14:36
12 Mr. Spira, do you know when Warner Bros. 11:14:37
13 decided to not acquire or distribute Amazing Grace? 11:14:40
14 A. I don't have a date, but they would have 11:14:43
15 approached us when it was completed. 11:14:45
16 Q. But you don't have a date? 11:14:47
17 A. No. 11:14:49
18 Q. Do you know what decade it was in? 11:14:49
19 A. I'm assuming it was in the last five, six, 11:14:52
20 seven, eight years, whenever the picture was 11:14:58
21 finished. 11:14:59
22 Q. You're assuming, sir, but I don't want you 11:14:59
23 to assume. If you don't know, say "I don't know" 11:15:02
24 and that's a fair answer. 11:15:03
25 MR. ROLFS: Objection. Argumentative. 11:15:05

1 Asked and answered. Not a question. 11:15:08

2 THE WITNESS: It would have been within 11:15:10

3 whatever time period the picture was completed and I 11:15:12

4 don't have a specific date. 11:15:15

5 BY MR. DOUGLAS: 11:15:16

6 Q. Did someone tell you that the decision was 11:15:20

7 not based at all on anything that Barry Tyerman 11:15:24

8 would have said; did someone tell you that? 11:15:29

9 A. I don't recall. 11:15:31

10 Q. What is the source of the statement that 11:15:33

11 you then wrote that Warner Bros.'s decision to 11:15:39

12 neither acquire nor distribute the film was not a 11:15:42

13 result of any claims made by Pollack's estate or its 11:15:45

14 attorney, Barry Tyerman; what's the source -- 11:15:50

15 A. It was -- it was a general recollection of 11:15:52

16 a minimal amount of interest in the project 11:15:54

17 throughout the course of this ongoing transaction -- 11:15:59

18 Q. What is -- 11:16:01

19 A. -- and how it would typically happen. 11:16:04

20 Q. I'm sorry. 11:16:06

21 What is your understanding of what 11:16:07

22 post-production means? 11:16:09

23 A. That's completion of the picture, getting 11:16:10

24 it into shape for exhibition. 11:16:13

25 Q. So in terms of your paragraph 8, when you 11:16:21

1 reference Warner Bros. globally, you do not have a 11:16:26
2 particular -- well, first of all, you are not 11:16:29
3 speaking about decisions that you made yourself 11:16:31
4 personally; correct? 11:16:34
5 A. Correct. Correct. 11:16:36
6 Q. When you say "Warner Bros.," you are not 11:16:37
7 referencing a particular individual that you 11:16:41
8 remember that gave you the source of that 11:16:44
9 information; correct? 11:16:47
10 A. Correct. 11:16:48
11 MR. DOUGLAS: Abracadabra. 11:16:50
12 BY MR. DOUGLAS: 11:16:51
13 Q. So your answers that you put in your sworn 11:16:52
14 declaration are not based on your personal 11:16:55
15 knowledge; correct? 11:16:58
16 MR. MARENBERG: Objection. Misstates his 11:17:00
17 testimony. He's already told you what the basis 11:17:02
18 was. 11:17:04
19 THE WITNESS: No. 11:17:04
20 MR. ROLFS: Asked and answered. 11:17:05
21 BY MR. DOUGLAS: 11:17:07
22 Q. It is based on your understanding of 11:17:07
23 what -- how your industry works at that time, you're 11:17:09
24 telling me; correct? 11:17:12
25 MR. ROLFS: Objection. 11:17:13

1 THE WITNESS: No. No. 11:17:13

2 MR. ROLFS: Misstates testimony. 11:17:14

3 THE WITNESS: No. 11:17:15

4 MR. ROLFS: Asked and answered. 11:17:17

5 MR. DOUGLAS: Sir, I can ask the question 11:17:17

6 again if I'm not satisfied with the response, as can 11:17:19

7 you. 11:17:25

8 BY MR. DOUGLAS: 11:17:25

9 Q. When you write there that Warner Bros. 11:17:30

10 declined to acquire or distribute the film for 11:17:33

11 business reasons that were unrelated to any claims 11:17:37

12 made by Pollack's estate, what is the basis of that 11:17:40

13 statement? It's not based on your personal 11:17:44

14 opinions; correct? 11:17:46

15 MR. ROLFS: Objection. 11:17:48

16 THE WITNESS: Correct. 11:17:48

17 MR. ROLFS: Compound and argumentative. 11:17:49

18 BY MR. DOUGLAS: 11:17:51

19 Q. Because you have not -- withdrawn. 11:17:51

20 But it's based on what business reasons 11:17:53

21 then? 11:17:56

22 A. So my general recollection of our appetite 11:17:58

23 for the project all along this entire journey and 11:18:02

24 their limited interest in it. 11:18:07

25 MR. DOUGLAS: Ms. Valles, please read that 11:18:12

1 answer back to me. 11:18:14

2 (Record read as follows: 11:18:41

3 "A. So my general 11:17:59

4 recollection of our appetite for 11:18:01

5 the project all along this entire 11:18:02

6 journey and their limited interest 11:18:05

7 in it.") 11:18:08

8 BY MR. DOUGLAS: 11:18:43

9 Q. So it's your position that Warner Bros. 11:18:43

10 only had limited interest in the project? 11:18:46

11 A. It was a wait-and-see, but there was no 11:18:50

12 anticipation of it turning into anything. 11:18:55

13 Q. And what's the basis of that answer, that's 11:18:59

14 it's a wait-and-see and there was no clear 11:19:02

15 indication that it was going to turn into anything; 11:19:05

16 what's the basis of that? 11:19:08

17 A. Well, one, our willingness to let somebody 11:19:09

18 else do it and not doing it ourselves; and, two, the 11:19:12

19 length of time that we let this thing sort of linger 11:19:16

20 because it didn't matter to us either way. 11:19:20

21 Q. Have you ever had a chance to see the film 11:19:22

22 Amazing Grace? 11:19:26

23 A. No. 11:19:26

24 MR. DOUGLAS: Abracadabra. 11:19:27

25 ///

1	BY MR. DOUGLAS:	11:19:29
2	Q. Have you ever read -- you've never seen the	11:19:30
3	film yourself, sir?	11:19:33
4	A. No, sir.	11:19:34
5	Q. It's a remarkable work of art, if you take	11:19:34
6	the time to see it. But don't take my word for it,	11:19:40
7	you're the professional.	11:19:42
8	A. I'm not a business fool. I'm not a	11:19:42
9	creative guy.	11:19:45
10	Q. I get it.	11:19:47
11	A. But I believe you.	11:19:47
12	Q. Are you aware of how the film has been	11:19:48
13	reviewed in the pantheon of concert films to assess	11:19:52
14	the merit of the film; are you aware?	11:19:58
15	A. The artistic merit, yes.	11:19:59
16	Q. What is your understanding of the artistic	11:20:02
17	merit?	11:20:05
18	A. In general, it was favorably reviewed.	11:20:05
19	Q. Are you aware that it was voted by Rolling	11:20:07
20	Stone Magazine as the 88th best movie of all time;	11:20:09
21	are you aware of that?	11:20:14
22	A. I am now.	11:20:14
23	Q. Don't take my word for it, look it up	11:20:15
24	yourself.	11:20:19
25	A. All right.	11:20:19

1 Q. Did you ever have a conversation that you 11:20:20
2 can remember with anyone at WB concerning Tyerman, 11:20:31
3 Elliott and Amazing Grace? 11:20:35

4 MR. MARENBERG: May I have the question 11:20:41
5 read back, please. 11:20:42

6 BY MR. DOUGLAS: 11:20:44

7 Q. Did you ever have a conversation with 11:20:45
8 anyone at WB concerning Tyerman and Elliott and 11:20:46
9 Amazing Grace? 11:20:50

10 MR. MARENBERG: Objection. Overbroad. 11:20:51
11 You can answer. 11:20:57

12 THE WITNESS: I can answer? 11:20:58

13 MR. MARENBERG: Sure. 11:20:59

14 THE WITNESS: I'm sure I did. 11:21:00

15 BY MR. DOUGLAS: 11:21:01

16 Q. Is there anything you can remember that you 11:21:01
17 have not already testified about, about 11:21:04
18 conversations you had with anyone at WB concerning 11:21:05
19 Tyerman, Elliott and Amazing Grace since 2018? 11:21:09

20 MR. MARENBERG: Objection to the form of 11:21:13
21 the question. Overbroad. 11:21:15

22 You can answer. 11:21:16

23 THE WITNESS: Other than with the 11:21:17
24 attorneys, no. 11:21:19

25 ///

1 BY MR. DOUGLAS: 11:21:20

2 Q. Are you aware that Pollack's directed by 11:21:21

3 credit was removed from the film before the 2016 11:21:23

4 Telluride Film Festival? 11:21:29

5 A. I don't recall. 11:21:31

6 Q. Are you aware that the directed by credit 11:21:31

7 was removed from the film at any time; are you 11:21:34

8 aware? 11:21:37

9 A. Not really. 11:21:37

10 Q. Are you aware that the directed by credit 11:21:41

11 was removed at the insistence of Barry Tyerman? 11:21:46

12 A. I don't recall. 11:21:50

13 MR. MARENBERG: Mr. Douglas, we have about 11:21:53

14 a half hour left. I think some of the questions 11:21:55

15 you're getting to now are really sort of rhetorical 11:21:58

16 and I want to make sure that counsel for Mr. Tyerman 11:22:02

17 has time within the three hours we've allotted for 11:22:05

18 this. And if you have anything substantive, we can 11:22:08

19 just move to that. 11:22:13

20 MR. DOUGLAS: Thank you, Mr. Marenberg. So 11:22:13

21 you understand, sir, I'm a mirror and I treat my 11:22:16

22 opposing counsel the way they treat me. 11:22:21

23 MR. MARENBERG: Okay. But I can't get in 11:22:25

24 between that -- 11:22:27

25 MR. DOUGLAS: Sir, I'm going to give him 11:22:28

1 time. I'm going to finish my questions. His 11:22:30
2 counsel took all the time for his deposition and 11:22:32
3 gave me no time for my questions. I'm doing the 11:22:34
4 same thing. But I'm almost through. But I'm almost 11:22:37
5 through. 11:22:40
6 MR. MARENBERG: All I'm suggesting, 11:22:40
7 Mr. Douglas, is Mr. Spira is a third-party witness 11:22:42
8 here and whatever has happened on party witnesses I 11:22:46
9 can't speculate -- 11:22:50
10 MR. DOUGLAS: Third-party witnesses. We're 11:22:50
11 talking about third-party witnesses only, sir. 11:22:53
12 MR. MARENBERG: All I'm saying is that 11:22:53
13 Mr. Spira has allotted three hours. That three 11:22:55
14 hours needs to encompass questions by both of you. 11:22:57
15 And I think I can recognize -- I've been doing this 11:23:01
16 long enough to recognize poor questions and 11:23:04
17 rhetorical questions. And the last couple have been 11:23:07
18 asking a business affairs executive about his 11:23:11
19 opinion of a film and how it's reviewed. So it 11:23:15
20 seems to me you're outside of the substance and we 11:23:17
21 can get to other counsel's questions. 11:23:21
22 MR. DOUGLAS: Thank you for your time. I'm 11:23:23
23 almost through. Trust me, I'm almost through. 11:23:25
24 BY MR. DOUGLAS: 11:23:25
25 Q. Have you ever had any conversations with 11:23:27

1	Mr. Elliott about Amazing Grace?	11:23:29
2	A. Yes.	11:23:32
3	Q. Did Mr. Elliott ever tell you that Pollack	11:23:36
4	has no rights in the film?	11:23:39
5	A. I don't recall.	11:23:41
6	Q. Did Mr. Elliott ever tell you that Pollack	11:23:43
7	did have ownership rights in the film?	11:23:46
8	A. I don't recall.	11:23:49
9	Q. Did Mr. Elliott ever tell you that Tyerman	11:23:49
10	was trying to assert rights that Pollack did not	11:23:54
11	have to the film?	11:23:57
12	A. Probably.	11:24:00
13	MR. DOUGLAS: Abracadabra.	11:24:04
14	BY MR. DOUGLAS:	11:24:05
15	Q. Did Mr. Elliott ever tell you that Tyerman	11:24:05
16	wanted to be paid for rights that he said Pollack	11:24:07
17	had to the film?	11:24:11
18	A. I think so.	11:24:14
19	Q. Did he tell you that he had offered Tyerman	11:24:14
20	a payment proposal, but Tyerman rejected it?	11:24:19
21	A. I don't recall.	11:24:23
22	Q. Did you ever refer to Tyerman's conduct as	11:24:24
23	ambulance chasing?	11:24:28
24	A. Never.	11:24:29
25	Q. You've never used that word?	11:24:29

1 A. No, sir. 11:24:32

2 Q. Did you ever tell Mr. Elliott that Tyerman 11:24:33

3 asked us for money on this, but I told him he had no 11:24:36

4 cause? 11:24:40

5 A. No. 11:24:41

6 Q. Are you sure you never said those words, 11:24:42

7 sir? 11:24:47

8 MR. ROLFS: Asked and answered. 11:24:47

9 Argumentative. 11:24:48

10 BY MR. DOUGLAS: 11:24:48

11 Q. I'm asking are you sure? 11:24:49

12 A. I think I'm sure. I have no way to know 11:24:51

13 whether his claim was good or not. I never looked 11:24:53

14 into it. 11:24:56

15 Q. No, but did you ever tell Elliott that 11:24:57

16 Tyerman asked us for money on this? 11:25:03

17 A. Possibly, yes. 11:25:06

18 Q. Because you are possibly remembering that 11:25:07

19 Tyerman did ask WB for money on the project; fair to 11:25:10

20 say? 11:25:14

21 A. Yes. 11:25:14

22 MR. DOUGLAS: Abracadabra. 11:25:15

23 BY MR. DOUGLAS: 11:25:16

24 Q. Did you ever tell Elliott that Mr. Tyerman 11:25:16

25 was on a fishing expedition? 11:25:19

1 told Mr. Elliott that Warner Bros. had finally found 11:26:25
2 the Aretha Franklin contract? 11:26:29

3 A. No. 11:26:33

4 Q. And do you remember in that conversation 11:26:33
5 saying that since you've now found the contract, 11:26:36
6 Alan was good to go or words to that effect, in 11:26:41
7 terms of putting the project together? 11:26:44

8 A. No. 11:26:45

9 Q. Have you ever had a conversation with Tom 11:26:46
10 McGuire about Amazing Grace? 11:26:51

11 A. I don't recall. 11:26:52

12 Q. Tom McGuire was an employee of WME, was he 11:26:52
13 not? 11:27:04

14 A. Yes. 11:27:04

15 Q. He represented Alan Elliott, did he not? 11:27:05

16 A. I don't recall, but I -- probably. 11:27:08

17 Q. As an agent for a filmmaker, if McGuire 11:27:12
18 became aware that someone else was challenging the 11:27:19
19 film's rights, the agent would have an obligation to 11:27:24
20 share that information with all potential buyers of 11:27:29
21 the film; true? 11:27:32

22 MR. MARENBERG: Objection -- objection. 11:27:33
23 Foundation. 11:27:34

24 MR. ROLFS: Calls for speculation. 11:27:35

25 MR. MARENBERG: Do you know what the 11:27:36

1 agent's obligations are? 11:27:38

2 THE WITNESS: Tom McGuire is not an agent. 11:27:39

3 Tom McGuire is more of a business affairs/legal 11:27:42

4 person. He was at WME. He's not anymore. And I've 11:27:46

5 never worked on that side of the fence, so I can't 11:27:51

6 speak to it. 11:27:53

7 MR. DOUGLAS: I will pass the witness for 11:28:00

8 now. Mr. Rolfs, your turn. 11:28:02

9 MR. ROLFS: Thank you. 11:28:04

10 Madam Court Reporter, would you mind just 11:28:06

11 telling me what exhibit we left off on. 11:28:11

12 THE REPORTER: 6. So now you're on 7. 11:28:11

13 11:28:11

14 -EXAMINATION- 11:28:11

15 BY MR. ROLFS: 11:28:11

16 Q. Mr. Spira, you referred earlier to 11:28:16

17 Warner Bros. having limited interest in the film 11:28:19

18 Amazing Grace; correct? 11:28:22

19 A. Yes. 11:28:23

20 Q. Why did Warner Bros. have limited interest 11:28:23

21 in Amazing Grace? 11:28:26

22 MR. DOUGLAS: Objection. No foundation. 11:28:27

23 Calls for speculation. 11:28:29

24 He doesn't remember. 11:28:30

25 MR. MARENBERG: You can answer. 11:28:34

1 THE WITNESS: Typically, we do things at a 11:28:34
2 larger scale. And it was a pretty small scale and 11:28:39
3 those are very difficult things to handle, so... 11:28:43
4 BY MR. ROLFS: 11:28:48
5 Q. Are you aware in -- in your role of any 11:28:48
6 claims made by the Pollack Estate having any impact 11:28:57
7 on Warner Bros.'s limited interest in the film? 11:29:00
8 A. No. 11:29:04
9 Q. You were asked a question earlier about the 11:29:04
10 merits of Amazing Grace. 11:29:09
11 Do you remember that? 11:29:11
12 A. Yes. 11:29:11
13 Q. And you referred to its artistic merits. 11:29:11
14 Do you remember that? 11:29:16
15 A. Yes. 11:29:16
16 Q. What were the commercial merits of 11:29:17
17 Amazing Grace? 11:29:19
18 MR. MARENBERG: Objection. Foundation. 11:29:20
19 MR. DOUGLAS: Objection. Calls for 11:29:21
20 speculation. No foundation. Beyond the scope of 11:29:23
21 his expertise. It may call for an expert opinion as 11:29:26
22 well. 11:29:30
23 BY MR. ROLFS: 11:29:30
24 Q. You can answer. 11:29:31
25 MR. MARENBERG: You can answer. 11:29:31

1 THE WITNESS: I typically am not involved 11:29:33
2 in creative decisions. So that's the purview of the 11:29:34
3 creative department. In this case, it would be 11:29:41
4 distribution and exhibition and the film group, not 11:29:43
5 me. 11:29:46
6 BY MR. ROLFS: 11:29:47
7 Q. We looked earlier at a Declaration that you 11:29:49
8 executed in respect to the film Amazing Grace; 11:29:52
9 correct? 11:29:52
10 A. Yes. 11:29:57
11 Q. In signing that Declaration and reviewing 11:29:57
12 it, did you rely on a search for records conducted 11:30:01
13 by your team at Warner Bros.? 11:30:06
14 A. Yes. 11:30:08
15 Q. Based on that search that you had conducted 11:30:09
16 by your team, did Warner Bros. locate any executed 11:30:12
17 contract between Sydney Pollack and Warner Bros. for 11:30:16
18 his directing work on the film Amazing Grace? 11:30:19
19 A. No. 11:30:24
20 MR. DOUGLAS: Calls for speculation. No 11:30:26
21 foundation that he knows personally. 11:30:27
22 THE WITNESS: No. 11:30:29
23 BY MR. ROLFS: 11:30:31
24 Q. Are you generally familiar the concept of a 11:30:31
25 work-for-hire? 11:30:34

1 A. Yes. 11:30:37

2 MR. DOUGLAS: Vague as to the term 11:30:37

3 "generally." 11:30:37

4 BY MR. ROLFS: 11:30:37

5 Q. And if you were looking for records of a 11:30:37

6 film to determine if a film had been prepared as a 11:30:40

7 work-for-hire, what would you look for in the 11:30:42

8 records? 11:30:44

9 MR. DOUGLAS: That may call for 11:30:46

10 speculation. No foundation. As the president, he 11:30:48

11 may not know the process by which one would search 11:30:50

12 to answer that question. 11:30:50

13 You can answer. 11:30:52

14 MR. ROLFS: No more speaking objections. 11:30:52

15 Let's go. 11:30:54

16 MR. DOUGLAS: I'm making an objection. I'm 11:30:55

17 speaking words for my objection. Give me a break. 11:30:57

18 MR. ROLFS: Speaking objections. 11:31:00

19 MR. DOUGLAS: I'm not trying to help him. 11:31:01

20 I love speaking. He's not my client. 11:31:02

21 MR. ROLFS: I've loved my lesson about 11:31:04

22 chastising you. Okay? 11:31:07

23 MR. DOUGLAS: You're right. Don't do it. 11:31:09

24 Don't do it. It doesn't work that well. 11:31:10

25 MR. ROLFS: Yeah. No, it doesn't get 11:31:12

1 anywhere apparently. 11:31:14

2 MR. DOUGLAS: You're right. You're right. 11:31:16

3 Same with Sasha. 11:31:16

4 MR. MARENBERG: All right. Let's ask the 11:31:17

5 court reporter to read back the question or you just 11:31:18

6 reask since there's been a little bit of colloquy, 11:31:21

7 the witness can answer. 11:31:21

8 MR. ROLFS: I'll ask the question again. 11:31:46

9 BY MR. ROLFS: 11:31:46

10 Q. If you were trying to determine if a film 11:31:48

11 was prepared as a work-for-hire by a director for 11:31:50

12 Warner Bros., what would you look for in the file? 11:31:54

13 MR. DOUGLAS: Objection. No foundation. 11:31:56

14 Calls for speculation. 11:31:58

15 He's never done such a search that he 11:31:58

16 knows. 11:32:01

17 You can answer. 11:32:02

18 THE WITNESS: I would look for a document 11:32:03

19 between the director and the studio, a signed 11:32:04

20 document that transferred rights. 11:32:07

21 BY MR. ROLFS: 11:32:09

22 Q. Did you find such a document in the course 11:32:10

23 of Warner Bros.'s records search as to the film 11:32:11

24 Amazing Grace? 11:32:16

25 MR. DOUGLAS: Objection. No foundation. 11:32:17

1 Calls for speculation. 11:32:18

2 He never did any search. 11:32:18

3 Beyond the scope of his expertise. 11:32:20

4 Speculation. 11:32:23

5 MR. MARENBERG: By "you," do you mean 11:32:23

6 Mr. Spira personally or the team working for him? 11:32:26

7 MR. ROLFS: I'll ask the question again 11:32:29

8 just to make sure it's clear. 11:32:31

9 BY MR. ROLFS: 11:32:31

10 Q. Mr. Spira, you testified earlier that your 11:32:33

11 team at Warner Bros. conducted a record search 11:32:36

12 regarding the film Amazing Grace; correct? 11:32:39

13 A. Yes. 11:32:42

14 Q. As a result of that record search, did you 11:32:42

15 locate the kind of document that you testified 11:32:44

16 earlier would indicate that the film Amazing Grace 11:32:46

17 was prepared as a work-for-hire by Sydney Pollack? 11:32:50

18 MR. DOUGLAS: Objection. Compound. Calls 11:32:54

19 for speculation. No foundation. 11:32:54

20 He did not find anything. 11:32:55

21 You can answer. 11:32:57

22 THE WITNESS: They did not. 11:32:57

23 BY MR. ROLFS: 11:32:58

24 Q. To your knowledge, did Warner Bros. ever 11:33:04

25 represent to Mr. Elliott that it had acquired all of 11:33:06

1	Mr. Sydney Pollack's rights in the film Amazing	11:33:12
2	Grace?	11:33:14
3	MR. DOUGLAS: Objection. No foundation.	11:33:14
4	Calls for speculation.	11:33:16
5	He has no recollection or any knowledge of	11:33:16
6	any conversations, other than with Mr. Elliott.	11:33:18
7	You can answer.	11:33:21
8	THE WITNESS: Can you repeat the question?	11:33:23
9	I'm sorry.	11:33:24
10	BY MR. ROLFS:	11:33:25
11	Q. To your knowledge, did Warner Bros. ever	11:33:25
12	represent to Mr. Elliott that it had acquired all	11:33:27
13	rights of Sydney Pollack in the film Amazing Grace?	11:33:33
14	A. No.	11:33:37
15	Q. Did Warner Bros., to your knowledge, ever	11:33:38
16	represent to Mr. Elliott that it could transfer to	11:33:40
17	Mr. Elliott all rights Sydney Pollack may have had	11:33:43
18	in the film Amazing Grace?	11:33:45
19	MR. DOUGLAS: Objection. No foundation.	11:33:48
20	Calls for speculation. Vague and ambiguous.	11:33:49
21	Incomplete hypothetical even.	11:33:51
22	THE WITNESS: No.	11:33:53
23	BY MR. ROLFS:	11:33:54
24	Q. I assume you're familiar with the Directors	11:33:56
25	Guild of America?	11:34:00

1 A. I am. 11:34:00

2 Q. And is it your understanding that the 11:34:00

3 Directors Guild of America negotiates collective 11:33:59

4 bargaining agreements with film studios on behalf of 11:34:08

5 directors? 11:34:10

6 A. Yes. 11:34:10

7 Q. In your experience, is Warner Bros. 11:34:10

8 generally one of the studios that's a party to those 11:34:12

9 collective bargaining agreements? 11:34:16

10 A. Yes. 11:34:17

11 Q. Does Warner Bros. abide by the collective 11:34:17

12 bargaining agreements that it signs with the 11:34:21

13 Directors Guild of America? 11:34:23

14 MR. DOUGLAS: Vague. Compound. Calls for 11:34:24

15 speculation. No foundation. Beyond the scope of 11:34:27

16 his expertise. 11:34:29

17 But you can answer. 11:34:30

18 THE WITNESS: Certainly hope so, yes. 11:34:30

19 MR. DOUGLAS: Good answer. Good answer. 11:34:36

20 Very good answer, man. 11:34:38

21 (Defendants' Exhibit 7 was marked for 11:34:38

22 identification and is attached hereto.) 11:34:40

23 BY MR. ROLFS: 11:34:40

24 Q. All right. I'm going to introduce Exhibit 11:34:41

25 Number 7. I'll pop it up on the screen. 11:34:44

1 Do you see that? 11:34:56

2 A. Not yet. 11:34:58

3 MR. MARENBERG: No, it hasn't launched yet. 11:35:00

4 THE WITNESS: It's coming up. 11:35:02

5 MR. ROLFS: Hold on one second. I may not 11:35:04

6 have permission then because -- 11:35:05

7 MR. MARENBERG: Which document is it? 11:35:09

8 MR. ROLFS: It is -- it's Directors Guild 11:35:10

9 of America Basic Agreement of 1968. 11:35:15

10 Could whoever is in charge of the Zoom make 11:35:18

11 sure I have permission? 11:35:21

12 MR. DOUGLAS: Mr. Burke. 11:35:23

13 THE VIDEOGRAPHER: You should. 11:35:26

14 MR. ROLFS: All right. Let me try again. 11:35:27

15 THE VIDEOGRAPHER: Just try doing it again. 11:35:31

16 MR. DOUGLAS: That's why I have a young 11:35:33

17 person with me. 11:35:35

18 THE WITNESS: We need a 15-year-old, each 11:35:36

19 one of us. 11:35:39

20 MR. DOUGLAS: She's 26. 11:35:40

21 THE WITNESS: All right. 11:35:43

22 THE VIDEOGRAPHER: Mr. Rolfs, does it 11:35:43

23 prompt you and say anything when you try to share? 11:35:45

24 Does it stop you from doing it? 11:35:48

25 MR. DOUGLAS: It says, "Your screen sharing 11:35:50

1 is paused." I click, "Resume share," and nothing. 11:35:53

2 THE WITNESS: Our screen says, "Please 11:35:56

3 wait." 11:35:59

4 THE VIDEOGRAPHER: You could upload it into 11:36:02

5 the Chat and then I'll share it. 11:36:04

6 MR. ROLFS: Thanks. 11:36:08

7 BY MR. ROLFS: 11:36:41

8 Q. All right. Mr. Spira, I'll represent to 11:36:42

9 you that my firm issued a subpoena to the Directors 11:36:43

10 Guild of America for the basic agreement in effect 11:36:48

11 in 1968 -- or 1972. The Directors Guild of America 11:36:51

12 produced in response this Basic Agreement of 1968. 11:36:57

13 MR. DOUGLAS: And for the record, we were 11:37:01

14 never given any of the documents that were produced. 11:37:02

15 They were never produced as part of the deposition 11:37:05

16 depository. There was apparently some independent 11:37:09

17 effort for Mr. Rolfs and his firm to contact the 11:37:12

18 deponent. They would then change the nature of the 11:37:17

19 document request and just agree on what the 11:37:21

20 production was. And there would then be an 11:37:23

21 independent exchange of documents from the deponent 11:37:26

22 to Mr. Rolfs' firm, not going through the 11:37:31

23 depository, so as the defendants or the plaintiffs 11:37:35

24 would be unable to obtain the documents produced. 11:37:39

25 This is a 111-page document that we have never seen. 11:37:42

1 We were never given a chance to obtain it. And it 11:37:46
2 is not in the depository for us to seek from the 11:37:50
3 deposition referee. 11:37:54
4 MR. ROLFS: Let's move on. 11:37:55
5 MR. MARENBERG: Okay. This is not really 11:37:56
6 Mr. Spira's concern and we're on his time. So 11:37:58
7 whatever the question is, just ask it. 11:38:02
8 MR. ROLFS: Understood. 11:38:03
9 MR. DOUGLAS: I'm sorry, Mr. Marenberg. I 11:38:04
10 have to make my record so I can argue against these 11:38:07
11 documents and these -- 11:38:10
12 MR. MARENBERG: Well -- 11:38:11
13 MR. DOUGLAS: I'm sorry I'm wasting your 11:38:11
14 time. I've got to do my job. Do your job, I'll do 11:38:12
15 my job, man. Give me a break. 11:38:13
16 MR. MARENBERG: I understand that, but I 11:38:14
17 think you made it clear that you have concerns about 11:38:16
18 the state of disclosure of third-party records to 11:38:22
19 you by other counsel. It's perfectly clear. Let's 11:38:25
20 just get through the questions now. 11:38:31
21 MR. ROLFS: Mr. Douglas -- 11:38:32
22 MR. MARENBERG: That's all I'm asking as a 11:38:32
23 matter of courtesy to this witness. 11:38:32
24 MR. ROLFS: Mr. Douglas, I'll allow you to 11:38:32
25 reserve any objections as to the origin of documents 11:38:34

1 I'm using. 11:38:37

2 Would you please go to page 7 of this Basic 11:38:41

3 Agreement. I believe that's, let's see, PDF page -- 11:38:44

4 please go to page 22 of the PDF itself. And would 11:39:04

5 you mind scrolling up just to see the bottom half of 11:39:12

6 the page that preceded it. 11:39:15

7 MR. DOUGLAS: And I object to this entire 11:39:17

8 line. The document speaks for itself. Mr. Spira 11:39:19

9 has not reviewed this document. I'm not sure that 11:39:22

10 he has any qualifications to testify about it, but 11:39:25

11 the document speaks for itself. 11:39:28

12 MR. MARENBERG: Okay. These are speaking 11:39:31

13 objections. I don't really have a dog in this 11:39:32

14 fight, but I'm trying to get through this, so... 11:39:36

15 MR. DOUGLAS: As am I, sir. I don't think 11:39:38

16 this is relevant, so he's wasting your time, your 11:39:40

17 client's time. 11:39:44

18 MR. MARENBERG: Okay. Well, he's entitled 11:39:44

19 to ask his questions. 11:39:46

20 What's the question? 11:39:47

21 BY MR. ROLFS: 11:39:49

22 Q. Mr. Spira, do you see on the bottom of 11:39:49

23 page 8, there's a reference to minimum salaries and 11:39:52

24 working conditions of directors? 11:39:55

25 A. I'd have to get up and look at it. 11:39:56

1 MR. MARENBERG: Can you just make it 11:39:59
2 bigger? Thank you. 11:40:01
3 THE WITNESS: I will still have to get up. 11:40:03
4 I'm sorry. 11:40:04
5 MR. MARENBERG: You're old. 11:40:05
6 THE WITNESS: Yes. 11:40:06
7 BY MR. ROLFS: 11:40:06
8 Q. If you look at the following page, there's 11:40:06
9 a list of minimum salaries of directors for 11:40:09
10 theatrical works? Yes? 11:40:12
11 A. Yes. 11:40:15
12 Q. And do you see that the lowest amount under 11:40:15
13 director's first three feature films for picture 11:40:22
14 budget under 40,000 is \$1,000 per week for three 11:40:25
15 weeks and three days' guaranteed employment, one 11:40:31
16 week preparation time and three days' cutting 11:40:37
17 allowance? 11:40:37
18 MR. DOUGLAS: Objection. The document 11:40:39
19 speaks for itself. No foundation that it was 11:40:42
20 applying at the time of the incident. Speculation. 11:40:43
21 MR. MARENBERG: If you're asking, do we -- 11:40:46
22 can we see it? 11:40:48
23 You can answer that. 11:40:50
24 THE WITNESS: Yes. 11:40:51
25 BY MR. ROLFS: 11:40:51

1 Q. And if we assume -- I'm just asking a 11:40:52
2 hypothetical question. If we assume that these were 11:40:55
3 the applicable Collective Bargaining Agreement 11:40:58
4 minimum salaries for directors in 1972, \$1,500 would 11:41:01
5 not have been a salary -- I'll scratch the question. 11:41:08
6 Would \$1,500 have been below the minimum 11:41:14
7 required salary for a director on a feature film 11:41:18
8 in 1972, if we assume that this Collective 11:41:23
9 Bargaining Agreement was in effect in 1972? 11:41:27
10 MR. DOUGLAS: Objection. Calls for 11:41:29
11 speculation. No foundation. The document speaks 11:41:31
12 for itself. It calls for an expert opinion. Beyond 11:41:34
13 the scope of his expertise. 11:41:39
14 He's simply reading a document. 11:41:40
15 Mr. Marenberg could read the document and give you 11:41:42
16 an answer what the document says. There's no legal 11:41:44
17 significance. This question is not relevant, nor is 11:41:47
18 it reasonably calculated to lead to the discovery or 11:41:52
19 admissible evidence. 11:41:56
20 MR. ROLFS: You're making a relevance 11:41:56
21 objection, Mr. Douglas, in a deposition? 11:41:57
22 MR. DOUGLAS: Sir, you make stupid 11:42:00
23 objections too all day long. Give me a break. I'm 11:42:02
24 being like you. How dare you -- 11:42:05
25 MR. ROLFS: Mr. Douglas, in a -- 11:42:06

1 MR. DOUGLAS: How dare you comment on my 11:42:08
2 objection with the objections I've been hearing you 11:42:08
3 make for the last three hours. 11:42:10

4 MR. MARENBERG: Okay. Okay. Let me just 11:42:11
5 interrupt. I think -- are you asking him whether 11:42:13
6 Mr. Pollack was paid above scale for this work? 11:42:19

7 BY MR. ROLFS: 11:42:22

8 Q. I'm asking if the \$1,500 -- if the \$1,500 11:42:23
9 payment referenced in the inter-office memo would 11:42:28
10 have been below the minimum required payment for a 11:42:32
11 director on a feature film if we assume this 11:42:34
12 Collective Bargaining Agreement was in effect 11:42:37
13 in 1972? 11:42:39

14 MR. DOUGLAS: Are you saying is it below? 11:42:41

15 MR. MARENBERG: You made your objections. 11:42:43
16 Let's get an answer from the witness, 11:42:45
17 please. 11:42:47

18 MR. DOUGLAS: I wasn't clear about the 11:42:47
19 question. Give me a break. I'm asking for clarity 11:42:49
20 on the question. 11:42:52

21 MR. MARENBERG: I understand. Mr. Douglas, 11:42:52
22 listen, you've told the witness at the beginning of 11:42:55
23 this that he's testifying as if -- his testimony has 11:42:59
24 the same force and effect as if he were testifying 11:43:03
25 in a courtroom from the witness stand. I don't 11:43:05

1 believe that the objections from either counsel 11:43:10
2 should be any different than what would be -- what 11:43:15
3 two good counsel would do in the courtroom at trial. 11:43:18
4 And on that basis, I'm just trying to get 11:43:22
5 through this and get answers from him. Without 11:43:25
6 suggesting anything about any lawyers' conduct in 11:43:28
7 this deposition, I'm just trying to get through 11:43:32
8 this. And I am suggesting that the -- that 11:43:34
9 everybody's objections might be more limited if a 11:43:38
10 judge were sitting in on this deposition. So let's 11:43:41
11 just get through it. 11:43:43
12 BY MR. ROLFS: 11:43:46
13 Q. Mr. Spira, I'll walk through it a little 11:43:46
14 more slowly. Hopefully my questions are clearer. 11:43:49
15 Do you see under A, any picture budgeted 11:43:53
16 under 40,000, there's a rate listed of 1,000 per 11:43:58
17 week? 11:44:02
18 A. Yes. 11:44:02
19 Q. And there's a guaranteed payment period of 11:44:03
20 employment of three weeks and three days? 11:44:06
21 A. I see that. 11:44:09
22 Q. So the minimum payment for a director under 11:44:09
23 this line, for this period of employment would be a 11:44:16
24 little bit over \$3,000; correct? 11:44:21
25 A. I don't know what freelance means and I'm 11:44:26

1 not familiar with this agreement. So assuming it 11:44:28
2 were freelance, assuming it was under 40,000 and all 11:44:33
3 those other things and there's nothing else in this 11:44:37
4 agreement that would -- 11:44:39

5 MR. MARENBERG: Assuming this was a feature 11:44:42
6 film. 11:44:44

7 THE WITNESS: Yeah. 11:44:44

8 Again, this is something I'm not familiar 11:44:45
9 with and I have no expertise and I apologize. 11:44:46

10 BY MR. ROLFS: 11:44:51

11 Q. But assuming all those things you listed, 11:44:51
12 the minimum required payment for a director for a 11:44:54
13 picture budgeted under 40,000 would be, for this 11:44:57
14 period of time, a little over \$3,000; correct? 11:45:01

15 A. Yes. 11:45:04

16 MR. DOUGLAS: Objection -- 11:45:04

17 MR. MARENBERG: Objection. Foundation. 11:45:05

18 MR. DOUGLAS: I have an objection. 11:45:06

19 No foundation. Calls for speculation. 11:45:08

20 Beyond the scope of this witness's expertise as he's 11:45:12
21 already conceded. Irrelevant and not reasonably 11:45:15
22 calculated to lead to admissible evidence from this 11:45:15
23 witness. 11:45:25

24 MR. MARENBERG: Mr. Douglas, I think all of 11:45:25
25 us know that those last two objections are not ones 11:45:27

1 that you need to make or are entitled to make in a 11:45:28
2 deposition. It wastes the witness's time. And I 11:45:30
3 don't care what you do or what other counsel has 11:45:34
4 done, I'm just asking you not to waste the witness's 11:45:37
5 time with objections that aren't proper. So -- 11:45:40
6 MR. DOUGLAS: Sir, I can object if 11:45:44
7 something is not admissible. What are you talking 11:45:44
8 about? 11:45:46
9 MR. MARENBERG: Not in a deposition. Not 11:45:46
10 in a deposition. You're entitled to object to 11:45:47
11 questions on the basis of form, not relevance, and 11:45:49
12 you know that. You're a terrific lawyer. 11:45:51
13 So let's -- do you have the question in 11:45:54
14 mind? I think you even answered it. 11:45:56
15 THE WITNESS: I thought I answered it. 11:45:58
16 BY MR. ROLFS: 11:46:00
17 Q. I think he did, so let's continue on. 11:46:00
18 Now, Mr. Spira, if you were to review the 11:46:03
19 records for a film and you were to see that the only 11:46:06
20 record of a payment was below the Directors Guild 11:46:12
21 minimum payment applicable in that year, would you 11:46:17
22 be concerned about the chain of title of the film? 11:46:21
23 MR. DOUGLAS: Objection. Vague. 11:46:24
24 MR. MARENBERG: Objection -- objection. 11:46:25
25 Calls for speculation. Incomplete hypothetical. 11:46:26

1 You can answer. 11:46:29

2 MR. DOUGLAS: Wait. Wait. Wait. 11:46:30

3 I have the same objections. Vague and 11:46:32

4 ambiguous. Calls for speculation. Incomplete 11:46:36

5 hypothetical. Beyond the scope of this witness's 11:46:37

6 expertise. 11:46:40

7 THE WITNESS: I'm not -- 11:46:40

8 MR. DOUGLAS: No foundation that he knows. 11:46:42

9 THE WITNESS: I'm not functioning as a 11:46:43

10 lawyer to make those determinations in all the years 11:46:45

11 I've been in the business affairs side. So the 11:46:48

12 answer is, it's not something I would do or would be 11:46:50

13 comfortable doing. I also don't know what 11:46:53

14 the \$1,500 represents or how much work was rendered 11:46:56

15 or whether it was a film or something else. 11:46:59

16 BY MR. ROLFS: 11:47:02

17 Q. We were discussing earlier the record 11:47:04

18 search that Warner Bros. conducted for purposes of 11:47:07

19 you signing your Declaration; correct? 11:47:10

20 A. Yes. 11:47:14

21 MR. MARENBERG: Okay. 11:47:14

22 BY MR. ROLFS: 11:47:16

23 Q. Did Warner Bros. locate any record showing 11:47:16

24 that any payment of \$1,500 was, in fact, made to 11:47:19

25 Mr. Pollack as referenced in the memo? 11:47:23

1 MR. DOUGLAS: Objection. Calls for 11:47:26
2 speculation. No foundation that he knows. 11:47:28
3 THE WITNESS: Say it again. 11:47:30
4 MR. MARENBERG: Yeah. Objection. It's 11:47:31
5 also -- 11:47:36
6 THE WITNESS: We did not. 11:47:36
7 BY MR. ROLFS: 11:47:39
8 Q. Did Warner Bros., to your knowledge, locate 11:47:39
9 any record indicating whether, in fact, Directors 11:47:42
10 Guild contributions were paid for the film Amazing 11:47:48
11 Grace? 11:47:53
12 MR. DOUGLAS: Objection. No foundation. 11:47:53
13 Calls for speculation that he knows. 11:47:54
14 THE WITNESS: We did not. 11:47:56
15 MR. ROLFS: We can take this exhibit down. 11:48:09
16 BY MR. ROLFS: 11:48:12
17 Q. Did Warner Bros. locate any record of any 11:48:18
18 payment other than the \$1,500 to Sydney Pollack or 11:48:21
19 his estate for the film Amazing Grace? 11:48:28
20 MR. DOUGLAS: Objection. Calls for 11:48:31
21 speculation. No foundation that he knows. He did 11:48:34
22 not do any research himself. 11:48:35
23 THE WITNESS: Not to my knowledge, no, we 11:48:37
24 did not. 11:48:41
25 BY MR. ROLFS: 11:48:42

1 Q. Now, Mr. Douglas represented to you earlier 11:48:43
2 that \$1,500 in 1972 would be about \$11,000 today. 11:48:45
3 Do you remember that? 11:48:51
4 A. Yes. 11:48:52
5 Q. Would you be surprised to learn that a 11:48:52
6 director's entire compensation for a feature film 11:48:56
7 would be \$11,000 today? 11:49:00
8 MR. DOUGLAS: Objection. Foundation. 11:49:03
9 Incomplete hypothetical. Irrelevant. No 11:49:05
10 foundation. It calls for expert opinion. 11:49:08
11 THE WITNESS: Can I answer? 11:49:13
12 MR. MARENBERG: Yeah. You can, yeah. 11:49:14
13 THE WITNESS: On any studio film or any -- 11:49:16
14 yeah, on a small independent film, anything is 11:49:19
15 possible. But, yes, I would be surprised. 11:49:23
16 BY MR. ROLFS: 11:49:25
17 Q. And why would you be surprised? 11:49:25
18 MR. DOUGLAS: Same objection. 11:49:27
19 THE WITNESS: Is there a Guild minimum 11:49:28
20 because the Guild that you just showed me I suspect 11:49:30
21 is a lot higher. 11:49:32
22 BY MR. ROLFS: 11:49:32
23 Q. Do you have any view about whether it's 11:49:37
24 possible that Warner Bros. -- well, scratch that 11:49:40
25 question. 11:49:43

1 MR. DOUGLAS: Good idea. 11:49:44

2 I have one question. 11:50:06

3 BY MR. ROLFS: 11:50:08

4 Q. We spoke earlier -- you were asked earlier 11:50:08

5 about Quitclaim agreements between Warner Bros. and 11:50:11

6 Alan Elliott; correct? 11:50:16

7 A. Yes. 11:50:17

8 Q. Did Alan Elliott ever breach any of those 11:50:17

9 Quitclaim agreements? 11:50:20

10 MR. DOUGLAS: Objection. No foundation. 11:50:21

11 Calls for speculation. Vague and ambiguous. 11:50:23

12 THE WITNESS: Not that I'm aware of. 11:50:29

13 MR. DOUGLAS: Abracadabra. 11:50:31

14 BY MR. ROLFS: 11:50:33

15 Q. Are you aware one way or another or you 11:50:40

16 just simply don't know whether he complied with the 11:50:43

17 agreements? 11:50:45

18 MR. DOUGLAS: Objection. Argumentative. 11:50:45

19 You don't like the answer. 11:50:46

20 MR. MARENBERG: Objection. Foundation. 11:50:47

21 Do you know? 11:50:48

22 THE WITNESS: The only thing I know is that 11:50:50

23 at a certain period of time, he did not pay in a 11:50:53

24 timely fashion. We kept extending the agreement but 11:50:56

25 I don't know that that's a breach. 11:51:00

1 MR. DOUGLAS: I have one question. 11:51:09

2 MR. ROLFS: Why don't you go ahead. I 11:51:12

3 think I'm probably done, but -- 11:51:14

4 MR. DOUGLAS: Thank you. 11:51:17

5

6 -FURTHER EXAMINATION-

7 BY MR. DOUGLAS:

8 Q. Did Mr. Pollack -- Mr. Spira, my last 11:51:18

9 question, did Mr. Pollack own any ownership rights 11:51:20

10 on any of the other films he ever directed at Warner 11:51:24

11 Bros., as far as you know? 11:51:27

12 MR. ROLFS: Calls for speculation. 11:51:28

13 MR. MARENBERG: Objection. Foundation. 11:51:28

14 THE WITNESS: Not to my knowledge, no. 11:51:29

15 MR. DOUGLAS: Thank you. That's all I 11:51:31

16 have. 11:51:33

17 MR. ROLFS: No, I'm good. 11:51:33

18 MR. DOUGLAS: Thank you. 11:51:34

19 According to Code, Mr. Marenberg. 11:51:34

20 Thank you, sir, for your time. Sorry for 11:51:37

21 the inconvenience. 11:51:38

22 THE WITNESS: Mr. Douglas, I've got one 11:51:38

23 question for you. 11:51:40

24 MR. DOUGLAS: Off the record. Off the 11:51:42

25 record. 11:51:42

1 MR. MARENBERG: Let's go off the record. 11:51:42

2 THE WITNESS: What's the deal with the 11:51:44

3 basketball behind you? 11:51:46

4 MR. DOUGLAS: Magic Johnson is my hero. 11:51:48

5 And I have a Magic Johnson lithograph and a Magic 11:51:48

6 Johnson signed basketball. I'm from L.A. 11:51:52

7 THE VIDEOGRAPHER: Do you want to go off? 11:51:54

8 THE WITNESS: Abracadabra, baby. 11:51:54

9 MR. DOUGLAS: Hey, abracadabra. 11:51:56

10 Thanks so much, guys. 11:51:57

11 MR. MARENBERG: Okay. Bye. 11:51:57

12 MR. DOUGLAS: Take care. 11:52:00

13 THE VIDEOGRAPHER: We are going off the 11:52:00

14 record at 11:52 a.m. 11:52:01

15 THE REPORTER: Did anyone want to order a 11:52:04

16 certified copy? 11:52:07

17 MR. ROLFS: Yeah, we'll get one. 11:52:09

18 (The proceedings concluded

19 at 11:52 a.m.)

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I, STEVEN SPIRA, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at _____, California,
on _____, 20____.

STEVEN SPIRA

1 STATE OF CALIFORNIA) ss.

2

3 I, CARINA VALLES, CLR, CSR No. 12605, do hereby
4 declare:

5

6 That, prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn;

8

9 That said deposition was taken down by me in
10 shorthand at the time and place therein named and
11 thereafter transcribed under my direction;

12

13 I further declare that I have no interest in the
14 event of the action.

15

16 I declare under penalty of perjury under the laws
17 of the State of California, that the foregoing is true
18 and correct.

19

20 WITNESS my hand this 14th day of February, 2024.

21

22

23 _____
24 CARINA VALLES, CLR, CSR No. 12605

25

25

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