

EXHIBIT A

Excerpts from the Deposition of Joel Tenenbaum, taken at the Office of Robinson & Cole, One Boston Place, Boston, Massachusetts on Wednesday, September 24, 2008, commencing at 9:15 a.m.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3

4 NO. 1:07-CV-11446

5 VOLUME 1 PAGES 1-272

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7 SONY BMG MUSIC ENTERTAINMENT, ET AL

8 Plaintiffs

9 VS.

10 JOEL TENENBAUM,

11 Defendant

12 - - - - - *

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15 DEPOSITION OF JOEL TENENBAUM, taken on
16 behalf of the Plaintiff, taken pursuant to Notice
17 under the Massachusetts Rules of Civil Procedure,
18 before Kim M. Romaine, Notary Public and
19 Shorthand Reporter in and for the Commonwealth of
20 Massachusetts at the Office of Robinson & Cole,
21 One Boston Place, Boston, Massachusetts, on
22 Wednesday, September 24, 2008 commencing at 9:15
23 a.m.
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1 to make the deposition hopefully go smoother and
 2 make sure we understand each other and get a
 3 clear record. As you can see here, we have a
 4 court reporter who is taking down everything that
 5 we say here today. It is important for the court
 6 reporter to get a clear record, and therefore, I
 7 ask that you try to use words to respond to
 8 questions as opposed on hm-mm or uh-huh, yes or
 9 no or whatever the appropriate answer is. If you
 10 don't, I'll try to prompt you. I may understand
 11 what you are telling me, but to make a record
 12 clear, if you say uh-huh or hm-mm, I may prompt a
 13 verbal answer.
 14 For the same reasoning, it's important we do
 15 not speak at the same time. In casual
 16 conversation, people tend to speak over each
 17 other, finish each other's sentences, etcetera.
 18 I will ask that in this context you try your best
 19 not to do. It's tough I know.
 20 A. I don't think we will be finishing each
 21 other's sentences.
 22 Q. Good. It's important that you hear and
 23 understand the questions I ask you. If you don't
 24 hear a question, will you tell me that?

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1 A. Sure.
 2 Q. If you don't understand a question, will you
 3 tell me that as well?
 4 A. Sure.
 5 Q. Great. And if you answer a question I ask,
 6 I'm going to assume that you heard it and
 7 understood the question. Is that fair?
 8 A. Sure.
 9 Q. Okay. You understand you're testifying under
 10 oath today?
 11 A. Hm-mm.
 12 Q. I'm sorry?
 13 A. Yes.
 14 Q. You understand that that testimony has with it
 15 the same penalties of perjury as if you were
 16 testifying in a court of law?
 17 A. Yes.
 18 Q. If you need to take a break, just let me know.
 19 The only thing I ask is if there is a question
 20 pending that you answer the question unless there
 21 is an issue of privilege.
 22 MR. NESSON: May we begin by having
 23 everyone around the room identified on the
 24 record?

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1 MS. GOLDSTEIN BURTON: Sure. I think
 2 Mr. Tenenbaum already did. Why don't you start.
 3 MR. NESSON: Charles Nesson
 4 representing Joel Tenenbaum. I would like to
 5 introduce my students who are assisting me.
 6 MR. OKIE: I'm Nnamdi Okie.
 7 MR. MUKHERAJEE: My name is Shubham,
 8 last name Mukherajee.
 9 MR. OPPENHEIM: Good morning. My
 10 name is Matthew Oppenheim on behalf of the
 11 plaintiffs.
 12 MS. RUST: Laurie Rust of Holme
 13 Roberts & Owen for the plaintiffs.
 14 MR. NESSON: You please?
 15 MS. GOLDSTEIN BURTON: Eve Goldstein
 16 Burton for the plaintiffs.
 17 BY MS. GOLDSTEIN BURTON:
 18 Q. Mr. Nesson is here as your counsel, correct?
 19 A. Yes.
 20 Q. When did you retain him?
 21 A. Officially?
 22 Q. Yes.
 23 A. I would imagine yesterday.
 24 MR. NESSON: I entered my appearance

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1 some time last week.
 2 MS. GOLDSTEIN BURTON: I appreciate
 3 that, Mr. Nesson. This is Mr. Tenenbaum's
 4 deposition.
 5 BY MS. GOLDSTEIN BURTON:
 6 Q. When did you retain Mr. Nesson as your
 7 counsel?
 8 MR. NESSON: Assert privilege.
 9 MS. GOLDSTEIN BURTON: What is the
 10 basis for privilege?
 11 MR. NESSON: Attorney-client
 12 privilege.
 13 MS. GOLDSTEIN BURTON: There is no
 14 privilege on when an attorney was retained.
 15 MR. NESSON: Litigate it.
 16 MS. GOLDSTEIN BURTON: Are you
 17 instructing your client not to answer?
 18 MR. NESSON: Yes.
 19 BY MS. GOLDSTEIN BURTON:
 20 Q. When was your first contact with Mr. Nesson?
 21 A. I don't know.
 22 Q. Can you give me an approximation?
 23 A. It was over a month ago.
 24 Q. Do you think it was sometime in the month of