1 UNITED STATES DISTRICT COURT

2 FOR THE CENTRAL DISTRICT OF CALIFORNIA

3 WESTERN DISTRICT

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5 MARK S. MOWER,)
)
6 Plaintiff,)
)
7 v.) No. 99-6407 DT (SHx)
)
8 MADRIGAL STUDIOS, INC.,)
EVAN ROSENFELDT and)
9 MARK OLEFIELD ,)
)
10 Defendants.)
_____)
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15 Telephonic Deposition of JANICE ALWOOD,

16 taken on behalf of the Plaintiff, at

17 2049 Century Park East, Suite 3250,

18 Los Angeles, California 90067, commencing

19 at 11:15 a.m., Wednesday, May 12, 2010,

20 before Susan D. Reidel, Certified

21 Shorthand Reporter, Certificate No. 4162.

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1 **APPEARANCES OF COUNSEL:**

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7 **For Defendants MADRIGAL STUDIOS,** **RYMAN, COLLINS, BLUMBERG & FRANK, LLP**
8 **INC. and EVAN ROSENFELDT:** **BY: JASON A. FRANK, ESQ.**
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12 **Also Present:** **MARK S. MOWER**
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I N D E X

DEPONENT	EXAMINED BY	PAGE
JANICE ALWOOD	MR. LYONS	6
	MR. FRANK	8

EXHIBITS FOR IDENTIFICATION

(None.)

LOS ANGELES, CALIFORNIA; WEDNESDAY, MAY 12, 2010

11:15 A.M.

MR. LYONS: Regarding Mr. Zavic's deposition, counsel and I have agreed that I will forward the original transcript to Mr. Zavic in Europe, and he will have, let's say, 30 days from the receipt --

MR. FRANK: Sure.

MR. LYONS: -- of it to make any changes. Absent hearing from him or absent receiving any changes by that deadline, we will agree that it is deemed acceptable.

MR. FRANK: Actually, can we just put in one conference call to him just to confirm that he received it and just to make sure there are no changes?

MR. LYONS: Oh, sure.

MR. FRANK: Okay. That's fine.

(Discussion held off the record.)

MR. LYONS: Janice, good morning. This is Steve Lyons. How are you?

MS. ALWOOD: Terrible.

MR. LYONS: I'm sorry. I'm here with Mark Mower. Are you under the weather?

MS. ALWOOD: Yes.

MR. LYONS: Oh, I'm sorry to hear that. I hope you feel better. Are you available now for the

deposition?

MS. ALWOOD: Yes. According to Mark, this won't take very long.

MR. LYONS: No. It shouldn't take very long at all.

I'm here in a conference room in Century City in Los Angeles. I'm here with Mark, with a court reporter, who will take your testimony under oath, and with the attorney for the defendants, Mr. Jason Frank, who is sitting across from me.

After I ask you a few questions, Jason might have a couple, but we'll try to get this done as quickly as possible.

MS. ALWOOD: Okay.

MR. LYONS: So with that, Janice, what I'll do is ask the court reporter to swear you in. Her name is Susan, and she's going to do that right now.

MS. ALWOOD: Okay.

JANICE ALWOOD,

having been first duly sworn, was examined and testified as follows:

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EXAMINATION

BY MR. LYONS:

Q Ms. Alwood, where do you live, ma'am?

A San Diego, California.

Q And what is your business or occupation?

A I'm a free-lance editor.

Q And did you or have you ever had any involvement with what I believe is known as the San Diego Comic Book Convention?

A I have done work for them on a volunteer basis and also on a contract basis over many years.

Q Okay. And did you ever have occasion to put together what I believe is known as the San Diego Comic Book Convention souvenir book?

A Yes, on several occasions.

Q Okay. And do you recall what years you did that?

A 2003, 2004, and 2007 through 2009.

Q And during any or all of those years, do you recall whether or not Mr. Mower's comic book or any part thereof, which I believe is called North vs. South, was part of the souvenir book?

A Well, he submitted artwork for all of those except for 2008, and each year it was a different type of thing. So some of the artwork was related to

North vs. South and some of it was on other topics related to themes that were in the program book.

Q Okay. And do you recall -- well, let me back up.

Are the souvenir books handed out at the convention in any way?

A That's the purpose of them, to be given out to everyone who attends.

Q Okay. And are you familiar with the procedure as to how that's accomplished, as to how the people who attend get the souvenir book?

A Yes, I am.

Q Okay. Could you just outline that procedure for us.

A Everyone who attends, when they arrive and either pick up their badges or pay to get in, gets a bag that in it contains the souvenir book and a program schedule and whatever other things are handed out that particular year.

Q Thank you.

I have nothing further.

MR. FRANK: Just a couple of questions, Ms. Alwood.

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EXAMINATION

BY MR. FRANK:

Q When you say everyone who arrives gets a bag with a badge and other items, who do you define as everyone?

A Well, there are registration procedures for every type of attendee, so if it's a paid attendee, they go to the regular convention registration; if they're a professional, they go to what's called the pro registration, where they get their badge and their registration packet and everything in it; and if they're exhibitors, then they go to the exhibitor registration, where they receive their badge and their exhibitor packet.

Q Okay. Do the three different groups, exhibitors, paid, and pros, receive the same packet?

A Pretty much.

Q And all the packets contain a program?

A Yeah. What happens is that prior to the opening of the convention, they have a staff of people who are just baggers. All they do is put together the packets -- you know, 30,000, whatever, packets -- and then they're distributed to each of the registration desks.

Q And did you actually see the bags being distributed?

A Oh, yeah.

Q Each of the years you worked for the convention?
A Uh-huh.
Q And what exactly -- for each group of the exhibitors, what exactly is in the bag?
A Well, it's the program book and the program schedule and any additional materials that somebody may have paid the convention to include in the bag for that particular year.
Q And what's the nature of those types of materials that might be in there?
A All Green Eye comics included a comic about -- that was a comic on comics several years in a row, and other things have been promotional materials.
Q Just to make sure that I'm correct on this, for an exhibitor bag, you're going to get a program, a program schedule, and miscellaneous promotional materials from people who pay to be included in there?
A Right.
Q And is that the same for paid attendees?
A The same bags are given out at every registration desk. Like I said, there's one central place where all the bags are put together, and then they're just distributed to each of the places where people pick up their badges.

Q All right. I think the answer to this next question is obvious, but just for the record I want to make sure. There's no imperative for the people to take anything out of those bags, is there?

A Not really.

Q Do they have to get anything out of those bags to gain admission into the convention?

A No. But they want to at least get their program schedule out, because that tells them what's going on where and when.

Q And the program schedule is separate from the program itself?

A It's separate from the souvenir program book.

Q And the souvenir program book is where Mr. Mower's material was contained; correct?

A That's correct.

Q And Mr. Mower's material was never on the cover of the souvenir program book, was it?

A No.

Q Thank you.

I have no further questions.

MR. LYONS: Okay. Can we stipulate that the duties of Ms. Reidel are discharged at this time, Jason?

MR. FRANK: Yes. So the record is also clear,

Steven, can we enter into our same stipulation that in the event that I need more information from Ms. Alwood, you won't object to my trying to take her deposition at a future date?

MR. LYONS: That's fine.

All right. Ms. Alwood, thank you so much for participating, and we all hope that you feel better.

MR. FRANK: Actually, just so you know, Ms. Alwood, you'll get a copy of the deposition in the mail, and you'll have 30 days to review it and sign it under penalty of perjury that it accurately reflects your deposition today, and then you can just return it to Mr. Lyons.

MR. LYONS: Mark will give you my address.

Thank you very much.

MR. FRANK: And same stipulation we've entered into before, that you'll retain the original, and in the event that the original is lost --

MR. LYONS: A copy --

MR. FRANK: -- a duplicate will be just as effective?

MR. LYONS: Exactly.

(The telephonic deposition was concluded at 11:28 a.m.)

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DEPONENT'S DECLARATION

STATE OF _____)
) ss.
COUNTY OF _____)

I, JANICE ALWOOD, hereby declare:

I have read the foregoing deposition transcript and identify it as my own and approve same.

I declare under penalty of perjury (under the laws of the State of California) that the foregoing is true and correct.

_____, _____, _____
(Date) (City) (State)

_____
JANICE ALWOOD

DEPOSITION OFFICER'S CERTIFICATE
{FRCP RULE 30(f)(1)}

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, SUSAN D. REIDEL, Certified Shorthand Reporter, Certificate No. 4162, hereby certify:

I am the deposition officer that stenographically recorded the testimony in the foregoing telephonic deposition;

Prior to being examined the deponent was by me first duly sworn;

The foregoing transcript is a true record of the testimony given.

I was relieved of my duty pursuant to Federal Rules of Civil Procedure, Rule 30(e); therefore, any changes made by the deponent or whether or not the deponent signed the transcript are not set forth.

Dated: May 15, 2010

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SUSAN D. REIDEL, CSR 4162