

Mastering The Deposition Process

June 7, 2022

1

1

The Process



2

2

1

2

The Couplet is King



1 other potential agreements from Markov's spouse before
 2 with Markov himself?
 3 A. I don't know who said or whether. And the
 4 reason for that - the reason I don't know is because
 5 I'm not a legal expert in - you know, often we were at
 6 Markov, we had access to this stuff, so, yeah, I can't
 7 have really gotten to know the Markov family network
 8 there, we only got out of custody, but after we
 9 return, we sometimes receive agreements on behalf
 10 of Markov's family, or other officials, but I don't have
 11 memoranda of it, you know, brought to my computer
 12 for a period of reference in that context, which
 13 obviously would have been better by itself.
 14 Q. So, is it possible I just don't know
 15 one way or another?
 16 Q. Do you know whether you kind of personally
 17 look it with you when you talk to start the act five
 18 so that you would have it in person, you employment
 19 agreement?
 20 A. I don't know.
 21 Q. (to Mr. Johnson) Okay. So if you look at
 22 this employment agreement, you understand that it was
 23 made up of two parts?
 24 A. I think so.

1 A. Yes, sorry, what was the question?
 2 MR. SUMMERS:
 3 Would you repeat what you said about
 4 C. and J. Curry that - who has a hybrid fee
 5 engagement with Virvick as to the individual Apple
 6 case?
 7 MR. SUMMERS: Objection, form.
 8 A. You have a fee arrangement that includes an
 9 hourly fee component in respect of a contingency fee
 10 arrangement?
 11 Q. (to Mr. Johnson) Okay.
 12 A. And that's the only arrangement for the
 13 arrangement like that in other cases besides the
 14 Virvick case?
 15 Q. Now, do you have any opinion on whether the
 16 fee agreement that we're looking at here in front of
 17 us, Exhibit 5, is a reasonable fee agreement?
 18 A. Yes.
 19 Q. Okay. And what is that opinion?
 20 A. It's my opinion that the fee agreement is
 21 this case isn't really what we're - what actually
 22 happened in the very complex procedural history, so
 23 that's my opinion.

1 Q. Okay. So let's look at the page 59.
 2 First let's talk about when the fee
 3 agreement was made.
 4 August 12th or 13th?
 5 A. Yes.
 6 Q. And you have no opinion about whether the
 7 agreement was reasonable at the time it was
 8 entered on August 12, 2017?
 9 A. Yes.
 10 Q. Okay. Now, I think that's what you're
 11 asking. And then you say that you have a
 12 different opinion or - you didn't use the word
 13 "reasonable." So do you consider it to be reasonable
 14 for the fee agreement to be applied to the judgment
 15 for the fee agreement by itself?
 16 That was paid a few months ago by Apple?
 17 MR. PATTON: Objection, form.
 18 A. I think that it would be unreasonable to do
 19 that.
 20 Q. (to Mr. Johnson) Okay. What is the basis
 21 for that statement?
 22 A. That's what I think is the basis for the
 23 statement of what I think is the basis for the
 24 statement of what I think is the basis for the
 25 statement of what I think is the basis for the
 26 statement of what I think is the basis for the
 27 statement of what I think is the basis for the
 28 statement of what I think is the basis for the
 29 statement of what I think is the basis for the
 30 statement of what I think is the basis for the
 31 statement of what I think is the basis for the
 32 statement of what I think is the basis for the
 33 statement of what I think is the basis for the
 34 statement of what I think is the basis for the
 35 statement of what I think is the basis for the
 36 statement of what I think is the basis for the
 37 statement of what I think is the basis for the
 38 statement of what I think is the basis for the
 39 statement of what I think is the basis for the
 40 statement of what I think is the basis for the
 41 statement of what I think is the basis for the
 42 statement of what I think is the basis for the
 43 statement of what I think is the basis for the
 44 statement of what I think is the basis for the
 45 statement of what I think is the basis for the
 46 statement of what I think is the basis for the
 47 statement of what I think is the basis for the
 48 statement of what I think is the basis for the
 49 statement of what I think is the basis for the
 50 statement of what I think is the basis for the
 51 statement of what I think is the basis for the
 52 statement of what I think is the basis for the
 53 statement of what I think is the basis for the
 54 statement of what I think is the basis for the
 55 statement of what I think is the basis for the
 56 statement of what I think is the basis for the
 57 statement of what I think is the basis for the
 58 statement of what I think is the basis for the
 59 statement of what I think is the basis for the
 60 statement of what I think is the basis for the

1 with their services from and how they would run things
 2 differently.
 3 And, like I mentioned earlier, my
 4 conversation with Jason that summer - was one of many in
 5 the same regard.
 6 I got to know in the sense that we
 7 were - you know, we and other people were looking
 8 at what we thought were certain objectives of the way
 9 that Microsoft would run, and we thought we had
 10 better solutions.
 11 But in terms of, you know, this, this, you
 12 know, this is something we're going to do, you
 13 know, this is something we're going to do, you
 14 know, this is something we're going to do, you
 15 know, this is something we're going to do, you
 16 know, this is something we're going to do, you
 17 know, this is something we're going to do, you
 18 know, this is something we're going to do, you
 19 know, this is something we're going to do, you
 20 know, this is something we're going to do, you
 21 know, this is something we're going to do, you
 22 know, this is something we're going to do, you
 23 know, this is something we're going to do, you
 24 know, this is something we're going to do, you
 25 know, this is something we're going to do, you
 26 know, this is something we're going to do, you
 27 know, this is something we're going to do, you
 28 know, this is something we're going to do, you
 29 know, this is something we're going to do, you
 30 know, this is something we're going to do, you
 31 know, this is something we're going to do, you
 32 know, this is something we're going to do, you
 33 know, this is something we're going to do, you
 34 know, this is something we're going to do, you
 35 know, this is something we're going to do, you
 36 know, this is something we're going to do, you
 37 know, this is something we're going to do, you
 38 know, this is something we're going to do, you
 39 know, this is something we're going to do, you
 40 know, this is something we're going to do, you
 41 know, this is something we're going to do, you
 42 know, this is something we're going to do, you
 43 know, this is something we're going to do, you
 44 know, this is something we're going to do, you
 45 know, this is something we're going to do, you
 46 know, this is something we're going to do, you
 47 know, this is something we're going to do, you
 48 know, this is something we're going to do, you
 49 know, this is something we're going to do, you
 50 know, this is something we're going to do, you
 51 know, this is something we're going to do, you
 52 know, this is something we're going to do, you
 53 know, this is something we're going to do, you
 54 know, this is something we're going to do, you
 55 know, this is something we're going to do, you
 56 know, this is something we're going to do, you
 57 know, this is something we're going to do, you
 58 know, this is something we're going to do, you
 59 know, this is something we're going to do, you
 60 know, this is something we're going to do, you

1 Q. Did Virvick ever talk to you about anything
 2 before or after the trial?
 3 A. I don't know who said or whether. And the
 4 reason for that - the reason I don't know is because
 5 I'm not a legal expert in - you know, often we were at
 6 Markov, we had access to this stuff, so, yeah, I can't
 7 have really gotten to know the Markov family network
 8 there, we only got out of custody, but after we
 9 return, we sometimes receive agreements on behalf
 10 of Markov's family, or other officials, but I don't have
 11 memoranda of it, you know, brought to my computer
 12 for a period of reference in that context, which
 13 obviously would have been better by itself.
 14 Q. So, is it possible I just don't know
 15 one way or another?
 16 Q. Do you know whether you kind of personally
 17 look it with you when you talk to start the act five
 18 so that you would have it in person, you employment
 19 agreement?
 20 A. I don't know.
 21 Q. (to Mr. Johnson) Okay. So if you look at
 22 this employment agreement, you understand that it was
 23 made up of two parts?
 24 A. I think so.

1 Q. Okay. Now, I think that's what you're
 2 asking. And then you say that you have a
 3 different opinion or - you didn't use the word
 4 "reasonable." So do you consider it to be reasonable
 5 for the fee agreement to be applied to the judgment
 6 for the fee agreement by itself?
 7 That was paid a few months ago by Apple?
 8 MR. PATTON: Objection, form.
 9 A. I think that it would be unreasonable to do
 10 that.
 11 Q. (to Mr. Johnson) Okay. What is the basis
 12 for that statement?
 13 A. That's what I think is the basis for the
 14 statement of what I think is the basis for the
 15 statement of what I think is the basis for the
 16 statement of what I think is the basis for the
 17 statement of what I think is the basis for the
 18 statement of what I think is the basis for the
 19 statement of what I think is the basis for the
 20 statement of what I think is the basis for the
 21 statement of what I think is the basis for the
 22 statement of what I think is the basis for the
 23 statement of what I think is the basis for the
 24 statement of what I think is the basis for the
 25 statement of what I think is the basis for the
 26 statement of what I think is the basis for the
 27 statement of what I think is the basis for the
 28 statement of what I think is the basis for the
 29 statement of what I think is the basis for the
 30 statement of what I think is the basis for the
 31 statement of what I think is the basis for the
 32 statement of what I think is the basis for the
 33 statement of what I think is the basis for the
 34 statement of what I think is the basis for the
 35 statement of what I think is the basis for the
 36 statement of what I think is the basis for the
 37 statement of what I think is the basis for the
 38 statement of what I think is the basis for the
 39 statement of what I think is the basis for the
 40 statement of what I think is the basis for the
 41 statement of what I think is the basis for the
 42 statement of what I think is the basis for the
 43 statement of what I think is the basis for the
 44 statement of what I think is the basis for the
 45 statement of what I think is the basis for the
 46 statement of what I think is the basis for the
 47 statement of what I think is the basis for the
 48 statement of what I think is the basis for the
 49 statement of what I think is the basis for the
 50 statement of what I think is the basis for the
 51 statement of what I think is the basis for the
 52 statement of what I think is the basis for the
 53 statement of what I think is the basis for the
 54 statement of what I think is the basis for the
 55 statement of what I think is the basis for the
 56 statement of what I think is the basis for the
 57 statement of what I think is the basis for the
 58 statement of what I think is the basis for the
 59 statement of what I think is the basis for the
 60 statement of what I think is the basis for the

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Mastering the Deposition Process

Also available as part of the eCourse

[2023 Winning at Deposition eConference](#)

First appeared as part of the conference materials for the
2023 Winning at Deposition: Skills and Strategy session
"Developing Your Trial Cross Through the Adverse Deposition"