

# Mastering The Deposition Process

June 7, 2022

1

1

## The Process



2

2

1

3

3

2

4

4

# The Couplet is King



*3. Martin Curry - Confidential - December 9, 2020*

1 other potential agreement from Mark's? anyone before  
 2 just talk Mark's right?  
 3 A. I don't know we talk or anything. And the  
 4 reason for that - the reason I don't know is because  
 5 I'm not a lead singer in - you know, after we were at  
 6 Mark's, we had a conversation about the Mark's family network  
 7 I have really pushed to have the Mark's family network  
 8 done, we only got out of it, but after we at  
 9 talked, we had a conversation about agreements on behalf  
 10 of Mark's family for other things, not I didn't have  
 11 a general of reference in that context, which  
 12 absolutely would have been better by the  
 13 way - is, probably, I just don't know  
 14 one way or another.  
 15 Q. Do you know whether you kind of personally  
 16 talk to with you when you talk to start the act five  
 17 so that you would have it in terms of an agreement  
 18 agreement?  
 19 A. I don't know.  
 20 Q. (to Mr. Johnson) Okay. So if you look at  
 21 this employment agreement, was understood that it was  
 22 kind of a...  
 23 A. I think...

1 A. Yes, sorry, what was the question?  
 2 MR. SUMMERS: I'm  
 3 Would you go back to the question that I asked  
 4 I asked & Curry that - who has a hybrid fee  
 5 engagement with ViracX as to the intellectual property  
 6 issue?  
 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 that I do in other cases besides the  
 14 ViracX case?  
 15 A. Yes.  
 16 Q. Now, do you have any opinion on whether the  
 17 fee agreement that we're looking at here in front of  
 18 us, Exhibit 5, is a reasonable fee agreement?  
 19 A. Yes.  
 20 Q. Okay. And what is that opinion?  
 21 A. It's my opinion that the fee agreement is  
 22 this case that's just what we - what actually  
 23 happened in the very complex procedural history, so  
 24 that's my opinion.

1 Q. Okay. So let's break that into two  
 2 first let's talk about when the fee  
 3 agreement was made.  
 4 August 11, 2020?  
 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 11, 2020?  
 9 A. Yes.  
 10 Q. Okay. Now, what is that opinion?  
 11 A. The opinion is  
 12 Q. Okay. And then you say that you have a  
 13 different opinion or - you didn't use the word  
 14 "reasonable" - so do you consider it to be reasonable  
 15 for the fee agreement to be applied to the judgment  
 16 that was paid a few months ago by ViracX?  
 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. The basis for that statement is to complete the  
 23 agreement of services that had already happened between  
 24 ViracX and Apple in such an agreement, ViracX and  
 25 ViracX.

1. 214.855.5100  
 2. 800.465.9540  
 3. www.dickmanlaventport.com

*3. Martin Curry - Confidential - December 9, 2020*

1 with their services first 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 had other people were looking  
 8 at what we thought were certain objectives of the way  
 9 that Mark's family was run, and we thought we had  
 10 better solutions.  
 11 But in terms of opinion, this, this, you  
 12 know, this is something we're going to testify to,  
 13 that would have been much later.  
 14 Q. And do you recall you got a date on that?  
 15 I'm going to ask you, this, this is the date  
 16 something we're going to do?  
 17 A. Yes, that's right.  
 18 Q. (to Mr. Johnson) How did that work in the  
 19 October of 2012 - was I, I don't see, early January of  
 20 2012, when we actually did it?  
 21 A. Very, very close to that, if not the first time  
 22 that.  
 23 Q. Now, did you speak with people at ViracX  
 24 about the idea of making a new fee with Jason  
 25 back then?  
 26 A. Yes.  
 27 Q. And at what point did you actually speak to  
 28 ViracX about that possibility?  
 29 A. That had been sometime, summer of 2017.  
 30 Q. In the summer of 2017?  
 31 A. Yes.  
 32 Q. Okay. Let me ask you this conversation takes  
 33 place - I mean, working, and Mr. Cassidy had not yet  
 34 arrived in town, and Mr. Cassidy had not yet  
 35 arrived. And by the time that Jason, and - across the  
 36 country, of course, and I'm going to be in the  
 37 arrested, I don't know for whom. And that was in  
 38 August, I don't know for whom. And that was in  
 39 August, I don't know for whom. And that was in  
 40 August, I don't know for whom. And that was in  
 41 August, I don't know for whom. And that was in  
 42 August, I don't know for whom. And that was in  
 43 August, I don't know for whom. And that was in  
 44 August, I don't know for whom. And that was in  
 45 August, I don't know for whom. And that was in  
 46 August, I don't know for whom. And that was in  
 47 August, I don't know for whom. And that was in  
 48 August, I don't know for whom. And that was in  
 49 August, I don't know for whom. And that was in  
 50 August, I don't know for whom. And that was in  
 51 August, I don't know for whom. And that was in  
 52 August, I don't know for whom. And that was in  
 53 August, I don't know for whom. And that was in  
 54 August, I don't know for whom. And that was in  
 55 August, I don't know for whom. And that was in  
 56 August, I don't know for whom. And that was in  
 57 August, I don't know for whom. And that was in  
 58 August, I don't know for whom. And that was in  
 59 August, I don't know for whom. And that was in  
 60 August, I don't know for whom. And that was in  
 61 August, I don't know for whom. And that was in  
 62 August, I don't know for whom. And that was in  
 63 August, I don't know for whom. And that was in  
 64 August, I don't know for whom. And that was in  
 65 August, I don't know for whom. And that was in  
 66 August, I don't know for whom. And that was in  
 67 August, I don't know for whom. And that was in  
 68 August, I don't know for whom. And that was in  
 69 August, I don't know for whom. And that was in  
 70 August, I don't know for whom. And that was in  
 71 August, I don't know for whom. And that was in  
 72 August, I don't know for whom. And that was in  
 73 August, I don't know for whom. And that was in  
 74 August, I don't know for whom. And that was in  
 75 August, I don't know for whom. And that was in  
 76 August, I don't know for whom. And that was in  
 77 August, I don't know for whom. And that was in  
 78 August, I don't know for whom. And that was in  
 79 August, I don't know for whom. And that was in  
 80 August, I don't know for whom. And that was in  
 81 August, I don't know for whom. And that was in  
 82 August, I don't know for whom. And that was in  
 83 August, I don't know for whom. And that was in  
 84 August, I don't know for whom. And that was in  
 85 August, I don't know for whom. And that was in  
 86 August, I don't know for whom. And that was in  
 87 August, I don't know for whom. And that was in  
 88 August, I don't know for whom. And that was in  
 89 August, I don't know for whom. And that was in  
 90 August, I don't know for whom. And that was in  
 91 August, I don't know for whom. And that was in  
 92 August, I don't know for whom. And that was in  
 93 August, I don't know for whom. And that was in  
 94 August, I don't know for whom. And that was in  
 95 August, I don't know for whom. And that was in  
 96 August, I don't know for whom. And that was in  
 97 August, I don't know for whom. And that was in  
 98 August, I don't know for whom. And that was in  
 99 August, I don't know for whom. And that was in  
 100 August, I don't know for whom. And that was in

1 Q. Did you ever talk to ViracX about whether that  
 2 would be the summer of 2012 to discuss having that  
 3 meeting in your mind?  
 4 A. No.  
 5 MR. SUMMERS: Objection, form.  
 6 Q. (to Mr. Johnson) Do you know if Jason did?  
 7 A. I don't know either way.  
 8 Q. Okay. Did you have any telephone calls with  
 9 Mark the last  
 10 Q. (to Mr. Johnson) Did you have any telephone calls with  
 11 Mark the last  
 12 Q. (to Mr. Johnson) Did you have any telephone calls with  
 13 Mark the last  
 14 Q. (to Mr. Johnson) Did you have any telephone calls with  
 15 Mark the last  
 16 Q. (to Mr. Johnson) Did you have any telephone calls with  
 17 Mark the last  
 18 Q. (to Mr. Johnson) Did you have any telephone calls with  
 19 Mark the last  
 20 Q. (to Mr. Johnson) Did you have any telephone calls with  
 21 Mark the last  
 22 Q. (to Mr. Johnson) Did you have any telephone calls with  
 23 Mark the last  
 24 Q. (to Mr. Johnson) Did you have any telephone calls with  
 25 Mark the last  
 26 Q. (to Mr. Johnson) Did you have any telephone calls with  
 27 Mark the last  
 28 Q. (to Mr. Johnson) Did you have any telephone calls with  
 29 Mark the last  
 30 Q. (to Mr. Johnson) Did you have any telephone calls with  
 31 Mark the last  
 32 Q. (to Mr. Johnson) Did you have any telephone calls with  
 33 Mark the last  
 34 Q. (to Mr. Johnson) Did you have any telephone calls with  
 35 Mark the last  
 36 Q. (to Mr. Johnson) Did you have any telephone calls with  
 37 Mark the last  
 38 Q. (to Mr. Johnson) Did you have any telephone calls with  
 39 Mark the last  
 40 Q. (to Mr. Johnson) Did you have any telephone calls with  
 41 Mark the last  
 42 Q. (to Mr. Johnson) Did you have any telephone calls with  
 43 Mark the last  
 44 Q. (to Mr. Johnson) Did you have any telephone calls with  
 45 Mark the last  
 46 Q. (to Mr. Johnson) Did you have any telephone calls with  
 47 Mark the last  
 48 Q. (to Mr. Johnson) Did you have any telephone calls with  
 49 Mark the last  
 50 Q. (to Mr. Johnson) Did you have any telephone calls with  
 51 Mark the last  
 52 Q. (to Mr. Johnson) Did you have any telephone calls with  
 53 Mark the last  
 54 Q. (to Mr. Johnson) Did you have any telephone calls with  
 55 Mark the last  
 56 Q. (to Mr. Johnson) Did you have any telephone calls with  
 57 Mark the last  
 58 Q. (to Mr. Johnson) Did you have any telephone calls with  
 59 Mark the last  
 60 Q. (to Mr. Johnson) Did you have any telephone calls with  
 61 Mark the last  
 62 Q. (to Mr. Johnson) Did you have any telephone calls with  
 63 Mark the last  
 64 Q. (to Mr. Johnson) Did you have any telephone calls with  
 65 Mark the last  
 66 Q. (to Mr. Johnson) Did you have any telephone calls with  
 67 Mark the last  
 68 Q. (to Mr. Johnson) Did you have any telephone calls with  
 69 Mark the last  
 70 Q. (to Mr. Johnson) Did you have any telephone calls with  
 71 Mark the last  
 72 Q. (to Mr. Johnson) Did you have any telephone calls with  
 73 Mark the last  
 74 Q. (to Mr. Johnson) Did you have any telephone calls with  
 75 Mark the last  
 76 Q. (to Mr. Johnson) Did you have any telephone calls with  
 77 Mark the last  
 78 Q. (to Mr. Johnson) Did you have any telephone calls with  
 79 Mark the last  
 80 Q. (to Mr. Johnson) Did you have any telephone calls with  
 81 Mark the last  
 82 Q. (to Mr. Johnson) Did you have any telephone calls with  
 83 Mark the last  
 84 Q. (to Mr. Johnson) Did you have any telephone calls with  
 85 Mark the last  
 86 Q. (to Mr. Johnson) Did you have any telephone calls with  
 87 Mark the last  
 88 Q. (to Mr. Johnson) Did you have any telephone calls with  
 89 Mark the last  
 90 Q. (to Mr. Johnson) Did you have any telephone calls with  
 91 Mark the last  
 92 Q. (to Mr. Johnson) Did you have any telephone calls with  
 93 Mark the last  
 94 Q. (to Mr. Johnson) Did you have any telephone calls with  
 95 Mark the last  
 96 Q. (to Mr. Johnson) Did you have any telephone calls with  
 97 Mark the last  
 98 Q. (to Mr. Johnson) Did you have any telephone calls with  
 99 Mark the last  
 100 Q. (to Mr. Johnson) Did you have any telephone calls with  
 101 Mark the last

1 Q. Did ViracX ever talk to you about making  
 2 a new fee with ViracX?  
 3 A. Yes.  
 4 Q. And at what point did you actually speak to  
 5 ViracX about that possibility?  
 6 A. That had been sometime, summer of 2017.  
 7 Q. In the summer of 2017?  
 8 A. Yes.  
 9 Q. Okay. Let me ask you this conversation takes  
 10 place - I mean, working, and Mr. Cassidy had not yet  
 11 arrived in town, and Mr. Cassidy had not yet  
 12 arrived. And by the time that Jason, and - across the  
 13 country, of course, and I'm going to be in the  
 14 arrested, I don't know for whom. And that was in  
 15 August, I don't know for whom. And that was in  
 16 August, I don't know for whom. And that was in  
 17 August, I don't know for whom. And that was in  
 18 August, I don't know for whom. And that was in  
 19 August, I don't know for whom. And that was in  
 20 August, I don't know for whom. And that was in  
 21 August, I don't know for whom. And that was in  
 22 August, I don't know for whom. And that was in  
 23 August, I don't know for whom. And that was in  
 24 August, I don't know for whom. And that was in  
 25 August, I don't know for whom. And that was in  
 26 August, I don't know for whom. And that was in  
 27 August, I don't know for whom. And that was in  
 28 August, I don't know for whom. And that was in  
 29 August, I don't know for whom. And that was in  
 30 August, I don't know for whom. And that was in  
 31 August, I don't know for whom. And that was in  
 32 August, I don't know for whom. And that was in  
 33 August, I don't know for whom. And that was in  
 34 August, I don't know for whom. And that was in  
 35 August, I don't know for whom. And that was in  
 36 August, I don't know for whom. And that was in  
 37 August, I don't know for whom. And that was in  
 38 August, I don't know for whom. And that was in  
 39 August, I don't know for whom. And that was in  
 40 August, I don't know for whom. And that was in  
 41 August, I don't know for whom. And that was in  
 42 August, I don't know for whom. And that was in  
 43 August, I don't know for whom. And that was in  
 44 August, I don't know for whom. And that was in  
 45 August, I don't know for whom. And that was in  
 46 August, I don't know for whom. And that was in  
 47 August, I don't know for whom. And that was in  
 48 August, I don't know for whom. And that was in  
 49 August, I don't know for whom. And that was in  
 50 August, I don't know for whom. And that was in  
 51 August, I don't know for whom. And that was in  
 52 August, I don't know for whom. And that was in  
 53 August, I don't know for whom. And that was in  
 54 August, I don't know for whom. And that was in  
 55 August, I don't know for whom. And that was in  
 56 August, I don't know for whom. And that was in  
 57 August, I don't know for whom. And that was in  
 58 August, I don't know for whom. And that was in  
 59 August, I don't know for whom. And that was in  
 60 August, I don't know for whom. And that was in  
 61 August, I don't know for whom. And that was in  
 62 August, I don't know for whom. And that was in  
 63 August, I don't know for whom. And that was in  
 64 August, I don't know for whom. And that was in  
 65 August, I don't know for whom. And that was in  
 66 August, I don't know for whom. And that was in  
 67 August, I don't know for whom. And that was in  
 68 August, I don't know for whom. And that was in  
 69 August, I don't know for whom. And that was in  
 70 August, I don't know for whom. And that was in  
 71 August, I don't know for whom. And that was in  
 72 August, I don't know for whom. And that was in  
 73 August, I don't know for whom. And that was in  
 74 August, I don't know for whom. And that was in  
 75 August, I don't know for whom. And that was in  
 76 August, I don't know for whom. And that was in  
 77 August, I don't know for whom. And that was in  
 78 August, I don't know for whom. And that was in  
 79 August, I don't know for whom. And that was in  
 80 August, I don't know for whom. And that was in  
 81 August, I don't know for whom. And that was in  
 82 August, I don't know for whom. And that was in  
 83 August, I don't know for whom. And that was in  
 84 August, I don't know for whom. And that was in  
 85 August, I don't know for whom. And that was in  
 86 August, I don't know for whom. And that was in  
 87 August, I don't know for whom. And that was in  
 88 August, I don't know for whom. And that was in  
 89 August, I don't know for whom. And that was in  
 90 August, I don't know for whom. And that was in  
 91 August, I don't know for whom. And that was in  
 92 August, I don't know for whom. And that was in  
 93 August, I don't know for whom. And that was in  
 94 August, I don't know for whom. And that was in  
 95 August, I don't know for whom. And that was in  
 96 August, I don't know for whom. And that was in  
 97 August, I don't know for whom. And that was in  
 98 August, I don't know for whom. And that was in  
 99 August, I don't know for whom. And that was in  
 100 August, I don't know for whom. And that was in

1. 214.855.5100  
 2. 800.465.9540  
 3. www.dickmanlaventport.com

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"