

# Exhibit 16

CERTIFIED COPY

**In The Matter Of:**

**GAMES WORKSHOP LIMITED,**

*v.*

**CHAPTERHOUSE STUDIOS LLC and JON PAULSON**  
***d/b/a PAULSON GAMES,***

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**SANDRA CASEY - Vol. 1 30(B)(6)**

***March 1, 2012***

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**MERRILL CORPORATION**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CERTIFIED COPY

GAMES WORKSHOP	)	
LIMITED,	)	
	)	
Plaintiff,	)	CASE NO.
VS.	)	1:10-cv-08103
	)	
	)	
CHAPTERHOUSE STUDIOS	)	
LLC and	)	
JON PAULSON d/b/a	)	
PAULSON GAMES,	)	
	)	
	)	
Defendants.	)	

VIDEOTAPED 30(b)(6) DEPOSITION

OF

SANDRA CASEY

MARCH 1, 2012

(2007-441479)

1                   The videotaped 30(b)(6) deposition of  
2           SANDRA CASEY is taken on this day, Thursday,  
3           March 1, 2012, on behalf of the Defendants,  
4           pursuant to notice and consent of counsel,  
5           beginning at approximately 9:43 a.m. in the  
6           offices of Adams & Reese, 80 Brinkley Plaza,  
7           Suite 700, Memphis, TN.

8                   This deposition is taken pursuant to  
9           the terms and provisions of the Federal Rules of  
10          Civil Procedure.

11                  All forms and formalities, excluding  
12          the signature of the witness, are waived, and  
13          objections alone as to matters of competency,  
14          irrelevancy and immateriality of the testimony  
15          are reserved to be presented and disposed of at  
16          or before the hearing.

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25

1 THE VIDEOGRAPHER: Today is March  
2 1st, 2012. The time is approximately 9:43.  
3 The location is 80 Monroe, Suite 700 in  
4 Memphis, Tennessee. The case is entitled Games  
5 Workshops Limited versus Chapterhouse Studios.  
6 And our deponent today is Ms. Sandra Casey.

7 Would counsel please identify  
8 themselves for the record.

9 MR. OH: Joon Oh of Winston & Strawn  
10 representing Chapterhouse Studios, LLC, the  
11 Defendant.

12 MR. MCCLAREN: Michael McLaren with  
13 Butler Snow for Games Shops Limited.

14 MR. MOSKIN: And Jonathan Moskin  
15 participating by telephone for Games Workshop,  
16 the Plaintiff.

17 THE VIDEOGRAPHER: The deponent may  
18 now be sworn in by the court reporter.

19 SANDRA CASEY,  
20 having been first duly sworn, was examined and  
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. OH:

24 Q. Good morning. My name is Joon Oh; I'm  
25 representing the Defendant, Chapterhouse Studios,

1           LLC.

2                            Could you please state and spell your  
3 full name for the record.

4           A.           Sandra Casey. S-A-N-D-R-A, C-A-S-E-Y.

5           Q.           And can you please state your home --

6                            MR. OH: Is it going to be a problem  
7 with the typing over the conference room?

8                            THE VIDEOGRAPHER: No.

9 BY MR. OH:

10           Q.           Could you please state your home  
11 address for the record?

12           A.           2676 Foy Road, Senatobia, Mississippi.

13           Q.           And could you please identify your  
14 present employer and your current position?

15           A.           Games Workshop, and my position is  
16 head of sales.

17           Q.           Just for clarification, when you say  
18 Games Workshop, is there a specific entity?

19           A.           The North American Division.  
20 Specifically, the legal entity is Games Workshop  
21 Retail.

22           Q.           And what is the -- your current  
23 business address?

24           A.           6211 East Holmes Road, Memphis,  
25 Tennessee.



1 Q. And do you hold any other positions  
2 with Games Workshop Retail?

3 A. No.

4 Q. And do you hold any other positions  
5 with Games Workshop?

6 A. No.

7 Q. Are you involved in any business  
8 activities unrelated to your current employer?

9 A. We have a personal business.

10 Q. Can you please describe what that  
11 personal business is?

12 A. It's a cattle farming operation.

13 Q. And does it have a name?

14 A. Casey Farms.

15 Q. Have you been deposed before?

16 A. No, I have not.

17 Q. Do you understand you will be  
18 testifying under oath today?

19 A. Yes.

20 Q. Testifying here is the same as if  
21 you're testifying under oath in a courtroom  
22 before a judge and a jury. Do you understand  
23 that?

24 A. Yes.

25 Q. Because the court reporter must take

1 down everything you and I say today, please  
2 answer each question audibly; for example, with a  
3 yes or no instead of shaking your head or nodding  
4 your head or saying uh-huh or uh-uh. Will you do  
5 that?

6 A. Yes.

7 Q. Because the court reporter must take  
8 down everything, it's important that we don't  
9 talk over each other today. So I'll ask that you  
10 wait until I finish my question before answering;  
11 and I'll do my best not to talk over you, as  
12 well. Do you understand?

13 A. Yes.

14 Q. Please let me know if you need to take  
15 a break at any point during the deposition. I  
16 ask, however, that -- that you not ask to take a  
17 break while a question is pending. Is that okay  
18 with you?

19 A. Yes.

20 Q. Is there any reason you cannot testify  
21 fully and truthfully today?

22 A. No.

23 Q. Are you taking any medications that  
24 would impair your ability to testify fully and  
25 truthfully?

1 A. No.

2 Q. Are you under the influence of alcohol  
3 or any substance that may impair your ability to  
4 testify today?

5 A. No.

6 Q. It's you -- are you -- is it your  
7 understanding that you're being represented by  
8 counsel today at this deposition?

9 A. Yes.

10 Q. And can you identify who is  
11 representing you?

12 A. Michael McLaren. And on the phone,  
13 Jonathan Moskin.

14 Q. And for clarification, are these your  
15 personal attorneys?

16 A. No.

17 Q. There may be times during the  
18 deposition that the counsel you just identified  
19 will object to questions that I ask. You must  
20 answer each of my questions unless you're  
21 instructed not to answer and you choose to follow  
22 that instruction. Do you understand?

23 A. Yes.

24 Q. Do you understand a question that I  
25 ask -- well, let me rephrase that.

1                   If you do not understand a question  
2           that I ask, please let me know and I'll try to  
3           rephrase the question, which I'll be happy to do.  
4           Do you agree to do that?

5           A.        Yes.

6           Q.        If I ask a question and then you start  
7           to answer it, I will assume you understood my  
8           question. Do you agree to that?

9           A.        Yes.

10          Q.        If I ask a question and you don't have  
11          the exact answer but you have an estimate or an  
12          idea, I'm entitled to an answer. For example, if  
13          I ask you when you had your last haircut, you may  
14          not remember the exact date but you may be able  
15          to estimate approximately when you took the --  
16          when you had your hair cut, maybe three weeks  
17          ago. That will be an example of an estimate. Do  
18          you understand?

19          A.        Yes.

20          Q.        Have you ever testified in court  
21          before?

22          A.        Yes.

23          Q.        How many times have you testified?

24          A.        Once.

25          Q.        And could you explain the nature of

1 that testimony?

2 A. It was a --

3 MR. MOSKIN: Objection. I -- I --  
4 first of all, this doesn't have anything to do  
5 with the -- the case. I also -- as you were  
6 told previously, the witness has to be  
7 somewhere at one o'clock. And so far, there  
8 hasn't been an actual substantive question. I  
9 hope that these background questions don't  
10 continue indefinitely.

11 MR. OH: Mr. Moskin, again, as -- as  
12 we have exchanged in previous communications  
13 between our law firms, we have noticed this  
14 deposition today. We have tried to arrange  
15 convenient times to do so. And we are entitled  
16 to a full deposition.

17 MR. MOSKIN: Well, then ask some --  
18 then ask some questions --

19 MR. OH: Mr. Moskin, Mr. Moskin,  
20 if -- again, at this point, if you're saying  
21 that we need to continue this deposition, then  
22 that might be the case. But at this point,  
23 let's finish.

24 MR. MOSKIN: I'm sure you can finish  
25 if you start asking some real questions. The

1 subject matter you're asking now is not on the  
2 deposition notice. The witness is -- if you  
3 want to waste the time available asking  
4 questions about other cases, the witness is not  
5 here to testify in a personal capacity. She's  
6 here to testify on specific designated  
7 subjects.

8 We previously had offered to make her  
9 available a week ago for a full day. You  
10 rescheduled it and -- for today, and they told  
11 you that she's not available after one o'clock.  
12 So, again, I think in fairness to the witness  
13 and in your -- to your own sake, but you can  
14 use the time as you wish.

15 I don't mean to interrupt any  
16 further. Please go ahead.

17 BY MR. OH:

18 Q. Ms. Casey, can you just identify what  
19 case you testified previously in?

20 A. It was a personal matter in a case  
21 that my ex-husband was involved with.

22 Q. Okay. Do you understand you've been  
23 designated by Games Workshop Retail, Inc. to  
24 testify as its designee on topics in a deposition  
25 subpoena served by the Defendant?

1 A. Yes.

2 (Deposition Exhibit 1: Renotice  
3 of subpoena was marked for  
4 identification.)

5 BY MR. OH:

6 Q. I'm handing you what has been marked  
7 as Defendant Exhibit 1, which is the renotice of  
8 subpoena to Games Workshop Retail, Inc., with the  
9 accompanying subpoena.

10 Do you recognize this document?

11 A. Yes.

12 Q. And I ask you to turn to -- into the  
13 -- to the Attachment Number 1, which is -- or  
14 Attachment A, which lists out the list of topics  
15 for the deposition.

16 A. Okay.

17 Q. And are you prepared to testify today  
18 on each of these topics?

19 A. Yes.

20 MR. MOSKIN: Subject to the objection  
21 as previously noted.

22 BY MR. OH:

23 Q. And also, as part of the -- the  
24 deposition subpoena, there's a document subpoena  
25 towards the end which lists categories of

1 documents that the -- that the Defendant  
2 requested Games Workshop Retail to produce. It  
3 is attached to this subpoena as Attachment B.

4 A. Okay.

5 Q. And are you also testifying --  
6 prepared to testify about the -- this Attachment  
7 B as part of the deposition subpoena?

8 A. Yes.

9 Q. Did you review any documents in  
10 preparation for today's deposition?

11 A. Our attorney, Jason Balog, took care  
12 of all the documents for us.

13 Q. And when you say Jason Balog, he's an  
14 attorney for whom?

15 A. For Games Workshop.

16 Q. Is he an inhouse attorney?

17 A. No. He's the Games Workshop Retail  
18 attorney. This subpoena was also served on him,  
19 to his firm.

20 Q. And what documents did you review?

21 A. I didn't review documents.

22 Q. Can you describe how you prepared for  
23 this deposition?

24 A. I had a conversation with both  
25 Jonathan and Michael.



1 Q. And when did this conversation occur?

2 A. Last week.

3 Q. And how long did this conversation  
4 last?

5 A. Approximately 30 minutes.

6 Q. And did you have one conversation or  
7 multiple conversations in preparation for this  
8 deposition with those individuals?

9 A. I believe that was the only  
10 conversation we had.

11 Q. Did you speak -- did you speak with  
12 anyone else in preparation for today's  
13 deposition?

14 A. Briefly with our inhouse counsel, Gill  
15 Stevenson.

16 Q. And when was that?

17 A. Last week.

18 Q. Was it part of the same conversation  
19 with Mr. Moskin?

20 A. Yes, it was.

21 Q. Did you speak with anyone else?

22 A. No.

23 Q. Did you do any review by yourself in  
24 preparation for this deposition?

25 A. Only reviewing the document.

1 Q. And when you say reviewing the  
2 document --

3 A. The subpoena.

4 Q. Which is Exhibit 1?

5 A. Yes.

6 Q. And when did you do that?

7 A. It would have been -- it would have  
8 been last week.

9 Q. And about how much time did you spend?

10 A. An hour.

11 Q. And as part of that review, did you --  
12 did you consult any documents outside of the  
13 subpoena?

14 A. No.

15 Q. Did you look at any records?

16 A. No.

17 Q. Did you request any information from  
18 other employees?

19 A. No, I did not.

20 Q. Did you bring any documents today with  
21 you to this deposition?

22 A. No.

23 Q. Where did you go to school?

24 A. To high school?

25 Q. We can start with college.

1 A. Arkansas State University.

2 Q. And did you get a degree?

3 A. Yes.

4 Q. And can you state what the degree was?

5 A. Bachelor of Science in accounting.

6 Q. Do you have any other degrees?

7 A. No.

8 Q. Have you taken any other -- or have  
9 you taken any post-secondary education classes or  
10 enrolled in a degree program?

11 A. No.

12 Q. Do you have any certifications?

13 A. No.

14 Q. Are you a certified public accountant?

15 A. No, I am not.

16 Q. Before working with Games Workshop  
17 Retail, can you please briefly describe your  
18 employment history?

19 A. I worked out of college for four years  
20 with a public firm. Then I went to work for a  
21 manufacturing company as a plant controller.  
22 Then for Thomas and Betz, which is a manufacturer  
23 of electrical and electronic components, as an  
24 operations controller. And then to ConAgra Foods  
25 as a regional service center manager, and then to

1 Games Workshop.

2 Q. And when did you first start working  
3 with Games Workshop?

4 A. 2003.

5 Q. And by -- just for clarity, there's  
6 many different entities using the name Games  
7 Workshop. Could you please be more specific  
8 about which one?

9 A. I joined Games Workshop in 2003,  
10 working for Games Workshop -- G.W. U.S.A.  
11 Manufacturing, LLC, I believe was the specific  
12 name.

13 Q. Is that still the current name of the  
14 company that you're working for?

15 A. No. I now work for Games Workshop  
16 Retail.

17 Q. And what was the reason for that  
18 switch?

19 A. We -- my role changed, and we also  
20 merged that entity into Games Workshop Retail.

21 Q. And what was your first position with  
22 the Games Workshop family?

23 A. Director of finance.

24 Q. And briefly, what was your general  
25 responsibilities?

1           A.           Responsibility for the accounting  
2           functions of the North American business.

3           Q.           And did you have subsequent positions  
4           to that?

5           A.           Yes. Then I was director of  
6           operations.

7           Q.           And when was that started?

8           A.           2006.

9           Q.           And briefly, your general  
10          responsibilities?

11          A.           Responsibility for everything in the  
12          Memphis facility which included production and  
13          distribution as well as accounting, finance, HR,  
14          IT.

15          Q.           And then did you have a subsequent  
16          position to that?

17          A.           Then I was head of operations, which  
18          also added to that role responsibility for the  
19          operational side of the retail business, customer  
20          service, operations, support for retail stores.

21          Q.           And was that for North America?

22          A.           For North America.

23          Q.           And again, when was the general time  
24          frame for that position?

25          A.           2009 or '10.

1 Q. And what was your next position?

2 A. Head of sales.

3 Q. And that's your current position?

4 A. That is my current position.

5 Q. And when did you start that position?

6 A. February 2011.

7 Q. And briefly describe what your main  
8 duties are.

9 A. I have overall responsibility for all  
10 of the operations in North America.

11 Q. And when you say all of the  
12 operations, can you please describe what these  
13 operations are?

14 A. That includes our manufacturing and  
15 distribution, as well as our hobby centers, which  
16 are our whole -- our company-owned stores, as  
17 well as the sales that we make through  
18 independent retailers, and all the support  
19 functions for those.

20 Q. Anything else?

21 A. No.

22 Q. Who do you currently report to?

23 A. I report to Mark Wells.

24 Q. And what is his position?

25 A. He is our CEO.

1 Q. And is he over which entity?

2 A. Of Games Workshop Limited.

3 Q. And you report directly to him?

4 A. I report directly to him, yes.

5 Q. Is there anyone else you report  
6 directly to?

7 A. No.

8 Q. Who reports directly to you?

9 A. Would you like the names or the  
10 positions?

11 Q. You can give both; that would be nice.

12 A. Okay. Kathleen Wilcher, Director of  
13 Human Resources. Josh Wimberly, Head of Retail  
14 Recruitment. Jay Edwards, Manager Retail  
15 Training. Désiré Dorsey, Director of Business  
16 Support. Paula Scott, Director of Finance. Tim  
17 Hartvel, Director of Operations. John Howell,  
18 Director of IT.

19 Drew Cramine, Director for Growth; Ash  
20 Barker, Director for Growth; Philip Miles,  
21 Director for Growth; Mia Garner, Director for  
22 Growth; and Rusty Gates, Director for Growth.

23 Q. And for all those individuals that  
24 report to you, are they all employees of Games  
25 Workshop Retail?

1 A. Yes, they are.

2 Q. And do they hold any -- do they  
3 provide any functions for any other part of the  
4 Games Workshop family?

5 A. No.

6 Q. You mentioned you oversee the  
7 manufacturing. Could you please describe what  
8 that entails, the manufacturing component of the  
9 Games Workshop Retail business?

10 A. The manufacturing component of Games  
11 Workshop in North America is predominantly  
12 assembly. We do have a few plastic injection  
13 molding machines where we actually manufacture  
14 plastic models.

15 Q. And for the plastic models that you  
16 manufacture, what happens with those models?

17 A. They're then -- the sprues are then  
18 used to -- in assembly to become a part of  
19 whatever box product they go into.

20 Q. Okay. And by assembly -- can you just  
21 describe what you mean by assembly?

22 A. Sure. We receive various component  
23 parts, and we have an assembly line where the  
24 packers take those various parts and put them  
25 into a box or a kit to make a larger product.



1 Q. And what happens to those larger  
2 products?

3 A. They are then sold through our normal  
4 distribution channels.

5 Q. And what are the normal distribution  
6 channels?

7 A. Retail outlets that are wholly-owned  
8 by Games Workshop.

9 Q. And by Games Workshop Retail?

10 A. Games Workshop Retail, as well as in  
11 Canada, the Games Workshop -- I think it's Queen  
12 Street Limited, a Canadian entity. We also sell  
13 through independent retailers and through our  
14 website directly to customers.

15 Q. Okay. And when you say the  
16 independent resellers, can you describe what you  
17 mean by that?

18 A. Independent retailers are various type  
19 of stores, hobby centers of some sort that sell  
20 our products. We sell directly to them; and then  
21 they, in turn, sell directly to the end customer.

22 Q. Is there some type of contractual  
23 relationship between Games Workshop Retail and  
24 these independent resellers?

25 A. They're -- I believe we call it the

1 stockist agreement. It's not an official  
2 contract, but it just identifies the terms by  
3 which we've sold them the product.

4 Q. And again about -- when you say we  
5 sold them, you mean Games Workshop?

6 A. Games Workshop has sold them the  
7 products, yes.

8 Q. Games Workshop Retail?

9 A. Retail.

10 Q. And then you mentioned you sell  
11 directly through your website?

12 A. Yes.

13 Q. What -- can you identify the address  
14 for the website?

15 A. That website is actually owned by a  
16 U.K. entity. I'm not sure which one. And we  
17 simply fill those orders from the Memphis  
18 distribution center.

19 Q. Okay. Do you know the address for the  
20 website, the -- the main --

21 A. Oh, the -- the web address?

22 Q. Yes.

23 A. [Www.games-workshop.com](http://www.games-workshop.com).

24 Q. And when you say you fulfill orders,  
25 can you describe what that means or can you

1 describe that process?

2 A. Yes. When a customer places an order  
3 on our website, that order is then received in  
4 our distribution system. Our employees fill  
5 those orders and ship those orders to customers.

6 Q. And just as a -- as a general matter,  
7 when you refer to our employees or we, are you  
8 referring to --

9 A. I am referring to Games Workshop  
10 Retail.

11 Q. Over the course of this deposition, if  
12 you're not referring to Games Workshop, will you  
13 tell -- would you please testify to that?

14 A. Yes, I will.

15 Q. A few minutes ago, you mentioned that  
16 you received component parts, I believe, and  
17 then -- that are then assembled. Where do you  
18 receive those parts?

19 A. We receive those both from third-party  
20 vendors as well as from our U.K. facility, Games  
21 Workshop Limited, or whichever entity they sell  
22 it to us under.

23 Q. And the third parties, who are those?  
24 Or can you basically describe the nature of the  
25 third parties?

1           A.           It's various different companies that  
2           may provide our printed material for us, our  
3           hobby supplies. Anything that we don't  
4           manufacture inhouse comes from a third-party  
5           vendor.

6           Q.           And who arrange -- who arranges or  
7           orders these materials from third parties; is it  
8           Games Workshop Retail?

9           A.           No.

10                   MR. MOSKIN: May I interject? I'm  
11           just curious if you can identify any of the  
12           designated topics on the testimonial subpoena  
13           to which any of this relates.

14                   MR. OH: Yes. We'll get -- as a  
15           broad matter, and we asked about use of  
16           trademarks and various licenses and also  
17           revenues, these are getting to the source of  
18           those items and ultimately how Games Workshop  
19           Retail uses any of these trademarks in commerce  
20           in the U.S.

21                   MR. MOSKIN: I object, but proceed.

22           BY MR. OH:

23           Q.           Let me re-ask the question.

24                   So you mentioned that some materials  
25           are ordered from third parties; is that correct?

1 A. Yes.

2 Q. And who orders these materials through  
3 third parties?

4 A. That -- that is done by our central  
5 operations team in the U.K.

6 Q. Who decides which products to sell in  
7 the United States?

8 A. Our -- our U.K. team decides that.

9 Q. And is Games Workshop Retail involved  
10 in the decision-making process of which products  
11 you sell?

12 A. No.

13 Q. If we talk about the retail stores,  
14 you mentioned that Games Workshop Retail has --  
15 owns retail stores in the U.S.; is that correct?

16 A. Yes.

17 Q. And they are wholly-owned stores?

18 A. Yes.

19 Q. Or not franchisees?

20 A. Not franchisees, yes.

21 Q. And who hires and staffs -- strike  
22 that.

23 Are the people working at the retail  
24 stores, are they also employees of Games Workshop  
25 Retail?

1           A.           In the U.S., Games Workshop; in  
2           Canada, Queen Street Limited.   Yes.

3           Q.           You mentioned before something called  
4           a hobby center?

5           A.           That's another name we use to identify  
6           our retail store.

7           Q.           How many retail stores do you have in  
8           the U.S.?

9           A.           Approximately 60.

10          Q.           How many retail stores does Games  
11          Workshop Retail have in Canada?

12          A.           Games Workshop Retail doesn't have any  
13          in Canada.

14          Q.           Excuse me.   How many for the Queen --

15          A.           Queen Street Limited?   I think about  
16          25.

17          Q.           When was the first retail store opened  
18          in the U.S.?

19          A.           I don't know.

20          Q.           When you joined Games Workshop Retail  
21          or its predecessor, did the company have retail  
22          stores at that point in time?

23          A.           Yes.

24          Q.           At that point in time, were those also  
25          owned by your company?

1 A. Yes.

2 Q. And how long has Games Workshop Retail  
3 been selling through independent resellers?

4 A. I don't know.

5 Q. Was it before -- or at least since you  
6 started working with the company?

7 A. Yes.

8 Q. And since you've been working with the  
9 company, has any other -- strike that.

10 Regarding the resellers, the  
11 independent resellers, if I understand it  
12 correctly, do they work directly with Games  
13 Workshop Retail to -- to get the products to  
14 sell?

15 A. Yes.

16 Q. And could you briefly describe, if I'm  
17 a reseller and I'm interested in becoming a  
18 reseller of Games Workshop related products,  
19 what's that process like?

20 A. You would contact one of our account  
21 managers, and there's a process they would use to  
22 qualify you as -- as a possible independent  
23 retailer. I'm not familiar with all the pro- --  
24 all the steps of that process; but obviously,  
25 it's related to your credit and are you a

1 legitimate business and that -- and then they'd  
2 make a determination if you are a company we want  
3 to sell our products.

4 Q. Are there different type of levels of  
5 resellers in terms of what type of products they  
6 carry or advertising materials you provide them?

7 MR. MOSKIN: I just want to note my  
8 continuing objection to this line of  
9 questioning. But go ahead, you can answer.

10 MR. OH: Noted.

11 A. They don't all sell the same volume of  
12 products, so -- so, of course, they are different  
13 levels based on their sales volume.

14 BY MR. OH:

15 Q. Do you -- do you provide marketing  
16 materials to independent resellers? Strike that.

17 Does Games Workshop Retail provide  
18 marketing materials to independent resellers?

19 A. We -- we do provide a small amount of  
20 product support for those accounts, yes.

21 Q. Can you describe what this product  
22 support entails?

23 A. It could be a flyer or a poster, or it  
24 could actually be samples of product that they  
25 can use in their store.



1 Q. And when you mean a flyer, what  
2 exactly do you mean?

3 A. It could be a piece of paper that  
4 features a product that we've sold them that is  
5 available for them to then sell to their  
6 customer.

7 Q. And can you describe what you mean by  
8 a poster?

9 A. A poster is the same thing, only a  
10 larger size.

11 Q. Do you also provide in-store displays?

12 A. Not that I can think of, no.

13 Q. Do you provide -- well, strike that.

14 And these posters, can you describe a  
15 few examples of what type of products they may  
16 feature?

17 A. I'm not familiar with any specific  
18 posters, so I can't really give you an example of  
19 a specific item.

20 Q. Are there different lines of products?

21 A. We have different categories of  
22 products.

23 Q. What do you mean by categories of  
24 products?

25 A. We sell, basically, three -- three

1 ranges: Warhammer, Warhammer 40,000 and then  
2 Lord of the Rings.

3 Q. And so these posters or flyers, they  
4 will be for either Warhammer, Warhammer 40,000 or  
5 the Lord of the Rings product lines?

6 A. Yes.

7 Q. Earlier, you mentioned there was a  
8 manufacturing entity that was merged into Games  
9 Workshop Retail. Does that manufacturing  
10 component still exist?

11 A. Yes, it does.

12 Q. And what's the main function?

13 MR. MOSKIN: Asked and answered. And  
14 I continue to object to this line of  
15 questioning. Go ahead.

16 A. The main function is assembly.

17 BY MR. OH:

18 Q. Do they receive any molds to create  
19 the -- you mentioned resin products. Did you  
20 create -- did you create them inhouse or are they  
21 made from molds?

22 A. I didn't mention resin products.

23 Q. Oh, what did --

24 A. I mentioned plastic products.

25 Q. Plastic products.

1           A.           Those are created through an injection  
2 molding process.

3           Q.           What products does Games Workshop  
4 Retail distribute, general categories?

5           A.           Warhammer, Warhammer 40,000 and Lord  
6 of the Rings.

7           Q.           And what type of products make up  
8 those lines?

9           A.           Plastic, pewter and resin models,  
10 characters, miniatures, whatever you want --  
11 however you want to refer to them. Paints,  
12 brushes, hobby supplies. Everything it takes,  
13 basically, for -- to participate in our hobby.

14          Q.           Any books?

15          A.           Books, yes.

16          Q.           Anything else?

17          A.           Books, audio books. I think that's  
18 about it.

19          Q.           You mentioned you sell through your  
20 own retail -- or excuse me.

21                        You sell through Games Workshop  
22 Retail's own stores, through independent  
23 resellers, through the website.

24                        Any other ways that Games Workshop  
25 Retail distributes or sells products?

1 A. No. Those are the three channels.

2 Q. Any phone orders?

3 A. Those would go through our website --  
4 would be entered into our website.

5 Q. Does any -- do they -- does Games  
6 Workshop Retail accept orders by mail?

7 A. I don't know that we receive any  
8 orders by mail.

9 Q. Do you know at one point in time it  
10 did?

11 A. At one point in time, it did, yes.

12 Q. Do you remember generally when that  
13 time frame was?

14 A. That was at least seven years ago.

15 Q. But at this point, you're not sure if  
16 they continue doing that?

17 A. I don't think so.

18 Q. Now, the -- just for clarification,  
19 for the books that Games Workshop sells, do they  
20 print them -- does it print them themselves?

21 A. Our books are through another entity,  
22 a Games Workshop Black Library, and those are not  
23 printed inhouse.

24 Q. How does Games Workshop Retail receive  
25 those books?

1           A.           They are sent to us from the U.K.

2           Q.           Any other products sent to you from --  
3           or sent to Games Workshop Retail from the U.K.  
4           for distribution?

5           A.           All -- all of the products -- most of  
6           the products that we use in assembly, as well as  
7           a lot of the products that we distribute, come  
8           directly from our U.K. facility.

9           Q.           Just for clarification, so for the  
10          products that you sell in the U.S., or I should  
11          say the products that Games Workshop Retail sells  
12          in the U.S., are all those products assembled  
13          first in the U.S. and then sold?

14          A.           I don't understand your question.

15          Q.           I guess -- well, strike that.

16                        You mentioned that the products are  
17          assembled in the U.S. and then sold. Is that an  
18          accurate description?

19          A.           Some products are assembled in the  
20          U.S. and then sold.

21          Q.           And some products are not?

22          A.           Some products are received in their  
23          completed state.

24          Q.           Can you provide some examples of those  
25          products received in a completed state?

1           A.           It could be any of our -- any of our  
2 products, the full range of products.

3           Q.           Are there any -- when you say full  
4 range, that would include miniatures, books or --

5           A.           Yes.

6           Q.           Can you give an example of a product  
7 that would be first assembled in the U.S. and  
8 then sold?

9           A.           It could be a boxed game that has many  
10 components, that it's more economical for us to  
11 send the components -- to send the product in a  
12 component stage and then be completed here versus  
13 sending it in the final stage.

14          Q.           Right now, you mentioned games. In  
15 your previous answers, were you including games  
16 as part of the different products that Games  
17 Workshop Retail sells?

18          A.           Yes. When I say boxed games, that is  
19 a collection of miniatures, a collection of  
20 miniatures.

21          Q.           Just for clarification, does Games  
22 Workshop Retail cast any miniatures in the United  
23 States?

24          A.           We do not do any casting in the United  
25 States.

1 Q. Has it previously done castings in the  
2 U.S.?

3 A. It did years ago. I would be  
4 guessing; but yes, it did.

5 Q. Does Games Workshop Retail also sell  
6 card games?

7 A. Card games?

8 Q. (Nods head.)

9 A. Not to my knowledge.

10 Q. When a new product is released for  
11 sale, is it released -- strike that.

12 For Internet orders, does Games  
13 Workshop Retail fulfill orders within the U.S.?

14 A. Games Workshop Retail distributes  
15 Internet orders for the U.S.

16 Q. Any other regions?

17 A. Canada.

18 Q. When a product is made available on  
19 the Games Workshop website for order, is it made  
20 available for purchase to North America and the  
21 U.K. at the same time?

22 A. Yes.

23 Q. And when a product is made available  
24 for sale, is it made available for sale on the  
25 Internet and in the stores at the same time?

1 A. Normally, yes.

2 Q. And what do you mean by normally?

3 A. Some products are not sold in our  
4 retail stores that are sold through the Internet.

5 Q. Can you describe what products are not  
6 sold through -- or sold into retail stores that  
7 are sold on the Internet?

8 A. Our higher volume products are sold in  
9 our retail stores. Our full product range is  
10 available on the Internet.

11 Q. Are there any products sold in the  
12 retail stores that are not sold on the Internet?

13 A. No.

14 Q. Is Games Workshop Retail involved in  
15 the release schedule for new products?

16 A. What do you mean by involved?

17 Q. Is Games Workshop Retail involved in  
18 setting the release date for when a new product  
19 is available for sale?

20 A. No.

21 Q. Who makes that decision?

22 A. It's made by the team in the U.K.

23 Q. Are there products that are first  
24 released in the U.K. that aren't released at the  
25 same time in the U.S.?



1 A. Not to my knowledge.

2 Q. Does Games Workshop Retail have a  
3 mission statement?

4 A. Does Games Workshop Retail have a  
5 mission statement? No.

6 Q. Does the -- does the company in  
7 general have a mission statement?

8 A. We don't have anything we identify as  
9 a mission statement.

10 Q. Who sets revenue goals for Games  
11 Workshop Retail?

12 A. The North American team.

13 Q. And who is the head of that North  
14 American team that would set the revenue goals?

15 A. That's me.

16 Q. And what are the sources of revenues  
17 for Games Workshop Retail?

18 A. Our retail stores, our independent  
19 trade accounts, and a commission on our web  
20 sales.

21 Q. What do you mean by commissions on  
22 your web sales?

23 A. We are paid from the U.K. web business  
24 a percentage of revenue on retail -- on web sales  
25 for North America.

1 Q. Is there a commission arrangement also  
2 related to the -- the retail store revenues?

3 A. No.

4 Q. Previously, you mentioned that Games  
5 Workshop Retail receives some completed products  
6 from the U.K. and some are assembled in the U.S.

7 Does Games Workshop Retail order these  
8 products through the U.K. company?

9 A. We -- they manage our stock -- no.  
10 They manage our stock for us.

11 Q. Okay. And how do they manage Games  
12 Retail -- Games Workshop Retail's stock?

13 A. They have access to our inventory  
14 levels.

15 Q. And how do they have access to your  
16 inventory levels? Or strike that.

17 A. They didn't --

18 Q. What do you mean that -- when you said  
19 that the U.K. company had access to Games  
20 Workshop Retail's inventory level, can you  
21 explain what you meant by that?

22 A. Our -- that -- our data regarding our  
23 inventory levels is transferred electronically  
24 from our system to our U.K. system.

25 Q. And what do you mean by inventory

1 level?

2 A. How many we have of our products, what  
3 we have on hand of our products.

4 Q. And at what level? Meaning, is that  
5 just at the main facilities or does that get down  
6 to also to retail stores?

7 A. It includes the retail stores and our  
8 warehouse.

9 Q. And when -- when we're talking about  
10 the inventory levels, does that mean the  
11 individual products or -- can you describe the  
12 level of detail, the -- what type of information  
13 they would have?

14 A. They basically get a listing of our  
15 inven- -- of our products and the quantities we  
16 have on hand.

17 Q. And would that be at a SKU level?

18 A. Yes.

19 Q. And so if -- if they wanted to know  
20 whether a particular book by a certain title was  
21 low in stock, they will be able to determine that  
22 through the -- this inventory system?

23 A. Yes.

24 Q. And same for a particular miniature?

25 A. Yes.

1 Q. And would they also have access to --  
2 and when -- strike that.

3 And would the U.K. company also have  
4 access to sales figures related to the retail  
5 stores?

6 A. They -- I'm not sure what sales  
7 information they have. They do certainly see our  
8 sales by store, but I'm not sure to what level  
9 they get that.

10 Q. Does Games Workshop Retail have sales  
11 figures for the -- its retail stores in the U.S.?

12 A. Yes.

13 Q. Does Games Workshop Retail have  
14 breakdowns of sales by SKUs in the U.S.?

15 A. We don't look at the information that  
16 way, no.

17 Q. Can you describe how Games Workshop  
18 Retail looks at the information, then?

19 A. We look at it at a store level, not at  
20 a product level. Nothing really below the store  
21 level.

22 Q. Does Games Workshop Retail have --  
23 have records of the number of each SKU that is  
24 sold?

25 A. We don't have reports that we look at

1 that way. I'm sure it's -- the raw data is in  
2 the system somewhere; but no, we don't -- we  
3 don't analyze our data that way.

4 Q. Does Games Workshop Retail have --  
5 strike that.

6 When you're referring to the U.K.  
7 company, which company are you referring to?

8 A. Games Workshop Limited.

9 Q. What type of advertising does Games  
10 Workshop Retail do?

11 A. We don't do traditional advertising.

12 Q. What type of nontraditional  
13 advertising do you do?

14 A. Our advertisement is word of mouth  
15 from our customers.

16 Q. Does Games Workshop Retail attend any  
17 trade shows?

18 A. We are scheduled to attend some this  
19 year, yes.

20 Q. Can you provide just a few examples?

21 A. Gamma, I believe is the one they're  
22 attending soon. And I'm not sure about the other  
23 names.

24 Q. Does it organize any conferences or  
25 fan events?

1           A.           We have a game -- an event we call  
2 Games Day once a year.

3           Q.           Can you just briefly describe that?

4           A.           It's -- it's an event where we have  
5 our -- some of our products there, we have  
6 games -- we're running games, we're running  
7 activities. It's just -- it's a day where  
8 customers can -- can participate in the hobby.

9           Q.           Actually, I just want to loop back to  
10 something, a question from a few minutes ago.

11                    You mentioned that products are  
12 released at the same time online and in the  
13 retail stores; is that correct?

14           A.           Roughly at the same time, yes.

15           Q.           And how long has that practice been  
16 going on?

17           A.           I'm not sure. I don't know how long  
18 we've been doing it that way.

19           Q.           Has it been done that way since you've  
20 been with the company?

21           A.           I'm not sure because I wasn't involved  
22 in that side of the -- that part of the business  
23 at that time.

24           Q.           So it could have been happening before  
25 you joined the company?

1 A. It could have.

2 Q. Does Games Workshop Retail do any  
3 Internet advertising?

4 A. Only on -- on our own web store,  
5 website, but that's -- that's actually a U.K.  
6 entity. The only Internet presence we have is  
7 Facebook sites for each of our stores.

8 Q. Can you just briefly describe what you  
9 mean, Facebook sites for each of our stores?

10 A. Each one of our retail managers  
11 maintains a Facebook page.

12 Q. And who hires the managers for each of  
13 these stores?

14 A. Our head of retail recruitment.

15 Q. For Games Workshop Retail?

16 A. For Games Workshop Retail.

17 Q. Does Games Workshop Retail own --  
18 strike that.

19 Does Games Workshop Retail, does it  
20 contend that it owns any trademarks?

21 A. No.

22 Q. Does it have any registered  
23 trademarks?

24 A. Not to my knowledge.

25 Q. Does it own any copyright

1 registrations?

2 A. Not that I'm aware of.

3 Q. Does Games Workshop Retail contend  
4 that it owns any copyrights for the products at  
5 issue in this litigation?

6 A. No.

7 Q. Does Games Workshop Retail license any  
8 trademarks?

9 A. No.

10 Q. Does it have any trademark license  
11 agreements?

12 A. Not that I'm aware.

13 Q. So Games Workshop Retail has no  
14 trademark licensing agreement involving Games  
15 Workshop Limited?

16 A. I don't understand your question.

17 Q. Well, when you say it doesn't have any  
18 trademark licenses, that would -- are you  
19 referring -- well, strike that for a second.

20 Does Games Workshop Retail license any  
21 trademarks from Games Workshop Limited?

22 A. Not to my knowledge.

23 Q. Does it license any copyrights from  
24 Games Workshop Limited?

25 A. No.



1 Q. Has Games Workshop Retail acquired any  
2 copyrights through assignments?

3 A. No.

4 Q. Does Games Workshop Retail have any  
5 trademark licensing agreements with its  
6 independent resellers?

7 A. Not that I'm aware of.

8 Q. For the independent resellers in the  
9 U.S. for Games Workshop related products, does  
10 Games Workshop Limited have any agreements with  
11 them?

12 A. I do not know that.

13 Q. And just so I understand the  
14 arrangement between the independent resellers in  
15 the U.S. -- strike that.

16 Does Games Workshop Limited work  
17 directly with the independent resellers in the  
18 U.S.?

19 A. No.

20 Q. It would only be through Games  
21 Workshop Retail?

22 A. Yes.

23 Q. Does Games Workshop Limited sell  
24 directly into the U.S.?

25 A. Not that I'm aware of, no.

1 Q. What are the names of the U.S. retail  
2 stores that Games Workshop Retail owns?

3 A. Games Workshop.

4 Q. Any other names?

5 A. No.

6 Q. Does Games Workshop Retail sell any  
7 products using the tradename Soul Drinkers?

8 A. Could you repeat that?

9 (Thereupon, the requested  
10 portion of the record was read by  
11 the court reporter.)

12 A. Not to my knowledge.

13 BY MR. OH:

14 Q. How about Blood Eagle?

15 A. No, not to my knowledge.

16 Q. Blood Raven?

17 A. No.

18 Q. Celestial Lions?

19 A. No.

20 Q. Exorcist?

21 A. No.

22 Q. Howling Griffon?

23 A. No.

24 Q. Iron Snakes?

25 A. No.

1 Q. Luna Wolves?  
2 A. No.  
3 Q. Salamanders?  
4 A. No.  
5 Q. I'm going to spell this, Y-N-G-A-R-L?  
6 A. Not to my knowledge, no.  
7 Q. Iron Hands?  
8 A. No.  
9 Q. Nycetic Spores? And I'll spell  
10 Nycetic, N-Y-E -- strike that. N-Y-C-E-T-I-C  
11 Spores.  
12 A. No.  
13 Q. Mantis Warriors?  
14 A. No.  
15 Q. Spartan Heads?  
16 A. No.  
17 Q. Death Angels?  
18 A. No, not that I'm aware of.  
19 Q. Doom Seer?  
20 A. No.  
21 Q. Mantis Warrior?  
22 A. No.  
23 Q. Thunder Armour?  
24 A. No.  
25 Q. Power Armour?

1 A. No.

2 Q. Tervigon?

3 A. No.

4 Q. Adeptus Manacus?

5 A. No. I'm not familiar with these  
6 products.

7 Q. Does Games Workshop Retail have  
8 records of which products it has sold in the  
9 State of Illinois?

10 A. Not readily available.

11 Q. Does Games Workshop Retail have  
12 records of when it first used in commerce --  
13 strike that.

14 For any given particular product,  
15 would Games Workshop Retail have a record of when  
16 it first sold that product in the U.S.?

17 A. That would not be readily available,  
18 no.

19 Q. And why do you say that it would not  
20 be readily available?

21 A. That's not something that we look at  
22 on a reg- -- on a regular basis. I'm sure we --  
23 you know, it would have to be in our records  
24 somewhere, but it would be mining through our  
25 system to find that data.

1 Q. There's no readily available way to  
2 determine such a date?

3 A. No.

4 Q. Would you be able to -- strike that.  
5 Would Games Workshop Retail -- strike  
6 that.

7 Does Games Workshop Retail have  
8 records of which product is sold in different  
9 geographical regions in the U.S.; for example, by  
10 ZIP code?

11 A. No. We don't maintain records in that  
12 format.

13 Q. Does Games Workshop Retail sell any  
14 computer games?

15 A. No.

16 Q. Does Games Workshop Retail have any  
17 licensing agreements with makers of computer  
18 games?

19 A. No.

20 Q. Does Games Workshop Retail have any  
21 licensing agreements with a company called THQ?

22 A. No.

23 Q. Does Games Workshop Retail sell  
24 products in the U.S. under the tradename  
25 Warhammer?

1 A. Yes.

2 Q. Warhammer 40,000?

3 A. Yes.

4 Q. Does any Games Workshop Retail  
5 employees create any artwork used for the Games  
6 Workshop related products?

7 A. No.

8 Q. No sculptures?

9 A. No.

10 Q. No graphics?

11 A. No.

12 Q. Illustrations?

13 A. No.

14 Q. Has any Games Workshop Retail employee  
15 ever created artwork for Games Workshop Limited  
16 as a normal course -- or strike that. Strike  
17 that.

18 Let me ask a few questions about the  
19 corporate structure of Games Workshop. How is  
20 Games Workshop Retail related to Games Workshop  
21 Limited?

22 A. Games Workshop Retail is owned -- it's  
23 owned by a Games Workshop entity. I'm not sure  
24 if it's Games Workshop Limited.

25 Q. Okay. Would that entity be Games --

1 would that entity be Games Workshop U.S. Holding  
2 Limited?

3 A. I'm not sure.

4 Q. Games Workshop America, Inc.?

5 A. No.

6 Q. So as far as you know, Games Workshop  
7 Retail Limited -- or excuse me.

8 As far as you know -- strike out that.  
9 Let me start over again.

10 As far as you know, Games Workshop  
11 Retail is not a wholly-owned subsidiary of Games  
12 Workshop Limited?

13 A. I don't know the corporate structure,  
14 the legal entity structure.

15 Q. As part of your preparation for your  
16 deposition today, did you review any information  
17 to learn about the corporate structure of Games  
18 Workshop fam- -- the Games Workshop family?

19 A. No.

20 Q. And prior to your preparations, did  
21 you have a -- strike that.

22 Prior to your preparations for the  
23 deposition, did you have a -- strike that.

24 For -- are you aware of a company  
25 called Games Workshop Group, PLC?

1 A. Yes. I have heard that name.

2 Q. Do you know what it is?

3 A. That is actually the name we traded  
4 on -- we use for trading on the London Stock  
5 Exchange.

6 Q. Do you have an idea of how Games  
7 Workshop Retail is related to that company?

8 A. Not specifically, no.

9 Q. And did you have knowledge of the  
10 overall corporate structure of Games Workshop  
11 before your preparations for the -- this  
12 deposition?

13 A. No.

14 Q. Is Games Workshop Retail an  
15 independent -- strike that.

16 Is Games Workshop Retail a -- its own  
17 legal entity?

18 A. Games Workshop Retail is a legal  
19 entity, yes.

20 Q. And employees of Games Workshop Retail  
21 are employees of Games Workshop Retail, meaning  
22 they're not also employees of Games Workshop  
23 Limited?

24 A. That's correct.

25 Q. When a new product is released, what's



1 the different -- strike that.

2 When Games Workshop Retail carries a  
3 new product in the stores, what's the kind of lag  
4 time -- actually, strike that.

5 Games Workshop Retail sells products  
6 using the tradename -- or the trademark Space  
7 Marines?

8 A. Space Marines is one of our products.

9 Q. How about Eldar, E-L-D-A-R?

10 A. Yes.

11 Q. Chaos?

12 A. Yes.

13 Q. Dark Angels?

14 A. Yes.

15 Q. Tau, T-A-U?

16 A. Yes.

17 Q. Tyranid?

18 A. Yes.

19 Q. Does Games Workshop Retail also use  
20 the trademark GW?

21 A. GW?

22 MR. MOSKIN: If you don't mind, can I  
23 just ask the witness if she could speak a  
24 little more -- a little louder or into the  
25 microphone or near the phone? I'm sorry.

1 THE WITNESS: Okay.

2 A. I'm not aware of any products with the  
3 tradename GW.

4 MR. MOSKIN: Can you read back the  
5 question and answer? There was a terrible  
6 screeching noise.

7 MR. OH: I'll just repeat the  
8 question right now.

9 MR. MOSKIN: I don't mean to  
10 interrupt. I didn't hear.

11 BY MR. OH:

12 Q. For the last one, does Games Workshop  
13 Retail use the trademark Tyranid, T-Y-R-A-N-I-D?

14 A. Tyranid, yes.

15 Q. How about 40K?

16 A. Yes.

17 Q. Earlier in the deposition, you  
18 mentioned that Games Retail -- Games Workshop  
19 Retail provides some posters or flyers as part of  
20 its advertising; is that correct, or uses posters  
21 or flyers as part of their advertising?

22 A. Actually, I think the question was:  
23 Do we provide those products to our independent  
24 retailers? Yes, we do.

25 Q. And would those posters and flyers

1 that Games Workshop Retail provides to the  
2 independent retailers, would those use the  
3 trademark Warhammer?

4 A. It could feature any of our products.

5 Q. So it could feature Warhammer,  
6 Warhammer 40K -- or 40,000, Warhammer 40K, 40K,  
7 Tyranid?

8 A. It could feature any of our products.

9 Q. Does Games Workshop Retail have a  
10 customer support telephone number?

11 A. Yes.

12 Q. What is it?

13 A. I don't know offhand.

14 Q. Would it be an 800 number?

15 A. I believe it is an 800 number, yes.

16 Q. I'm handing you what is marked as  
17 Defendant Exhibit 2.

18 (Deposition Exhibit 2: Screen  
19 shot from the Games Workshop Retail  
20 was marked for identification.)

21 BY MR. OH:

22 Q. It is a screen shot from the Games  
23 Workshop Retail with customer service Contact Us  
24 information on it. Does this refresh your  
25 recollection if Games Workshop has a -- what

1 Games Workshop Retail's customer service number  
2 is?

3 A. This could be the number, yes.

4 Q. If someone calls the Games Workshop  
5 Retail's customer service number, who do they  
6 talk with?

7 A. They talk with a customer service  
8 representative.

9 Q. And does that representative work for  
10 Games Workshop Retail?

11 A. Yes.

12 Q. Where are they located?

13 A. They're located in Memphis.

14 Q. Are they part of an outsource call  
15 service?

16 A. No.

17 Q. It's inhouse?

18 A. It's an inhouse; they are employees of  
19 Games Workshop.

20 Q. Is there a particular person in charge  
21 of that department?

22 A. Our director of business support.

23 Q. Does Games Workshop also have a -- or  
24 Games Workshop Retail have a customer service  
25 e-mail address that they can write into?

1 A. Yes, we do.

2 Q. And who answers those inquiries?

3 A. The customer service representatives.

4 Q. In Memphis?

5 A. In Memphis.

6 Q. Does Games Workshop Retail have some  
7 type of ticketing system to monitor or track  
8 incoming calls or e-mails from customers?

9 A. No.

10 Q. Does it save incoming customer service  
11 inquiries sent by e-mails from customers?

12 A. I don't know.

13 Q. Does Games Workshop Retail have any  
14 records of customers expressing confusion between  
15 their products and Chapterhouse products?

16 A. Not to my knowledge.

17 Q. Does Games Workshop Retail have any  
18 records of anyone writing into the company about  
19 Chapterhouse Studio?

20 A. Not to my knowledge.

21 MR. OH: I believe we're at the end  
22 of the tape, so it might be a good time for a  
23 break.

24 THE VIDEOGRAPHER: Going off the  
25 record. Time is 11:13.

1 (A recess was taken for 20  
2 minutes from 11:13 until 11:33 a.m.)  
3 THE VIDEOGRAPHER: We're back on the  
4 record. The time is 11:33.

5 BY MR. OH:

6 Q. Are you familiar with Sabertooth  
7 Games?

8 A. Yes.

9 Q. What is it?

10 A. It was an entity that sold card games.

11 Q. And when you said was, what do you  
12 mean by that?

13 A. Sabertooth Games is no longer  
14 associated with Games Workshop. It was sold from  
15 Games Workshop several years ago.

16 Q. Do you know approximately when?

17 A. Probably five years ago.

18 Q. And when you say it was sold from  
19 Games Workshop, is there a specific entity you're  
20 referring to?

21 A. I'm not sure which legal entity  
22 owned -- owned Sabertooth Games. It was not  
23 Games Workshop Retail.

24 Q. Do you know when one of the Games  
25 Workshop companies first acquired it?

1 A. I do not.

2 Q. Do you know what products it sold?

3 A. Collectible card games.

4 Q. Before this lawsuit, were you familiar  
5 with Sabertooth Games?

6 A. Slightly familiar with them, yes.  
7 Certainly knew the name and that they sold  
8 collectible card games.

9 Q. Did Games Workshop Retail sell these  
10 collectible card games?

11 A. No.

12 Q. Did Games Workshop Retail ever  
13 distribute any of these collectible games?

14 A. Not to my knowledge.

15 Q. In preparation -- strike that.

16 In preparation for this deposition --  
17 strike that.

18 In preparation for this deposition,  
19 did you review any information concerning  
20 Sabertooth Games?

21 A. I did not.

22 Q. Do you know which company operated  
23 Sabertooth Games when it was acquired by a member  
24 of the Games Workshop family?

25 A. I do not, no.

1 Q. Do you know if Sabertooth Games still  
2 exists?

3 A. No, I'm not positive.

4 Q. Does Games Workshop Retail have any  
5 records concerning Sabertooth Games?

6 A. No.

7 Q. What do you base that answer on?

8 A. I'm not aware of any records Games  
9 Workshop Retail has --

10 Q. Did --

11 A. -- regarding Sabertooth Games.

12 Q. Did Games Workshop Retail search for  
13 any records concerning Sabertooth Games?

14 A. No.

15 Q. Did Games Workshop Retail search for  
16 any license agreements involving Sabertooth  
17 Games?

18 A. No.

19 Q. Did Games Workshop Retail search for  
20 any copyright agreement, including assignments or  
21 work for hire agreements related to Sabertooth  
22 Games?

23 A. No.

24 Q. Did Games Workshop Retail search for  
25 any e-mails related to Sabertooth Games?



1 A. No.

2 Q. Did Games Workshop Retail employ any  
3 persons who previously did work for Sabertooth  
4 Games?

5 A. We do employ one person that used to  
6 work for Sabertooth Games.

7 Q. Who is that person?

8 A. Alex Bartose.

9 Q. And what is his position?

10 A. He is -- he's a trade account manager.

11 Q. And what do you mean by trade account  
12 manager?

13 A. He works directly with independent  
14 retailers.

15 Q. What's his main duties?

16 A. His main duties is to sell them Games  
17 Workshop products.

18 Q. And when was he first employed by  
19 Games Workshop Retail?

20 A. 2011.

21 Q. And prior to that, he was working --  
22 do you know what his position was prior to that?

23 A. No, I do not.

24 Q. So I take it you mean him coming to  
25 work for Games Workshop Retail wasn't part of the

1 earlier acquisition?

2 A. No.

3 Q. Unrelated?

4 A. Unrelated.

5 Q. Do you know what his role was with  
6 Sabertooth Games?

7 A. I do not.

8 Q. Does Games Workshop Retail sell a card  
9 game called the Horus Heresy?

10 A. I'm not familiar with that product.

11 Q. Has Games Workshop Retail sold a book  
12 called the Horus Heresy Collective Visions?

13 A. Yes.

14 Q. Can you describe what that is?

15 A. It's a series of novels written by one  
16 of the Black Library authors.

17 Q. Do you know when -- strike that.  
18 When did Games Workshop Retail first  
19 sell these books?

20 A. I don't know.

21 Q. Does it have records?

22 A. Not with that specific information.

23 Q. Would it have information about how  
24 many copies of these books were sold?

25 A. Again, that's information that's not

1 readily available.

2 (Deposition Exhibit 3: Horus  
3 Heresy Collective Visions, Bates  
4 Number GW 0001875 through 84, was  
5 marked for identification.)

6 BY MR. OH:

7 Q. I'm handing you what has been  
8 premarked as Defendant's Exhibit 3. Do you  
9 recognize this?

10 A. I have not seen this specific product,  
11 but no.

12 Q. Can you tell me what it appears to be?

13 A. It appears to be the Horus Heresy  
14 Collective Visions that is published by Black  
15 Library.

16 Q. Is there any reason to believe it's  
17 not a copy of the Horus Heresy?

18 A. No.

19 MR. OH: And for the record, this  
20 exhibit is Bates Number GW 0001875 through 84.

21 BY MR. OH:

22 Q. Turn your attention to the last page,  
23 Bates number that ends in 1884. Can you read the  
24 last paragraph?

25 A. This brings us to the present day and

1 the publication of a collectible --

2 THE COURT REPORTER: Slowly.

3 THE WITNESS: Sorry.

4 A. This brings us to the present day and  
5 the publication of a collectible card game based  
6 on the Horus Heresy by Sabertooth Games. This  
7 exciting new presentation of the famous story  
8 provided fans with a wealth of new information  
9 and imagery about the Heresy. Collectible card  
10 games feature hundreds if not thousands of  
11 illustrative cards. This book presents some of  
12 those illustrations as well as supporting text  
13 and a selection of awesome -- awesome conceptual  
14 pieces by the great John Blanch.

15 BY MR. OH:

16 Q. Does Games Workshop Retail have any  
17 information about the development of these  
18 collectible card games by Sabertooth Games?

19 A. No.

20 Q. Does Games Workshop Retail have any  
21 records or information about the individuals who  
22 created the collectible card games by Sabertooth  
23 Games?

24 A. No.

25 Q. Does Games Workshop Retail have any

1 record or information about the artwork depicted  
2 in these collectible card games by Sabertooth  
3 Games?

4 A. No, not to my knowledge.

5 Q. Does Games Workshop Retail have any  
6 information about what assets were transferred  
7 when Sabertooth Games were sold off by the Games  
8 Workshop family?

9 A. No.

10 Q. Was Games Workshop -- strike that.  
11 Was Sabertooth Games acquired by one  
12 of the U.S. based Games Workshop entities?

13 A. No.

14 Q. And why do you say no?

15 A. It was -- it was managed directly to  
16 the U.K. team.

17 Q. And when you say managed directly by  
18 the U.K. team, what do you mean by that?

19 A. I mean they reported directly in to  
20 the U.K. team, not to an American part of the  
21 business.

22 Q. And by they, you mean the members of  
23 the Sabertooth Games team?

24 A. Yes.

25 Q. And by the U.K. team, you mean Games

1 Workshop --

2 A. Games Workshop.

3 Q. -- Limited?

4 A. Yes.

5 Q. And after Sabertooth Games was  
6 acquired by a member of the Games Workshop  
7 family, what was the role of Sabertooth Games?

8 A. I'm not sure. I wasn't involved with  
9 Sabertooth Games.

10 Q. And when you said -- strike that.  
11 When you answered that -- that  
12 Sabertooth Games was not acquired by U.S. entity  
13 of Chapterhouse, that's based on your following  
14 answer that the management team for -- or  
15 Sabertooth Games reported directly to the U.K.  
16 team?

17 A. That's correct.

18 Q. It wasn't based on a review of  
19 purchase agreements between Sabertooth Games and  
20 the U.S. entity?

21 A. No.

22 Q. Have you seen any of the underlying  
23 transfer agreements?

24 A. No.

25 Q. Do you know if any exists?

1 A. I do not.

2 Q. Did you look for any in preparation  
3 for this deposition?

4 A. We would have no reason to have those  
5 in Games Workshop Retail.

6 Q. As far as you know, Games Workshop --  
7 strike that.

8 As far as you know, Sabertooth Games  
9 could have been purchased by a different Games  
10 Workshop entity other than Games Workshop  
11 Retail --

12 A. It could --

13 Q. -- you just don't know which one?

14 A. It could have.

15 Q. Do you know what the reason was for  
16 selling off Sabertooth Games?

17 A. I do not.

18 Q. Did a Franz Vohwinkel -- and that's  
19 V-O-H-W-I-N-K-E-L -- has this person ever worked  
20 for Games Workshop Retail?

21 A. Not to my knowledge.

22 Q. How about James Brady?

23 A. I'm not familiar with that name.

24 Q. Kenson Low? First name K-E-N-S-O-N,  
25 last name L-O-W.

1 A. No.

2 Q. Justin Norman?

3 A. No, not to my knowledge.

4 Q. Chris Trevas? That's T-E -- excuse

5 me -- T-R-E-V-A-S.

6 A. No.

7 Q. Ralph Horsley, H-O-R-S-L-E-Y?

8 A. Not to my knowledge, no.

9 Q. Sam Wood?

10 A. No.

11 Q. Eric Ren? That's R-E-N.

12 A. No.

13 Q. Does Games Re- -- does Games Workshop  
14 Retail maintain records sufficient to determine  
15 whether these individuals had worked for Games  
16 Workshop Retail?

17 A. Yes.

18 MR. MOSKIN: I just want to object to  
19 this line of questioning. This is not anywhere  
20 stated in the deposition notice, and it's  
21 really just a waste of time. You can use what  
22 limited time you've got left however you wish,  
23 but I'm just stating my objection on the  
24 record.

25 BY MR. OH:



1 Q. What type of records would Games  
2 Workshop Retail have to verify --

3 MR. MOSKIN: Object to form.

4 BY MR. OH:

5 Q. -- to verify employment his records or  
6 employment history of a person?

7 A. We --

8 MR. MOSKIN: Same objection. This is  
9 just not on -- not on -- even on the deposition  
10 notice. Go ahead.

11 A. We would have -- we would have hire  
12 dates of previous -- and termination dates of  
13 previous employees.

14 BY MR. OH:

15 Q. Would these records be maintained  
16 electronically?

17 A. Yes.

18 Q. Would it include any part-time or  
19 freelance employees?

20 A. It would include all employees.

21 Q. Does Games Workshop Retail use  
22 contractors?

23 A. Occasionally.

24 Q. Do they use freelance workers?

25 A. Not that I'm aware.

1 Q. Would contractors be recorded as  
2 employees?

3 A. No.

4 Q. Would they be recorded in Games  
5 Workshops Retail system as having been a contract  
6 worker for Games Workshop?

7 A. Only in our accounts payable system.

8 Q. Does Games Workshop Retail pay payroll  
9 taxes for contractors?

10 A. No.

11 Q. Does it pay payroll taxes for its  
12 full-time employees?

13 A. Yes.

14 Q. Does it pay payroll taxes for its  
15 part-time employees?

16 A. Yes.

17 Q. What system does -- strike that.

18 Is the account payable system only --  
19 strike that.

20 Does the account payable system that  
21 you're referring to, does it only track Games  
22 Workshop Retail information?

23 A. Yes.

24 Q. And when you previously referred to  
25 having an electronic record of -- related to

1 employees, start and end dates, is that only  
2 specific to Games Workshop Retail employees?

3 MR. MOSKIN: Mr. Oh, may I interrupt?  
4 Can you identify any topic in the deposition  
5 notice to which this relates?

6 MR. OH: Sure. 15, your computer  
7 network architecture, including -- and I can  
8 let you read the rest. And -- and 17, which  
9 we'll get into in a little bit separately:  
10 Your policies related to employee use of  
11 computers, data and other technologies.

12 MR. MOSKIN: As I -- as we confirmed  
13 this, this has nothing to do with the topic.  
14 Again, you can use your time as you wish, but  
15 it's limited.

16 MR. OH: Can you repeat the question?

17 (Thereupon, the requested  
18 portion of the record was read by  
19 the court reporter.)

20 A. It would also be for the other --  
21 other U.S. legal entities before they were merged  
22 into Games Workshop Retail.

23 BY MR. OH:

24 Q. Would it include any of the Games  
25 Workshop Limited employment records?

1 A. No, no.

2 Q. Does Games Workshop Retail have a  
3 e-mail system they use in the normal course of  
4 business?

5 A. Yes.

6 Q. Who manages the e-mail system?

7 A. Our IT department at -- Games Workshop  
8 Retail's IT department.

9 Q. And what's your e-mail address?

10 A. Sandra.Casey@games-workshop.com.

11 Q. And who assigns e-mail addresses to  
12 employees?

13 A. Our -- our IT team.

14 Q. And is the @games-workshop.com suffix  
15 for e-mail addresses, is that exclusive to Games  
16 Workshop Retail employees?

17 A. Yes.

18 Q. And so what are the e-mail addresses  
19 for games -- for Games Workshop Limited  
20 employees?

21 A. @games-workshop.CO.UK.

22 Q. And does -- strike that.

23 Does the IT department for Games  
24 Workshop Retail manage or otherwise involved in  
25 managing the e-mail system for the U.K. entity?

1 A. No.

2 Q. Does all employees at Games Workshop  
3 Retail have e-mail addresses?

4 A. No.

5 Q. Which employees -- is there a policy  
6 to determine which employees get e-mail addresses  
7 and which do not?

8 A. Yes.

9 Q. And what is that policy?

10 A. Staff employed to work in our  
11 shipping, warehousing and production team --  
12 hourly staff do not have e-mail.

13 Q. Is this a written policy?

14 A. No.

15 Q. How do employees at Games Workshop  
16 Retail communicate with Games Workshop Limited?

17 A. Video conference, telephone call,  
18 e-mail, Facetime, Skype, in person.

19 Q. What is the most common way that you  
20 communicate with -- with individuals working for  
21 Games Workshop Limited?

22 A. E-mail.

23 Q. When you mentioned video conference,  
24 what -- is that something different than Skype  
25 and Facetime?

1           A.           It's similar to Skype and Facetime,  
2           but it uses different equipment.

3           Q.           Do you know which equipment you use,  
4           by chance?

5           A.           No. Sorry.

6           Q.           And for -- do you use Skype to  
7           communicate with Games Workshop Limited?

8           A.           On occasion, yes.

9           Q.           And do you use Facetime?

10          A.           Yes.

11          Q.           And for Skype, is that for video  
12          conferencing that you use it for or for  
13          relaying -- actually, let me strike all that.

14                    Do Games Workshop Retail employees  
15          communicate with Games Workshop Limited using  
16          chat technologies such as instant messaging?

17          A.           Not to my knowledge, no.

18          Q.           Just for clarification, Games Workshop  
19          Retail doesn't use instant messaging?

20          A.           No.

21          Q.           Text messaging?

22          A.           Yeah, yes.

23          Q.           In what situations?

24          A.           If someone's trying to get in touch  
25          with someone urgently and can't get them on the

1 phone, they will text them.

2 Q. Does that include members of Games  
3 Workshop Limited?

4 A. Yes.

5 Q. Any other forms of electronic  
6 communications?

7 A. No.

8 Q. Does Games Workshop Retail preserve  
9 its electronic communications?

10 A. A person can delete their e-mail if  
11 they choose.

12 Q. Is there a written policy regarding  
13 document retention?

14 A. Not related to e-mail, no.

15 Q. Is there a policy related to  
16 non-e-mail documents?

17 A. Only legal required document  
18 retention: Payroll records, accounting records,  
19 et cetera.

20 Q. Is Games Workshop Retail preserving  
21 any documents due to the present litigation?

22 A. No.

23 Q. What other computer systems does Games  
24 Workshop Retail use? We mentioned e-mail, so  
25 other than e-mail.

1           A.           We have an ERP system. We have a  
2 payroll system. We utilize a stock management  
3 system. Those are the basic -- the basic ones.

4           Q.           Is there any -- strike that.

5                        If Games Workshop Retail employees  
6 wish to share documents such as a Word document  
7 or an Excel spreadsheet, is there a way for them  
8 to share it electronically at the company?

9           A.           That would typically be through  
10 e-mail.

11          Q.           Is there any centralized or shared  
12 network file server?

13          A.           People can share folders on our  
14 network. And we have a portal, an internal  
15 portal, as well.

16          Q.           And this internal portal is different  
17 than the shared folders you were discussing?

18          A.           Yes.

19          Q.           And what's the difference between an  
20 internal portal and shared folders?

21          A.           An internal portal is used  
22 predominantly by our staffing in retail to access  
23 basic information. Shared folders, an example  
24 would be the accounting team has a folder that  
25 each member of that team can save documents into



1 for general access.

2 Q. So the internal portals, what type  
3 of -- would these -- strike that.

4 So the internal portals just would  
5 have general policies and procedures related to  
6 the retail side?

7 A. Yes.

8 Q. Anything else?

9 A. Basic forms, HR forms, operations  
10 manual, standards for operating a store. Basic  
11 information that a retail manager might need to  
12 perform his job.

13 Q. Do any of these policies and  
14 procedures include -- strike that.

15 Would this include policies and  
16 procedures related to trademark use?

17 A. No.

18 Q. Are there policies and procedures  
19 related to copyright?

20 A. No.

21 Q. Does Games Workshop Retail have a  
22 general policy about -- well, strike that.

23 Outside of the internal portal, is  
24 there a policy or procedure in Games Workshop  
25 Retail related to copyrights or trademarks?

1 A. There is no written policy.

2 Q. Is there an unwritten policy?

3 A. Our internal -- there is an internal  
4 procedure.

5 Q. Can you describe that internal  
6 procedure?

7 A. For us to use any copyrighted or  
8 trademarked material, we have to get approval  
9 from the U.K. team.

10 Q. And can you give an example of what  
11 you mean by what type of materials you would seek  
12 approval for?

13 A. Sure. We wanted to do a limited  
14 edition poster that we would give to the first  
15 500 people that bought a Games Day ticket. We  
16 wanted to use some of Games Workshop's imagery to  
17 do that, so we had to get approval from the U.K.  
18 team in order to use that, that image.

19 Q. And who do you seek this approval  
20 from?

21 A. I'm not sure of the person's name.  
22 It's whoever happens to be in charge of the  
23 studio team; that changes.

24 Q. So the -- so this inquiry's directed  
25 to head of the studio team?

1 A. Yes.

2 Q. Is that an inhouse attorney?

3 A. I'm not sure if they're an attorney or  
4 not, no.

5 Q. And so this internal relates to both  
6 trademark and copyright?

7 A. Yes.

8 Q. In terms of the shared folders, is it  
9 fair to characterize this as some type of shared  
10 network drive?

11 A. Yes.

12 Q. Is there an internal name for it that  
13 you have at the company?

14 A. No. Just simply shared folders.

15 Q. Would you know if it had a specific  
16 technology, like a shared point Microsoft server  
17 or something like that?

18 A. I do not know that.

19 Q. And who has access to the shared  
20 folders?

21 A. They're specific to each folder. It's  
22 whomever needs access to that information.

23 Q. And who assigns the permissions to  
24 gain access to the shared folders?

25 A. The IT director.

1 Q. And does anyone outside of Games  
2 Workshop Retail have access to these folders?

3 A. No.

4 Q. For the e-mail system, does anyone  
5 else outside of Games Workshop Retail have access  
6 to the company's internal e-mail?

7 A. Not that I'm aware.

8 Q. You mentioned an ERP system?

9 A. Yes.

10 Q. Who has access to that system?

11 A. All employees that need to use that  
12 system in the course of their day-to-day work:  
13 Accounting, trade, our warehouse staff, anyone  
14 who needs to access that system to perform their  
15 job.

16 Q. Are only Games Workshop Retail  
17 employees have access to this system?

18 A. No.

19 Q. Who else has access?

20 A. The operations team in the U.K. has  
21 access to portions of the system.

22 Q. And what portions of the system would  
23 they have access to?

24 A. Things related to inventory.

25 Q. Any financials?

1 A. No.

2 Q. And when you say the operation teams  
3 in the U.K., who are part of this operation team?

4 A. That's the central team who manages  
5 supply, so product supply; that would basically  
6 be the team that helps determine orders for  
7 product levels.

8 Q. Can you identify some members of  
9 this -- of the team?

10 A. Oh, sure. Steve Crook, Mike Buton.  
11 I'm not sure who else is on that team.

12 Q. Does Games Workshop Limited have  
13 access to other aspects of Games Workshop  
14 Retail's computer systems?

15 A. No.

16 Q. And when you mentioned before a stock  
17 management system, is that the same thing as  
18 the -- as the inventory portion of the ERP?

19 A. It is separate to that. It is  
20 actually a U.K. based system that we utilize.

21 Q. Okay. So for clarification, for  
22 the -- so there was the ERP system, you  
23 mentioned. And then you mentioned that members  
24 of the U.K. team had -- operations teams have  
25 access to the inventory portion?

1 A. Yes.

2 Q. Is that referring to the ERP system or  
3 the separate inventory management?

4 A. They have access to both.

5 Q. And what's the difference between the  
6 inventory system and the stock management system  
7 or the inventory component of it?

8 A. The ERP -- the inventory component of  
9 the ERP system does not contain inventory for  
10 retail, for retail stores. The global stock  
11 manage- -- GSMS was designed to keep track of the  
12 inventory levels in our retail stores.

13 Q. Now, when the -- if a retail store is  
14 low on stock on a certain product, how is it  
15 restocked?

16 A. It orders automatically generated and  
17 pushed into our ERP system, and the order is  
18 filled in our -- in the warehouse and shipped to  
19 the store.

20 Q. And when you're saying our, just --

21 A. Games Workshop Retail.

22 Q. And you mentioned that the stock  
23 management system, that's a U.K. based system?

24 A. Yes.

25 Q. You have access to it or Games

1 Workshop Retail has access to it?

2 A. Games Workshop Retail has access to  
3 portions of that system, yes.

4 Q. Which portions?

5 A. Only the portions related to the North  
6 American retail stores.

7 Q. And can you describe what information  
8 is captured in that portion?

9 A. The stock level in a store by product,  
10 any adjustments to that. Just the stock levels  
11 in our -- in our retail stores is all that's  
12 contained in that system.

13 Q. And what portions of the stock  
14 management system does Games Workshop Retail not  
15 have access to?

16 A. Those portions that relate to other  
17 parts -- other parts of the Games Workshop  
18 business.

19 Q. For example?

20 A. For example, Italy, France, Spain.

21 Q. Now, does Games Workshop Retail have  
22 access to other systems operated by Games  
23 Workshop Limited?

24 A. No, I can't -- I can't think of any  
25 others.

1                   Actually, there is one other. It's a  
2                   forum called Ordo, to which the sales support  
3                   teams use to talk about the projects that they're  
4                   working on.

5                   Q.            Can you spell the name of that forum?

6                   A.            O-R-D-O.

7                   Q.            And is that an internal system?

8                   A.            It is an internal system.

9                   Q.            You mentioned the internal support  
10                  team's use of the system. Can you describe how  
11                  they use the system?

12                  A.            Sure. It's used to communicate to the  
13                  sales support teams any information that they  
14                  need in the course of their day-to-day role.

15                  Q.            And what does the sales support teams  
16                  do?

17                  A.            The sales support teams support both  
18                  the stores and our trade accounts. As an  
19                  example, let me make it clear, we celebrated  
20                  Warhammer's 25th anniversary on February 25th.  
21                  Ordo was the mechanism used to communicate to the  
22                  sales support teams all the activities that  
23                  needed to take place in each of the stores to  
24                  support that event.

25                  Q.            Does Games Workshop Retail know if



1           there was any references to the Chapterhouse in  
2           this Ordo system?

3           A.           No.

4           Q.           Has it checked?

5           A.           We have not checked, but there would  
6           be no reason for there to be any references to  
7           Chapterhouse.

8           Q.           Are there any other shared systems?

9           A.           No, I can't think of any others.

10          Q.           Are there internal policies about who  
11          has access to shared systems?

12          A.           Access is granted based on the need of  
13          your job, the need of your role.

14          Q.           And if your job requires access to the  
15          system, who do you -- who would one talk to to  
16          gain that access, from a technical standpoint?

17          A.           To the director of IT.

18          Q.           Does Games Workshop Retail provide any  
19          computer support to Games Workshop Limited?

20          A.           No.

21          Q.           Does Games Workshop Limited provide  
22          computer support for Games Workshop Retail?

23          A.           Not on a day-to-day basis, no.

24          Q.           On a non-day-to-day basis?

25          A.           They might consult on projects if we

1 have large products that we're working on.

2 Q. Can you give me an example of a large  
3 project?

4 A. Sure. We are in the process of  
5 going -- moving to a new ERP system. So we have  
6 a couple people from the U.K. logged in that  
7 project to ensure that it fits with our global  
8 standards.

9 Q. And for these -- well, strike that.  
10 Who currently are those people you're  
11 mentioning from the U.K.?

12 A. Phil Hill and Britt Powell. I don't  
13 know his last name.

14 Q. Now, you mentioned those people from  
15 the U.K. are involved to ensure it fit with the  
16 global standards. Who sets these global  
17 standards?

18 A. The -- the I -- the U.K. IT team.

19 Q. And is there some type of written  
20 document that has these standards in them?

21 A. Yes.

22 Q. Who maintains that?

23 A. The U.K. IT team.

24 Q. And how do you know that the standard  
25 exists?

1           A.           I've -- I've seen the document in the  
2           course of consideration for system upgrades.

3           Q.           And it's fair to say these relate to  
4           general technical standards such as, like,  
5           processing power and things like that?

6           A.           Yes.

7           Q.           Does it include policies regarding  
8           archiving features or document retention  
9           features?

10          A.           No.

11          Q.           Do you know who John Paulson is?

12          A.           No.

13          Q.           Have you heard of that name before?

14          A.           No. I'm not familiar with that name.

15          Q.           Has Games Workshop Retail ever had --  
16          strike that.

17                        Has Games Workshop Retail ever had any  
18          contact with John Paulson?

19          A.           Not to my knowledge.

20          Q.           Has anyone ever contacted Games --  
21          Games Workshop Retail about John Paulson?

22          A.           Not to my knowledge.

23          Q.           Has anyone at Games Workshop Retail  
24          ever contacted Chapterhouse?

25          A.           No.

1 Q. Nick Villacci, and I apologize for  
2 getting that pronounced incorrectly, but Nick  
3 V-I-L-L-A-C-C-I?

4 A. I'm not familiar with that name.

5 Q. Has anyone ever contacted Games  
6 Workshop Retail about Nick Villacci?

7 A. Not to my knowledge.

8 Q. Has Games Workshop Retail ever  
9 searched for documents concerning Nick Villacci?

10 A. No.

11 Q. Does Games Workshop Retail have its  
12 own inhouse counsel?

13 A. No.

14 MR. MOSKIN: I'm sorry. I didn't  
15 hear the answer to that.

16 THE WITNESS: No.

17 BY MR. OH:

18 Q. Does Games Workshop Retail communicate  
19 with counsel for -- inhouse counsel for Games  
20 Workshop Limited?

21 A. Yes.

22 Q. Can you identify those individuals at  
23 Games Workshop Limited?

24 A. Gill Stevenson, predominately.

25 Q. Anyone else?

1           A.           I can't remember the other members of  
2           the team.

3           Q.           Who at Games Workshop Retail is mainly  
4           in communications with Gill Stevenson?

5           A.           I've talked to Gill on occasion. Our  
6           finance team, someone from our finance team may  
7           contact legal. Someone from our sales support  
8           team may contact legal. Anyone who has the need  
9           to interact with them.

10          Q.           Does Games Workshop Retail use outside  
11          counsel?

12          A.           We do.

13          Q.           And can you identify the main firms?

14          A.           Miles & Stockbridge in Maryland.

15          Q.           Anyone else?

16          A.           No.

17          Q.           And who is the person at Miles &  
18          Stockbridge?

19          A.           Our main contact there is Jason Balog.

20          Q.           And were you in communications with  
21          Miles & Stockbridge about the document subpoena?

22          A.           No, I was not.

23          Q.           Was Games Workshop Retail in contact  
24          with Jason Balog at Miles & Stockbridge about the  
25          document subpoena?

1 A. No.

2 Q. How about the deposition subpoena?

3 A. No.

4 Q. And in preparation for this  
5 deposition, were you in touch with Mr. Balog  
6 in prep -- to prepare for this?

7 A. I was not in contact with Jason, no.

8 Q. Outside of this lawsuit, have you  
9 been -- strike that.

10 Outside of this lawsuit, has Games  
11 Workshop Retail been in contact with Foley &  
12 Lardner for legal work?

13 A. Not to my knowledge, no.

14 Q. And with respect to this lawsuit, who  
15 at Foley & Lardner has Games Workshop Retail been  
16 in contact with?

17 A. I have to ask -- I need to ask a  
18 question.

19 Q. Or let me rephrase that; that was  
20 poorly stated.

21 What are the names of attorneys at  
22 Foley & Lardner that Games Workshop Retail have  
23 been in communications with, with respect to this  
24 lawsuit?

25 A. The only attorneys, other than

1 Michael, that we've been -- that I've been in  
2 contact with is Jonathan.

3 Q. In front of you is Exhibit 1, which is  
4 the notice of deposition along with the  
5 deposition subpoena. Did you bring any documents  
6 in response to the subpoena today?

7 A. I did not bring any documents.

8 Q. Did Games Workshop Retail search for  
9 any documents in response to that subpoena?

10 MR. MOSKIN: Objection. Asked and  
11 answered at the outset.

12 A. Jason Balog did that on our behalf.

13 BY MR. OH:

14 Q. Has Games Workshop Retail produced any  
15 documents to the Defendants in response to the  
16 document subpoena?

17 A. No.

18 Q. Did Games Workshop Retail -- strike  
19 that question.

20 For the independent resellers, does  
21 Games Workshop Retail conduct any inspections of  
22 the resellers' stores?

23 MR. MOSKIN: Objection to form.

24 A. Not inspections, no.

25 BY MR. OH:

1 Q. Does Games Workshop Retail monitor  
2 their resellers in any way?

3 A. I don't know what you mean by monitor.

4 Q. What type of communications does Games  
5 Workshop Retail have with its independent  
6 resellers?

7 A. Regular phone calls. Predominantly,  
8 regular phone calls is how they con- -- how they  
9 interact with them on a regular basis.

10 Q. Does Games Workshop Retail conduct  
11 site inspections?

12 A. No.

13 Q. When -- earlier today, you mentioned  
14 something called stockist agreement or stockist  
15 program. Am I getting this right?

16 A. I don't think I mentioned a stockist  
17 agreement nor stockist program.

18 Q. Do you remember something about  
19 stockist?

20 A. I don't remember using that term, no.

21 (Deposition Exhibit 4: Printout  
22 from the Games Workshop website was  
23 marked for identification.)

24 BY MR. OH:

25 Q. I'm handing you what has been marked



1 as Exhibit 4. It is a printout from the Games  
2 Workshop website. Top of the page has the title  
3 Carry Our Products.

4 Can you -- can you explain to me what  
5 it means to become an independent stockist?

6 A. It means that an independent retailer  
7 will buy from Games Workshop Retail and resell  
8 our products to end users, to customers.

9 Q. And do these -- is there also an  
10 application process?

11 A. Yes, there is an application process.

12 (Deposition Exhibit 5: Games  
13 Workshop Account Application was  
14 marked for identification.)

15 BY MR. OH:

16 Q. I'm handing you what is marked as  
17 Exhibit 5; it's titled Games Workshop Account  
18 Application. Can you describe what this is?

19 A. It's a basic form that a person who  
20 wants to be -- who wants to sell our products as  
21 an independent retailer would complete.

22 Q. And so this is related to becoming an  
23 independent stockist?

24 A. Yes.

25 Q. Okay. And so this is the application

1 form that you mentioned?

2 A. To become an independent retailer,  
3 yes, this is the application form.

4 (Deposition Exhibit 6: Document  
5 titled Games Workshop Untapped  
6 Resource For Your Store was marked  
7 for identification.)

8 BY MR. OH:

9 Q. And I'm handing you what is  
10 referred -- or what is being marked as Defendant  
11 Exhibit 6; it's titled Games Workshop Untapped  
12 Resource For Your Store. It's a PDF from the  
13 Games Workshop website. Do you recognize this?

14 A. I do not.

15 Q. If you turn to the last page, there's  
16 an 800 number. Do you recognize that 800 number?

17 A. I do not recognize that number, but it  
18 appears that that is our trade account number.

19 Q. Now, as part of the application  
20 process, do the -- does a person who wants to  
21 become an independent reseller, do they need to  
22 submit photographs of their store?

23 A. I don't know.

24 Q. After they become an independent  
25 reseller, do they need to submit photographs of

1           their store showing the display of the Games  
2           Workshop products there?

3           A.           Not to my knowledge.

4           Q.           Is there any type of policies or  
5           procedures about following up with independent  
6           resellers that are carrying Games Workshop  
7           product, about the manner that they're displaying  
8           Games Workshop products there?

9           A.           No, not to my knowledge.

10          Q.           Are there any policies and procedures  
11          provided to independent resellers about use of  
12          Games Workshop related trademarks?

13          A.           Not that I'm aware.

14          Q.           Is there any policies or procedure  
15          provided to independent retailers about the use  
16          of Games Workshop related copyrights?

17          A.           I don't know.

18          Q.           Does Games Workshop Retail -- through  
19          their retail stores, is there an option for  
20          customers to order on the website or through the  
21          phone and pick up the products at the store?

22          A.           Yes.

23          Q.           Can you describe how that works?

24          A.           A customer can order either from an  
25          order point in one of our retail stores or from

1 any -- their home computer, order over the  
2 Internet product and have it delivered directly  
3 to a retail store instead of to their house.

4 Q. Is there also a advanced order option?

5 A. There is an option to place orders on  
6 the website in advance of a product being  
7 released.

8 Q. And what does that mean?

9 A. That means we will -- we will say that  
10 we have a new product -- there -- there will be a  
11 place on the website that will say there was a  
12 new product going to be available for sale,  
13 normally in two weeks. Normally, it's a two-week  
14 advanced order period. Customers can order that  
15 product on the Internet to ensure that it's  
16 delivered to them on the -- on the release date.

17 Q. And why is it normally a two-week  
18 release period or two-week -- two-week  
19 pre-release advance order period?

20 A. It -- that's just the time frame we've  
21 chosen as a business to use.

22 Q. And after a release date is set, when  
23 does Games Workshop Retail usually receive their  
24 products?

25 A. Games Workshop Retail receives their

1 products one to two days before the product  
2 releases.

3 Q. And then it's distributed to the  
4 retail stores?

5 A. I'm sorry. Games Workshop Retail  
6 receives the product some amount of weeks before,  
7 up to six to eight weeks before. It's  
8 distributed to the retail stores two days -- one  
9 to two days before it's available.

10 Q. And is this the same pattern with  
11 Canada, the same time frame?

12 A. Yes, yes.

13 Q. And is the -- is this also the same  
14 pattern used with the other countries in the  
15 Games Workshop family?

16 A. Yes.

17 Q. Now, I'm handing you what is marked as  
18 Defendant's Exhibit 7.

19 (Deposition Exhibit 7: Screen  
20 shot was marked for identification.)

21 BY MR. OH:

22 Q. Do you recognize this?

23 A. This is a screen shot from our  
24 website.

25 Q. And if you look at the main block, it

1 says Space Wolves and Tyranids?

2 A. Tyranids.

3 Q. Advance order now?

4 A. Uh-huh (affirmative response).

5 Q. So can you just explain what -- what's  
6 going on here?

7 A. This would be the notification to  
8 customers that this product is available for them  
9 to order in advance to ensure that it's delivered  
10 to them on the release date, by the release date.

11 Q. And all the different stores, whether  
12 in the U.S., U.K. or Canada, they're all on the  
13 same schedule?

14 A. Yes.

15 Q. Now, do you recognize the product --  
16 actually, strike that.

17 (Deposition Exhibit 8: Product  
18 page from the Games Workshop website  
19 was marked for identification.)

20 BY MR. OH:

21 Q. I'm handing you what is marked as  
22 Defendant's Exhibit 8. And this is a product  
23 page from the Games Workshop website. Has -- I'm  
24 asking because we just previously looked at the  
25 advance order sheet. So has Games Workshop

1 actually released the Tervigon?

2 A. I don't know.

3 Q. Now, in terms of release schedule, is  
4 that communicated to Games Workshop Retail in a  
5 certain way?

6 A. Yes; the release schedule is  
7 communicated through two channels. It's  
8 communicated to our operations team from the  
9 central operations team from a product supply  
10 standpoint.

11 The other channel where a new release  
12 schedule would be communicated would be through  
13 our sales support team, to notify them of when  
14 product -- when there are product releases.

15 Q. And so for these two types of  
16 notifications, what do the notifications look  
17 like?

18 A. It is simply a list of product codes,  
19 dates that they will be available -- released,  
20 and I believe it has retail -- the recommended  
21 retail price on -- on it, as well.

22 Q. And how is it distributed?

23 A. I believe it's e-mailed.

24 Q. And who is it e-mailed to?

25 A. Tom Chipley in operations on the

1 product supply side, and Désiré Dorsey on the  
2 sales support side.

3 Q. And are these notifications, are they  
4 also sent to other entities in Games Workshop  
5 besides Games Workshop Retail?

6 A. Yes, to -- but people doing those same  
7 roles in other Games Workshop businesses.

8 Q. When you say Tom Chipley in  
9 operations, who does he work for?

10 A. He works for Tim Harvel, our director  
11 of operations.

12 Q. And that's Games Workshop Retail?

13 A. Games Workshop Retail.

14 Q. And who distributes these  
15 notifications?

16 A. They come from the U.K. team.

17 (Deposition Exhibit 9: Screen  
18 shot was marked for identification.)

19 BY MR. OH:

20 Q. I'm handing you what is marked as  
21 Exhibit 9. It's actually a screen capture from  
22 the -- a website, the Games Workshop website.

23 MR. MCCLAREN: Thanks.

24 BY MR. OH:

25 Q. And I reference this because this



1 mentioned something like a product launch is on  
2 March 3rd. Is this a notice that will appear  
3 when you're trying to pre-order a product on the  
4 website?

5 A. Yes. This is actually the U.K.  
6 website.

7 Q. Would a similar notice appear on the  
8 U.S.?

9 A. There would be a similar notice, yes.

10 MR. OH: I think we have five minutes  
11 left on the tape. Let's take a break so we can  
12 switch out.

13 MR. MOSKIN: Can you -- we were  
14 supposed to be done by now. Can you tell me  
15 where we stand?

16 MR. OH: Again, we noticed the  
17 deposition for an entire day. And if we need  
18 to continue, if that's what you're saying, we  
19 can. But I probably, at this point, need to  
20 review my notes but I would expect one or two  
21 more hours.

22 MR. MOSKIN: This is -- yeah, this is  
23 really outrageous to me. We told you the  
24 timing last week, and you didn't want to -- you  
25 wanted to ignore it. You spent most of this

1 deposition --

2 MR. OH: Mr. Moskin, we can have this  
3 conversation off line. Again, if -- if --  
4 we've done our best to accommodate your  
5 scheduling, we can, again, continue it as  
6 needed in order to finish. If you're saying  
7 that right now, you're going to be -- you know,  
8 that you're going to be stopping this  
9 deposition, you can let me know that, too.

10 MR. MOSKIN: Are we on still?

11 MR. OH: Yes.

12 MR. MOSKIN: Good. Good, I want to  
13 be because I have repeatedly noted that most of  
14 the questions you asked this morning were not  
15 even on the notice. And you spent the first  
16 hour -- it was a full hour before you asked a  
17 question that was on the notice.

18 I am very deeply concerned that the  
19 only purpose of this deposition is to waste our  
20 time and to waste the witness's time. It's  
21 being done for vexatious purposes, which is the  
22 way the Defendant has conducted all of the  
23 discovery in this case.

24 MR. OH: Mr. Moskin, again, at this  
25 point, we can continue until we conclude; or if

1           you want to -- again, you're saying that --  
2           that -- that at this point, the witness is  
3           going to be leaving and so we're going to have  
4           to reschedule to finish this deposition, you  
5           can let me know that, too.

6                       MR. MOSKIN: We'll take a break and  
7           we'll resolve this in five minutes.

8                       THE VIDEOGRAPHER: Going off the  
9           record. The time is 1302.

10                      (A recess was taken.)

11                      THE VIDEOGRAPHER: Back on the  
12           record. The time is 1317.

13                      MR. OH: In terms of scheduling  
14           issue, there's an issue where the -- Mr. Moskin  
15           has noted that the witness has another  
16           engagement she needs to go to. We're going to  
17           proceed with this deposition for the next 30  
18           minutes; at which point, we'll reserve the  
19           right to continue the deposition at a different  
20           point to -- as needed to finish up any  
21           remaining issues.

22                      MR. MOSKIN: Thank you.

23                      And I just simply want to note that,  
24           as I think I did beforehand, just our concern  
25           that having already had four hours and now

1 almost 20 minutes into the deposition, we're  
2 concerned about the way the time was spent.  
3 And we've had previous discussions off line  
4 before the deposition began about the witness  
5 has scheduling problem this week; whereas, she  
6 would have been available for a full day last  
7 week when the deposition was originally  
8 noticed.

9 MR. OH: And again --

10 MR. MOSKIN: I don't want to waste  
11 any more time --

12 MR. OH: And Mr. Moskin -- Mr.  
13 Moskin, please. We've had these conversations  
14 off line. And again, we weren't able to -- and  
15 again, I do not appreciate you trying to  
16 distort the record this way and again, getting  
17 your comments in where, again, it's reflective  
18 of the actual conversation. And if you want to  
19 submit the e-mails that were exchanged and put  
20 it in the record, we can. But unless you want  
21 to stipulate to that, I would suggest just  
22 refraining from these comments.

23 MR. MOSKIN: I think what I said was  
24 accurate, but I don't really want to argue it.  
25 And we can -- as we said, as need be, we can

1 talk afterwards about a -- if there is a need  
2 for resuming the deposition, but let's -- why  
3 don't we proceed instead of wasting time  
4 arguing.

5 BY MR. OH:

6 Q. Ms. Casey, earlier in the deposition  
7 today, did you mention that Games Workshop Retail  
8 conducts some kind of fan conferences at points?

9 A. I don't think I called it a fan  
10 conference, but we have an event we call Games  
11 Day.

12 Q. And can you describe what Games Day is  
13 again?

14 A. It's -- it's a day where hobbyists buy  
15 tickets to come and participate in a day of -- of  
16 activity with Games Workshop products.

17 Q. And is the -- is that day limited just  
18 to Games Workshop products?

19 A. We also have Forge World and Black  
20 Library products. And sometimes we invite -- we  
21 invite other people, as well.

22 Q. And at this event, does Games Workshop  
23 Retail use Games Workshop related trademarks?

24 A. Do we -- what do you mean by use?

25 Q. Are there any advertisements at this

1 event?

2 A. There -- there aren't any traditional  
3 advertisements. There are posters and Games  
4 Workshop promotional material.

5 (Deposition Exhibit 10: Edition  
6 of White Dwarf, Bates Numbers GW  
7 0001469 through 1471 and 1580  
8 through 1582 were marked for  
9 identification.)

10 BY MR. OH:

11 Q. Handing you what is marked as  
12 Defendant's Exhibit 10. It is an edition of  
13 White Dwarf, Bates Numbers GW 0001469 through --  
14 there are various pages from the White Dwarf.  
15 The one is 1469 through 1471 and then 1580  
16 through 1582. Do you recognize this?

17 A. It appears to be the -- a copy of the  
18 front cover of a White Dwarf magazine.

19 Q. And what is White Dwarf?

20 A. White Dwarf is -- is a magazine that  
21 we -- a monthly magazine that we sell to  
22 hobbyists.

23 Q. And is this in stock at the Games  
24 Workshop Retail retail stores?

25 A. Yes.

1 Q. If you turn to the page that says --  
2 that ends in Bates Number 1580. If you look in  
3 the -- towards the lower half of the page, do you  
4 see the announcement of dance order service?

5 A. Yes.

6 Q. And again, this appears to be a U.K.  
7 edition of the magazine?

8 A. This is a -- what appears to be a U.K.  
9 version, yes.

10 Q. Is there a U.S. specific version?

11 A. There is a U.S. version, yes.

12 Q. And is there a U.S. version and a  
13 Canadian version or a general North American?

14 A. There's a North American version.

15 Q. And are there differences between the  
16 U.K. version and the North American version?

17 A. Yes, there would be some differences.

18 Q. What would the main ones be?

19 A. The main differences would be related  
20 to North American specific things such as the  
21 list of retail stores as well as the list of  
22 independent accounts would be specific to North  
23 America.

24 Q. And if you flip to the last page that  
25 says 1580, can you describe what that is?

1 A. It looks like a mail order form.

2 Q. And previously, does the U.S.  
3 edition -- or strike that.

4 Does the U.S. edition also include a  
5 mail order form?

6 A. I don't know.

7 Q. Does Games Retail Workshop (sic)  
8 accept orders by telephone?

9 A. Yes.

10 (Deposition Exhibit 11: Pages  
11 from White Dwarf magazine from July  
12 of 2003 were marked for  
13 identification.)

14 BY MR. OH:

15 Q. Handing you what's been marked as  
16 Plaintiff Exhibit 11 -- or excuse me, Defendant  
17 Exhibit 11. Do you recognize this?

18 A. This, again, appears to be pages from  
19 White Dwarf magazine from July of 2003.

20 Q. And can you tell where this was  
21 published?

22 A. Says on the second page it was printed  
23 in the U.S.A. at United Litho, Incorporated.

24 Q. And in the second page in the lower  
25 left-hand corner, do you see an address for Games



1 Workshop? I'll read it out: 6721 Baymeadow

2 Drive, Glen --

3 A. Glen Burnie, Maryland.

4 Q. Do you recognize that address?

5 A. That -- that -- that's the -- that's  
6 the address of the -- what used to be the sales  
7 office, it used to be located there.

8 Q. And when did it stop being located  
9 there?

10 A. June of 2010.

11 Q. And if you flip to the fourth page of  
12 this exhibit. And just for the record, to be  
13 clear, it's not the entire White Dwarf edition;  
14 it's just four selected pages from it.

15 But on the third page, can you  
16 describe what you see there?

17 A. The third page?

18 Q. Yeah.

19 A. The third page is demonstrating how to  
20 place mail order -- how to place orders through  
21 mail order.

22 Q. And before, when you were mentioning  
23 there was a Canadian entity also, is that address  
24 right below -- when that says when ordering in  
25 Canada, is that the address of the Canadian

1 entity?

2 A. Right -- oh, on this -- where it says  
3 ordering in Canada?

4 Q. Yes.

5 A. That was the address at that time,  
6 yes.

7 Q. And has that address since changed?

8 A. Yes. There is no Canadian office now.

9 Q. And what happened to the Canadian  
10 office?

11 A. That Canadian office was closed, and  
12 the Canadian business is now managed by the U.S.  
13 team.

14 Q. And when did this happen?

15 A. I think in 2009.

16 Q. And can you flip to the last page?  
17 And again, can you describe what you see there?

18 A. It's a mail order form.

19 Q. And so in -- around in about July of  
20 2003, Games Workshop Retail were accepting and  
21 fulfilling mail orders?

22 A. Yes.

23 (Deposition Exhibit 12: Advance  
24 order form was marked for  
25 identification.)

1 BY MR. OH:

2 Q. Hand you what's been marked as  
3 Defendant Exhibit 12. And can you describe what  
4 this is?

5 A. I'm not sure what it's taken from.  
6 It's Page 126 and 127 of something, and it  
7 says -- tells about ordering direct and  
8 contacting direct. And again, this is related to  
9 the U.K. business as indicated by the -- the  
10 e-mail address and the website address.

11 Q. And, again, in the middle of that  
12 first page, do you see an option that says  
13 advance order?

14 A. Yes, I do see a paragraph on advance  
15 order.

16 Q. Okay. And is this consistent with  
17 what we were discussing before about customers  
18 being able to place orders in advance for  
19 products that will be released in the future?

20 A. Yes.

21 Q. Earlier, we were discussing  
22 independent resellers of Games Workshop Retail.  
23 Does Games Workshop Limited conduct any on-site  
24 inspections of the retail -- independent retailer  
25 stores in the U.S.?

1 A. Not to my knowledge.

2 Q. Have they ever done any inspections?

3 A. Not that I'm aware.

4 Q. Have they ever requested from Games  
5 Workshop Retail a report about such inspections?

6 A. No.

7 Q. Have they ever made a request for  
8 Games Workshop Retail to conduct inspections of  
9 its independent resellers?

10 A. No.

11 Q. For the last fiscal year, what was  
12 Games Workshop Retail's revenues from -- strike  
13 that.

14 For the last fiscal year, what was  
15 Games Workshop Retail's revenues?

16 A. I don't know offhand. I would have  
17 to --

18 Q. Do you have an estimate?

19 A. -- look it up.  
20 Approximately 50 million.

21 Q. And those were all related to selling  
22 Games Workshop related products and businesses  
23 related to the retail stores and independent  
24 resellers?

25 A. Yes.

1 Q. Any other sources of revenue?

2 A. Retail -- independent retailers and  
3 our website.

4 Q. That was the commission you had  
5 mentioned earlier?

6 A. Yes.

7 Q. Is Games Workshop Retail able to break  
8 down its revenue figures by -- per product?

9 A. We don't look at revenue information  
10 by product.

11 Q. Could it do it by trademark names?

12 A. We don't look at it by trademark name,  
13 either.

14 Q. Does it do it by copyrighted works?

15 A. We don't track sales information in  
16 that format.

17 Q. What was the net profit for Games  
18 Workshop Retail for last year?

19 A. Again, that's something I would have  
20 to review my notes to give you.

21 Q. Do you have an estimate?

22 A. No.

23 Q. Do you have an estimate for Games  
24 Workshop Retail revenues for, not this last  
25 fiscal year but the one before it?

1           A.       No. I don't have that information  
2 memorized.

3           Q.       How does Games Workshop Retail archive  
4 documents?

5           A.       What type of documents?

6           Q.       Any type.

7           A.       We archive some records electronically  
8 and we keep paper copies of some documents.

9           Q.       What type of records are kept in paper  
10 copies?

11          A.       Some accounting records, some human  
12 resources employee-related records, some banking  
13 documents, individual files that employees may  
14 keep for their use in their role.

15          Q.       And where are those documents stored?

16          A.       The majority of those would be stored  
17 in our Memphis facility.

18          Q.       Onsite?

19          A.       Onsite.

20          Q.       Or are some stored offsite?

21          A.       Not -- not hardcopy documents, no.

22          Q.       Then what is stored offsite?

23          A.       The only thing that might be stored  
24 offsite would be some of our electronic records.

25          Q.       And what type of electronic records

1 would be stored offsite?

2 A. Some of our accounts payable records.

3 Q. What kind of records would be stored  
4 onsite?

5 A. Employee files.

6 MR. MOSKIN: Asked and answered. I  
7 just want to note the objection.

8 A. Employee files, some tax-related  
9 documents, individual files that employees keep  
10 that -- for their use, some shipping documents.

11 BY MR. OH:

12 Q. Does Games Workshop Retail maintain  
13 backup tapes of electronic files?

14 A. We -- we main- -- we do maintain some  
15 backup tapes, yes.

16 Q. And what are the procedures regarding  
17 those backup tapes?

18 A. Those are handled by our IT team, and  
19 they are stored offsite.

20 Q. Does -- is there a retention policy  
21 related to the backup tapes?

22 A. No.

23 Q. Is there a backup tape schedule?

24 A. I don't know.

25 Q. Are there any policies regarding the

1 scheduling of backups?

2 A. No.

3 Q. And may I ask, how do you know that?

4 A. I have not seen any policies related  
5 to that.

6 Q. Did you review policies related to  
7 backups before this deposition?

8 A. No, because I'm not aware of any.

9 Q. Did you inquire with anyone to confirm  
10 whether there was or was not any such policy?

11 A. No, I did not.

12 Q. Did you consult -- just to confirm, I  
13 believe you said this morning, you didn't  
14 discuss -- strike that.

15 I believe this morning you said that,  
16 in preparation for this deposition, outside of  
17 the lawyers, you didn't talk with anyone in  
18 preparation for the deposition today.

19 A. That's correct.

20 Q. So you didn't talk with any members of  
21 the I -- IT team?

22 A. No, I did not.

23 Q. And by IT team, that's the information  
24 and technology team?

25 A. Yes.



1 Q. And who's the head of the IT team with  
2 Games Workshop Retail?

3 A. Jonathan Howell.

4 Q. And do you know who the head of the IT  
5 team is with Games Workshop Limited?

6 A. I believe Kevin Roundtree is now  
7 responsible for IT.

8 Q. And is he located in the U.K.?

9 A. In the U.K.

10 Q. Do you know if Games Workshop Limited  
11 has document retention policies?

12 A. I do not.

13 Q. Have they ever communicated to Games  
14 Workshop Retail any instructions about how to  
15 preserve documents?

16 A. Not to my knowledge.

17 Q. Or what documents to preserve?

18 A. No, not to my knowledge.

19 Q. Even related to this litigation?

20 A. No.

21 Q. When you say no, you mean no  
22 instructions provided?

23 A. No instructions have been provided  
24 from the U.K. IT team to our IT team.

25 Q. How about from -- anyone from the

1 Games Workshop Limited?

2 A. Not that I'm wear of, no.

3 MR. OH: Mr. Moskin?

4 MR. MOSKIN: Yes.

5 MR. OH: I want to say, I believe  
6 we're at that 30-minute point we mentioned  
7 before.

8 MR. MOSKIN: Are you done?

9 MR. OH: I probably do have more  
10 things I want to discuss in terms of  
11 specifically the document subpoena, but out  
12 of -- again, but I think that's going to be an  
13 extended kind of discussion, so...

14 MR. MOSKIN: The witness has said she  
15 didn't prepare the response to the document  
16 subpoena, the -- their attorney did from  
17 Baltimore.

18 MR. OH: Again, but she's the noticed  
19 witness on -- or the designated witness related  
20 to those topics. So I think, again, if -- out  
21 of concern for the scheduling issue you  
22 mentioned before, what we may -- what we should  
23 do right now is adjourn this deposition for a  
24 time and then continue it to be finished  
25 related to the document subpoena related

1 issues.

2 MR. MOSKIN: And I would suggest  
3 another alternative that we're happy to do,  
4 because if you review the response to the  
5 document subpoena, obviously there are many  
6 questions raised and objections. It's probably  
7 something that can be resolved directly with  
8 counsel without the need for this witness to be  
9 involved. But if there is a need for the  
10 witness to be involved, everything else being  
11 equal, I'm not opposed to resuming, but I don't  
12 think this -- I think that's not very useful  
13 anyway.

14 So I guess we'll close the deposition  
15 and we'll do what we can to help resolve any  
16 questions you have.

17 MR. OH: And for the record, I do  
18 want to state, again, Chapterhouse's concern  
19 right now that the designated witness for Games  
20 Workshop Retail, it appears there are a number  
21 of -- of designated topics where she has not  
22 been fully prepared to answer those. As one  
23 example, I'll just raise right now a topic  
24 related to the corporate structure. And again,  
25 I think that's also another basis for

1 continuing this deposition.

2 MR. MOSKIN: I completely disagree on  
3 that score. You asked a series of questions  
4 that have nothing to do with this litigation on  
5 corporate entities that are not involved in any  
6 way. If the witness was more than the -- was  
7 more than thoroughly prepared to answer. So if  
8 those are the only concerns you have, once  
9 again, I think those can be resolved very  
10 simply. Thank you.

11 MR. OH: So at this point, we will  
12 adjourn this deposition, pending rescheduling.

13 THE VIDEOGRAPHER: This concludes  
14 today's deposition. The time is 1348. We're  
15 off the record.

16 (Thereupon, the deposition of  
17 Sandra Casey concluded at 1:48 p.m.)

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