

EXHIBIT 1

(Redacted)

Confidential - RAN Kivetz, Ph.D.

1 UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 -----
5 CAT BROOKS and RASHEED :
6 SHABAZZ, individually :
7 and on behalf of all :
8 others similarly situated:

9 Plaintiff, :

-VS- :Case No.

7 :3:21-cv-1418-EMC

8 THOMSON REUTERS :
9 CORPORATION, :

Defendants. :

10

11 C O N F I D E N T I A L

12

13 OCTOBER 11, 2022

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16 Videotaped deposition of RAN
17 KIVETZ, Ph.D., taken via ZOOM, commencing
18 at 11:09 a.m., on the above date, before
19 Margaret M. Reihl, RPR, CRR, CCR.

20

21

22 GOLKOW LITIGATION SERVICES
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25

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2

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ALSO PRESENT:

14 Ingrid Rodriguez, Videographer

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1 A. That varies over time, has varied
2 over time.

3 Q. What is it currently?

4 A. Currently, the majority of my
5 confidential consulting is in the context of
6 litigation or potential litigation or adversarial
7 proceedings.

8 Q. And how long has that been the
9 case?

10 A. I -- I don't know exactly, but a
11 few years, several years.

12 Q. And that work is all done within
13 Kivetz & Associates, correct?

14 A. Currently, yes.

15 Q. Since 2015; is that accurate?

16 A. I believe so, as far as I recall.

17 Q. What's the annual revenue of Kivetz
18 & Associates?

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3 Q. What was the revenue on your last
4 tax reporting period?

5 A. I have not yet filed 2021, at least
6 not my personal tax returns. I don't recall the
7 revenues. I just don't recall them now.

8 Q. Do you recall approximately how
9 much the revenue was in your last completed tax
10 reporting?

11 A. I don't recall now. I don't want
12 to guess, and I, again, ask that this be marked
13 confidential. This is confidential financial
14 information that I do not share with anyone except
15 who I am required to by law.

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[REDACTED]

6 Q. Do you recall approximately how
7 much the net income was for Kivetz & Associates
8 during the last tax reporting period that was
9 completed?

[REDACTED]

16 Q. When were you retained in this
17 matter; rather, when was Kivetz & Associates
18 retained in this matter?

19 A. I don't recall exactly. That would
20 be reflected in the engagement letter. I'm trying
21 to recall as best as I can now. That's why I'm
22 pausing. It would have been in 2022, but I cannot
23 recall now.

24 Q. Who approached you to invite you to
25 become involved in this matter?

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1 Q. Let's cabinet to within, say, the
2 last two years. Does that work for you?

3 MR. SCHOTTLAENDER: Objection,
4 form.

24 Q. Are you being compensated on an
25 hourly basis in this case?

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1 A. Yes.

2 Q. What is your hourly rate?

3 A. \$1,000.

4 Q. How long has that been the case?

5 MR. SCHOTTLAENDER: Objection,
6 form.

7 THE WITNESS: I don't recall, but
8 maybe -- I don't recall, maybe a year,
9 maybe since 2022, it depend -- yeah, it's
10 the best answer -- the best estimate I can
11 give you.

12 BY MS. ZEMAN:

13 Q. Have you submitted invoices for
14 your work in this case?

15 A. Yes.

16 Q. Approximately how much have you
17 invoiced for this case so far?

21 Q. How many invoices have you sent in
22 for this case?

23 A. I don't recall. I'm not sure. My
24 best estimate is maybe a couple, but it might be
25 three. I mean, I just don't recall. My

1 their major concerns and the results of that are
2 reported in Figure 4 in my report or Figure 2 of
3 the same NTIA report.

4 Q. So just to be clear, does Figure 4
5 on page 43 then show the results of the single
6 follow-up question?

7 A. My understanding is that, exactly
8 what I said, that the question that the results
9 are shown for in Figure 1, you know, that Dr.
10 Turow chose to cite only that is that 73% -- or
11 just one second, that 73% or nearly three-quarters
12 express major concerns about online privacy and
13 security risks, but there was a follow-up question
14 to understand, what are these -- you know, what
15 are these concerns, what type of online privacy.
16 That could mean different things. In fact, it
17 does mean very different things to different
18 people, and that's what we see in Figure 4.

19 Q. How is the follow-up question,
20 whose data is then depicted in Figure 4, how is
21 the follow-up question phrased?

22 MR. SCHOTTLAENDER: Objection,
23 form.

24 MS. ZEMAN: I'll clarify on the
25 basis of the objection.

1 A. When I analyzed Dr. Turow's
2 reliance on this report and what I think is his
3 inaccurate representation or actually just wrong,
4 diametrically opposed representation to what the
5 survey actually does show when I analyze that and
6 when I wrote multiple pages in my report about
7 that, I had this NTIA survey article in front of
8 me, and I knew everything that I could know about
9 it Dr. Turow put it into the evidence and relied
10 on it, and I knew as much as I can.

11 It was not a memory test when I
12 evaluated Dr. Turow's reliance on this document.
13 It was not a memory test when I analyzed this
14 document and relied on it in the way I am relying
15 on it in my report, and now you are, with all due
16 respect, asking me for a memory test, and I've
17 already testified several times that if you just
18 give me this report, I will be able to answer
19 definitively these questions.

20 Q. As you sit here right now, do you
21 know whether the survey defined each of those
22 terms that show up on Figure 4?

23 A. Sorry, I thought I just answered
24 this exact question, but maybe it's getting late
25 in the day.

C E R T I F I C A T I O N

I, MARGARET M. REIHL, a
Registered Professional Reporter,
Certified Realtime Reporter, Certified
Court Reporter, Certified LiveNote
Reporter, do hereby certify that the
foregoing is a true and accurate
transcript of the testimony as taken
stenographically, by and before me,
remotely, via Zoom, to the best of my
ability, and on the date hereinbefore set
forth.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor
attorney nor counsel of any of the parties
to this action, and that I am neither a
relative nor employee of such attorney or
counsel, and that I am not financially
interested in the action.

Margaret M. Reihl

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