

# **EXHIBIT 1**

**(REDACTED)**

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

3 -----  
CAT BROOKS and RASHEED :  
4 SHABAZZ, individually :  
and on behalf of all :  
5 others similarly situated:

6 Plaintiff, :

-VS- :Case No.  
7 :3:21-cv-1418-EMC

THOMSON REUTERS :  
8 CORPORATION, :

9 Defendants. :  
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11 C O N F I D E N T I A L

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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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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?

19 A. Well, I first would ask that this  
20 transcript be marked confidential if we're going  
21 to, you know, confidential revenue numbers that I  
22 share with my accountant and IRS and New York  
23 state tax authorities, and I don't know, it  
24 fluctuates. I don't know that -- there is no like  
25 constant revenue. There's no way for me to

1 predict or even say what it is or would be or --  
2 it fluctuates.

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.



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?

10 A. No. As I said, I have not done my  
11 personal -- I have not submitted my personal tax  
12 returns yet, so I would really look at it then,  
13 because that's where I -- so I don't recall as I  
14 sit here now, but there are considerable expenses,  
15 of course.

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?

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?

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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