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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
STEVE SIMMS, BRUCE IBE, WES
LEWIS, CONSTANCE YOUNG, ROBERT
FORTUNE, DEAN HOFFMAN, KEN
LAFFIN, DAVID WANTA, and
REBECCA BURGWIN, individually
and on behalf of All Others
Similarly Situated,
Plaintiffs,
Case No. 3:11-CV-00248 M
vs. Consolidated with
Case No. 3:11-CV-00345 M
JERRAL "JERRY" WAYNE JONES,
NATIONAL FOOTBALL LEAGUE,
DALLAS COWBOYS FOOTBALL CLUB,
LTD., JWJ CORPORATION, COWBOYS
STADIUM, L.P., COWBOYS STADIUM
GP, LLC, and BLUE & SILVER,
INC.,
Defendants.
----->)

VIDEOTAPED DEPOSITION OF ROGER GOODELL
New York, New York
Friday, August 9, 2013

(Transcript contains confidential portion at
pages 181 through 195.)
Reported by:
SHAUNA STOLTZ-LAURIE, RPR, CLR
CSR NO. 810490
JOB NO. 362213

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5 August 9, 2013
6 9:43 a.m.
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8 Videotaped deposition of ROGER
9 GOODELL, held at the offices of Haynes
10 and Boone LLP, 30 Rockefeller Plaza, New
11 York, New York, pursuant to Notice,
12 before Shauna Stoltz-Laurie, Registered
13 Professional Reporter, Certified
14 Realtime Reporter, and a Notary Public
15 of the State of New York.
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3
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21 **ALSO PRESENT:**
22 **GARY M. GERTZOG (NFL)**
23 **BRUCE IBE**
24 **KAYLA IBE**
25 **SHA-LA HOLLIS, Videographer**

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1
2 **THE VIDEOGRAPHER: Good morning.**
3 **Here begins tape number one of the**
4 **videotaped deposition of Commissioner**
5 **Roger Goodell in the matter of Steve**
6 **Sims, et al., Plaintiffs versus Jerry**
7 **(Jerral) Wayne Jones, National Football**
8 **League, et al., Defendants in the United**
9 **States District Court, Northern District**
10 **of Texas, Dallas Division, Civil Action**
11 **No. 311 CV 00248 M consolidated with**
12 **Civil Action No. 3:11 CV 00345 M.**
13 **This deposition is being held at**
14 **Haynes and Boone at 30 Rockefeller**
15 **Plaza, New York, New York on August the**
16 **9th, 2013 at approximately 9:44 a.m.**
17 **My name is ShaLa Hollis, and I'm**
18 **the legal video specialist in**
19 **association with Barkley Court**
20 **Reporters. The court reporter is Shauna**
21 **Stoltz-Laurie also in association with**
22 **Barkley Court Reporters.**
23 **Will counsel please introduce**
24 **themselves for the record.**
25 **MR. AVENATTI: Michael Avenatti on**

5

1 **Goodell**

09:44 2 **behalf of the plaintiffs, and we're**

09:44 3 **joined here today by Bruce Ibe and Kayla**

09:44 4 **Ibe.**

09:44 5 **MR. IBRAHIM: I'm Ahmed Ibrahim**

09:44 6 **here on behalf of Plaintiffs.**

09:44 7 **MR. BEHRENS: Thad Behrens, Haynes**

09:44 8 **and Boone, on behalf the National**

09:44 9 **Football League and the witness,**

09:44 10 **Commissioner Roger Goodell.**

09:44 11 **MR. PRESSMENT: Jonathan Pressman**

09:44 12 **of Haynes & Boone LLP also on behalf of**

09:44 13 **Defendant National Football League and**

09:44 14 **Commissioner Roger Goodell.**

09:44 15 **MR. GERTZOG: Gary Gertzog,**

09:44 16 **National Football League.**

09:44 17 **THE VIDEOGRAPHER: Will the court**

09:44 18 **reporter please swear in the witness.**

19 **ROGER GOODELL , called as a**

20 **witness, having been duly sworn by a**

21 **Notary Public, was examined and testified**

22 **as follows:**

23 **EXAMINATION BY**

09:44 24 **MR. AVENATTI:**

09:44 25 **Q. Good morning, Mr. Goodell.**

6

1 **Goodell**

09:45 2 **A. Good morning.**

09:45 3 **Q. You understand you're here today to**

09:45 4 **be deposed under oath in connection with a**

09:45 5 **lawsuit surrounding Super Bowl 45; is that**

09:45 6 **correct?**

09:45 7 **A. Yes, I am.**

09:45 8 **Q. And have you ever had your**

09:45 9 **deposition taken before?**

09:45 10 **A. Yes.**

09:45 11 **Q. On how many occasions?**

09:45 12 **A. I can't recall the exact number.**

09:45 13 **Q. More or less than five?**

09:45 14 **A. More.**

09:45 15 **Q. More or less than ten?**

09:45 16 **A. More.**

09:45 17 **Q. More or less than 20?**

09:45 18 **A. You lose me at that point. I don't**

09:45 19 **know.**

09:45 20 **Q. Okay. When was the last time you**

09:45 21 **were deposed?**

09:45 22 **A. I don't recall.**

09:45 23 **Q. Was it within the last year?**

09:45 24 **A. I believe so.**

09:45 25 **Q. Let me review with you, if I could,**

7

1 **Goodell**

09:45 2 **some of the ground rules for the deposition.**

09:45 3 **First of all, you understand that**

09:45 4 **you're under oath here today, correct?**

09:45 5 **A. Yes.**

09:45 6 **Q. And you understand that that oath**

09:45 7 **carries the same force and effect as if you**

09:46 8 **were testifying in a court of law despite the**

09:46 9 **fact that we're sitting here in a conference**

09:46 10 **room in New York City; am I correct?**

09:46 11 **A. I don't know about the legal terms,**

09:46 12 **but I accept that.**

09:46 13 **Q. Okay. The court reporter who is**

09:46 14 **seated to your right is taking down each**

09:46 15 **thing that is said during today's deposition,**

09:46 16 **each question that I ask and each answer that**

09:46 17 **you provide. Do you understand that?**

09:46 18 **A. Yes.**

09:46 19 **Q. Following the deposition here**

09:46 20 **today, the court reporter will prepare what's**

09:46 21 **called a transcript, a black and white**

09:46 22 **written record of each question that I ask**

09:46 23 **and each answer that you provide here today,**

09:46 24 **Mr. Goodell. Do you understand that?**

09:46 25 **A. Yes, I do.**

8

1 **Goodell**

09:46 2 **Q. You will have a chance to review**

09:46 3 **that transcript and make any corrections,**

09:46 4 **additions or changes to that transcript.**

09:46 5 **However, I must caution you that in the event**

09:46 6 **you make any corrections, additions or**

09:46 7 **changes to that transcript, either myself or**

09:46 8 **any other attorney or a party in this matter**

09:46 9 **may comment on that at the time of trial, as**

09:46 10 **it may impact your credibility. You**

09:46 11 **understand that.**

09:46 12 **A. Yes.**

09:46 13 **Q. For that reason it's imperative**

09:46 14 **that you provide your very best and complete**

09:47 15 **and accurate testimony here today. Do you**

09:47 16 **understand that?**

09:47 17 **A. Yes.**

09:47 18 **Q. Is there any reason why you can't**

09:47 19 **provide your very best and most truthful**

09:47 20 **testimony here today?**

09:47 21 **A. No.**

09:47 22 **Q. During the deposition here today I**

09:47 23 **may ask you a question that Mr. Behrens may**

09:47 24 **object to in order to preserve the record.**

09:47 25 **I'm sure you're already aware of this, but in**

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1 **Goodell**

09:47 2 **the event Mr. Behrens objects but does not**

09:47 3 **instruct you not to answer the question, I'm**

09:47 4 **entitled to an answer to that question. Do**

09:47 5 **you understand that?**

09:47 6 A. Yes.

09:47 7 **Q. No one here, Mr. Goodell, wants you**

09:47 8 **to guess or speculate as to any question I**

09:47 9 **might ask, so for that reason do you agree**

09:47 10 **not to guess or speculate in response to any**

09:47 11 **question that I ask?**

09:47 12 A. Yes.

09:47 13 **Q. It is critically important that**

09:48 14 **before answering each question that I ask,**

09:48 15 **that you fully understand the question. Do**

09:48 16 **you understand that?**

09:48 17 A. Yes.

09:48 18 **Q. In the event I ask any question**

09:48 19 **that you do not fully and completely**

09:48 20 **understand, please do not answer the**

09:48 21 **question; please ask me to explain it to you**

09:48 22 **until you fully understand it before**

09:48 23 **answering. Do you agree to do that?**

09:48 24 A. Yes.

09:48 25 **Q. If I ask you a question that you**

10

1 **Goodell**

09:48 2 **proceed to answer, will it be fair for me to**

09:48 3 **assume that you understood the question**

09:48 4 **before answering it?**

09:48 5 A. I will try to answer the question

09:48 6 to the best of my ability.

09:48 7 **Q. Tell me what you did to prepare for**

09:48 8 **today's deposition.**

09:48 9 A. I met with counsel yesterday.

09:48 10 **Q. And who did you meet with?**

09:48 11 A. The three gentlemen to my left.

09:48 12 **Q. Anybody else in the room?**

09:48 13 A. No.

09:48 14 **Q. Where did you meet?**

09:48 15 A. In our offices.

09:48 16 **Q. At NFL headquarters on Park Avenue?**

09:49 17 A. Yes.

09:49 18 **Q. How long did you meet?**

09:49 19 A. A couple of hours.

09:49 20 **Q. Had you met prior to yesterday in**

09:49 21 **connection with your deposition here today?**

09:49 22 A. I did not.

09:49 23 **Q. Did you review any documents during**

09:49 24 **your deposition prep yesterday that refreshed**

09:49 25 **your recollection?**

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1 **Goodell**

09:49 2 A. Maybe a couple.

09:49 3 **Q. What documents do you recall**

09:49 4 **reviewing?**

09:49 5 A. An e-mail. It involved some

09:49 6 correspondence with Greg Aiello and myself.

09:49 7 **Q. A single e-mail?**

09:49 8 A. I believe so, yes. It had multiple

09:49 9 conversations on it.

09:49 10 **Q. What was the subject of that**

09:49 11 **e-mail?**

09:49 12 A. The attendance of the Super Bowl

09:49 13 announcement.

09:49 14 **Q. Did you review any other documents**

09:50 15 **yesterday in preparation for your deposition**

09:50 16 **other than that single e-mail?**

09:50 17 A. I don't believe so. There may have

09:50 18 been another e-mail, but I don't recall it.

09:50 19 **Q. Other than this approximate**

09:50 20 **two-hour meeting yesterday at your office,**

09:50 21 **did you do anything else to prepare for**

09:50 22 **today's deposition?**

09:50 23 A. No, I did not.

09:50 24 **Q. Did you meet this morning to**

09:50 25 **prepare for your deposition?**

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1 **Goodell**

09:50 2 A. I just came over here for the

09:50 3 meeting today.

09:50 4 **Q. Now, after Super Bowl 45, on the**

09:50 5 **Monday following the game you made a number**

09:50 6 **of statements about what had happened with**

09:50 7 **the seating situation at the game, correct?**

09:50 8 A. Statements? About statements?

09:50 9 **Q. Yes.**

09:50 10 A. Yes.

09:50 11 **Q. You made statements to the press**

09:50 12 **and you fielded question from the press on**

09:50 13 **the Monday after the game at the same time**

09:51 14 **that you presented the MVP award; am I**

09:51 15 **correct?**

09:51 16 A. That is correct.

09:51 17 **Q. And one of the statements that you**

09:51 18 **made was that you were going to -- and I'm**

09:51 19 **paraphrasing -- ensure that a thorough review**

09:51 20 **was done relating to what had happened with**

09:51 21 **the temporary seats; am I correct?**

09:51 22 A. I said that we would with do a

09:51 23 review of what happened so that we would

09:51 24 avoid it happening again in the future, yes.

09:51 25 **Q. And by we you meant you and the**

13

1 **Goodell**

09:51 2 **NFL, right?**

09:51 3 A. The NFL, yes.

09:51 4 **Q. Okay. At your direction, am I**

09:51 5 **correct?**

09:51 6 A. Yes.

09:51 7 **Q. All right. You're -- you're**

09:51 8 **familiar with the phrase the buck stops here?**

09:51 9 A. Yes.

09:51 10 **Q. All right. And -- and you're aware**

09:51 11 **that that was a phrase that was basically**

09:51 12 **coined by Teddy Roosevelt, right?**

09:51 13 A. I believe so, yes.

09:51 14 **Q. All right. And -- and you've**

09:51 15 **spoken previously about your affinity for Mr.**

09:51 16 **Roosevelt as it relates to, quote, saving the**

09:51 17 **game of football, in the early 1900s; am I**

09:51 18 **correct?**

09:51 19 A. I've spoken about his role, yes.

09:52 20 **Q. Okay. Now, as it relates to the**

09:52 21 **seating situation, did the buck stop with**

09:52 22 **you, Mr. Goodell?**

09:52 23 **MR. BEHRENS: Objection, vague.**

09:52 24 A. What does that mean?

09:52 25 **Q. Well, what do you understand the**

14

1 **Goodell**

09:52 2 **phrase the buck stops here to mean?**

09:52 3 A. That ultimately you accept

09:52 4 responsibility.

09:52 5 **Q. So as it relates to the temporary**

09:52 6 **seating solution, does the buck stop with**

09:52 7 **you, meaning do you ultimately accept the**

09:52 8 **responsibility?**

09:52 9 **MR. BEHRENS: Objection, vague.**

09:52 10 A. As I said in my comments, we

09:52 11 accepted responsibility for what happened.

09:52 12 **Q. Was a review conducted, as you had**

09:52 13 **told the press on that Monday.**

09:52 14 A. We all reviewed what we did and

09:52 15 what we can do better.

09:52 16 **Q. And when you say we, that included**

09:52 17 **you, right?**

09:52 18 A. It was primarily the people who

09:52 19 were putting the Super Bowl on.

09:52 20 **Q. Well, did you review what you did**

09:52 21 **and what you could do better?**

09:52 22 A. I had very little involvement in

09:53 23 the production of the game.

09:53 24 **Q. I'm asking you after you stood**

09:53 25 **before the press on the Monday after the game**

15

1 **Goodell**

09:53 2 **and assured everybody that you were going to**

09:53 3 **make sure that a review was done --**

09:53 4 A. Um-hm.

09:53 5 **Q. -- to make sure it didn't happen**

09:53 6 **again, did you in fact do that. Did you make**

09:53 7 **sure that a review was done to see what went**

09:53 8 **wrong and what could have been done better?**

09:53 9 **MR. BEHRENS: Objection. It's**

09:53 10 **asked and answered.**

09:53 11 **Q. (Continuing) Did you make sure of**

09:53 12 **that?**

09:53 13 A. I think I stated to you before that

09:53 14 yes, we did.

09:53 15 **Q. All right. So what did you**

09:53 16 **discover, during this review, as to what went**

09:53 17 **wrong and what could have been done better?**

09:53 18 A. Well, we made some changes in the

09:53 19 way we're going to operate in the future, and

09:53 20 we implemented that in the previous two Super

09:53 21 Bowls.

09:53 22 **Q. Well, let's -- let's start with**

09:53 23 **what you learned as to what went wrong, in**

09:53 24 **connection with this review that you**

09:53 25 **mentioned on the Monday after the game. What**

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1 **Goodell**

09:54 2 **did you discover as to what went wrong?**

09:54 3 A. My focus is on what we were going

09:54 4 to change and what we were going to do to

09:54 5 make sure it didn't happen again.

09:54 6 **Q. Didn't you --**

09:54 7 A. (Speaking simultaneously) --

09:54 8 I'm sorry. Go ahead.

09:54 9 **Q. No. I didn't mean to cut you off.**

09:54 10 **Go ahead.**

09:54 11 A. I finished my answer.

09:54 12 **Q. Well, in order to figure out what**

09:54 13 **changes needed to be made, didn't you need to**

09:54 14 **figure out what went wrong?**

09:54 15 A. If that's what's reflected in the

09:54 16 things we did.

09:54 17 **Q. So can you please tell the jury**

09:54 18 **what you discovered relating to what went**

09:54 19 **wrong, during this review that you mentioned**

09:54 20 **after the game.**

09:54 21 **MR. BEHRENS: Let the record**

09:54 22 **reflect there's no jury in the room.**

09:54 23 **MR. AVENATTI: Well, let the record**

09:54 24 **reflect and I want Mr. Goodell to be**

09:54 25 **fully aware that during the trial of**

17

1 **Goodell**

09:54 2 **this case, we're going to play this**

09:54 3 **videotaped deposition.**

09:54 4 **MR. BEHRENS: He is aware of it,**

09:54 5 **but you're asking him to address his**

09:54 6 **question (sic) to a jury that's not**

09:54 7 **here.**

09:54 8 **MR. AVENATTI: Well, if he'll agree**

09:54 9 **to testify live at the trial, then I'll**

09:54 10 **be happy to -- to change the context of**

09:54 11 **my question.**

09:54 12 **MR. BEHRENS: Counsel, we're not**

09:54 13 **going to get into that. If you want to**

09:54 14 **ask him to address people who aren't**

09:55 15 **here, that's not a fair question.**

09:55 16 **MR. AVENATTI: I think --**

09:55 17 **MR. BEHRENS: You can just ask the**

09:55 18 **question.**

09:55 19 **MR. AVENATTI: I -- I think it is.**

09:55 20 **Q. Mr. Goodell, please tell us what**

09:55 21 **the review showed relating to what went**

09:55 22 **wrong.**

09:55 23 A. The focus that we had on is what we

09:55 24 could do differently to make sure that we

09:55 25 didn't have similar circumstances or anything

18

1 **Goodell**

09:55 2 related to that, and how we can produce a

09:55 3 better event. That was my focus.

09:55 4 **Q. You stated moments ago "We all**

09:55 5 **reviewed what we did and what we can do**

09:55 6 **better." Do you recall giving that**

09:55 7 **testimony?**

09:55 8 A. Yes.

09:56 9 **Q. Okay. So please tell us what you**

09:56 10 **reviewed relating to what the NFL did, namely**

09:56 11 **what the NFL did wrong as it related to the**

09:56 12 **seating issue for Super Bowl 45.**

09:56 13 **MR. BEHRENS: Objection, vague, and**

09:56 14 **it's asked and answered.**

09:56 15 **You can answer again.**

09:56 16 A. I think I've answered your

09:56 17 question.

09:56 18 **Q. Well, you can answer it again,**

09:56 19 **please.**

09:56 20 A. What's your question?

09:56 21 **Q. My question is what did you**

09:56 22 **discover, during this review, as to what you**

09:56 23 **and the NFL did wrong in connection with**

09:56 24 **Super Bowl 45 and the seating issues.**

09:56 25 **MR. BEHRENS: Objection. It's**

19

1 **Goodell**

09:56 2 **asked and answered.**

09:56 3 A. I said to you twice now our focus

09:56 4 was on what we can do -- we can't reverse

09:56 5 what happened. What we have to do is focus

09:56 6 on what can we do differently to avoid those

09:56 7 things from happening again in the future, so

09:56 8 we make changes.

09:56 9 **Q. Did you make any inquiry after the**

09:56 10 **game as to what went wrong in connection with**

09:57 11 **the seating issues?**

09:57 12 **MR. BEHRENS: Objection. It's**

09:57 13 **asked and answered.**

09:57 14 A. I said to you, we did a review to

09:57 15 figure out what it is we need to do better to

09:57 16 avoid this from happening.

09:57 17 **Q. So am I correct that no review was**

09:57 18 **done after the game as to what went wrong in**

09:57 19 **connection with the seating issues? Am I**

09:57 20 **correct as to that?**

09:57 21 **MR. BEHRENS: Objection,**

09:57 22 **mischaracterizes the testimony.**

09:57 23 A. I told you, we did review, and we

09:57 24 made changes.

09:57 25 **Q. Okay. What did you discover in**

20

1 **Goodell**

09:57 2 **connection with the review?**

09:57 3 **MR. BEHRENS: Objection. It's**

09:57 4 **asked and answered now three times.**

09:57 5 A. I answered your question the best I

09:57 6 can. Sorry.

09:57 7 **Q. Sir, I'm asking you very simply.**

09:57 8 **You haven't told me what you discovered, if**

09:57 9 **anything, so my question is what did you**

09:57 10 **discover, in connection with the review what**

09:57 11 **was allegedly done after the game, concerning**

09:57 12 **the seating issues.**

09:57 13 **MR. BEHRENS: Objection, asked and**

09:58 14 **answered.**

09:58 15 A. Our focus was -- the third time, I

09:58 16 believe, now. Our focus was to try to

09:58 17 evaluate what we need to do differently to

09:58 18 make sure that this type of event does not

09:58 19 happen again.

09:58 20 **Q. Okay. So what did you discover as**

09:58 21 **it related to what you needed to do**

09:58 22 **differently to make sure that this type of**

09:58 23 **event does not happen again?**

09:58 24 A. We made changes in some of our

09:58 25 procedures that we implemented in previous

21

1 Goodell

09:58 2 two Super Bowls, and we'll go -- we'll be

09:58 3 making those same changes for future Super

09:58 4 Bowls.

09:58 5 **Q. What changes?**

09:58 6 A. One example would be that all

09:58 7 temporary seats have to be put into a stadium

09:58 8 during the regular season, prior to that

09:58 9 stadium being used for the Super Bowl.

09:58 10 **Q. Why was that change made?**

09:58 11 A. Because we think it's in the best

09:58 12 interests to avoid that type of event

09:58 13 happening again.

09:58 14 **Q. What other changes did you**

09:58 15 **determine needed to be made?**

09:58 16 A. We had significant exchanges in the

09:59 17 way we dealt with our fans.

09:59 18 We brought in Disney, as a good

09:59 19 example, to do training for all of our

09:59 20 personal involved in the Super Bowl.

09:59 21 **Q. Did Mr. Supovitz undergo that**

09:59 22 **training?**

09:59 23 A. Mr. who?

09:59 24 **Q. Supovitz?**

09:59 25 A. Supovitz.

22

1 Goodell

09:59 2 **Q. Oh, Supovitz. I'm sorry.**

09:59 3 **Did Mr. Supovitz undergo that**

09:59 4 **training?**

09:59 5 A. Yes, he did.

09:59 6 **Q. Okay. What other changes, other**

09:59 7 **than the temporary seats have to be in on the**

09:59 8 **regular season, and bringing in Disney?**

09:59 9 A. We had all contractors that are

09:59 10 related to putting those seats in will report

09:59 11 to the NFL.

09:59 12 **Q. What other changes?**

09:59 13 A. I can't recall any further. Those

09:59 14 are the significant.

09:59 15 **Q. Now, the temporary seats in**

09:59 16 **connection with Super Bowl 45 were not**

10:00 17 **installed in the regular season, were there?**

10:00 18 **MR. BEHRENS: Objection, vague.**

10:00 19 A. I don't know for a fact on that.

10:00 20 **Q. Do you know when the temporary**

10:00 21 **seats were installed for the game?**

10:00 22 **MR. BEHRENS: Objection, vague.**

10:00 23 **You can answer.**

10:00 24 A. They were done over a period of

10:00 25 time.

23

1 Goodell

10:00 2 **Q. Do you know when they were**

10:00 3 **complete,**

10:00 4 A. Unfortunately that was one of the

10:00 5 issues. They weren't complete by game time.

10:00 6 **Q. And Disney was not involved, prior**

10:00 7 **to Super Bowl 45, as it related to how to**

10:00 8 **deal with fans, correct?**

10:00 9 A. I don't believe so.

10:00 10 **Q. And in connection with Super**

10:00 11 **Bowl 45, is it your understanding the**

10:00 12 **contractors or the seating contractors**

10:00 13 **reported to the NFL, or did those report to**

10:00 14 **the Cowboys?**

10:00 15 A. I don't know the answer to that.

10:00 16 **Q. Who was responsible for the seating**

10:00 17 **contractors in connection with the temporary**

10:00 18 **seats at Super Bowl 45, meaning responsible**

10:00 19 **for their supervision, to the best of your**

10:00 20 **knowledge?**

10:00 21 **MR. BEHRENS: Objection, vague.**

10:00 22 **Calls for a legal conclusion.**

10:00 23 A. I don't know the answer to your

10:00 24 question.

10:01 25 **Q. Why was it determined that you**

24

1 Goodell

10:01 2 **needed to bring in Disney to instruct the NFL**

10:01 3 **on how to deal with its fans?**

10:01 4 **MR. BEHRENS: Objection,**

10:01 5 **mischaracterizes the testimony.**

10:01 6 **Q. (Continuing) Well, if I've -- if**

10:01 7 **I've mischaracterized your testimony, Mr.**

10:01 8 **Goodell, feel free to correct me.**

10:01 9 A. I'll just try to answer your

10:01 10 question the best I possibly can, which is we

10:01 11 always look to improve on everything we did.

10:01 12 Disney has some very innovative and very

10:01 13 positive things about dealing with their

10:01 14 customers. We wanted to implement that in

10:01 15 the NFL. They have a --

10:01 16 **Q. Did you need --**

10:01 17 A. -- very --

10:01 18 **Q. I'm sorry. Go ahead.**

10:01 19 A. No, you go ahead.

10:01 20 **Q. No, no. I'm sorry. I thought you**

10:01 21 **were done. Go ahead.**

10:01 22 A. That's okay.

10:01 23 **Q. No, no. I don't want to speak over**

10:01 24 **you. I thought you were done.**

10:01 25 A. I think you did.

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1 Goodell

10:01 2 **Q. I'm sorry?**

10:01 3 A. I think you did.

10:01 4 **Q. Well, I -- I may have, Mr. Goodell,**

10:01 5 **but what I'm telling you is I-- I didn't mean**

10:01 6 **to, so I want to give you an opportunity to**

10:01 7 **finish. Please.**

10:01 8 A. No, I'm on done.

10:01 9 **Q. Okay. Did you need Disney to come**

10:01 10 **in and tell you that in general you shouldn't**

10:01 11 **put your fans in a fenced-in area when the**

10:01 12 **seats aren't available?**

10:01 13 **MR. BEHRENS: Objection. You're**

10:02 14 **badgering the witness, and assumes facts**

10:02 15 **not in evidence.**

10:02 16 **Q. (Continuing) is that one of the**

10:02 17 **things that Disney was brought in to tell**

10:02 18 **you?**

10:02 19 A. Disney does basic training on how

10:02 20 to deal with customer relationships.

10:02 21 **Q. Did the NFL deal with its customer**

10:02 22 **relationships relating to the temporary**

10:02 23 **seating at Super Bowl 45 in an appropriate**

10:02 24 **manner, in your view?**

10:02 25 **MR. BEHRENS: Objection. It's**

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1 Goodell

10:02 2 **vague.**

10:02 3 A. You want to rephrase your question

10:02 4 so I can understand it better?

10:02 5 **Q. Well, you stated that "Disney does**

10:02 6 **basic training on how to deal with customer**

10:02 7 **relationships," so my question is in your**

10:02 8 **view, as the head of the NFL, did the NFL**

10:02 9 **deal with its customer relationships, namely**

10:02 10 **its relationships with its fans, relating to**

10:02 11 **the temporary seating at Super Bowl 45 on**

10:03 12 **game day in an appropriate manner.**

10:03 13 **MR. BEHRENS: Objection, vague.**

10:03 14 A. You have a lot of things in that.

10:03 15 I was very open about the fact that

10:03 16 we let our fans down; we didn't fulfill what

10:03 17 we said we would fulfill.

10:03 18 And we always believe that we can

10:03 19 learn and get better. That's why we brought

10:03 20 Disney in.

10:03 21 **Q. What do you mean when you say "we**

10:03 22 **didn't fulfill what we said we would**

10:03 23 **fulfill"?**

10:03 24 A. When people come to the Super Bowl

10:03 25 we want them to have a great experience. In

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1 Goodell

10:03 2 this case, several of our fans didn't.

10:03 3 **Q. How many fans did you speak with,**

10:03 4 **on the day of the game, relating to seating**

10:03 5 **issues?**

10:03 6 A. I -- I don't know.

10:03 7 **Q. Any?**

10:03 8 A. Yes.

10:03 9 **Q. More or less than ten?**

10:03 10 A. I -- I wouldn't know.

10:03 11 **Q. Who did you speak with; do you**

10:04 12 **know?**

10:04 13 A. What do you mean?

10:04 14 **Q. Which fans?**

10:04 15 A. I'm sorry. I don't understand your

10:04 16 question. Which fans?

10:04 17 You mean their names?

10:04 18 **Q. Yeah.**

10:04 19 A. I don't have their names.

10:04 20 **Q. Where did you speak with them?**

10:04 21 A. In the stadium.

10:04 22 **Q. Under what circumstances did you**

10:04 23 **speak with them?**

10:04 24 A. When I was moving around the

10:04 25 stadium.

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1 Goodell

10:04 2 **Q. For what purpose did you speak with**

10:04 3 **them?**

10:04 4 A. Some approached me.

10:04 5 **Q. Did you approach any?**

10:04 6 A. I speak to our fans all the time.

10:04 7 **Q. Did you approach any fans for the**

10:04 8 **purpose of discussing the seating debacle?**

10:04 9 **MR. BEHRENS: Objection, vague, and**

10:04 10 **object to the characterization.**

10:04 11 **MR. AVENATTI: Well, let me strike**

10:04 12 **that.**

10:04 13 **Q. Would you agree with me what**

10:04 14 **happened at Super Bowl 45 relating to the**

10:04 15 **seats was a debacle?**

10:04 16 **MR. BEHRENS: Objection to the**

10:04 17 **characterization.**

10:04 18 A. I wouldn't use that

10:04 19 characterization.

10:04 20 **Q. All right. What word would you**

10:04 21 **use?**

10:04 22 A. We were disappointed that we didn't

10:04 23 provide them the experience we offer our

10:04 24 fans.

10:04 25 **Q. Did you approach any fans at Super**

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1 **Goodell**

10:05 2 **Bowl 45 for the purpose of discussing the**

10:05 3 **disappointing seats that you issued?**

10:05 4 **MR. BEHRENS: Object to the**

10:05 5 **characterization, vague.**

10:05 6 A. I think I said to you that I spoke

10:05 7 to some fans, and some fans approached me.

10:05 8 **Q. My question's a little different.**

10:05 9 **Did you purposely set out to speak**

10:05 10 **with fans that affected by the seating issues**

10:05 11 **at Super Bowl 45 on that day?**

10:05 12 **MR. BEHRENS: Objection. I think**

10:05 13 **it's asked and answered.**

10:05 14 A. Well, I think your question, if I

10:05 15 understand it correctly, was did I purposely

10:05 16 set out. At one point, when I heard about

10:05 17 this, I asked about going down to see the

10:05 18 fans, and our security people advised me not

10:05 19 to do so.

10:05 20 **Q. Who advised you not to do that?**

10:05 21 A. I just said to you, our security

10:05 22 people.

10:05 23 **Q. Who?**

10:05 24 A. (Speaking simultaneously) --

10:05 25 **Q. Do you recall who it is?**

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1 **Goodell**

10:05 2 A. No.

10:05 3 **Q. And did you end up going?**

10:05 4 A. No.

10:05 5 **Q. And why was that?**

10:05 6 A. Because our security personnel

10:05 7 advised me not to.

10:05 8 **Q. And what did the security personnel**

10:05 9 **tell you as to why you shouldn't go down to**

10:06 10 **meet with the fans?**

10:06 11 A. They didn't think it was a great

10:06 12 thing to do from a stadium standpoint.

10:06 13 **Q. They conveyed to you that these**

10:06 14 **fans were pretty upset about what was going**

10:06 15 **on -- right --**

10:06 16 **MR. BEHRENS: Objection. It's**

10:06 17 **asked and answered.**

10:06 18 **Q. -- and that it wasn't safe for you**

10:06 19 **to go down there.**

10:06 20 **MR. BEHRENS: Objection, assumes**

10:06 21 **facts not in evidence, asked and**

10:06 22 **answered.**

10:06 23 **Q. (Continuing) Is that correct?**

10:06 24 A. That is not correct. I don't

10:06 25 remember exactly what they said other than

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1 **Goodell**

10:06 2 they advised me not to go down.

10:06 3 **Q. Well, how do you know it's not**

10:06 4 **correct if you don't remember what was said**

10:06 5 **at the time?**

10:06 6 A. Because you assumed that I said

10:06 7 that -- they said that, and I'm saying that I

10:06 8 do not know exactly what they said.

10:06 9 **Q. Where were you when they advised**

10:06 10 **you that it wasn't a good idea for you to go**

10:06 11 **down there?**

10:06 12 A. I don't remember that specifically.

10:06 13 **Q. Were you in the suite or in the**

10:06 14 **control room?**

10:06 15 A. As I said, I don't remember.

10:06 16 **Q. And when you said that they told**

10:06 17 **you it wasn't safe for you to go down there,**

10:06 18 **where was "there"?**

10:06 19 A. I was down in the area where the

10:07 20 fans were, that were -- where we did not have

10:07 21 seats for them.

10:07 22 **Q. In an area where the fans had been**

10:07 23 **basically placed during this process, right?**

10:07 24 **MR. BEHRENS: Objection. It's**

10:07 25 **vague.**

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1 **Goodell**

10:07 2 A. What does placed mean?

10:07 3 **Q. What does -- what does placed mean?**

10:07 4 A. In the context of your question,

10:07 5 what does placed mean?

10:07 6 **Q. Well, I could use the term held,**

10:07 7 **but then your counsel would object and claim**

10:07 8 **that that's argumentative.**

10:07 9 **So my question is to you -- to you**

10:07 10 **is when security personnel told you it's not**

10:07 11 **safe for you to go down there, they were**

10:07 12 **referring and you understood them to mean**

10:07 13 **that they were referring to an area where the**

10:07 14 **fans had been congregated. Is that right?**

10:07 15 A. Sure.

10:07 16 **Q. Okay. Did you learn during the**

10:07 17 **game that certain fans had been placed in one**

10:07 18 **of the -- one of the bar areas at field level**

10:07 19 **of Cowboy Stadium?**

10:08 20 A. I don't remember specifically where

10:08 21 they were.

10:08 22 **Q. After this initial discussion that**

10:08 23 **you had with security personnel about going**

10:08 24 **to meet with the fans did you ever attempt to**

10:08 25 **meet with any of the fans concerning seating**

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1 **Goodell**

10:08 2 **issues on that day?**

10:08 3 A. As I said, I talked to some of the

10:08 4 fans as I was moving around the stadium from

10:08 5 time to time.

10:08 6 **Q. And what did they say to you?**

10:08 7 A. Some were very disappointed.

10:08 8 **Q. And -- and what did they say?**

10:08 9 A. They had a bad experience. I don't

10:08 10 recall specifically other than that. It was

10:08 11 very clear they were not happy.

10:08 12 **Q. Well, What did you do about it at**

10:08 13 **that time?**

10:08 14 A. I expressed that I was sorry, and

10:08 15 then we tried to accommodate as many people

10:08 16 as possible in the stadium.

10:08 17 **Q. And how did you go about doing**

10:08 18 **that?**

10:08 19 A. Me personally?

10:08 20 **Q. Um-hm.**

10:08 21 A. One specific thing is I moved my

10:08 22 family upstairs, and put them in the box

10:09 23 where we were, and we stood in the back so

10:09 24 that we could allow the fans to sit in the

10:09 25 seats where my family was in.

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1 **Goodell**

10:09 2 **Q. You moved them upstairs to a suite?**

10:09 3 A. In the back, yes.

10:09 4 **Q. In the back of the suite.**

10:09 5 A. Um-hm.

10:09 6 **Q. What, was that Mr. Jones's suite,**

10:09 7 **or other suite?**

10:09 8 A. Another suite.

10:09 9 **Q. And -- and how many seats did you**

10:09 10 **give up at that point, for the fans?**

10:09 11 A. I don't recall the specific number.

10:09 12 **Q. Well, I mean how many seats was**

10:09 13 **your family occupying, two, four, six, eight,**

10:09 14 **more?**

10:09 15 A. They would be four, but there could

10:09 16 have been other guests that were -- we did

10:09 17 the same thing with.

10:09 18 **Q. Did you ever go down to one of the**

10:09 19 **sideline clubs and address the fans as the**

10:09 20 **leader of the National Football League to**

10:09 21 **apologize for what had happened?**

10:09 22 A. I think I answered your question on

10:09 23 that.

10:09 24 **Q. And the question -- or the answer's**

10:09 25 **no; am I correct?**

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1 **Goodell**

10:09 2 A. The answer is that I did not

10:09 3 because I was advised not to.

10:10 4 **Q. Okay. Did you ever instruct anyone**

10:10 5 **else from the NFL to do that?**

10:10 6 A. I believe our personnel were in

10:10 7 contact with them.

10:10 8 **Q. That's not what I asked.**

10:10 9 **What I asked is did you ever**

10:10 10 **instruct anyone like Mr. Supovitz or someone**

10:10 11 **else that reported to you, did you ever say:**

10:10 12 **This is an embarrassment to the League. I'm**

10:10 13 **going to show some leadership here, and we're**

10:10 14 **going to actually go down and address these**

10:10 15 **fans, and apologize for what's happened. Did**

10:10 16 **you ever say anything like that on the day of**

10:10 17 **the game?**

10:10 18 **MR. BEHRENS: Objection. Assumes**

10:10 19 **facts not in evidence.**

10:10 20 A. The answer is our personnel were in

10:10 21 touch with the fans directly. They made that

10:10 22 extremely clear. It was not necessary for me

10:10 23 to do that.

10:10 24 **Q. So you never instructed anyone to**

10:10 25 **go down and address the fans in that manner,**

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1 **Goodell**

10:10 2 **did you?**

10:10 3 **MR. BEHRENS: Objection. It's**

10:10 4 **asked and answered.**

10:10 5 A. As I think I've said at least twice

10:10 6 now, our personnel were in contact with the

10:11 7 fans, and they were communicating with them.

10:11 8 **Q. Who?**

10:11 9 A. Frank Supovitz, their group in

10:11 10 security personnel, other personnel.

10:11 11 **Q. Would -- would it surprise you to**

10:11 12 **learn that Mr. Supovitz testified in the room**

10:11 13 **over here that he never went down and**

10:11 14 **addressed any of the fans? Would that**

10:11 15 **surprise you?**

10:11 16 A. I though your question is did --

10:11 17 were they talking with fans.

10:11 18 **Q. No.**

10:11 19 A. You said they were communicating

10:11 20 with fans.

10:11 21 **Q. All right. My question is a little**

10:11 22 **bit different. My question is did anyone --**

10:11 23 A. What was your question before?

10:11 24 Maybe I misunderstood.

10:11 25 **Q. Sure.**

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1 **Goodell**

10:11 2 **My question is did anybody from the**

10:11 3 **NFL at your direction go down to one of the**

10:11 4 **sideline clubs that a number of these fans**

10:11 5 **were congregated in because they didn't have**

10:11 6 **seats, and apologize on behalf of the**

10:11 7 **National Football League at your direction.**

10:11 8 A. At my direction. They said they

10:11 9 were in contact with our fans. They were

10:11 10 dealing with them, and I didn't feel it

10:12 11 necessary for me to say that, because they

10:12 12 were already doing so.

10:12 13 **Q. Do you believe Mr. Supovitz should**

10:12 14 **have addressed the fans, and apologized on**

10:12 15 **behalf of the NFL?**

10:12 16 A. I think we were all trying to do

10:12 17 what we could to address this issue, and also

10:12 18 finish their responsibilities with respect to

10:12 19 the game.

10:12 20 **Q. When did you first learn that there**

10:12 21 **might be problems with the temporary seating**

10:12 22 **at Super Bowl 45?**

10:12 23 A. I first learned late in the week,

10:12 24 after arriving in Dallas, they had -- they

10:12 25 needed to get more personnel to finish the

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1 **Goodell**

10:12 2 installation of those temporary seats.

10:12 3 **Q. And how did you learn that?**

10:13 4 A. Somebody from our staff told me. I

10:13 5 don't recall who specifically.

10:13 6 **Q. And what did you do about it, if**

10:13 7 **anything, after you learned about it?**

10:13 8 A. I offered to speak to the Cowboys,

10:13 9 but they said they were in contact with them

10:13 10 and everything was under control.

10:13 11 **Q. And why did you offer to speak to**

10:13 12 **the Cowboys?**

10:13 13 A. If I could help.

10:13 14 **Q. And who told you that everybody was**

10:13 15 **under control?**

10:13 16 A. I believe it was Frank Supovitz who

10:13 17 said that he had already had that

10:13 18 conversation with Mr. Jones or the Cowboys

10:13 19 personnel.

10:13 20 **Q. And what did you do after that, if**

10:13 21 **anything, as it related to the temporary**

10:13 22 **seating situation?**

10:13 23 **MR. BEHRENS: Objection, vague.**

10:13 24 A. At what point, sir?

10:13 25 **Q. Well, you arrived in Dallas, and**

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1 **Goodell**

10:13 2 **then later in the week you learned of this**

10:13 3 **potential problem, right?**

10:13 4 **MR. BEHRENS: Objection,**

10:13 5 **mischaracterizes the testimony.**

10:13 6 A. You asked me when I learned of it.

10:13 7 I said it was late in the week.

10:14 8 **Q. Okay. And after you had this**

10:14 9 **discussion with Mr. Supovitz and he told you**

10:14 10 **that everything was under control, what, if**

10:14 11 **anything, did you do next as it related to**

10:14 12 **the temporary seating issue?**

10:14 13 A. When I said everything was under

10:14 14 control, is that he had already approached

10:14 15 the Dallas Cowboys and had the conversation

10:14 16 about the need for extra personnel.

10:14 17 **Q. And what, if anything, did you do**

10:14 18 **next as it related to the temporary seating**

10:14 19 **issue?**

10:14 20 A. At what point?

10:14 21 **Q. Next, whenever that was, whether it**

10:14 22 **was the Monday after the game or sometime in**

10:14 23 **between.**

10:14 24 A. The next I believe was probably

10:14 25 that Sunday morning.

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1 **Goodell**

10:14 2 **Q. And what did you do on Sunday**

10:14 3 **morning as it related to the temporary**

10:14 4 **seating issue?**

10:14 5 A. We were advised that they were

10:14 6 still installing seats, and that there was a

10:14 7 question about how far along they would be

10:14 8 able to complete those seats. They thought

10:15 9 they still might be able to get it done --

10:15 10 **Q. And who was --**

10:15 11 A. -- but there was a potential that

10:15 12 we would not complete the project.

10:15 13 **Q. And who advised you of that on**

10:15 14 **Sunday morning?**

10:15 15 A. I don't recall specifically.

10:15 16 **Q. At that time did you take a**

10:15 17 **principled stand, regardless of the**

10:15 18 **consequences, and inform your fans that in**

10:15 19 **fact a number of them would not have seats?**

10:15 20 A. I'm not sure of your question.

10:15 21 I will tell you that what we did is

10:15 22 we immediately met to say how many seats, if

10:15 23 any, won't be available to our fans, and what

10:15 24 can we do to either ensure that they get

10:15 25 completed so all our fans are accommodated,

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1 Goodell

10:15 2 and secondarily, if any seats aren't

10:15 3 completed, what could we do to accommodate

10:15 4 them in other locations.

10:15 5 **Q. And who did you communicate with**

10:15 6 **about that on Sunday morning?**

10:15 7 A. We had several of our senior team

10:15 8 together on that one.

10:16 9 **Q. Who was that?**

10:16 10 A. Our senior team.

10:16 11 **Q. I don't -- I don't work at the**

10:16 12 **National Football League, so I don't know who**

10:16 13 **your senior team is. Can you tell me who the**

10:16 14 **senior team is?**

10:16 15 A. Our senior team includes several

10:16 16 people. Jeff --

10:16 17 **Q. Please.**

10:16 18 A. -- Pash --

10:16 19 Would you like me to tell you?

10:16 20 **Q. Yeah. That's why I asked.**

10:16 21 A. Okay. I'm trying to finish my

10:16 22 answer for you.

10:16 23 **Q. Okay.**

10:16 24 A. Jeff Pash, Eric Rubin, Robert

10:16 25 Gullible -- Gulliver, Frank Supovitz, Pete

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1 Goodell

10:16 2 Abitante, Steve Bornstein. There are

10:16 3 probably several others that could have been

10:16 4 in the room.

10:16 5 **Q. And where did you have this**

10:16 6 **meeting?**

10:16 7 A. In our headquarters hotel.

10:16 8 (Discussion off the record.)

10:16 9 **Q. Was that the Hilton?**

10:16 10 A. I have no idea.

10:16 11 **Q. And what time did you have this**

10:16 12 **meeting on Sunday morning, approximately?**

10:16 13 A. I don't recall.

10:16 14 **Q. Had you been to the stadium that**

10:17 15 **day, meaning Sunday, prior to having the**

10:17 16 **meeting?**

10:17 17 A. I don't remember.

10:17 18 **Q. When was the first time that you**

10:17 19 **ever communicated to Jerry Jones, if ever,**

10:17 20 **about the temporary seating issue?**

10:17 21 **MR. BEHRENS: Objection, vague.**

10:17 22 A. I don't recall.

10:17 23 **Q. When was the first time that you**

10:17 24 **communicated with Mr. Jones, if ever, about**

10:17 25 **the problems with the temporary seats not**

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1 Goodell

10:17 2 **being installed in time?**

10:17 3 A. I don't recall.

10:17 4 **Q. Did you --**

10:17 5 **MR. AVENATTI: Strike that.**

10:17 6 **Q. Do you recall having a**

10:17 7 **communication with Mr. Jones before kickoff**

10:17 8 **of Super Bowl 45 concerning the problem with**

10:17 9 **the temporary seats not being installed in**

10:17 10 **time?**

10:17 11 A. Which Mr. Jones?

10:17 12 **Q. Mr. Jerry Jones.**

10:17 13 A. I don't recall speaking to Jerry

10:18 14 Jones.

10:18 15 I do recall speaking to Stephen

10:18 16 Jones.

10:18 17 **Q. Before kickoff of Super Bowl 45,**

10:18 18 **relating to the problems with the temporary**

10:18 19 **seating, correct?**

10:18 20 **MR. BEHRENS: Objection, vague.**

10:18 21 A. (No response.)

10:18 22 **Q. And what do you recall concerning**

10:18 23 **your communications with Mr. Stephen Jones,**

10:18 24 **before kickoff of Super Bowl 45, relating to**

10:18 25 **the temporary seating problems?**

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1 Goodell

10:18 2 A. He just assured me that they were

10:18 3 working to try to get all the seats completed

10:18 4 in time for kickoff.

10:18 5 **Q. And when did he assure you of that?**

10:18 6 A. That afternoon.

10:18 7 **Q. The afternoon of the game --**

10:18 8 A. Yes.

10:18 9 **Q. -- Super Bowl 45?**

10:18 10 **Do you recall having a --**

10:18 11 **MR. AVENATTI: Strike that.**

10:18 12 **Q. What was the context of that**

10:18 13 **discussion? Was it by telephone or in**

10:18 14 **person?**

10:18 15 A. I believe in person.

10:18 16 **Q. Did you express to Stephen Jones**

10:18 17 **that the seating problems were a serious**

10:18 18 **issue, and would prove to be an embarrassment**

10:19 19 **to the National Football League if they were**

10:19 20 **not resolved, or anything along those lines?**

10:19 21 **MR. BEHRENS: Objection, vague and**

10:19 22 **compound.**

10:19 23 **Q. Well, let me break it down.**

10:19 24 **Did you express to Stephen Jones**

10:19 25 **that the seating problems were a serious**

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1 **Goodell**

10:19 2 **issue?**

10:19 3 A. Mr. Jones, Stephen Jones in

10:19 4 particular, knew that it was a serious issue.

10:19 5 **Q. How did you know at that time that**

10:19 6 **he knew it was a serious issue?**

10:19 7 **Did he tell you that?**

10:19 8 A. It was very clear from the work

10:19 9 that he was doing.

10:19 10 **Q. Did you ever impress upon Mr.**

10:19 11 **Stephen Jones that if the seating issue was**

10:19 12 **not resolved, it would be an embarrassment to**

10:19 13 **the National Football League and the Cowboys?**

10:19 14 A. We were all working hard to make

10:19 15 sure that we got the seats installed and if

10:19 16 any fans that did not have a seat were

10:19 17 accommodated.

10:19 18 **MO MR. AVENATTI: Move to strike as**

10:19 19 **not responsive.**

10:19 20 **That's not what I asked.**

10:19 21 **Can I have my question read back?**

10:19 22 **(Record read, as follows:**

10:19 23 **"Did you ever impress upon Mr.**

10:19 24 **Stephen Jones that if the seating issue**

10:19 25 **was not resolved, it would be an**

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1 **Goodell**

10:19 2 **embarrassment to the National Football**

10:19 3 **League and the Cowboys?")**

10:20 4 A. I answered the question.

10:20 5 **Q. Please answer it again.**

10:20 6 A. Mr. Jones and everyone else knew

10:20 7 that we wanted to have those seats installed

10:20 8 so all our fans could enjoy the game. We

10:20 9 were all working very hard to do that.

10:20 10 **Q. Prior to the kickoff of the game,**

10:20 11 **Mr. Goodell, did you ever impress upon anyone**

10:20 12 **the seriousness of getting the seating issues**

10:20 13 **resolved prior to kickoff?**

10:20 14 A. Everyone was fully aware of the

10:20 15 seriousness of getting the seats fully

10:20 16 installed and our fans accommodated.

10:20 17 **Q. That's not my question.**

10:20 18 **My question is did you ever tell**

10:20 19 **anyone or express to them how serious the**

10:21 20 **issue was, and the fact that this needed to**

10:21 21 **be resolved in order to save -- in order to**

10:21 22 **protect the shield and save the league**

10:21 23 **embarrassment.**

10:21 24 A. Everybody --

10:21 25 **MR. BEHRENS: Objection, vague.**

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1 **Goodell**

10:21 2 A. Everybody was fully aware of the

10:21 3 consequences and --

10:21 4 **Q. How do you know --**

10:21 5 A. -- the need to try --

10:21 6 **Q. Go ahead. I'm sorry.**

10:21 7 A. Everyone was fully aware of the

10:21 8 consequences and the need to try to resolve

10:21 9 the issue and accommodate our fans. There

10:21 10 was no misunderstanding of that or the

10:21 11 consequences.

10:21 12 **Q. How did you know everyone was fully**

10:21 13 **aware of the consequences?**

10:21 14 A. Because everyone was working hard

10:21 15 to address those. They understood what was

10:21 16 at stake. They wanted to make sure that we

10:21 17 were accommodating our fans. They were

10:21 18 working night and day to try to do that. And

10:21 19 we were making steps to have a backup plan to

10:21 20 accommodate fans if we weren't able to

10:22 21 complete the project.

10:22 22 **Q. Were they working night and day in**

10:22 23 **months prior to the game to make sure the**

10:22 24 **seats were installed; do you know?**

10:22 25 A. Our people worked very hard on this

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1 **Goodell**

10:22 2 event.

10:22 3 **Q. Do you know if they were working**

10:22 4 **night and day in the months leading up to the**

10:22 5 **game to make sure the temporary seats were**

10:22 6 **installed as opposed in the 48 hours before**

10:22 7 **the game; do you know?**

10:22 8 A. Our people worked very hard on this

10:22 9 event for months in advance, if not years.

10:22 10 (Plaintiffs' Exhibit 150, printout

10:22 11 of e-mail chain, marked for

10:22 12 identification, as of this date.)

10:22 13 **Q. Let me show you what we've marked**

10:22 14 **as Exhibit 150. Take a moment to review**

10:22 15 **that, please.**

10:22 16 A. Would you like me to read it?

10:22 17 **Q. Yeah, I'd like to take -- take a**

10:23 18 **look at it, if you could. Read it.**

10:23 19 A. (Reading) Okay.

10:23 20 **Q. Sir, are you familiar with someone**

10:23 21 **by the name of Milt?**

10:24 22 A. Milt who?

10:24 23 **Q. I -- I don't know.**

10:24 24 **Are you aware of a first name Milt?**

10:24 25 A. Yes, I'm aware of the name Milt.

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1 Goodell

10:24 2 **Q. Okay. Is -- is there someone that**

10:24 3 **works at --**

10:24 4 **MR. AVENATTI: Or strike that.**

10:24 5 **Q. Was there someone that worked for**

10:24 6 **the NFL as of February 1st, 2011 by the name**

10:24 7 **of Milt?**

10:24 8 A. I believe we had Head of Security,

10:24 9 Milt Ahlerich was there at that point.

10:24 10 (Discussion off the record.)

10:24 11 **Q. And was his position as of February**

10:24 12 **1st, 2001 head of Security for NFL?**

10:24 13 A. I believe so.

10:24 14 **Q. And -- and what did his**

10:24 15 **responsibilities entail generally as of**

10:24 16 **February 1st, 2011 as Head of Security?**

10:24 17 A. Generally he was in charge of

10:24 18 security for the NFL, and working with our 32

10:24 19 clubs.

10:24 20 **Q. Security is a broad term. What,**

10:25 21 **making sure people were safe, or conducting**

10:25 22 **investigations, or all of the above? What?**

10:25 23 **What was his role generally? Can you**

10:25 24 **explain?**

10:25 25 A. As you say, it's a very broad term.

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1 Goodell

10:25 2 I did give you a general response. It is

10:25 3 coordinating our security arrangements around

10:25 4 events. From time to time he has to do

10:25 5 investigations. He works with our 32 clubs.

10:25 6 He has very broad responsibilities, as you

10:25 7 point out.

10:25 8 **Q. What was he involved in, if**

10:25 9 **anything, in connection with Super Bowl 45?**

10:25 10 **MR. BEHRENS: Objection, calls for**

10:25 11 **speculation.**

10:25 12 A. Our head of Security fulfills those

10:25 13 responsibilities. I couldn't be specific

10:25 14 beyond that.

10:25 15 **Q. Is -- is Milt the individual who**

10:25 16 **told that it wasn't safe for you to go down**

10:25 17 **and address the fans?**

10:25 18 A. I don't recall.

10:26 19 **Q. And Greg Aiello, what was his**

10:26 20 **position with the NFL as of February 1st,**

10:26 21 **2011?**

10:26 22 A. He's our principal spokesman. I

10:26 23 don't know his specific title.

10:26 24 **Q. And Mr. Supovitz's position as of**

10:26 25 **February 1st, 2011, he was responsible for**

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1 Goodell

10:26 2 **putting on the Super Bowl, correct?**

10:26 3 A. He is head of our events, and that

10:26 4 is one of his responsibilities, yes.

10:26 5 **Q. If you see the second e-mail here**

10:26 6 **in the string, Tuesday, February 1st, 2011,**

10:26 7 **an e-mail from Mr. Aiello to Mr. Supovitz.**

10:26 8 **Do you see that?**

10:26 9 A. Which portion?

10:26 10 **Q. The -- the second e-mail on the**

10:26 11 **string, February 1st, 2011, to --**

10:26 12 A. From who to -- to --

10:26 13 **Q. All right. I'm going to try not to**

10:26 14 **speak over you, and -- and if you could do**

10:26 15 **the same, that would be great.**

10:26 16 **From Mr. Aiello to Mr. Supovitz**

10:26 17 **February 1st, 2011, 6:43 p.m., do you see**

10:26 18 **that?**

10:26 19 A. From Greg Aiello to Frank Supovitz

10:27 20 6:43 --

10:27 21 **Q. Yes.**

10:27 22 A. -- yes, I do.

10:27 23 **Q. And this is following up on a press**

10:27 24 **conference that Mr. Jones had had concerning**

10:27 25 **the Super Bowl attendance record. Do you see**

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1 Goodell

10:27 2 **that?**

10:27 3 **THE WITNESS: (Reading).**

10:27 4 **MR. BEHRENS: Objection, calls for**

10:27 5 **speculation, lack of foundation.**

10:27 6 A. I'm just reading what you're

10:27 7 reading.

10:27 8 **Q. But you see that, correct?**

10:27 9 A. I see what is on the paper, yes.

10:27 10 **Q. Okay. By the way, before kickoff**

10:27 11 **had you had any communication --**

10:27 12 **MR. AVENATTI: Strike that.**

10:27 13 **Q. Before kickoff, you stated that you**

10:27 14 **had not had communications with Mr. Jones**

10:27 15 **about the temporary seat issue, but indeed**

10:27 16 **you had had a number of communications with**

10:27 17 **him about the Super Bowl attendance record,**

10:27 18 **hadn't you?**

10:27 19 A. I said I couldn't recall a specific

10:27 20 conversation.

10:27 21 **Q. Okay. But you had a number of**

10:27 22 **communications with Mr. Jones about his**

10:27 23 **desire to break the Super Bowl attendance**

10:27 24 **record, prior to kickoff for Super Bowl 45;**

10:27 25 **isn't that correct?**

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1 **Goodell**

10:27 2 **MR. BEHRENS: Objection, assumes**

10:27 3 **facts not in evidence.**

10:27 4 A. I do know that I had a

10:28 5 conversation, at least one, with Jerry about

10:28 6 the attendance, yes.

10:28 7 **Q. All right. We'll get to that**

10:28 8 **later.**

10:28 9 **But as it relates to this e-mail**

10:28 10 **here, Mr. Supovitz writes "Milt was telling**

10:28 11 **me that we were going to receive numerous**

10:28 12 **complaints about some of the seats we sold.**

10:28 13 **I know this has been an issue. Is commish**

10:28 14 **aware," question mark. Do you see that**

10:28 15 **there?**

10:28 16 **MR. BEHRENS: Objection.**

10:28 17 **Just to clarify, counsel, you said**

10:28 18 **Mr. Supovitz wrote, and it's Mr. Aiello**

10:28 19 **who wrote.**

10:28 20 **MR. AVENATTI: Counsel is correct.**

10:28 21 **Q. Do you see the statement in the**

10:28 22 **e-mail from Mr. Supovitz?**

10:28 23 **MR. BEHRENS: From Mr. Aiello.**

10:28 24 **Q. (Continuing) Mr. Aiello.**

10:28 25 **MR. AVENATTI: Thank you.**

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1 **Goodell**

10:28 2 **Q. (Continuing) Do you see that?**

10:28 3 A. I do see it from Mr. Aiello.

10:28 4 **Q. Okay. Were you in fact aware as of**

10:28 5 **Tuesday, February 1st that the league was**

10:28 6 **going to receive numerous complaints about**

10:28 7 **some of the seats that had been sold for**

10:28 8 **Super Bowl 45?**

10:28 9 A. I was not.

10:28 10 **Q. Do you believe you should have been**

10:29 11 **made aware --**

10:29 12 **MR. BEHRENS: Objection.**

10:29 13 **Q. -- of that fact?**

10:29 14 **MR. BEHRENS: Objection, assumes**

10:29 15 **facts not in evidence, and object to the**

10:29 16 **characterization.**

10:29 17 A. (No response.)

10:29 18 **Q. Go ahead.**

10:29 19 **The question is do you believe you**

10:29 20 **should have been made aware of that fact.**

10:29 21 A. There are a lot of things that go

10:29 22 wrong in the Super Bowl, and they make me

10:29 23 aware of things that I should be aware of.

10:29 24 **Q. In retrospect, do you think you**

10:29 25 **should have been made aware at least as of**

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1 **Goodell**

10:29 2 **Tuesday, February 1st that the league was**

10:29 3 **going to receive numerous complaints about**

10:29 4 **some of the seats that the league had sold**

10:29 5 **for the biggest event of the year, namely**

10:29 6 **Super Bowl 45?**

10:29 7 **MR. BEHRENS: Objection,**

10:29 8 **mischaracterizes the evidence.**

10:29 9 A. I'm aware of the event and the size

10:30 10 of our event. There are a lot of things that

10:30 11 go wrong around the event, and a lot of

10:30 12 decisions that people make, and a lot of

10:30 13 responsibilities that they take forward they

10:30 14 have to do as part of their responsibilities

10:30 15 to put that kind of event on.

10:30 16 **Q. In retrospect, Mr. Goodell, do you**

10:30 17 **wish that you would have been informed of the**

10:30 18 **problems with some of the seats that the NFL**

10:30 19 **sold for the game earlier?**

10:30 20 **MR. BEHRENS: Objection, vague as**

10:30 21 **to which problems.**

10:30 22 **MR. AVENATTI: Well, there certainly**

10:30 23 **were a lot of problems, so we could**

10:30 24 **break it down.**

10:30 25 **MR. BEHRENS: (Speaking**

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1 **Goodell**

10:30 2 **simultaneously). There weren't any.**

10:30 3 **Q. Let me break it -- let me break it**

10:30 4 **down. Oh, there were thousands, so let me**

10:30 5 **break it down for your, Mr. Goodell.**

10:30 6 **MR. BEHRENS: The game's on**

10:30 7 **February 6th, Michael.**

10:30 8 **Q. Let me break it down for you, Mr.**

10:30 9 **Goodell. As of February 1st, two thousand --**

10:30 10 **MR. AVENATTI: Strike that.**

10:30 11 **Q. Do you believe that you should have**

10:30 12 **been made aware as of February 1st, 2011 that**

10:30 13 **there were thousands of temporary seats that**

10:31 14 **had yet to be installed in connection with**

10:31 15 **the game?**

10:31 16 A. This is several days before our

10:31 17 game, and there are several things that go on

10:31 18 in the production of this game, and they get

10:31 19 resolved. People -- that's what they do;

10:31 20 they find solutions to the issues. That's

10:31 21 what it takes on putting an event like this.

10:31 22 That's why we have a full staff doing this.

10:31 23 **Q. Mr. Supovitz days before the game**

10:31 24 **effectively raised a red flag and said "We're**

10:31 25 **going to receive numerous complaints about**

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1 **Goodell**

10:31 2 **some of the seats we sold. Is the commish**

10:31 3 **aware?" You see where it says "Is commish**

10:31 4 **aware"?**

10:31 5 **MR. BEHRENS: Objection. You're**

10:31 6 **mischaracterizing the document again.**

10:31 7 A. Once again, you said it was from

10:31 8 Mr. Supovitz. It was from Mr. Aiello.

10:31 9 **Q. Well, Mr. Supovitz responded "Isn't**

10:31 10 **this nice," question mark, and I'm assuming**

10:32 11 **that was in jest. Is that what you assumed?**

10:32 12 **MR. BEHRENS: Objection, calls for**

10:32 13 **speculation.**

10:32 14 **This document never went to the**

10:32 15 **witness.**

10:32 16 A. I never saw this document.

10:32 17 **Q. I didn't ask you if you saw it.**

10:32 18 A. I never saw this document. I

10:32 19 couldn't tell you what it is.

10:32 20 **Q. Okay.**

10:32 21 A. You told me in the beginning not to

10:32 22 speculate.

10:32 23 **Q. Okay. We'll read it -- we'll read**

10:32 24 **it now. It reads "Isn't this nice." Is**

10:32 25 **your interpretation -- now, you know Mr**

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1 **Goodell**

10:32 2 **Supovitz for a long -- a lot longer than I**

10:32 3 **have. Is it your interpretation that that**

10:32 4 **was in jest; he was being sarcastic?**

10:32 5 **MR. BEHRENS: Objection. It calls**

10:32 6 **for speculation.**

10:32 7 **Q. (Continuing) Upon reading it?**

10:32 8 **MR. AVENATTI: It's not -- it's not**

10:32 9 **-- it doesn't call for speculation as to**

10:32 10 **what he thinks upon reading it here**

10:32 11 **today.**

10:32 12 **MR. BEHRENS: Objection, calls for**

10:32 13 **speculation. It's an improper question**

10:32 14 **and has nothing to do with the scope**

10:32 15 **that you've been allowed to ask question**

10:32 16 **him on (sic).**

10:32 17 **Q. Do you know what --**

10:32 18 A. Counsel, you were very clear in the

10:32 19 beginning not to speculate or guess, so I

10:32 20 would have to do that to answer your

10:32 21 question.

10:32 22 **Q. But you wouldn't have to speculate**

10:32 23 **or guess to tell me what your interpretation**

10:32 24 **here today is upon reading these words "Isn't**

10:32 25 **this nice?"; is that correct?**

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1 **Goodell**

10:32 2 **MR. BEHRENS: Same --**

10:32 3 **Q. (Continuing) Is that your**

10:32 4 **testimony?**

10:32 5 **MR. BEHRENS: Same objections, as**

10:32 6 **asked and answered twice.**

10:33 7 A. As I said, I would have to

10:33 8 speculate or guess.

10:33 9 **Q. When did you first learn that the**

10:33 10 **league was going to receive numerous**

10:33 11 **complaints about some of the temporary seats**

10:33 12 **that had been sold --**

10:33 13 **MR. BEHRENS: Objection.**

10:33 14 **Q. -- if ever?**

10:33 15 **MR. BEHRENS: Assumes facts not in**

10:33 16 **evidence.**

10:33 17 A. Again, we were very clear on Sunday

10:33 18 morning that there were still seats to be

10:33 19 installed, that people were working to get

10:33 20 them completed, we were hoping to get them

10:33 21 completed, but that we were working to

10:33 22 accommodate any fans that we weren't able to

10:33 23 get the seats completed for, and we were

10:33 24 trying to make those steps to make sure we

10:33 25 were accommodating our fans.

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1 **Goodell**

10:33 2 **Q. Why did you communicate with**

10:33 3 **Stephen Jones about the temporary seat issue?**

10:33 4 **MR. BEHRENS: Objection, vague.**

10:33 5 A. Stephen Jones for the most part

10:34 6 runs the stadium for the Cowboys.

10:34 7 **Q. Did he have some responsibilities**

10:34 8 **for ensuring that the temporary seats were**

10:34 9 **installed for Super Bowl 45?**

10:34 10 **MR. BEHRENS: Objection, vague;**

10:34 11 **calls for a legal conclusion.**

10:34 12 A. I'm not aware, so I can't draw

10:34 13 conclusions, but Stephen runs the stadium,

10:34 14 and he felt a responsibility just as we did.

10:34 15 **Q. Well, how do you know that?**

10:34 16 **MR. AVENATTI: Well, strike that.**

10:34 17 **Q. I mean isn't it true that you**

10:34 18 **understood that Stephen Jones had**

10:34 19 **responsibility for ensuring that the seats**

10:34 20 **were installed, and that's why you made it a**

10:34 21 **point on the day of the game to talk to him**

10:34 22 **about the need to make sure the seats were**

10:34 23 **installed?**

10:34 24 **MR. BEHRENS: Objection;**

10:34 25 **mischaracterizes the testimony.**

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1 **Goodell**

10:34 2 A. I didn't say I made it a point. I

10:34 3 said I recall we had a conversation about it.

10:34 4 **Q. But did you make it a point to**

10:34 5 **speak with him about the temporary seat issue**

10:34 6 **on the day of the game?**

10:34 7 A. We ran into each other, and I had a

10:34 8 conversation with him about it, and he was

10:34 9 working hard to get the seats completed and

10:35 10 installed.

10:35 11 **Q. So this discussion just occurred by**

10:35 12 **happenstance. You ran into each other.**

10:35 13 **Right?**

10:35 14 **MR. BEHRENS: Object to the**

10:35 15 **characterization.**

10:35 16 A. We did run into each other, yes.

10:35 17 **Q. Let me show you what we'll mark as**

10:35 18 **Exhibit 151.**

10:35 19 **Oh, before I go to 151,**

10:35 20 **Exhibit 150, Mr. Goodell, have you seen that**

10:35 21 **e-mail before, including yesterday in**

10:35 22 **preparation for your deposition here today?**

10:35 23 A. I have not.

10:35 24 **Q. Okay. That's not one of the**

10:35 25 **documents that your counsel showed you**

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1 **Goodell**

10:35 2 **yesterday, before you came here today?**

10:35 3 A. I think I just answered you

10:35 4 question.

10:35 5 I have not seen this, no.

10:35 6 (Plaintiffs' Exhibit 151, printout

10:35 7 of Mr. Grubman 2/4/2011 e-mail to Mr.

10:35 8 Goodell, marked for identification, as

10:35 9 of this date.)

10:35 10 **Q. Okay. Exhibit 151, do you have**

10:35 11 **that there?**

10:35 12 A. I do.

10:35 13 **Q. And this is an e-mail from Mr.**

10:35 14 **Grubman to you dated Friday, February 4th,**

10:36 15 **2011 at 9:28 p.m. do you see that?**

10:36 16 A. Yes, I do.

10:36 17 **Q. Okay. And there are two people**

10:36 18 **cc'd on the e-mail. Do you see that?**

10:36 19 A. I do.

10:36 20 **Q. Who are each of those individuals?**

10:36 21 A. Pete Abitante is a Special

10:36 22 Assistant to me, and Joe Siclare is now our

10:36 23 CFO. He was not our CFO at the time.

10:36 24 **Q. At the time, what position did he**

10:36 25 **hold?**

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1 **Goodell**

10:36 2 A. I don't recall specifically what

10:36 3 his title was, but he was in our finance

10:36 4 department.

10:36 5 **Q. And do you recall receiving this**

10:36 6 **e-mail on or about February 4th, 2011?**

10:36 7 A. I don't.

10:36 8 **Q. The e-mail reads "I will go to the**

10:36 9 **stadium tomorrow morning on the seat install.**

10:36 10 **Stephen has agreed to a summit on this**

10:36 11 **issue." You see that there?**

10:36 12 A. I do.

10:36 13 **Q. Do you recall that at some point in**

10:37 14 **time Mr. Grubman traveled to Cowboy Stadium**

10:37 15 **on Saturday, February 5th, 2011 and met with**

10:37 16 **Mr. Stephen Jones relating to the seat**

10:37 17 **install issue?**

10:37 18 **MR. BEHRENS: Objection; calls for**

10:37 19 **speculation.**

10:37 20 A. I don't recall that he did that.

10:37 21 **Q. Well, had you had discussions with**

10:37 22 **Mr. Grubman before receiving this e-mail,**

10:37 23 **concerning the problems with the temporary**

10:37 24 **seats being installed?**

10:37 25 **MR. BEHRENS: Objection, vague.**

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1 **Goodell**

10:37 2 A. As I told you earlier, to repeat

10:37 3 again, our staff was working to get the seats

10:37 4 installed, and they had several conversations

10:37 5 amongst themselves with the Cowboys, and they

10:37 6 informed me that those conversations were

10:37 7 ongoing.

10:37 8 **Q. Was this the first communication**

10:37 9 **you had with Mr. Grubman about problems with**

10:37 10 **the temporary seats, Mr. Goodell?**

10:38 11 **MR. BEHRENS: Objection. Objection**

10:38 12 **to the characterization. It's vague.**

10:38 13 A. I don't recall who first made me

10:38 14 aware of it, or whether Mr. Grubman. I know

10:38 15 Mr. Grubman was deeply involved with this,

10:38 16 and I had communication with him at some

10:38 17 point.

10:38 18 **Q. What was your understanding as to**

10:38 19 **why there was going to be a summit on the**

10:38 20 **seat install issue?**

10:38 21 **MR. BEHRENS: Objection, lack of**

10:38 22 **foundation.**

10:38 23 A. Again, I was not party to this.

10:38 24 Well, I was aware of the fact that he was

10:38 25 going to this, but I was not party to the

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1 Goodell

10:38 2 summit, but I know they were all working to

10:38 3 try to make sure that the seats were properly

10:38 4 installed in advance of the game. I'm

10:38 5 assuming that that's -- he was making that

10:38 6 point clear to me, that he was going to the

10:38 7 stadium to do that.

10:38 8 **Q. Did you ever follow up with Mr.**

10:38 9 **Grubman to ask what came of this summit**

10:38 10 **that's referenced in this e-mail?**

10:39 11 A. I did not. Not that I'm aware. I

10:39 12 don't recall at least.

10:39 13 **Q. Why not?**

10:39 14 A. Why not what?

10:39 15 **Q. Why didn't you follow up with Mr.**

10:39 16 **Grubman and find out what happened in the**

10:39 17 **summit with Mr. Stephen Jones relating to**

10:39 18 **ensuring that all of the seats were in place**

10:39 19 **before kickoff?**

10:39 20 **MR. BEHRENS: Objection;**

10:39 21 **mischaracterizes the testimony.**

10:39 22 **He said he couldn't recall.**

10:39 23 A. Mr. Grubman is very capable. He

10:39 24 knows when to contact me, and if he needs me,

10:39 25 he will contact me.

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1 Goodell

10:39 2 **Q. Why is it that you never contacted**

10:39 3 **Jerry Jones before kickoff and impress upon**

10:39 4 **the fact that if these seats were not**

10:39 5 **installed properly, that the shield was going**

10:40 6 **to be tarnished and it was going to be an**

10:40 7 **embarrassment to the league?**

10:40 8 A. As I said to you repeatedly, the

10:40 9 Cowboys, specifically Stephen Jones, they all

10:40 10 knew that this would be a black eye for the

10:40 11 league if we weren't able to get these seats

10:40 12 installed. They were all working to do that,

10:40 13 complete it on time, and make sure we

10:40 14 accommodate our fans to avoid that.

10:40 15 **Q. And ultimately they didn't get it**

10:40 16 **done, did they?**

10:40 17 A. That is correct, they did not.

10:40 18 **Q. In your mind, does Stephen Jones**

10:40 19 **and the Cowboys bear responsibility for**

10:40 20 **failing to install or have installed the**

10:40 21 **temporarily seats on time?**

10:40 22 **MR. BEHRENS: Objection, vague, and**

10:40 23 **calls for a legal conclusion.**

10:40 24 **You can answer.**

10:40 25 A. I can't speak to any legal issue,

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1 Goodell

10:41 2 but I was very public that we accepted the

10:41 3 responsibility. We're the ones who put the

10:41 4 event on, and ultimately we have that

10:41 5 responsibility.

10:41 6 **Q. And just to be clear, I'm not**

10:41 7 **asking you as to whether legally they have**

10:41 8 **responsibility. I'm asking you simply -- and**

10:41 9 **I understand that -- that you publicly stated**

10:41 10 **you accept responsibility. We're going to**

10:41 11 **talk about that later. My question is a**

10:41 12 **little different.**

10:41 13 **Here's my question. Do you believe**

10:41 14 **that Steven Jones and the Cowboys bear some**

10:41 15 **responsibility for failing to have the seats**

10:41 16 **installed in time for kickoff?**

10:41 17 **MR. BEHRENS: Objection, asked and**

10:41 18 **answered.**

10:41 19 A. I think I'm very clear on the fact

10:41 20 that we're the ones who put this event on.

10:41 21 Ultimately it's our responsibility. We

10:41 22 accept that responsibility.

10:41 23 **Q. What does it mean in your mind to**

10:41 24 **say we accept that responsibility?**

10:41 25 A. It is our responsibility to put

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1 Goodell

10:42 2 that event on. It is our responsibility to

10:42 3 meet the standards of the NFL, and to make

10:42 4 sure that people who attend the Super Bowl or

10:42 5 any of our events have a positive experience.

10:42 6 We work towards that. We try to accomplish

10:42 7 that.

10:42 8 **Q. And when you say we accept that**

10:42 9 **responsibility, what do you mean by "that"?**

10:42 10 **MR. BEHRENS: Objection. It's**

10:42 11 **asked and answered.**

10:42 12 A. It means that I'm not blaming

10:42 13 others; I'm blaming ourselves. I'm accepting

10:42 14 the responsibility for that.

10:42 15 **Q. You're blaming yourself in part,**

10:42 16 **right?**

10:42 17 **MR. BEHRENS: Objection. It's**

10:42 18 **asked and answered.**

10:42 19 A. Sir, I've been very clear about we

10:42 20 accept responsibility.

10:42 21 **Q. You said that I'm response --**

10:42 22 **MR. AVENATTI: Strike that.**

10:42 23 **Q. You said "I'm accepting**

10:42 24 **responsibility for that. I'm blaming**

10:42 25 **ourselves." Did you just give that**

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1 Goodell

10:42 2 testimony?

10:42 3 MR. BEHRENS: Objection. It's

10:42 4 asked and answered.

10:42 5 A. That's exactly what I said.

10:43 6 I'm perfectly comfortable with that

10:43 7 answer.

10:43 8 Q. Okay.

10:43 9 Why do you blame yourself?

10:43 10 A. Because it is our event, and it is

10:43 11 our responsibility to produce it in a

10:43 12 positive way, and make sure that we deliver

10:43 13 on our promise.

10:43 14 Q. And when you failed to deliver on

10:43 15 your promise, you're supposed to make it

10:43 16 right.

10:43 17 MR. BEHRENS: Objection. It's

10:43 18 calling for a legal conclusion. Object

10:43 19 to the characterization.

10:43 20 You can answer.

10:43 21 Q. (Continuing) Am I correct?

10:43 22 A. I think on the morning after the

10:43 23 game I spoke publicly that we accept the

10:43 24 responsibility and that we would work with

10:43 25 our fans to try to do what we could to make

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1 Goodell

10:43 2 it right.

10:43 3 MR. BEHRENS: Counsel, when you get

10:43 4 a chance for a break, we could use a

10:43 5 rest room break.

10:43 6 Q. Mr. Goodell, have you understood

10:43 7 each question that I've asked, that you've

10:43 8 then proceeded to answer.

10:43 9 A. I've tried to listen very

10:43 10 carefully.

10:43 11 Q. Okay. Are you aware of any

10:43 12 question that I asked that you proceeded to

10:44 13 answer that you did not understand?

10:44 14 A. As I said, I tried to be very

10:44 15 careful.

10:44 16 Q. All right, I understand that. But

10:44 17 as you sit here right now are you aware of

10:44 18 any question that I asked that you proceeded

10:44 19 to answer that you did not understand?

10:44 20 A. I think I understood your

10:44 21 questions.

10:44 22 Q. Okay. Would you like to make any

10:44 23 corrections, additions or changes to any of

10:44 24 your testimony?

10:44 25 A. I don't believe so.

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1 Goodell

10:44 2 MR. AVENATTI: All right. Why don't

10:44 3 we go off the record.

10:44 4 THE VIDEOGRAPHER: The time is

10:44 5 10:44 a.m. and we are off the record.

10:58 6 (Recess taken.)

10:58 7 THE VIDEOGRAPHER: The time is

10:59 8 10:59 a.m. and we are back on the

10:59 9 record.

10:59 10 Q. Mr. Goodell, referring you back to

10:59 11 151, the e-mail that we were just discussing,

10:59 12 from Mr. Grubman. Do you have that in front

10:59 13 of you?

10:59 14 A. Yes sir.

10:59 15 Q. Now, earlier in the day on February

10:59 16 4th you had given a Super Bowl press

10:59 17 conference. Do you recall that generally?

10:59 18 A. Yes.

10:59 19 Q. And that's an annual press

10:59 20 conference that you give generally a couple

10:59 21 days before the Super Bowl, correct?

10:59 22 A. That Friday morning, yes.

10:59 23 Q. Why didn't you mention any problems

10:59 24 with the temporary seating during that press

10:59 25 conference?

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1 Goodell

10:59 2 A. I'm answering questions from the

11:00 3 media.

11:00 4 Q. Didn't you give an opening

11:00 5 statement at that press conference?

11:00 6 A. My opening statement is very brief

11:00 7 and very broad. I'm there to answer

11:00 8 questions from the media.

11:00 9 Q. Why is it that you didn't mention

11:00 10 during your opening statement that there may

11:00 11 be problems with some of the temporary

11:00 12 seating at the Super Bowl?

11:00 13 MR. BEHRENS: Objection; assumes

11:00 14 facts not in evidence.

11:00 15 A. As I said, my opening statement at

11:00 16 the press conference is very short. I'm

11:00 17 answering questions from the media, and I

11:00 18 don't recall whether the media asked any

11:00 19 questions about it.

11:00 20 Q. Well, regardless of how short or

11:00 21 how long it was, you had an opportunity to

11:00 22 mention during that opening statement that

11:00 23 there may be problems with the temporary

11:00 24 seating, didn't you?

11:00 25 MR. BEHRENS: Objection. It's

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1 Goodell

11:00 2 misleading. Assumes facts not in

11:00 3 evidence.

11:01 4 Q. (Continuing) Go ahead.

11:01 5 A. I think I've answered your question

11:01 6 to the best of my ability. I'm sorry if

11:01 7 you're not satisfied with it.

11:01 8 Q. Well, I don't think you have.

11:01 9 MR. AVENATTI: Let me have that

11:01 10 question read back, please.

11:01 11 (Record read, as follows:

11:00 12 "Well, regardless of how short or

11:00 13 how long it was, you had an opportunity

11:00 14 to mention during that opening statement

11:00 15 that there may be problems with the

11:00 16 temporary seating, didn't you?")

11:01 17 MR. BEHRENS: Same objections;

11:01 18 assumes facts not in evidence, lack of

11:01 19 foundation.

11:01 20 A. Again, my opening statement is very

11:01 21 general and very brief. I'm there to answer

11:01 22 questions from thousands of media.

11:01 23 Q. Who decided what was going to be

11:01 24 contained in your opening statement?

11:01 25 A. At the end of the day, I did.

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1 Goodell

11:02 2 Q. Were you limited in what you could

11:02 3 say, during your opening statement, by

11:02 4 anyone?

11:02 5 A. I choose to make the points that I

11:02 6 wanted to make on a general discussion. I do

11:02 7 that several times in most cases well before

11:02 8 I even come to Dallas or the Super Bowl site.

11:02 9 Q. And before you gave your opening

11:02 10 statement you chose --

11:02 11 MR. AVENATTI: Strike that.

11:02 12 Q. Before you gave your opening

11:02 13 statement you did not choose to make any

11:02 14 statement relating to the seating issues at

11:02 15 that time --

11:02 16 MR. BEHRENS: Objection, vague,

11:02 17 and --

11:02 18 Q. -- correct?

11:02 19 MR. BEHRENS: -- assumes facts not

11:02 20 in evidence.

11:02 21 A. It wasn't a choice. It was -- my

11:02 22 focus was on making some very broad comments,

11:02 23 and taking the questions from the media.

11:02 24 They can answer -- ask any question they

11:02 25 wish.

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1 Goodell

11:03 2 Q. And in connection with answering

11:03 3 those questions, you didn't mention any

11:03 4 potential problems with the temporary seats,

11:03 5 did you?

11:03 6 MR. BEHRENS: Objection. It's

11:03 7 asked and answered.

11:03 8 A. As I said before, I don't recall

11:03 9 being asked and I don't recall any discussion

11:03 10 on that.

11:03 11 Q. So it's your position that because

11:03 12 a member of the media did not specifically

11:03 13 ask you whether all the temporary seats were

11:03 14 going to be installed, you didn't deem it

11:03 15 necessary to inform the press of that fact

11:03 16 during that press conference; is that

11:03 17 correct?

11:03 18 MR. BEHRENS: Objection;

11:03 19 mischaracterizes the testimony, and it's

11:03 20 argumentative.

11:03 21 A. I think it was very clear,

11:03 22 counselor, that my comments are very brief,

11:03 23 and I am there to answer the questions of the

11:03 24 media.

11:03 25 Q. And indeed during that opening

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1 Goodell

11:03 2 statement you make it a point to say, quote,

11:04 3 we know we are going to have a great weekend,

11:04 4 but we want to thank the leadership here in

11:04 5 this community for all they have done, close

11:04 6 quote. Do you recall that?

11:04 7 A. I don't specifically, no.

11:04 8 MR. AVENATTI: Okay. We'll mark as

11:04 9 the next exhibit in order, as 152, a

11:04 10 multi-page document, and on the cover it

11:04 11 reads "Commissioner Goodell Press

11:04 12 Conference Transcript."

11:04 13 (Plaintiffs' Exhibit 152,

11:04 14 "Commissioner Goodell Press Conference

11:04 15 Transcript", marked for identification,

11:05 16 as of this date.)

11:05 17 (Discussion off the record.)

11:05 18 THE WITNESS: Thank you.

11:05 19 Q. Mr. Goodell, are you generally

11:05 20 aware that transcripts of your press

11:05 21 conferences are posted on the NFL website?

11:05 22 A. I am not.

11:05 23 Q. Okay. You don't know if that's

11:05 24 true or not.

11:05 25 A. I don't.

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1 Goodell

11:05 2 **Q. Okay. So directing your attention**

11:05 3 **to Exhibit 152, you see at the top it says**

11:05 4 **"Commissioner Goodell Press Conference**

11:05 5 **Transcript. NFL Commissioner Roger Goodell**

11:05 6 **spoke with the media today in his annual**

11:05 7 **Super Bowl press conference at the Super**

11:05 8 **Bowl 45 Media Center in North Texas.**

11:05 9 **Following is a transcript of the press**

11:05 10 **conference. NFL Commissioner Roger Goodell,**

11:05 11 **Super Bowl 45 News Conference, Dallas, Texas**

11:06 12 **February 4th, 2011," and then it states**

11:06 13 **"Opening Statement." Do you see that?**

11:06 14 A. I do.

11:06 15 **Q. And then it's got quotations marks**

11:06 16 **and it starts with "Good morning. Welcome to**

11:06 17 **Super Bowl 45." Do you see that?**

11:06 18 A. I do.

11:06 19 **Q. All right. Take a moment and look**

11:06 20 **at this document for me and tell me if to the**

11:06 21 **best of your knowledge this is a true and**

11:06 22 **correct copy of the transcript from your**

11:06 23 **press conference, to the best of your**

11:06 24 **knowledge.**

11:06 25 A. Would you like me to read it?

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1 Goodell

11:06 2 **Q. I'd like you to take a look at it**

11:06 3 **so that you're comfortable to answer my**

11:06 4 **question.**

11:06 5 A. (Perusing document) Well, I haven't

11:07 6 read, it but I have no reason to believe it's

11:07 7 not a transcript.

11:07 8 **Q. You don't have any reason to**

11:07 9 **believe that it's not an accurate transcript**

11:07 10 **of your press conference, do you?**

11:07 11 A. Well, again, without reading it,

11:07 12 but I don't believe -- you know, if they put

11:07 13 this on NFL.com, I assume it's generally an

11:07 14 accurate document.

11:07 15 **Q. And go ahead and take a look at the**

11:07 16 **-- the opening statement. I would like you**

11:07 17 **to read that, beginning on the first page of**

11:07 18 **152 and continuing onto the second page. Go**

11:07 19 **ahead and read that to yourself, and I want**

11:07 20 **to ask you some questions about it.**

11:07 21 A. (Reading) Okay. You want me to

11:09 22 finish it? "Okay, I think" (inaudible)?

11:09 23 **Q. Yes, please.**

11:09 24 A. Okay.

11:09 25 **Q. Have you had a chance to review the**

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1 Goodell

11:09 2 **opening statement?**

11:09 3 A. I've finished reading it, yes.

11:09 4 **Q. Okay. And is that the opening**

11:09 5 **statement that you gave on or about**

11:09 6 **February 4th, 2011, to the best of your**

11:09 7 **knowledge?**

11:10 8 A. To the best of my knowledge, it is.

11:10 9 **Q. And during that opening statement,**

11:10 10 **at the top of the second page, or as**

11:10 11 **reflected at the top of the second page, you**

11:10 12 **stated "We know that we are going to have a**

11:10 13 **great weekend, but we want to thank the**

11:10 14 **leadership here in this community for all**

11:10 15 **they have done," correct?**

11:10 16 A. Yes.

11:10 17 **Q. And then you went on to thank a**

11:10 18 **number of people involved in the effort,**

11:10 19 **including, I believe, first Jerry Jones, Bill**

11:10 20 **Lively, Dan Jenkins, and others, correct?**

11:10 21 A. (Reading) Well, I think I started

11:10 22 with that public officials that had been

11:10 23 focused, prepared for all outcomes --

11:10 24 **Q. All right.**

11:10 25 A. -- but I did -- I did thank those

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1 Goodell

11:10 2 other individuals also, yes.

11:10 3 **Q. And who made the choice, in the**

11:10 4 **opening statement, to call out these**

11:10 5 **individuals to thank them for their efforts?**

11:10 6 **That was you, correct?**

11:11 7 A. Traditionally we thank the Super

11:11 8 Bowl host, meaning the people that were

11:11 9 involved with the production of the game.

11:11 10 That's something we traditionally do.

11:11 11 **Q. And you also made it a point to say**

11:11 12 **"We know that we are going to have a great**

11:11 13 **weekend," correct?**

11:11 14 A. Yes.

11:11 15 **Q. Is there any specific reason why**

11:11 16 **you didn't inform the press that there might**

11:11 17 **be challenges regarding some of the temporary**

11:11 18 **seating?**

11:11 19 **MR. BEHRENS: Objection; assumes**

11:11 20 **facts not in evidence. Object to the**

11:11 21 **characterization.**

11:11 22 A. Again, this opening statement is

11:11 23 very broad, and the media follows with

11:11 24 questions. They can ask any question they

11:11 25 wish.

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1 Goodell

11:12 2 **Q. Have you finished your answer?**

11:12 3 A. Yes, I have.

11:12 4 **Q. Is there anything you'd like to add**

11:12 5 **to that answer?**

11:12 6 **Q. No?**

11:12 7 A. I'm just answering your question,

11:12 8 sir.

11:12 9 **Q. Now, in advance of this press**

11:12 10 **conference, you were prepared by your staff,**

11:12 11 **correct?**

11:12 12 A. For what? The press conference?

11:12 13 **Q. Yeah.**

11:12 14 A. Yes.

11:12 15 **Q. And what did that preparation**

11:12 16 **entail generally?**

11:12 17 A. We meet about potential questions

11:12 18 that would be asked by the media.

11:12 19 **Q. And you're generally provided with**

11:12 20 **an outline of what some of those questions**

11:12 21 **might be, and you discuss what your answers**

11:12 22 **should include and not include, correct?**

11:12 23 A. I try to be informed about the

11:13 24 issues so I can answer their question.

11:13 25 **Q. And generally speaking --**

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1 Goodell

11:13 2 **MR. AVENATTI: Well strike that.**

11:13 3 **Q. In connection with this press**

11:13 4 **conference, before beginning the press**

11:13 5 **conference, days before, there was an outline**

11:13 6 **prepared as to some of the questions that you**

11:13 7 **might be asked and some of the answers that**

11:13 8 **you might provide, correct?**

11:13 9 **MR. BEHRENS: Object to the**

11:13 10 **characterization.**

11:13 11 A. In advance of the press conference,

11:13 12 frequently will write down questions that may

11:13 13 be asked by the media, and inform me of some

11:13 14 of the things that should be included, and

11:13 15 the answer to be responsive.

11:13 16 **Q. And did they do that in advance of**

11:13 17 **this press conference, to the best of your**

11:13 18 **knowledge?**

11:13 19 A. I would assume they did.

11:13 20 **Q. Did you review Exhibit 152 in**

11:14 21 **preparation for your deposition here today?**

11:14 22 A. I did not.

11:14 23 **Q. I'll show you what we'll mark as**

11:15 24 **Exhibit 153, a document produced at**

11:15 25 **NFL 028221 through 254.**

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1 Goodell

11:15 2 **MR. AVENATTI: I only have one copy**

11:15 3 **of the document, so if you -- Ms. Court**

11:15 4 **Reporter, if you could please pass it to**

11:15 5 **Mr. Behrens before providing it to the**

11:15 6 **witness, I'd appreciate it.**

11:15 7 **(Plaintiffs' Exhibit 153, printout**

11:15 8 **of Dan Masonson 1/28/2011 e-mail, Bates**

11:15 9 **NFL 028221 to 254, marked for**

11:16 10 **identification, as of this date.)**

11:16 11 **(Discussion off the record.)**

11:16 12 **MR. BEHRENS: Here you are,**

11:16 13 **Commissioner.**

11:16 14 **Q. Mr. Goodell, do you have**

11:16 15 **Exhibit 153 in front of you?**

11:16 16 A. I do.

11:16 17 **Q. And as of January 28th, 2011 who**

11:16 18 **was Dan Masonson?**

11:16 19 A. He is in our Public -- was in our

11:17 20 Public Relations Department.

11:17 21 **Q. And to your knowledge, did you**

11:17 22 **receive these documents in advance of your**

11:17 23 **Super Bowl press conference to be held on**

11:17 24 **February 4, 2011?**

11:17 25 A. (Reading) I don't recall you, but I

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1 Goodell

11:17 2 don't think this was being sent to me.

11:17 3 **Q. You don't believe that you're**

11:17 4 **included within the "NFL Senior Management**

11:17 5 **Group," as it relates to this e-mail?**

11:17 6 A. It's for purposes of this

11:17 7 distribution. I -- I don't know that.

11:17 8 **Q. Go ahead and take a look at page**

11:17 9 **28252 for me, please. It's near the end.**

11:17 10 A. (Perusing document) Just so I'm

11:18 11 clear, the NFL 028228?

11:18 12 **Q. 028252.**

11:18 13 **MR. BEHRENS: Two five two.**

11:18 14 A. (Perusing document) Okay.

11:18 15 **Q. And you see the heading near the**

11:18 16 **top of the page, "SUPER BOWL ISSUES," all**

11:18 17 **caps? Do you see that?**

11:18 18 A. I do.

11:18 19 **Q. And then there's a heading that**

11:18 20 **reads Key "Challenges in Dallas-Fort Worth**

11:18 21 **This Week," question mark. Do you see that?**

11:18 22 A. Yes, I do.

11:18 23 **Q. And there's an answer provided**

11:18 24 **immediately below that. Do you see that?**

11:18 25 A. I do.

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1 Goodell

11:18 2 **Q. And can you please read that answer**

11:18 3 **into the record, those two sentences?**

11:18 4 **MR. BEHRENS: Objection, lack of**

11:18 5 **foundation.**

11:18 6 **He's not going to read. If you**

11:19 7 **have a question about it, you can ask**

11:19 8 **the question.**

11:19 9 **Q. (Continuing) Please read that into**

11:19 10 **the record.**

11:19 11 **MR. BEHRENS: He's not going to**

11:19 12 **read the question (sic).**

11:19 13 **MR. AVENATTI: Are you instructing**

11:19 14 **him not to read the answer?**

11:19 15 **MR. BEHRENS: Yes, because this is**

11:19 16 **a document he said he never -- he did**

11:19 17 **not recall receiving, and you're asking**

11:19 18 **him to read.**

11:19 19 **MR. AVENATTI: That's not a valid**

11:19 20 **reason to instruct a witness not to do**

11:19 21 **something, counsel.**

11:19 22 **MR. BEHRENS: It's not within the**

11:19 23 **scope of the questions Judge Toliver**

11:19 24 **ordered.**

11:19 25 **MR. AVENATTI: It absolutely is.**

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1 Goodell

11:19 2 **MR. BEHRENS: He's not going to**

11:19 3 **read the statement.**

11:19 4 **MRK MR. AVENATTI: Please mark that.**

11:19 5 **That will be the first issue we'll**

11:19 6 **raise with Judge Toliver this afternoon.**

11:19 7 **Q. Mr. Goodell, isn't it true that you**

11:19 8 **were advised if you were asked about key**

11:19 9 **challenges in the Dallas-Fort Worth area, you**

11:19 10 **were advised by your staff to answer that**

11:19 11 **there hadn't been any such challenges?**

11:19 12 **MR. BEHRENS: Objection, lack of**

11:19 13 **foundation.**

11:19 14 **A. I don't recall specifically what**

11:19 15 **was advised of me two years ago.**

11:20 16 **Q. Well, do you have any reason to**

11:20 17 **believe that the answer that appears on 28252**

11:20 18 **beginning with "Haven't been" is not what you**

11:20 19 **were advised?**

11:20 20 **MR. BEHRENS: Objection, lack of**

11:20 21 **foundation, vague, confusing question.**

11:20 22 **A. I could read the document as you**

11:20 23 **can and see the answer that's provided on**

11:20 24 **here. If this document is accurate, it's**

11:20 25 **clear that there hadn't been issues at that**

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1 Goodell

11:20 2 point in time, and that the Super Bowl host

11:20 3 committee had done a terrific job at that

11:20 4 point. This was prepared at least a week

11:20 5 before the game, probably further than that.

11:20 6 **Q. No one prevented you from**

11:20 7 **mentioning problems with the temporary**

11:20 8 **seating during your press conference on**

11:20 9 **February 4th, 2011, did they?**

11:20 10 **MR. BEHRENS: Objection, assumes**

11:20 11 **facts not in evidence.**

11:21 12 **A. I was not asked the question by the**

11:21 13 **media.**

11:21 14 **Q. That's not what I asked.**

11:21 15 **I'm asking you did anyone prevent**

11:21 16 **you, Mr. Goodell, from mentioning problems**

11:21 17 **with the temporary seating during your press**

11:21 18 **conference on February 4th, 2011.**

11:21 19 **MR. BEHRENS: Objection. It's**

11:21 20 **vague and assumes facts not in evidence.**

11:21 21 **A. I think I've answered this question**

11:21 22 **for you before.**

11:21 23 **Q. You haven't answered this question,**

11:21 24 **and it's relatively simple.**

11:21 25 **Did anyone prevent you, Mr.**

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1 Goodell

11:21 2 **Goodell, from mentioning the problems with**

11:21 3 **the temporary seating during your press**

11:21 4 **conference on February 4th, 2011?**

11:21 5 **MR. BEHRENS: Objection, vague;**

11:21 6 **assumes facts not in evidence.**

11:21 7 **A. I told you at least twice now that**

11:21 8 **I am there to respond to the media's**

11:21 9 **questions. I provide the answers to the best**

11:21 10 **of my ability. I'm responsible for what I**

11:21 11 **say at that press conference.**

11:21 12 **Q. And nobody prevented you from**

11:21 13 **mentioning it, did they?**

11:21 14 **MR. BEHRENS: Same objections.**

11:22 15 **It's asked and answered.**

11:22 16 **A. I think I've answered your**

11:22 17 **question, counselor. I've tried. I'm sorry.**

11:22 18 **Q. So because the media failed to ask**

11:22 19 **you a question about the temporary seating**

11:22 20 **issue, you concluded that it was okay to --**

11:22 21 **to conceal the problems; is that right?**

11:22 22 **MR. BEHRENS: Objection;**

11:22 23 **mischaracterizes the record, assumes**

11:22 24 **facts not in evidence, and it's**

11:22 25 **deliberately misleading.**

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1 **Goodell**

11:22 2 **What problems two days before the**

11:22 3 **game?**

11:22 4 **Q. (Continuing) Go ahead, Mr. Goodell.**

11:22 5 **MR. AVENATTI: If you do that again,**

11:22 6 **we're going to suspend the deposition,**

11:22 7 **and I'm going to get Judge Toliver on**

11:23 8 **the phone, who's already made it clear**

11:23 9 **that we're here today, despite all of**

11:23 10 **your obstructionist tactics, to take**

11:23 11 **this man's deposition, and I intend to**

11:23 12 **do so until I'm complete with my**

11:23 13 **questioning.**

11:23 14 **MR. BEHRENS: And I intend to**

11:23 15 **object if you ask -- ask objectionable**

11:23 16 **questions.**

11:23 17 **MR. AVENATTI: No more speaking**

11:23 18 **objections. You know that's not proper.**

11:23 19 **MR. BEHRENS: It is proper.**

11:23 20 **MR. AVENATTI: I'd like to see the**

11:23 21 **authority, during the next break, as to**

11:23 22 **how you believe that speaking objections**

11:23 23 **are proper, in Texas or anywhere else.**

11:23 24 **MR. BEHRENS: Why don't you proceed**

11:23 25 **with your questioning?**

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1 **Goodell**

11:23 2 **MR. AVENATTI: May I have my**

11:23 3 **question read back, please.**

11:23 4 **(Record read, as follows:**

11:22 5 **"So because the media failed to ask**

11:22 6 **you a question about the temporary**

11:22 7 **seating issue, you concluded that it was**

11:22 8 **okay to -- to conceal problems; is that**

11:23 9 **right?")**

11:23 10 **THE COURT REPORTER: The objections**

11:23 11 **are noted.**

11:23 12 **MR. BEHRENS: Same objections.**

11:24 13 A. I think I've been very clear that

11:24 14 I'm there to answer the questions of the

11:24 15 media. I try to be very responsive and

11:24 16 accurate with my question -- with my answers.

11:24 17 **Q. Would you like to add anything**

11:24 18 **else, Mr. Goodell?**

11:24 19 A. Regarding what?

11:24 20 **Q. Regarding that answer.**

11:24 21 **Have you completed your answer?**

11:24 22 **MR. BEHRENS: It's asked and**

11:24 23 **answered --**

11:24 24 A. I've completed my answer.

11:24 25 **MR. BEHRENS: -- two or three**

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1 **Goodell**

11:24 2 **times.**

11:24 3 **(Handing).**

11:24 4 **MR. BEHRENS: 154?**

11:25 5 **THE COURT REPORTER: Yes, sir.**

11:25 6 **MR. AVENATTI: We will mark as**

11:25 7 **Exhibit 154 a single-page document**

11:25 8 **produced at NFL 36818, an e-mail from**

11:25 9 **Mr. Grubman to Mr. Goodell dated**

11:25 10 **February 5th, 2011.**

11:25 11 **(Plaintiffs' Exhibit 154, printout**

11:25 12 **of Mr. Grubman 2/5/2011 e-mail to Mr.**

11:25 13 **Goodell, Bates NFL 36818, marked for**

11:25 14 **identification, as of this date.)**

11:25 15 **(Witness and counsel confer off the**

11:25 16 **record.)**

11:25 17 **Q. Sir, do you have an Exhibit 154 in**

11:25 18 **front of you?**

11:25 19 A. I do.

11:25 20 **Q. Is this one of the documents that**

11:25 21 **Mr. Behrens showed you in preparation for**

11:25 22 **your deposition today?**

11:25 23 A. I'm sorry. What was your question?

11:25 24 **Q. Sure.**

11:25 25 **Is this one of the documents that**

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1 **Goodell**

11:25 2 **Mr. Behrens showed you in preparation for**

11:26 3 **your deposition here today?**

11:26 4 A. No, it's not.

11:26 5 **Q. And at the top it says "From: Eric**

11:26 6 **Grubman, To: Roger Goodell," and it's got**

11:26 7 **the date of Saturday, February 5th, 2011. Do**

11:26 8 **you see that?**

11:26 9 A. I do.

11:26 10 **Q. Do you have any reason to believe**

11:26 11 **that you did not receive this e-mail on or**

11:26 12 **about that date?**

11:26 13 A. I don't.

11:26 14 **Q. And the e-mail reads "Sorry to miss**

11:26 15 **the meeting this morning. Figured you had**

11:26 16 **all the horses you needed given the**

11:26 17 **description of the meeting. Was at stadium**

11:26 18 **with JJ and others going through seat and ice**

11:26 19 **issues," period. Do you see that?**

11:26 20 A. I do.

11:26 21 **Q. And when you received this e-mail**

11:26 22 **did you understand Mr. Grubman to be**

11:26 23 **referring to Jerry Jones when he used the**

11:27 24 **initials JJ?**

11:27 25 A. (Reading) I would imagine and would

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1 Goodell

11:27 2 assume that was Jerry Jones, yes.

11:27 3 **Q. And that's generally how Mr. Jones**

11:27 4 **is referred to internally in e-mail**

11:27 5 **communication between you and other**

11:27 6 **executives at the league from time to time;**

11:27 7 **is that fair?**

11:27 8 **MR. BEHRENS: Objection, lack of**

11:27 9 **foundation. Calls for speculation.**

11:27 10 **You can answer.**

11:27 11 A. I think you made two different

11:27 12 points in there, but I think it's reasonable

11:27 13 to conclude it was Jerry Jones.

11:27 14 **Q. And generally speaking, when you**

11:27 15 **had e-mail communications about Mr. Jones**

11:27 16 **internally, the initials JJ are used by you**

11:27 17 **and your staff.**

11:27 18 **MR. BEHRENS: Objection.**

11:27 19 **Q. (Continuing) Is that generally**

11:27 20 **true?**

11:27 21 **MR. BEHRENS: Objection, lack of**

11:27 22 **foundation.**

11:27 23 **You can answer it.**

11:27 24 A. No, I wouldn't say that. I think

11:27 25 they would say Jerry Jones.

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1 Goodell

11:27 2 **Q. But from time to time you're aware**

11:27 3 **of e-mails separate and apart from this**

11:28 4 **e-mail where Mr. Jones is referred to as JJ?**

11:28 5 **MR. BEHRENS: Objection, lack of**

11:28 6 **foundation.**

11:28 7 A. I've heard him referred to as JJ

11:28 8 before, if that answers your question.

11:28 9 **Q. And in e-mail correspondence within**

11:28 10 **the league, right?**

11:28 11 **MR. BEHRENS: Same objection.**

11:28 12 A. I've heard him referred to as JJ

11:28 13 before in our office, yes.

11:28 14 **Q. Okay. What did you understand Mr.**

11:28 15 **Grubman to mean when he say -- when he said**

11:28 16 **that he was "at stadium with JJ and others**

11:28 17 **going through seat and ice issues"?**

11:28 18 A. Exactly what you just said. I'm

11:28 19 only reading the document that he provided.

11:28 20 **Q. Well, at the time, did you**

11:28 21 **understand that there were issues with the**

11:28 22 **seating, as of this date and time at the top**

11:28 23 **of 154?**

11:28 24 **MR. BEHRENS: Objection, vague,**

11:28 25 **lack of foundation.**

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1 Goodell

11:29 2 A. Again, as I said, we have personnel

11:29 3 that are working on the production of this

11:29 4 event. He was telling me that he was not at

11:29 5 the meeting because he was at the stadium

11:29 6 meeting with Jerry Jones to talk about some

11:29 7 of the issues they were trying to address.

11:29 8 **Q. Did you follow up with Mr. Grubman**

11:29 9 **and ask him what happened during his meeting**

11:29 10 **with Jerry Jones and others as it related to**

11:29 11 **the seat issues?**

11:29 12 A. I did not.

11:29 13 As I stated earlier, Mr. Grubman is

11:29 14 capable of advising me when necessary, when I

11:29 15 need to be involved.

11:29 16 **Q. In retrospect, you believe that you**

11:29 17 **should have followed up with Mr. Grubman and**

11:29 18 **ask -- and asked him exactly what was going**

11:29 19 **on with the seating issues and what had come**

11:29 20 **from his meeting with Jerry Jones.**

11:29 21 A. Eric and the others are very

11:29 22 capable executives. I -- I allow them to do

11:29 23 their job.

11:29 24 **Q. So is that a no?**

11:30 25 A. I let --

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1 Goodell

11:30 2 **MR. BEHRENS: Objection.**

11:30 3 A. I let --

11:30 4 **MR. BEHRENS: It's**

11:30 5 **mischaracterizing the testimony.**

11:30 6 **(Discussion off the record.)**

11:30 7 A. We have very capable people putting

11:30 8 on the Super Bowl. He is very capable of

11:30 9 raising issues with me when necessary.

11:30 10 **Q. In retrospect, Mr. Goodell, do you**

11:30 11 **believe you should have followed up with Mr.**

11:30 12 **Grubman and asked him exactly what was going**

11:30 13 **on relating to the seating issues and what**

11:30 14 **had come from this meeting with Jerry Jones?**

11:30 15 **MR. BEHRENS: Objection, vague as**

11:30 16 **to time; assumes facts not in evidence.**

11:30 17 A. I think Eric Grubman is very

11:30 18 capable of doing his job and addressing the

11:31 19 issues. There are plenty of issues that are

11:31 20 ongoing in the production of this kind of

11:31 21 event. If he felt that I needed to be

11:31 22 informed, he would have informed me.

11:31 23 **Q. Do you follow up from time to time**

11:31 24 **with people that work for you, to make sure**

11:31 25 **that they are focused on a particular task,**

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1 Goodell

11:31 2 Mr. Goodell?

11:31 3 MR. BEHRENS: Objection, vague.

11:31 4 A. The tasks that I have given them?

11:31 5 Q. Or that they're responsible for.

11:31 6 MR. BEHRENS: Same objection.

11:31 7 A. Again, I have great confidence in

11:31 8 our people. I -- if I gave a specific task,

11:31 9 then I expect that they will follow through

11:31 10 with it.

11:31 11 Q. And from time to time, as the head

11:31 12 of an organization, as someone who is

11:31 13 supposed to be showing leadership, it's on

11:31 14 you, as in any other organization, to follow

11:31 15 up from time to time and make sure that

11:31 16 things that you expect to get done are

11:31 17 getting done, right?

11:31 18 MR. BEHRENS: Objection, vague.

11:31 19 A. I think you said it in there, is

11:31 20 that they know the expectations of what needs

11:31 21 to get done to put on an event like this, or

11:32 22 in any other responsibilities of their job.

11:32 23 Q. But you --

11:32 24 A. I deal with strategy. I deal with

11:32 25 trying to make sure that we're focused on the

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1 Goodell

11:32 2 right things from a broad perspective for --

11:32 3 for the league. We have individuals that

11:32 4 execute on events and other areas of our

11:32 5 operation.

11:32 6 Q. And from time to time it's your

11:32 7 responsibility as the leader of the NFL, the

11:32 8 CFO, if you will, to ensure that various

11:32 9 tasks that are important to the league are in

11:32 10 fact getting done, and that was true as of

11:32 11 February 5th, 2011, right?

11:32 12 MR. BEHRENS: Objection, vague, and

11:32 13 it's asked and answered.

11:32 14 A. Counselor, I've -- I've been --

11:32 15 very direct about my responsibility. I

11:32 16 accept responsibility. It is my

11:32 17 responsibility at the end of the day.

11:32 18 Q. My question's a little different.

11:32 19 Did you follow up with Mr. Grubman,

11:32 20 after receiving this e-mail, and find out

11:32 21 from Mr. Grubman what exactly was going on

11:33 22 relating to the temporary seating and what

11:33 23 had transpired during this meeting with Jerry

11:33 24 Jones?

11:33 25 MR. BEHRENS: Objection, vague as

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1 Goodell

11:33 2 to time. It's asked and answered.

11:33 3 A. I think I've answered your question

11:33 4 to the best of my ability, counselor. I'm

11:33 5 sorry.

11:33 6 Q. To the extent that you ever

11:33 7 followed up with Mr. Grubman after receiving

11:33 8 this e-mail in an effort to find out extra

11:33 9 exactly was transpiring with the temporary

11:33 10 seating issues and what had occurred during

11:33 11 the meeting with Jerry Jones, please so state

11:33 12 for the jury and the record.

11:33 13 MR. BEHRENS: Objection.

11:33 14 Let the record reflect that there

11:33 15 is no jury, and it's asked and answered.

11:33 16 You can answer.

11:33 17 A. Again, Mr. Grubman and Mr.

11:33 18 Supovitz, they're dealing with a lot of

11:33 19 issues during the week of the Super Bowl.

11:33 20 They do not keep me informed of every one of

11:33 21 those issues until they think it rises to the

11:33 22 level that I need to be aware of it.

11:34 23 Q. After being alerted to issues with

11:34 24 the temporary seating what did you do to

11:34 25 ensure that you were being kept adequately

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1 Goodell

11:34 2 informed as to those issues, if anything,?

11:34 3 MR. BEHRENS: Objection, vague.

11:34 4 A. At what point?

11:34 5 Q. At any point.

11:34 6 A. Well, I think you've already

11:34 7 demonstrated here in a couple of exhibits

11:34 8 that our staff were focused on these issues

11:34 9 and trying to resolve them.

11:34 10 Q. I'm not asking, Mr. Goodell, what

11:34 11 your staff was doing. I'm asking what you

11:34 12 were doing as the leader of the NFL to ensure

11:34 13 that you were being kept adequately informed

11:34 14 as to the problems with the temporary seats.

11:34 15 That's my question.

11:34 16 MR. BEHRENS: Objection, vague, and

11:34 17 it's asked and answered.

11:34 18 A. Our staff is very capable, and

11:34 19 keeps me informed when necessary.

11:34 20 Q. Did you ever tell Mr. Grubman or

11:35 21 anyone else anything along the lines of, hey,

11:35 22 make sure you keep me in the loop as to

11:35 23 what's going on with these temporary seating

11:35 24 issues, because this is a serious problem?

11:35 25 MR. BEHRENS: Objection, vague.

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1 **Goodell**

11:35 2 A. In general, I would say that Mr.

11:35 3 Grubman, Frank Supovitz, others in our office

11:35 4 understood the importance of the temporary

11:35 5 seats, and were keeping me informed as they

11:35 6 felt it was necessary.

11:35 7 **Q. To the extent that you ever told**

11:35 8 **Mr. Grubman or anyone anything else anything**

11:35 9 **along those lines, please so state to the**

11:35 10 **jury and the record.**

11:35 11 **MR. BEHRENS: Objection.**

11:35 12 **Let the record reflect there is no**

11:35 13 **jury in the room, and it's asked and**

11:35 14 **answered.**

11:35 15 A. Could you be more specific about

11:35 16 did I ever -- I'm sorry.

11:35 17 **Q. Sure.**

11:35 18 A. I'm not getting your question.

11:35 19 **Q. To the extent that you ever told**

11:35 20 **Mr. Grubman or anyone else anything along the**

11:36 21 **lines of please make sure you keep me in the**

11:36 22 **loop as to what's going on with these**

11:36 23 **temporary seat problems relating to Super**

11:36 24 **Bowl 45, because this is a serious problem,**

11:36 25 **please so state to the jury and the record.**

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1 **Goodell**

11:36 2 **MR. BEHRENS: Same objections.**

11:36 3 **Vague as to time.**

11:36 4 A. Again, I think I've answered this

11:36 5 question, obviously not satisfactory to you,

11:36 6 but our staff is very capable; they knew that

11:36 7 this was an important area for us to be

11:36 8 focused on and to get resolved in advance of

11:36 9 the event, and they were working at it, and

11:36 10 they kept me informed as necessary.

11:36 11 **Q. Before the kickoff for the game did**

11:36 12 **you ever become concerned about these**

11:36 13 **temporary seats not being installed?**

11:36 14 **MR. BEHRENS: Objection, vague.**

11:36 15 **Q. (Continuing) You personally.**

11:36 16 A. I was very concerned about it on

11:36 17 Sunday morning.

11:36 18 **Q. Were you concerned about it before**

11:37 19 **Sunday morning?**

11:37 20 **MR. BEHRENS: Same objections.**

11:37 21 A. Our people believed that those

11:37 22 seats would be completed and installed

11:37 23 properly.

11:37 24 **MO MR. AVENATTI: Move to strike as**

11:37 25 **nonresponsive.**

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1 **Goodell**

11:37 2 **Q. Were you, Mr. Goodell, concerned**

11:37 3 **about it before Sunday morning?**

11:37 4 **MR. BEHRENS: Objection.**

11:37 5 **Q. (Continuing) You personally.**

11:37 6 **MR. BEHRENS: It was asked and it**

11:37 7 **was answered.**

11:37 8 A. Our people were confident that they

11:37 9 were going to get the seats installed

11:37 10 properly.

11:37 11 **MO MR. AVENATTI: Move to strike as**

11:37 12 **nonresponsive.**

11:37 13 **Q. I'm not asking you what your people**

11:37 14 **were confident of. I'm asking you whether**

11:37 15 **you were concerned, you personally, before**

11:37 16 **Sunday morning about the temporary seat**

11:37 17 **issues in Cowboy Stadium for Super Bowl 45.**

11:37 18 **MR. BEHRENS: Objection, vague, and**

11:37 19 **it's asked and answered twice.**

11:37 20 A. I don't know what move to strike

11:37 21 is. That's not my issue.

11:37 22 I will just tell you that, again,

11:37 23 our people understood the importance of

11:37 24 getting the stadium seats installed; they

11:37 25 were confident that this was going to take

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1 **Goodell**

11:38 2 place on Sunday morning; that's when they

11:38 3 raised it to me that we need to have

11:38 4 alternatives if for some reason we can't have

11:38 5 all the seats completed.

11:38 6 **Q. And did they discuss those**

11:38 7 **alternatives with you at that time?**

11:38 8 A. Yes.

11:38 9 **Q. What alternatives were discussed?**

11:38 10 A. If we had fans that did not have

11:38 11 seats because the temporary seats were not

11:38 12 completed and approved by the fire department

11:38 13 and the police department, that we would need

11:38 14 to have tickets to accommodate them.

11:38 15 **Q. And where were those tickets going**

11:38 16 **to come from?**

11:38 17 **MR. BEHRENS: It calls for**

11:38 18 **speculation.**

11:38 19 **You can answer.**

11:38 20 A. Well, I was part of it. We all

11:38 21 worked to try to find what tickets we could

11:38 22 make available, from the club, from our

11:38 23 staff, from individuals.

11:38 24 **Q. Was it discussed as to what to do**

11:38 25 **with the fans before those tickets were**

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1 **Goodell**

11:38 2 **available?**

11:39 3 A. Which fans?

11:39 4 **Q. The fans that didn't have tickets,**

11:39 5 **that didn't have seats because they weren't**

11:39 6 **installed in time.**

11:39 7 A. On Sunday morning we did not know

11:39 8 who wouldn't have seats, so how could we

11:39 9 communicate with them?

11:39 10 **Q. You didn't know what sections were**

11:39 11 **not likely to be completed as of Sunday**

11:39 12 **morning?**

11:39 13 A. We were still working towards

11:39 14 getting those completed. We expected them to

11:39 15 get completed.

11:39 16 **Q. Well, at some point in time on**

11:39 17 **Sunday you determined that they were not**

11:39 18 **going to be completed, and you had the**

11:39 19 **discussions that you just mentioned about the**

11:39 20 **need to find alternative seats, correct?**

11:39 21 **MR. BEHRENS: Objection; assumes**

11:39 22 **facts not in evidence.**

11:39 23 A. That is not what I said. What I

11:39 24 said was that when we were advised that we

11:39 25 needed to have contingencies or alternative

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1 **Goodell**

11:39 2 plans, that if the seats weren't completed,

11:39 3 we needed to have tickets to accommodate our

11:39 4 fans. That was our focus, if they did not

11:39 5 have a seat, could we get tickets to put them

11:39 6 in other locations so they could be

11:40 7 accommodated and having seating.

11:40 8 **Q. Did you also have conversations or**

11:40 9 **communications about if the seats weren't**

11:40 10 **completed, what are we going to do with these**

11:40 11 **fans while we're trying to locate seats for**

11:40 12 **them to sit in?**

11:40 13 A. That's why we were trying to locate

11:40 14 the seats in advance on Sunday morning, so we

11:40 15 had tickets available that we could

11:40 16 distribute to them and get them in their

11:40 17 seats as quickly as possible.

11:40 18 **Q. When they appeared at the game.**

11:40 19 **MR. BEHRENS: Objection, vague.**

11:40 20 A. What do you mean, when they

11:40 21 appeared at the game?

11:40 22 **Q. Mr. Goodell, as you sit here today**

11:40 23 **do you understand what happened to thousands**

11:40 24 **of fans that didn't have seats when they**

11:40 25 **appeared at Super Bowl 45? Do you know**

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1 **Goodell**

11:40 2 **factually what happened?**

11:40 3 **MR. BEHRENS: Objection; misstates**

11:40 4 **the record.**

11:40 5 A. What do you mean, what happened?

11:40 6 I know that they didn't have their

11:40 7 seats --

11:40 8 **Q. Right.**

11:40 9 A. -- and they didn't -- we were

11:40 10 trying to communicate with them and get them

11:40 11 accommodated.

11:40 12 **Q. Are -- are you aware of the fact**

11:40 13 **that thousands of NFL fans who appeared for**

11:40 14 **the Super Bowl, Super Bowl 45, and discovered**

11:41 15 **that their seats were not available, are you**

11:41 16 **aware that they were put in a fenced in area**

11:41 17 **outside the stadium for a lengthy period of**

11:41 18 **time? As you sit here today are you aware of**

11:41 19 **that?**

11:41 20 **MR. BEHRENS: Objection. It**

11:41 21 **misrepresents the record.**

11:41 22 A. I'm aware of the fact that we had

11:41 23 four hundreds seats that weren't available,

11:41 24 that we had to accommodate those people in

11:41 25 the stadium, and that was our effort, to try

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1 **Goodell**

11:41 2 to accommodate them, and get them into seats.

11:41 3 **Q. That's not my question.**

11:41 4 **Mr. Goodell, as it relates to the**

11:41 5 **temporary seating problems, are you aware of**

11:41 6 **generally what happened to the fans that did**

11:41 7 **not have seats when they appeared at the**

11:41 8 **stadium and their seats were not available?**

11:41 9 **Do you know generally how those**

11:41 10 **fans were treated before either being put in**

11:41 11 **one of the basement clubs or being given**

11:41 12 **other seats?**

11:41 13 **MR. BEHRENS: Objection.**

11:41 14 **Q. Do you have any background on be**

11:42 15 **that as the leader of the NFL?**

11:42 16 **MR. BEHRENS: Objection, vague.**

11:42 17 **It's misleading.**

11:42 18 A. Your question was generally.

11:42 19 We had to -- it's an effort that we

11:42 20 had to undertake, to identify those people

11:42 21 who didn't have those seats, get them to a

11:42 22 location where we could get tickets, when we

11:42 23 had them available, to accommodate them in

11:42 24 the stadium.

11:42 25 **Q. Are you --**

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1 **Goodell**

11:42 2 A. That was a -- all a --

11:42 3 **Q. Go ahead.**

11:42 4 A. No. I don't want to interrupt you.

11:42 5 **Q. No. I don't want to interrupt you.**

11:42 6 **I thought you were done. I apologize.**

11:42 7 A. That is a big effort, when you

11:42 8 don't know what seats aren't going to be

11:42 9 available until the last minute, to be able

11:42 10 to identify them, get them to a location and

11:42 11 get them to seats -- excuse me, get them

11:42 12 tickets so they can be accommodated and watch

11:42 13 the game.

11:42 14 **Q. Do you think Mr. Supovitz made the**

11:42 15 **right decision when he decided to not allow**

11:42 16 **the fans whose seats were not available to**

11:42 17 **enter the stadium, and instead to put them in**

11:42 18 **a fenced-in holding area with no bathrooms?**

11:42 19 **MR. BEHRENS: Objection. It's**

11:42 20 **argumentative and it misrepresents the**

11:43 21 **record.**

11:43 22 **Q. (Continuing) You -- you think that**

11:43 23 **was the right decision?**

11:43 24 **MR. BEHRENS: Same objections.**

11:43 25 A. I can't speculate on that.

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1 **Goodell**

11:43 2 Mr. Supovitz is an executive who

11:43 3 was getting input from a lot of different

11:43 4 people, including security personnel, and he

11:43 5 made the best decisions he could.

11:43 6 **Q. Before today were you aware that**

11:43 7 **that's what happened to these fans?**

11:43 8 **MR. BEHRENS: Objection.**

11:43 9 **Misrepresents the record.**

11:43 10 A. I don't -- I don't accept your

11:43 11 characterization, because I don't have any

11:43 12 firsthand knowledge of that.

11:43 13 **Q. Well, do you have any secondhand**

11:43 14 **knowledge as to what happened to the fans**

11:43 15 **when they arrived at the stadium, the**

11:43 16 **specific fans that did not have seats?**

11:43 17 **MR. BEHRENS: Objection, asked and**

11:43 18 **answered.**

11:43 19 A. Counselor, as I said to you before,

11:43 20 they have to be in a location so that we can

11:43 21 identify them and try to accommodate them in

11:43 22 other seats. That was our objective, if

11:43 23 their seats were not completed, and we were

11:43 24 learning that very late in the day, right at

11:44 25 the close to kickoff.

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1 **Goodell**

11:44 2 **Q. Were you involved in the decision**

11:44 3 **to place hundreds of these fans in a**

11:44 4 **fenced-in area without any bathrooms before**

11:44 5 **the game, Mr. Goodell?**

11:44 6 **MR. BEHRENS: Objection.**

11:44 7 **Misrepresents the record and is**

11:44 8 **argumentative.**

11:44 9 **Q. (Continuing) Well, maybe at the**

11:44 10 **break Mr. Ibe here can fill you in on what**

11:44 11 **happened, if you're interested, but I'd just**

11:44 12 **like an answer to my question.**

11:44 13 **MR. BEHRENS: And I've stated my**

11:44 14 **objection for the record.**

11:44 15 **Q. (Continuing) Because he was**

11:44 16 **actually there.**

11:44 17 A. What is your question?

11:44 18 **Q. Why don't I have it read back.**

11:44 19 A. Okay.

11:44 20 (Record read, as follows:

11:44 21 "Were you involved in the decision

11:44 22 to place hundreds of these fans in a

11:44 23 fenced in area without any bathrooms

11:44 24 before the game, Mr. Goodell?")

11:44 25 **THE COURT REPORTER: The objections**

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1 **Goodell**

11:44 2 **are noted.**

11:44 3 A. I was not.

11:45 4 **Q. Do you wish to make any corrections**

11:45 5 **additions or changes to any of your testimony**

11:45 6 **(inaudible) --**

11:45 7 A. I do not.

11:45 8 **MR. AVENATTI: All right. Why don't**

11:45 9 **we take a brief break.**

11:45 10 **THE VIDEOGRAPHER: The time is**

11:45 11 **11:45 a.m. and this completes tape**

11:45 12 **number one of the videotaped deposition**

11:45 13 **of Commissioner Roger Goodell.**

11:45 14 **(Recess taken.)**

11:53 15 **(Plaintiffs' Exhibit 155, printout**

12:22 16 **of e-mail chain, Bates NFL 035820,**

12:22 17 **marked for identification, as of this**

11:53 18 **date.)**

11:53 19 **THE VIDEOGRAPHER: The time is**

11:54 20 **11:54 a.m. and this begins tape number**

11:54 21 **two of the videotaped deposition of**

11:54 22 **Commissioner Roger Goodell.**

11:54 23 **Q. Mr. Goodell, before we get to**

11:54 24 **Exhibit 155, I want to ask you a few other**

11:54 25 **questions.**

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1 **Goodell**

11:54 2 **Are you aware that Mr. Supovitz has**

11:54 3 **been deposed?**

11:54 4 A. I am not.

11:54 5 **Q. Well, I'll represent to you that he**

11:54 6 **was deposed previously in this case, in fact,**

11:54 7 **in a conference right around the corner, and**

11:54 8 **during that deposition he testified as**

11:54 9 **follows:**

11:54 10 **"Question: Well, if you didn't**

11:54 11 **allow them to enter in, what did you**

11:54 12 **then if not turning them away?**

11:54 13 **"Answer: We admitted them to an**

11:54 14 **area inside the perimeter past the**

11:54 15 **checkpoints where they could wait but**

11:54 16 **did not have access to the doors.**

11:54 17 **"Question: And that was fenced in,**

11:54 18 **wasn't it?**

11:55 19 **"No objection.**

11:55 20 **"Answer: It was defined by a**

11:55 21 **fence, yes.**

11:55 22 **"Question: Who made the decision**

11:55 23 **to put them in an area, to use your**

11:55 24 **words, defined by a fence?**

11:55 25 **"Answer: I did."**

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1 **Goodell**

11:55 2 **Before today, Mr. Goodell, were you**

11:55 3 **aware that hundreds of fans who showed up to**

11:55 4 **attend Super Bowl 45 and did not seats due to**

11:55 5 **the temporary seating issues were placed in a**

11:55 6 **fenced-in area outside the stadium prior to**

11:55 7 **being allowed to enter the stadium?**

11:55 8 **MR. BEHRENS: Objection to the**

11:55 9 **characterization.**

11:55 10 **You can answer.**

11:55 11 A. Well, I think also, if I heard you

11:55 12 correctly on that testimony from Frank, is

11:55 13 that they were inside the perimeter. The

11:55 14 perimeter is a security area outside the

11:55 15 stadium that involves a fence so that nobody

11:56 16 can enter into that area without proper

11:56 17 ticket credentials or disclosure, for

11:56 18 security reasons. So they were all inside a

11:56 19 fence. The actual area where they were, I am

11:56 20 not familiar with that.

11:56 21 **Q. Prior to today have you seen any of**

11:56 22 **the pictures or videotape showing the fans**

11:56 23 **who showed up and did not have seats within a**

11:56 24 **fenced in area before the game? Have you**

11:56 25 **seen any of those photographs or videotapes?**

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1 **Goodell**

11:56 2 A. I've talked to several fans, and I

11:56 3 believe one or two of them shared photos.

11:56 4 **Q. Which fans have you spoken with?**

11:56 5 A. I spoke to several of the fans that

11:56 6 were in that 400, the number of fans that

11:56 7 were in the 400 category that we did not have

11:57 8 seats to relocate them.

11:57 9 **Q. Did you speak to them the day of**

11:57 10 **the game?**

11:57 11 A. Most of that was by phone probably

11:57 12 the Tuesday and Wednesday after the game.

11:57 13 **Q. How many fans did you speak with,**

11:57 14 **just an estimate?**

11:57 15 A. Probably 25 to 30.

11:57 16 **Q. Who determined which 25 to 30 fans**

11:57 17 **you would speak with?**

11:57 18 A. We broke the list up among the

11:57 19 senior executives, as I recall.

11:57 20 **Q. And what did you say to these fans**

11:57 21 **when you spoke to them?**

11:57 22 A. The conversations were different.

11:57 23 I apologized, told them that's not what we

11:57 24 intended, and that we were going to make an

11:57 25 offer or try to make amends, and heard them

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1 **Goodell**

11:57 2 out.

11:57 3 **Q. Did any of them share with you**

11:57 4 **their experiences upon arriving at the**

11:57 5 **stadium and discovering they had no seat?**

11:57 6 A. Sure.

11:58 7 **Q. And did any of them share with them**

11:58 8 **their experience about putting in this**

11:58 9 **fenced-in area?**

11:58 10 **MR. BEHRENS: Object to the**

11:58 11 **characterization.**

11:58 12 **You can answer.**

11:58 13 A. The fans obviously were upset about

11:58 14 arriving at the stadium and not having the

11:58 15 seats that they intended. They were looking

11:58 16 forward to the event. They had a right to be

11:58 17 disappointed and angry, and I listened to

11:58 18 that and told them that we understand and we

11:58 19 apologize, and that we were going to do what

11:58 20 we could to try to make it right.

11:58 21 **Q. Have you had any communications**

11:58 22 **whatsoever with Jerry Jones relating to**

11:58 23 **problems with the temporary seats at Super**

11:58 24 **Bowl 45 since the kickoff of Super Bowl 45 --**

11:58 25 **MR. BEHRENS: Objection, asked**

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1 **Goodell**

11:58 2 **and --**

11:58 3 **Q. -- until today?**

11:58 4 **MR. BEHRENS: -- answered. Asked**

11:58 5 **and answered.**

11:58 6 **You can answer again.**

11:58 7 A. We had a -- several conversations.

11:59 8 I can't remember a specific conversation,

11:59 9 about what was discussed or how it was

11:59 10 discussed, but I think he was disappointed

11:59 11 also.

11:59 12 **Q. Well, what do you recall about your**

11:59 13 **communications with Mr. Jones relating to**

11:59 14 **what happened with the temporary seating in**

11:59 15 **Super Bowl 45?**

11:59 16 A. Specifically my disappointment, he

11:59 17 had a disappointment, and that we had to work

11:59 18 to focus on what do we do to make good with

11:59 19 our fans. That was our singular focus, what

11:59 20 are we going to do with the fans that were

11:59 21 affected negatively by this.

11:59 22 **Q. Does that remain your singular**

11:59 23 **focus as it relates to this issue?**

11:59 24 **(Discussion off the record.)**

11:59 25 **Q. The question -- the question is**

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1 **Goodell**

11:59 2 **does that remain your singular focus relating**

11:59 3 **to this issue.**

11:59 4 **MR. BEHRENS: Objection, vague.**

11:59 5 A. We have worked hard to contact each

11:59 6 of the fans that were impacted to make offers

11:59 7 to those fans for disappointing them at the

12:00 8 Super Bowl, and I think by reaction of the

12:00 9 fans, the vast majority of them have taken

12:00 10 our offer and understood the issues, and we

12:00 11 continue to make sure that we're doing what's

12:00 12 right by our fans.

12:00 13 **Q. Did you do what was right by your**

12:00 14 **fans by failing to have the seats installed**

12:00 15 **in time?**

12:00 16 A. Again, counselor, I think I've been

12:00 17 very open here and also publicly the day

12:00 18 after the event that we accept

12:00 19 responsibility; we disappointed our fans;

12:00 20 that's not what we intended; and that we

12:00 21 would do everything we could to try to

12:00 22 accommodate them; even though we can't

12:00 23 reverse what happened, we had to do what we

12:00 24 could to make an offer to them that hopefully

12:01 25 would make good. And as I said, the vast

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1 **Goodell**

12:01 2 majority of those fans have accepted that

12:01 3 offer.

12:01 4 **Q. Who has been held accountable, if**

12:01 5 **anyone, with the NFL with regard to what**

12:01 6 **happened with the temporary seats?**

12:01 7 **MR. BEHRENS: Objection, vague.**

12:01 8 A. What do you mean, accountable?

12:01 9 **Q. Have you ever used the word**

12:01 10 **accountable?**

12:01 11 A. Yes, sir.

12:01 12 **Q. All right. What do you understand**

12:01 13 **the word accountable to mean?**

12:01 14 A. You've asked me in the beginning

12:01 15 that you wanted me to make sure that I

12:01 16 understand the question. I'm trying to

12:01 17 understand your question.

12:01 18 **Q. That's not my question.**

12:01 19 **My question is what do you**

12:01 20 **generally -- what have you generally**

12:01 21 **understood the word accountability to mean**

12:01 22 **when you've used it.**

12:01 23 A. Is that the first question that you

12:01 24 asked or -- I'm asking for a clarification on

12:01 25 your question.

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1 **Goodell**

12:01 2 **Q. I'm going to strike the question**

12:01 3 **and I'm going to ask you another question.**

12:01 4 A. Okay.

12:01 5 **Q. All right. What have you generally**

12:01 6 **understood the word accountable to mean when**

12:01 7 **you've used it?**

12:01 8 A. That you are responsible, and that

12:01 9 you take that responsibility.

12:01 10 **Q. And that you make good on your**

12:01 11 **failure, right?**

12:01 12 **MR. BEHRENS: Objection. It**

12:01 13 **mischaracterizes his testimony.**

12:02 14 A. I think I answered your question.

12:02 15 **Q. Have you held anyone with the NFL**

12:02 16 **accountable for the failures relating to the**

12:02 17 **temporary seats at Super Bowl 45?**

12:02 18 **MR. BEHRENS: Objection, vague.**

12:02 19 **You can answer.**

12:02 20 A. I, again, have been very clear.

12:02 21 We're all accountable for this. Our staff

12:02 22 has worked hard to contact those fans to make

12:02 23 the offer. We continue to still make good on

12:02 24 those offers, and we will do so. So yes,

12:02 25 we're all accountable for that.

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1 Goodell

12:02 2 **Q. Have you caused anyone to be**

12:02 3 **disciplined in connection with their -- the**

12:02 4 **failures relating to the temporary seat**

12:02 5 **issues at Super Bowl 45?**

12:02 6 A. To be disciplined?

12:02 7 **Q. Yeah.**

12:02 8 **You're familiar -- you're familiar**

12:02 9 **with the word disciplined, right?**

12:02 10 A. Yes.

12:02 11 **Q. Okay. I mean you hand out**

12:02 12 **discipline on a consistent basis, in**

12:02 13 **connection with being the leader of the NFL,**

12:02 14 **in an effort to protect the shield, right?**

12:02 15 **MR. BEHRENS: Objection. You're**

12:02 16 **badgering the witness.**

12:02 17 A. (Laughing).

12:03 18 **MR. AVENATTI: No. I'm stating a**

12:03 19 **fact. I mean he -- it's well known that**

12:03 20 **he does that.**

12:03 21 **Q. Right, Mr. Goodell?**

12:03 22 **MR. BEHRENS: Objection. This is**

12:03 23 **outside of the scope.**

12:03 24 A. I apply discipline --

12:03 25 **Q. Okay.**

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1 Goodell

12:03 2 A. -- in the context of violation of

12:03 3 our policies.

12:03 4 **Q. All right.**

12:03 5 A. -- when a team violates policies,

12:03 6 lawyers or any other individuals involved

12:03 7 with the NFL.

12:03 8 **Q. Have you applied any discipline**

12:03 9 **whatever in connection with the failures**

12:03 10 **surrounding the temporary seating issues at**

12:03 11 **Super Bowl 45?**

12:03 12 A. Discipline wouldn't be the word I

12:03 13 would use.

12:03 14 There are people that recognize

12:03 15 their responsibility, and there was an impact

12:03 16 for that, for all of us.

12:03 17 **Q. Have you caused anyone to lose**

12:03 18 **their job over the failures in connection**

12:03 19 **with Super Bowl 45 temporary seats?**

12:03 20 A. No, I have not.

12:04 21 **Q. Have there been any consequences to**

12:04 22 **anyone at NFL headquarters, consequences**

12:04 23 **relating to their employment, to the best of**

12:04 24 **your knowledge, in connection with the**

12:04 25 **failures at Super Bowl 45 relating to the**

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1 Goodell

12:04 2 **temporary seats?**

12:04 3 A. Consequences to their employment?

12:04 4 **Q. Yes.**

12:04 5 A. So you asked me in the beginning to

12:04 6 make sure I understand the question. I'm

12:04 7 trying to understand your question. Are you

12:04 8 meaning that in the context of do they still

12:04 9 have a job with the NFL, or did it affect

12:04 10 promotion, did it affect compensation? What

12:04 11 is your question?

12:04 12 **Q. Yeah, that's exactly what I mean.**

12:04 13 A. Okay, good.

12:04 14 It could have impacted people on

12:04 15 how far they advanced in our organization in

12:04 16 any kind of period of time, their

12:04 17 compensation, so yes, it does have an impact.

12:05 18 **Q. Well, I -- I know it could have**

12:05 19 **impacted that. I'm asking if it has.**

12:05 20 A. It does have impact on that, yes.

12:05 21 **Q. Okay. Who has it impacted as it**

12:05 22 **relates to how far they advance in the**

12:05 23 **organization and the compensation?**

12:05 24 A. It can affect anybody that was

12:05 25 involved with the area, special events, their

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1 Goodell

12:05 2 group and anybody else.

12:05 3 **Q. I -- I know it -- I know it's**

12:05 4 **possible. That's why I'm asking the**

12:05 5 **question.**

12:05 6 **Has it indeed impacted anyone in**

12:05 7 **that manner, and if so, who?**

12:05 8 A. Again, those are decisions that we

12:05 9 make with respect to when their bonuses are

12:05 10 paid, their compensation is determined, their

12:05 11 advancement from promotion. That affects

12:05 12 people, when they don't perform.

12:05 13 **Q. And that's exactly what I'm asking,**

12:05 14 **so in -- in --**

12:05 15 A. So good. I hope I'm helpful to

12:05 16 you.

12:05 17 **Q. In -- I'm sorry.**

12:05 18 A. I'm hoping that I'm helpful to you

12:05 19 on that.

12:05 20 **Q. In connection with the failures**

12:05 21 **surrounding the temporary seating issues, did**

12:05 22 **you cause any of those consequences that**

12:06 23 **you've just mentioned to occur in connection**

12:06 24 **with any individual, and if so, whom?**

12:06 25 **MR. BEHRENS: Objection, asked and**

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1 **Goodell**
 12:06 2 **answered.**
 12:06 3 A. Again, those affect compensation
 12:06 4 decisions, promotion decisions,
 12:06 5 responsibilities. Those are decisions that
 12:06 6 that we consistently make when people don't
 12:06 7 perform the way we expect.
 12:06 8 **Q. Sir, I understand that. I'm asking**
 12:06 9 **if anyone has been --**
 12:06 10 **MR. AVENATTI: Or strike that.**
 12:06 11 **Q. I'm asking has anyone suffered any**
 12:06 12 **of those consequences, and if so, who.**
 12:06 13 **MR. BEHRENS: Counsel --**
 12:06 14 **Q. (Continuing) Name.**
 12:06 15 **MR. BEHRENS: -- it's asked and**
 12:06 16 **answered.**
 12:06 17 **I've given you some latitude here.**
 12:06 18 **Please explain to me why this line of**
 12:06 19 **questioning is within the scope allowed**
 12:06 20 **by Judge Toliver.**
 12:06 21 **MR. AVENATTI: I don't have to do**
 12:06 22 **that.**
 12:06 23 **MR. BEHRENS: Yes, you do, because**
 12:06 24 **you've got a limited topics.**
 12:06 25 **MR. AVENATTI: Are you going to --**

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1 **Goodell**
 12:06 2 **are you going to instruct the witness**
 12:06 3 **not to answer the question?**
 12:06 4 **MR. BEHRENS: Well, he's asked --**
 12:06 5 **actually answered it four times.**
 12:06 6 **MR. AVENATTI: No.**
 12:06 7 **MR. BEHRENS: I've given you**
 12:06 8 **latitude. I'll let you ask it one more**
 12:06 9 **time.**
 12:07 10 **MR. AVENATTI: I just want to answer**
 12:07 11 **to my question.**
 12:07 12 **Q. Can you please tell me the name of**
 12:07 13 **anyone with the NFL that has suffered any of**
 12:07 14 **the consequences that you identified, sir,**
 12:07 15 **relating to promotionability, compensation,**
 12:07 16 **et cetera.**
 12:07 17 **MR. BEHRENS: Objection, asked and**
 12:07 18 **answered.**
 12:07 19 **You can answer it one more time.**
 12:07 20 A. Again, those decisions are made
 12:07 21 collectively when we don't perform. That's
 12:07 22 how our bonus pools are determined, our
 12:07 23 compensation is determined.
 12:07 24 **Q. To the extent that there is any**
 12:07 25 **individual in the NFL that has suffered any**

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1 **Goodell**
 12:07 2 **consequences relating to their employment as**
 12:07 3 **a result of what transpired at Super Bowl 45**
 12:07 4 **in connection with the temporary seating,**
 12:07 5 **please so state their name to the jury and**
 12:07 6 **the record.**
 12:07 7 **MR. BEHRENS: Let the record**
 12:07 8 **reflect there is no jury. It's asked**
 12:07 9 **and answered several times.**
 12:07 10 A. I think I've answered the question,
 12:07 11 or tried to at least.
 12:07 12 **Q. Can you give me a name?**
 12:07 13 A. A name of what, sir?
 12:08 14 **Q. The name of anyone who has suffered**
 12:08 15 **any consequence.**
 12:08 16 A. As I said, our organization in
 12:08 17 general suffered that consequence. I do not
 12:08 18 have specific names for you.
 12:08 19 **Q. Can you give me the name of anyone**
 12:08 20 **that was held accountable?**
 12:08 21 A. We all were held accountable.
 12:08 22 Start with Roger Goodell.
 12:08 23 **Q. Okay. What who else?**
 12:08 24 A. Everybody in our organization, Eric
 12:08 25 Grubner, Frank Supovitz, his entire team,

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1 **Goodell**
 12:08 2 we're all held accountable for that.
 12:08 3 **Q. Was Mr. Supovitz's compensation**
 12:08 4 **impacted by what happened at Super Bowl 45 in**
 12:08 5 **connection with the temporary seating issues?**
 12:08 6 **MR. BEHRENS: Okay, this is it.**
 12:08 7 **DIR I'm instructing the witness not to**
 12:08 8 **answer.**
 12:08 9 **This is not within the scope of the**
 12:08 10 **questions that Judge Toliver allowed.**
 12:08 11 **Q. Did you make the decision, Mr.**
 12:08 12 **Goodell, for consequences to follow for**
 12:08 13 **certain NFL employees as relating -- as it**
 12:08 14 **relates to what happened with the temporary**
 12:08 15 **seating issues in Super Bowl 45?**
 12:09 16 A. Could you repeat the question?
 12:09 17 **Q. Sure.**
 12:09 18 **Did you make the decision, Mr.**
 12:09 19 **Goodell, for consequences to follow for any**
 12:09 20 **particular NFL employee as it relates to what**
 12:09 21 **happened with the temporary seating issues at**
 12:09 22 **Super Bowl 45?**
 12:09 23 A. Again, I think that's the same
 12:09 24 answer that I tried to give you on several
 12:09 25 occasions now. We're all held accountable.

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1 Goodell

12:09 2 When we don't perform, it affects our

12:09 3 compensation and it affects other aspects of

12:09 4 our employment.

12:09 5 **Q. Did you criticize any NFL employee**

12:09 6 **in connection with what happened concerning**

12:09 7 **the temporary seating issues at Super Bowl**

12:09 8 **45?**

12:09 9 A. What do you mean, criticize?

12:09 10 **Q. Have you ever used the word**

12:09 11 **criticize?**

12:09 12 A. Yes, I have.

12:09 13 **Q. All right. When you've used the**

12:09 14 **word criticize, what have you generally**

12:09 15 **understood it to mean?**

12:09 16 A. My focus is on making sure the

12:09 17 people understand their responsibility,

12:10 18 they're held accountable, and they do what's

12:10 19 necessary to avoid making mistakes. People

12:10 20 are human. We had to put in steps, which I

12:10 21 described earlier to you, to make sure this

12:10 22 didn't happen again. I don't walk around

12:10 23 criticizing our employees. I walk around

12:10 24 making sure that we're doing our job, making

12:10 25 sure that we do everything we can to avoid

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1 Goodell

12:10 2 it, going forward, and trying to do what we

12:10 3 can to make amends to the people, our fans

12:10 4 who were affected by this.

12:10 5 **Q. We'll use the following definition**

12:10 6 **for criticize, to find fault, judge**

12:10 7 **unfavorably or harshly, so my question is**

12:10 8 **have you criticized any NFL employee in**

12:10 9 **connection with the temporary seating issues**

12:11 10 **that occurred at Super Bowl 45.**

12:11 11 **MR. BEHRENS: It was asked and it**

12:11 12 **was just answered when you were looking**

12:11 13 **at your definition.**

12:11 14 A. I answered the question no.

12:11 15 **Q. No, I listened to your answer, and**

12:11 16 **in my view, sir, you didn't answer it, but**

12:11 17 **I'm not going to debate that point with you.**

12:11 18 **I'd just like to answer to that question.**

12:11 19 **MR. AVENATTI: Why don't we have**

12:11 20 **the court reporter read it back, please,**

12:11 21 **including with the definition.**

12:11 22 **MR. BEHRENS: And please read back**

12:11 23 **the answer, too.**

12:11 24 **MR. AVENATTI: Certainly, Mr.**

12:11 25 **Behrens, you can do that during your**

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1 Goodell

12:11 2 **examination. This is my examination.**

12:11 3 **MR. BEHRENS: Okay. It's asked and**

12:12 4 **answered.**

12:12 5 **(Discussion off the record.)**

12:12 6 **Q. Mr. Goodell, we'll use the**

12:12 7 **following definition for the purpose of my**

12:12 8 **question for the word criticize, to find**

12:12 9 **fault, judge unfavorably or harshly. Have**

12:12 10 **you criticized any NFL employee in connection**

12:12 11 **with the temporary seating issues that**

12:12 12 **occurred at Super Bowl 45 and if so whom?**

12:12 13 **MR. BEHRENS: Same objection.**

12:12 14 **You can answer it again,**

12:12 15 **Commissioner.**

12:12 16 A. As I've said to you, our employees

12:13 17 recognize that we let down our fans; they are

12:13 18 disappointed; they recognize that they didn't

12:13 19 perform at the level that we all expect; and

12:13 20 that is a consequence we all have. I don't

12:13 21 walk around criticizing our employees. I

12:13 22 make sure that they recognize they're going

12:13 23 to be held accountable and that they're going

12:13 24 to do anything they can to prevent those

12:13 25 things from happening again.

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1 Goodell

12:13 2 **Q. To the extent that you have**

12:13 3 **criticized anyone in connection with the**

12:13 4 **temporary seating issues relating to Super**

12:13 5 **Bowl 45, please so state to the jury and THE**

12:13 6 **record.**

12:13 7 **MR. BEHRENS: Let the record**

12:13 8 **reflect there is no jury in the room,**

12:13 9 **and it's asked and answered.**

12:13 10 A. Again, counselor, I think we've

12:13 11 done this maybe half a dozen times now.

12:13 12 People in our office understand that we let

12:13 13 our fans down. We have all worked hard to

12:13 14 try to address that and to try to do what we

12:14 15 can to make it right, and, most importantly,

12:14 16 from the standpoint of the future, is what

12:14 17 can we do to make sure it doesn't happen

12:14 18 again.

12:14 19 **Q. Mr. Goodell, have you said to**

12:14 20 **anyone anything along the lines of: Hey, we**

12:14 21 **screwed up big time. This can never happen**

12:14 22 **again?**

12:14 23 A. I've made it very clear that we let

12:14 24 down our fans, and that that is our

12:14 25 responsibility, and it'd not going to happen

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1 Goodell

12:14 2 again.

12:14 3 **Q. Okay. And how have you made it**

12:14 4 **very clear that you let down your fans and**

12:14 5 **that it is not going to happen again? How**

12:14 6 **have you done that?**

12:14 7 **MR. BEHRENS: Objection. It's**

12:14 8 **asked and answered.**

12:14 9 A. How have I made it clear to whom,

12:14 10 to our employees --

12:14 11 **Q. To anyone?**

12:14 12 A. -- or our fans?

12:14 13 I'm trying to -- sir, you asked me

12:14 14 to understand the question, so I'm trying to

12:14 15 understand the question. To our fans or to

12:14 16 the -- to our employees?

12:14 17 **Q. We'll go with the employees.**

12:14 18 A. Okay. There is no single person in

12:14 19 our office, that was there at the time, that

12:14 20 does not know that we were all disappointed

12:15 21 that we did not perform at the level we

12:15 22 wanted and that we let our fans down, at

12:15 23 least the fans that were affected by this.

12:15 24 That's disappointing to everybody in our

12:15 25 building.

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1 Goodell

12:15 2 **Q. Sir --**

12:15 3 A. I'm confident of that.

12:15 4 **Q. Sir, you've said I've -- I've made**

12:15 5 **it very clear that we let down our fans and**

12:15 6 **that is our responsibility and is it -- and**

12:15 7 **it is not going to happen again. How have**

12:15 8 **you made that very clear to the employees of**

12:15 9 **the NFL?**

12:15 10 **MR. BEHRENS: Objection. It's**

12:15 11 **asked and answered.**

12:15 12 A. We make that very clear in how we

12:15 13 deal with compensation, how we deal with

12:15 14 promotions, how we deal with people, and we

12:15 15 also have made it very -- I made it very

12:15 16 clear, in our discussions following up this

12:15 17 meeting, our -- our fans are the most

12:15 18 important thing we have; they support our

12:15 19 game. We all worked to reach out. Every

12:15 20 single one of our people that were involved

12:15 21 with a senior level received out to our fans.

12:15 22 We all worked to try to make good on that and

12:16 23 try to make sure that we did everything

12:16 24 possible to make changes to avoid this

12:16 25 happening again. That's our focus.

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1 Goodell

12:16 2 **Q. After the game did you have any**

12:16 3 **meetings relating to the temporary seat**

12:16 4 **issues?**

12:16 5 A. Yes.

12:16 6 **Q. When?**

12:16 7 A. I don't recall specifically when

12:16 8 they were, but we had several.

12:16 9 **Q. Were you at those meetings?**

12:16 10 A. In some cases. You asked if we had

12:16 11 any meetings. I assume you meant me being

12:16 12 involved, but that may be a bad assumption.

12:16 13 **Q. You were at a number of meetings**

12:16 14 **relating to the temporary seat issues after**

12:16 15 **the game; is that fair?**

12:16 16 A. I was at some of them.

12:16 17 **Q. Okay. What meetings do you recall**

12:16 18 **that you were at?**

12:16 19 A. I can't remember any specific

12:17 20 meeting, but I was at meetings because we

12:17 21 were trying to figure out first and foremost,

12:17 22 immediately after the game, what happened,

12:17 23 what it is we can do to try to reach our

12:17 24 fans, contact them, and do what's right here.

12:17 25 And we had several meetings to try to do

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1 Goodell

12:17 2 that. Others had other meetings that I was

12:17 3 not involved directly with.

12:17 4 **Q. Were there any documents prepared**

12:17 5 **as a result of any of these meetings? Memos,**

12:17 6 **reports, PowerPoint decs, anything of that**

12:17 7 **nature?**

12:17 8 A. I don't know.

12:17 9 **Q. Well, have you ever seen any?**

12:17 10 A. We had several documents on the

12:17 11 offer that we offered fans. We had those --

12:17 12 those offers are written out and discussed.

12:17 13 **Q. Any other documents about what went**

12:17 14 **wrong and what could be changed to make sure**

12:17 15 **it never happened again?**

12:17 16 A. Our immediate focus was what are we

12:17 17 doing for the fans, contacting the fans, and

12:18 18 making the offer. That what our focus was

12:18 19 for several days after the game.

12:18 20 **Q. Have you --**

12:18 21 A. The next phase --

12:18 22 **Q. Go ahead.**

12:18 23 A. The next phase was what changes are

12:18 24 we going to make to make sure these things

12:18 25 don't happen again.

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1 Goodell

12:18 2 **Q. Have you ever seen a single**

12:18 3 **document that described in any way what went**

12:18 4 **wrong and what needs to occur to make sure**

12:18 5 **that it never happens again?**

12:18 6 A. I don't know about document, but I

12:18 7 know that we made changes which I described

12:18 8 to you before, that we think will address

12:18 9 those issues.

12:18 10 **Q. Are you aware of any report that**

12:18 11 **was prepared as to what went wrong at Super**

12:18 12 **Bowl 45 relating to the temporary seating**

12:18 13 **issues?**

12:18 14 **MR. BEHRENS: Objection. It's**

12:18 15 **asked and answered.**

12:18 16 A. I've tried to answer your question,

12:18 17 counselor.

12:18 18 **Q. I'm asking a specific question as**

12:18 19 **to whether you're aware of any report that**

12:18 20 **was prepared relating to what went wrong at**

12:19 21 **Super Bowl 45 concerning the temporary**

12:19 22 **seating issues.**

12:19 23 A. Again, our focus was on exactly

12:19 24 trying to figure out what went wrong, but

12:19 25 more importantly the issue was what changes

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1 Goodell

12:19 2 do we need to make, counselor, so this

12:19 3 doesn't happen again to our fans.

12:19 4 **Q. Sir, I understand --**

12:19 5 A. But we made those changes.

12:19 6 **Q. Okay.**

12:19 7 A. We identified that we needed to

12:19 8 make sure the temporary seats were in place

12:19 9 during the season.

12:19 10 Are you not interested in my

12:19 11 answer, or should I stop?

12:19 12 **Q. I'm not interested in arguing with**

12:19 13 **you. I am interested in your answer. I'd**

12:19 14 **just like you to answer -- I'd just like you**

12:19 15 **to answer my question, which is very simple.**

12:19 16 A. Okay.

12:19 17 **Q. Have you ever seen a report or not?**

12:19 18 A. A report of what?

12:19 19 **Q. A report as to what went wrong in**

12:19 20 **connection with Super Bowl 45 and the**

12:19 21 **temporary seating issues, have you seen a**

12:19 22 **report or not?**

12:19 23 A. We know the things that went wrong.

12:19 24 What we have to do is make sure that they

12:19 25 don't happen again, so we make changes to our

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1 Goodell

12:19 2 procedures.

12:19 3 **Q. Okay. Quote, we know the things**

12:19 4 **that went wrong. Mr. Goodell, what went**

12:20 5 **wrong?**

12:20 6 A. We didn't complete the temporary

12:20 7 seats in time. They should have been

12:20 8 installed earlier so that this didn't occur.

12:20 9 So we have made a change very specifically to

12:20 10 say those temporary seats need to be

12:20 11 installed for a game in advance of the Super

12:20 12 Bowl so that we know that they can be

12:20 13 installed, they are installed properly, and

12:20 14 we can make sure that when the fans show up,

12:20 15 they have a seat.

12:20 16 **Q. `Are you aware of any document that**

12:20 17 **sets forth a new policy relating to temporary**

12:20 18 **seating at Super Bowls?**

12:20 19 A. I don't know if it's written in a

12:20 20 -- in a document or a policy, but I know that

12:20 21 that's how we're going to operate going

12:20 22 forward. It might be in one of the Super

12:20 23 Bowl documents.

12:20 24 **Q. And is that a decision that you**

12:20 25 **made, to change that policy?**

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1 Goodell

12:20 2 A. Ultimately I would have to accept

12:21 3 responsibility for it, but I think it's a

12:21 4 worthy change. I think it's the right thing

12:21 5 to do.

12:21 6 **MR. AVENATTI: The next exhibit in**

12:21 7 **order is Exhibit 156.**

12:21 8 **(Discussion off the record.)**

12:21 9 **MR. AVENATTI: Go ahead and mark**

12:21 10 **this.**

12:21 11 **(Plaintiffs' Exhibit 156, printout**

12:35 12 **of Mr. Abitante 2/6/2011 e-mail to Mr.**

12:34 13 **Goodell, Bates NFL 036819, marked for**

12:34 14 **identification, as of this date.)**

12:21 15 **MR. BEHRENS: Do you have a copy?**

12:21 16 **MR. AVENATTI: Yeah, I'm looking.**

12:22 17 **MR. BEHRENS: Isn't this the same**

12:22 18 **one as you just marked as 155?**

12:22 19 **THE WITNESS: I believe so.**

12:22 20 **MR. AVENATTI: Okay. If I can have**

12:22 21 **that back, please.**

12:22 22 **Q. Sir, you have one fifty -- sir, you**

12:22 23 **have 155 in front of you?**

12:22 24 A. I do.

12:22 25 **Q. Document Bates stamped NFL 035820,**

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1 **Goodell**

12:22 2 **do you see that?**

12:22 3 A. (Reading) What -- how did you

12:22 4 describe it?

12:22 5 I have 155 in front of me, yes.

12:22 6 **Q. Okay. And you see at the top, this**

12:22 7 **-- there's an e-mail string. I guess the**

12:22 8 **first e-mail is from Mr. Grubman to you and**

12:22 9 **Mr. Abitante --**

12:22 10 **Do you see that?**

12:22 11 A. I do.

12:22 12 **Q. -- sent Saturday, February 5th,**

12:23 13 **2011, and it reads "Am headed out to stadium.**

12:23 14 **Ice plan appears to be able. Accommodate**

12:23 15 **schedule. Seating has continued to hit a**

12:23 16 **series of problems. Midnight meeting." Do**

12:23 17 **you see that?**

12:23 18 A. (Reading) Yes.

12:23 19 **Q. By the way, is this one of the**

12:23 20 **e-mails that Mr. Behrens showed you in**

12:23 21 **preparation for your deposition here today?**

12:23 22 A. I don't think so.

12:23 23 **Q. Did you follow up with Mr. Grubman**

12:23 24 **after receiving this e-mail, to discuss the**

12:23 25 **serious of problems you reference?**

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1 **Goodell**

12:23 2 **MR. BEHRENS: Objection, vague as**

12:23 3 **to time.**

12:23 4 **Q. (Continuing) At any time.**

12:23 5 A. Yes, Eric and I spoke at some

12:23 6 point.

12:23 7 **Q. After you received this e-mail?**

12:23 8 A. Yes.

12:24 9 **Q. And what was said during that**

12:24 10 **discussion?**

12:24 11 A. I don't recall specifically.

12:24 12 **Q. Do you recall anything you said or**

12:24 13 **anything that he said?**

12:24 14 A. No, I don't recall specifically

12:24 15 when I did speak to him, whether it was that

12:24 16 evening or the next morning.

12:24 17 **Q. Then there's an e-mail above that**

12:24 18 **from Abitante, Mr. Abitante to you. Do you**

12:24 19 **see that?**

12:24 20 A. Um-hm.

12:24 21 **Q. And it reads "EG is heading out to**

12:24 22 **the stadium for a midnight meeting.**

12:24 23 **Temporary seating installation remains a huge**

12:24 24 **issue. New estimate is that up to 3,000**

12:24 25 **seats may be at issue. Could result in**

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1 **Goodell**

12:24 2 **killed sections instead of just killed seats.**

12:24 3 **EG/Frank working on solutions to certify safe**

12:25 4 **seats, but also contingency plans should**

12:25 5 **seats/sections need to be killed," period.**

12:25 6 **Did I read that correctly?**

12:25 7 A. I believe so.

12:25 8 **Q. So as of Saturday night you were**

12:25 9 **aware that the temporary seating installation**

12:25 10 **remained a huge issue, correct?**

12:25 11 **MR. BEHRENS: Objection; assumes**

12:25 12 **facts not in evidence.**

12:25 13 A. I knew it was an issue, yes.

12:25 14 **Q. Well, you knew, according to Mr.**

12:25 15 **Abitante, that it wasn't just an issue; it**

12:25 16 **was a huge issue, right?**

12:25 17 **MR. BEHRENS: Same objection. It**

12:25 18 **assumes facts not in evidence.**

12:25 19 A. That's Mr. Abitante's description

12:25 20 of it.

12:25 21 **Q. Well, did you have any reason at**

12:25 22 **the time to think that he didn't know what he**

12:25 23 **was talking about?**

12:25 24 **MR. BEHRENS: Objection; assumes**

12:25 25 **facts not in evidence.**

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1 **Goodell**

12:25 2 A. Anything where we didn't have the

12:25 3 seats that we expected to have available

12:25 4 would be a big issue for us.

12:26 5 **Q. Or a huge issue, to use his words,**

12:26 6 **right?**

12:26 7 A. It's a big issue for us.

12:26 8 **Q. "New estimate is that up to 3,000**

12:26 9 **seats may be at issue," so you were put on**

12:26 10 **notice of that on Saturday night, right?**

12:26 11 **MR. BEHRENS: Objection; assumes**

12:26 12 **facts not in evidence.**

12:26 13 A. This e-mail was sent Saturday

12:26 14 night, yes.

12:26 15 **Q. Do you have any reason to believe**

12:26 16 **you didn't read it that night?**

12:26 17 A. I don't recall specifically when I

12:26 18 read it, but I probably did, yes.

12:26 19 **Q. So when you became aware of this,**

12:26 20 **Mr. Goodell, that the temporary seating**

12:26 21 **installation remained a huge issue and the**

12:26 22 **new estimate was that up to 3,000 seats may**

12:26 23 **be at issue and that it could result in**

12:26 24 **killed sections instead of just killed seats,**

12:26 25 **why didn't you undertake any effort to**

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1 **Goodell**

12:27 2 **communicate any of those facts to the fans**

12:27 3 **that were expected to attend the game the**

12:27 4 **next day?**

12:27 5 **MR. BEHRENS: Objection;**

12:27 6 **Mischaracterizes the document.**

12:27 7 A. Well, again, I think you can see

12:27 8 from this e-mail we didn't know how many

12:27 9 seats would be affected, which seats would be

12:27 10 affected, and how we'd communicate with those

12:27 11 fans.

12:27 12 **Q. Well, you could have issued a**

12:27 13 **general statement that there may be problems**

12:27 14 **with up to 3,000 seats temporary seats at the**

12:27 15 **stadium the next day. You could have made**

12:27 16 **that announcement pretty easily, right?**

12:27 17 **MR. BEHRENS: Objection. You're**

12:27 18 **mischaracterizing the evidence.**

12:27 19 **You can answer.**

12:27 20 A. We wanted to know what the scope of

12:27 21 the problem was and who was going to be

12:27 22 affected and how we could deal with it.

12:27 23 **Q. Well, you had an estimate --**

12:27 24 A. And fortunately --

12:27 25 **Q. -- that it might be up to 3,000**

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1 **Goodell**

12:27 2 **seats, right?**

12:27 3 A. Yes.

12:27 4 **Q. And I think earlier you said that**

12:28 5 **at your -- at your press conference you were**

12:28 6 **communicating with I think you said thousands**

12:28 7 **of media outlets. I'm assuming many of those**

12:28 8 **were indirectly.**

12:28 9 **MR. BEHRENS: Objection; misstates**

12:28 10 **the testimony.**

12:28 11 A. I said that thousands of the media

12:28 12 attend that.

12:28 13 **Q. Attend the press conference.**

12:28 14 A. Yes.

12:28 15 **Q. Okay. You understood as of late**

12:28 16 **Saturday night that if you wanted to issue a**

12:28 17 **statement as the leader of the NFL, the CEO,**

12:28 18 **you had the ability to issue a statement**

12:28 19 **pretty quickly, whether it be through one of**

12:28 20 **the television networks or by issuance of a**

12:28 21 **written statement concerning the seat issues.**

12:28 22 **You had that ability; did you not?**

12:28 23 A. We had -- you're raising two issues

12:28 24 here. First was this was the first time that

12:28 25 I was aware that it could be up to 3,000

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1 **Goodell**

12:28 2 seats, that I recall. We felt on Friday that

12:28 3 any of our temporary seating issues would be

12:28 4 resolved, and there was no reason to discuss

12:29 5 that publicly. And no one asked the

12:29 6 question, as I had testified to earlier. So

12:29 7 we weren't concealing anything. We were

12:29 8 simply making the -- doing our work and

12:29 9 making sure those seats were installed and

12:29 10 installed as expected by the fans.

12:29 11 We obviously, when I had this

12:29 12 estimate, that was obviously a very large

12:29 13 concern for us, and we started on the process

12:29 14 of, one, how do we reduce that number, and

12:29 15 two, how do we get to the point where if

12:29 16 anybody still did not have a seat by kickoff,

12:29 17 how do we accommodate them.

12:29 18 **Q. Why is it that upon receiving this**

12:29 19 **e-mail or shortly thereafter you did not**

12:29 20 **undertake any effort to inform fans that**

12:29 21 **there might very well be problems with**

12:29 22 **temporary seating for the Super Bowl?**

12:29 23 **MR. BEHRENS: Objection; assumes**

12:29 24 **facts not in evidence; mischaracterizes**

12:29 25 **the record.**

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1 **Goodell**

12:29 2 A. Counselor, as you can see from this

12:30 3 e-mail, we didn't know how many or who would

12:30 4 be affected by this or if any would be

12:30 5 affected by this.

12:30 6 **Q. Well, you knew that it remained a**

12:30 7 **huge issue, and you knew that your own**

12:30 8 **internal executive had estimated that it**

12:30 9 **might impact up to 3,000 seats as of**

12:30 10 **receiving this e-mail on Saturday night. You**

12:30 11 **knew that, right?**

12:30 12 A. The key word is it might, and

12:30 13 fortunately it did not come close to that

12:30 14 number.

12:30 15 **Q. And you understood at the time that**

12:30 16 **you had the ability by a mere phone call to**

12:30 17 **issue a statement alerting fans to those**

12:30 18 **facts. You knew that, didn't you?**

12:30 19 A. We were focused on making sure that

12:30 20 we solved the problem, and to try to make

12:30 21 sure that we could do everything we can to

12:30 22 make sure those people were accommodated and

12:30 23 their seats were available as expected.

12:30 24 **Q. As of February 5th, 2011 you had**

12:30 25 **the names and phone numbers of numerous**

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1 Goodell

12:30 2 network executives in your own cell phone

12:31 3 that you knew you could pick up the phone and

12:31 4 attempt to reach to issue a statement about

12:31 5 these seating issues, didn't you?

12:31 6 MR. BEHRENS: Objection,

12:31 7 mischaracterizes the record.

12:31 8 You can answer.

12:31 9 A. We don't contact network executives

12:31 10 to make those statements.

12:31 11 Q. Well, how do you make those

12:31 12 statements generally?

12:31 13 A. When we have something that we

12:31 14 communicate, we do it through our public

12:31 15 relations department.

12:31 16 Q. Okay. And you knew as of this time

12:31 17 that you could contact your public relations

12:31 18 department and issue a brief statement

12:31 19 alerting fans to these facts contained within

12:31 20 this e-mail. You knew that, right?

12:31 21 MR. BEHRENS: Objection,

12:31 22 mischaracterizes the document.

12:31 23 A. We wanted to know what the issue

12:31 24 was, how many people were going to be

12:31 25 affected, if any.

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1 Goodell

12:31 2 Q. Well, you knew that it was a huge

12:31 3 issue, and you knew that the NFL had

12:31 4 concluded that there was an estimate of up to

12:31 5 3,000 seats. You knew that.

12:32 6 MR. BEHRENS: Objection. That

12:32 7 misrepresents the record. It's getting

12:32 8 to the point of badgering. He's asked

12:32 9 -- you've asked him this question

12:32 10 several times, counsel.

12:32 11 Q. And yet you didn't disclose any of

12:32 12 this, did you?

12:32 13 MR. BEHRENS: Same objections.

12:32 14 Q. (Continuing) You didn't disclose

12:32 15 any of it to the press.

12:32 16 A. Any what?

12:32 17 Q. Any of this information contained

12:32 18 in this e-mail.

12:32 19 A. This information turned out not to

12:32 20 be accurate, which we were all grateful,

12:32 21 because a lot of people worked through the

12:32 22 night to try to address it.

12:32 23 Q. But you're not claiming that it

12:32 24 wasn't a huge issue at the end of the day.

12:32 25 A. I'm claiming that it was a big

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1 Goodell

12:32 2 issue for us, but fortunately not 3,000

12:32 3 people were affected by not having their

12:32 4 seats available.

12:32 5 Q. But you would agree that it was a

12:32 6 huge issue, or a big issue?

12:32 7 MR. BEHRENS: Objection. It's

12:32 8 asked and answered.

12:32 9 A. Sir, it was a big issue, a huge

12:32 10 issue, take your pick.

12:32 11 Q. Okay.

12:32 12 A. It was a big issue for us, believe

12:32 13 me.

12:32 14 Q. Is the reason why you didn't make

12:32 15 an announcement that night because no one

12:32 16 from the media asked you about?

12:32 17 A. No, it is absolutely not the case.

12:33 18 We wanted to know who was going to be

12:33 19 impacted and how to deal with it, and if

12:33 20 anybody was going to be impacted by it.

12:33 21 Q. And then you were interviewed the

12:33 22 next morning by Fox, at 8:00 a.m., right?

12:33 23 A. I don't recall.

12:33 24 Q. You recall that you were

12:33 25 interviewed the morning of the Super Bowl by

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1 Goodell

12:33 2 Fox, at 8 o'clock in the morning? Do you

12:33 3 recall that?

12:33 4 A. I don't.

12:33 5 Q. Okay. Do you recall on the morning

12:33 6 of the Super Bowl being interviewed by

12:33 7 anyone?

12:33 8 A. I don't.

12:34 9 MR. AVENATTI: Sir. (Handing.)

12:34 10 THE COURT REPORTER: Exhibit 156.

12:34 11 Q. Sir, I'm going to show you the

12:34 12 revised Exhibit 156, NFL 036819. Do you have

12:34 13 that in front of you?

12:34 14 A. Exhibit one five six, yes.

12:34 15 Q. All right. Is this one of the

12:34 16 e-mails that Mr. Behrens asked you about?

12:34 17 MR. AVENATTI: Or strike that.

12:34 18 Q. Is this one of the e-mails that Mr.

12:34 19 Behrens showed you in preparation for the

12:34 20 deposition today?

12:34 21 A. No.

12:34 22 Q. We have yet to show you any

12:35 23 documents that he showed you in connection

12:35 24 were with your preparation for your

12:35 25 deposition.

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1 **Goodell**

12:35 2 A. I don't recall.

12:35 3 **Q. Okay.**

12:35 4 A. I -- when you've asked me the

12:35 5 question, I've given you a direct answer.

12:35 6 **Q. Okay. Fair enough.**

12:35 7 **Exhibit 156, do you see that this**

12:35 8 **appears to be an e-mail from Mr. Abitante to**

12:35 9 **yourself or to you Sunday, February 6th,**

12:35 10 **2011, 2:35 in the morning?**

12:35 11 A. Yes.

12:35 12 **Q. Do you have any reason to believe**

12:35 13 **you did not receive this e-mail on or about**

12:35 14 **that time?**

12:35 15 A. When you say received, it was sent;

12:35 16 I don't remember whether I read it at that

12:35 17 time.

12:35 18 **Q. Well, do you have any reason to**

12:35 19 **believe you did not receive it and read it on**

12:35 20 **the morning of Sunday, February 6th, 2011?**

12:36 21 A. No.

12:36 22 **Q. All right. "Subject: Temporary**

12:36 23 **seating. Just finished a two hour conference**

12:36 24 **call regarding the still incomplete**

12:36 25 **installation of temporary seating for today's**

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1 **Goodell**

12:36 2 **game. EG, Milt, Frank, fire marshal, Fred**

12:36 3 **Otto, PD, bmac and many others took part,"**

12:36 4 **period. Do you see that there?**

12:36 5 A. I do.

12:36 6 **Q. Who do you understand the initials**

12:36 7 **PD to be referring to?**

12:36 8 A. I don't know.

12:36 9 **Q. All right.**

12:36 10 A. I'm not sure that's an individual.

12:36 11 It could be the police department.

12:36 12 **Q. Okay. What about bmac; do you**

12:36 13 **recognize that reference?**

12:36 14 A. Likely it was Brian McCarthy.

12:36 15 **Q. "Bottom line is that" --**

12:36 16 **approximate -- "approx 2500 seats remain a**

12:37 17 **risk. We will know better at 6:00 a.m. at**

12:37 18 **the next conf call," period. Do you see**

12:37 19 **that?**

12:37 20 A. I do.

12:37 21 **Q. "Public safety was paramount in all**

12:37 22 **discussions. Extensive discussion re how top**

12:37 23 **mitigate PR impact through payment and**

12:37 24 **alternative areas to watch game," period. "I**

12:37 25 **will jave and update by the time we leave the**

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1 **Goodell**

12:37 2 **stadium and have scheduled an update for you**

12:37 3 **at the stadium immediately following your**

12:37 4 **interview on Fox," period. You see that?**

12:37 5 A. I do.

12:37 6 **Q. Why is it that when you were**

12:37 7 **interviewed on Fox and you had this**

12:37 8 **information contained in this e-mail, Mr.**

12:37 9 **Goodell, that you didn't bother to mention**

12:37 10 **during the interview that there were still**

12:37 11 **problems with the temporary seats, and they**

12:38 12 **remained a huge issue?**

12:38 13 **MR. BEHRENS: Objection, lack of**

12:38 14 **foundation; mischaracterizes the record.**

12:38 15 A. As it indicates in here, I was

12:38 16 giving an update after this interview. We

12:38 17 still didn't know which fans, how many fans

12:38 18 would be impacted by this.

12:38 19 **Q. But you knew that the bottom line**

12:38 20 **was that approximately 2500 seats remained at**

12:38 21 **risk, didn't you?**

12:38 22 A. Yes.

12:38 23 **Q. So why is it that you didn't bother**

12:38 24 **to inform the public of that fact when you**

12:38 25 **were interviewed on Fox, namely that**

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1 **Goodell**

12:38 2 **approximately 2500 seats remained at risk,**

12:38 3 **and that the league really didn't know if**

12:38 4 **those seats were going to be ready?**

12:38 5 **MR. BEHRENS: Objection, lack of**

12:38 6 **foundation; mischaracterizes the record.**

12:38 7 A. Well, again, we had an update after

12:38 8 this. We were all working obviously through

12:38 9 the night, as you can see by this --

12:39 10 **Q. The reason --**

12:39 11 A. -- to try to get the seats --

12:39 12 **Q. Go ahead.**

12:39 13 A. Thank you.

12:39 14 -- to try to get the seats in

12:39 15 place. We didn't know how many seats would

12:39 16 not be installed, how many seats would be

12:39 17 impacted, and who was sitting in those seats,

12:39 18 and we had to come up with everything we

12:39 19 could to have alternatives or contingencies

12:39 20 if seats weren't properly installed.

12:39 21 **Q. Isn't it true that the reason why**

12:39 22 **you didn't come out publicly before the game**

12:39 23 **and adequately inform the public and fans**

12:39 24 **about the problem, isn't the real reason why**

12:39 25 **because you didn't want to take the public**

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1 **Goodell**

12:39 2 **relations hit that would be associated with**

12:39 3 **that, and you didn't want it to impact the**

12:39 4 **Super Bowl coverage of the game? Isn't that**

12:39 5 **really the real reason, Mr. Goodell?**

12:39 6 A. That couldn't be further from the

12:39 7 truth, counselor.

12:39 8 **Q. So why didn't you mention it during**

12:39 9 **your Fox interview?**

12:40 10 A. I told you several times, we don't

12:40 11 know how many fans are going to be impacted,

12:40 12 if any were still going to be impacted, and

12:40 13 whether we could get those seats installed,

12:40 14 and what the alternatives were for us.

12:40 15 (Witness and counsel confer off the

12:40 16 record.)

12:40 17 **Q. Why is it that you didn't --**

12:40 18 **THE WITNESS: Yeah, that's fine.**

12:40 19 **Q. Why is it that you didn't go on Fox**

12:40 20 **that morning and take a principled stand**

12:40 21 **regardless of the consequences and basically**

12:40 22 **say: Hey, we just want to give everybody a**

12:40 23 **heads up. There may be some significant**

12:40 24 **seating issues for the Super Bowl. There may**

12:40 25 **be up to 2500 seats impacted, and we don't**

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1 **Goodell**

12:41 2 **know if they're all going to be installed in**

12:41 3 **time.**

12:41 4 **Why is it that you didn't take a**

12:41 5 **principled stand regardless of the**

12:41 6 **consequences, and deal with that?**

12:41 7 **MR. BEHRENS: Objection. It's**

12:41 8 **asked and answered now I think four**

12:41 9 **times.**

12:41 10 A. Again, we are trying to communicate

12:41 11 to the fans that are going or impacted. We

12:41 12 did not know who was going to be impacted by

12:41 13 that, or whether we would have any fans.

12:41 14 Fortunately, the numbers of 3,000, 2500

12:41 15 weren't even close, but, unfortunately, we

12:41 16 still had a large number of people that still

12:41 17 did not have their seat. That's

12:41 18 unacceptable, and we tried to deal with that

12:41 19 as effectively as possible, and come up with

12:41 20 a communication and contingencies to make

12:41 21 sure we accommodated those fans.

12:41 22 **Q. Now, at some point you did**

12:41 23 **determine which sections were going to be**

12:41 24 **impacted, right?**

12:41 25 A. It was determined by -- at the end

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1 **Goodell**

12:42 2 of the day or close to kickoff whether they

12:42 3 were installed and properly approved. As it

12:42 4 said in one of these e-mails, one of the

12:42 5 major issues for us here was we were not

12:42 6 going to compromise on safety in any way.

12:42 7 **Q. At one point in time you determined**

12:42 8 **which sections were going to be impacted**

12:42 9 **before kickoff, and yet the league didn't**

12:42 10 **issue any statement until well into the game;**

12:42 11 **isn't that true?**

12:42 12 A. I don't know when the statement

12:42 13 came out, sir.

12:42 14 **Q. Who authorized the statement that**

12:42 15 **was issued?**

12:42 16 A. I don't know that.

12:42 17 **Q. Did you?**

12:42 18 A. I don't recall doing that.

12:42 19 **Q. I may have asked you this**

12:43 20 **previously, and if I did, I apologize.**

12:43 21 **Am I correct you do not have a**

12:43 22 **recollection of communicating with Jerry**

12:43 23 **Jones on the day of the game, relating to the**

12:43 24 **temporary seating issues?**

12:43 25 A. I think I told you I recall very

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1 **Goodell**

12:43 2 specifically having a discussion with Stephen

12:43 3 Jones, who was the key point person and

12:43 4 manages the stadium essentially for the Jones

12:43 5 Family.

12:43 6 **Q. And not with Jerry, as it relates**

12:43 7 **to that topic.**

12:43 8 A. I don't recall that.

12:43 9 **Q. You do recall having a number of**

12:43 10 **communications in the days leading up to the**

12:43 11 **game and on the day of the game relating to**

12:43 12 **the Super Bowl attendance record, correct?**

12:43 13 A. With who?

12:43 14 **Q. With Jerry Jones.**

12:43 15 A. I don't recall having it on the day

12:43 16 of the game, but I did have discussions with

12:43 17 him about that, yes.

12:44 18 (Witness and counsel confer off the

12:44 19 record.)

12:44 20 **MR. BEHRENS: When we get a chance.**

12:44 21 **Q. Do you wish to make any**

12:44 22 **corrections, additions or changes to any of**

12:44 23 **your testimony thus far, Mr. Goodell?**

12:44 24 A. No.

12:44 25 **MR. AVENATTI: All right. Why don't**

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1 **Goodell**
 12:44 2 **we go off the record.**
 12:44 3 **THE VIDEOGRAPHER: The time is**
 12:44 4 **12:45 p.m. and we are off the record.**
 12:45 5 **(Luncheon recess taken.)**
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1 **Goodell**
 13:24 2 **AFTERNOON SESSION**
 13:31 3 **THE VIDEOGRAPHER: The time is**
 13:31 4 **1:31 p.m., and we are back on the**
 13:31 5 **record.**
 13:31 6 **(Plaintiffs' Exhibit 157, printout**
 13:32 7 **of e-mail chain, Bates NFL 034298,**
 8 **marked for identification, as of this**
 9 **date.)**
 10 **ROGER GOODELL , resumed and**
 11 **testified further as follows:**
 12 **CONTINUED EXAMINATION**
 13 **BY MR. AVENATTI:**
 13:31 14 **Q. Mr. Goodell, I've shown you a**
 13:31 15 **document that we've marked off the record as**
 13:32 16 **Exhibit 157, Bates stamped NFL 034298. Do**
 13:32 17 **you see that?**
 13:32 18 **A. I have Exhibit 57 (sic).**
 13:32 19 **Q. Thank you.**
 13:32 20 **And this is a series of three**
 13:32 21 **e-mails in which you were listed as either**
 13:32 22 **the sender or recipient. Do you see that?**
 13:32 23 **A. Yes, I do.**
 13:32 24 **Q. Do you have any reason to believe**
 13:32 25 **that you did not send or receive the e-mails**

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1 **Goodell**
 13:32 2 **that are included within in exhibit?**
 13:32 3 **A. No, I don't.**
 13:32 4 **Q. The first e-mail at the bottom is**
 13:32 5 **Sunday, February 6, 2011. You see that?**
 13:32 6 **A. I do.**
 13:32 7 **Q. So the e-mail from you to Mr.**
 13:32 8 **Aiello, and this was sent before kickoff of**
 13:32 9 **the Super Bowl, correct?**
 13:33 10 **A. Yes.**
 13:33 11 **Q. Is this e-mail --**
 13:33 12 **MR. AVENATTI: Strike that.**
 13:33 13 **Q. Is this page the page that Mr.**
 13:33 14 **Behrens showed you in preparation for your**
 13:33 15 **deposition here today?**
 13:33 16 **A. It might have been. I don't -- I**
 13:33 17 **don't recall.**
 13:33 18 **Q. And you received --**
 13:33 19 **MR. AVENATTI: Well, strike that.**
 13:33 20 **Q. You sent this e-mail to Mr. Aiello**
 13:33 21 **before kickoff, and it states "JJ also called**
 13:33 22 **about attendance. We have to resolve,"**
 13:33 23 **correct?**
 13:33 24 **A. Yes.**
 13:33 25 **Q. And you were referring to Jerry**

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1 **Goodell**
 13:33 2 **Jones, right?**
 13:33 3 **A. Yes.**
 13:33 4 **Q. And had Mr. Jones called you before**
 13:33 5 **kickoff, you personally, regarding**
 13:33 6 **attendance?**
 13:33 7 **A. I don't know if he called me**
 13:33 8 **personally or Pete Abitante, but I know he**
 13:33 9 **called trying to reach me about that. That's**
 13:33 10 **the point.**
 13:34 11 **Q. And what did you mean when you said**
 13:34 12 **"We have to resolve"?**
 13:34 13 **A. We have to resolve what we're**
 13:34 14 **announcing.**
 13:34 15 **Q. Well, the game hadn't even started,**
 13:34 16 **right?**
 13:34 17 **A. That's not the point. The point is**
 13:34 18 **what categories. The discussion we had with**
 13:34 19 **Jerry leading up to the game was the number**
 13:34 20 **of tickets in the stadium, which really**
 13:34 21 **wasn't at dispute, credentials, and a second**
 13:34 22 **-- third category, which would have been**
 13:34 23 **people that were I believe on the plaza**
 13:34 24 **outside the stadium.**
 13:34 25 **Q. And Mr. Jones was focused on this**

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1 **Goodell**

13:34 2 **due to his intent on breaking the Super Bowl**

13:34 3 **attendance record, to the best of your**

13:34 4 **knowledge, correct?**

13:34 5 **MR. BEHRENS: Objection. Calls for**

13:34 6 **speculation.**

13:34 7 A. Yeah, I don't -- I know that he had

13:34 8 an interest in that, but we were always very

13:35 9 clear that we were going to announce the

13:35 10 actual numbers.

13:35 11 **Q. Mr. Jones expressed to you on a**

13:35 12 **number of occasions prior to the game that he**

13:35 13 **was intent on breaking the Super Bowl**

13:35 14 **attendance record; is that true?**

13:35 15 A. I don't know if I would

13:35 16 characterize it that way. I know that he

13:35 17 said that publicly, that he would like to

13:35 18 have more people at the stadium than any

13:35 19 other prior Super Bowl.

13:35 20 **Q. Did you understand as of the day of**

13:35 21 **the game that Mr. Jones was focused on**

13:35 22 **breaking the Super Bowl attendance record?**

13:35 23 A. Well, the dispute -- or not

13:35 24 dispute, but the thing we were discussing is

13:35 25 is the attendance record based on people in

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1 **Goodell**

13:35 2 the stadium in seats versus at the stadium,

13:35 3 and that was the issue that we were

13:35 4 discussing. Whatever the numbers were, the

13:35 5 numbers were going to be.

13:35 6 **Q. All right. I understand that, and**

13:35 7 **we'll get to that in a -- in a moment.**

13:35 8 **My question is a little broader,**

13:36 9 **which is as of the day of the game did you**

13:36 10 **have any understanding that Mr. Jones was**

13:36 11 **focused on breaking the Super Bowl attendance**

13:36 12 **record.**

13:36 13 A. I don't know about focused, but he

13:36 14 was interested in how we were going to

13:36 15 announce the attendance.

13:36 16 **Q. Did you share Mr. Jones's intent on**

13:36 17 **breaking the Super Bowl attendance record at**

13:36 18 **any time?**

13:36 19 A. I think he was quite public.

13:36 20 **Q. I understand, and I agree with you.**

13:36 21 **My question is did you also see**

13:36 22 **that as a priority or as something that was**

13:36 23 **important.**

13:36 24 A. It wasn't a priority for me.

13:36 25 **Q. Was it important for you or the**

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1 **Goodell**

13:36 2 **league that the Super Bowl attendance record**

13:36 3 **be broken at Super Bowl 45 at Cowboy Stadium?**

13:36 4 A. It was not to me.

13:36 5 **Q. Why was it not to you?**

13:36 6 A. It wasn't a priority. The

13:36 7 attendance is going to be what the attendance

13:36 8 is.

13:36 9 **Q. Were you more interested in quality**

13:37 10 **over quantity as of the day of the game?**

13:37 11 A. That's a broad term.

13:37 12 We -- we always want our best to be

13:37 13 high quality, but the numbers are what the

13:37 14 numbers are.

13:37 15 **Q. Do you know whose idea it was to**

13:37 16 **put approximately 13,000 temporary seats into**

13:37 17 **Cowboy Stadium for the game?**

13:37 18 A. I can't speak specifically to whose

13:37 19 idea it was, no.

13:37 20 **Q. Well, it wasn't the league's idea,**

13:37 21 **was it?**

13:37 22 A. It was in their bid, I believe, so

13:37 23 it wasn't the league's idea.

13:37 24 **Q. When you say it was in their bid,**

13:37 25 **you're talking about the North Texas bid,**

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1 **Goodell**

13:37 2 **correct?**

13:37 3 A. That's correct.

13:37 4 **Q. Were you at the first regularly --**

13:37 5 **MR. AVENATTI: Strike that.**

13:37 6 **Q. Were you at the first regular**

13:37 7 **season game played at Texas (sic) stadium**

13:37 8 **between the Cowboys and the Giants when it**

13:37 9 **first opened?**

13:37 10 **MR. BEHRENS: Cowboy Stadium?**

13:37 11 **MR. AVENATTI: Yeah. That was a**

13:37 12 **faux pas.**

13:37 13 **Strike that.**

13:37 14 **Q. Were you at the first game played**

13:37 15 **at Cowboy Stadium when the Cowboys opened the**

13:38 16 **stadium for the regular season against the**

13:38 17 **New York Giants?**

13:38 18 A. I believe I was.

13:38 19 **Q. Is it safe to say that you found**

13:38 20 **the stadium as constructed, meaning without**

13:38 21 **any temporary seats, to be fairly impressive?**

13:38 22 **(Discussion off the record.)**

13:38 23 **MR. BEHRENS: Objection, vague.**

13:38 24 **You can answer.**

13:38 25 A. I think the stadium was -- was an

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1 Goodell

13:38 2 impressive stadium, yes.

13:38 3 **Q. At the time that it opened,**

13:38 4 **certainly one of the crown jewels of the**

13:38 5 **league. You would agree with that; would you**

13:38 6 **not?**

13:38 7 A. Every owner is very proud of their

13:38 8 stadium; I can assure you that.

13:38 9 **Q. So one of the 32 crown jewels in**

13:38 10 **the league perhaps.**

13:38 11 A. Well, with all due respect, we have

13:38 12 31, because we have two sharing a stadium.

13:38 13 **Q. Okay. Was it your idea to add**

13:38 14 **temporary seats to the stadium for the Super**

13:38 15 **Bowl, meaning you personally?**

13:38 16 A. No.

13:38 17 As I said to you before, I don't

13:39 18 know whose idea it was.

13:39 19 **Q. Do you know if the number of**

13:39 20 **temporary seats that -- that were to be added**

13:39 21 **to the stadium changed from the bid that was**

13:39 22 **accepted by the NFL?**

13:39 23 A. At what point?

13:39 24 **Q. From the time that the bid was**

13:39 25 **accepted by the NFL, the bid for the Super**

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1 Goodell

13:39 2 **Bowl, until the actual day of the game.**

13:39 3 A. I do not know that.

13:39 4 **Q. Isn't it true that the bid that was**

13:39 5 **accepted by the NFL for the Super Bowl for**

13:39 6 **North Texas only called for a total of**

13:39 7 **approximately 700 temporary seats?**

13:39 8 **MR. BEHRENS: Objection. Misstates**

13:39 9 **the record.**

13:39 10 A. I don't know what the specific

13:39 11 number was of temporary seats at the time of

13:39 12 the bid.

13:39 13 **Q. Isn't it true that the Cowboys bid**

13:40 14 **that was accepted by the NFL had a proposed**

13:40 15 **attendance figure of only approximately**

13:40 16 **93,000 people?**

13:40 17 **MR. BEHRENS: Objection. Misstates**

13:40 18 **the record.**

13:40 19 A. I -- I do not recall what the

13:40 20 attendance was in the bid, or projected

13:40 21 attendance.

13:40 22 **Q. Do you recall what the attendance**

13:40 23 **record was immediately prior to Super Bowl**

13:40 24 **45, for attendance at a Super Bowl?**

13:40 25 A. The exact number?

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1 Goodell

13:40 2 **Q. Approximately.**

13:40 3 A. I may have known at the time. I

13:40 4 don't know that number now.

13:40 5 **Q. Is 104,000 roughly the number?**

13:40 6 A. Again, I don't recall.

13:40 7 **Q. You mentioned this debate about**

13:40 8 **what numbers were going to be announced,**

13:40 9 **whether it was, I believe you said, everyone**

13:41 10 **in the stadium or only those with seats. Was**

13:41 11 **that the debate?**

13:41 12 **MR. BEHRENS: Objection. It**

13:41 13 **mischaracterizes the testimony.**

13:41 14 A. I don't think that's what I said.

13:41 15 **Q. Okay.**

13:41 16 A. The question was in the stadium or

13:41 17 at the stadium.

13:41 18 **Q. The debate was whether to include**

13:41 19 **individuals in the party plaza outside the**

13:41 20 **stadium in the attendance figures; is that**

13:41 21 **correct?**

13:41 22 **MR. BEHRENS: Objection. Misstates**

13:41 23 **the testimony.**

13:41 24 A. No. I think I mentioned to you

13:41 25 before that there were actually two

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1 Goodell

13:41 2 categories that were debated, whether you

13:41 3 were credentialed to be at the stadium in and

13:41 4 out of the stadium, and the third category

13:41 5 was the -- or the second category of the

13:41 6 debate I guess is the plaza, the outside

13:41 7 area.

13:41 8 **Q. Mr. Jones wanted the league to**

13:41 9 **announce a single number including both of**

13:41 10 **those two categories; is that correct?**

13:41 11 A. It did include those two

13:42 12 categories. And yes, that's what he desired.

13:42 13 **Q. And what was your position on the**

13:42 14 **topic?**

13:42 15 A. We were trying to determine with

13:42 16 our staff whether in prior Super Bowls that

13:42 17 we announce just tickets or tickets plus

13:42 18 credentials. I do not think that we ever

13:42 19 announced anything. I think we conclusively

13:42 20 determined that we ever (sic) announced

13:42 21 people outside the stadium.

13:42 22 **Q. That we never announced.**

13:42 23 A. I don't believe we've ever done

13:42 24 that, no.

13:42 25 **Q. Okay. Ultimately did you announce**

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1 **Goodell**

13:42 2 **a number that included or excluded people in**

13:42 3 **the party plaza?**

13:42 4 A. I don't -- I don't remember.

13:42 5 **Q. So in response to your e-mail, Mr.**

13:42 6 **Aiello wrote back "It's no time for BS,"**

13:42 7 **period. Do you see that?**

13:42 8 A. Um-hm.

13:42 9 **Q. And you understand him to meaning**

13:43 10 **-- to be meaning it's no time for bullshit,**

13:43 11 **right?**

13:43 12 A. I think that's a fair assumption,

13:43 13 yes.

13:43 14 **Q. And then he stated "Lay out the**

13:43 15 **facts. Tickets sold including party plaza,**

13:43 16 **credentialed attendees, total attendance at**

13:43 17 **stadium. Will get new numbers from Frank and**

13:43 18 **announce in third cue. The numbers are what**

13:43 19 **they are. We still don't" know -- "We still**

13:43 20 **don't how many kills," period. Did I read**

13:43 21 **that correctly?**

13:43 22 A. I believe you did.

13:43 23 **Q. And you understood Mr. Aiello to be**

13:43 24 **conveying to you that the league should**

13:43 25 **simply announce the attendance in this**

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1 **Goodell**

13:43 2 **manner; that whatever the numbers are, they**

13:43 3 **are, and at that time the league was unaware**

13:43 4 **of how many seats had been unable to be used;**

13:43 5 **is that right?**

13:43 6 A. No.

13:43 7 **Q. Okay. How is that incorrect?**

13:44 8 A. Frankly, I don't know what the last

13:44 9 mention about we still don't know how many

13:44 10 kills are. My focus was on are we going to

13:44 11 announce these three categories so that it

13:44 12 would not be misleading in any way these are

13:44 13 the number of people that had tickets, tis is

13:44 14 the number of people who had credentials, and

13:44 15 this is the number of people who had tickets

13:44 16 for plaza outside the stadium.

13:44 17 **Q. You responded with "We are not**

13:44 18 **talking change in the numbers. It is simply**

13:44 19 **what we announce. He claims we have only**

13:44 20 **announced attendance, not breakdown." And by**

13:44 21 **he you mean Jerry Jones, right?**

13:44 22 A. Yes.

13:44 23 **Q. "If I heard you correctly,**

13:44 24 **credentials have been included in attendance.**

13:44 25 **True or not? I did not want to be dealing**

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1 **Goodell**

13:44 2 **with this today." Did I read that correctly?**

13:44 3 A. I believe you did.

13:44 4 **Q. What did you mean when you said "I**

13:44 5 **did not want to be dealing with this today"?**

13:44 6 A. I think that's pretty

13:45 7 self-explanatory. This issue should have

13:45 8 been resolved, and we should have had an

13:45 9 understanding of how we were going to

13:45 10 announce the attendance in advance of Sunday

13:45 11 afternoon.

13:45 12 **Q. Why do you believe that should have**

13:45 13 **been dealt with in advance of the game?**

13:45 14 A. Because none of these issues

13:45 15 changed on game day. The numbers may change,

13:45 16 but the concept doesn't change.

13:45 17 **Q. Why was it that you did not want to**

13:45 18 **be dealing with it that day?**

13:45 19 **MR. BEHRENS: Objection, asked and**

13:45 20 **answered.**

13:45 21 A. It's a Super Bowl. We have a

13:45 22 number of things that we have to do on Super

13:45 23 Bowl Sunday.

13:45 24 **Q. One of the last things you wanted**

13:45 25 **to be dealing with on Super Bowl Sunday was**

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1 **Goodell**

13:45 2 **how the attendance was going to be announced,**

13:45 3 **right?**

13:45 4 A. I didn't say that.

13:45 5 **Q. Well, you -- you saw it as a**

13:45 6 **relatively minor issue; did you not?**

13:45 7 A. No. It's an important issue. It's

13:45 8 an important issue for the game, but it

13:45 9 should have been resolved in advance.

13:45 10 **Q. As of this time on game day what**

13:46 11 **was more important, the fact that a number of**

13:46 12 **fans weren't going to have seats due to the**

13:46 13 **temporary seat issues, or how attendance was**

13:46 14 **going to be announced?**

13:46 15 A. No question, how many people we

13:46 16 could get into their seats, absolutely.

13:46 17 That's my point of saying I did not want to

13:46 18 be dealing with this today.

13:46 19 **Q. When JJ called about the**

13:46 20 **attendance, meaning Jerry Jones, did you**

13:46 21 **happen to say to him: Hey, Jerry, I**

13:46 22 **appreciate you calling me about the**

13:46 23 **attendance, but we've got bigger fishes to**

13:46 24 **fry here. We got fans that are coming to the**

13:46 25 **Super Bowl, our biggest event of the year,**

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1 **Goodell**

13:46 2 **that aren't going to have any seats.**

13:46 3 A. As I said earlier to you, I don't

13:46 4 even remember if I spoke to him about this

13:46 5 issue.

13:46 6 **Q. Well, he called about the**

13:46 7 **attendance, right?**

13:46 8 A. He may have called, but, as I said

13:46 9 to you before, he could have called Pete

13:46 10 Abitante, he could have called others. On

13:46 11 the day of Super Bowl this -- frequently at

13:46 12 that hour it's difficult to reach me.

13:46 13 **Q. Are you aware of any call by Mr.**

13:46 14 **Jones regarding the temporary seats as**

13:46 15 **opposed to the attendance record on the day**

13:47 16 **of the game?**

13:47 17 A. I'm only aware of this call based

13:47 18 on this e-mail.

13:47 19 **Q. So you're only aware of Mr. Jones**

13:47 20 **calling about the attendance record on the**

13:47 21 **day of the game.**

13:47 22 **MR. BEHRENS: Objection. Misstates**

13:47 23 **his testimony.**

13:47 24 A. I'm only aware of one phone call,

13:47 25 based on this e-mail, and what the subject

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1 **Goodell**

13:47 2 matter was, or at least I was told why he was

13:47 3 calling.

13:47 4 **Q. And that subject matter was how the**

13:47 5 **attendance was going to be announced,**

13:47 6 **according to this e-mail, right?**

13:47 7 A. He called about the attendance.

13:47 8 **Q. You understood that to mean about**

13:47 9 **how the attendance was going to be announced.**

13:47 10 **That's why you then had this back and forth**

13:47 11 **with Mr. Aiello. Correct?**

13:47 12 A. (Reading) It clearly was about the

13:47 13 attendance. That's why I sent it to Mr.

13:48 14 Aiello, to see if he had resolved this issue.

13:48 15 **Q. At some point prior to the game the**

13:48 16 **NFL concluded that, in fact, Mr. Jones's**

13:48 17 **efforts aimed at breaking the attendance**

13:48 18 **record was going to have a significant**

13:48 19 **financial impact on the game -- for the game;**

13:48 20 **isn't that true?**

13:48 21 **MR. BEHRENS: Objection. Assumes**

13:48 22 **facts not in evidence. Mischaracterizes**

13:48 23 **the record.**

13:48 24 A. I'm not aware of that.

13:48 25 **Q. You're not aware of a -- hold on.**

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13:48 2 **MR. AVENATTI: Strike that.**

13:49 3 **Q. Have you ever seen a document**

13:49 4 **called The Commissioner's Briefing, Super**

13:49 5 **Bowl 45, January 10th, 2011?**

13:49 6 A. I don't know that. I'd have to

13:49 7 look at the document.

13:49 8 **Q. Are you familiar generally with the**

13:49 9 **fact that in connection with each Super Bowl**

13:49 10 **there is a document prepared called The**

13:49 11 **Commissioner's Briefing that describes**

13:49 12 **various details concerning the game, meaning**

13:49 13 **the Super Bowl?**

13:49 14 A. In advance of the Super Bowl we

13:49 15 often get together with a large number of

13:49 16 people in our office to discuss the issues --

13:49 17 **Q. And including --**

13:49 18 A. -- well in advance of the Super

13:49 19 Bowl.

13:49 20 **Q. And included in those issues are**

13:49 21 **various financial projections, profit and**

13:49 22 **loss projections relating to the game; is**

13:49 23 **that right?**

13:49 24 A. Yes.

13:49 25 **Q. And in connection with Super Bowl**

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1 **Goodell**

13:49 2 **45, isn't it true that the league determined**

13:50 3 **before the game that because of the**

13:50 4 **heightened number of seats at the stadium,**

13:50 5 **that the league was going to enjoy an**

13:50 6 **approximate 37 million-dollar increase in**

13:50 7 **total revenue for Super Bowl 45 as opposed to**

13:50 8 **Super Bowl 44 and 43?**

13:50 9 A. I don't remember the number.

13:50 10 **Q. Do you have a recollection of**

13:50 11 **reviewing the profit and loss projections for**

13:50 12 **Super Bowl 45 before the game, in connection**

13:50 13 **with a Commissioner's briefing that had been**

13:50 14 **prepared?**

13:50 15 A. Not specifically, but it's not

13:50 16 unusual that they would raise that in the

13:50 17 context of a full briefing.

13:50 18 (Pages 181 through 195 are

13:50 19 designated confidential and are bound

13:50 20 separately. The non-confidential

13:50 21 transcript continues on page 196.)

22

23

24

25

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1 Goodell

14:07 2 MR. AVENATTI: Can we go ahead and

14:07 3 show the witness the next exhibit in

14:07 4 order, Exhibit 159, at NFL 034395.

14:07 5 (Plaintiffs' Exhibit 159, printout

14:07 6 of Mr. Aiello e-mail to Mr. Goodell in

14:07 7 response to Plaintiffs' Exhibit 157,

14:07 8 Bates NFL 034395, marked for

14:07 9 identification, as of this date.).

14:08 10 A. (Perusing documents)

14:08 11 Q. Sir, I see you comparing 159 to

14:08 12 158. You see that 158 stops with your e-mail

14:08 13 to Mr. Aiello, and then 159 is a follow-up

14:08 14 from Mr. Aiello to you, and it contains the

14:08 15 balance of the string. Do you see that?

14:08 16 MR. BEHRENS: Just to clear the

14:08 17 record, it's 157 and 159, because 158's

14:08 18 the briefing.

14:08 19 MR. AVENATTI: You're correct.

14:08 20 Let me strike that.

14:09 21 Q. Sir, I see you comparing 157 to

14:09 22 159. Do you see 157 stops with your e-mail

14:09 23 to Mr. Aiello at 2:37 p.m., and 159 is Mr.

14:09 24 Aiello's response to you?

14:09 25 A. I'm sorry. I'm just trying to keep

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1 Goodell

14:09 2 the numbers straight.

14:09 3 Q. That makes two of us.

14:09 4 A. I saw that.

14:09 5 Q. And I'm not talking about the

14:09 6 attendance.

14:09 7 A. (Reading).

14:09 8 MR. BEHRENS: Nor is he.

14:09 9 MR. AVENATTI: (Inaudible).

14:09 10 A. Okay, so the -- the question was is

14:09 11 all of this e-mail on Exhibit one five seven

14:09 12 included in one five nine?

14:09 13 Q. Yeah.

14:09 14 I was just pointing that out to you

14:09 15 just so that --

14:09 16 A. Oh, okay.

14:10 17 Q. -- understand that.

14:10 18 A. Okay.

14:10 19 Q. So --

14:10 20 A. Thank you.

14:10 21 Q. -- if you look at Exhibit 159, Mr.

14:10 22 Aiello responds to your e-mail about "We are

14:10 23 not talking changing the numbers." You see

14:10 24 his response there?

14:10 25 A. Yes, I do see his response.

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1 Goodell

14:10 2 Q. Okay. And do you have any reason

14:10 3 to believe you did not receive this response

14:10 4 back from him on or about Sunday,

14:10 5 February 6th?

14:10 6 A. I believe he sent it. I don't know

14:10 7 when I read it, but yes.

14:10 8 Q. Okay. And in the second paragraph

14:10 9 Mr. Aiello states "I had this resolved.

14:10 10 Jerry never responded until now and I sent it

14:10 11 to Cowboys at least two days ago. He wants

14:10 12 to announce one big number and not explain

14:10 13 it. Eric, Frank all are opposed. No one

14:10 14 responded to my memo yesterday saying here's

14:11 15 what we are going with unless I hear from

14:11 16 you," paren, "Break it down to two numbers

14:11 17 adding to total at stadium," close paren,

14:11 18 period. Did I read that correctly?

14:11 19 A. I believe you did.

14:11 20 Q. And is it your best recollection

14:11 21 that the ultimate number that was announced

14:11 22 was in fact broken down as opposed to one

14:11 23 global number as Mr. Jones had requested?

14:11 24 MR. BEHRENS: Objection. It's

14:11 25 asked and answered.

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1 Goodell

14:11 2 A. I don't recall, but I don't think

14:11 3 this deals with -- I'm just looking at this

14:11 4 now, but I don't think this deals with the

14:11 5 whole issue of tickets outside and in the

14:11 6 plaza.

14:11 7 Q. What do you believe it to deal

14:11 8 with?

14:11 9 A. Again, I haven't read this, but I

14:11 10 would have to read it.

14:11 11 Q. Yeah. Go ahead and take a look at

14:11 12 it.

14:11 13 A. Okay. (Reading) Okay.

14:12 14 Q. So I think the question was what do

14:12 15 you believe it dealt with.

14:12 16 (Discussion off the record.)

14:12 17 A. It's the -- there's several issues,

14:12 18 I guess. One is whether we announce one

14:12 19 single number or two numbers.

14:12 20 My question still, I don't recall

14:12 21 having the conversation, because this was so

14:12 22 late in the game, not in the game the Super

14:12 23 Bowl, but late coming up to it, is whether

14:12 24 this included the people outside the stadium

14:13 25 or not. At some point I was focused on other

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1 Goodell

14:13 2 matters.

14:13 3 **Q. Can you recall another single**

14:13 4 **instance in your career at the NFL where so**

14:13 5 **much attention was paid to the attendance at**

14:13 6 **the Super Bowl by an owner as Mr. Jones paid**

14:13 7 **to the attendance at Super Bowl 45?**

14:13 8 **MR. BEHRENS: Objection.**

14:13 9 **Mischaracterizes the record.**

14:13 10 A. I don't recall being involved very

14:13 11 often in a Super Bowl and what the attendance

14:13 12 announcement is at all.

14:13 13 **Q. You were involved in this one,**

14:13 14 **right?**

14:13 15 A. Yes.

14:13 16 **Q. Why was that?**

14:13 17 A. Because of the issues you've

14:13 18 already outlined here, what was going to be

14:13 19 announced.

14:13 20 **Q. You don't recall another instance**

14:13 21 **in your career where you were involved in**

14:13 22 **what was going to be announced relating to**

14:13 23 **the attendance at the Super Bowl; is that**

14:14 24 **fair?**

14:14 25 **MR. BEHRENS: Objection, asked and**

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1 Goodell

14:14 2 answered.

14:14 3 A. I don't. I don't remember being

14:14 4 involved in attendance announcement of Super

14:14 5 Bowl very often, no.

14:14 6 **Q. I take it you generally don't have**

14:14 7 **much involvement with the announcement of**

14:14 8 **attendance at any game put on by the NFL. Is**

14:14 9 **that a fair assumption?**

14:14 10 A. No.

14:14 11 In fact, I was very involved with

14:14 12 it one time in my prior jobs. I was

14:14 13 responsible for those games, like our

14:14 14 international games, as an example.

14:14 15 **Q. But not as it related to the Super**

14:14 16 **Bowl.**

14:14 17 A. Not as it relates to Super Bowl.

14:14 18 **Q. All right. Do you have a**

14:14 19 **recollection of any owner, in your history at**

14:14 20 **the league, being as focused on attendance at**

14:14 21 **a Super Bowl as Mr. Jones was in connection**

14:14 22 **with Super Bowl 45?**

14:14 23 **MR. BEHRENS: Objection to the**

14:14 24 **characterization.**

14:14 25 A. Well, we had different issues here.

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1 Goodell

14:14 2 As I stated earlier, I'm not sure we ever had

14:14 3 tickets outside an event. That was I think

14:15 4 somewhat unique at this Super Bowl, and it

14:15 5 was different, so it needed to be addressed.

14:15 6 **Q. Can you think of another instance**

14:15 7 **in your career at the league when you had an**

14:15 8 **owner that was as interested in the**

14:15 9 **attendance record at a Super Bowl as Mr.**

14:15 10 **Jones was as related to Super Bowl 45?**

14:15 11 **MR. BEHRENS: Object to the**

14:15 12 **characterization, and it's asked and**

14:15 13 **answered.**

14:15 14 A. I can't recall having much

14:15 15 discussion about the Super Bowl attendance.

14:15 16 **Q. Prior to Super Bowl 45 and Mr.**

14:15 17 **Jones, correct?**

14:15 18 **MR. BEHRENS: Objection. Misstates**

14:15 19 **the testimony.**

14:15 20 A. I do not get involved with the

14:15 21 announcement of Super Bowls very often. This

14:15 22 was unique because we had unique

14:15 23 circumstances.

14:15 24 **Q. Are you aware of any other**

14:15 25 **instances in which an owner in the NFL**

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1 Goodell

14:15 2 publicly stated that he was interested in

14:16 3 breaking the attendance at a Super Bowl,

14:16 4 other than Mr. Jones in connection with Super

14:16 5 Bowl 45?

14:16 6 A. I can't recall a conversation, no.

14:16 7 But I may not have been included in

14:16 8 that. There were a lot of Super Bowls where

14:16 9 I wouldn't have been included in that

14:16 10 discussion.

14:16 11 **Q. I'm not necessarily asking about a**

14:16 12 **discussion.**

14:16 13 **I think it's well documented that**

14:16 14 **Mr. Jones made a number of public**

14:16 15 **pronouncements --**

14:16 16 A. Um-hm.

14:16 17 **Q. -- about his desire to break the**

14:16 18 **Super Bowl attendance record at Super**

14:16 19 **Bowl 45. I think you would agree with me.**

14:16 20 **Is that correct?**

14:16 21 A. I think I stated that earlier.

14:16 22 **Q. I'm just -- so we're -- we're in**

14:16 23 **agreement at least on that.**

14:16 24 A. Yes, we are.

14:16 25 **Q. All right. It took a while, but we**

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1 **Goodell**

14:16 2 **got there. So here's my question.**

14:16 3 **Can you recall -- other than those**

14:16 4 **public pronouncements of Mr. Jones's desire**

14:16 5 **to break the attendance record in connection**

14:16 6 **with Super Bowl 45, can you recall another**

14:16 7 **single instance in the history of the**

14:16 8 **National Football League, that you are aware**

14:17 9 **of, where an owner made a similar**

14:17 10 **pronouncement as to his or her desires to**

14:17 11 **break an attendance record in connection with**

14:17 12 **a Super Bowl?**

14:17 13 **MR. BEHRENS: Objection, asked and**

14:17 14 **answered. He just answered that**

14:17 15 **question.**

14:17 16 A. I'm not personally aware of it.

14:17 17 **Q. Do you think that Mr. Jones's**

14:17 18 **interest in breaking the Super Bowl**

14:17 19 **attendance record contributed to the**

14:17 20 **temporary seat issues that we've been**

14:17 21 **discussing here today?**

14:17 22 A. I do not.

14:17 23 **Q. Why is that?**

14:17 24 A. Because at no time was there any

14:17 25 intention or any desire to add seats to break

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1 **Goodell**

14:17 2 a record. The only discussion were on the

14:17 3 other two categories, is should we count

14:17 4 credentials and should we count people in the

14:17 5 plaza.

14:17 6 **Q. Well, the league didn't make the**

14:18 7 **decision to add the seats, did it?**

14:18 8 **We already dealt with that.**

14:18 9 A. No, you asked me whose idea it was.

14:18 10 **Q. Okay. Is it wasn't the league's.**

14:18 11 A. It was not their idea (speaking

14:18 12 simultaneously) --

14:18 13 **Q. All right.**

14:18 14 **And it wasn't your idea personally,**

14:18 15 **right?**

14:18 16 A. No.

14:18 17 **Q. Okay. I'm correct that it was not**

14:18 18 **your idea, right?**

14:18 19 **MR. BEHRENS: Asked and answered**

14:18 20 **now for the third, maybe fourth time.**

14:18 21 **MR. AVENATTI: No. I'm just**

14:18 22 **clarifying the record, because we**

14:18 23 **spoke --**

14:18 24 **Q. I think we missed each other.**

14:18 25 **I am correct that it was neither**

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1 **Goodell**

14:18 2 **the league or your side -- you idea to add**

14:18 3 **seats for Super Bowl 45, temporary seats; is**

14:18 4 **that true?**

14:18 5 **MR. BEHRENS: Same objection. He's**

14:18 6 **already testified to that.**

14:18 7 A. That was part of their bid.

14:18 8 **Q. Okay. They made the decision,**

14:18 9 **meaning North Texas made the decision, as to**

14:18 10 **how many seats to add; am I correct?**

14:18 11 **MR. BEHRENS: Asked and answered.**

14:18 12 A. That was part of their bid. I

14:18 13 don't know who North Texas is, but I can tell

14:19 14 you that that was part of their bid. I don't

14:19 15 know who, as part of the bid, made that

14:19 16 determination.

14:19 17 **Q. So you don't know whether there was**

14:19 18 **ever any intention or desire to add seats in**

14:19 19 **order to break an attendance record, do you?**

14:19 20 **MR. BEHRENS: Objection. It**

14:19 21 **misstates his testimony.**

14:19 22 **Q. (Continuing) Do you?**

14:19 23 A. Do I what?

14:19 24 **Q. You don't know whether there was**

14:19 25 **ever any intention or desire to add temporary**

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1 **Goodell**

14:19 2 **seats in order to break an attendance**

14:19 3 **record --**

14:19 4 **MR. BEHRENS: Objection.**

14:19 5 **Misstates --**

14:19 6 **Q. -- do you?**

14:19 7 **MR. BEHRENS: -- his testimony, and**

14:19 8 **mischaracterizes the evidence.**

14:19 9 A. They made a proposal, a bid for a

14:19 10 number --

14:19 11 Sorry. You're reacting. Is there

14:19 12 something wrong with what I'm saying?

14:19 13 **Q. No. I'm -- I'm encouraging you to**

14:19 14 **go on. Please.**

14:19 15 A. Thank you.

14:19 16 They made a bid for how many

14:19 17 temporary seats they would put in the

14:19 18 stadium. Those would be a certain number of

14:19 19 seats. I think before, you mentioned 94,000.

14:20 20 94,000 would not have broken a record.

14:20 21 That's what the bid was roughly I think, as

14:20 22 you've testified --

14:20 23 **Q. Right.**

14:20 24 **And I'm still --**

14:20 25 A. -- at the time.

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1 Goodell

14:20 2 Q. -- trying if figure out how we got

14:20 3 from ninety three to a hundred and four

14:20 4 thousand. Do you know?

14:20 5 A. Again, because of their credential

14:20 6 category, and the people outside the stadium.

14:20 7 Q. Do you know why the North Texas

14:20 8 Group proposed ultimately installing some

14:20 9 13,000 temporary seats in the stadium?

14:20 10 MR. BEHRENS: Objection. It was

14:20 11 asked and answered. Calls for

14:20 12 speculation.

14:20 13 THE WITNESS: Yeah, that was going

14:20 14 to be my response.

14:20 15 A. You asked me not to speculate.

14:20 16 It wasn't my bid.

14:20 17 Q. So you don't know.

14:20 18 A. I do not know who made that

14:20 19 determination or why they made that

14:20 20 determination.

14:21 21 (Witness and counsel confer off the

14:21 22 record.)

14:21 23 MR. BEHRENS: When you get to a

14:21 24 spot to break for five minutes.

14:21 25 THE WITNESS: Just for a bathroom

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1 Goodell

14:21 2 break.

14:21 3 MR. AVENATTI: Yeah, that's fine.

14:21 4 Q. Would you like to make any

14:21 5 corrections, additions or changes to your

14:21 6 testimony, Mr. Goodell?

14:21 7 A. No.

14:21 8 MR. AVENATTI: Okay. Why don't we

14:21 9 take a break.

14:21 10 THE VIDEOGRAPHER: The time is two

14:21 11 -- the time is 2:21 p.m. and this

14:21 12 completes tape number two of the

14:21 13 videotaped deposition of Commissioner

14:21 14 Roger Goodell.

14:32 15 (Recess taken.)

14:33 16 THE VIDEOGRAPHER: The time is

14:34 17 2:34 p.m. and this begins tape number

14:34 18 three of the videotaped deposition of

14:34 19 Commissioner Roger Goodell.

14:34 20 (Handing)

14:34 21 (Plaintiffs' Exhibit 160, printout

14:34 22 of e-mail chain between Messrs. Aiello

14:34 23 and Goodell, Bates NFL 034396, marked

14:34 24 for identification, as of this date.)

14:34 25 Q. Mr. Goodell, I'm going to have

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1 Goodell

14:34 2 handed you Exhibit 160 that we've just

14:34 3 marked, at NFL 034396. It's an additional

14:34 4 e-mail relating to this issue about the

14:34 5 attendance. Do you have Exhibit 160 in front

14:34 6 of you?

14:34 7 A. I do.

14:34 8 Q. And feel free to go back and look

14:34 9 at Exhibit 157 and 159 to give yourself

14:34 10 comfort that it's not included within either

14:35 11 of those two documents. I'll give you a

14:35 12 moment to do that.

14:35 13 A. (Perusing documents).

14:35 14 Q. And my question to you as it

14:35 15 relates to 160 is simply whether you have

14:35 16 any --

14:35 17 (Witness and counsel confer off

14:35 18 record.)

14:35 19 A. I'm just pointing out to my counsel

14:35 20 here, 160 has a sent time of 1:36 and 157 has

14:35 21 a sent time of 1:37, and it's not included in

14:35 22 that.

14:35 23 Q. Yeah, I -- I think that the

14:35 24 explanation is that sometimes when one person

14:35 25 has their personal device, their phone or

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1 Goodell

14:35 2 BlackBerry, set to change time when they

14:35 3 change time zones, and someone in the string

14:36 4 does not. One of these is likely Eastern

14:36 5 Time and one of them is likely Central Time.

14:36 6 So it depends from whose e-mail it is

14:36 7 ultimately mined from. Does that make sense?

14:36 8 A. Not really, because it's the same

14:36 9 people.

14:36 10 Q. I -- I understand that. But if one

14:36 11 of them was obtained from Mr. Aiello's files

14:36 12 and one of them came from your files, that

14:36 13 would account for a difference in timing.

14:36 14 Otherwise, I don't have an explanation. This

14:36 15 is how the documents were produced by the

14:36 16 NFL, so -- I'm sure we'll look into that

14:36 17 before trial.

14:36 18 My question on 160 is simply do you

14:36 19 have any reason to believe you did not

14:36 20 receive this e-mail from Mr. Aiello on or

14:36 21 about February 6, 2011, the e-mail at the top

14:36 22 that begins with "JJ wants to give only one

14:36 23 big number."

14:37 24 A. (Reading) Again, I'm sorry, I've

14:37 25 just got to go back to this on the timing

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1 Goodell

14:37 2 issue. If mine, the one below it, is 2:25,

14:37 3 there's a discrepancy of 24 -- 49 minutes,

14:37 4 correct?

14:37 5 **Q. Right.**

14:37 6 **Let me -- let me try to -- let me**

14:37 7 **try to explain. I believe --**

14:37 8 A. I just want it for the record. You

14:37 9 don't have to explain it to me.

14:37 10 **Q. No, no. That's -- that's fine. I**

14:37 11 **just -- I -- I do -- I do want to state this**

14:37 12 **just so we're on the same page.**

14:37 13 **I believe that that's 2:25 Eastern**

14:37 14 **Time, which is 1:25 Central Time is when you**

14:37 15 **sent it to Mr. Aiello. Mr. Aiello's response**

14:37 16 **is at 1:36 p.m. Central Time or 2:36 p.m.**

14:37 17 **Eastern Time, accounting for a time reset**

14:38 18 **likely on whatever device he had, et cetera.**

14:38 19 **In my experience, that's what accounts for**

14:38 20 **the difference. I'm not stating that's the**

14:38 21 **difference in this instance, but I think**

14:38 22 **there's a better than 50 percent chance**

14:38 23 **that's it. So there's no effort to try to**

14:38 24 **hoodwink you or trick or you anything of that**

14:38 25 **nature. This is how the document was**

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1 Goodell

14:38 2 **prepared -- or produced to us. I'm sure Mr.**

14:38 3 **Behrens can confirm**

14:38 4 **MR. BEHRENS: This is the way it**

14:38 5 **was produced. I can't speak to why the**

14:38 6 **timing error.**

14:38 7 **Q. So my -- my question simply is do**

14:38 8 **you have any reason to believe that you did**

14:38 9 **not receive this response at the top that**

14:38 10 **begins with "JJ wants to give only one big**

14:38 11 **number."**

14:38 12 A. Other than what we've already

14:38 13 discussed here, I don't.

14:39 14 **Q. Do you agree with Mr. Aiello's**

14:39 15 **statement in his e-mail that Mr. Jones wanted**

14:39 16 **to give only one big number in connection**

14:39 17 **with the attendance announcement?**

14:39 18 **MR. BEHRENS: Objection, lack of**

14:39 19 **foundation. Calls for speculation.**

14:39 20 A. Yeah, that's coming from Greg, so I

14:39 21 don't know if that's how Jerry Jones

14:39 22 presented to him or not.

14:39 23 **Q. Now, at some point in time on the**

14:39 24 **day of the game it was decided that fans,**

14:39 25 **some fans were going to be offered an**

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1 Goodell

14:40 2 **opportunity to go onto the field of the game**

14:40 3 **after the game had concluded and after the**

14:40 4 **ceremony had concluded, et cetera. Are you**

14:40 5 **aware of that fact?**

14:40 6 A. As you've mentioned, I recall

14:40 7 something along those lines.

14:40 8 **Q. Who made that decision, as to**

14:40 9 **whether the fans would be allowed to do that,**

14:40 10 **and the details surrounding that?**

14:40 11 A. I don't know.

14:40 12 **Q. Did you have anything to do with**

14:40 13 **that?**

14:40 14 A. No, I -- when you say it, I recall

14:40 15 it --

14:40 16 (Sneeze interruption.)

14:40 17 **THE WITNESS: Bless you.**

14:40 18 A. -- but I -- I don't recall who did

14:40 19 that.

14:40 20 **Q. You had no input as to what fans**

14:40 21 **would be allowed onto the field after the**

14:40 22 **game, or when, or how long they could stay,**

14:40 23 **or anything of that nature; is that -- is**

14:40 24 **that accurate?**

14:40 25 **MR. BEHRENS: Objection. Misstates**

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1 Goodell

14:40 2 **his testimony.**

14:40 3 A. I was not involved in that

14:40 4 decision, and I did not -- I do not recall

14:40 5 partaking in any of that.

14:40 6 **Q. Do you know who made that decision**

14:40 7 **or those decisions?**

14:40 8 A. As I said to you before, I don't.

14:41 9 **Q. Did you ever attempt to dissuade**

14:41 10 **Mr. Jones from attempting to break the**

14:41 11 **attendance record at Super Bowl 45?**

14:41 12 **MR. BEHRENS: Objection, lack of**

14:41 13 **foundation. Assumes facts not in**

14:41 14 **evidence.**

14:41 15 A. As I said to you before, the

14:41 16 numbers were going to be numbers. We weren't

14:41 17 going to report an inaccurate number. The

14:41 18 numbers for the people outside the stadium

14:41 19 and the credentials were two issues that we

14:41 20 don't know whether that was included in prior

14:41 21 announcements at the time.

14:41 22 **Q. And I can appreciate that.**

14:41 23 **My question's a little bit**

14:41 24 **different. We've already agreed that leading**

14:41 25 **up to the Super Bowl, Mr. Jones was not**

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1 Goodell

14:41 2 **bashful about making it known that he wanted**

14:41 3 **to break the attendance record of Super**

14:41 4 **Bowl 45. My question is did you ever attempt**

14:41 5 **to dissuade Mr. Jones from breaking the Super**

14:42 6 **Bowl record in connection with Super Bowl 45.**

14:42 7 **MR. BEHRENS: Object to the**

14:42 8 **characterization. Assumes facts not in**

14:42 9 **evidence.**

14:42 10 A. Mr. Jones at that point didn't have

14:42 11 much control over the attendance. The number

14:42 12 of people in the stadium were going to be the

14:42 13 number of people in the stadium. We had

14:42 14 credentials. Whether they were counted or

14:42 15 not, that was going to be clearly stated --

14:42 16 that was my position -- including the people

14:42 17 outside -- is that we needed to announce

14:42 18 those as separate numbers.

14:42 19 **Q. Whose idea was it to come up with**

14:42 20 **this idea of selling tickets to the party**

14:42 21 **plazas?**

14:42 22 **Was that Mr. Jones's idea or the**

14:42 23 **league's idea?**

14:42 24 A. I don't know the answer to that.

14:43 25 (Handing.)

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1 Goodell

14:43 2 (Plaintiffs' Exhibit 161, printout

14:43 3 of 2/8/2011 press release, Bates

14:43 4 CSLP 019335, marked for identification,

14:43 5 as of this date.)

14:43 6 **Q. Sir, you've been handed what's been**

14:43 7 **marked as Exhibit 161, a document produced at**

14:43 8 **CSLP 019335. Do you have that in front of**

14:43 9 **you?**

14:43 10 A. I have the -- the Exhibit one six

14:43 11 one in front of me.

14:43 12 **Q. And it reads "NFL statement on**

14:43 13 **options to be offered to fans without seats**

14:43 14 **at Super Bowl 45, for immediate release**

14:44 15 **2/8/11"; is that correct?**

14:44 16 A. Yes.

14:44 17 **Q. And this is a press release that**

14:44 18 **you caused to be issued on or about February**

14:44 19 **8th, 2011; is that correct?**

14:44 20 A. When you say I caused --

14:44 21 **Q. Well, it was issued at your**

14:44 22 **direction; was it not?**

14:44 23 A. Well, I think the options that we

14:44 24 were offering to fans was what I directed.

14:44 25 The media announcements are determined by the

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14:44 2 PR department, so they would have prepared

14:44 3 this.

14:44 4 **Q. Okay. Mr. Aiello or someone -- Mr.**

14:44 5 **McCarthy, or someone else within the NFL?**

14:44 6 A. That's correct.

14:44 7 **Q. Okay. And in connection with this,**

14:44 8 **towards the end it reads "Commissioner**

14:44 9 **Goodell has initiated a complete review of**

14:45 10 **the matter, including all seating and stadium**

14:45 11 **entrance issues to determine where the**

14:45 12 **breakdowns occurred," period. Did I read**

14:45 13 **that correctly?**

14:45 14 A. Yes.

14:45 15 **Q. How was it that you initiated a**

14:45 16 **complete review of the matter?**

14:45 17 **MR. BEHRENS: I'm going to object**

14:45 18 **as asked and answered. We spent better**

14:45 19 **part of a half of hour on this this**

14:45 20 **morning.**

14:45 21 **MR. AVENATTI: Not as it relates to**

14:45 22 **this document and not as it relates to**

14:45 23 **the statements contained in this**

14:45 24 **document.**

14:45 25 **MR. BEHRENS: He's fully testified**

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14:45 2 **as to the review. It's asked and**

14:45 3 **answered.**

14:45 4 **MR. AVENATTI: Okay. I respectfully**

14:45 5 **disagree.**

14:45 6 **Q. So my only question is how did you**

14:45 7 **initiate "a complete review of the matter" as**

14:45 8 **noted in this press release.**

14:45 9 A. Everybody that was involved in the

14:45 10 event was instructed to go back and identify

14:45 11 the things that we could do better going

14:45 12 forward, and to make sure that we addressed

14:45 13 those issues, change our policies, our

14:46 14 procedures.

14:46 15 I have answered this several times

14:46 16 today. The answer is the same: We made

14:46 17 changes, we think we'll prevent this from

14:46 18 happening again, and our immediate focused,

14:46 19 particularly at this time, was to try to make

14:46 20 sure that we were dealing with our fans in a

14:46 21 responsible fashion, which, based on the fact

14:46 22 that the vast majority of our fans took this,

14:46 23 indicates to me that we did have fair

14:46 24 proposals.

14:46 25 **Q. What offers were made to the people**

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14:46 2 **that had obstructed views, Mr. Goodell?**

14:46 3 **MR. BEHRENS: Objection, lack of**

14:46 4 **foundation. Assumes facts not in**

14:46 5 **evidence.**

14:46 6 **Q. (Continuing) What -- what offers**

14:46 7 **had you made to those people?**

14:46 8 **MR. BEHRENS: Objection, vague as**

14:46 9 **to which fans.**

14:46 10 **(Discussion off the record.)**

14:46 11 **Q. The -- the 7,000 fans that had**

14:46 12 **obstructed views, Mr. Goodell, what offers**

14:46 13 **had you voluntarily made for those folks, and**

14:46 14 **how many have accepted your offers?**

14:47 15 **MR. BEHRENS: Objection.**

14:47 16 **Misrepresents the record.**

14:47 17 **Q. (Continuing) Is it more or less**

14:47 18 **than zero?**

14:47 19 **MR. BEHRENS: Counsel, it's**

14:47 20 **misleading.**

14:47 21 A. What is your definition of

14:47 22 "obstructed view"?

14:47 23 **Q. Have you ever used the term**

14:47 24 **obstructed view, or is that similar to the**

14:47 25 **word discipline?**

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14:47 2 A. Excuse me?

14:47 3 **MR. BEHRENS: Objection. It's**

14:47 4 **badgering, counsel.**

14:47 5 A. (Continuing) What does that have to

14:47 6 do with discipline?

14:47 7 **Q. You asked me earlier what the word**

14:47 8 **discipline is.**

14:47 9 **MR. BEHRENS: No, he didn't. He**

14:47 10 **asked you because he didn't hear what**

14:47 11 **you said.**

14:47 12 **MR. VENALIA: That's exactly what he**

14:47 13 **said. The record will reflect what the**

14:47 14 **record reflects.**

14:47 15 **MR. BEHRENS: Counsel, get to your**

14:47 16 **question.**

14:47 17 **MR. VENALIA: I, too --**

14:47 18 **MR. BEHRENS: Get to your question.**

14:47 19 A. (Laughing).

14:47 20 **MR. VENALIA: I too -- I too found**

14:47 21 **it -- I too --**

14:47 22 **The witness is laughing, and I,**

14:47 23 **too, found it pretty funny.**

14:47 24 **Q. So my question is have you ever**

14:47 25 **used the term obstructed?**

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1 **Goodell**

14:47 2 A. Yes.

14:47 3 **Q. Okay. What have you understood the**

14:47 4 **word obstructed view to mean, or the phrase?**

14:47 5 A. "Generally obstructed view" means

14:47 6 any seat in the stadium that doesn't have a

14:47 7 full view of the stadium because of a

14:47 8 structural issue. It could be an overhang.

14:47 9 There would be a pole, some kind of

14:48 10 structural device in the stadium.

14:48 11 **Q. And that's generally the definition**

14:48 12 **you've known of, as it relates to "obstructed**

14:48 13 **view," the entire time you've been the**

14:48 14 **Commissioner of the NFL.**

14:48 15 **MR. BEHRENS: Object to the**

14:48 16 **characterization. It's misleading.**

14:48 17 A. That has been my general view even

14:48 18 before I became Commissioner.

14:48 19 **Q. And that was your view as of the**

14:48 20 **date of Super Bowl 45 and the months leading**

14:48 21 **up to Super Bowl 45, correct?**

14:48 22 **MR. BEHRENS: Same objection.**

14:48 23 A. Yes.

14:48 24 **Q. And as far as you're concerned,**

14:48 25 **that's a fair definition for the fans to have**

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1 **Goodell**

14:48 2 **had in their mind as it relates to their**

14:48 3 **efforts to attend Super Bowl 45, correct?**

14:48 4 **MR. BEHRENS: Objection, lack of**

14:48 5 **foundation and calls for speculation.**

14:48 6 A. I don't -- I don't understand the

14:48 7 question.

14:49 8 **Q. This definition of "obstructed**

14:49 9 **view" you just mentioned, in your mind, is**

14:49 10 **there any reason why a fan who was attempting**

14:49 11 **to attend Super Bowl 45, is there any reason**

14:49 12 **why that fan could not reasonably have that**

14:49 13 **same definition?**

14:49 14 **MR. BEHRENS: Objection, lack of**

14:49 15 **foundation and calls for speculation.**

14:49 16 A. I truly don't understand your

14:49 17 question. I'm sorry, counselor.

14:49 18 **Q. Okay.**

14:49 19 **You've just stated to me your**

14:49 20 **definition of "obstructed view," correct?**

14:49 21 A. My general understanding of that,

14:49 22 yes.

14:49 23 **Q. And so my question is do you**

14:49 24 **believe that understanding is reasonable.**

14:49 25 A. Yes.

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14:49 2 **Q. And did you believe that that**

14:49 3 **understanding that you've stated to under**

14:49 4 **oath here today, do you believe that that was**

14:49 5 **reasonable as of the date of Super Bowl 45?**

14:49 6 **MR. BEHRENS: Objection,**

14:49 7 **misleading.**

14:50 8 A. Reasonable to whom?

14:50 9 **Q. To you.**

14:50 10 **MR. BEHRENS: Objection as**

14:50 11 **misleading.**

14:50 12 A. Again, the definition didn't

14:50 13 change. The definition had been in place for

14:50 14 quite some time.

14:50 15 **Q. In the years leading up to the**

14:50 16 **game -- correct? -- the definition you just**

14:50 17 **mentioned.**

14:50 18 A. Yes.

14:50 19 **Q. Now, let me ask you a question**

14:50 20 **about the quote at the end of 161. Quote, we**

14:50 21 **are ultimately responsible for the fan**

14:50 22 **experience and we want it to be the best it**

14:50 23 **can possibly be, close quote. You see that?**

14:50 24 A. Yes.

14:50 25 **Q. And did you authorize the issuance**

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14:50 2 **of that quote in connection with this press**

14:50 3 **release?**

14:50 4 A. Again, I didn't draft this, but I

14:50 5 have no issue with it.

14:50 6 **Q. Did you approve that quote prior to**

14:50 7 **the issuance of the press release?**

14:50 8 A. I think I've already testified to

14:51 9 that: I don't recall approving it or

14:51 10 drafting it.

14:51 11 **Q. Who came up with the (inaudible) --**

14:51 12 **(Noise interruption).**

14:51 13 **Q. -- in the press release, there's a**

14:51 14 **couple --**

14:51 15 **(Discussion off the record.)**

14:51 16 **Q. Who came up with --**

14:51 17 **MR. AVENATTI: Strike that.**

14:51 18 **Q. Earlier in the press release, 161,**

14:51 19 **there are some statements relating to offers**

14:51 20 **that were being made to the displaced fans.**

14:51 21 **Do you see that?**

14:51 22 A. (Reading) The two offers that are

14:51 23 highlighted, one of two?

14:51 24 **Q. Yeah.**

14:51 25 A. One or two?

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14:51 2 **Q. Yes.**

14:51 3 A. Um-hm.

14:51 4 **Q. Who came up with those offers?**

14:51 5 **Was that you, or was that someone**

14:51 6 **else?**

14:51 7 A. I would call that a joint effort by

14:51 8 people in our office.

14:51 9 **Q. Were you included in it?**

14:51 10 A. In many of the conversations, yes.

14:51 11 **Q. Who made the ultimate decision as**

14:51 12 **to what should be offered?**

14:51 13 A. I think that would fall with me.

14:52 14 **Q. Have you had any discussions with**

14:52 15 **any owner in the National Football League**

14:52 16 **other than Mr. Jones relating to what you**

14:52 17 **described as "the black eye on the league"**

14:52 18 **stemming from the temporary seating issues at**

14:52 19 **Super Bowl 45?**

14:52 20 **MR. BEHRENS: Objection.**

14:52 21 **Mischaracterizes his testimony.**

14:52 22 A. I talked to several others, in the

14:52 23 aftermath of the Super Bowl, that we were

14:52 24 going to do the right thing for our fans, and

14:52 25 they fully supported that.

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14:52 2 **Q. And which owners were those?**

14:52 3 A. I don't recall.

14:52 4 I said many owners.

14:52 5 **Q. You don't recall the name of a**

14:52 6 **single owner that you spoke with.**

14:52 7 A. You didn't ask me that question.

14:52 8 **Q. All right, well, let me that you**

14:52 9 **that issue -- that question.**

14:52 10 **Do you recall a single owner that**

14:52 11 **you spoke with relating to the temporary**

14:53 12 **seating issues at Super Bowl 45, other than**

14:53 13 **Mr. Jerry Jones?**

14:53 14 A. Dan Rooney.

14:53 15 (Discussion off the record.)

14:53 16 **Q. Anyone else?**

14:53 17 A. Not with certainty.

14:53 18 **Q. How about with near certainty?**

14:53 19 A. Mr. Richardson.

14:53 20 **Q. Anyone else?**

14:53 21 A. Mr. Craft, Mr. Bolan?

14:53 22 **Q. Anyone else?**

14:53 23 A. Not off the top of my head, no.

14:53 24 **Q. What were your communications with**

14:53 25 **Mr. Rooney relating to the temporary seating**

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1 **Goodell**

14:54 2 **issues at Super Bowl 45?**

14:54 3 A. As I testified about two questions

14:54 4 ago, that we had to do what was right to

14:54 5 address the fans that did not have their

14:54 6 seats, and that we were going to make --

14:54 7 making an offer to address that, and there

14:54 8 was full support of that.

14:54 9 **Q. Was Mr. Rooney upset that --**

14:54 10 **MR. AVENATTI: Strike that.**

14:54 11 **Q. Did Mr. Rooney suggest to you at**

14:54 12 **any point in time that he was upset about**

14:54 13 **what had transpired in connection with the**

14:54 14 **temporary seating issues at Super Bowl 45?**

14:54 15 A. I don't think anybody associated

14:54 16 with the NFL was pleased with what happened

14:54 17 with respect to not having seats for our fans

14:54 18 when they attend a Super Bowl. The owner

14:54 19 shared that.

14:54 20 **Q. Did Mr. Rooney suggest to you at**

14:54 21 **any point in that he was upset about what**

14:54 22 **happened with the temporary seating issues in**

14:54 23 **Super Bowl 45?**

14:54 24 **MR. BEHRENS: Objection. It's**

14:54 25 **asked and answered.**

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1 **Goodell**

14:54 2 A. Mr. Rooney shared my view that we

14:54 3 need to do what was right for our fans, as

14:54 4 did any of the other owners that I spoke to.

14:55 5 **Q. What did Mr. Craft say, relating to**

14:55 6 **what had happened at Super Bowl 45, to you,**

14:55 7 **as it relates to the temporary seating**

14:55 8 **issues?**

14:55 9 A. Again, I made it very clear to them

14:55 10 that we were going to deal with our fans in a

14:55 11 responsible fashion, that we needed to make

14:55 12 good on this, and we would step up on make

14:55 13 offers to them, and they fully supported

14:55 14 that.

14:55 15 **Q. Well, what did Mr. Craft say to**

14:55 16 **you, if anything, about the temporary seating**

14:55 17 **issues at Super Bowl 45? Not what you said**

14:55 18 **to him, but what he said to you.**

14:55 19 A. I think I indicated to you what he

14:55 20 said: "I fully support you."

14:55 21 **Q. He contacted you or saw you in**

14:55 22 **person, and he said: Roger, I fully support**

14:55 23 **you making offers to the fans." That's your**

14:55 24 **testimony as to what he told you.**

14:55 25 **MR. BEHRENS: Objection. Misstates**

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1 **Goodell**

14:55 2 **his testimony. He answered your**

14:55 3 **question.**

14:55 4 **Q. (Continuing) Or something along**

14:55 5 **those lines.**

14:55 6 **MR. BEHRENS: No. It misstates his**

14:55 7 **testimony.**

14:55 8 A. It misstates my testimony.

14:55 9 **Q. Okay. Well, tell me what Mr. Craft**

14:56 10 **conveyed to you or communicated to you**

14:56 11 **relating to the temporary seating issues at**

14:56 12 **Super Bowl 45, if anything.**

14:56 13 **MR. BEHRENS: Objection, asked and**

14:56 14 **answered.**

14:56 15 A. As I told you, when I told him that

14:56 16 we wanted to go and make offers to the fans

14:56 17 that were affected, who did not have seats

14:56 18 for the Super Bowl, we were going to make

14:56 19 offers to them, he said: I fully support

14:56 20 that.

14:56 21 **Q. What did Mr. Richardson say?**

14:56 22 **Same thing?**

14:56 23 A. Yes, sir.

14:56 24 **Q. Anything else?**

14:56 25 A. What do you mean, "Anything else"?

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1 **Goodell**

14:56 2 **Q. Did Mr. Richardson say anything**

14:56 3 **else about what had happened with respect to**

14:56 4 **the temporary seats at a Super Bowl 45 other**

14:56 5 **than "We fully support you"?**

14:56 6 A. He fully supported the idea of

14:56 7 dealing with our fans in a responsible

14:56 8 fashion.

14:56 9 **Q. Okay.**

14:56 10 A. "We should do that."

14:56 11 **Q. Okay. Anything else?**

14:56 12 A. I don't understand by "Anything

14:56 13 else."

14:56 14 **Q. Well, did Mr. Richardson saying?**

14:56 15 A. That's a question, so I don't

14:57 16 recall anything else.

14:57 17 **Q. Okay. Did any owner ever**

14:57 18 **criticize --**

14:57 19 **MR. AVENATTI: Strike that.**

14:57 20 **Q. Did any owner ever express**

14:57 21 **frustration to you about what had happened in**

14:57 22 **connection with the temporary seating at**

14:57 23 **Super Bowl 45?**

14:57 24 A. As I stated to you, I don't think

14:57 25 there's a single owner that was happy that

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14:57 2 that happened at our Super Bowl.

14:57 3 **Q. So is that yes, that one or more**

14:57 4 **owners did express frustration about what had**

14:57 5 **happened in connection with the temporary**

14:57 6 **seating at Super Bowl 45, or is that no, they**

14:57 7 **did not?**

14:57 8 **MR. BEHRENS: Object to the**

14:57 9 **characterization, and he's already**

14:57 10 **testified to his communication with**

14:57 11 **owners.**

14:57 12 A. It is neither.

14:57 13 **Q. Okay. I think this is really**

14:57 14 **simple, but maybe I'm missing something, so**

14:57 15 **let me try again.**

14:57 16 **Did any owner, Mr. Goodell, ever**

14:57 17 **express to you any frustration about what had**

14:57 18 **happened at Super Bowl 45 in connection with**

14:57 19 **the temporary seating issues?**

14:58 20 A. Our owners fully supported this is

14:58 21 not the way we deal with big events and our

14:58 22 fans, and fully supported what we did. I

14:58 23 wouldn't characterize a specific owner. They

14:58 24 can speak for themselves.

14:58 25 **Q. Did any owner, Mr. Goodell, ever**

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14:58 2 **express to you that Mr. Jones's attempts at**

14:58 3 **breaking the Super Bowl attendance record had**

14:58 4 **left the league with a black eye or otherwise**

14:58 5 **tarnished the shield?**

14:58 6 A. Again, it was our responsibility to

14:58 7 have those seats in place and have the seats

14:58 8 available for those fans. That was our

14:58 9 responsibility. I took that with me on

14:58 10 (sic). I took it publically.

14:58 11 **Q. So no owner ever did that.**

14:58 12 A. Did what?

14:58 13 **Q. Expressed to you that Mr. Jones's**

14:58 14 **attempts at breaking the Super Bowl**

14:58 15 **attendance record had left the league with a**

14:59 16 **black eye or otherwise tarnished the shield.**

14:59 17 **MR. BEHRENS: Objection.**

14:59 18 A. I don't recall that.

14:59 19 **MR. BEHRENS: Assumes facts not in**

14:59 20 **evidence.**

14:59 21 **You have your answer.**

14:59 22 **Q. Do you recall any owner ever**

14:59 23 **expressing any anger to you relating to what**

14:59 24 **had happened in connection with the temporary**

14:59 25 **seat issues at Super Bowl 45?**

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14:59 2 A. I think we took very swift action

14:59 3 here, and they knew we were doing that, so

14:59 4 they made it very clear that "We support your

14:59 5 efforts on that."

14:59 6 **Q. My question I think is different**

14:59 7 **than what you answered. My question is do**

14:59 8 **you recall any owner ever expressing any**

14:59 9 **anger to you relating to what had happened in**

14:59 10 **connection with the temporary seat issues at**

14:59 11 **Super Bowl 45.**

15:00 12 A. Our owners wanted to know that we

15:00 13 were dealing with it effectively. They

15:00 14 supported that and they supported the steps

15:00 15 that we were taking.

15:00 16 **Q. Do you recall ever --**

15:00 17 **MR. AVENATTI: Strike that.**

15:00 18 **Q. Do you recall any owner ever being**

15:00 19 **angry about what happened with the temporary**

15:00 20 **seat issues at Super Bowl 45?**

15:00 21 A. Again, I think our swift action

15:00 22 here, when I kind -- when I discussed this

15:00 23 issue with our fans -- with our owners, they

15:00 24 supported this effort. That's what the

15:00 25 discussion was: Here's what we're going to

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15:00 2 do.

15:00 3 **Q. So nobody was angry about it.**

15:00 4 A. I can't answer that. You told me

15:00 5 not to speculate. There are 32 owners.

15:00 6 **Q. Well, I'm assuming you communicate**

15:00 7 **with a number of them on a fairly regular**

15:00 8 **basis. Is that an accurate assumption?**

15:00 9 A. Fairly regular basis, yes.

15:00 10 **Q. Okay. They're like a board of**

15:00 11 **directors, and you're similar to a CEO. Is**

15:00 12 **that a fair characterization?**

15:00 13 A. It's a broad general

15:00 14 characterization, but yes.

15:00 15 **Q. Okay. During your communications**

15:01 16 **with the 32 owners in the days and weeks**

15:01 17 **following Super Bowl 45, did any of those**

15:01 18 **owners express anger to you about what had**

15:01 19 **happened in connection with the temporary**

15:01 20 **seat issues at Super Bowl 45?**

15:01 21 **MR. BEHRENS: Objection, asked and**

15:01 22 **answered.**

15:01 23 A. They were not happy that we had let

15:01 24 our fans down. They made that very clear.

15:01 25 But they also were very supportive of the

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15:01 2 steps that we were taking.

15:01 3 **Q. Who do you recall expressing to you**

15:01 4 **that they were not happy?**

15:01 5 A. I think any of the owners that I

15:01 6 spoke to would not have been happy. Again,

15:01 7 the event reflects on the NFL and each one of

15:01 8 them. They want to make sure these events

15:01 9 are done correctly.

15:01 10 **Q. Who do you recall specifically, if**

15:01 11 **any owner, expressing to you that they were**

15:02 12 **not happy about what had happened with the**

15:02 13 **temporary seat issues at Super Bowl 40?**

15:02 14 **MR. BEHRENS: Objection, asked and**

15:02 15 **answered.**

15:02 16 A. I said to you on numerous

15:02 17 occasions -- I don't know how many times that

15:02 18 I can try to answer your question,

15:02 19 counselor -- I don't think any of them were

15:02 20 happy about what happened with respect to the

15:02 21 people who did not have seats at Super

15:02 22 Bowl 45.

15:02 23 **Q. I -- I don't -- frankly, Mr.**

15:02 24 **Goodell, I don't know whether any of them**

15:02 25 **were happy or not, and that's why I'm asking**

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15:02 2 **the question, and so --**

15:02 3 A. That's what I'm answering.

15:02 4 **Q. -- what I'm asking -- so what I'm**

15:02 5 **asking is pretty simple, which is did any**

15:02 6 **owner ever express to you that they were**

15:02 7 **angry about what happened at Super Bowl 45 as**

15:02 8 **it relates to the temporary seat issues, and**

15:02 9 **if so, which owner.**

15:02 10 **MR. BEHRENS: Objection, asked and**

15:02 11 **answered (speaking simultaneously) --**

15:02 12 **Q. (Continuing) And if it's all of the**

15:02 13 **owners, you can tell me every one of the**

15:02 14 **owners --**

15:02 15 **MR. BEHRENS: Objection.**

15:02 16 **Q. -- and then -- and then we'll begin**

15:02 17 **to talk about what they said to you. But**

15:02 18 **that's simply what I would like an answer to.**

15:03 19 A. Well, counselor, I think your

15:03 20 question before that was were the owners

15:03 21 unhappy with the way this was dealt with, the

15:03 22 fact that we had this event where we couldn't

15:03 23 fulfill an obligation for people who had

15:03 24 tickets. I very clearly said to you I do not

15:03 25 believe our owners were happy about that.

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15:03 2 They were not happy about that. That is our

15:03 3 obligation to do that and do it correctly. I

15:03 4 told them it's our responsibility, and we

15:03 5 were going to be making this offer, and we

15:03 6 were going to do what was necessary to

15:03 7 correct it but also to deal with our fans.

15:03 8 **Q. I asked you if you had been deposed**

15:03 9 **before.**

15:03 10 **Have you ever testified in a court**

15:03 11 **of law?**

15:03 12 A. I'm not a lawyer, but I consider

15:03 13 them one and the same.

15:03 14 **Q. Okay. Have you ever testified**

15:03 15 **before a jury or a judge before, at a trial?**

15:04 16 A. I don't know. The answer is --

15:04 17 **Q. Okay.**

15:04 18 A. -- (speaking simultaneously).

15:04 19 **Q. You've testified before**

15:04 20 **governmental bodies before, I'm sure, perhaps**

15:04 21 **Congress. Is that --**

15:04 22 **MR. BEHRENS: Objection.**

15:04 23 **Where is this going, counsel?**

15:04 24 **This is beyond the scope. This is**

15:04 25 **beyond the scope.**

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15:04 2 **MR. AVENATTI: I'm entitled to ask**

15:04 3 **by way of background about his sworn**

15:04 4 **prior testimony. It's a pretty general**

15:04 5 **question. (Speaking simultaneously) --**

15:04 6 **MR. BEHRENS: You already asked him**

15:04 7 **about --**

15:04 8 **MR. AVENETTI: -- in most**

15:04 9 **depositions. I'm allowed to ask him**

15:04 10 **about trial testimony, Mr. Behrens.**

15:04 11 **MR. BEHRENS: What's the question?**

15:04 12 **Q. The question is: You've testified**

15:04 13 **before governmental bodies before, though,**

15:04 14 **correct? Am I correct?**

15:04 15 A. Yes, I have.

15:04 16 **Q. Okay. Did you review -- before**

15:04 17 **coming here today did you review the**

15:04 18 **Deposition Notice that was served in**

15:04 19 **connection with your deposition?**

15:04 20 A. I did not.

15:04 21 **Q. Okay. Let me ask you this. Before**

15:04 22 **we started the deposition here today you**

15:04 23 **understood that it was going to be videotaped**

15:05 24 **though, correct?**

15:05 25 A. Yeah, I think they mentioned that

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1 Goodell

15:05 2 yesterday.

15:05 3 Q. Okay. And prior to coming here

15:05 4 today you understood that in the event that

15:05 5 this case proceeds to a trial, that we have

15:05 6 the ability to use your sworn testimony by

15:05 7 way of videotape, and play it in open court

15:05 8 for a jury, subject to various objections,

15:05 9 right?

15:05 10 MR. BEHRENS: Objection.

15:05 11 Counsel, where is this going.

15:05 12 Q. (Continuing) Correct?

15:05 13 MR. BEHRENS: What -- what

15:05 14 difference does this make?

15:05 15 Q. (Continuing) Correct?

15:05 16 MR. BEHRENS: No. This is outside

15:05 17 the scope.

15:05 18 DIR Don't answer the question.

15:05 19 MR. AVENATTI: You're -- you're --

15:05 20 you're going to instruct him not to

15:05 21 answer that question?

15:05 22 Because I -- I intend to --

15:05 23 MR. BEHRENS: We already went over

15:05 24 this at the beginning of the deposition.

15:05 25 MR. AVENATTI: Mr. Behrens, I intend

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1 Goodell

15:05 2 to seek sanctions if you instruct him

15:05 3 not to answer this question. I'm

15:05 4 putting you on notice right now.

15:05 5 MR. BEHRENS: What is the question?

15:05 6 MR. AVENATTI: Why don't we have it

15:05 7 read back.

15:05 8 (Record read, as follows:

15:05 9 "And prior to coming here today you

15:05 10 understood that in the event that this

15:05 11 case proceeds to a trial, that we have

15:05 12 the ability to use your sworn testimony

15:05 13 by way of videotape, and play it in open

15:05 14 court for a jury subject to various

15:05 15 objections, right?")

15:06 16 DIR MR. BEHRENS: Counsel, I'm going to

15:06 17 instruct the witness not to answer on two

15:06 18 grounds.

15:06 19 One, it's beyond the scope of what

15:06 20 Judge Toliver ordered. And two, it's

15:06 21 calling for communications with counsel

15:06 22 as to his understanding of the legal

15:06 23 significance of deposition --

15:06 24 MRK MR. AVENATTI: Please mark that.

15:06 25 MR. BEHRENS: -- and three, he has

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1 Goodell

15:06 2 answered.

15:06 3 MR. AVENATTI: Please mark that.

15:06 4 And I'm going to note that I'm

15:06 5 going to seek sanctions against Mr.

15:06 6 Goodell, in connection with that, in a

15:06 7 motion filed (speaking

15:06 8 simultaneously) --

15:06 9 MR. BEHRENS: For following an

15:06 10 instruction?

15:06 11 MR. AVENATTI: -- court.

15:06 12 Yes, for following --

15:06 13 MR. BEHRENS: I'm sure you will do

15:06 14 a sideshow.

15:06 15 Q. I'm sorry. Mr. -- Mr. Goodell, are

15:06 16 you going to follow the instruction of your

15:06 17 counsel, and refuse to answer the question?

15:06 18 A. Yes.

15:06 19 MR. AVENATTI: Okay, let's go ahead

15:06 20 and mark that document as the next

15:07 21 exhibit.

15:07 22 (Discussion off the record.)

15:07 23 (Plaintiffs' Exhibit 162, document,

15:07 24 marked for identification, as of this

15:07 25 date.)

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1 Goodell

15:07 2 MR. AVENATTI: And, Mr. Behrens, if

15:07 3 you want to reconsider your position at

15:07 4 any point in time during the deposition,

15:07 5 please let me know, so we can avoid that

15:07 6 motion practice.

15:07 7 Q. Now, Mr. --

15:07 8 MR. BEHRENS: If you can ask

15:07 9 questions that haven't been answered,

15:07 10 that would be appreciate, too.

15:07 11 MR. AVENATTI: I'm not going to

15:07 12 engage in this colloquy with you, Mr.

15:07 13 Behrens.

15:07 14 MR. BEHRENS: I think you are.

15:07 15 MR. AVENATTI: You've done enough

15:07 16 damage here to the plaintiffs, others

15:07 17 have, I should say, to their case.

15:07 18 Q. Exhibit 162, Mr. Goodell, do you

15:07 19 have that in front of you?

15:07 20 A. I do.

15:07 21 Q. Okay. And what's the title of this

15:07 22 document?

15:08 23 MR. BEHRENS: Can I have a copy?

15:08 24 A. I don't know.

15:08 25 MR. AVENATTI: I don't have a copy.

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1 **Goodell**

15:08 2 **You can look at that, if you'd like.**

15:08 3 **Q. Mr. -- Mr. Goodell, why don't you**

15:08 4 **give Mr. Behrens a chance to look at the**

15:08 5 **document. He's previously been provided a**

15:08 6 **copy of it, but he had no objection**

15:08 7 **(inaudible) --**

15:08 8 **(Discussion off the record.)**

15:08 9 **Q. Mr. Goodell, you have Exhibit 162?**

15:08 10 A. I do.

15:08 11 **Q. And what's the title of that**

15:08 12 **document?**

15:08 13 A. I don't know. It's "United States

15:08 14 District Court Northern Direct of Texas

15:08 15 Dallas Division."

15:08 16 **Q. In -- in the middle of page,**

15:08 17 **towards the bottom there's a bolded title.**

15:08 18 **Do you see that there?**

15:08 19 **I think it says "Second Amended"?**

15:08 20 A. (Reading) "Plaintiff" (inaudible)?

15:08 21 **Q. Yes.**

15:08 22 A. Um-hm?

15:08 23 **Q. Can you read that into the record**

15:09 24 **for me?**

15:09 25 **MR. BEHRENS: No, he's not going to**

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1 **Goodell**

15:09 2 **read a -- a -- a document. You can ask**

15:09 3 **him a question about it.**

15:09 4 **Q. So the question for the record, Mr.**

15:09 5 **Goodell, is could you please state for the**

15:09 6 **record the title of the document that you are**

15:09 7 **looking at, so we have a clean record.**

15:09 8 **MR. BEHRENS: You can answer if you**

15:09 9 **know what the title is.**

15:09 10 A. I thought you said the title was

15:09 11 this (indicating). I'm sorry. That's what I

15:09 12 said. I don't know if that's the title of

15:09 13 this or not.

15:09 14 **Q. Can you turn to the second page of**

15:09 15 **the document.**

15:09 16 A. (Perusing document).

15:09 17 **Q. You see the last sentence there?**

15:09 18 A. (Reading) Yes.

15:09 19 **Q. Okay. Can you please read the last**

15:09 20 **sentence of that document?**

15:09 21 **MR. BEHRENS: Counsel, he's not**

15:09 22 **going to read to you. You can ask him a**

15:10 23 **question.**

15:10 24 **MR. AVENATTI: Are you instructing**

15:10 25 **the witness not to answer the question?**

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1 **Goodell**

15:10 2 **MR. BEHRENS: I'm instructing him**

15:10 3 **not to read for your benefit. He can --**

15:10 4 **he's read it. You can ask him a**

15:10 5 **question.**

15:10 6 **Q. Mr. Goodell, you're now aware, are**

15:10 7 **you not, that we have the right to use this**

15:10 8 **videotape at the time of the trial in this**

15:10 9 **matter, correct?**

15:10 10 A. You made that clear this morning.

15:10 11 **Q. Okay. And you were aware of that**

15:10 12 **before you arrived this morning, namely, that**

15:10 13 **not only was this going to be videotaped, but**

15:10 14 **that in the event that this goes to trial,**

15:10 15 **that some of your testimony may be played in**

15:10 16 **open court, right?**

15:10 17 **MR. BEHRENS: And, Commissioner,**

15:10 18 **I'm going to instruct you not to answer**

15:10 19 **to the extent it might reveal a**

15:10 20 **communication between you and I. If you**

15:10 21 **can answer without revealing a**

15:10 22 **communication with me, you can answer.**

15:10 23 **THE WITNESS: Without what?**

15:10 24 **MR. BEHRENS: Without revealing a**

15:10 25 **communication with me, did you**

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1 **Goodell**

15:10 2 **independently know that it could be used**

15:10 3 **at trial.**

15:10 4 A. Then I can't answer the question.

15:11 5 **MR. BEHRENS: Okay.**

15:11 6 **Q. But you certainly know it now,**

15:11 7 **because, number one, we talked about it this**

15:11 8 **morning, and number two, you've now read it,**

15:11 9 **correct?**

15:11 10 A. Yes.

15:11 11 **Q. Okay. In light of that fact, do**

15:11 12 **you wish to make any corrections, additions**

15:11 13 **or changes to any of your testimony here**

15:11 14 **today, in light of the fact that we have the**

15:11 15 **ability to play this for a jury in the event**

15:11 16 **of a trial in this matter?**

15:11 17 A. No.

15:11 18 **Q. Do you wish to misstate --**

15:11 19 **MR. AVENATTI: Strike that.**

15:11 20 **Q. Do I wish to restate or explain any**

15:11 21 **answer that you've provided thus far in the**

15:11 22 **deposition in response to any question I've**

15:11 23 **asked?**

15:11 24 A. Not that I can think of off the top

15:11 25 of my head.

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1 Goodell

15:11 2 **Q. Have you only answered those**

15:11 3 **questions that you have fully understood**

15:11 4 **before answering them?**

15:12 5 A. I have tried to get a full

15:12 6 understanding of your questions, and several

15:12 7 times I asked you, and you gave me

15:12 8 definitions of words, but I tried to

15:12 9 understand them, yes.

15:12 10 **Q. And when you answered them did you**

15:12 11 **believe you understood the question?**

15:12 12 A. As I said, I tried to understand

15:12 13 the questions to the best of my ability. I

15:12 14 asked questions, and I gave you the most

15:12 15 direct honest answer that I could.

15:12 16 **MR. AVENATTI: Why don't we take a**

15:12 17 **five-minute break.**

15:12 18 **THE VIDEOGRAPHER: The time is**

15:12 19 **3:12 p.m. and we are off the record.**

15:32 20 **(Recess taken.)**

15:32 21 **(Plaintiffs' Exhibit 163, printout**

15:33 22 **of e-mail chain, Bates NFL 019095,**

15:33 23 **marked for identification, as of this**

15:32 24 **date.)**

15:32 25 **THE VIDEOGRAPHER: The time is**

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15:32 2 **3:33 p.m. and we are back on the record.**

15:32 3 **Q. Mr. Goodell, I'm going to hand you**

15:33 4 **what we marked during the break as**

15:33 5 **Exhibit 163. It's a one-page document**

15:33 6 **produced at NFL 019095. Take a moment to**

15:33 7 **review this, and I'm going to ask you some**

15:33 8 **questions in particular about the last**

15:33 9 **paragraph on the first page.**

15:33 10 A. (Reading).

15:34 11 **Q. Have you had a chance to review**

15:34 12 **163, sir?**

15:34 13 A. Yes, I have.

15:34 14 **Q. Okay. In the bottom e-mail, in the**

15:34 15 **bottom e-mail from Mr. Supovitz to Mr. Brett**

15:34 16 **Daniels --**

15:34 17 **MR. AVENATTI: Well, strike that.**

15:34 18 **Q. Do you know who Mr. Brett Daniels**

15:34 19 **is?**

15:34 20 A. I do. He works for the Cowboys.

15:34 21 **Q. Okay. In the -- in the bottom**

15:35 22 **e-mail dated February 3, 2011, a Thursday,**

15:35 23 **Mr. Supovitz writes "Juggling a lot so I'm**

15:35 24 **sorry we couldn't complete our conversation.**

15:35 25 **I'm confident in you and Charlotte of course**

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1 Goodell

15:35 2 **to get the job done. I'm glad the letter**

15:35 3 **issue may be behind us but the bigger issue**

15:35 4 **is that the work has to be done, done right,**

15:35 5 **and done safely. It can't wait until**

15:35 6 **Saturday. One thing to know is that someone**

15:35 7 **told Jerry," paren, "and he told the**

15:35 8 **Commissioner," close paren, "that the problem**

15:35 9 **is that I'm not letting them work during the**

15:35 10 **half time rehearsal tomorrow. Clearly that's**

15:35 11 **not the problem with the installation so far.**

15:35 12 **They should have been done by then," period.**

15:35 13 **Did I read that correctly?**

15:35 14 A. I believe you did.

15:35 15 **Q. Do you have a recollection of**

15:35 16 **having a discussion with Jerry Jones before**

15:36 17 **the afternoon of Thursday, February 3rd,**

15:36 18 **during which he told you that the problem**

15:36 19 **with the seat installation was that Mr.**

15:36 20 **Supovitz was not allowing the installers of**

15:36 21 **the seats to work during the half time**

15:36 22 **rehearsal on Friday?**

15:36 23 A. After reading this, I seem to

15:36 24 recall there was some discussion. I don't

15:36 25 think he would say that it was the cause of

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1 Goodell

15:36 2 the seats, but they -- only they had to

15:36 3 continue to work to get it completed, so they

15:36 4 wanted the time, including during rehearsal,

15:36 5 to be able to complete the work.

15:36 6 **Q. Well, what do you recall about this**

15:36 7 **communication that you had with Jerry Jones**

15:36 8 **relating to the seating issues, prior to**

15:36 9 **Thursday, at approximately 1 o'clock in the**

15:36 10 **afternoon?**

15:36 11 **MR. BEHRENS: Objection, asked and**

15:36 12 **answered and vague.**

15:36 13 A. I wasn't part of this

15:37 14 communication, but, again, what I do recall

15:37 15 is that Jerry wanted to be certain that the

15:37 16 people who were working on installing the

15:37 17 seats could continue, could continue to work

15:37 18 during the half time rehearsal.

15:37 19 **Q. Well, do you recall anything else**

15:37 20 **about this communication that you had with**

15:37 21 **Jerry, frankly, where it says "and he told**

15:37 22 **the Commissioner"?**

15:37 23 **Do you recall when that occurred or**

15:37 24 **how it occurred or anything else that was**

15:37 25 **discussed?**

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1 **Goodell**

15:37 2 **MR. BEHRENS: Objection, asked and**

15:37 3 **answered.**

15:37 4 A. I'm not part of tat discussion, so

15:37 5 I don't.

15:37 6 I -- as I said when you showed me

15:37 7 this, I now seem to recall that Jerry had an

15:37 8 issue with making sure that his people could

15:37 9 continue to install the seats during the half

15:37 10 time rehearsal, and he wanted to make sure

15:37 11 that we weren't going to clear the stadium,

15:37 12 which I believe is our practice, during half

15:37 13 time rehearsal.

15:37 14 **Q. And -- and just to be clear, I know**

15:37 15 **you're not copied on either one of these**

15:37 16 **e-mails. All I'm focusing your attention is**

15:37 17 **on this statement "One thing to know is that**

15:38 18 **someone told Jerry and he told the**

15:38 19 **Commissioner that the problem is." So my**

15:38 20 **question is do you recall how Mr. Jones**

15:38 21 **conveyed this to you. How did he tell the**

15:38 22 **Commissioner?**

15:38 23 A. I don't remember the specific

15:38 24 conversation, but I do recall at some point

15:38 25 it came up -- it may have been from Jerry --

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1 **Goodell**

15:38 2 that we would like to continue to install the

15:38 3 seats during the half time show rehearsal,

15:38 4 but the practice is normally is to remove

15:38 5 everybody from the stadium during half time

15:38 6 rehearsal, and in this case, we wanted -- he

15:38 7 wanted -- we also wanted -- them to continue

15:38 8 to install the seats.

15:38 9 **Q. So you were certainly aware as an**

15:38 10 **of Thursday afternoon that all of the**

15:38 11 **temporary seats were not installed, correct?**

15:38 12 **MR. BEHRENS: Objection. It's**

15:38 13 **misleading.**

15:38 14 A. As of sometime late in the week --

15:39 15 Thursday could have been the day -- I would

15:39 16 have been aware that they were still working

15:39 17 to get the seats installed, yes.

15:39 18 **Q. Do you recall any other**

15:39 19 **communications, now that you've read this,**

15:39 20 **with Mr. Jones about the temporary seating**

15:39 21 **issues in the days leading up to the Super**

15:39 22 **Bowl?**

15:39 23 A. I assume again you're meaning Jerry

15:39 24 Jones? Or do you mean (speaking

15:39 25 simultaneously) --

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1 **Goodell**

15:39 2 **Q. Yeah.**

15:39 3 A. -- Jones?

15:39 4 **Q. No. Jerry Jones.**

15:39 5 A. You said Mr. Jones, I believe, if

15:39 6 I'm correct, so --

15:39 7 **Q. Yeah. I meant Jerry Jones.**

15:39 8 A. Not specifically, no.

15:39 9 **Q. Let me show you what we have**

15:40 10 **previously marked as Exhibit 58 in this case.**

15:40 11 A. Do I have 58, or is this -- I do

15:40 12 not have this.

15:40 13 **Q. No, you do not have it.**

15:40 14 A. Sorry.

15:40 15 **Q. And before we get to 58 --**

15:40 16 **Mr. Goodell, as of February 3rd you**

15:40 17 **knew that the temporary seat installation was**

15:40 18 **behind schedule; did you not?**

15:40 19 A. As of February 3rd? That would

15:41 20 have been Thursday?

15:41 21 **Q. Yeah.**

15:41 22 A. Yes, that's probably right.

15:41 23 **Q. Directing your attention to**

15:41 24 **Exhibit 58. Do you have that in front of**

15:41 25 **you?**

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1 **Goodell**

15:41 2 A. 58? Yes.

15:41 3 **Q. Okay. I will represent to you that**

15:41 4 **this has been produced by the NFL at 014872**

15:41 5 **through 876.**

15:41 6 **Now, you recall making yourself**

15:41 7 **available for a press conference on the**

15:41 8 **morning after the game, Monday, February 7th,**

15:41 9 **2011; do you not?**

15:41 10 A. That is a tradition, on the morning

15:42 11 after the game, that we meet with the media,

15:42 12 with the winning coach, and the Super Bowl

15:42 13 MVP, so I was there, yes.

15:42 14 **Q. And if you go to the second page of**

15:42 15 **this document, it says at the top "For**

15:42 16 **Immediate Release Super Bowl 45 Monday**

15:42 17 **February 7th, 2011 Quotes from NFL Media**

15:42 18 **Availability," and then it says "NFL**

15:42 19 **Commissioner Roger Goodell and NFL Executive**

15:42 20 **VP Eric Grubman." Do you see that?**

15:42 21 A. I do.

15:42 22 **Q. And then it says "Opening remarks**

15:42 23 **from Roger Goodell during the MVP press**

15:42 24 **conference," and it says, quote, "Good**

15:42 25 **morning" and it continues on. You see that?**

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1 **Goodell**

15:42 2 A. (Reading) "Good morning," I don't

15:42 3 necessarily.

15:42 4 **Q. On the second page of the document,**

15:42 5 **at the top, "Opening remarks from Roger**

15:43 6 **Goodell " (speaking simultaneously) --**

15:43 7 A. It's the second page of --

15:43 8 This (indicating) is the second

15:43 9 page?

15:43 10 **MR. BEHRENS: The first page of the**

15:43 11 **release, right after the e-mail is what**

15:43 12 **he needs, Commissioner.**

15:43 13 A. Yes. I see that, yes.

15:43 14 **Q. To the best of your knowledge, does**

15:43 15 **this accurately reflect the opening remarks**

15:43 16 **that you gave during the press conference on**

15:43 17 **the Monday following Super Bowl 45?**

15:43 18 A. Would you like me to read it so

15:43 19 I --

15:43 20 **Q. Sure.**

15:43 21 A. (Reading) You want me to go through

15:44 22 the whole thing, or just the first paragraph?

15:44 23 **Q. Just -- just that first paragraph.**

15:44 24 **My question is do you have any**

15:45 25 **reason to believe that this does not**

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1 **Goodell**

15:45 2 **accurately reflect the statements you made in**

15:45 3 **your opening remarks during the press**

15:45 4 **conference on the morning of Monday, February**

15:45 5 **7th, 2011 relating to Super Bowl 45.**

15:45 6 A. Well, on the third sentence, it

15:45 7 says "We have preliminary readings that have

15:45 8 come in already." I don't think I would have

15:45 9 said readings; it's ratings. I could have

15:45 10 misspoken, but I believe that I would have

15:45 11 said ratings, so I know one thing in here

15:45 12 that doesn't look entirely accurate, but that

15:45 13 happens from time to time.

15:45 14 **Q. Okay. That may have been just been**

15:45 15 **a transcription error, right?**

15:45 16 A. Yes. Transcription errors occur.

15:45 17 **THE WITNESS: Excuse me.**

15:45 18 **Q. But other than that, to the best of**

15:45 19 **your knowledge, this accurately reflects the**

15:45 20 **statements you made that morning.**

15:45 21 A. I think in general, yes.

15:45 22 **Q. Okay. And then as it relates to**

15:45 23 **various responses you gave to various**

15:46 24 **questions, you see those immediately below**

15:46 25 **your opening remarks, some are from you and**

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1 **Goodell**

15:46 2 **some are from Mr. Grubman.**

15:46 3 A. Yes, I do.

15:46 4 **Q. Do you have any reason to believe**

15:46 5 **that any of these statements are inaccurate,**

15:46 6 **meaning the statements that are attributed to**

15:46 7 **you in this document?**

15:46 8 A. Again, I'd have to read them all

15:46 9 again --

15:46 10 **Q. Go ahead.**

15:46 11 A. -- to answer your question.

15:46 12 **Q. Why -- why don't -- why don't you**

15:46 13 **take a moment --**

15:46 14 A. Is there one you want me to focus

15:46 15 on?

15:46 16 **Q. Well, unfortunately, I need to ask**

15:46 17 **you about most of them, so why don't you take**

15:46 18 **a moment to just read through the balance of**

15:46 19 **the document, including those statements that**

15:46 20 **are attributed to Mr. Grubman, and then I'm**

15:46 21 **going to ask you some questions.**

15:46 22 A. (Reading) Okay.

15:50 23 **Q. Have you had a chance to review the**

15:50 24 **entirety of Exhibit 58 now?**

15:50 25 A. Yes.

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1 **Goodell**

15:50 2 **Q. And are each of the statements**

15:50 3 **contained within this document, that are**

15:51 4 **attributed to you, are those statements**

15:51 5 **accurate, to the best of your knowledge, with**

15:51 6 **the exception you mentioned earlier relating**

15:51 7 **to "readings" you believe to be ratings?**

15:51 8 A. I don't see anything else off the

15:51 9 top of my head that I have any reason to

15:51 10 believe it is inaccurate.

15:51 11 **Q. To your knowledge, you made the**

15:51 12 **statements within this document, that are**

15:51 13 **attributed to you, on or about Monday,**

15:51 14 **February 7th, 2011, as reflected in the**

15:51 15 **document; is that true?**

15:51 16 A. Yes.

15:51 17 **Q. And to the best of your knowledge,**

15:51 18 **Mr. Grubman made the statements in this**

15:51 19 **document, that are attributed to him, on or**

15:51 20 **about Monday, February 2011 -- February 7th,**

15:51 21 **2011, as reflected in this document; is that**

15:51 22 **true?**

15:51 23 **MR. BEHRENS: Objection, lack of**

15:51 24 **foundation.**

15:51 25 A. Yeah, I would have a harder time

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1 Goodell

15:51 2 being able to validate that.

15:51 3 **Q. Well, you are there at the time,**

15:51 4 **correct?**

15:51 5 A. I was there, but the way it worked

15:51 6 was there was a number of media people on the

15:51 7 side of the stage; we were down on the floor.

15:52 8 There were times I couldn't hear certain

15:52 9 things that were going on.

15:52 10 **Q. Directing your attention to the --**

15:52 11 **to the second page of the document but the**

15:52 12 **first page of the release, your opening**

15:52 13 **remarks.**

15:52 14 A. Um-hm?

15:52 15 **Q. You state in the middle of that**

15:52 16 **paragraph "We will certainly do a thorough**

15:52 17 **review and get to the bottom of why it all**

15:52 18 **occurred, but we take full responsibility for**

15:52 19 **that as putting on this game." Did I read**

15:52 20 **that correctly?**

15:52 21 A. (Reading) Yes.

15:52 22 **Q. All right. We spent some time**

15:52 23 **earlier talking about the review, but I want**

15:52 24 **to focus on another part of this sentence.**

15:52 25 **You stated that, effectively, you**

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1 Goodell

15:52 2 **were going to "get to the bottom of why it**

15:52 3 **all occurred," correct?**

15:53 4 A. Yes.

15:53 5 **Q. All right. And did you get to the**

15:53 6 **bottom of why it all occurred, Mr. Goodell?**

15:53 7 **MR. BEHRENS: Objection. It's**

15:53 8 **asked and answered.**

15:53 9 **Q. (Continuing) Not what happened, but**

15:53 10 **why it happened.**

15:53 11 **MR. BEHRENS: Same objection.**

15:53 12 A. It didn't happen, or they weren't

15:53 13 installed, and that was the bottom line. I

15:53 14 don't have an explanation of if it was this

15:53 15 person or that person's fault, but it was

15:53 16 clear that we had to change our policy to

15:53 17 make sure it doesn't happen again.

15:53 18 **Q. You effectively told the public on**

15:53 19 **the morning after the game that you were**

15:53 20 **going to get to the bottom of why it all**

15:53 21 **occurred. My question is as you sit here**

15:53 22 **today, what have you discovered as to why it**

15:53 23 **all occurred.**

15:53 24 **MR. BEHRENS: Objection, asked and**

15:54 25 **answered.**

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1 Goodell

15:54 2 A. Again, the seats weren't installed,

15:54 3 and that we should have a procedure for

15:54 4 having those seats installed earlier. We

15:54 5 changed our procedures. They need to be in

15:54 6 the stadium and utilized, at an NFL event,

15:54 7 prior to the Super Bowl. That's the core of

15:54 8 the issue for us.

15:54 9 **Q. And the core of my question is why**

15:54 10 **did it all occur --**

15:54 11 **MR. BEHRENS: Objection.**

15:54 12 **Q. -- to the best of your knowledge.**

15:54 13 **MR. BEHRENS: That's asked and**

15:54 14 **answered I think ten times. He's given**

15:54 15 **his answer.**

15:54 16 **Q. (Continuing) The question is why.**

15:54 17 A. Why what? Why it wasn't completed?

15:54 18 **Q. No.**

15:54 19 **Sir, here's my question. You said**

15:54 20 **you were going to get to the bottom of why it**

15:54 21 **all occurred, and I'm assuming that when you**

15:54 22 **make a public pronouncement about a big issue**

15:54 23 **or a serious issue like this, that you mean**

15:54 24 **what you say. Is that a fair assumption?**

15:55 25 A. Yes.

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1 Goodell

15:55 2 **Q. Okay. So when you stood before the**

15:55 3 **media and you said we're going to get to the**

15:55 4 **bottom of why it all occurred, and the buck**

15:55 5 **stops with you, what did you discover when**

15:55 6 **you got to the bottom of why it all occurred?**

15:55 7 **What did you discover as to why?**

15:55 8 **MR. BEHRENS: Objection.**

15:55 9 **Mischaracterizes the document and it's**

15:55 10 **asked and answered.**

15:55 11 A. I said here that we will -- let me

15:55 12 just find the exact quote here again.

15:55 13 (Reading) -- "to get to the bottom of why it

15:55 14 all occurred." It all occurred because we

15:55 15 didn't have a process in place to get those

15:55 16 seats in earlier and at deadline, and they

15:55 17 should have been in at an earlier point in

15:55 18 time so that it was not an issue. So we had

15:56 19 changed that procedure, that policy, that

15:56 20 practice of making sure that that is going to

15:56 21 be at all future Super Bowls; those seats are

15:56 22 going to have to be in in advance of the

15:56 23 Super Bowl.

15:56 24 **Q. Any other reasons that you**

15:56 25 **discovered as to why it all occurred, when**

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1 **Goodell**

15:56 2 **you got to the bottom of it, other than what**

15:56 3 **you just testified to?**

15:56 4 A. I think that's the core of the

15:56 5 issue. We said they should have been

15:56 6 installed at an earlier date, and they

15:56 7 weren't.

15:56 8 **Q. In the course of your review in**

15:56 9 **getting to the bottom of why it all occurred,**

15:57 10 **did you discover that there was in fact a**

15:57 11 **deadline of January 30th under your contract,**

15:57 12 **under the NFL's contract with the Cowboys, as**

15:57 13 **to when the seats were to be installed by?**

15:57 14 **MR. BEHRENS: Objection, lack of**

15:57 15 **foundation.**

15:57 16 **You can answer.**

15:57 17 A. I was aware that they had an

15:57 18 obligation to get those seats in at an

15:57 19 earlier date, and they didn't, and that's why

15:57 20 we have changed our practice, so that they

15:57 21 will have to be in for an NFL event, so that

15:57 22 we have seen them installed, we have seen

15:57 23 them in place, and they can be utilized.

15:57 24 That would avoid this issue going forward.

15:57 25 **Q. And that's the policy change that**

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1 **Goodell**

15:57 2 **you referenced earlier when you said that the**

15:57 3 **seats must now be in for a regular season**

15:57 4 **game.**

15:57 5 A. I think I said NFL event. I may

15:57 6 have said something -- but an NFL event.

15:57 7 **Q. Whether it's regular season or post**

15:58 8 **season, an NFL event in any case, right?**

15:58 9 A. Yes..

15:59 10 **Q. Mr. Goodell, as you sit here today**

15:59 11 **under oath do you stand behind each of the**

15:59 12 **statements that you made as reflected in**

15:59 13 **Exhibit 58?**

15:59 14 A. Well, I want to be clear. I

15:59 15 believe that what I said at the time was

15:59 16 accurate, and we obviously have more

15:59 17 information since then, but I believe what I

15:59 18 said at the time was accurate, yes.

15:59 19 **Q. As you sit here today are you aware**

15:59 20 **of anything that is attributed to you within**

15:59 21 **Exhibit 58 that you believe is inaccurate in**

15:59 22 **any way?**

15:59 23 A. (Reading).

16:00 24 **Q. And you can take as much time as**

16:00 25 **you'd like.**

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1 **Goodell**

16:00 2 A. (Reading) I think -- pointing out

16:00 3 the -- the one -- there may have been other

16:00 4 little typos in here, minor changes, but I

16:00 5 think generally it's accurate.

16:00 6 **Q. So the only inaccuracy that you're**

16:00 7 **aware of right now is that -- or potential**

16:00 8 **inaccuracy is that the word "readings" is**

16:00 9 **likely ratings; is that true?**

16:00 10 A. I believe I would have said

16:00 11 ratings, yes.

16:00 12 MR. AVENATTI: okay. We'll go ahead

16:01 13 and mark as the next exhibit in order, I

16:01 14 believe 164, a CD produced by the NFL at

16:01 15 NFL 034442.

16:01 16 **MR. BEHRENS: You're going to play**

16:01 17 **this?**

16:01 18 **(Plaintiffs' Exhibit 164, CD**

16:01 19 **containing mp3 of 2/7/20011 press**

16:01 20 **conference with Commissioner Goodell and**

16:01 21 **Eric Grubman, Bates NFL 034442, marked**

16:01 22 **for identification, as of this date.)**

16:01 23 **(Discussion off the record.)**

16:02 24 **MR. BEHRENS: What do you have, the**

16:02 25 **same file loaded?**

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1 **Goodell**

16:02 2 **MR. AVENATTI: Yeah.**

16:02 3 **For the record, prior to the**

16:02 4 **deposition we provided an exact copy of**

16:02 5 **the mp3 file contained on Exhibit 164 to**

16:02 6 **the videographer so that he could play**

16:02 7 **it during today's deposition. Mr.**

16:02 8 **Behrens, you're free to confirm that**

16:02 9 **fact as related to any issues.**

16:02 10 **MR. BEHRENS: I -- I -- I have no**

16:02 11 **position to confirm it, but I -- I take**

16:02 12 **your representation.**

16:02 13 **MR. AVENATTI: Okay.**

16:02 14 **MR. BEHRENS: You gave it to him.**

16:02 15 **MR. AVENATTI: And then from time to**

16:02 16 **time we might pause it, and I may ask**

16:02 17 **some questions of Mr. Goodell relating**

16:02 18 **to the audio file. Okay?**

16:02 19 **THE VIDEOGRAPHER: Okay.**

16:02 20 **MR. AVENATTI: All right.**

16:02 21 **(The mp3 was played.)**

16:04 22 **MR. AVENATTI: Can you stop it.**

16:04 23 **Q. Now, up until that portion, Mr.**

16:04 24 **Goodell, that was you conversing with a**

16:04 25 **reporter; is that correct?**

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1 **Goodell**

16:04 2 A. Sounds like multiple reporters.

16:04 3 Yes.

16:04 4 **Q. Okay. And -- and then we just**

16:04 5 **started to hear from Mr. Grubman; is that**

16:04 6 **accurate? You recognize his voice?**

16:04 7 A. Yes.

16:04 8 **Q. Okay.**

16:04 9 **MR. AVENATTI: Why don't we**

16:04 10 **continue.**

16:04 11 **(The mp3 was played).**

16:14 12 **Q. Mr. Goodell, did you have an**

16:14 13 **opportunity to listen to the audio recording?**

16:14 14 A. Yes.

16:14 15 **Q. And to the best of your knowledge,**

16:14 16 **is there anything inaccurate in the audio**

16:14 17 **recording as to what was said by you and Mr.**

16:14 18 **Grubman during this press conference on**

16:14 19 **Monday, February 7th, 2011?**

16:14 20 A. I just made two notes here on page

16:14 21 two, the first page of their release. It

16:15 22 says in a reply:

16:15 23 "Goodell: No. We put this -- we

16:15 24 put this -- we put on this event. This is a

16:15 25 responsibility of the NFL."

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1 **Goodell**

16:15 2 I did not hear "No."

16:15 3 And then on the next page, going

16:15 4 down, it says:

16:15 5 "If Goodell met with the effective

16:15 6 fans.

16:15 7 "Goodell: Some. I was not

16:15 8 available -- I was not able to get to

16:15 9 all of them obviously."

16:15 10 This states it as that was in the

16:15 11 next sentence. I think it's pretty clear

16:15 12 that it was:

16:15 13 "Some. I was not able to get them

16:15 14 all obviously. We will be doing that

16:15 15 over the course of the next couple of

16:15 16 days."

16:15 17 Those are two quick comments that I

16:15 18 have.

16:15 19 **Q. The only individuals answering**

16:15 20 **questions during that audio recording were**

16:15 21 **you and Mr. Grubman; is that correct?**

16:15 22 A. Yes.

16:15 23 **Q. Okay. And Mr. Grubman's position**

16:15 24 **with the NFL as of February 7th, 2011 was**

16:16 25 **what?**

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1 **Goodell**

16:16 2 A. I don't know his title. He was an

16:16 3 executive vice-president.

16:16 4 **Q. And was he entitled to speak on**

16:16 5 **behalf of the NFL in connection with the**

16:16 6 **statements that he made during the audio**

16:16 7 **recording that we just played?**

16:16 8 A. Yes.

16:16 9 **Q. Was he authorized?**

16:16 10 A. Yes.

16:16 11 **Q. All right. And were you authorized**

16:16 12 **to speak on behalf of the National Football**

16:16 13 **League in connection with the statements that**

16:16 14 **you made during the audio recording we just**

16:16 15 **displayed?**

16:16 16 A. I don't know about authorized by

16:16 17 whom, but that was my responsibility.

16:16 18 **Q. You understood when you made those**

16:16 19 **statements that you were making them on**

16:16 20 **behalf of the National Football League; am I**

16:16 21 **correct?**

16:16 22 A. As Commissioner, yes.

16:16 23 **Q. Do you recall during the audio**

16:17 24 **recording there was a question asked about**

16:17 25 **the fact that some fans had not only paid**

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1 **Goodell**

16:17 2 **face value for the tickets but also had spent**

16:17 3 **upwards of \$10,000 to come to the game? Do**

16:17 4 **you recall that?**

16:17 5 A. I recall the reference. I don't

16:17 6 know if it said 10,000, but I do recall a

16:17 7 reference to that, yes.

16:17 8 **Q. Okay. If you take a look at --**

16:17 9 **MR. AVENATTI: Well, strike that.**

16:17 10 **Q. Do you know who prepared**

16:17 11 **Exhibit 58, the transcript?**

16:17 12 A. I don't.

16:17 13 **Q. Do you have any reason to believe**

16:17 14 **that it was someone other than someone**

16:17 15 **employed by NFL?**

16:17 16 **MR. BEHRENS: Objection. Calls for**

16:17 17 **speculation.**

16:17 18 A. It is -- I think these things are

16:17 19 frequently done by professionals.

16:17 20 **Q. Do you know who Maria Russo is?**

16:17 21 A. I do not.

16:17 22 **Q. If you turn to page 014875. I**

16:18 23 **think it's the fourth page in the document.**

16:18 24 **About three sentences down it says "on the**

16:18 25 **fan's being upset about losing their seats."**

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1 **Goodell**

16:18 2 **You see that?**

16:18 3 A. I do.

16:18 4 **Q. And then it says:**

16:18 5 **"Goodell: We understand that and**

16:18 6 **that's why we'll be working with them**

16:18 7 **and reaching out to them, but we'll be**

16:18 8 **bringing them to the Super Bowl as a**

16:18 9 **guest of the NFL next year."**

16:18 10 **Did I read that correctly?**

16:18 11 A. You did.

16:18 12 **Q. Do you recall that -- that in**

16:18 13 **reality, that statement was made in response**

16:18 14 **to the question that you were asked about**

16:18 15 **some fans spend spending upwards of \$10,000**

16:18 16 **to attend the game? Wasn't it?**

16:18 17 A. I don't recall that.

16:18 18 **Q. Okay. Well, maybe we can go back**

16:19 19 **and take a listen.**

16:19 20 **MR. AVENATTI: Let's see if we can**

16:19 21 **find this portion of the statement.**

16:19 22 **(The mp3 was replayed.)**

16:19 23 **MR. AVENATTI: Can you fast-forward?**

16:19 24 **(The mp3 was fast-forwarded and**

16:19 25 **replayed.)**

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1 **Goodell**

16:20 2 **THE WITNESS: You've got a little**

16:20 3 **ways to go.**

16:20 4 **MR. AVENATTI: Go ahead and**

16:20 5 **fast-forward a little bit.**

16:20 6 **(The mp3 was fast-forwarded and**

16:20 7 **replayed.)**

16:21 8 **MR. AVENATTI: You can stop it**

16:21 9 **there.**

16:21 10 **Q. So in reality, Mr. Goodell, you**

16:21 11 **made that statement, "We understand that," in**

16:21 12 **response to the question from the reporter**

16:21 13 **when he asked you about fans that had spent**

16:21 14 **upwards of \$10,000 to go to the game,**

16:21 15 **correct?**

16:21 16 A. I think we said "and spent

16:21 17 thousands of dollars to come to the game."

16:21 18 Some had reported \$10,000 or more.

16:21 19 **Q. Right.**

16:21 20 A. We said "We understand that." In

16:21 21 general, we do understand that fans spend a

16:21 22 lot of money to come to this game.

16:21 23 **Q. And that's -- that's the statement**

16:21 24 **that you gave in response to that question,**

16:21 25 **right? "We understand that."**

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1 **Goodell**

16:21 2 A. Yes.

16:21 3 **Q. (Reading:)**

16:21 4 **"And that's why we'll be working**

16:21 5 **with them and reaching out to them, but**

16:21 6 **we'll -- but, we'll be bringing them to**

16:21 7 **the Super Bowl as a guest of the NFL**

16:22 8 **next year," close quote.**

16:22 9 **Correct?**

16:22 10 A. Yes.

16:22 11 **Q. And do you have any reason --**

16:22 12 **MR. AVENATTI: Strike that.**

16:22 13 **Q. Do you have any knowledge as to why**

16:22 14 **the context of that question did not make its**

16:22 15 **way into this transcript, namely that the**

16:22 16 **question dealt with how much money fans had**

16:22 17 **spent to come to the game?**

16:22 18 **Do you have any understanding as to**

16:22 19 **why that wasn't included within the immediate**

16:22 20 **press release that was released following**

16:22 21 **your remarks?**

16:22 22 **MR. BEHRENS: Objection. Calls for**

16:22 23 **speculation.**

16:22 24 A. I sounds like it calls for

16:22 25 speculation.

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1 **Goodell**

16:22 2 But I think on several of these,

16:22 3 the full questions aren't in there.

16:22 4 **Q. I -- I -- I would agree with that.**

16:22 5 A. Okay.

16:22 6 **Q. But you -- you would agree with me**

16:22 7 **that that question dealt with the amount of**

16:22 8 **money that some fans had spent in attendance**

16:22 9 **of the Super Bowl as opposed to them being**

16:22 10 **upset about losing their seats; would you**

16:22 11 **not?**

16:22 12 **MR. BEHRENS: Objection.**

16:22 13 **Mischaracterizes the record.**

16:23 14 A. I think his ultimate question was

16:23 15 that fans had paid thousands of dollars to

16:23 16 attend this game and what were we going to do

16:23 17 to address that, and I said we understand

16:23 18 that and we're going to address that.

16:23 19 And I think we did in our offers.

16:23 20 **Q. Did you ever offer to reimburse any**

16:23 21 **fan a hundred percent of their expenses that**

16:23 22 **they incurred to attend the Super Bowl,**

16:23 23 **without limitation?**

16:23 24 A. I believe one of the options and

16:23 25 one of the alternatives that the fans had was

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1 Goodell

16:23 2 to be reimbursed I believe it was for \$5,000

16:23 3 for their actual expenses, and their expenses

16:23 4 were defined quite broadly: Whether the

16:24 5 price of the ticket that they paid for; I

16:24 6 believe that included, the top of my head,

16:24 7 even if they bought it at a higher than face

16:24 8 value; hotel; food -- I'm doing this off the

16:24 9 top of my head -- rental car; those types of

16:24 10 items.

16:24 11 **Q. Did the league ever offer to**

16:24 12 **reimburse any fan a hundred percent of their**

16:24 13 **expenses that they incurred to attend the**

16:24 14 **Super Bowl, without limitation, meaning**

16:24 15 **without limitation on per diem, car rentals,**

16:24 16 **and other expenses?**

16:24 17 **MR. BEHRENS: Objection. It's**

16:24 18 **asked and answered.**

16:24 19 A. I think we were very clear about

16:24 20 the expenses that we would -- we would

16:24 21 reimburse them for, and I think they were

16:24 22 quite broad.

16:24 23 **Q. Do you know if the league ever**

16:24 24 **offered to reimburse any fan a hundred**

16:24 25 **percent of their expenses without limitation**

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1 Goodell

16:24 2 **and without documentation?**

16:25 3 **MR. BEHRENS: Objection, asked and**

16:25 4 **answered twice.**

16:25 5 A. I think we were very clear with our

16:25 6 offers, and judging by the way the fans

16:25 7 responded to it, I think it's clear that they

16:25 8 felt it was fair.

16:25 9 **Q. Isn't it true that your offers**

16:25 10 **relating to expense reimbursements had**

16:25 11 **limitations in it?**

16:25 12 A. We had several offers.

16:25 13 **Q. The offer relating to reimbursement**

16:25 14 **of expenses to attend the game, isn't it true**

16:25 15 **that that offer had a number of limitations**

16:25 16 **in it related to amounts that would be**

16:25 17 **reimbursed for expenses?**

16:25 18 **MR. BEHRENS: Objection. Counsel,**

16:25 19 **the offer's in the record, and it speaks**

16:25 20 **for itself. (Speaking simultaneously) --**

16:25 21 **MR. AVENATTI: I want to see if he**

16:25 22 **actually knows what the offer is.**

16:25 23 **MR. BEHRENS: He described it as**

16:25 24 **best he could from memory three years**

16:25 25 **after the fact.**

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1 Goodell

16:25 2 **You can answer again, Commissioner.**

16:26 3 A. I believe we gave them the option

16:26 4 of one of three options, I believe, for this

16:26 5 group, that you could have either \$5,000; or,

16:26 6 if you believed your expenses were in excess

16:26 7 of \$5,000, we would reimburse that with,

16:26 8 obviously, some type of records that you

16:26 9 spent X on your tickets, you spent X on your

16:26 10 hotel, your rental car, your food. And there

16:26 11 were other items in there. I just -- I don't

16:26 12 know specifically if they were -- what other

16:26 13 items, but we tried to be inclusive, overly

16:26 14 inclusive.

16:26 15 **Q. Do you have a recollection of**

16:26 16 **increasing the offers as the days after the**

16:26 17 **game passed by?**

16:26 18 A. I have a recollection of -- of

16:26 19 changing the options and adding more options

16:26 20 for the fans.

16:26 21 **Q. And why did you do that?**

16:27 22 A. Because we heard from the fans. We

16:27 23 were -- I think I testified earlier, we were

16:27 24 reaching out to the fans, trying to

16:27 25 understand what the issues were. As we

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1 Goodell

16:27 2 learned that, we were trying to be responsive

16:27 3 to the issues that we heard, by giving them

16:27 4 more alternatives.

16:27 5 **Q. Was there anything that Mr. Grubman**

16:27 6 **said during the audio recording that we just**

16:27 7 **played that you believe was not accurate?**

16:27 8 A. (Reading).

16:27 9 **MR. BEHRENS: Counsel, you mean not**

16:27 10 **accurately transcribed?**

16:27 11 **I'm just interposing a vague**

16:27 12 **objection.**

16:27 13 **MR. AVENATTI: No.**

16:27 14 **Q. I'm asking you about the audio file**

16:27 15 **that we just played, Mr. Goodell.**

16:28 16 **And my question, just to clarify,**

16:28 17 **is was there anything that you heard during**

16:28 18 **the playing of that audio file that you**

16:28 19 **understand or understood to come from Mr.**

16:28 20 **Grubman, that you believe was not accurate.**

16:28 21 **MR. BEHRENS: Objection, vague as**

16:28 22 **to time.**

16:28 23 **Q. (Continuing) At any time.**

16:28 24 A. I'd have to look at this

16:28 25 (indicating) again to see if there is

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1 Goodell

16:28 2 something.

16:28 3 **Q. Well, that actually won't help you,**

16:28 4 **because I'm not asking you about that**

16:28 5 **transcript. I'm asking you about the audio**

16:28 6 **recording. So if you'd like, I'd be happy to**

16:28 7 **replay it for you if you'd like to hear it**

16:28 8 **again.**

16:28 9 A. Well, I think the audio was

16:28 10 essentially the same as this. Wasn't it?

16:28 11 **Q. I -- I -- I believe so.**

16:28 12 A. Okay. Then I think I can look at

16:28 13 this. (Reading)

16:29 14 I can't speak to some of the

16:30 15 specific issues in here, when he -- he talks

16:30 16 about his dealings with the police and the

16:30 17 fire department and some of the others. You

16:30 18 know, that's not stuff that I was party to.

16:30 19 I think generally it is accurate.

16:30 20 It could probably be parts that could be

16:30 21 clarified, but I think generally it's

16:30 22 accurate.

16:30 23 **Q. Is there anything that Mr. Grubman**

16:30 24 **said that you disagree with as you sit here**

16:30 25 **today? And when I say anything that he said,**

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1 Goodell

16:30 2 **I'm referring to anything that he said during**

16:31 3 **the press conference on February 7th, 2011 as**

16:31 4 **we listened to on the audio file.**

16:31 5 A. I guess the only thing would be

16:31 6 this section (indicating), I think it could

16:31 7 be more clearly stated on -- it starts with

16:31 8 on why they couldn't relocate fans. Grubman

16:31 9 went on and said "We began building event

16:31 10 contingency plans as soon as we saw the

16:31 11 risk," that section. I think as we were

16:31 12 obviously working to get the project

16:31 13 completed, when we felt, the morning of the

16:31 14 game, that there may be sections or seats

16:31 15 that would not be completed, then we worked

16:31 16 very hard on the contingency to make sure we

16:31 17 accommodated those fans. In general, I think

16:31 18 he makes the point here.

16:31 19 **Q. I'm sorry. I'm a little confused.**

16:31 20 **So what is it that you disagree**

16:32 21 **with in that statement?**

16:32 22 A. I think he could be more clear is

16:32 23 that the -- the risk, we felt that the

16:32 24 project was going to get completed right up

16:32 25 until Sunday, really Sunday afternoon, and so

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1 Goodell

16:32 2 -- but there's always risk, so I would say

16:32 3 that a better way of stating that would be we

16:32 4 were working hard to get this completed; when

16:32 5 we realized that there was a potential where

16:32 6 the seats were not going to be completed on

16:32 7 Sunday morning, we worked aggressively at

16:32 8 getting contingency plans in place.

16:32 9 **Q. So is it fair to say that you do**

16:32 10 **not agree that the NFL began building**

16:32 11 **contingency -- contingency plans as soon as**

16:32 12 **the NFL saw the risk?**

16:32 13 **Because that, of course, was**

16:32 14 **earlier in the week, right?**

16:32 15 **MR. BEHRENS: Objection. That**

16:32 16 **misstates his testimony and misstates**

16:33 17 **the record.**

16:33 18 A. I think that's part of my point

16:33 19 here, is that I think the clarity, that we

16:33 20 recognized on Sunday morning that the work

16:33 21 that we were told would be completed still

16:33 22 had not been completed, and that we were

16:33 23 concerned about that risk at that point in

16:33 24 time, that we may not have seats for every

16:33 25 individual --

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1 Goodell

16:33 2 **Q. But --**

16:33 3 A. -- we just have tickets, so we

16:33 4 wanted to make sure that we had those

16:33 5 contingency plans in place.

16:33 6 **Q. But you saw the risk earlier in the**

16:33 7 **week, correct?**

16:33 8 **MR. BEHRENS: Objection. Misstates**

16:33 9 **the record. It's misleading.**

16:33 10 **Q. (Continuing) Correct?**

16:33 11 A. We did not have -- we did not have

16:33 12 the seats installed, but we were assured and

16:33 13 confident, based on the people who were doing

16:33 14 the installing, that they would be done.

16:33 15 **Q. When was the first time you saw the**

16:33 16 **risk?**

16:33 17 **MR. BEHRENS: Objection --**

16:33 18 **Q. (Continuing) You personally.**

16:33 19 **MR. BEHRENS: -- asked and**

16:33 20 **answered.**

16:33 21 A. Again, I think we felt, leading

16:34 22 right up until the Sunday afternoon, that we

16:34 23 were confident. By Sunday morning we felt

16:34 24 that we had to have a contingent plan in

16:34 25 place to accommodate them, based on where we

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1 Goodell

16:34 2 were with the project.

16:34 3 **Q. You didn't begin building**

16:34 4 **contingency plans until Sunday morning,**

16:34 5 **correct?**

16:34 6 A. Well, contingency plans that --

16:34 7 contingency plans to accommodate the fans, in

16:34 8 other words, trying to get additional

16:34 9 tickets, find spaces where we could put fans.

16:34 10 **Q. But that did not start until Sunday**

16:34 11 **morning.**

16:34 12 A. I can't say it didn't start. I

16:34 13 would -- I engaged in that discussion on

16:34 14 Sunday morning very aggressively.

16:34 15 **Q. As of Thursday had you seen the**

16:34 16 **risk?**

16:34 17 **MR. BEHRENS: Objection, vague.**

16:34 18 A. As of Thursday they still weren't

16:34 19 installed, but there was every bit of

16:35 20 confidence, from the people who were

16:35 21 installing them, that they would get done.

16:35 22 **Q. How about Friday? As of Friday had**

16:35 23 **you seen the risk?**

16:35 24 **MR. BEHRENS: Objection, asked and**

16:35 25 **answered, and it's vague.**

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1 Goodell

16:35 2 A. Again, they were confident as of

16:35 3 Friday they would get installed properly and

16:35 4 safely.

16:35 5 **Q. How about Saturday at noon? Had**

16:35 6 **you seen the risk by Saturday at noon?**

16:35 7 **MR. BEHRENS: Objection, vague,**

16:35 8 **misleading, asked and answered.**

16:35 9 A. I don't recall the specific time

16:35 10 when I was given more information, but they

16:35 11 still weren't installed as of Saturday, and

16:35 12 that troubled us.

16:35 13 **Q. Mr. Goodell, if you weren't a**

16:35 14 **hundred percent sure that seats would not be**

16:35 15 **completed on time in the middle of the week,**

16:36 16 **then why didn't you announce to the public at**

16:36 17 **that time the risk that the seats would not**

16:36 18 **be complete?**

16:36 19 **MR. BEHRENS: Objection. It's**

16:36 20 **asked and answered.**

16:36 21 A. I think I stated several times that

16:36 22 while we knew the seats weren't installed, we

16:36 23 were given assurances from those who were

16:36 24 installing them that they would be completed.

16:36 25 We did not know who, if they weren't

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1 Goodell

16:36 2 completed. We didn't know how many or who

16:36 3 they might be. And, again, with the

16:36 4 confidence that we could get it completed, it

16:36 5 would have been difficult to contact anybody

16:36 6 if you didn't know what seats were going to

16:36 7 be impacted, if any.

16:36 8 **Q. By Thursday you knew that the**

16:36 9 **Cowboys, or the North Texas Group, had blown**

16:36 10 **the deadline of January 30th for the**

16:36 11 **installation of seats. You knew that, right?**

16:36 12 **MR. BEHRENS: Counsel, this is**

16:37 13 **asked and answered ten times.**

16:37 14 A. I knew the seats had not been fully

16:37 15 installed.

16:37 16 **Q. And you knew the deadline of**

16:37 17 **January 30th had not been met, correct?**

16:37 18 **MR. BEHRENS: It misstates his**

16:37 19 **testimony.**

16:37 20 A. I can't say that I knew the

16:37 21 deadline of January 30th at that time. I do

16:37 22 know that they were supposed to have been

16:37 23 installed by then.

16:37 24 **Q. Well, somebody within the NFL**

16:37 25 **decided knew what the deadline was on the**

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1 Goodell

16:37 2 **seat installation, right? You would agree**

16:37 3 **with that.**

16:37 4 A. I would think that would be true,

16:37 5 yes.

16:37 6 **Q. All right. Well, was that Mr.**

16:37 7 **Supovitz?**

16:37 8 **MR. BEHRENS: Objection. Calls for**

16:37 9 **speculation.**

16:37 10 A. I just don't know.

16:37 11 **Q. Whose job was it at the NFL, if it**

16:37 12 **wasn't your job, to ensure that the January**

16:37 13 **30th deadline was met as it relates to seat**

16:37 14 **installation?**

16:37 15 **MR. BEHRENS: Objection. Misstates**

16:37 16 **the record. Assumes facts not in**

16:37 17 **evidence.**

16:37 18 A. I -- the -- the ultimate production

16:37 19 of the game in the stadium there would fall

16:38 20 to me, but the people that were dealing with

16:38 21 that on a daily basis were Eric Grubman and

16:38 22 Frank Supovitz.

16:38 23 **Q. Okay. So is it fair to say that it**

16:38 24 **was Mr. -- Mr. Grubman and Mr. Supovitz's job**

16:38 25 **to make sure that these temporary seats were**

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1 **Goodell**

16:38 2 **installed by January 30th for Super Bowl 45?**

16:38 3 **Is that fair?**

16:38 4 **MR. BEHRENS: Objection. Misstates**

16:38 5 **the evidence.**

16:38 6 A. No, I would not say that.

16:38 7 It was their job to produce the

16:38 8 event. There are a number of people that

16:38 9 contribute to that, that have a job to do,

16:38 10 that are very specific issues.

16:38 11 **Q. Okay. So it wasn't your job, it**

16:38 12 **wasn't Mr. Supovitz's job, and it wasn't Mr.**

16:38 13 **Grubman's job. Whose job at the NFL was it**

16:38 14 **to ensure that the temporary seats were**

16:38 15 **installed by January 30th?**

16:38 16 **Was it anybody's job?**

16:38 17 **MR. BEHRENS: Objection. Misstates**

16:38 18 **the record. It's asked and answered.**

16:38 19 A. Well, you've referenced that they,

16:38 20 the people who were doing the installing, had

16:38 21 an obligation to install them by a particular

16:38 22 date.

16:38 23 **Q. I understand that, but I -- I'm**

16:39 24 **just asking --**

16:39 25 **You made a number of statements,**

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1 **Goodell**

16:39 2 **and I think you -- you stated it earlier**

16:39 3 **today, that the NFL took responsibility, and**

16:39 4 **it was the NFL's responsibility to put on**

16:39 5 **this game. Correct?**

16:39 6 A. Yes.

16:39 7 **Q. Okay. Who at the NFL, if anyone,**

16:39 8 **was charged with the responsibility for**

16:39 9 **making sure that all of the temporary seats**

16:39 10 **that had been sold to fans were in fact**

16:39 11 **installed by kickoff of Super Bowl 45?**

16:39 12 A. I don't know the answer to that

16:39 13 question specifically.

16:39 14 **Q. You can't provide a name for me**

16:39 15 **here today.**

16:39 16 **MR. BEHRENS: Objection, asked and**

16:39 17 **answered.**

16:39 18 A. A name of what?

16:39 19 **Q. A name of an employee of the**

16:39 20 **National Football League that was responsible**

16:39 21 **for making sure that all of the temporary**

16:39 22 **seats that had been sold to fans for hundreds**

16:40 23 **of dollars were in fact installed at least**

16:40 24 **prior to kickoff, if not by the deadline of**

16:40 25 **January 30th.**

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1 **Goodell**

16:40 2 **MR. BEHRENS: Objection. It's**

16:40 3 **asked and answered.**

16:40 4 A. I said to you, I take full

16:40 5 responsibility at the end of the day, but the

16:40 6 people who were producing the event, that

16:40 7 were working with the local contractors and

16:40 8 others that were actually installing those

16:40 9 seats, working with the fire department, the

16:40 10 police department, they're the ones who were

16:40 11 working on that on a daily basis.

16:40 12 **Q. Is it fair to say that the NFL**

16:40 13 **didn't have anyone responsible for making**

16:40 14 **sure that the temporary seats were installed**

16:40 15 **prior to kickoff or January 30th?**

16:40 16 **MR. BEHRENS: Objection. It**

16:40 17 **misstates his testimony.**

16:40 18 **Q. (Continuing) And if that's not fair**

16:40 19 **to say, then who was the person or persons**

16:40 20 **that were responsible for making sure that**

16:40 21 **that happened?**

16:40 22 **MR. BEHRENS: Objection. It's**

16:40 23 **asked and answered at least five times.**

16:41 24 A. I've answered that, that ultimately

16:41 25 that falls to my responsibility.

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1 **Goodell**

16:41 2 **Q. You weren't responsible for the**

16:41 3 **day-to-day follow-up to ensure that these**

16:41 4 **seats were installed -- were you? -- in the**

16:41 5 **weeks leading up to January 30th?**

16:41 6 **That was -- that your job as the**

16:41 7 **Commissioner of the National Football League?**

16:41 8 **MR. BEHRENS: It misstates the**

16:41 9 **testimony, and you know it misstates the**

16:41 10 **record, and it's asked and answered five**

16:41 11 **times.**

16:41 12 **Move on.**

16:41 13 **Q. That -- that wasn't your job, was**

16:41 14 **it?**

16:41 15 A. It was not my job.

16:41 16 I accept the responsibility.

16:41 17 **Q. All right. Whose job was it?**

16:41 18 **MR. BEHRENS: Asked and answered.**

16:41 19 A. Whose job was it to install the

16:41 20 seats?

16:41 21 **Q. No. I know whose job it was to**

16:41 22 **install the seats.**

16:41 23 **My question is whose job was it**

16:41 24 **from the NFL, who was putting on Super**

16:42 25 **Bowl 45, to make sure that the seats actually**

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1 **Goodell**

16:42 2 **got installed so you didn't have hundreds of**

16:42 3 **fans show up for the biggest event of the**

16:42 4 **year, and put them in a holding pen in a**

16:42 5 **fenced-in area, and avoid a seating debacle.**

16:42 6 **Whose job from the NFL was it to make sure**

16:42 7 **that didn't happen, Mr. Goodell?**

16:42 8 **MR. BEHRENS: Objection. You're**

16:42 9 **badgering the witness. It's asked and**

16:42 10 **answered ten times. He's told you, the**

16:42 11 **entire group was responsible.**

16:42 12 **MR. AVENATTI: That's not**

16:42 13 **appropriate.**

16:42 14 **Q. I want --**

16:42 15 **MR. BEHRENS: It is appropriate.**

16:42 16 **He's answered it ten times.**

16:42 17 **Q. I want and my clients want a name.**

16:42 18 **Who had the job to make sure that that**

16:42 19 **happened, that the seats were installed from**

16:42 20 **the NFL?**

16:42 21 **And if the answer is nobody, I'm**

16:42 22 **happy to have that as well.**

16:42 23 **MR. BEHRENS: Objection. That --**

16:42 24 **Q. (Continuing) Whose job was it?**

16:42 25 **MR. BEHRENS: -- misstates his**

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1 **Goodell**

16:42 2 **testimony.**

16:42 3 A. We don't have somebody who is

16:42 4 assigned to a specific task like that. We

16:42 5 have people who are responsible for the

16:42 6 event.

16:42 7 **Q. Do you --**

16:42 8 A. There are people that had

16:42 9 contracts, there are people that had

16:43 10 functions, and there are several of those,

16:43 11 hundreds if not thousands of those, that go

16:43 12 on during the Super Bowl week. It is a big,

16:43 13 complex event, and it requires a lot of

16:43 14 people doing their job.

16:43 15 **Q. In retrospect, do you believe that**

16:43 16 **you should have assured that someone had that**

16:43 17 **job at the National Football League, the job**

16:43 18 **to make sure that the temporary seats that**

16:43 19 **were sold actually were in place by January**

16:43 20 **30th or kickoff at the latest?**

16:43 21 **MR. BEHRENS: Objection.**

16:43 22 **Mischaracterizes the record.**

16:43 23 A. I believe that we should have had a

16:43 24 practice in place that those seats were in in

16:43 25 advance, and they were in place so that there

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1 **Goodell**

16:43 2 was not that situation or that risk. They

16:43 3 should have been in, consistent with the

16:43 4 practice that we are now following. Get them

16:43 5 in for an NFL event so this is not an issue--

16:43 6 **Q. And part --**

16:44 7 A. -- before we changed our policy.

16:44 8 **Q. And part of that policy or practice**

16:44 9 **should have been that there would be somebody**

16:44 10 **on point from the National Football League to**

16:44 11 **make ensure that happened, right?**

16:44 12 **MR. BEHRENS: Objection.**

16:44 13 **Mischaracterizes the record. Assumes**

16:44 14 **facts not in evidence.**

16:44 15 **Q. (Continuing) Because otherwise**

16:44 16 **there's nobody to hold accountable, right,**

16:44 17 **Mr. Goodell?**

16:44 18 **MR. BEHRENS: Objection. You're**

16:44 19 **badgering the witness and you're**

16:44 20 **mischaracterizing the record.**

16:44 21 A. Our people are not capable of

16:44 22 installing seats. That is not -- they're not

16:44 23 capable of doing. That's done.

16:44 24 And obviously the number one issue

16:44 25 is safety on that.

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1 **Goodell**

16:44 2 **Q. In January of 2011, were your**

16:44 3 **people capable of picking up the phone or**

16:44 4 **traveling to Cowboy Stadium and ensuring that**

16:44 5 **the seats were installed by January 30th?**

16:44 6 A. How would --

16:44 7 **MR. BEHRENS: Objection.**

16:44 8 A. How would --

16:44 9 **MR. BEHRENS: Assumes facts not in**

16:44 10 **evidence.**

16:44 11 **Go ahead, you can answer.**

16:45 12 **Q. I'm sorry.**

16:45 13 A. How would they ensure that?

16:45 14 **Q. Well, let me ask you a question.**

16:45 15 **When you discipline a player, how do you**

16:45 16 **ensure that that player doesn't suit up for a**

16:45 17 **game, Mr. Goodell? How do you ensure that?**

16:45 18 **MR. BEHRENS: Objection. That's**

16:45 19 **beyond the scope.**

16:45 20 **Q. (Continuing) You don't go to the**

16:45 21 **game, do you, and prevent the player from**

16:45 22 **suiting up. You instruct people that work**

16:45 23 **for you, on what they need to do to ensure**

16:45 24 **that your directives are carried out. Right?**

16:45 25 **MR. BEHRENS: Objection. Ask a**

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1 **Goodell**
 16:45 2 **question related to the three topics.**
 16:45 3 **Q. (Continuing) Right? That's what**
 16:45 4 **you do to ensure that your directives are**
 16:45 5 **carried out.**
 16:45 6 A. What do I do?
 16:45 7 **Q. You contact people that work for**
 16:45 8 **you, and you tell them what's to be done,**
 16:45 9 **right?**
 16:45 10 **That's how you lead.**
 16:45 11 A. With all due respect, when we have
 16:45 12 a player that is disciplined and suspended
 16:45 13 from a game, the player is informed, the team
 16:45 14 is informed, and that is followed --
 16:45 15 **Q. Okay.**
 16:45 16 A. -- but that is a specific
 16:45 17 directive --
 16:45 18 **Q. Okay.**
 16:45 19 A. -- they are not to be participating
 16:45 20 in that game.
 16:45 21 **Q. Okay. So you asked me how**
 16:46 22 **employees would work to ensure that these**
 16:46 23 **seats were installed in a timely fashion.**
 16:46 24 **Did it ever occur to you prior to**
 16:46 25 **Super Bowl 45 that perhaps you should**

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1 **Goodell**
 16:46 2 **instruct people that reported to you that**
 16:46 3 **they in turn should ensure that all temporary**
 16:46 4 **seats that were sold to fans were installed**
 16:46 5 **by the deadline of January 30th?**
 16:46 6 **MR. BEHRENS: Objection, counsel.**
 16:46 7 **The question is misleading, and you know**
 16:46 8 **it.**
 16:46 9 A. I've tried to be responsive,
 16:46 10 counselor. I'm sorry. I'm not obviously
 16:46 11 responding to you the way you wish.
 16:46 12 **Q. No, it's not that at all. I'd just**
 16:46 13 **like an answer to my question.**
 16:46 14 **MR. BEHRENS: He's answered it.**
 16:46 15 **Move on.**
 16:46 16 **Q. Sir, generally speaking, when you**
 16:46 17 **as the CEO Commissioner of the National**
 16:46 18 **Football League give a directive to those**
 16:46 19 **that work underneath you or for you, are**
 16:46 20 **those directives generally followed?**
 16:47 21 A. I would hope that if I give a
 16:47 22 specific directive, that they would be
 16:47 23 followed.
 16:47 24 **Q. I -- I'm going to assume that**
 16:47 25 **during the late 2010-early 2011 time period,**

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1 **Goodell**
 16:47 2 **that as a general proposition, the**
 16:47 3 **individuals that reported to you would carry**
 16:47 4 **out your directives with God speed, when you**
 16:47 5 **gave them. Is that a fair assumption?**
 16:47 6 **MR. BEHRENS: Objection to form.**
 16:47 7 A. Again, if I gave a specific
 16:47 8 directive, I would hope that they would
 16:47 9 follow through on that, yes.
 16:47 10 **Q. Prior to kickoff did you give any**
 16:47 11 **directives related to the temporary seating**
 16:47 12 **for Super Bowl 45?**
 16:47 13 **MR. BEHRENS: Objection.**
 16:47 14 **Other than what he's testified so**
 16:47 15 **far?**
 16:47 16 A. Every single individual that was
 16:47 17 responsible for producing the Super Bowl,
 16:47 18 that was involved in the stadium preparations
 16:48 19 knew that those temporary seats had to be
 16:48 20 installed and they had to be installed
 16:48 21 safely.
 16:48 22 **Q. That's not my question.**
 16:48 23 **My question is prior to kickoff did**
 16:48 24 **you give any directives related to the**
 16:48 25 **temporary seating for Super Bowl 45, and if**

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1 **Goodell**
 16:48 2 **so, what were they.**
 16:48 3 **MR. BEHRENS: Objection, asked and**
 16:48 4 **answered.**
 16:48 5 A. Counselor, again I think people
 16:48 6 understood what their responsibilities were
 16:48 7 -- were, and they did their best to carry
 16:48 8 those out.
 16:48 9 **Q. To the extent that you at any time**
 16:48 10 **prior to the kickoff of Super Bowl 45 gave**
 16:48 11 **any directive related to the temporary**
 16:48 12 **seating for the game, please so state for the**
 16:48 13 **jury and the record.**
 16:48 14 **MR. BEHRENS: Let the record**
 16:48 15 **reflect there is no jury, and that**
 16:48 16 **Commissioner Goodell has testified at**
 16:48 17 **length as to what he directed during**
 16:48 18 **that day.**
 16:48 19 **MR. AVENATTI: That's another**
 16:48 20 **speaking objection. It's not proper.**
 16:48 21 **Q. (Continuing) Go ahead and answer --**
 16:48 22 **MR. BEHRENS: It's proper.**
 16:48 23 **Q. -- my question. Mr. Goodell,**
 16:49 24 **please --**
 16:49 25 **MR. BEHRENS: Badgering the**

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1 **Goodell**

16:49 2 **witness.**

16:49 3 **Q. Mr. Goodell, please answer the**

16:49 4 **question.**

16:49 5 A. Could you repeat the question? I'm

16:49 6 sorry.

16:49 7 **Q. Sure.**

16:49 8 **To the extent that any time prior**

16:49 9 **to the kickoff of Super Bowl 45, to the**

16:49 10 **extent that you gave any directives related**

16:49 11 **to the temporary seating for the game, please**

16:49 12 **so state for the jury and the record.**

16:49 13 **MR. BEHRENS: Let the record**

16:49 14 **reflect that there is no jury in the**

16:49 15 **room and that Commissioner Goodell has**

16:49 16 **testified on this subject.**

16:49 17 **You can answer.**

16:49 18 A. Again, I don't think it's new; I've

16:49 19 said it repeatedly today, that our people

16:49 20 understood the importance of making sure

16:49 21 those seats were installed, they were safe,

16:49 22 and that the people who attended this event

16:49 23 had an enjoyable experience. That's what we

16:49 24 work for. We let them down in this case.

16:49 25 **MR. AVENATTI: Why don't we take a**

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1 **Goodell**

16:49 2 **break and change the tape.**

16:49 3 **THE VIDEOGRAPHER: The time is**

16:49 4 **4:50 p.m. and this completes tape number**

16:49 5 **three of the videotaped deposition of**

16:50 6 **Commissioner Roger Goodell.**

16:50 7 **(Recess taken.)**

17:09 8 **THE VIDEOGRAPHER: The time is**

17:09 9 **5:09 p.m. and this begins tape number**

17:09 10 **four of the videotaped deposition of**

17:09 11 **Commissioner Roger Goodell.**

17:09 12 **Q. Mr. Goodell, I'd like to refer you**

17:09 13 **back to Exhibit 58. You made some markings**

17:09 14 **on that document while you were listening to**

17:09 15 **the audio; is that correct?**

17:09 16 A. Yes.

17:09 17 **Q. And that was to correct things on**

17:10 18 **the transcript that you believe needed to be**

17:10 19 **corrected after listening to the audio; is**

17:10 20 **that right?**

17:10 21 A. Yes, that's correct.

17:10 22 **Q. I'd like to direct your attention,**

17:10 23 **if I could, to page 014875.**

17:10 24 A. (Perusing document).

17:10 25 **Q. At the bottom, it says "On whether**

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1 **Goodell**

17:10 2 **North Texas might get another Super Bowl:**

17:10 3 **"Goodell: Sure, it's a membership**

17:10 4 **vote, but I think they did an**

17:10 5 **outstanding job. It was a great event**

17:10 6 **and I'm sure they'll be seeking another**

17:10 7 **Super Bowl, and I'm sure the ownership**

17:10 8 **will look at that very seriously,"**

17:10 9 **period, close quote.**

17:10 10 **Did I read that correctly?**

17:10 11 A. Yes.

17:10 12 **Q. Mr. Goodell, as you sit here today**

17:10 13 **would you describe Super Bowl 45 as a great**

17:10 14 **event?**

17:10 15 A. I think for the vast majority of

17:10 16 people who either watched it -- I mean it was

17:11 17 the largest television audience I think in

17:11 18 history, over, I believe, a hundred and sixty

17:11 19 million people watching it -- thought it was

17:11 20 a great event. I think the vast majority of

17:11 21 the people in the stadium thought it was a

17:11 22 great event. We failed with several of our

17:11 23 fans, roughly 2800, that we did not deliver

17:11 24 on, and we have identified that, taken

17:11 25 responsibility, and worked hard to try to

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1 **Goodell**

17:11 2 address that.

17:11 3 **Q. When you say roughly 2800, what are**

17:11 4 **you referring to?**

17:11 5 A. 400 that didn't have their seats --

17:11 6 these are rough numbers. 400 that didn't

17:11 7 have seats and we could not relocate them,

17:11 8 and I believe there was 2,000, roughly 2000

17:11 9 that were delayed getting into their seat in

17:12 10 some part because of that failure to complete

17:12 11 the seats, and another eight hundred or fifty

17:12 12 or so that we had to relocate to other parts

17:12 13 of the building. I believe that's the way

17:12 14 the numbers work.

17:12 15 **Q. And in your view, you failed your**

17:12 16 **responsibilities to those fans that you just**

17:12 17 **identified -- correct? -- meaning the league**

17:12 18 **failed in their responsibilities to those**

17:12 19 **fans.**

17:12 20 **MR. BEHRENS: Objection to the**

17:12 21 **extent you're calling for a legal**

17:12 22 **conclusion.**

17:12 23 A. Well, for the people who couldn't

17:12 24 see the game and had a ticket, that was a

17:12 25 failure.

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1 Goodell

17:12 2 For the people who were

17:12 3 inconvenienced by that, that is not something

17:12 4 we want to have happen at an event like this.

17:12 5 We work hard to make sure that the events go

17:12 6 off well and that people enjoy their

17:12 7 experience. In this case, they either had to

17:13 8 be relocated or they were delayed in getting

17:13 9 to their seat.

17:13 10 **Q. Why did you make an offer of**

17:13 11 **compensation to the people who were delayed**

17:13 12 **in getting to their seat?**

17:13 13 A. Because in several conversations

17:13 14 with them -- I believe that was a later phase

17:13 15 of the alternatives in the group that we

17:13 16 addressed -- we heard from several fans who

17:13 17 said that impacted my ability to get to my

17:13 18 seat and to watch the game, so we felt it was

17:13 19 appropriate to say okay, we'll give you some

17:13 20 alternatives also, and we had separate offers

17:13 21 for that group, those two groups, I believe.

17:13 22 **Q. You came to the conclusion that the**

17:13 23 **fans that were delayed should be compensated**

17:13 24 **for their inconvenience; is that true?**

17:13 25 A. We wanted --

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1 Goodell

17:13 2 **MR. BEHRENS: Objection to the**

17:13 3 **extent it's calling for a legal**

17:13 4 **conclusion.**

17:13 5 **But you can answer, Commissioner.**

17:13 6 A. Beyond the legal issue, we felt

17:13 7 that we had a responsibility. For those

17:13 8 people who came to the Super Bowl, for that

17:14 9 group, we felt that that was something that

17:14 10 should not have happened, and that we

17:14 11 shouldn't (sic) give them an offer so that

17:14 12 they could be -- if you want to use the word

17:14 13 compensated -- compensated for that. The

17:14 14 vast majority of those people took that

17:14 15 offer, so I believe that they felt it was

17:14 16 fair.

17:14 17 **Q. When you say "that group," you're**

17:14 18 **talking about the group that was delayed in**

17:14 19 **getting to their seats, correct?**

17:14 20 A. All three of those groups. There

17:14 21 were 400 that didn't have tickets; we made

17:14 22 them an offer. There were 850 that are

17:14 23 relocated to other seats, that were

17:14 24 inconvenienced by that. And there were

17:14 25 2,000, roughly, that were impacted in those

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1 Goodell

17:14 2 sections by not getting into their seat in a

17:14 3 timely basis; they were delayed.

17:15 4 **Q. Now, there was one apology letter**

17:15 5 **that was sent to those fans that never got a**

17:15 6 **seat, and there was a different letter that**

17:15 7 **was sent to those fans who were delayed in**

17:15 8 **getting to their seat. Are you aware of**

17:15 9 **that?**

17:15 10 A. I don't recall specific. I

17:15 11 remember a letter sent to the original 400.

17:15 12 **Q. And did you review that letter**

17:15 13 **before it went out?**

17:15 14 A. Yes, I did.

17:15 15 **Q. And did you sign each of those**

17:15 16 **letters, or were they signed for you?**

17:15 17 A. I don't recall specifically.

17:15 18 **Q. How about the letter that was sent**

17:15 19 **to those members of the delayed group; do you**

17:15 20 **recall reviewing that letter before it went**

17:15 21 **out?**

17:15 22 A. I believe I did.

17:16 23 **Q. And do you recall that both letters**

17:16 24 **included the statement that the NFL took full**

17:16 25 **responsibility for what happened?**

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17:16 2 A. I don't remember specifically the

17:16 3 language in there, but I think generally that

17:16 4 is correct.

17:16 5 **Q. And why was it that the letter that**

17:16 6 **was sent to the delayed group, why is it that**

17:16 7 **that letter mentioned that the NFL took full**

17:16 8 **responsibility for what had happened to that**

17:16 9 **group?**

17:16 10 **MR. BEHRENS: Objection. Assumes**

17:16 11 **facts not in evidence.**

17:16 12 A. Counselor, as opposed to what? I'm

17:16 13 sorry.

17:16 14 **Q. Not opposed to anything.**

17:16 15 **Why is it that the letter that was**

17:16 16 **sent to the delayed group, why is it that**

17:16 17 **that letter mentioned that the NFL took full**

17:16 18 **responsibility for what had happened?**

17:16 19 A. Again, because the failure to have

17:17 20 those seats installed, that created --

17:17 21 certainly created a delay in them getting to

17:17 22 their seats, it impacted negatively on their

17:17 23 experience. They'd made that our point to us

17:17 24 as we talked to them. So we had those three

17:17 25 groups that we thought we would make an offer

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1 Goodell

17:17 2 for.

17:17 3 You mentioned I think at one point

17:17 4 today that there was 7,000 that had

17:17 5 obstructed seats, and I'm not aware of a

17:17 6 single fan that did not see the playing field

17:17 7 and did not -- had an obstructed seat without

17:17 8 being notified in advance of that.

17:17 9 **MO MR. AVENATTI: We'll move to strike**

17:17 10 **the last sentence as nonresponsive to my**

17:17 11 **question, beginning with: I think you**

17:17 12 **mentioned.**

17:17 13 **MR. AVENATTI: Your witness.**

17:17 14 **EXAMINATION BY**

17:17 15 **MR. BEHRENS:**

17:18 16 **Q. I just have one question.**

17:18 17 **Commissioner, you just referenced**

17:18 18 **the 7,000 obstructed view claims that counsel**

17:18 19 **had referenced earlier in the testimony. You**

17:18 20 **recall just referencing that a moment ago?**

17:18 21 A. Yes.

17:18 22 **MR. AVENATTI: Leading.**

17:18 23 **Q. And could you state again what the**

17:18 24 **standard is for what constitutes an**

17:18 25 **obstructed view from the NFL standpoint?**

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1 Goodell

17:18 2 **MR. AVENATTI: Form objection,**

17:18 3 **asked and answered, coaching the**

17:18 4 **witness.**

17:18 5 **Q. (Continuing) You can answer.**

17:18 6 A. So I'm clear, you want to know what

17:18 7 the definition of an obstructed seat is?

17:18 8 **MR. AVENATTI: Same objection.**

17:18 9 A. (Continuing) Is that correct?

17:18 10 **Q. Yes.**

17:18 11 **MR. AVENATTI: Same objections.**

17:18 12 A. I believe, as I testified before,

17:18 13 that obstructed seats are anybody in the

17:18 14 stadium who has a ticket and a seat that

17:19 15 cannot see the full playing field because of

17:19 16 an obstruction, whether it be -- I think I

17:19 17 designated -- an overhang or a pillar or some

17:19 18 type of pole or something that would prevent

17:19 19 them from seeing the playing field.

17:19 20 **Q. And if there is a seat in the**

17:19 21 **stadium that has an obstructed view as you**

17:19 22 **just described, what is the policy of the NFL**

17:19 23 **in terms of informing the fan about that?**

17:19 24 **MR. AVENATTI: Same objections,**

17:19 25 **including that it lacks a foundation and**

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17:19 2 **incomplete hypothetical.**

17:19 3 A. I'm not sure I know specifically

17:19 4 how they're informed, but I believe any fan

17:19 5 that has a ticket where they don't get a full

17:19 6 view of the playing field is informed of that

17:19 7 in advance so they're not surprised when they

17:19 8 get there.

17:19 9 **Q. Okay. And I believe you just**

17:19 10 **testified that you're not aware of any fan**

17:19 11 **that was at Super Bowl 45 who had an**

17:20 12 **obstructed view seat?**

17:20 13 **MR. AVENATTI: Same objections.**

17:20 14 A. I am not aware of that.

17:20 15 **MR. BEHRENS: That's all.**

17:20 16 **BY MR. AVENATTI:**

17:20 17 **Q. Mr. Goodell, between the time that**

17:20 18 **I asked you about what you considered to be**

17:20 19 **an obstructed seat and moments ago, when you**

17:20 20 **answered your questions from your lawyer, Mr.**

17:20 21 **Behrens, how many times did you meet**

17:20 22 **privately with Mr. Behrens during the**

17:20 23 **deposition, during breaks?**

17:20 24 A. I don't remember when you asked me

17:20 25 that question.

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1 Goodell

17:20 2 **Q. Okay.**

17:20 3 A. I know you asked me that question.

17:20 4 **Q. Is it -- is it -- the record will**

17:20 5 **reflect it.**

17:20 6 **But is it fair to say that it was**

17:20 7 **two or three times that you met privately**

17:20 8 **with your lawyer before answering that**

17:20 9 **follow-up question, Mr. Goodell?**

17:20 10 A. I don't know if I ever met

17:20 11 privately with him.

17:20 12 You mean our counsel?

17:20 13 **Q. Yes. I mean (speaking**

17:20 14 **simultaneously) --**

17:20 15 A. You say the record will indicate

17:20 16 that -- right? -- so --

17:20 17 **Q. Right.**

17:20 18 **You gave testimony, and then we**

17:21 19 **took a number of breaks, and now hours later**

17:21 20 **you answered this question by Mr. Behrens,**

17:21 21 **correct?**

17:21 22 **MR. BEHRENS: Objection.**

17:21 23 **Mischaracterizes the record.**

17:21 24 **Q. (Continuing) That's what**

17:21 25 **happened --**

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1 **Goodell**

17:21 2 **MR. BEHRENS: You can answer it.**

17:21 3 **Q. -- right?**

17:21 4 **MR. BEHRENS: The question is did**

17:21 5 **you meet with me since your earlier**

17:21 6 **testimony.**

17:21 7 A. We had breaks, and we were together

17:21 8 at various time.

17:21 9 **Q. And -- and you spoke with Mr.**

17:21 10 **Behrens and the other lawyers that are here**

17:21 11 **for you today, during those breaks; did you**

17:21 12 **not?**

17:21 13 **I don't want to know what you said.**

17:21 14 **But you spoke with them during**

17:21 15 **those breaks, didn't you?**

17:21 16 **MR. BEHRENS: Just to caution the**

17:21 17 **witness, that's a yes or a no, did you**

17:21 18 **speak with us during breaks.**

17:21 19 A. Yes.

17:21 20 **Q. Thank you.**

17:21 21 A. We're done?

17:21 22 **Q. Yes.**

17:21 23 **THE VIDEOGRAPHER: The time is**

17:21 24 **5:21 p.m. and this completes videotape**

17:21 25 **number four as well as the videotaped**

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1 **Goodell**

17:21 2 **deposition of Commissioner Roger**

17:21 3 **Goodell.**

4 _____

5 **ROGER GOODELL**

6

7 Subscribed and sworn to before me

8 this ___ day of _____, 2013.

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1 **CERTIFICATE**

2 STATE OF NEW YORK)

3 : ss.

4 COUNTY OF NEW YORK)

5

6 I, SHAUNA STOLTZ-LAURIE, a Notary

7 Public within and for the State of New

8 York, do hereby certify:

9 That ROGER GOODELL, the witness

10 whose deposition is hereinbefore set

11 forth, was duly sworn by me and that

12 such deposition is a true record of the

13 testimony given by the witness.

14 I further certify that I am not

15 related to any of the parties to this

16 action by blood or marriage, and that I

17 am in no way interested in the outcome

18 of this matter.

19 IN WITNESS WHEREOF, I have hereunto

20 set my hand this 22nd day of August,

21 2013.

22

23 _____

24 SHAUNA STOLTZ-LAURIE

25

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2 WITNESS EXAMINATION BY PAGE

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1 ***** ERRATA SHEET *****
2 **BARKLEY COURT REPORTERS**
3 NAME OF CASE: SIMS v JONES
4 DATE OF DEPOSITION: August 9, 2013
5 NAME OF WITNESS: ROGER GOODELL
6 Reason codes:
7 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.
10 Page _____ Line _____ Reason _____
11 From _____ to _____
12 _____
13 Page _____ Line _____ Reason _____
14 From _____ to _____
15 _____
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