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1 SUPERIOR COURT OF CALIFORNIA  
 2 COUNTY OF ALAMEDA  
 3 ---o0o---  
 4 IRVIN MUCHNICK, )  
 ) Case No.  
 5 Plaintiff, ) RG17857115  
 )  
 6 vs. )  
 ) Volume I  
 7 UNIVERSITY OF CALIFORNIA, BOARD )  
 OF REGENTS, )  
 8 )  
 Defendants. ) Pages 1 - 62  
 )  
 \_\_\_\_\_ )  
 )  
 10  
 11  
 12 DEPOSITION OF  
 13 SOLOMON FULP  
 14 Thursday, October 3, 2019  
 15  
 16  
 17  
 18  
 19 Reported By:  
 20 Sarah Goekler, CSR No. 13446, RMR, CRR, CCRR  
 21 -----  
 22 JAN BROWN & ASSOCIATES  
 23 WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES  
 24 701 Battery St., 3rd Floor, San Francisco, CA 94111  
 25 (415) 981-3498 or (800) 522-7096

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1  
 2 BE IT REMEMBERED THAT, pursuant to Notice of  
 3 Taking Deposition, and on Thursday, October 3, 2019,  
 4 commencing at 9:28 a.m. thereof at Jan Brown &  
 5 Associates, 701 Battery Street, 3rd Floor,  
 6 San Francisco, California, before me, SARAH GOEKLER,  
 7 a Certified Shorthand Reporter for the State of  
 8 California, personally appeared  
 9  
 10 SOLOMON FULP,  
 11  
 12 produced as a witness in said action, and being by me  
 13 first duly sworn, was thereupon examined as a witness in  
 14 said cause.  
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 16 ---o0o---  
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 2 I N D E X  
 3  
 4 PAGE  
 5 Examination by Mr. Gordet 5  
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 7 Reporter's Certificate 62  
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 9 --oOo--  
 10  
 11  
 12 E X H I B I T S  
 13  
 14 PLAINTIFF'S PAGE  
 15  
 16 Exhibit 1 Deposition subpoena; 1 page 6  
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 18 Exhibit 2 Attachment 3 to subpoena; 2 pages 6  
 19  
 20 Exhibit 3 Various emails; 17 pages 7  
 21  
 22 Exhibit 4 Mr. Fulp's resume; 2 pages 32  
 23  
 24 Exhibit 5 Employment Contract; 12 pages 40  
 25

4

1  
 2 A P P E A R A N C E S  
 3  
 4  
 5 For Plaintiff:  
 6  
 7 COPYRIGHT DIRECTION  
 8 BY: ROY S. GORDET, ESQ.  
 9 235 Westlake Center, Suite 452  
 10 Daly City, California 94015  
 11 Tel: 650.757.6147  
 12 Email: roy@copyrightdirection.com  
 13  
 14 For Defendant:  
 15  
 16 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
 17 OFFICE OF THE GENERAL COUNSEL  
 18 BY: MICHAEL R. GOLDSTEIN, ESQ.  
 19 1111 Franklin Street, 8th Floor  
 20 Oakland, California 94607  
 21 Tel: 510.987.9800  
 22 Email: michael.goldstein@ucop.edu  
 23  
 24 ALSO PRESENT:  
 25 Irvin Muchnick, Plaintiff

5

1 Thursday, October 3, 2019 9:28 a.m.  
 2 ---o0o---  
 3 SOLOMON FULP,  
 4 having first been duly sworn,  
 5 was examined and testified as follows:  
 6 EXAMINATION  
 7 BY MR. GORDET:  
 8 Q. Mr. Fulp, good morning.  
 9 A. **Good morning.**  
 10 Q. Could you please state your full name for the  
 11 record.  
 12 A. **Solomon Bernhard Fulp.**  
 13 Q. And you're here pursuant to the subpoena that  
 14 was served on you?  
 15 A. **Yes.**  
 16 **Do you mind closing that door right there?**  
 17 **Thank you.**  
 18 Q. And do you understand that you're under oath  
 19 here today?  
 20 A. **Yes.**  
 21 Q. And that the court reporter is writing down or  
 22 taking down everything we're saying here?  
 23 A. **Yes.**  
 24 Q. Have you ever had your deposition taken  
 25 before?

6

1 A. **Yes.**  
 2 Q. And what kind of case was that?  
 3 A. **Can you repeat the --**  
 4 Q. What kind of case was that?  
 5 A. **Related to the Ted Agu case.**  
 6 Q. And besides that deposition, have you had any  
 7 other depositions?  
 8 A. **No.**  
 9 Q. And did you bring any documents with you here  
 10 today?  
 11 A. **No.**  
 12 Q. And the documents that Mr. Goldstein handed to  
 13 me are documents that were -- that you produced pursuant  
 14 to the subpoena request?  
 15 A. **Yes.**  
 16 Q. Let's mark as Exhibit 1 the subpoena just to  
 17 enter it into the record, the first page.  
 18 (Exhibit 1 was marked for identification.)  
 19 BY MR. GORDET:  
 20 Q. And that's the first page of the subpoena you  
 21 were served with?  
 22 A. **Yes.**  
 23 Q. And then we're going to mark as Exhibit 2 what  
 24 was Attachment 3 to the subpoena.  
 25 (Exhibit 2 was marked for identification.)

7

1 BY MR. GORDET:  
 2 Q. Is that correct?  
 3 A. **That is correct.**  
 4 Q. And we're going to mark as Exhibit 3 the  
 5 exhibit to the subpoena that was --  
 6 A. **Is there a way we can turn this fan down?**  
 7 **I've got paper blowing here.**  
 8 **(Off the record.)**  
 9 **(Exhibit 3 was marked for identification.)**  
 10 BY MR. GORDET:  
 11 Q. So sticking with Exhibit 2 for the moment,  
 12 which was called Attachment 3 to the subpoena, did you  
 13 have a chance to read through Attachment 3, Exhibit 2?  
 14 A. **I did.**  
 15 Q. And did you look for documents that were  
 16 responsive to each of the requests in this Exhibit 2?  
 17 A. **Yes.**  
 18 Q. And did you find any?  
 19 A. **What was provided.**  
 20 Q. What was provided by Mr. Goldstein this  
 21 morning?  
 22 A. **Correct.**  
 23 Q. With regard to Request Number 1 in Exhibit 2,  
 24 did there ever exist any documents that would be  
 25 responsive to the Request Number 1 on Exhibit 2?

8

1 A. **Can you clarify your question?**  
 2 Q. The request is asking for documents that are  
 3 currently in your possession; correct?  
 4 A. **I understand that, yes.**  
 5 Q. Okay. And so my question relates to whether  
 6 there ever existed at any time any documents that if  
 7 they -- that would have been responsive to this request?  
 8 A. **Got it. No.**  
 9 Q. And with regard to Request Number 2, same  
 10 question. Did there ever exist any documents at any  
 11 time that would have been responsive to  
 12 Request Number 2?  
 13 A. **No.**  
 14 Q. And for Request Number 3, did there ever exist  
 15 at any time any documents that would have been  
 16 responsive to Request Number 3?  
 17 A. **No.**  
 18 Q. Besides your email account that's referenced  
 19 in these questions of sfulp@berkeley.edu, in 2014, did  
 20 you have any other email accounts?  
 21 A. **I did not.**  
 22 Q. Do you today have any other email accounts?  
 23 A. **I do.**  
 24 Q. Okay. And what are they?  
 25 A. **Solly.fulp@yahoo.com and sfulp@learfield.com.**

9

1 Q. Okay. Any others?  
 2 A. No.  
 3 Q. Between 2014 and today, have you ever had any  
 4 other email accounts besides the ones you just --  
 5 A. No.  
 6 Q. -- told us about?  
 7 A. No.  
 8 Q. Okay. As for Request Number 4, did there ever  
 9 exist at any time any documents that would have been  
 10 responsive to Request Number 4?  
 11 A. No.  
 12 Q. And for Request Number 5, did there ever exist  
 13 at any time any documents that would have been  
 14 responsive to Request Number 5?  
 15 A. No.  
 16 Q. As for Request Number 6, did there ever exist  
 17 at any time any documents that would have been  
 18 responsive to Request Number 6?  
 19 A. No.  
 20 Q. As for Request Number 7, did there ever exist  
 21 at any time any documents that would have been  
 22 responsive to Request Number 7?  
 23 A. No.  
 24 Q. And as for Request Number 8, did there ever  
 25 exist at any time any documents that would have been

10

1 responsive to Request Number 8?  
 2 A. No.  
 3 Q. As for Request Number 9, did there ever exist  
 4 any documents that would have been responsive to  
 5 Request Number 9?  
 6 A. No.  
 7 Q. And as for Request Number 10, did there ever  
 8 exist any documents that would have been responsive to  
 9 Request Number 10?  
 10 A. No.  
 11 Q. And finishing up, Request Number 11, did there  
 12 ever exist at any time any documents that would have  
 13 been responsive to Request Number 11?  
 14 A. No.  
 15 Q. Is Mr. Goldstein representing you here today?  
 16 A. Yes.  
 17 Q. And, as you sit here today, do you consider  
 18 yourself Mr. Goldstein's client?  
 19 A. Yes.  
 20 Q. Has the UC Berkeley Office of General Counsel  
 21 ever represented you in any other legal matters?  
 22 A. I can't answer that.  
 23 Q. And why's that?  
 24 A. I'm not sure. Related to my last deposition  
 25 in the Ted Agu case.

11

1 Q. So when you were deposed in the Ted Agu case,  
 2 was there an attorney representing you in the  
 3 deposition?  
 4 A. I assume there was.  
 5 Q. You're not certain?  
 6 A. I'm not certain.  
 7 Q. Well, who were the attorneys who were in the  
 8 room at the time?  
 9 A. I can't recall.  
 10 Q. Well, do you know if there were any attorneys  
 11 from the Berkeley Office of General Counsel in the room  
 12 at the time?  
 13 A. I cannot recall.  
 14 Q. And besides the Ted Agu case, have there been  
 15 any other instances where the UC Berkeley Office of  
 16 General Counsel represented you?  
 17 A. I cannot recall.  
 18 Q. With regard to the subpoena that was served on  
 19 you, have you consulted with any attorneys outside the  
 20 University of California Office of General Counsel?  
 21 A. No.  
 22 Q. Did you review any documents in advance of  
 23 this deposition?  
 24 A. Yes.  
 25 Q. What documents were those?

12

1 A. What you were provided, what we have right  
 2 here.  
 3 Q. Let me note also for everyone that what has  
 4 been marked as Exhibit 3 does not have Document UC 0467.  
 5 That was pointed out to me. May not have been related  
 6 to what was intended, which was correct.  
 7 A. Right.  
 8 Q. So that was served on you, but it's not part  
 9 of Exhibit 3?  
 10 A. Right. That was noted to me.  
 11 Q. Have you personally ever been a party to a  
 12 lawsuit?  
 13 A. Not that I can recall.  
 14 Q. Okay. What we've marked as Exhibit 3, which  
 15 is the email exchange or email thread, I'd like to call  
 16 it, did you send this email thread to anyone in 2014?  
 17 A. I cannot recall sending this.  
 18 Q. Okay. As you read this Exhibit 3, do you  
 19 understand to whom it's directed?  
 20 A. Yes.  
 21 Q. Okay. And who is that?  
 22 A. My dad.  
 23 Q. Okay. Do you deny that you sent this message  
 24 with its attachments, the email thread, to your father?  
 25 A. As I stated, I do not recall sending this

13

1 **email.**  
 2 Q. Okay. You do not recall sending it, but do  
 3 you deny that you sent it?  
 4 **A. No.**  
 5 Q. What is your father's full name?  
 6 **A. Ian Fulp.**  
 7 Q. And where does he reside?  
 8 **A. Anchorage, Alaska.**  
 9 Q. And is he employed?  
 10 **A. No.**  
 11 Q. Is he retired?  
 12 **A. Yes.**  
 13 Q. Before he retired, what kind of profession was  
 14 he in?  
 15 **A. He was a parks and recreation director.**  
 16 Q. Was he ever a licensed attorney?  
 17 **A. No.**  
 18 Q. Do you know why you sent him this email  
 19 thread?  
 20 **A. No.**  
 21 Q. Before April 23, 2014, did you ever discuss  
 22 with your father the Ted Agu case?  
 23 **A. I do not recall.**  
 24 Q. After April 23rd, 2014, did you ever discuss  
 25 the Ted Agu case with your father?

14

1 **A. Yes.**  
 2 Q. And when was that?  
 3 **A. About a month ago.**  
 4 Q. And what did you discuss at that time?  
 5 **A. If he recalled receiving an email, this**  
 6 **particular email.**  
 7 Q. And what was his response?  
 8 **A. He never recalls receiving this email.**  
 9 Q. And besides the conversation with your father  
 10 that you just talked about and besides any conversations  
 11 with Mr. Goldstein, have you discussed this email thread  
 12 with anyone else?  
 13 **A. My wife.**  
 14 Q. And when was that?  
 15 **A. About a month ago.**  
 16 Q. Was that the only time?  
 17 **A. That's correct.**  
 18 Q. Anyone else?  
 19 **A. No.**  
 20 Q. Well, starting from the back of the Exhibit 2  
 21 and working our way forward, I'm interested in knowing  
 22 more about just the sequence of email messages here. So  
 23 I'm going to try to ask some questions --  
 24 **A. I'm sorry. What should I be looking at right**  
 25 **now?**

15

1 Q. I'm sorry. I meant to say Exhibit 3. Excuse  
 2 me if I said Exhibit 2.  
 3 **A. Exhibit 3?**  
 4 Q. Exhibit 3.  
 5 **A. This? Yeah. You said Exhibit 2.**  
 6 Q. I did. I'm sorry. I apologize.  
 7 **A. Okay.**  
 8 Q. So you've read through this since you received  
 9 the subpoena?  
 10 **A. Mm-hm.**  
 11 Q. Okay. And do you recall receiving this email  
 12 thread outside of the aspect of sending it on to your  
 13 father?  
 14 **A. I do not.**  
 15 Q. Do you still have access to your  
 16 sfulp@berkeley.edu email account?  
 17 **A. Yes.**  
 18 Q. Do you know if this is still in your -- in  
 19 that particular email account?  
 20 **A. Yes.**  
 21 Q. And it is in there still?  
 22 **A. Yes.**  
 23 Q. So if you did receive it, can we assume that  
 24 you received a version of this in 2014 that didn't have  
 25 blacked-out portions?

16

1 **A. Yes.**  
 2 Q. But your testimony is that you're not sure if  
 3 you ever received this entire email thread; is that  
 4 correct?  
 5 **A. I do not recall.**  
 6 Q. Okay. Do you recall having any conversations  
 7 with any of the email recipients that are noted in these  
 8 email messages?  
 9 **A. No.**  
 10 Q. Aside from the references in the email thread,  
 11 did you ever have any conversations with Brad Buchman  
 12 about the Ted Agu case?  
 13 **A. No.**  
 14 Q. Did you ever have any conversations with Herb  
 15 Benenson about the Agu case?  
 16 **A. Not that I can recall.**  
 17 Q. When I say "case," I mean Agu matter, Agu  
 18 incident?  
 19 **A. Understood.**  
 20 Q. Okay. And did you ever have any conversations  
 21 directly with Christopher Patti about the Agu case or  
 22 situation?  
 23 **A. Not that I can recall.**  
 24 Q. Did you ever have any one-on-one conversations  
 25 with Christopher Patti?

17

1           **A. Clarify the question, please.**  
 2           Q. Have you ever -- we'll start, had a telephone  
 3 conversation with Christopher Patti, just you and  
 4 Mr. Patti?  
 5           **A. Not related to the Ted Agu case?**  
 6           Q. Related to anything.  
 7           **A. Yes.**  
 8           Q. And related to the Ted Agu case?  
 9           **A. Not that I can recall.**  
 10          Q. And how many different cases did you -- how  
 11 many different cases did you have conversations one on  
 12 one with Mr. Patti about that particular case?  
 13          **A. I can't recall.**  
 14          Q. More than a few?  
 15          **A. I don't want to speculate.**  
 16          MR. GOLDSTEIN: When you say "case," are you  
 17 limiting it to legal cases or could there be  
 18 consultation or advice matters that they might  
 19 communicate with one --  
 20          MR. GORDET: That's what I -- yes.  
 21          MR. GOLDSTEIN: Okay. So with that  
 22 clarification.  
 23          THE WITNESS: I cannot recall.  
 24 BY MR. GORDET:  
 25          Q. But you have had these, and were they in a

18

1 room or in a telephone conversation?  
 2          **A. Again, I cannot recall.**  
 3          Q. On page 454, there's a CC to athletic  
 4 departmental.  
 5          Do you know who that refers to? It's in the  
 6 message from Casey Batten to Brad Buchman, dated  
 7 April 22, 2014?  
 8          **A. I cannot recall.**  
 9          Q. Did you have any conversations with Phillip  
 10 Esten about the Agu case?  
 11          **A. I cannot recall.**  
 12          Q. Did you have any conversations with Dan  
 13 Mogulof about the Agu case?  
 14          **A. I cannot recall.**  
 15          Q. And, by the way, I'm going through the list --  
 16          **A. No, I understand.**  
 17          Q. Did you have any telephone -- excuse me. Any  
 18 conversations directly with Mark Decoulode, concerning  
 19 the Agu case?  
 20          **A. I cannot recall.**  
 21          Q. And did you have any conversations with Margo  
 22 Bennett about the Agu case?  
 23          **A. I cannot recall.**  
 24          Q. And did you have any conversations with Kyle  
 25 McRae about the Agu case?

19

1           **A. I cannot recall.**  
 2           MR. GOLDSTEIN: Just if I could interrupt for  
 3 a moment to make sure that Mr. Fulp's testimony is  
 4 accurate here. You say conversations, so I assume  
 5 you're saying oral communications as distinct from  
 6 written communications such as emails.  
 7           Are you intentionally limiting your questions  
 8 to oral communications, whether they are in person or  
 9 over the phone?  
 10          MR. GORDET: Well, I wish I had used a broader  
 11 term, "communications," but I was thinking and intending  
 12 only conversations either in person or on the phone.  
 13          MR. GOLDSTEIN: Okay. I assume that's what he  
 14 had in mind.  
 15          THE WITNESS: I understand. I understand.  
 16 BY MR. GORDET:  
 17          Q. Just finishing that up from the CC, did you  
 18 have any conversations with Ryan Cobb about the Agu case  
 19 or situation?  
 20          **A. I cannot recall.**  
 21          Q. Who is Ryan Cobb?  
 22          **A. Ryan Cobb is Ryan Cobb.**  
 23                **Can you clarify your question?**  
 24          Q. Sure.  
 25                What's his title?

20

1           **A. I don't know what his title is now.**  
 2          Q. What was it then?  
 3          **A. I cannot recall.**  
 4          Q. When you asked your father if he recalled  
 5 receiving this email, and he gave his response, what was  
 6 your response to that?  
 7          **A. "Okay."**  
 8          Q. Anything else you said?  
 9          **A. No.**  
 10          Q. Did you ever ask your father to destroy this  
 11 email thread after you sent it to him?  
 12          **A. No.**  
 13          Q. Did your father ever indicate to you that he  
 14 destroyed this email thread?  
 15          **A. No.**  
 16          Q. Have you ever been expressly advised by any  
 17 persons at UC Berkeley about not forwarding documents  
 18 that have been labeled attorney-client privileged?  
 19          **A. Not that I can recall.**  
 20          Q. Have you ever been expressly advised about not  
 21 forwarding attorney-client privileged documents that  
 22 have been so labeled at any other institution where  
 23 you've been employed?  
 24          **A. Not that I can recall.**  
 25          Q. To your knowledge, did your father ever have

21

1 any experience dealing with public relations?  
 2 **A. Not that I can recall.**  
 3 Q. And did he ever have any experience dealing  
 4 with deaths of athletes?  
 5 **A. Not that I can recall.**  
 6 Q. And did your father have any experience  
 7 dealing with university athletic departments?  
 8 **A. Can you clarify that question?**  
 9 Q. To your knowledge, did your father ever advise  
 10 a university athletic department about any aspect of how  
 11 they conduct their business?  
 12 **A. No.**  
 13 Q. Do you recall saying anything to your father  
 14 about keeping this message -- this email thread  
 15 confidential?  
 16 **A. No.**  
 17 Q. Assuming that you sent this message to your  
 18 father, do you have any knowledge as to why you would  
 19 have sent it?  
 20 **A. No.**  
 21 Q. Besides any conversation concerning this email  
 22 thread, did you have any conversations with your father  
 23 about the Ted Agu case?  
 24 **A. Not that I can recall.**  
 25 Q. Or any conversations with your father about

22

1 the Ted Agu situation?  
 2 **A. Not that I can recall.**  
 3 Q. I meant to say "incident." Okay.  
 4 Same answer?  
 5 **A. Same answer.**  
 6 Q. Okay. So looking at Exhibit 3, can you --  
 7 going towards the back, can you tell me who sent the  
 8 first message here?  
 9 **A. What page are we looking at?**  
 10 Q. Well, I'm not sure. Starting something like  
 11 UC 0463 --  
 12 **A. UC 0463.**  
 13 Q. -- 64 to the end of -- it goes to 0466. I  
 14 don't understand who sent the first messages?  
 15 MR. GOLDSTEIN: I'm going to interpose an  
 16 objection here, Roy. He's already -- the witness has  
 17 already testified that he doesn't recall this email  
 18 string. He doesn't recall receiving it. He doesn't  
 19 recall sending it to his father.  
 20 So this is just a multipage document with a  
 21 bunch of words on it, and you're asking him to interpret  
 22 it, and he's really here to answer questions about his  
 23 knowledge, and you're asking him to interpret a document  
 24 that he's basically said he doesn't have any knowledge  
 25 about at all, so I'm not really sure what the purpose of

23

1 this is.  
 2 You know, if you want him to do the exercise,  
 3 we'll do the exercise, but he's already told you -- I  
 4 mean, this is sort of like no foundation.  
 5 He's just -- you know, he can probably do just  
 6 as good a job as you or I or our court reporter could do  
 7 in looking at these words and names and stuff, but I  
 8 just don't see the point of this question, and I just  
 9 want to make sure that's clear on the record and see if  
 10 you want to take a different approach here. That's all.  
 11 MR. GORDET: Okay. I think your point is well  
 12 taken. But I think he, having received it and having  
 13 received other messages -- emails from the persons  
 14 involved here, I think he is in a better position,  
 15 but --  
 16 BY MR. GORDET:  
 17 Q. After you received the subpoena, Mr. Fulp, did  
 18 you read the document on your server that is not blacked  
 19 out in any way?  
 20 **A. On my server? Can you --**  
 21 Q. On your email account.  
 22 **A. Right.**  
 23 Q. You said you still have this document.  
 24 And my question is, did you read the document  
 25 without these blacked-out portions?

24

1 **A. Yes.**  
 2 Q. And did it make sense to you?  
 3 **A. Yes.**  
 4 Q. Do you know when anyone at UC Berkeley first  
 5 became aware of the fact that you had forwarded this  
 6 email thread to your father?  
 7 **A. Can you restate that question.**  
 8 Q. Well, I'm glad to repeat it. I think it's  
 9 fairly clear, but I'll try.  
 10 When did anyone at UC Berkeley first become  
 11 aware that there had been a message sent on April 23,  
 12 2014, from you to someone called dad?  
 13 MR. GOLDSTEIN: So before you answer the  
 14 question, I want to warn you not to answer based on any  
 15 information you received from me. But if you received  
 16 any information independently of me on the base in which  
 17 you can answer that question, go ahead.  
 18 THE WITNESS: I can't answer that question  
 19 based on what you just said.  
 20 BY MR. GORDET:  
 21 Q. When you say "you," you mean Mr. Goldstein?  
 22 **A. Correct.**  
 23 Q. When did you first become aware that -- let me  
 24 try to rephrase.  
 25 Do you know that it was appropriate for you to

25

1 send this email thread to your father?  
 2 MR. GOLDSTEIN: Same instruction.  
 3 If you can answer independently of anything  
 4 that I've said to you, you can go ahead and answer.  
 5 THE WITNESS: I can't.  
 6 BY MR. GORDET:  
 7 Q. Did you ever inform anyone at UC Berkeley  
 8 about your having forwarded this message to your father?  
 9 A. No.  
 10 Q. Were you ever expressly informed by anyone at  
 11 Berkeley that you did not have the authorization to  
 12 forward this email thread to your father?  
 13 MR. GOLDSTEIN: Other than communications you  
 14 had with me, which I instruct you not to answer. But if  
 15 independently of any communications you and I have had,  
 16 you can answer that question, go ahead.  
 17 THE WITNESS: I can't answer that question.  
 18 BY MR. GORDET:  
 19 Q. Well, prior to receiving the subpoena that  
 20 brings you here today, were you ever instructed by  
 21 anyone at UC Berkeley that you were not authorized to  
 22 forward this email thread?  
 23 A. I cannot recall.  
 24 Q. Prior to receiving this subpoena that brings  
 25 us here today, were you ever informed that you were not

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1 authorized to send any of the communications about the  
 2 Agu situation to anyone outside the university?  
 3 MR. GOLDSTEIN: Same instruction.  
 4 THE WITNESS: I cannot recall.  
 5 BY MR. GORDET:  
 6 Q. In Exhibit 3, did you author any of the email  
 7 messages that are contained in this email thread?  
 8 A. No.  
 9 Q. Well, on page 0453, the top of the page is  
 10 from "athletic director."  
 11 Who was that? What was the name of the person  
 12 who was -- who had that email name?  
 13 A. I don't want to speculate.  
 14 Q. It wasn't you, though, was it?  
 15 A. It was not me.  
 16 Q. Do you know why you were included as a CC on  
 17 some of these messages, or as a recipient in any case,  
 18 on some of these messages and not on others?  
 19 A. No.  
 20 Let me add to that answer: I don't recall.  
 21 Q. Did you have any written communications with  
 22 others involved in this entire email thread of Exhibit 3  
 23 outside of what's included here in Exhibit 3?  
 24 A. I do not recall.  
 25 MR. GOLDSTEIN: Just to clarify and make sure

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1 you're talking to one another, are we talking about  
 2 communications limited to the Agu incident or any  
 3 communications ever about any topic at all?  
 4 MR. GORDET: We were talking about the Agu  
 5 incident.  
 6 MR. GOLDSTEIN: Was that your understanding  
 7 when you answered the question?  
 8 THE WITNESS: Can you restate that question.  
 9 MR. GORDET: Could you please read it back.  
 10 (Record read.)  
 11 THE WITNESS: Related to the Ted Agu case?  
 12 BY MR. GORDET:  
 13 Q. Yes.  
 14 A. I do not recall.  
 15 Q. Are you aware of any policies at UC Berkeley  
 16 about attorney-client privileged documents?  
 17 A. I do not recall.  
 18 Q. Are you aware of any policies at UC Berkeley  
 19 about waiver of the attorney-client privilege?  
 20 A. I do not recall.  
 21 Q. Well, the question is as we sit here today, so  
 22 let me make that more specific.  
 23 As we sit here today, are you aware about any  
 24 policies at UC Berkeley about attorney-client privileged  
 25 documents?

28

1 A. I can't answer that.  
 2 Q. Why is that?  
 3 A. Under attorney-client privilege.  
 4 Q. Prior to receiving this subpoena that brings  
 5 us here today, were you aware of any policies at  
 6 UC Berkeley about attorney-client privileged documents?  
 7 A. I do not recall.  
 8 Q. Okay. Well, let me be more specific.  
 9 Outside of any conversations with  
 10 Mr. Goldstein, were you ever aware of any policies at  
 11 UC Berkeley about attorney-client privileged documents?  
 12 A. I do not recall.  
 13 Q. So you do not recall if you were ever aware of  
 14 any such policies?  
 15 A. Correct.  
 16 Q. Are you aware today of any policies about  
 17 maintaining documents at UC Berkeley in order that they  
 18 not be subject to California Public Record Act requests?  
 19 A. I do not recall.  
 20 Q. Well, again, the question is about today.  
 21 A. Understood.  
 22 Q. So are you aware of any today, about any  
 23 policies about California Public Records Act policies?  
 24 A. I do not recall.  
 25 Q. I think -- the question is do you know today

29

1 about any. So it's not if you ever knew.  
 2 The question is, do you, as you sit here  
 3 today, know of any policies concerning the California  
 4 Public Records Act at the University of California  
 5 Berkeley?  
 6 **A. My answer is I do not recall.**  
 7 MR. GORDET: Counsel, that doesn't make sense.  
 8 BY MR. GORDET:  
 9 Q. It's a nonresponsive answer, Mr. Fulp.  
 10 I'm asking if you know something today, and it  
 11 can't be that you don't recall it today. I understand  
 12 kind of -- I'm not sure what you mean. It's not  
 13 responsive. So I'll ask the question again.  
 14 As you sit here today, do you know of any  
 15 policies at UC Berkeley concerning the California Public  
 16 Records Act?  
 17 **A. I do not recall.**  
 18 Q. Let's parse that out.  
 19 You, as you sit here today, do not recall if  
 20 you know today whether you -- if there are any policies?  
 21 **A. That is correct.**  
 22 Q. Okay. Well, I say okay, but it's not okay.  
 23 As you sit here today, do you know of any  
 24 policies about waiver of the attorney-client privilege?  
 25 **A. I do not recall.**

30

1 Q. Were you ever informed at UC Berkeley of any  
 2 policy to include an attorney as a CC in email  
 3 communications in order to assert attorney-client  
 4 privilege concerning that particular communication?  
 5 MR. GOLDSTEIN: I'm going to instruct you not  
 6 to answer that question based on any information you  
 7 would have received from a lawyer or in the presence of  
 8 a lawyer, but, otherwise, you can answer if you have any  
 9 independent knowledge.  
 10 THE WITNESS: I cannot recall.  
 11 BY MR. GORDET:  
 12 Q. As a university administrator, were you  
 13 trained in general protocols for handling potentially  
 14 attorney-client privileged materials?  
 15 **A. I cannot recall.**  
 16 Q. Were you ever, as a university administrator,  
 17 given specific instructions for handling material in  
 18 which campus counsel was a sender or recipient or a CC  
 19 recipient?  
 20 **A. I cannot recall.**  
 21 Q. Have you ever sent a message to anyone within  
 22 the UC network and at the same time CC'd an attorney in  
 23 the Office of General Counsel?  
 24 **A. I cannot recall.**  
 25 Q. Have you ever CC'd the Office of General

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1 Counsel at UC Berkeley on an email message without  
 2 knowing whether the message was truly attorney-client  
 3 privilege?  
 4 **A. I cannot recall.**  
 5 MR. GOLDSTEIN: By the way, before you ask any  
 6 further questions about this, I just want to clarify the  
 7 record.  
 8 So the university has an Office of the General  
 9 Counsel. Each campus has what's called a campus  
 10 counsel. So you may want to clarify, when you ask your  
 11 questions, and specifically refer to the campus counsel  
 12 if you're referring to the Berkeley Office of the --  
 13 Office of the General Counsel, on the assumption that  
 14 possibly the witness may not know what the Berkeley  
 15 Office of the General Counsel is because there is. No  
 16 such thing as the Berkeley Office of the General  
 17 Counsel.  
 18 I assume he knows what you're talking about,  
 19 but you may want to just keep in mind in the future if  
 20 you ask any questions that are identifying that role at  
 21 the campus.  
 22 MR. GORDET: Okay. Thank you.  
 23 BY MR. GORDET:  
 24 Q. Well, based on the explanation offered by your  
 25 counsel, if we substitute in these previous questions,

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1 Office of General Counsel and we substitute for that --  
 2 we say the campus counsel, would your answers have been  
 3 any different?  
 4 **A. No.**  
 5 Q. What was your title in April of 2014?  
 6 **A. Deputy director of athletics, chief operating  
 7 officer.**  
 8 MR. GORDET: Okay. Let's mark Exhibit 4.  
 9 (Exhibit 4 was marked for identification.)  
 10 BY MR. GORDET:  
 11 Q. We've marked as Exhibit 4 a document that has  
 12 the title Solomon, quote/unquote, Solly Fulp?  
 13 **A. Mm-hm.**  
 14 Q. Did you write this document?  
 15 **A. I did.**  
 16 Q. Approximately when did you write it?  
 17 **A. I cannot recall.**  
 18 Q. Is it your testimony that everything in this  
 19 document is accurate?  
 20 **A. Yes.**  
 21 Q. Well, are you still at present the executive  
 22 director of -- at the University of California Berkeley?  
 23 **A. No.**  
 24 Q. And when did you stop being the executive  
 25 director?

33

1       **A. September 2017.**  
 2       Q. Besides that, everything, to your knowledge,  
 3 is accurate?  
 4       **A. That is correct. Except there's a**  
 5 **Sacramento -- I don't know how -- it's not clearly**  
 6 **stated here.**  
 7       Q. Okay. What's --  
 8       **A. On the California State University, and then**  
 9 **we've got "acramento o," "acramento o."**  
 10       Q. I missed that also.  
 11       **A. Yeah.**  
 12       Q. Oh. A couple times?  
 13       **A. Yeah.**  
 14       Q. Okay. Thank you.  
 15       While you were executive director, how many  
 16 people within the university reported to you?  
 17       **A. I cannot recall.**  
 18       Q. Was it more than 50?  
 19       **A. I cannot recall.**  
 20       Q. Was it between 1 and 50?  
 21       **A. I cannot recall.**  
 22       Q. It could have been anywhere from 1 to 100?  
 23       **A. I cannot recall.**  
 24       Q. Well, I'm not asking if you can recall. I'm  
 25 asking you to give me an estimate of approximately how

34

1 many.  
 2       **A. I cannot give an estimate.**  
 3       Q. Can you give me the names of persons who  
 4 reported to you?  
 5       **A. I cannot recall.**  
 6       Q. Not one name of any one person who reported to  
 7 you?  
 8       **A. Yes.**  
 9       Q. Oh. Who is that?  
 10       **A. Amy Gardner.**  
 11       Q. And what was her title?  
 12       **A. I cannot recall.**  
 13       Q. Anyone in addition to Amy Gardner that you can  
 14 remember?  
 15       **A. Bridget Lossing.**  
 16       Q. What was her title?  
 17       **A. I cannot recall.**  
 18       Q. Any other individuals?  
 19       **A. I cannot recall.**  
 20       Q. While you were the executive director, did you  
 21 consult with campus counsel?  
 22       **A. I cannot recall.**  
 23       Q. While you were executive director, did you  
 24 ever consult with the Office of General Counsel?  
 25       **A. I cannot recall.**

35

1       Q. And while you were executive director, to whom  
 2 did you report?  
 3       **A. Scott Bidby.**  
 4       Q. And what was his title?  
 5       **A. I cannot recall.**  
 6       Q. So you directly reported to Scott Bidby?  
 7       **A. That is correct.**  
 8       Q. And do you know to whom Scott Bidby reported  
 9 to?  
 10       **A. I cannot recall.**  
 11       Q. While you were executive director, did you  
 12 sign any contracts on behalf of University of California  
 13 Berkeley?  
 14       **A. I cannot recall.**  
 15       Q. Well, is it possible you signed some contracts  
 16 on behalf of University of California Berkeley?  
 17       **A. I cannot recall.**  
 18       Q. Did you sign any contracts on behalf of the  
 19 athletic department?  
 20       **A. I cannot recall.**  
 21       Q. While you were executive director, did you  
 22 sign any contracts?  
 23       **A. I cannot recall.**  
 24       Q. Did you sign an employment contract with  
 25 University of California Berkeley?

36

1       **A. Yes.**  
 2       Q. How many employment contracts did you sign  
 3 with University of California Berkeley?  
 4       **A. I cannot recall.**  
 5       Q. Did you sign a new contract every year you  
 6 were employed with University of California Berkeley?  
 7       **A. I cannot recall.**  
 8       Q. In looking at the bullet points on what we've  
 9 marked as Exhibit 4, under "Executive director,  
 10 university business partnership and services," is it  
 11 accurate to say that all of the bullet points are things  
 12 that you accomplished while you were executive director?  
 13       **A. Specifically -- can you provide additional**  
 14 **clarity to your question?**  
 15       Q. Is it fair to say that you successfully led  
 16 and managed the specific university department set out  
 17 in the first bullet point?  
 18       **A. I cannot recall.**  
 19       Q. Well, would it be accurate to say that you  
 20 failed to do all of the things listed in that first  
 21 bullet point?  
 22       **A. I cannot recall.**  
 23       Q. For the second bullet point, is it accurate to  
 24 say that you were responsible for leading university  
 25 strategy for campus-wide business partnerships?

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1           **A. I cannot recall.**  
 2           Q. Is it accurate to say that you collaborated  
 3 with campus shareholders to identify and cultivate  
 4 industries of opportunity?  
 5           MR. GOLDSTEIN: You said "shareholders." It  
 6 says "stakeholders" in the exhibit.  
 7           MR. GORDET: I'm sorry. I meant to say  
 8 stakeholders.  
 9           THE WITNESS: I cannot recall.  
 10          BY MR. GORDET:  
 11           Q. Is it accurate to say that you worked with the  
 12 office of the president to support the development of a  
 13 UC systemwide revenue generation initiative for  
 14 strategic business partnerships?  
 15           **A. I cannot recall.**  
 16           Q. For the second paragraph related to your being  
 17 deputy director of athletics and chief operating  
 18 officer, in that capacity, did you sign any contracts on  
 19 behalf of the athletic department?  
 20           **A. I cannot recall.**  
 21           Q. So it's possible you did?  
 22           **A. I cannot recall.**  
 23           Q. That's not -- the question is, is it possible  
 24 or not --  
 25           **A. I'm not --**

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1           Q. -- as you sit here today?  
 2           **A. -- I'm not going to speculate on**  
 3 **possibilities.**  
 4           Q. Do you deny that you signed any contracts on  
 5 behalf of University of California Berkeley?  
 6           **A. I cannot recall.**  
 7           MR. GORDET: Again, that's nonresponsive,  
 8 Counsel.  
 9           THE WITNESS: Can I get a cup of coffee, take  
 10 a break.  
 11           MR. GORDET: Let's take a break.  
 12 (Recess taken from 10:25 a.m. to 10:35 a.m.)  
 13           MR. GORDET: We're back on the record.  
 14 Mr. Goldstein has something to say.  
 15           MR. GOLDSTEIN: A couple things. Are you or  
 16 Mr. Muchnick recording this?  
 17           MR. GORDET: I am not, no.  
 18           MR. GOLDSTEIN: Okay. Number 2, Mr. Fulp  
 19 wanted to go back to one of the earlier questions you  
 20 asked him, and I can't recall the question specifically,  
 21 but it generally was something on the order of, are you  
 22 aware of any UC Berkeley policies relating to the Public  
 23 Records Act?  
 24           MR. GORDET: Yes.  
 25           MR. GOLDSTEIN: Do you remember that question?

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1           MR. GORDET: Yes.  
 2           MR. GOLDSTEIN: Okay. So if we could have the  
 3 court reporter read back that question or if you want to  
 4 simply restate that question or reask it, I believe  
 5 Mr. Fulp has something in addition to his earlier answer  
 6 that he'd like to provide.  
 7           MR. GORDET: Can you dredge that up?  
 8 (Record read as follows:  
 9           Q. The question is, do you, as you sit here  
 10 today, know of any policies concerning the  
 11 California Public Records Act at the  
 12 University of California Berkeley?)  
 13           THE WITNESS: No.  
 14          BY MR. GORDET:  
 15           Q. And to confirm, at the time of April 2014 --  
 16           **A. What exhibit?**  
 17           Q. Well, I'm looking at Exhibit 3.  
 18           **A. Okay.**  
 19           Q. I don't know why I have two copies.  
 20 Oh, because you gave me an extra copy.  
 21 In Exhibit 3, what was your title at that  
 22 time?  
 23           **A. Deputy director of athletics, chief operating**  
 24 **officer.**  
 25           Q. In addition to what is stated on Exhibit 4,

40

1           the résumé, did you have additional responsibilities in  
 2 April of 2014 as part of your position at UC Berkeley?  
 3           **A. I cannot recall.**  
 4           MR. GORDET: We're going to mark as Exhibit 5  
 5 a document entitled "Athletics Manager 3, Personnel  
 6 Policies for Staff Members, Employment Contract."  
 7 (Exhibit 5 was marked for identification.)  
 8          BY MR. GORDET:  
 9           Q. Have you seen this document before?  
 10           **A. I cannot recall.**  
 11           Q. I was expecting that answer.  
 12 On page 9, is that your signature?  
 13           **A. It is.**  
 14           Q. So is it accurate to say that you signed an  
 15 employment contract with UC Berkeley in 2014?  
 16           **A. That is correct.**  
 17           Q. Okay. On page 10 of Exhibit 5, there's  
 18 reference to an annual base salary of \$227,879.  
 19 Is that accurate for 2014?  
 20           **A. Based on this document, yes.**  
 21           Q. Was that an increase in your salary from the  
 22 previous year?  
 23           **A. I cannot recall.**  
 24           Q. Did you typically receive an increase in  
 25 salary from one year to the next while being employed by

41

1 University of California Berkeley?

2 **A. I cannot recall.**

3 Q. During your last year of employment at

4 University of California Berkeley, was your base annual

5 salary higher than \$227,879?

6 **A. I cannot recall.**

7 Q. At the bottom of page 1 and top of page 2 of

8 Exhibit 5, it says that in your position you will be in

9 the, quote, managers and senior professionals group in

10 the PPSM program.

11 Can you explain to me what that is?

12 **A. No.**

13 Q. Is it true that you were in the managers and

14 senior professionals group at that time?

15 **A. Based on this document, yes.**

16 Q. And aside from reference to this document, you

17 don't recall being a part of that group?

18 **A. That is correct.**

19 Q. In addition to the annual base salary that we

20 looked at on page 10, did you have any other sources of

21 income at that time as part of your position at

22 University of California Berkeley?

23 **A. Can you further clarify that?**

24 Q. Well, I guess I'm referring to the bottom of

25 page 10, which talks about being eligible to receive an

42

1 annual supplemental compensation payment in the amount

2 of \$20,000.

3 Do you recall if you received such a

4 supplemental compensation payment?

5 **A. I do not recall.**

6 Q. Okay. And on the top of page 11, there's

7 another reference to a different supplemental

8 compensation payment, I believe -- let me just confirm

9 that -- in the amount of -- excuse me.

10 **A. What page are we on?**

11 Q. Excuse me?

12 **A. What page are we on?**

13 Q. We're on page 11.

14 **A. Okay.**

15 Q. So at the first paragraph, there's one

16 reference to \$10,000 supplemental compensation, which I

17 believe I already asked you about. Now, I intended to

18 ask you about a second \$10,000 possible payment for, in

19 bold print, \$10,000 for exceptional management of units

20 under his supervision?

21 **A. You didn't ask about the first one.**

22 Q. I didn't?

23 **A. No.**

24 Q. Okay. We'll ask about the first one.

25 Do you recall receiving that supplemental

43

1 compensation in the first paragraph at the top of

2 page 11 in the amount of \$10,000?

3 **A. I do not recall.**

4 Q. In the second paragraph about exceptional

5 management, did you receive that \$10,000 supplemental?

6 **A. I do not recall.**

7 Q. And in the third paragraph, there's a

8 reference to \$20,000 for results relative to goal in the

9 new business development area.

10 Do you recall receiving that supplemental

11 payment?

12 **A. I do not recall.**

13 Q. Do you know who would have decided whether or

14 not you would have been entitled to the \$20,000 for

15 results relative to goal in the new business

16 developmental area? Which person above you or which

17 committee at UC Berkeley would have made that decision?

18 **A. I do not recall.**

19 Q. Did you receive a family membership to a sport

20 club as referenced on page 11?

21 **A. Yes.**

22 Q. What club was that?

23 **A. Renaissance Club Sport.**

24 Q. On page 12, there is a signature by Michael

25 Williams.

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1 Did you report to Michael Williams?

2 **A. I did.**

3 Q. Did you discuss this contract with Michael

4 Williams before you signed it?

5 **A. I cannot recall.**

6 Q. When you signed this document, were you in the

7 same room as Michael Williams?

8 **A. I cannot recall.**

9 Q. Did you discuss this document with John

10 Wilton, vice chancellor?

11 **A. I cannot recall.**

12 Q. Did you negotiate this contract in any way?

13 **A. I cannot recall.**

14 Q. Do you recall if you were just handed a

15 document that you eventually signed, or did you request

16 for changes to be made?

17 **A. I do not recall.**

18 Q. Did you ever negotiate any of your employment

19 contracts at UC Berkeley?

20 **A. I cannot recall.**

21 Q. Did you ever ask for changes to be made in any

22 of your employment contracts with UC Berkeley?

23 **A. I cannot recall.**

24 Q. Did you ever have one-on-one conversation with

25 John Wilton?

45

1           **A. Can you further clarify that question?**  
 2           Q. Were you ever in a room with John Wilton where  
 3 you had a conversation speaking directly with John  
 4 Wilton involving any --  
 5           **A. Any matter?**  
 6           Q. -- in any matter?  
 7           **A. Yes.**  
 8           Q. Do you remember what that matter was?  
 9           **A. No.**  
 10          Q. Did you ever have a direct conversation in a  
 11 room with John Wilton concerning the Ted Agu case?  
 12          **A. I cannot recall.**  
 13          Q. Did you ever have a conversation with Michael  
 14 Williams one on one about the Ted Agu case?  
 15          **A. I cannot recall.**  
 16          Q. Prior to your deposition that was taken in the  
 17 Ted Agu case, did you meet one on one with an outside  
 18 attorney for UC Berkeley?  
 19          **A. I cannot recall.**  
 20          Q. Prior to your deposition in the Ted Agu case,  
 21 did you meet with any attorney concerning the Ted Agu  
 22 case?  
 23          **A. I cannot recall.**  
 24          Q. Did you have a conversation with any outside  
 25 attorney concerning the Ted Agu case prior to your

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1 deposition in the Ted Agu case?  
 2          **A. I cannot recall.**  
 3          Q. Did you ever seek authorization at any time  
 4 for signing any contracts on behalf of University of  
 5 California Berkeley?  
 6          **A. I cannot recall.**  
 7          Q. Do you recall if you were required to seek  
 8 authorization at any time from anyone before signing any  
 9 contracts on behalf of University of California  
 10 Berkeley?  
 11          **A. No.**  
 12          MR. GORDET: Could you repeat my question and  
 13 the answer, please.  
 14                 (Record read.)  
 15 BY MR. GORDET:  
 16          Q. Were you required at any time to seek  
 17 authorization from anyone before signing any contracts  
 18 on behalf of University of California Berkeley?  
 19          **A. I do not recall.**  
 20          Q. Thank you for the clarification.  
 21                 Outside of any conversations with  
 22 Mr. Goldstein, have you ever spoken to anyone else about  
 23 Irvin Muchnick?  
 24          **A. I do not recall.**  
 25          Q. In your capacity as executive director --

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1           **A. Are we referring to what?**  
 2           Q. I'm looking at your résumé. It's just to help  
 3 me -- feel free to --  
 4           **A. Exhibit 4?**  
 5           Q. Exhibit 4, yes.  
 6           **A. Okay. Thank you.**  
 7           Q. In your capacity as executive director, did  
 8 you ever work directly on any requests related to the  
 9 California Public Records Act?  
 10          **A. I do not recall.**  
 11          Q. In your capacity as deputy director of  
 12 athletics and chief operating officer, did you ever work  
 13 directly on any requests related to California Public  
 14 Records Act?  
 15          **A. I do not recall.**  
 16          Q. In connection with the Ted Agu incident, what  
 17 projects did you have responsibility for?  
 18          **A. Can you restate that question?**  
 19          Q. Well, in connection with the Ted Agu incident,  
 20 did you work on any specific projects to be accomplished  
 21 on behalf of the university or the athletic department?  
 22          **A. I do not recall.**  
 23          MR. GOLDSTEIN: I'm not sure what you mean by  
 24 "projects," and that might be hampering the witness'  
 25 ability to answer your question, so you might want to --

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1           MR. GORDET: I'll rephrase it with the word  
 2 "tasks."  
 3 BY MR. GORDET:  
 4          Q. Did you work on any tasks that were connected  
 5 to the Ted Agu incident and its aftermath?  
 6          **A. I do not recall.**  
 7          Q. Did you ever meet the Ted Agu family?  
 8          **A. I do not recall.**  
 9          Q. Have you ever had any direct contact with the  
 10 California Public Records Act office at the Regents of  
 11 University California?  
 12          **A. I do not recall.**  
 13          Q. Have you ever had any contact with Liane Ko?  
 14          **A. Yes.**  
 15          Q. What was that about?  
 16          **A. I do not recall.**  
 17          Q. Was it perhaps about the Muchnick case?  
 18          **A. I do not recall.**  
 19          Q. Returning to Exhibit 5, the employment  
 20 contract, were there any earlier drafts of this  
 21 contract?  
 22          **A. I do not recall.**  
 23          Q. Did you consult with any attorneys outside of  
 24 University of California Berkeley before you signed the  
 25 employment contract, Exhibit 5?

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1       **A. I do not recall.**  
 2       Q. Are you currently teaching this semester at  
 3 Cal?  
 4       **A. Yes.**  
 5       Q. What course are you teaching?  
 6       **A. UGBA 196, Haas School of Business, Sports**  
 7 **Management.**  
 8       Q. Is this the first time you're teaching a  
 9 sports management course at Berkeley?  
 10       **A. No.**  
 11       Q. How many times have you taught that course?  
 12       **A. This is my sixth year.**  
 13       Q. How many students are in the class this  
 14 semester?  
 15       **A. I believe we have 70.**  
 16       Q. Those are all MBA students?  
 17       **A. No. They're undergraduate.**  
 18       Q. Oh. They're all undergraduate students?  
 19       **A. Yes.**  
 20       Q. The employment contract referenced as  
 21 Exhibit 5, did that eventually terminate?  
 22       **A. Based on my transition into a new position,**  
 23 **yes.**  
 24       Q. Returning to the questions about the managers  
 25 and senior professionals group referenced on the bottom

50

1 of page 1 of Exhibit 5, do you know if the university  
 2 provides any special training for persons in that  
 3 management group?  
 4       **A. I cannot recall.**  
 5       Q. Did you ever work directly on any projects  
 6 with Vice Chancellor Wilton?  
 7       **A. I cannot recall.**  
 8       Q. In 2014, do you know who was above  
 9 Vice Chancellor Wilton in the hierarchy at UC Berkeley?  
 10       **A. Chancellor.**  
 11       Q. And who was that?  
 12       **A. He had two. Nick Dirks. And Robert**  
 13 **Birgeneau.**  
 14       Q. Did you have any direct contact with either of  
 15 those two chancellors?  
 16       **A. I cannot recall.**  
 17       Q. Well, did you ever have any telephone  
 18 conversations with either of those two persons?  
 19       **A. I cannot recall.**  
 20       Q. Paragraph 6 of your employment contract begins  
 21 on page 3.  
 22       Do you see where the last bullet point refers  
 23 to policies applying to the disclosure of information  
 24 from student and staff personnel records?  
 25       **A. Can you restate that question?**

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1       Q. I'm basically asking, are you aware that this  
 2 contract has a reference to student and staff personnel  
 3 records and their disclosure of information about those?  
 4       **A. Based on this contract I'm reading right now,**  
 5 **yes.**  
 6       Q. Okay. Before you signed this contract, did  
 7 you read it?  
 8       **A. I cannot recall.**  
 9       Q. Do you know what FERPA is?  
 10       **A. Yes.**  
 11       Q. What is FERPA to you?  
 12       **A. The nondisclosure of students' information.**  
 13 **It's protecting their information.**  
 14       Q. Was it your intention at all times as an  
 15 employee of Berkeley to abide by the restrictions of  
 16 FERPA?  
 17       **A. Yes.**  
 18       Q. Did you abide by those restrictions?  
 19       **A. I cannot recall.**  
 20       Q. Well, for Exhibit 3, would you say that  
 21 forwarding this document would have been in compliance  
 22 with FERPA restrictions?  
 23       MR. GOLDSTEIN: You're asking him for a legal  
 24 conclusion.  
 25       MR. GORDET: This is true.

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1       MR. GOLDSTEIN: He's not a lawyer.  
 2       MR. GORDET: I understand that.  
 3       MR. GOLDSTEIN: Okay.  
 4       You can answer based on your understanding,  
 5 your lay understanding.  
 6       MR. GORDET: That's all I was asking.  
 7       MR. GOLDSTEIN: Okay.  
 8       THE WITNESS: Can you restate that question.  
 9       MR. GORDET: Could you read it back, please.  
 10       (Record read.)  
 11       THE WITNESS: I don't know.  
 12       BY MR. GORDET:  
 13       Q. You made reference to several email accounts  
 14 that you had; correct, at the beginning of the  
 15 deposition?  
 16       **A. No, that's not correct.**  
 17       Q. I'm sorry.  
 18       **A. Define "several."**  
 19       Q. How many email accounts do you have?  
 20       **A. When? Right now? Present day?**  
 21       Q. We'll start with right now, yes.  
 22       **A. I have two.**  
 23       Q. Okay.  
 24       **A. No. Excuse me. Three. Three.**  
 25       Q. Okay. So let's go through them.

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1 So let's start with, what's the first one,  
 2 please?  
 3 **A. Sfulp@berkeley.edu.**  
 4 Q. Besides yourself, does anyone have access to  
 5 that email account?  
 6 **A. No.**  
 7 Q. In 2014, did anyone have access to that email  
 8 account?  
 9 **A. No.**  
 10 Q. For your second -- what's your second email  
 11 account today?  
 12 **A. Today?**  
 13 Q. Today.  
 14 **A. Solly.fulp@yahoo.com.**  
 15 Q. Does anyone else have access to that email  
 16 account?  
 17 **A. No.**  
 18 Q. What's your third email account?  
 19 **A. Sfulp@learfield.com.**  
 20 Q. Does anyone else have access to that email  
 21 account?  
 22 **A. No.**  
 23 Q. As deputy director of athletics, did you have  
 24 primary responsibility for entering into contracts with  
 25 outside companies on licenses related to University of

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1 California Berkeley?  
 2 **A. I cannot recall.**  
 3 Q. As executive director, did you have primary  
 4 responsibility for entering into any licensing contracts  
 5 for University of California Berkeley with outside  
 6 parties?  
 7 **A. I cannot recall.**  
 8 Q. Approximately how much was the biggest  
 9 licensing deal that you had responsibility for?  
 10 **A. Can you define "licensing"?**  
 11 Q. "Licensing" means where Berkeley gives another  
 12 company the right to use any of Berkeley's trademarks,  
 13 for example, in connection with the offering of someone  
 14 else's products?  
 15 **A. I cannot recall.**  
 16 Q. Did you have any responsibility for any  
 17 trademark licensing deals involving University of  
 18 California Berkeley while you were deputy director of  
 19 athletics and chief operating officer?  
 20 **A. Can you restate that.**  
 21 MR. GORDET: Could you repeat it, please.  
 22 (Record read.)  
 23 THE WITNESS: I cannot recall.  
 24 BY MR. GORDET:  
 25 Q. Who is Joey Mahalic?

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1 **A. He was a student athlete for us.**  
 2 Q. Did you have any conversation with Joey  
 3 Mahalic concerning the Ted Agu incident?  
 4 **A. Yes.**  
 5 Q. What were those conversations about?  
 6 **A. I can't answer that.**  
 7 Q. And why is that?  
 8 **A. Related to FERPA.**  
 9 MR. GOLDSTEIN: Before you ask your next  
 10 question, why don't I step out with him for a moment and  
 11 see if there's anything we can do with that question.  
 12 MR. GORDET: Okay. We're getting close.  
 13 Are you going to be asking any questions after  
 14 I'm done?  
 15 MR. GOLDSTEIN: I don't know.  
 16 (Off the record.)  
 17 MR. GORDET: So where are we, Counsel? You  
 18 said maybe we're going to add something to the last  
 19 question.  
 20 I'm sorry. You said if there were any further  
 21 questions you wanted to consult with your client in  
 22 advance of that?  
 23 MR. GOLDSTEIN: No. I just wanted to step out  
 24 and talk to him about the last question and answer.  
 25 That's all.

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1 BY MR. GORDET:  
 2 Q. After your conversation with Joey Mahalic, did  
 3 you take any actions?  
 4 **A. Yes.**  
 5 Q. What did you do?  
 6 **A. I reported that conversation to John Wilton,  
 7 vice chancellor of administration and finance, and Sandy  
 8 Barbour, director of athletics.**  
 9 Q. And did you report that in an email or on the  
 10 phone or in person?  
 11 **A. I cannot recall.**  
 12 Q. Do you recall if it was one on one with  
 13 Mr. Wilton?  
 14 **A. I cannot recall.**  
 15 Q. Do you recall if it was one on one with  
 16 Mr. Barbour?  
 17 **A. Ms. Barbour.**  
 18 Q. Excuse me?  
 19 **A. Miss.**  
 20 Q. Was that one on one?  
 21 **A. I cannot recall.**  
 22 Q. Did you talk to Faculty Advisor Jacobsen about  
 23 your conversation with Joey Mahalic?  
 24 **A. I cannot recall.**  
 25 MR. GORDET: I just want to review my notes,

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1 but I think we're done. I probably won't have any more  
 2 questions, but I want five minutes to go through some  
 3 things.  
 4 (Recess taken from 11:08 a.m. to 11:16 a.m.)  
 5 MR. GOLDSTEIN: So I can't remember the  
 6 question, but I believe you asked Mr. Fulp a number of  
 7 questions relating to his authority, either as the  
 8 executive director for university of business  
 9 partnership and services, 2015 through September 2017,  
 10 or deputy director of athletics and chief operating  
 11 officer, whether he had the authority to sign contracts.  
 12 MR. GORDET: Sounds familiar.  
 13 MR. GOLDSTEIN: Okay. And Mr. Fulp does have  
 14 something he'd like to say in addition to his earlier  
 15 testimony. If we want to have the court reporter read  
 16 back the question or if you want to simply restate it.  
 17 MR. GORDET: I guess we'll reread -- report  
 18 back the question. I don't remember what it was.  
 19 (Record read as follows:  
 20 Q. Do you recall if you were required to seek  
 21 authorization at any time from anyone before  
 22 signing any contracts on behalf of University  
 23 of California Berkeley?  
 24 A. No.  
 25 Q. Were you required at any time to seek

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1 authorization from anyone before signing any  
 2 contracts on behalf of University of  
 3 California Berkeley?  
 4 A. I do not recall.)  
 5 THE WITNESS: So to further answer that  
 6 question, I did not have authorization to sign any  
 7 contracts.  
 8 BY MR. GORDET:  
 9 Q. So is it your testimony you never signed any  
 10 contracts on behalf of University of California  
 11 Berkeley?  
 12 A. That is correct.  
 13 Q. Did you negotiate any contracts on behalf of  
 14 University of California Berkeley?  
 15 A. I do not recall.  
 16 Q. In those situations where you were involved in  
 17 a contract involving University of California Berkeley,  
 18 who above you had the authorization to sign those  
 19 contracts?  
 20 A. I believe it's the university attorney or  
 21 procurement office.  
 22 Q. But returning to the question, did you ever  
 23 seek authorization to sign any contracts on behalf of  
 24 University of California Berkeley?  
 25 A. I do not recall.

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1 Q. Okay. I think I'm finished.  
 2 Do you have any questions before we talk about  
 3 the transcript?  
 4 MR. GOLDSTEIN: No.  
 5 MR. GORDET: So how do you want to handle the  
 6 transcript, the deposition transcript?  
 7 We can go off the record until we decide what  
 8 we want to do.  
 9 (Off the record.)  
 10 MR. GOLDSTEIN: Mr. Fulp has business-related  
 11 travel plans. We could do 15 days from receipt of the  
 12 transcript. If the court reporter will transmit the  
 13 transcript to me, then we will communicate to you and to  
 14 the court reporter the corrections, if any. And then  
 15 we'll, as soon as we can thereafter, transmit to you a  
 16 signature page.  
 17 Is that okay?  
 18 MR. GORDET: Okay. But is there a time limit  
 19 as to when there's no signature, then we can just go  
 20 ahead and use it?  
 21 MR. GOLDSTEIN: Yes.  
 22 MR. GORDET: What is that?  
 23 MR. GOLDSTEIN: 30 days.  
 24 MR. GORDET: Okay. From receipt.  
 25 MR. GOLDSTEIN: Yes.

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1 MR. GORDET: So you're not giving me anything?  
 2 It runs into the problem -- I'm just saying -- I'm  
 3 trying to cooperate. So sending it to you. So 15 days  
 4 is good, if you'll turn it around in 15 days.  
 5 MR. GOLDSTEIN: But you won't get -- we may  
 6 not be able to get you a wet ink signature within 15  
 7 days because of Mr. Fulp's travel plans, so it may come  
 8 after that. But you can use it -- you can use the  
 9 testimony as corrected, if there are any corrections, by  
 10 the 15 days.  
 11 MR. GORDET: Excellent. Okay. That is fine.  
 12 MR. GOLDSTEIN: And we're otherwise releasing  
 13 the court reporter of her obligations under the code.  
 14 MR. GORDET: That's correct.  
 15 MR. GOLDSTEIN: With respect to custody of the  
 16 transcript.  
 17 MR. GORDET: Right. Only.  
 18 So you don't have any questions. We're done?  
 19 MR. GOLDSTEIN: Yes.  
 20 (Deposition concluded at 11:27 a.m.)  
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DECLARATION UNDER PENALTY OF PERJURY

I, SOLOMON FULP, do hereby certify under penalty of perjury that I have reviewed the foregoing transcript of my deposition taken on October 3, 2019; that I have made such corrections as appear noted herein in ink; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_, California.

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SOLOMON FULP

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REPORTER'S CERTIFICATION

I, Sarah Goekler, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name on this date: October 15, 2019

\_\_\_\_\_  
Sarah Goekler, CSR No. 13446