

for any individual talent, do you know what the longest period of time or the most number of times they appeared during a suspension was?

A Well, say, a suspension is 30 days and they appeared every TV --

Q Uh-huh.

A -- I mean, that is at least four television appearances.

Q So were there cases where that happened?

A Yes, because we decided we were going to use them as we normally would; they just wouldn't get paid.

Q Okay. Did the talent have any concerns about this? Did they come to you and say, "Listen, I understand I have done something wrong, I am not going to be paid." Did they complain that they were being made to work without pay?

A Not at all.

Q Not one complaint?

A No. I think they were upset -- again, I am speculating -- but I think the talent knew that they screwed up.

Mr. McDevitt. I assume you are asking of any complaints that she knows of.

Mr. Cohen. Yeah.

Ms. Levesque. Right. Obviously, I can only speak to what I know of.

Mr. Cohen. I would presume, as the individual in charge of the talent, you would be a --

Ms. Levesque. I would imagine I would have heard.

Mr. Cohen. -- natural avenue for complaints.

Ms. Levesque. Right.

BY MR. LEVISS:

Q Does the talent who wins an event make more than the talent who loses?

A Not necessarily. But it can help build your character to win.

Q Because you move on to the next match?

A Yes. I mean, and it depends on whether or not you are in a building phase in your career or you are an established person. If you are an established person -- say, like Shawn Michaels is an established superstar. He is over. He has been around a long time. Whether or not he wins or loses doesn't really matter because the fans are just as engaged in him one way or the other.

But if you are a performer that is in the middle of the card and you either win or you lose, it can help build your character to get you to that next level. For example, if you have been on a losing effort, you are not going to be facing the champion any time soon. You know, even though it is entertainment, we have to build the facade of you win matches to face the champion.

Q Sure.

A So if, for example, a talent is suspended, and say we were allowing them to wrestle on TV during that time but we had

them in losing efforts, it was doing nothing to build their character.

Q Okay. How do you decide whether to make a particular talent win or lose an event you are scripting?

A It really depends all on the situation. And I would have to give you unique examples.

Q Sure.

A But, you know, for example we had -- say you had MVP versus Shawn Michaels, who I said -- Shawn Michaels is an established person. It doesn't really matter whether he wins or loses.

Q Uh-huh.

A And we are trying to build MVP to face the champion. We might have him beat Shawn Michaels, which is a huge victory over an established guy. MVP, I should say, is a newer character.

Q Okay.

A He is someone we are trying to build. He is in the middle of the card right now. We are hoping he is going to be a main-event player. So we might have him beat a main-event player to prove he belongs there. Give him the ball and see how he does. He will either engage the crowd or he won't engage the crowd. And we will be able to see how he can perform, if he can perform at that level. And if he does, great, then we have somebody else who is in that top, upper echelon.

Q And is that main-event player likely to complain about

the fact that you are writing in a loss for him?

A No. Most of our main-event talent understand how the business works because they have been through it.

Q Sure.

Mr. Leviss. Okay. Maybe it is a good time to break.

RPTS McKENZIE

DCMN MAYER

[10:23 a.m.]

BY MR. LEVISS:

Q Back in the previous round of questions, there was one point where I was asking you about what wrestlers could make on, you know, TV versus pay-per-view; and you gave me some rough examples. And just so that our record is clear, you said "10 for TV." You, of course, didn't mean \$10?

A No, no, no. I'm sorry. I meant \$10,000.

But again, that's on the very high end. I'm really not positive about these figures. After I said that, I was second-guessing myself.

There is a large difference between what you would make on TV and pay-per-view.

Q It could be as much as \$10,000 to \$50,000 to \$100,000 for the pay-per-view?

A Yes.

Q I'm not going to hold you to those numbers.

A Right. Just roughly.

Q I didn't want anyone to think \$10.

A Yes.

Q We talked a little bit about sort of the "it" factor and what makes a wrestler have it or not have it.

Is one component of that physical attributes?

A How do you mean?

Q I mean how the wrestler looks, strength, things like that.

A No, not necessarily. I mean we have a guy right now that is a really big, fat, bloppy guy. I mean, that's the only, really, way to describe him; and I shouldn't say his name now because it's going to be on record.

He is a spectacle. He is an attraction.

There are some attractions that we certainly look for in our business. I mean, we have a giant, a giant colleague right now. We have a midget -- a little person, sorry.

And pretty much it's just all different types. It's just really, you know, the specialness that they bring to the product.

Q Okay. Can you describe the typical champion right now, if there is something typical?

A Well, there really isn't much typical. I can describe our three current champions.

Q Okay.

A Randy Orton is -- you mean just physically describe him?

Q Sure. And their personality on screen.

A Well, clearly, the three have the "it" factor. They have that unbridled charisma. They just have an ability to connect with the audience.

Randy Orton plays a heel, he plays a bad guy; and he is the most egotistical, arrogant, obnoxious person you could ever meet.

Mr. McDevitt. You are --

Mr. Leviss. I understand you are describing the character.

Mr. McDevitt. He may be that way.

Ms. Levesque. We are strictly talking about his character. His character is that of the ladies, the gift to all ladies; and he is the best there ever was in the ring. He's young, he's good looking, he's arrogant and that's basically it. He is sort of a tall, leaner body type.

Our champion on SmackDown right now, Batista, is also a good-looking guy, and he is more of the -- more of the bigger kind of kick-your-ass-type guy. Excuse my language again.

Mr. Leviss. This is Congress. We can take it.

Ms. Levesque. I'm sure you have your own language.

So Batista is more of the kind of guy -- while Randy Orton is the kind of guy you want to pay to get his butt kicked, Batista is the kind of guy you want to pay to see kick somebody's butt. He is a knock-your-block-off-type guy.

CM Punk, who is currently our ECW champion, I would say is probably not your best-looking guy, but he has this straight-edge character. His whole character is that he doesn't do drugs, he's never touched alcohol, he's never done anything. And he is more of like a punk rock-type character, so he has the black hair and it's long; and he is a bit smaller -- he's not as tall as the other two guys -- and also a lean body type like Randy.

But that's his gimmick, his character is this hard-core,

straight-edge kind of guy.

Mr. Leviss. Okay. I get it.

BY MR. LEVISS:

Q Some witnesses have described to us that typical wrestlers look different today than they did in the '80s, for example, that they're more muscle bound today.

Is that a characterization that you would agree or disagree with?

A Actually, I wouldn't agree with that personally. If you look at some of the characters from the '80s, there were tons of muscle-bound guys, probably just as many as there are today, if not less today. I don't think in the '80s that you would have seen Rey Mysterio necessarily, because it seemed like -- it was almost the guys were maybe even a little bigger in the '80s.

Q Uh-huh. Why do you think that is?

A I don't know. This is just my memory as a child you know watching and maybe everybody seemed larger than life to me then.

Q Uh-huh.

A But -- so I can't really answer.

Q Do you have any opinion why about why they might have been bigger in the '80s than now?

A No.

Mr. McDevitt. First of all, it's not even a fact that they were. If you are asking for an opinion as to something that is

not even a fact.

BY MR. LEVISS:

Q It's your perception. Do you have any opinion about why that appeared to you that way?

A No. Again, maybe I was just a little kid, you know, watching; and everybody just seemed, you know, larger than life. It's the only, really, guess I can make.

Q Have you had any discussions at WWE with people about wrestlers today versus the '80s, specifically with reference to physical attributes, how big the wrestlers are?

A No.

Q Okay.

Mr. McDevitt. Hang on for just 1 minute.

Ms. Levesque. Yes. We did do a study which is the average weight of the roster right now -- not compared to the '80s, but the average weight -- gosh, and again I will have to get you the hard data -- but we were actually surprised; the average weight was far lower than what the average weight for an NFL player was. It was in the -- I think the high 100s, like 195 pounds or something like that.

It might have been slightly above that, you know; don't hold me to the specific number. But it was a dramatic difference between that of the NFL, which actually surprised me. But it just goes to show all the various body types that we really do have.

BY MR. LEVISS:

Q Why did it surprise you?

A Just because I thought our guys were bigger than that. You know, I mean -- but they're just not on the whole. The majority is -- there's a lot of different kinds of bodies.

Q When did you do this study or assessment or whatever?

A That was this year.

Q Uh-huh. What prompted that?

A Pretty much just fact finding about our talent. Just we wanted to understand more about, you know, our talent as a whole; and that's when we did this study where I mentioned before about the -- you know, the Courier spam, which I couldn't remember the date off the top of my head. But it's just a more comprehensive look at our talent.

Q Were there other issues considered in the study?

A No. I mean -- and a lot of this came about as a result of Chris Benoit. Chris is such a tragedy, but he did force us to look at our business in a different way. You know, our talent; you know, what are talent doing? How many of them have health insurance? How many of them have financial planning?

We really want to engage our talent and to be doing the best that we can for our talent. So Chris Benoit, while a tragedy, I think has helped in some ways because it's helped us look at our talent and how can we treat them better.

Q Whose idea was it to do this study?

A It was a collaborative idea -- I mean, Vince, Linda,

Jerry, I think, myself, John Laurinaitis. It was really a collective sort of feeling.

Mr. Cohen. Who received a copy?

Ms. Levesque. Pretty much the people I just named.

BY MR. LEVISS:

Q Who conducted the study?

A It was pretty much John Laurinaitis in terms of just facts, data. It wasn't -- you know, if we were asking a talent a question, then that was obviously through Talent Relations as well, but it was done through John Laurinaitis.

Q And did he have a questionnaire?

A No. Well, we had -- for example, if we're looking at how many talent have worked -- you know, "worked" is again another parlance, but how many days they actually performed. You know, we have records of that because we know when they were booked and when they weren't booked. So that's hard data that we just accessed and put together.

Average weights: We, you know, took everybody's weight. We always do take everybody's weight, but we took it again to get the most accurate weight, and we pretty much update annually, anyway, maybe biennially.

Q Did he interview them at all?

A No. But there was no -- well, I shouldn't say "no."

If you have a specific question, I can tell you if he had specifically asked that question of talent. One time we did

specifically ask questions of talent, if they had health insurance or not.

Q Okay. You'd mentioned financial planning, health insurance.

A Yes. Those were the two questions that we asked. I think those were the only two off the top of my head.

Q Was the focus exclusively on current talent? Did you look at talent previously associated with WWE as well?

A We did look at talent previously associated with WWE and what we looked at is, how can we help talent who may or may not have a drug issue.

Q Uh-huh.

A And what we did is, we implemented a policy where any talent that previously worked for WWE who was, you know, a regularly scheduled performer -- because there's some guys who came through for a cup of coffee, showed up one day and did something; we have to draw the line somewhere -- that we would pay for drug and alcohol treatment, should it be necessary for them.

Q That's the letter you sent out to, I don't know, 500 or so performers?

A Yes. Because, you know, we tried to look at a way of, okay, how can we help? What can we do as a company? And that was the best thing that we could think to do.

Q Okay. Are there other changes or policies that you made in response to what you learned from the study?

A There weren't really many changes to be made, other than we're going to be having more educational seminars with the talent to keep them more informed.

We were actually over half -- I believe it's actually over 60 percent have health insurance and have financial planning. But we're still going to be doing more educational seminars to help talent, you know, realize that it is of vital importance. We're looking at, you know, a number of different seminars that we could include to have talent be better prepared for the life of professional wrestling which is an unusual life.

Q Sure.

A Because it's on the road so much. There is no off season.

Q What's the typical retirement age, for lack of a better term, for a professional wrestler?

A You know, that was something else we found out in this data. And I cannot accurately say because, you know, the person who keeps coming up in my head is Ric Flair, who is 54 years old.

But there is an average and it's -- gosh, I just don't want to say. I don't want to misspeak. But I can get you the data so that you have the accurate numbers.

[The information follows:]

***** COMMITTEE INSERT *****

Q Okay.

Are you able to generalize about what talent typically does at the end of a wrestling career, what they move on to?

A I really can't. I don't know what people do when they move on.

Q So that's not something that was considered in the study?

A No.

You know, talking to talent on their way out, part of an exit strategy is part of the seminar that we were thinking is that -- you know, basically a life skills-type seminar is one of the things we talk about, which includes life after wrestling because not everybody's going to make it.

But in terms of what talent do afterwards, I'm not sure. I mean, I know a handful of cases, but not well enough to speak on an average.

Q How much daily contact do you have with the talent?

A At TV I have tons of contact. So every week, every Monday and every Tuesday.

Q And otherwise?

A And otherwise the random phone call here or there. I'm not involved as much directly with contacting the talent as my lead writers or -- for Creative, or John Laurinaitis may be for Appearances.

Q I guess -- of the pool of talent who are currently associated with WWE, what portion of them are in active circulation, performing regularly?

A Of the -- of our current roster?

Q Uh-huh.

A Well, not including the Developmental -- let me just make sure you are asking a specific question, Developmental aside, because Developmental has their own shows that they do.

Q Okay.

A But you are talking about performers regularly performing on Raw, SmackDown and ECW that are part of the roster?

Q What is Developmental?

A Developmental is our Developmental Territories. We currently have two where we're trying to basically groom the next crop of WWE superstars. They're independently owned.

Q Okay.

A But we do have some employees stationed there. They are affiliated with us.

Q Do they have their own names?

A Yes. OVW is one, Ohio Valley Wrestling and Florida Championship Wrestling is the other. One is in Ohio and one is in Florida.

Q And these are like the farm teams?

A Yes, basically.

Actually, I said it's in Ohio, but it's not; it's in

Lexington, Kentucky.

Q OVW is in Kentucky?

A Yeah. Don't ask. I didn't come up with the name. But Kentucky Wrestling -- I'm just kidding.

Q Okay. So Developmental has its own schedule and you are not involved in marketing or --

A No, I'm not involved in the marketing or booking of those talents. They are booked, and it's -- actually the way that the owner makes his money is by the shows that he runs with those territories. And it's great because the talent get the experience of working in front of a crowd.

Q Sure.

A You know, and they get that feedback of how the crowd's going to react to them. But it's on a much smaller level. They're allowed to screw up. They can try different characters, and it doesn't impact once they're on television.

Q How do people get brought up from Developmental?

A We have people basically watching all the time, and we send producers down to evaluate; and as well, the writers go down and give their opinions, probably on a quarterly basis. And in addition we have a liaison between the Writing staff and the Developmental systems, who goes once a month, right now as it stands.

And so we have constant feedback on who is doing well, who we have our eye on.

Then the next step is those three to four talents who we think are going to make it, that's when we start putting them on the live events and coming and wrestling before the TVs, as I was explaining before.

Q So what role, if any, do you play in bringing talent from Developmental to --

A I basically make sure it's happening.

Q Okay.

A And if people are slacking or not giving their feedback, you know, that's -- my job is to make sure -- okay, guys, who's the next person here?

You know, we've got to make sure that we're bringing them up. And, really, I'm more in charge of making it happen.

Q So will someone make a recommendation to you about the next three or four people?

A Oh, absolutely. We actually take collective feedback. And it is a decision by John Laurinaitis and I of who actually does come up to work those live events prior to the television taping.

Q Will you go watch that person or those people perform?

A I try my best. It's very busy at TV. But I do try my best, and I always assign somebody to be watching to make sure we get the feedback. And then typically we discuss it the next day in a meeting with Vince, because it's most important for Vince, for Mr. McMahon, to hear the feedback.

Q And so does he play a role then in the decision to bring someone up from Developmental?

A No. That's strictly John and I.

Q I was asking you about sort of --

A He could. Obviously, if he saw someone and said bring him, he's brought.

Q Okay.

I was asking you initially about your sort of day-to-day contact with talent. Putting Developmental aside for the rest of the talent, how much contact do you have with them? And -- well, why don't we start with that one?

A Okay. For the most part, I see them all every Monday and Tuesday or if there's a pay-per-view I see them on Sunday, those who are performing, those who are there.

Q Right.

A And you know, I pretty much see everybody. Whether or not I engage in a conversation really depends on what my responsibilities are of the day, because also at Television, I not only have my role as a TV, but I'm also a director/producer, and I work on the backstage vignettes. I work on some of the dialogue with the talent and, as well, I feed the commentators.

Q Uh-huh.

A So I have multiple responsibilities at TV.

So that's why I say, it depends on how much time I have to interact with the talent and whether or not I'm working with them

that night. If I have a pretape that I'm producing, pretape being one of the backstage scenes that you would see in our show -- it's either live or pretaped; that's why it's called pretaped -- then obviously I have more interaction with those talent because I'm working directly with them.

Q Sure.

How many people are we talking about in terms of talents who are actively performing?

A I would say probably around 30.

Q Okay.

A Each -- every Monday and every Tuesday.

Q And how many talent are there who are currently affiliated with WWE?

A Excluding or including Developmental?

Q Excluding.

A I would say about 150 total.

Q So roughly 30 out of the 150 are performing any given week?

A No. Thirty would be for the Monday night and then there would be more, probably more like 50 on the Tuesday night, because it's the two different shows.

Q Okay.

A And again it's very rough. But --

Mr. Cohen. If they're not performing, do they have to show up at the arena or event?

Ms. Levesque. Yes. Because we're not sure if we're going to need them or not. Because, again, a lot of times if a performer is not wrestling in a match, we still try to get them on the show so they have some exposure. So we might have them in a conversation backstage in a pretape before someone else walks into the scene, just to get them some exposure on the show.

The more exposure you have, obviously the better.

Mr. Cohen. Okay.

BY MR. LEVISS:

Q Do all talent in ECW, Raw or SmackDown come through one of the two Developmental?

A I'm sorry. Let me go back one second to answer your question.

We don't bring everybody on the roster to TV every time. We know who we want to use primarily, so there is a list that -- the writers are in communication with Talent Relations at a lower level than Johnny and I, and that's basically how we establish who we bring to TV and who we don't.

So it's not like there are tons of guys sitting around twiddling their thumbs, just to be clear.

Q I was asking if Developmental is the only way to get to ECW, Raw or SmackDown?

A For the most part because -- there's also what's called independent shows. And well -- I mean, so at any rate when someone is on an independent show, and say they catch our eye, we

will hire them to our Developmental system. That's actually how CM Punk came to us.

Q Is an independent show affiliated with WWE?

A No, not affiliated at all.

So there are some of these smaller shows, but they're not nearly territories like they were, as I was describing before. But there are independent circuits, and they run much smaller shows; they still wrestle in the high school gyms or, you know, in the smaller venues that you might remember, growing up.

Q Sure.

A So they still have those independent shows. And as well, there is still another competitor out there as well, too, on a much smaller scale. They're called TNA. There haven't been any examples yet, but we would be open to having a talent come to our show from TNA. And if they were ready, they would probably not go through the Developmental system, they would probably come right in.

Q And how does talent like that come to your attention?

A Well, we have scouts, you know; and we certainly have people who watch their programming. And you know contractually you are not allowed to contact a talent until they're -- and I'm not sure of the legal specifics of it, but -- you know, until their contract is up, but we might have people we have our eye on.

Q Uh-huh.

Are the scouts full-time employees of WWE?

A Yes. There's no scout person. It's different people that are employees that we would have scout, and they're in the Talent Relations Department.

Q All right. Is that something you ever do?

A No.

Q Is it something you have done in the past?

A No. I have watched different shows and said, ooh, hey, that person's interesting before. But I wish I had the time to do that; I just don't.

Q Do you interact at all with the scouts?

A Not normally on a personal level, but I might.

Q Uh-huh.

A But pretty much it's all through John, because they report to John.

Q And is John the one who instructs them and receives reports back from them?

A Yes. And I'm normally copied on the reports. If there's anyone of interest, I'm definitely copied, I'm kept informed.

And I might give a direction, you know, if I feel like there's someone I have heard about a lot from all different sources. You know, where are we on this guy? You know, are we available to bring him?

Q Do you know how John instructs them, you know, what sort of information he gives them about what WWE is looking for?

A Well, it's pretty much all the same mantra. It's, who is the crowd responding to? And if there's somebody, even if they're lower on the card, but if the crowd is going nuts for them, they've got it, you know, and so we want it.

Q Sure.

Are you ever in a situation where you are more specific about recruiting, you know, you would instruct a scout, Gee, we really need somebody who's kind of tall to fill a particular need or --

A I'm trying to think of a specific case.

Not that I can think of.

Q Okay.

A Because it'd all depend on the story. Like, for example, The Great Collie, we don't necessarily put him against a big guy -- you might want to tell the underdog stories -- you put him against a smaller guy, you know.

And quite often big guy matches, big guy versus big guy, aren't good anyway. They're typically not technically very good to watch.

Q Uh-huh.

A Because sometimes it's lumbering, and it just doesn't look like -- but that's -- I'm getting away, beside the point.

So at any rate I can't think of a specific case where we said, oh, let's hire a big guy, or, oh, we need a small guy or we need -- at some time we have said, we need more ethnicity in our show, so we may have had more of an eye towards a minority.

That's certainly something that we've looked at.

Q Are scouts given any instructions to inquire about steroid use or illegal drug use?

A No. And typically the scouts are not speaking with these talent. They're just observing the talent.

Q All right.

Do they ever speak with folks in the audience to gauge their reaction?

A Yes. But again there's no specific protocol for a scout.

Q Okay. Are you aware of whether any scouts have ever reported back that a potential hire was rumored to be a steroid user?

A No. Because then we wouldn't hire them.

Q Is that a matter of policy?

A No. It's just if someone -- you wouldn't want to bring in trouble. So it's, hey, there's this guy out there, but, oh, he's got a lot of baggage; okay, well, then we don't need him. Or, hey, there's this guy out there and people are going crazy for him. Great, do you know anything about him? No. But, you know, let's take a look at him.

So then we would take a look at him. And if the decision was made to hire him, he would have to go through our testing procedure. Because we now have precontract screening.

Q Uh-huh.

Do you know whether WWE has ever hired anyone who was a reported steroid user?

A Again, "reported" is really vague. I am not aware of any time that we've hired anyone that was a -- "reported," I don't know what you mean by reported. Like assumption?

Q I guess a rumored steroid user that others in the community have suggested was a user.

Mr. McDevitt. What community? Come on. That is almost impossible to answer a question like that.

Has WWE ever hired somebody, somebody in some community somewhere, rumored as a steroid user? Come on. That is so absurd you can't even answer a question like that truthfully. Somebody in Arkansas rumors that somebody took steroids and how is she supposed to answer that question?

Give her a specific factual predicate and she'll answer the question, but don't deal in rumor mongering for Christ's sake.

BY MR. LEVISS:

Q Has anybody -- are you aware of whether WWE has ever hired anybody after a positive steroid test?

A I'm not -- from what I'm aware of, no. And we did have a case just recently where someone was looking for employment. They tested positive and we did not hire them.

Q Okay. Do you have any interaction with trainers at OVW or Florida Championship Wrestling?

A Very little.

Q Does that mean any at all or --

A I get written reports from them that are sent to a number of us, you know, basically about how a show may have gone or the script of one of their shows. So I hear from them, but I have very little personal contact with them.

Q Uh-huh. And do you provide feedback at all in response to these reports?

A Only if I saw something that necessitated it. It's been very rare. On occasion I have, but very rarely.

Q Can you give me an example?

A I read a report that, you know, a particular superstar was doing really well; and I followed up with Johnny and said, Who is this guy? You know, Should we bring him up? That would be an example.

Q Sure. Do trainers in the Developmental leagues submit ratings of their wrestlers, submit to WWE?

A Their own ratings?

Q Uh-huh.

A In OVW we have -- well, there was. I'm not sure if we're still doing it, but they gave basically a grade. You could call it a rating system or a grading system, and it was on a scale of 1 to 10, and they were graded on attitude, work ethic and promo -- promo is the ability to speak, basically --

Q Uh-huh.

A -- and overall contribution to WWE.

Q Okay.

A And I think it was a 1 to 10 scale. And in Florida Championship Wrestling they have not been doing that.

Q And are all the wrestlers graded in that way?

A All of the wrestlers for OVW were, but not for Florida Championship Wrestling. And, honestly, I can't speak to whether or not they are still doing that practice because I haven't seen a report in a while.

Q How much importance -- or how important were those ratings in deciding whether to elevate a wrestler?

A They're part of an overall factor. But the trainers themselves are not -- you know, they're training technical ability, the trainers specifically, we do have people who go down periodically to work on personality and the ability to speak, et cetera.

But the trainers are training you how to bump, which is another parlance of our business, how to fall properly without getting hurt. So they give their grades on how they think they're doing promo-wise; and attitude they can certainly give us a good feeling on.

So it's really all taken into consideration: the trainers' feedback, plus the producers who go to see, plus the writers. It's really an overall assessment.

Q Uh-huh.

Are you aware of any instance where WWE elevated an OVW

wrestler whom the trainer graded poorly?

A I'm not aware off the top of my head. There may have been, because maybe his charisma was much better than his work, you know, and we decided to bring him up and give him a try anyway. Because again the trainers are not the only people we look at in terms of assessment.

Q Are you aware of any reports that OVW wrestlers -- let me try that again.

Are you aware of any reports of particular OVW wrestlers using steroids or illegal drugs?

A Unless they tested positive during our system and were suspended, I know that we -- I think we have had a couple.

But Developmental talent are not in my foreground as much because, again, I'm not working with them on a regular basis, writing storylines for them, so I'm -- I'm sure there are a couple of cases, but I cannot recall specifically.

Q But you would receive suspension information for Developmental wrestlers, as well?

A Yes, absolutely --

Q Okay.

A -- for both OVW and FCW.

Q Are they paid directly by --

A WWE? WWE plays for the talent. The systems themselves have WWE talent and then -- like, for example, OVW also has some noncontracted WWE talent, because they are pertinent to their

local promotion, the local shows that they put on. But when they're training, WWE talent only train with WWE talent.

Q Okay.

A You need -- for example, sometimes when you are trying to build a character, as I was saying before, those wins and losses do matter.

You have someone that you are investing in beat somebody who the crowd doesn't even know; it's just a body to beat. So that's where -- in a situation like where the Developmental territory has a non-WWE talent working for them, what they would do is have the WWE talent wrestle the no-name guy and the WWE talent would win. That's one of the ways that you build talent.

Q Okay. Have you ever -- have you ever told a WWE talent or prospective talent that they needed to be bigger or more muscular?

A No.

Q Okay. Any words to that effect?

A No.

Q Have you ever suggested to WWE talent or prospective talent that they should change their physical appearance one way or another?

A I told Beth Phoenix the other day that she should change her hair, because she looks too much like another female diva that we have. So that would be the type of physical appearance -- tattoos, hair, piercings, that kind of thing.

Q Do you know if anybody else affiliated with WWE has ever told a wrestler -- told talent or prospective talent that they needed to be bigger or more muscular?

Mr. McDevitt. Did she ever hear anybody say that?

Mr. Leviss. Do you know?

Mr. McDevitt. When you say "know," do you mean hear it?

BY MR. LEVISS:

Q Do you understand, when I ask you, do you have firsthand knowledge of whether somebody -- did you ever witness anybody associated with WWE make comment to WWE talent, or prospective talent, that he or she should be bigger or more muscular?

A I have never witnessed that, no.

Q Has anybody ever reported to you -- say, a talent or somebody else -- that a comment like that has been made to a WWE talent or prospective talent?

A No. The only time physical appearance has ever come into play is, I had to ask a diva to lose some weight -- which was very uncomfortable, by the way.

Mr. Leviss. No doubt.

BY MR. COHEN:

Q To follow up on Dave's question in slightly different -- have you ever told -- have you ever had a conversation in which you indicated that a particular talent, or prospective talent, would not succeed because they do not look a certain way?

A No.

Q Okay.

A Again, it's really not how you look. It's really your charisma. I mean, I know that's difficult to explain and it's just one of the greatest challenges to find people with charisma to perform.

But you can have -- you can be small and have a ton of charisma. You know, Chris Jericho right now just made a big return, and he is not one of the biggest guys on our roster by any means. He is wrestling in the main event. He just has this intangible quality.

BY MR. LEVISS:

Q Have you ever heard Vince McMahon make any comment to talent about whether they should be bigger or more muscular?

A No.

Q Has anyone ever told you that Vince McMahon made comments like that to talent or to prospective talent?

A No.

Q Do you know whether it's ever been a part of a WWE script or storyline that a particular talent should be bigger, more muscular?

A How so?

Q I don't know, part of the story arc, part of, you know, why a particular talent is successful or not. Does -- well, let's start with those.

A I just -- would you mind being more specific? I mean,

it's never been a part of -- I don't quite know how to answer your question.

Would you mind being more specific?

Q Well, I guess, does a wrestler's physical appearance, amount of muscles, does that enter into the WWE narratives at all?

A In terms of who gets on television or who doesn't?

Q No. In terms of the plot. I guess, the prematch story or anything that's going on in the ring.

A No. I mean, the only example I can think to give you of what you are looking for is, in one circumstance we did have a guy who is deemed to be more muscular and he was in a match with someone who is more muscular, so we had a bench press contest between the two of them as a part of a storyline.

So if that helps you --

BY MR. COHEN:

Q Are you familiar or have you ever heard the term "getting on the gas"?

A I have heard that term, yes.

Q And what's your understanding of the meaning of that term?

A Using steroids is my understanding.

Q Have you ever heard anyone refer to -- have you ever heard a conversation -- been made aware of conversations regarding individuals "getting on the gas"?

A No, not in terms of wrestling.

I have heard it in terms of body building, you know, "Oh, that guy's got to be on the gas." That's what I've heard.

Q I just want to clarify, when you were talking about your current champions a little while ago, you mentioned CM Punk and his image being a clean wrestler and somebody who doesn't do drugs, doesn't drink alcohol.

When was CM Punk made a champion?

A I'm really not sure. I would say within the last year. It was recent.

Q Was it following the death of Mr. Benoit?

A Yes, it was. Ironically, Mr. Benoit was supposed to become ECW champion that night, and he didn't show up at the pay-per-view because he was dead.

Q Creatively, was it a conscious decision to make CM Punk, this wrestler with this clean image -- was it a decision to make him the champion post-Benoit?

Mr. McDevitt. You mean, because of Benoit? The innuendo of your question, if it is the innuendo of your question, why don't you ask?

Mr. Leviss. He asked post. It wasn't a temporal question. It wasn't a loaded question.

Mr. McDevitt. There was a lot of loaded stuff in there.

There's no question he was made champion after Benoit died. Sequentially, that's not in dispute. But I think you are trying to suggest something in your question.

If you are, fine. Put it to her directly and ask it then.

Are you asking her whether he was made champion in response to Benoit?

Mr. Cohen. I guess I'm just asking generally, what were the factors that went into the decision to make CM Punk a champion?

Mr. Leviss. Because Punk is our most over Babyface on Raw. He is the guy with the most charisma, the most personality. He happens to have this straight-edge lifestyle, which makes him different, which might make him more of a fan favorite. So the fact that the fans are responding to him for whatever reason is why we made him the champion.

BY MR. LEVISS:

Q Are there any scripts that you can recall that have made use of or made light of the fact that a particular wrestler lost a substantial amount of weight?

A Not that I can think of.

Q Okay.

Aside from the company's Wellness Policy, how does Talent Relations discourage steroid use among talent?

A Well, the policy is pretty effective in terms of discouraging, you know, any drug use.

Q Okay.

A And I mean, aside from that part of the life skills seminars that we are going to be conducting, we'll certainly include education about drug use. But aside from that, we really

don't have that many issues with drug use. So there's not a big focus on, you know, speaking to talent on a regular basis about drug use, if that's what you are asking.

Q Sure.

No outreach efforts or anything?

A Not unless, you know, deemed necessary or if we suspected someone had a problem. But again, the Wellness Policy is pretty effective.

Q Have you ever been talent in the company?

A Yes, I have.

Q And when was that?

A I was a talent Monday night in terms of, I made an appearance. But I haven't -- I have wrestled in the past, but I haven't wrestled for over 2 years. So I make sporadic appearances. I was much more of a regular character in -- God, it was a little while ago now; I'm starting to date myself.

Someone actually -- it's ridiculous. I'm sorry, as an aside, when people came up to you, when I was this big, and they are older than you are, it's very insulting.

But, gosh, I guess it was mainly in 2000, like early 2000 that I was -- maybe late like '99 to 2004, I think, that I was more of a primary performer.

Q And were you a wrestler at that time?

A I wrestled on occasion. Again, my character was the -- I was a heel and I was the -- you know, the boss's daughter. They

called me The Billion Dollar Princess. And I basically was Paris Hilton before Paris Hilton became popular.

I was ahead of my time, only people didn't love me, they hated me.

Q Paris would probably say the same.

A But Paris Hilton was voted as a role model in Australia recently. It just baffled me. It scared me a little bit.

So -- at any rate, that was my character; so when I did wrestle, it was a big deal because The Billionaire Princess was wrestling. So I was never really a regular wrestler, but I wrestled maybe a total of 10 matches.

Q Okay. Over what time period?

A Since I made my first appearance, which would probably be '99 to, you know, now; but I haven't wrestled in a long time.

Q Okay. The WWE provided the committee with a number of case files for wrestlers who have been to drug rehabilitation.

Mr. McDevitt. Out of clearly redacted case file.

Ms. Levesque. What does "redacted" mean?

Mr. McDevitt. Names, identifying information is not provided.

Mr. Leviss. To protect individuals' privacy, that is right.

BY MR. LEVISS:

Q Are you familiar with, generally speaking, wrestlers who are sent to drug rehabilitation? Is that information that would come to your attention in the ordinary course of business?

A Yes. Currently, yes.

Q And how long has that been the case? How long have you been in a situation where you were typically informed of which wrestlers were being sent to drug rehabilitation?

A Now I'm required to be informed for about the past year. But prior to that, I was aware pretty much because I worked so closely with Vince.

Q And for, I guess, prior to that, back to what period of time?

A Probably 4 years -- 4 years, 5 years. Once I became a predominant member of the executive staff.

Q Okay. Aside from these situations, aside from when you were informed that a wrestler is going to drug rehabilitation, have there been other instances where you obtained firsthand information that an individual associated with WWE had used steroids or illegal drugs?

When I say "firsthand information," you know, that could be either because somebody tells you about themselves, you know, about someone they're in a position to know or because you see documentation of it.

A Can you just repeat the first part of the question?

Q Sure.

The question was, aside from the report -- and I'm sorry this is so complicated. But aside from the reports that you were informed of, that individual wrestlers were going to drug

rehabilitation, are there other instances where you have received firsthand information that somebody affiliated with WWE had used steroids or illegal drugs?

Mr. McDevitt. She has already identified some of those.

Mr. Leviss. Sorry?

Mr. McDevitt. She has already told you those.

Mr. Leviss. I'm not sure I follow you.

Mr. McDevitt. Well, she's told you about what they do when they get suspension notices for Creative.

Mr. Leviss. Sure.

Mr. McDevitt. Discussed a lot of ways. She's already identified.

Mr. Leviss. My question is, outside of the official --

Ms. Levesque. Wellness Policy?

BY MR. LEVISS:

Q The official reporting, the Wellness Policy?

A There has been one case I can recall where someone who had actually been to rehabilitation appeared to be groggy and drowsy and really out of it, and John Laurinaitis confronted that person and he said that, yes, he had taken some muscle relaxant painkiller, whatever it was, I can't recall the drug, specific drug. And that person was asked to leave immediately,.

Q And around when did this occur?

A Timelines are tough for me because so much happens in a year. But I think within the past year, maybe the past 2 years

that that happened.

Q Okay.

So that would be -- would that be after the Wellness Policy was adopted?

A It was definitely after the Wellness Policy, yes.

Q How about in the period between '96, when the prior drug policy ended, and the beginning of 2006 when the Wellness Policy was adopted?

A I don't have much knowledge during that period because I wasn't in the position I am in now where I'm working so closely with talent, et cetera.

So to answer your question, no, I don't know of any cases prior to --

Q I'm sorry. Finish your answer.

A That was it.

Q Were you not working closely with talent prior to 2006?

A I was, but I was working as a talent.

Q Okay.

A And I just don't recall any particular instance involving anybody.

Q Uh-huh.

A I'm not saying there wasn't. I just don't recall any.

Q Sure.

A I don't know.

Q What about, you know, secondhand talk? I mean, did

talent talk amongst themselves about, you know, whether people thought that one individual was using drugs or not?

Mr. McDevitt. Secondhand talk. What does that mean? What does "secondhand talk" mean? Does she witness secondhand talk?

Mr. Leviss. I defined to you what I meant by firsthand information.

Mr. McDevitt. I'm sorry. I know what firsthand information means. I don't know what secondhand information means. Identify that for me.

Are you asking whether she has heard other wrestlers talking about using steroids?

Mr. Leviss. That is exactly what I just said.

Mr. McDevitt. No, it isn't what you just said. If you know how to phrase a question clearly, I'd ask you do it.

These vague, general questions about what is secondhand information, I don't know what that means. Ask precise questions, please.

Mr. Leviss. I understand. And you can make your statement and you can ask for clarification. But each time you make a clarification, you don't have to then go on to a criticism of how we're doing this. It's going to make it go a lot longer.

I appreciate --

Mr. McDevitt. I have been sitting here quiet all day, allowing you to delve into congressional inquiries and how we write storylines. I haven't said a word. Now I have. Now if you

would clarify your question, we could move expeditiously.

BY MR. LEVISS:

Q I asked you before about what I characterized as firsthand information, and now I'm asking you about when you had a lot of contact with talent -- I guess particularly when you were a talent -- did talent talk about, you know, other wrestlers? Did people ever gossip about, you know, suspicions about whether one wrestler or another was using steroids or using illegal drugs?

Mr. McDevitt. You have about three questions in there. You're still asking her whether people talk about -- you are asking whether she witnessed --

Mr. Leviss. That you witnessed.

Mr. McDevitt. Well, then what's the distinction between firsthand and the secondhand you are drawing in your question?

"Firsthand" means she hears it; what does "secondhand" mean, that somebody else is saying it, and she's what, floating through the room somewhere?

What are you asking her that is different from the first question you asked her? "Firsthand" means you hear it, see it, feel it, touch it, taste it. What does "secondhand" mean?

Mr. Leviss. I'm not interested in what anyone is tasting.

Ms. Levesque, you strike me as an intelligent --

Mr. McDevitt. She is.

Mr. Leviss. I would like to hear from you. I think you probably have an understanding that people can have conversations.

And I'm asking you about conversations that you either took part in or were in the locker room and listened to. That's what I'm asking you about.

Mr. McDevitt. That's firsthand.

Ms. Levesque. I have never witnessed anybody talking about steroids or illegal drugs. Whether it was a conversation happening in the room with me or if someone were speaking to me directly, I personally have not witnessed that.

You know, you have to remember, too, I am the boss's daughter in real life. So I think people are a little careful how they might speak around me as well.

Mr. Leviss. Fair enough.

Did you have any opinion at that time, you know, when you were talent, when you had contact, ongoing contact with talent, did you have any opinion about whether there was any widespread use of steroids among talent?

Mr. McDevitt. At what time are you asking?

Mr. Leviss. I'm still asking about the same time frame we're talking about, when you were talent when you had ongoing contact with talent.

Ms. Levesque. When I was a talent, was I -- would you mind repeating it?

BY MR. LEVISS:

Q The period of time when you had significant contact with ongoing talent, before you were in your present position.

A Okay. So when I was a talent, okay, did I --

Q Did you have any opinion about whether there was any widespread use of steroids among WWE talent?

A No, I had no opinion on the subject.

Q You had no opinion, meaning you didn't think there was widespread use?

Mr. McDevitt. She just said she had no opinion on the subject, Counsel. Did you hear her answer?

BY MR. LEVISS:

Q Did you ever consider whether there was steroid use among WWE talent in that time frame?

A No.

Q It's not something that occurred to you?

A No.

Q Is it something that you discussed with people?

A No.

Mr. Leviss. Okay.

Mr. Cohen. Why don't I start with the next set of questions? We're going to walk through a set of questions now.

Actually, before, do you have any thoughts?

Ms. Safavian. I'm a little lost as to where we are on the topics.

No, we're fine. Thank you.

BY MR. COHEN:

Q Let's sift through a set of topics about the current

Wellness Policy that's in effect.

Were you involved -- did you play any role in the development of the current WWE Wellness Policy?

A No, I did not.

Q You did not. Okay.

Were you aware that -- when the policy was being developed?

A Yes.

Q But you were not involved in any of the discussions?

A No. At that time my sole responsibility was --

Mr. Leviss. We've been joined by Susanne Sachsman, who is another counsel with the majority staff.

Ms. Levesque. I'm Steph.

BY MR. COHEN:

Q There have been several amendments to the Wellness Policy. Have you been involved in the discussion or enactment of any of those amendments?

A Yes.

Q Okay. There are two amendments I'd like to discuss. One was -- let me hand these out. We'll call these Exhibits 1 and 2.

[Levesque Exhibit No. 1
was marked for identification.]

[Levesque Exhibit No. 2
was marked for identification.]

Mr. Koch. How do you spell the young lady's name who just came in?

Mr. Cohen. S-A-C-H-S-M-A-N.

BY MR. COHEN:

Q These two amendments are amendments to the policy that allow wrestlers who have tested positive to appear on television?

A Uh-huh.

Q The first of these two stipulates that the wrestler will not be paid. The second stipulates that they will be paid a small stipend. Were you involved in the development of these amendments?

A Not of Exhibit 1.

But let me just read Exhibit 2.

Yes, I was involved in Exhibit 2, not in Exhibit 1.

Q Okay. Can you describe your involvement with regard to that exhibit?

A With regard to Exhibit 2?

Q Yes.

A A discussion was held between Vince and John Laurinaitis and myself, which was, you know, why should the company be penalized when an individual has made a mistake, so why shouldn't we have them work live events as well as television and pay-per-view?

Q I see.

A That is the reasoning for the second exhibit.

Mr. Buffone. So your Exhibit 1 is the second amendment?

Ms. Levesque. Second amendment is Exhibit 1.

Third amendment is Exhibit 2.

Mr. McDevitt. Are you on the same?

Mr. Buffone. Yes.

BY MR. COHEN:

Q So you were not involved in the original decision to allow wrestlers who test positive to appear at televised events in pay-per-views?

A I was not a part of this exhibit, no.

Q Okay. Do you know if anyone in Creative was involved?

A No. Vince, who is essentially the head of all Creative, but this was mainly done with Vince and -- Vince.

Q Okay. This was --

A Vince and John Laurinaitis and Legal primarily, because this exhibit predates my involvement with Talent Relations.

Mr. McDevitt. When you say "this," you mean 1?

Ms. Levesque. I'm sorry. Exhibit 1 predates my involvement with Talent Relations. And the Creative Writing Team is not involved in any amendments to any contracts or the Wellness Policy or anything. They really just write the creative.

Mr. Cohen. Okay.

BY MR. COHEN:

Q And now you had described to us the policy change, that these two amendments went into effect allowing wrestlers to appear. There's since been a change to that policy?

A Yes. It has not been in writing, however.

Q Okay. Can you just briefly -- I know you walked us through it. I just want to understand make sure I understand the time frame correctly.

Can you walk us through the changes that have been put in place since this third amendment was passed and when those were put into place?

A The best I can recollect, we had -- let me take it from the top.

When we first implemented the policy, performers were not allowed to appear on television or pay-per-view. We then made the second amendment because creatively it is so difficult, you know, to make these stars and you build these stories and then, oops, they're gone. So we said okay we'll -- let's allow them to work television and pay-per-view.

Then we said well, if we're allowing them to work television and pay-per-view, why should the WWE be penalized for this person's mistake? So we said, we'll allow them to work live events. The \$200 stipend is really just for everyday cost of living; we didn't want to be unreasonable.

So then, we've now -- we do not have it in writing.

Mr. McDevitt. I'm going to -- I'm -- we covered that. I can find out for you whether it's further amendments.

Mr. Cohen. Okay.

Ms. Levesque. So now we have made the decision that once we are going to make the names public, which was as of November 1,

that we are not going to feature these performers on television, pay-per-view or live events.

Again, in a special circumstance, we will, but only within a week's period of time. The next available television program or pay-per-view, we will end the storyline creatively that we need to end, and they will be suspended.

Q And has talent been made aware of that change?

A No.

Well, hang on. Talent has been made aware that their names will be public as of November 1. But if you read these amendments, it's always been the spirit of the amendments that it's at WWE's discretion whether or not we use you for television, live events or pay-per-view. So it is still at our discretion.

The company's made a decision that we're not going to use talent ongoing on TV because we don't feel it makes a lot of sense. If you are making the names public and people are aware that these talent have been suspended, then it didn't make sense to us to have them on television. So that's why we made the last change.

Q Okay.

Now, again, this last change allows that they may appear in one event -- after the suspension is announced, they may appear at one event to clean up a storyline?

A Again, it's not anything that is that cut and dried or that black and white.

But, yes, it would be -- just talking amongst ourselves, it would be that the next available opportunity to end that storyline, which at the most is only a week, because once we find out, we have to do something on that next pay-per-view or that next television, and we have weekly television and pay-per-view events. So it's easy for us to make a change, but we do need to creatively segue somehow because we are an entertainment company, not a sports company.

RPTS JOHNSON

DCMN SECKMAN

[11:24 p.m.]

Q Okay. I want to clarify something. I had asked this before, and I am still a little bit confused. Is there a scenario where a wrestler tests positive, talent tests positive, is formally suspended, but before the announcement is made that that individual is suspended, they make an appearance?

A We have not come across this yet. So we are not sure.

Q Okay.

A Or I am not sure, I should say. I am not sure how we are going to handle it.

Q Okay.

A Since November 1st, we have had two suspensions. Neither one were involved in a major story line. They were immediately suspended, and their names were released.

Q Okay.

A So we do need to make a determination on this point. But as far as I know, we haven't crossed that bridge yet.

Q Okay. So you are still trying to figure out how to apply this policy?

A Yes.

Mr. McDevitt. You mean, the new public disclosure part of it.

Mr. Cohen. Public disclosure and the appearance of

wrestlers --

Ms. McMahon. Once.

BY MR. COHEN:

Q Let me ask the question again.

A Okay.

Q You are still trying to determine how the application of the new public disclosure policy and the decision to limit appearances for wrestlers who test positive will -- you are trying to determine how those policies will be applied? Is it fair to say it is still up in the air?

A Does that make sense to you?

Mr. McDevitt. I know what you are asking. I think she has answered it. There are only two times it has happened, Brian. What happens in the future, it would be speculation at this point, but I think the essence of what you are asking is, yes.

Mr. Cohen. Okay.

Mr. McDevitt. Still trying to figure some of those things out.

BY MR. BUFFONE:

Q Have you discussed the suspension itself being a script segue?

A No. We don't like to make it public in terms of a script. It is not part of a story line. It is what it is. We make it public. But it is not a part of a story line. We don't want to draw attention to that in a story line because that is not

what fans care about. They are involved in the personal relationship that we have built, hopefully, if we have done our jobs, between these two men or women. And we don't want to bring a real life element into it that might not make sense creatively.

Q So when a wrestler is suspended, are they still discussed on the show?

A Not really. There might be a circumstance, again, this has not happened yet, but I could see a circumstance where they were, you know, a DVD was being released that they were a part of. We certainly would still promote that DVD. But the talent is -- once we make the decision that they are not going to be on television, they are not on television.

Q And would you explain away their nonappearance on television as anything other than a suspension?

A We typically don't explain it.

Q Okay.

A We just move on. And I think our fans are smart enough to know, without us -- we just move on and go to a different story line to engage them otherwise.

BY MR. COHEN:

Q Are you familiar with the results of the testing program that has been in place since early 2006?

A I am aware of I would say the majority of the results now.

Q Okay.

A But, you know, since I have been in charge of talent relations, I am aware of the results.

Q Okay. Are you familiar -- information provided to the committee by WWE indicated that on the first round of baseline testing --

A Uh-huh.

Q -- under the plan, 75 wrestlers tested positive for steroids or illegal drugs. When you found out about that, about 40 percent of the talent that was tested, when you found about that, were you surprised?

A I didn't find out about that until just recently. And yes, I was surprised.

EXAMINATION

BY MS. SACHSMAN:

Q Why were you surprised?

A Because it seemed like a large number to me of people who were using illegal substances.

BY MR. COHEN:

Q Did you take any additional action or did you recommend any additional action after finding out about those 75 positives?

A I wasn't in a position to take action. I knew the wellness policy was being implemented and that the first round of tests would, you know, have punitive repercussions for those who were continuing to use whatever substance.

Q Okay.

A But again, I wasn't made aware of that information at that time.

Q Okay.

A I learned about it later.

Q When did you learn about it specifically?

A I am not sure, but at some point after the fact.

Q Okay. Can you nail it down a little bit tighter?

A Probably not until, you know, after Benoit passed. So it wouldn't have been my place to say, hey, obviously something needs to be done. But -- it is purely speculative at this point, but I don't think I would have because something was being done. And that first round of tests, you know, there were suspensions for people who clearly did continue to have things in their systems.

Q The application of the current policy now, can you describe to us your relations with Dr. Black? Do you have --

A I have met Dr. Black.

Q Uh-huh.

A He was wearing a Santa Claus tie in June. So he made an impact on me. But that is pretty much it. He came in for one meeting that I was a part of where we were discussing the wellness policy and improvements we could make, et cetera. But I was not -- that is really my only involvement with Dr. Black.

Q Okay. And do you ever -- do you have communications with him regarding the policy on an ongoing basis in your current

position?

A No.

Q Okay. When a wrestler tests positive for a prohibited substance how do you find out about this positive test.

Mr. McDevitt. Can I just ask, when you say, mean tests positive, you mean after he does all his work and declares it to be a positive?

Mr. Cohen. Correct.

BY MR. COHEN:

A Okay. Once -- the WWE is notified through our head counsel, Ed Kaufman. And Ed notifies myself and John Laurinaitis and Vince.

Q Okay. Jerry, you made the distinction there between being informed of a positive test and being informed after -- of Dr. Black's recommendation after he has gone through his process after an initial positive test. He consults with the wrestlers. He then makes a formal determination about whether a suspension is warranted. And our understanding is that -- once he makes that decision, that is passed on to Ed Kaufman, and that is when you find out about it?

A As far as I understand, yes.

Q Okay. In a case where a wrestler has a positive test but is either given a warning or receives a medical use exemption for a particular drug, are you informed of that result?

A I am not informed unless it is a -- unless there are

punitive actions to be taken.

Q Okay.

A If that answers your question.

Q I think that answers my question.

A Okay.

Q Would a warning be considered a punitive action?

A I was not aware we gave warnings. So I have never heard of a warning.

Q Okay. There were -- you are not familiar with any wrestlers who have tested positive through Dr. Black's tests and received warnings from WWE rather than being suspended?

Mr. McDevitt. When you say warnings from WWE, did you mean to say warnings from Dr. Black?

Mr. Cohen. Yes, that is right.

Mr. McDevitt. All right. I mean, that is an important distinction.

Mr. Cohen. It is an important distinction.

Mr. McDevitt. Right.

BY MR. COHEN:

Q Are you familiar at all with cases where wrestlers had received warnings from Dr. Black but have not been suspended or otherwise penalized by WWE?

A I was really not aware that we or that Dr. Black ever issued warnings.

Q Okay.

A I am actually very interested, because I have never heard that before.

Q Okay. I am just going to ask specifically, and I don't mean to badger on this point, there was a specific case that Dr. Black informed us about where he and Vince McMahon had a disagreement about whether a wrestler should be suspended or had been given warnings. Are you aware of any such incidents between Dr. Black and Vince McMahon?

A I am aware they had a conversation, but I was not a witness to that conversation, so I do not know what was discussed.

Q Okay. How did you become aware that they had a conversation?

A Just I was aware from a conversation I had with my dad. I mean, it was a personal conversation. That is why I referred to him as my dad, and he just made some comment about speaking to Dr. Black today.

Q Okay. And he --

A To the best of my recollection. I mean, I believe this was a while ago.

Q He didn't note any disagreement that he may have had with Dr. Black or indicated that the issue was whether a wrestler should or should not be suspended?

A Not that I can recall specifically.

Q Okay.

A What I am aware of is, since I became in my position of

talent relations, that we have a hard and fast policy that if someone tests positive, they are suspended for 30 days at the first offense, 60 days for the second offense, and they are terminated for A third offense.

Q Okay.

A I was never aware of any warnings.

Q We are going to move onto one more topic -- actually, I may have a wrap-up topic after this, but the next topic is going to be on other safety issues. But I just wanted to see if you had any questions.

Ms. Safavian. No, we are good.

Mr. Cohen. One last question on this topic.

BY MR. COHEN:

Q The decision to announce publicly that wrestlers were to be suspended for positive tests, was there any disagreement that you are aware of within the organization about making those suspensions public?

A That I am aware of, no. We discussed it.

Q Uh-huh.

A We questioned the -- how it would affect the performers.

Q Uh-huh.

A And that is why we made the decision to say that they were being suspended in violation of the policy but without saying what they were violating specifically.

Q Okay.

A We were trying to protect the integrity of the performers, but at the same time letting the performers, as well as the rest of the world, know this is for real and it will be made public, in an effort to hopefully further deter use.

Q Okay. And there was no disagreement being created by that decision?

A No.

BY MR. BUFFONE:

Q What about the decision to not have performers appear on shows that went along with that decision?

A What about that decision?

Q Was there any disagreement with that decision to not have performers appear?

A No.

BY MR. COHEN:

Q Other safety issues, ringside safety.

A Uh-huh.

Q We understand that WWE -- in your role as director of talent, are you responsible for WWE referees as well?

A My department is, yes. In my role as the head of talent relations, yes, referees report to us.

Q Okay.

A They actually have -- some of them have a dual reporting structure, because some of them are a part of event operations, they are part of what is called ring crew, and they set up and

tear down the ring. And it is actually paid -- they are paid through two different departments, which is very odd, and it is something I am looking into since I took over, but that is the way it is right now.

Q Okay. We understand that WWE referees, they are not like major league baseball umpires or NFL referees. They are there to be part of the show. They are not impartial judges.

Mr. McDevitt. Might be like NBA referees.

BY MR. COHEN:

Q Nor are they there to assure fairness. But --

A But they are there to give the impression that that is what they are there to do.

Q Indeed, it does seem to us, though, and maybe you can offer some input here, do referees play any role in matches? Do they help wrestlers communicate with each other? Do they communicate with other talent outside the ring? Can you talk with us about the role of the referee?

A The role of the referee, from a fan perspective, is absolutely to maintain the integrity of a match.

Q Uh-huh.

A No closed fist punches, no holds for more than 5 seconds, you know, that kind of thing.

Behind the scenes, the referee is very much involved in communication between talent. If, you know, say I want Jerry to come -- I am on the outside of the ring. I have been thrown

outside the ring. I am pretending that, you know, my back is hurting me, and I want Jerry to come dive on me. I might tell the referee, tell Jerry to come dive on me. You know, and the referee will go in the ring and tell Jerry. And sure enough, Jerry will come dive on me.

Mr. McDevitt. Better explain how that happens.

Ms. McMahon. Okay. The referee has an IFB, which is a hearing device. And the referee is wired to what is called guerilla position. Guerilla position, I know it is difficult, guerilla position is basically the last bastion of communication from when a talent walks through the curtain and goes down the ramp or out the entranceway, whichever we have with that particular set. So we tell people, you know, you have 8 minutes. You are timed, because we are live. We are in a scripted show. You have a certain amount of time. You are 8 minutes. You don't have your pyro; it is your short entrance, go. You know, and they go, and they understand everything I just said. And then the referee, however, does still have communication with the people at that position, at that entry point, that are hidden from the camera. So the referee, for example, if they need to cut the match short, we can tell the referee, Cut the match short. If it looks as though someone is hurt, we ask, Is so and so okay? The referee goes over -- and this is, you know, very inside -- but the referee goes over and either asks the performer verbally, are you okay, and he will either get a response; or if someone's

unconscious, you know, clearly he will end the match. If a person is okay, he gives a signal. And if a person is not okay, he gives a signal. And he doesn't have to be asked, is someone okay? Just I am using that as an example. The referee on his own if something happens will go and check a performer. Because we know in our business what is meant to happen and what isn't meant to happen. So, you know, we know when something doesn't look right, to check on them.

Q Do your wrestlers, do they receive any training -- I am sorry, do your referees receive any training?

A Yes.

Q Do they receive any medical training?

A The referees do not receive medical training, no.

Q Okay.

A We have EMTs, as well as local doctors all on-site.

Q Okay. And you indicated that your referees do have authority to end the match?

A Yes.

Q Due to injury, they can call the match?

A Absolutely.

Q Has this happened, to your knowledge? Have referees ended matches early because of injury?

A I can't think of an instance off the top of my head, but I am sure that there are.

Q Okay. What about ringside doctors? Can you discuss

your ringside doctors and the role -- how you choose them and what role they play?

A Currently, we have local doctors. And they are with the EMTs watching the show.

Q Okay.

A They also have a walkie-talkie for communication. And I am not sure, I don't believe they have an IFB. But they do have the walkie-talkie.

Q And those are local doctors?

A Local doctors at the buildings currently.

Q Uh-huh.

A We are actually in the process of looking for a more comprehensive, sports-type doctor.

Q Okay.

A But so these local doctors are at the triage, which is right outside the guerilla position. Should, God forbid, something happen, we want to make sure we have a station right there, so they don't have to be walked to a back stage area, which did happen in the past before we instituted this triage. So you know, we learned as we go. So the doctors are at this triage. And should something happen, the doctor and the EMTs run out.

Q Okay.

A Should the doctor for some reason miss it, we are calling for the doctor at the same time, and the doctor has the ability to call the match as well.

Q They do. Okay.

BY MR. BUFFONE:

Q How do they communicate with guerilla position?

A They have walkie-talkies. That is how they communicate with guerilla. And should they not work, they are right next to guerilla, so they just run out.

BY MR. COHEN:

Q Okay. Is there a way for these ringside doctors to communicate with WWE management regarding injuries?

A Absolutely.

Q How does that process occur?

A Well, can you be more specific with your question? Because there are a number of different scenarios.

Q Yeah. Let us say, the scenario -- I mean, obviously, if a wrestler has a broken leg, that is going to be a very obvious injury. A scenario where a referee has a concern about -- I am sorry, a doctor has a concern about a more chronic injury.

A During the day?

Q During the day prior to the match.

A Prior to the show?

Q Or after a show. For example, if a wrestler receives a concussion and is walking around on their feet, but the doctor has reason to believe that there may be some longer-term effect. Do they have the ability to communicate with WWE management?

A Absolutely, they are required to communicate any such

injury or concern. They are required. They are mandated to let John Laurinaitis know, and in John's absence, me, and in my absence, Vince.

Q They are mandated by their contractual agreement with WWE?

A Absolutely. And you know, I am not sure exactly the language, but that is definitely verbally reinforced. And I am pretty positive it is in the writing. I just don't have the document in front of me.

Q Okay. And do they ever provide recommendations? Do they say listen, this individual has -- this particular injury, he ought not to wrestle for a week or 2 weeks; he needs to be off his feet? Do they provide those kind of recommendations?

A They are not treating physicians. So they might say -- and I can think of an example recently where somebody didn't seem to be feeling right, and they were very concerned and brought it up to management and said we would like to send him to the hospital. Management said fine. So this person went to the hospital, wound up he had appendicitis and had to have his appendix removed. So, clearly, that was a case where a doctor was concerned and took action with management. I say not a treating physician because the local doctor might say, you know, this person is complaining about a knee injury; I think they should follow up with their treating physician, maybe have an MRI to make sure there is nothing going on. Because they are not their

full-time regular doctor. So they don't have a great knowledge of the talent's medical history as it were. But they certainly make references to their treating physicians. And then it is up to management to follow up and make sure that that is happening.

Q Okay. Have ringside doctors or treating physicians ever diagnosed a wrestler with a concussion and reported this to WWE?

A That I am aware of, no. There was a doctor who issued a warning to us, you know, that this person could develop a concussion but currently didn't have signs of it, and that person never wound up developing one.

Q Okay. Are you aware of any times where wrestlers have I guess self-reported -- where wrestlers have self-reported to you that they received concussions and this information came from the wrestler rather than a treating doctor?

A Not that I am aware of, but I am not saying that that never happened.

Q Right.

A Just not involved me.

Q Okay. All right. Are you aware of any incident where a wrestler in a match received a concussion?

A No.

Q Does WWE have a policy for time off if talent suffers a concussion?

A Yes. We go with the recommendation of the treating physician.

Q Okay. How about in cases where talent has suffered multiple concussions?

A Well, in the case -- the only case I can think of, this person was -- actually, I think he is still under contract to us. And he suffered a number of concussions and has wound up, I think, forming a foundation to look into concussions. But clearly he no longer performed for us. We are not going to put anybody in danger.

Q Okay. You have indicated that you are not aware of a case where a wrestler has received a concussion. Do you believe that WWE wrestlers are at risk for concussions because of the nature of their work?

A I think, under certain circumstances, yes.

Q Can you describe those circumstances?

A Well, inherently any move can be done incorrectly. You really are giving your life to the person that you are in the ring with. It is much more than guys just punching each other. Every move, even a simple body slam could go wrong, and you could land on your head. That, in and of itself, is very, you know, it is a very skilled move to do. You wouldn't think it just watching it, but it is. So, I mean, I would think if anything went wrong, certainly you would be at risk for concussion.

Q Would a chair shot to the head or a pile driver on an unpadded surface, would those present concussion risks?

A Not -- I mean, a pile driver, no, because your head

never actually hits. And a chair shot, there is a particular way to hit someone with a chair. And again, if you screwed up and hit someone wrong, then sure. Or if you slipped on a pile driver and let somebody go, absolutely.

Q Okay.

A But the moves as they are supposed to be performed, I would say, no.

Q Okay.

A And mistakes do happen, certainly, as in life.

Q So if you had an unskilled wrestler and there was some concern that -- you have described, I think, Hulk Hogan as not a very good wrestler.

A Right. Which I didn't really realize I was on the record and wasn't thinking about that. But yes, he --

Q I want the record to reflect that was your description.

A Correct.

Mr. McDevitt. Technical performer.

Ms. McMahon. Terrific performer, charisma oozing out of everywhere, just not a great technical wrestler.

BY MR. COHEN:

Q A scenario where you had a wrestler who was not a great technical wrestler, and you are concerned about perhaps the protection of the other wrestler in the ring with that individual, are you in a position to script the moves of that match to protect a wrestler?

A We would never put anybody in a ring that didn't know what they were doing fundamentally. When I said Hulk Hogan wasn't a great wrestler, I didn't mean he didn't know how to do the moves, the move technically. He just had three moves. And that is all he did. That is what I meant. It wasn't an exciting, technical display of reversing holds and, you know, multiple different maneuvers. It was a very basic match. Psychologically, it worked every time. The crowd got behind Hulk. But he was skilled in how to perform those moves. We would never put anybody in the ring who was an unskilled wrestler to the point where we were concerned about the safety of those in the ring. We wouldn't put anybody in jeopardy that way.

Mr. Cohen. Okay.

BY MR. BUFFONE:

Q Do you track concussions?

A We have medical notes that are provided to Dr. Ray, who is third-party. And all the medical notes come from the doctors that we work with. And so certainly there is a listing of everything. And I am not sure to the point where we have -- we have asked, have there been concussions documented? And we were told no. To my recollection, I was told no, because I asked specifically the question. And I know that going forward -- so there was no documentation of concussions, at least at the point of which I asked.

Q When was this that you asked?

A This was recently, since Benoit and since Michael Benoit came out on whatever show it was; I mean, about concussions, I asked. And but so there is no documentation as far as I am aware of. However, we are looking into certain tests that can be done to look at concussions or pre-concussion syndrome, et cetera. I think it is called impact testing. So it is something going forward that we are certainly looking at to make sure we can ascertain whether or not someone is prone to concussions or -- I think you get a baseline level of someone, and then if they do have a concussion, you can tell -- I am not sure exactly the specifics of it, but it is something we are looking into doing as a proactive implementation.

Q So, if I understand you correctly, since the enactment of the wellness policy, WWE has documented no concussions?

A As far as I know, as far as I was told --

Q Yes.

A -- no.

BY MS. SACHSMAN:

Q And who told you that?

A I was told that by Ed Kaufman, who is our head counsel.

Mr. McDevitt. You should not be disclosing any privileged communications. I didn't realize that is where that came from. And I would instruct you not to answer any further questions about that.

Mr. Buffone. Do you script --

Mr. McDevitt. Not in any case -- in any questions you give, you never disclose communications with counsel, period.

Ms. McMahon. Okay.

Mr. McDevitt. If the question calls for it, ask me, and before you give an answer. You should never disclose communications with counsel.

Mr. Buffone. Do you script --

Ms. Sachsman. Of course, just for the record, the committee does not recognize attorney-client privilege. So certainly, you know, you should discuss that with your attorney, and we will discuss at that point whether we need you to disclose that information.

BY MR. BUFFONE:

Q Do you script chair shots to the head?

A No. At times, we discuss -- I should say, to be clear, the writing team does not script chair shots to the head. We might script what is called heat, which is when you are getting extra physicality than just winning a match. It is when you are really beating someone down in order to elicit a reaction from the crowd of, "Oh, my God, please get up, get up, get up," and the guy can't. It is a way of continuing a story line to where you really want to see that bad guy who got the heat on the baby face, you want to see him get beat. So, in essence, if we wrote in heat, we might -- the agents, the producers might then subscribe to a chair shot or, you know, if there is a particular -- there are all

different props.

Q So the agents may instruct chair shots?

A They might suggest it with the talent. It is really up to the talent to determine how they want to get the heat, how they want to convey the message. For example, if there are a number of guys in the ring, like say there is five guys attacking one guy, and I am a good guy going to come out, if I come out by myself, I am going to get beat down just as bad as the other guy. But if I come out with a chair, I might have a better chance. Logically, so that is how the chairs are used. You might have seen -- or I don't know if you have seen any of our scripts -- but there might be chair shots written in at some point. But they are suggestions. They are guidelines. It is the producers and the talent who determine what exactly is used and how.

Q What about pile drivers to unpadded surfaces?

A Those are talent calls only.

Q Okay.

A And talent -- there is only, as of right now, we only allow two people to do pile drivers. And they are two of the stronger guys, superstars who have done these maneuvers for a long time, really know how to do them safely. They are very rare. They have to be approved. Pile drivers, chair shots, everything has to be approved, and it is all approved by Vince.

Q So chair shots do need to be approved by --

A Absolutely.

Q -- Vince McMahon before they occur?

A Yes.

Q And what happens if they are not approved?

A Then they work around it, and they don't use chairs.

Q I mean, are you aware of incidents where chair shots to the head have occurred that were not preapproved by Vince McMahon?

A Yes, and Vince was very upset about it.

Q And what was the --

A And it was very rare. But it was someone, you know, taking the script, if you will, into their own hands and using a chair. It is very rare that it has happened. But I can think of one time where Vince was so upset, because we want to use chair shots judiciously as well. You know, if our show just becomes a bunch of chairs, then you lose the art of wrestling. And that is not what we want to do.

Q And do you give wrestlers guidelines for -- I guess you said that for chair shots to the head, that they must be preapproved by Vince McMahon?

A Any props have to be preapproved.

Q And is that a safety concern or a not wanting to use excessive amount of props concern?

A It is more about excessive props. If there is a particularly dangerous maneuver where you want to do something through the announce table, that is a safety concern. But either way, they have to be approved.

Q And so what ways does WWE try to limit potentially hazardous moves that may cause concussions or other injuries?

A Can you ask that again?

Q Does WWE have regulations or guidelines or standard operating protocol that limits the use of potentially hazardous moves that may cause serious damage, such as a concussion? What kind of protocols does WWE have in place that it gives its wrestlers?

A Well, again, in terms of concussions specifically, we don't believe that there is any particular move, unless it is an accident, that will cause a concussion. So an accident we can't foresee. But certainly a more dangerous maneuver, like one I was describing through the announce table, or you know, we have had someone fall off the Hell in the Cell, which is a giant 30-foot cage. And it is all, you know, done with a stunt man. WWE has a stunt man under contract. And everything is done as safely as we possibly can, but there is still risk assumed. These guys are essentially highly skilled stunt men in some of the stunts that they do. So any time there is a high-risk maneuver, it absolutely has a protocol that it has to be, first of all, approved by Vince. Vince himself has performed more of the stunts, because he believes that anything he asks people to do, that he should do. So Vince typically does the test run. And then there is always a test run before the performer is asked to do it. And in the case of a highly specialized stunt like that, which would be more of

the dangerous stunts that you are talking about, and then the talent themselves perform the stunt to make sure they are comfortable with it before we do it live on the show.

BY MS. SACHSMAN:

Q What is the process for getting approval, the preapproval by Vince?

A The producer or the talent go to Vince and ask him. In the case of a big planned stunt?

Q Uh-huh.

A The same process happens, just earlier.

Q At what point does that happen in a not sort of large, preplanned stunt? So a chair shot or --

A It is the same. The agent or the producer -- the agent and producer is the same. That was something I covered before. I use them synonymously. But they speak with Vince the same way.

Q And I guess what timing is that? And I am just not particularly familiar with the --

A It depends. If it is a big planned stunt, typically we have a week to 2 weeks, maybe even longer, sometimes to really plan it. And those bigger stunts are worked on at pay-per-views, which are our bigger events. If there is a chair shot to the head, typically that is -- or to the back or to the leg, typically that is determined day of, and we discuss it with talent, and the talent get involved in how they want to get the heat or how they want to do whatever they want do. And then it is discussed with

Vince that day.

Q Does talent ever make -- you had referred to certain decisions, like how they were going to do the heat, as decisions that the talent ultimately gets to make. Does talent make decisions like that ever during the show or just immediately before the show?

A On their own?

Q Yes.

A Is that what you are asking?

Q Yes.

A On their own without approval?

Q Yes.

A They are not supposed to, and no. But there has been the rare occasion that they have. And that is what I was referring to before when Vince was so upset. I mean, I can think of maybe one instance, and not even specifically. So it is very rare that that happens. Talent is very well aware that they either have approval to do something or they don't.

Q What if you are changing up the script in the middle of a show? I am not sure, do you ever change up the script in the middle of a show?

Mr. McDevitt. The script or the script for the ongoing match?

Ms. Sachsman. I guess I should be more specific.

BY MS. SACHSMAN:

Q Do you ever change up what is going on in that match during a show?

A Not from a writing perspective. From a perspective of the two talent who are in the ring, they are trying to tell a story. And the fans aren't reacting, so they need to do something different; yes, it might change. But that does not necessitate a chair shot, that kind of change. That involves changing the structure of your match. Okay, you know what, this isn't working. I am the baby face. I am going to shine on you for a little bit. Let us see if we can get the people behind us.

Q And is that a decision at that point that is done by talent? Does talent ever get to make decisions on what they are doing like that during --

A The skilled ones --

Q -- the process?

A -- yes. In terms of, you know, it is not working, they do what we call an audible, and they do it on the fly. But a chair shot would never be a part of that.

Q Okay. So if at some point then somebody said, oh, a chair shot would be really great right here in this scenario that we are having, what would be the process then?

A That has to be predetermined.

Q Okay.

A Any stunt or any prop use has to be predetermined. You can't on the fly use a prop.

Q So before the television show?

A It can also get you disqualified. Because it changes the finish of the match. It is a little complicated in terms of the creative -- the referee is there to give the illusion that he is a referee. And should someone bring in a prop in a match that is a -- not a no disqualification match -- we do have a match that is a no disqualification match where everything is legal. And in either case, chair shots would have to be preapproved.

BY MS. DESPRES:

Q Is there ever an instance where talent says -- where a specific move is suggested to a wrestler and the wrestler says they aren't -- don't want to do it because it is too dangerous, for example, where they refuse to do a move -- not refuse, where they do not take the suggestion about doing a move?

A Yes. That has happened. If a talent is not comfortable doing something, we are not going to put them in danger.

BY MR. BUFFONE:

Q Contractually, could you? Not put them in danger, but could you -- not saying that you could contractually put them in danger, could you contractually force a talent to do a move?

A No.

BY MR. COHEN:

Q I want to ask about an incident that happened on October 22nd, 2007. This was a match involving wrestler Candice Michelle.

A Michelle.

Q Michelle?

A Yeah.

Mr. McDevitt. What was the date? October --

Mr. Cohen. October 22nd, 2007.

BY MR. COHEN:

Q In performing a stunt, she fell from the top rope and was knocked unconscious. Are you familiar with this incident?

A Yes.

Q The referee in that match appeared to have directed the other wrestler, as she was laying unconscious, appeared to have directed the other wrestler to pull her by her neck and her underarm to the middle of the match -- to the middle of the ring for a pin to end the match. Do you remember this incident?

A Yes, and that referee made what could have been a huge mistake. And the referee was severely reprimanded after. And it was reinforced again with the referee there, and then with all the referees the following day, that you have the ability to end the match. It is constantly reinforced. And should something like that ever happen, it is your responsibility and duty to end the match.

Q Okay. So you provided additional guidance. Did you provide any additional written guidance to your referees?

A It is all already in writing. And it was then verbally reinforced, yes.

Q So this was a decision made by the referee on his own to

have her pulled to the middle of the ring?

A Yes, and he screwed up royally.

Q Okay. Do referees receive any specific training in how to deal with traumatic neck or head injuries?

A The training that they are given is to stop the match and call the EMTs to the ring. They are not qualified. They are not doctors. They need to call the doctors, the specialized people into the ring.

BY MR. BUFFONE:

Q Were the other people who came out to the ring after the match was ended, were those the EMTs?

A The EMTs and the doctor.

Q And they proceeded to sit her up?

A I know.

Q And try and give her water?

A And I can't speak to why they did that. It alarmed me. But I am not a doctor. So, clearly, they made that decision for whatever medical reasons they did. She responded or --

Q Those were local doctors?

A No, at that time, that was our physician that we had traveling with us on the road. And we have since terminated him in order to get somebody who has more sports medicine experience, to get somebody better.

Q So what has been WWE's reaction to this incident?

A A number of policies were actually implemented because

of this. It was reinforced then with the doctor and with the referees that absolutely you have to end the match should anything like this happen ever. In addition, the EMTs always had a dry run of how they would come to the ring and exit the ring should there be, you know, any type of accident. Only, in the past, they didn't do it with a stretcher. Well, now we mandate that they have to do the full rehearsal as if it is a dress rehearsal with the stretcher. In addition to that, they have to have a predetermined area where they are going to hold the patient, the talent before the ambulance gets there.

So, you know, in the case of Candice, we were just running back stage, and eventually they found a little nook where they put her. I mean, and it was ridiculous. And we were infuriated by it. And luckily, it just turned out to be a separated shoulder, but it could have been so much worse. And, you know, unfortunately, sometimes it takes incidents like this for us to improve our policies. And that is what happened in this case.

Q And wasn't she diagnosed with a concussion?

A I don't recall. I don't believe so, but she might have been. But I don't believe so. She was unconscious. So if that warrants a concussion, then -- but I don't recall.

Q And was that -- did you ask about information about a concussion before or after that incident?

A It was before, my question about concussions.

Q This incident was before your question about

concussions?

A No, this incident was after.

Mr. Buffone. After. Okay.

BY MR. COHEN:

Q Do you provide health insurance to your wrestlers, your talent?

A No, we do not.

Q Can I ask why not?

A Yes, because we have actually looked into it, and because the wrestlers live all over the United States, it is very difficult to find any group that would actually support this, you know, people who live all over the place. There are no discounted rates. There are no benefits to doing it. Also, more than 60 percent of our talent already have health insurance. So it would be difficult to say, Well, you have to be a part of WWE's insurance because, you know, we are mandating it as such when you might have better insurance with your family.

Q So you believe it would be a hardship for your wrestlers?

A We believe it would be more difficult for them, yes. But what we are doing now, as a part of what I discussed before, is we are going to be educating the talent more in terms of, you know, you should be thinking about health insurance. You should be thinking about financial planning, et cetera. But it is very difficult for us as a company to -- because these guys live all

over the place -- to have one group.

Q To clarify, you have been unable to find a provider that would provide health insurance for your talent because they are so widespread, or you just haven't been able to find one you believe is cost-effective?

A No, we decided that it wasn't the best policy for our talent because, A, because over 60 percent have health insurance; and B, it did not seem like a logical course of action. We did have discussions with several different healthcare providers. And once they laid out all of their concerns, you know, we brought it back and discussed it as a group and said, Well, it doesn't seem to make sense. However, we should make sure that we educate talent and make sure that they are aware that healthcare is necessary, and possibly make a few suggestions and, you know, but without having one uniform provider.

Mr. McDevitt. You also haven't asked the question about contractual relationships with talent. Contractually, it is their responsibility to have their own insurance.

BY MR. COHEN:

Q To the extent that there is an injury that -- an acute injury in the ring, wrestler breaks his leg in the ring, to what extent does WWE provide coverage for treatment of that injury?

A We pay for it in total.

Q And to the extent that this is a chronic injury that has occurred, a wrestler develops arthritis, or because of repeated

contact or that kind of an injury, does WWE cover the cost of any treatment for those kinds of chronic injuries that have occurred in the ring?

A There hasn't been any chronic treatment like that. But unless you say like -- actually, yes. So if someone has a bad knee, for example, and they get ice before and after their match and stim and ultrasound, in that regard, yes.

Q Okay.

A But I can't think of any major injury that someone has had that was chronic and required outside rehabilitation that we were unable to provide.

BY MS. DESPRES:

Q Is it part of the contractual relationship that WWE would pay for the care that the talent needed as a part of their -- because of something that happened on the job?

A Because of something that happened on the job, yes.

Q So that is part of the contract?

A To my best recollection, yes.

Ms. Despres. Okay. Thanks.

BY MR. COHEN:

Q In cases where wrestlers ask for time off due to an injury, how are you and how is the creative team informed of that request?

A We are informed that they need -- you know, they have been diagnosed with a torn ACL, and they are going to have

surgery, and they require 4 to 6 weeks off.

Q Okay. Have you ever -- have you or to your knowledge has anyone at WWE ever suggested to a wrestler that they should not take time off?

A Can you be more specific?

Q Are you aware of any cases where a wrestler has asked for time off and has --

A As it relates to an injury?

Q As it relates to an injury -- or an injury, an illness, exhaustion?

Mr. Buffone. Medical concern.

BY MR. COHEN:

Q That is a good way to put it.

A So time off for any reason?

Q Time off for a medical concern, and that wrestler has been encouraged or it has been suggested to the wrestler that they should not take this time off?

A No.

Q And in the opposite case, are you familiar with any cases where WWE officials, you or other WWE officials, have told the wrestler and suggested that a wrestler might need medical time off for a medical --

A Not for medical but for personal, yes.

Q Okay.

A In the case of one of our performers who was just

working so much and requested to work that much, we said, you know what, Mr. X, you need to take some time off. We are going to unbook you from these live events. But it was not due to a medical reason.

Q Okay. One more piece on this one, and then I will ask if you have any. One of the suggestions Dr. Black, in our interview with Dr. Black, he told the committee that one of the suggestions he has made to WWE is that a medical trailer travel with WWE so there is always appropriate medical equipment and a WWE affiliated doctor at events. Are you aware of this recommendation?

A No.

Q Can you tell us if you are aware of any activity to purchase or equip a medical trailer at WWE events?

A No. I know that we have a great deal of medical equipment there. Like I said before, ultrasound, stim, et cetera. But in terms of a truck, no.

Mr. Cohen. Okay. You have anything else?

Ms. Safavian. We do not. Thank you very much.

Ms. Despres. I -- actually, just one last.

BY MS. DESPRES:

Q On that October 22nd, 2007, incident, was that broadcast live on TV?

A Yes, that was a live show. She landed wrong and was knocked unconscious -- and the referee made a terrible decision --

and was pulled into the ring, and she was pinned.

Ms. Despres. Right. Okay. Thanks.

Mr. Cohen. I am sorry, a couple more.

BY MR. COHEN:

Q This is the issue of fan mail. I just have three very quick questions here. Does creative or talent relations have any role in processing fan mail?

A No, we have a Fan Services Department. Some mail might be sent to talent relations which is then forwarded to fan services.

Q Okay. Are you aware, ever aware of any of the content of fan mail?

A No, only the letters that I have received that I signed autographs for or what have you.

Q And in any of the letters that you have received or seen, have you had any cases where fans have asked about or asked about advice for using steroids or --

A No.

Q -- illegal drugs?

A Not at all.

Mr. McDevitt. Fan mail asking who for advice on steroids?

Mr. Cohen. Asking WWE talent for advice or information.

Ms. McMahon. I have personally never heard anything like that ever. I have received a death threat once, but that was it. That was really mean. They didn't like me.

Mr. McDevitt. Brian, I am interested in that last part. Are you saying there is some fan mail that has been published by WWE --

Mr. Cohen. No, no, no, I am just asking about --

Mr. McDevitt. We don't control what people send to us.

Mr. Cohen. I am aware of that, Jerry. I am aware of that.

Mr. McDevitt. All right.

Mr. Cohen. All right. We are done.

[Whereupon, at 12:15 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

EXHIBIT L

<http://www.chron.com/news/houston-texas/texas/article/Mother-of-wrestler-s-children-sues-WWE-claims-it-6358266.php>

Mother of wrestler's children sues WWE, claims it concealed head trauma risks

Published 1:51 pm, Tuesday, June 30, 2015



IMAGE 1 OF 29

Sean Christopher Haire, known to professional wrestling fans as Sean O'Haire, was found dead in his South Carolina home in September 2014. He was 43 years old.

See these other pro wrestlers who died at an early age along with the details of each wrestler's passing.

(Photo by Ertezoute / [Wikimedia Commons](#))

The mother of a late professional wrestler's children has filed a lawsuit against World Wrestling Entertainment Inc., claiming it concealed the risks of repeated head injuries.

Michelle James, mother of the minor children of wrestler Matthew Wade Osborne, who was also known as Doink the Clown, filed a lawsuit Friday in U.S. District Court in Dallas. The two children, a 14-year-old son and a 17-year-old daughter, are also listed as plaintiffs.

James and the children live in Pennsylvania.

Osborne died June 28, 2013, in Plano, apparently of an accidental drug overdose. He was 55.

The complaint alleges that the WWE concealed "the risks and long-term consequences of sustaining repeated head trauma ... which ultimately resulted in his death."

According to the plaintiffs' complaint, Osborne wrestled for the WWE from 1985 to 2007, but a lawyer for the organization takes issue with that.

Jerry McDevitt, partner with K&L Gates in Pittsburgh and primary outside counsel for the WWE, said Osborne had two stints with World Wrestling Entertainment -- 1985 to 1986 and 1992 to 1993. He also took part in a one-time anniversary show in 2007, McDevitt said.

"Other than that, since October 1993, he had no relationship whatsoever with the WWE," McDevitt said Tuesday. "They did put him through drug rehab to try to help him out."

Another issue with the suit, McDevitt said, is that it was filed in Texas, contrary to an agreement that Osborne had signed with the WWE that any dispute would be filed in federal court in Connecticut, where the WWE has a principal place of business.

Once the WWE is served with James' lawsuit, McDevitt said the organization will ask the court to order it moved to Connecticut, which has a statute prohibiting suits from being filed more than three years after the action leading to the dispute.

The plaintiffs, who are seeking unspecified damages, are represented by attorneys Shezad A. Malik of the Dr. Shezad Malik Law Firm in Dallas; R. Christopher Gilreath of Gilreath & Associates in Memphis, Tenn.; Konstantine W. Kyros of Kyros Law Offices in Hingham, Mass.; and Erica Mirabella of Mirabella Law LLC, Boston.

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