

# EXHIBIT A

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| <p>1<br/>2 UNITED STATES DISTRICT COURT<br/>3 SOUTHERN DISTRICT OF NEW YORK<br/>4 -----x<br/>5 EDWARD L. WHITE, P.C., : HIGHLY CONFIDENTIAL -<br/>6 Plaintiff, : OUTSIDE ATTORNEYS'<br/>7 : EYES ONLY<br/>8 -against- : Civil Action No.<br/>9 WEST PUBLISHING CORPORATION : 12-CV-1340 (JSR)<br/>10 d/b/a "West," and :<br/>11 REED ELSEVIER INC. d/b/a :<br/>12 LexisNexis, :<br/>13 Defendants. :<br/>14 -----x<br/>15 August 28, 2012<br/>16 10:15 a.m.<br/>17<br/>18 Deposition of TOM LEIGHTON, held at the law<br/>19 offices of Bragar Eagel &amp; Squire, PC, 885 Third<br/>20 Avenue, Suite 3040, New York, New York, before<br/>21 Susan B. Ratner, a Shorthand Reporter and Notary<br/>22 Public within and for the State of New York.<br/>23<br/>24<br/>25</p> | <p>1<br/>2 A P P E A R A N C E S (Continued):<br/>3<br/>4 For the Defendant Reed Elsevier Inc.<br/>5 d/b/a LexisNexis:<br/>6 MORRISON &amp; FOERSTER LLP<br/>7 1290 Avenue of the Americas<br/>8 New York, New York 10104-0050<br/>9 BY: CINDY P. ABRAMSON, ESQ.<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  |
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| <p>1<br/>2 A P P E A R A N C E S:<br/>3<br/>4 For the Plaintiff:<br/>5 GREGORY A. BLUE, P.C.<br/>6 The Chrysler Building<br/>7 405 Lexington Avenue - Suite 2600<br/>8 New York, New York 10174<br/>9 BY: GREGORY A. BLUE, ESQ.<br/>10 -AND-<br/>11 BRAGAR EAGEL &amp; SQUIRE, PC<br/>12 885 Third Avenue - Suite 3040<br/>13 New York, New York 10022<br/>14 BY: RAYMOND A. BRAGAR, ESQ.<br/>15<br/>16 For the Defendant West Publishing Corporation<br/>17 d/b/a "West":<br/>18 WEIL, GOTSHAL &amp; MANGES LLP<br/>19 767 Fifth Avenue<br/>20 New York, New York 10153-0119<br/>21 BY: BENJAMIN E. MARKS, ESQ.<br/>22<br/>23<br/>24<br/>25</p>  | <p>1<br/>2 IT IS HEREBY STIPULATED AND AGREED, by and<br/>3 between the attorneys for the respective parties<br/>4 herein, that filing and sealing be and the same are<br/>5 hereby waived.<br/>6 IT IS FURTHER STIPULATED AND AGREED<br/>7 that all objections, except as to the form of the<br/>8 question, shall be reserved to the time<br/>9 of the trial.<br/>10 IT IS FURTHER STIPULATED AND AGREED that the<br/>11 within deposition may be signed and sworn to before<br/>12 any officer authorized to administer an oath, with<br/>13 the same force and effect as if signed and sworn to<br/>14 before the officer before whom the within deposition<br/>15 was taken.<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 T. Leighton - Highly Confidential</p> <p>2 name, or are the people who acquire this given sort</p> <p>3 of an instruction to go out and get certain types of</p> <p>4 documents?</p> <p>5 MR. MARKS: Objection to the form of the</p> <p>6 question.</p> <p>7 You can answer, if you understand.</p> <p>8 A. Generally speaking, the documents</p> <p>9 would -- people would be given lead lists of cases</p> <p>10 that meet our criteria, and they would then be going</p> <p>11 to look for certain documents within the case type,</p> <p>12 since we are not -- we tend not to get all documents</p> <p>13 from a given case.</p> <p>14 Q. These could include, I would assume,</p> <p>15 ongoing cases --</p> <p>16 A. There could.</p> <p>17 Q. -- in which there would be new files that</p> <p>18 are going on?</p> <p>19 A. Yes.</p> <p>20 Q. What happens in the case of an ongoing</p> <p>21 litigation, is that something that is followed by</p> <p>22 people who acquire the content on an ongoing basis</p> <p>23 to acquire the documents as they are filed?</p> <p>24 A. Generally not.</p> <p>25 That would generally be -- we have got a</p>  | <p style="text-align: right;">Page 19</p> <p>1 T. Leighton - Highly Confidential</p> <p>2 could be on within 24 hours.</p> <p>3 For other documents it would generally</p> <p>4 take a number of days.</p> <p>5 Q. Can you give me a sense of the volume of</p> <p>6 documents, in terms of the number of documents, that</p> <p>7 are processed by your department, on whatever basis</p> <p>8 you might know, maybe an annual basis, or a daily</p> <p>9 basis, whatever it is?</p> <p>10 MR. MARKS: Objection to the form of the</p> <p>11 question.</p> <p>12 You can answer.</p> <p>13 A. It varies a great deal.</p> <p>14 We set certain targets at the beginning</p> <p>15 of the year, and it fluctuates by document type, but</p> <p>16 we have got approximately 11 million different</p> <p>17 documents on-line at this point.</p> <p>18 Q. When did West start acquiring these types</p> <p>19 of litigation documents to put in the database?</p> <p>20 MR. MARKS: Objection to form.</p> <p>21 Q. I am not talking about court decisions,</p> <p>22 but papers filed by attorneys, briefs, motions, that</p> <p>23 sort of thing.</p> <p>24 A. We started acquiring appellate briefs in</p> <p>25 2003.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 T. Leighton - Highly Confidential</p> <p>2 group of people called content acquisition</p> <p>3 specialists on my team in Eagan, in the field, in</p> <p>4 places in the country, and they would be responsible</p> <p>5 for deciding whether to follow up on individual</p> <p>6 cases.</p> <p>7 Q. Just so I understand, there is not some</p> <p>8 sort of automatic process where every new filing in</p> <p>9 the cases that you are following would automatically</p> <p>10 be acquired according to the process that you</p> <p>11 described?</p> <p>12 A. No.</p> <p>13 Q. Someone would have to make a decision to</p> <p>14 go back and either download or scan those files to</p> <p>15 get them into the system, correct?</p> <p>16 A. Yes.</p> <p>17 Q. In instances in which you have the vendor</p> <p>18 acquire the document and put it through the process</p> <p>19 to get it into the Westlaw database, what is the</p> <p>20 approximate turnaround time between the time that</p> <p>21 you, say, acquire a document, and it showing up in</p> <p>22 the database?</p> <p>23 A. It depends on, again, whether -- there</p> <p>24 are some things that are marked as a different</p> <p>25 urgency, and if it's a more urgent document, it</p> | <p style="text-align: right;">Page 20</p> <p>1 T. Leighton - Highly Confidential</p> <p>2 Q. What about district court-level briefs?</p> <p>3 A. We started acquiring those documents in</p> <p>4 2005.</p> <p>5 Q. Is it different for the state court</p> <p>6 systems?</p> <p>7 MR. MARKS: Objection to form.</p> <p>8 Q. When you said appellate-level briefs, I</p> <p>9 immediately jumped to the federal courts of appeals,</p> <p>10 and I realize that there are appellate-level briefs,</p> <p>11 of course, at the state level.</p> <p>12 A. Yes.</p> <p>13 Q. Were you acquiring appellate-level briefs</p> <p>14 at the state level as far back as 2003, or was that</p> <p>15 at a different time?</p> <p>16 A. That was 2003 as well.</p> <p>17 Q. I know you said that there are</p> <p>18 approximately 11 million documents in the database</p> <p>19 at this point.</p> <p>20 A. Yes.</p> <p>21 Q. Do you know approximately how many are</p> <p>22 being added each year?</p> <p>23 A. I don't have a solid number.</p> <p>24 Q. Does your department have written</p> <p>25 materials that people acquiring the content use as a</p>   |