

EXHIBIT

“2”



Deposition of:
Daniel R Cutler

March 23, 2021

In the Matter of:
Bowen v. Adidas

Veritext Legal Solutions
800.743.DEPO (3376) | Calendar-carolinas@veritext.com |
www.veritext.com

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 COLUMBIA DIVISION

4 BRIAN BOWEN, II,

5 Plaintiff,

6 vs.

C/A NO. 3:18-3118-JFA

7 ADIDAS AMERICA, INC.; JAMES GATTO, MERLE CODE,
8 CHRISTIAN DAWKINS, MUNISH SOOD, THOMAS GASSNOLA and
9 CHRISTOPHER RIVERS,
10 Defendants.

11 VIDEOTAPE

12 VIDEO TELECONFERENCE

13 DEPOSITION OF: DANIEL R. CUTLER

14 DATE: March 23, 2021

15 TIME: 10:13 a.m.

16 LOCATION: Law Offices of
17 Phillip C. Ciccarelli
18 55 N. Pleasant Street
19 Amherst, MA

20 TAKEN BY: Counsel for the Plaintiff

21 REPORTED BY: PATRICIA L. THOMPSON,
22 Registered Professional Reporter

Page 290

1 A. Yes. Absolutely.
 2 Q. Did you ever provide Rosi a copy of
 3 your AmEx credit card so he could use it?
 4 A. I don't specifically recall doing that,
 5 but I -- I don't recall.
 6 Q. Is that something that -- something
 7 that you would have done?
 8 A. I believe there was times where some of
 9 our programs were unable to get their funds for
 10 travel in time, so I would have purchased flights
 11 for them and to be reimbursed when they got their
 12 checks for their travel.
 13 Q. Who would reimburse you, the teams
 14 themselves or Adidas?
 15 A. No. Sorry. Excuse me. The teams
 16 would. Once they got their travel allotments I
 17 would usually get a check written back from those
 18 teams.
 19 Q. Would you deposit that check into your
 20 bank account?
 21 A. Probably into the First Team Sports
 22 account.
 23 Q. Okay. Immanuel Quickley, are you
 24 familiar with him?
 25 A. I am.

Page 291

1 Q. And was he a college basketball player?
 2 A. At one point, yes, he was.
 3 Q. In 2016 he was in high school.
 4 Did you -- what kind of player was he
 5 in high school as far as you know?
 6 A. What do you mean "what kind of player?"
 7 Q. Was he one of the elite players in the
 8 country?
 9 A. He was a very good player.
 10 Q. Was he a McDonald's All American?
 11 A. I believe he was.
 12 Q. Was he a five-star recruit?
 13 A. I believe that term would be accurate
 14 for him.
 15 Q. Do you recall sending Mr. Quickley and
 16 his family Adidas products?
 17 A. Absolutely.
 18 Q. And did you send him and his parents
 19 and his family shoes?
 20 A. I did.
 21 Q. Why did you do that?
 22 A. Product seeding.
 23 Q. And how would product seeding work with
 24 his family members who are not basketball players?
 25 A. I would just send it in their size.

Page 292

1 Q. Zion Williamson. Did you have a
 2 relationship with Zion Williamson?
 3 A. I know Zion Williamson.
 4 Q. Did you know him in high school?
 5 A. I did.
 6 Q. And how did you know him?
 7 A. I dealt with him through a number of
 8 different events.
 9 Q. Okay. Would those be Adidas events?
 10 A. The majority of which I would say would
 11 be Adidas events.
 12 Q. Were you -- do you recall meeting him
 13 in Spartanburg, South Carolina? Down here.
 14 A. We held an event in Spartanburg, South
 15 Carolina.
 16 Q. Do you recall seeing Zion at that
 17 event?
 18 A. Yeah. He would have been participating
 19 in that event.
 20 Q. Did you interact with him at that
 21 event?
 22 A. I interacted with a number of student
 23 athletes at the event. I'm sure I would have said
 24 hello to him.
 25 Q. But in particular did you have any sort

Page 293

1 of responsibility for helping Zion Williamson at
 2 that event?
 3 A. I often helped him just with -- he drew
 4 a lot of attention at our events from crowds and
 5 media, and so I was often somebody that helped just
 6 kind of contain that, and I guess we placed a
 7 security guard to make sure that he was okay at our
 8 events.
 9 Q. Do you recall ever providing plane
 10 tickets for Zion and his family?
 11 A. Not to the best of my recollection.
 12 Q. Let's go to Exhibit 3. Do you still
 13 have it in front of you?
 14 A. Let me pull it back up. Okay.
 15 Q. So Exhibit 3, if you can go to -- let's
 16 start at Page 203. This is going to be Line 5737.
 17 A. I'm sorry. You said 203?
 18 Q. Yeah. Page 203 of Exhibit 3.
 19 A. I'm sorry. What line again?
 20 Q. 5737, please.
 21 A. Okay.
 22 Q. Okay. And this is a message that you
 23 got with Olivia Guidera. Who is Olivia? Briefly.
 24 A. Olivia was another consultant, possibly
 25 external employee. I'm sorry. You would have to

Page 294

1 ask somebody at Adidas. But she's another person
 2 that worked within the grassroots basketball
 3 department.
 4 Q. Okay. Do you see the message from her
 5 dated July 27, 2016, Line 5737?
 6 A. Yes; I do see a message from her.
 7 Q. And it's Column J again. Is this your
 8 telephone number and your name?
 9 A. That appears to be my name and my
 10 telephone number.
 11 Q. And Olivia Guidera -- that is her name
 12 there?
 13 A. Yes. That appears to be.
 14 Q. And she says: They are missing seats
 15 for these.
 16 And she sends you an image. "The only
 17 options for the young kid and mom are in Delta
 18 Comfort for both. And for the dad and Zion -- they
 19 only have middle seats, so you might need to put
 20 them all in Delta Comfort."
 21 And then she sends you an image. Do
 22 you see that?
 23 A. I do.
 24 Q. Would it be unusual for Adidas to pay
 25 for flights for mom and dad to go to a game, the

Page 295

1 family?
 2 A. Would it be unusual for us to pay for
 3 flights to go to a game?
 4 Q. I don't know if it was a game or not,
 5 but would it be unusual for the parents of the kid
 6 to travel to go to a game?
 7 A. Would you like me to talk specifically
 8 about this event?
 9 Q. Well, generally. You mentioned earlier
 10 these kids are in high school surrounded by adults.
 11 It kind of makes sense mom and dad part of the
 12 conversation; right?
 13 A. Sure.
 14 Q. And so when kids are traveling is it
 15 unusual for mom and dad to go with them?
 16 A. It would just depend on the event that
 17 we were running as to whether or not we were
 18 providing transportation for the family or not.
 19 It could be specifically in reference
 20 to, I believe, Adidas Nations or a Prip, which we
 21 would have included all parents on.
 22 Q. So all parents went to the Path?
 23 A. Yes. All parents and guardians are
 24 offered travel on all the Pstops -- correction.
 25 Not all the Path stops, a number of the Path stops,

Page 296

1 and all of them are offered it.
 2 Q. What about siblings; would you pay for
 3 siblings to go as well?
 4 A. I believe for the Path we provided for
 5 four people that could travel to a certain event.
 6 Q. Was that true for all the players and
 7 their families?
 8 A. I think it depended on what, you know,
 9 their close family was, but I believe in general we
 10 would accommodate their nuclear family, to use that
 11 word.
 12 Q. Okay. Do you know Ryan Faulkner?
 13 A. I'm familiar with the name.
 14 Q. And who is Ryan Faulkner?
 15 A. Ryan is one of the directors of a
 16 program called Game Elite.
 17 Q. Where is Game Elite located?
 18 A. They're in Georgia.
 19 Q. In Georgia. All right.
 20 Do you recall communications with Mr.
 21 Faulkner regarding getting a product to Zion and
 22 his family?
 23 A. I don't recall specifically.
 24 Q. Would that have been something unusual?
 25 We talked about Immanuel Quickley,

Page 297

1 getting product to him and his family. Would you
 2 have done the same for Zion Williamson and his
 3 family when he was in high school?
 4 A. He played for Ryan Faulkner's team, so
 5 it would have been not unusual for me to send
 6 product to Ryan designated for a kid of his level.
 7 Q. Would you send product to everybody on
 8 the team or just for a kid at his level?
 9 A. Everybody received product, but some
 10 kids were certainly able to receive additional
 11 product.
 12 Q. Why is that? I mean --
 13 A. Because they're a part of our Nations,
 14 Path. They were part of a different program.
 15 Q. But if you -- you know, aside from the
 16 product they would get from going to those
 17 particular programs, Nation, Path, do you recall
 18 any specific occasions where the kid or family
 19 would reach out and say: Hey, we want some shoes.
 20 Send it to us?
 21 A. Absolutely.
 22 Q. And in response to those requests do
 23 you recall doing that with Zion Williamson?
 24 A. I don't believe I ever got a request
 25 from Zion directly, but through Ryan I may have.

Page 298

1 Q. So if Ryan had gotten a request from
2 the Williamson family for Adidas product for Zion
3 and his mom and step dad and siblings, would that
4 have been an issue just giving that over to him?
5 A. Ryan would have been one of our program
6 directors, so I would have had no issue to send
7 product to Ryan.
8 Q. To gift to Zion Williamson or his
9 family?
10 A. I would be -- that's speculative on
11 what Ryan would do with it once he got the product.
12 Q. But if he told you that they were
13 looking for product and they say "process a product
14 order for Zion and his family," would that be
15 pretty clear what he was going to do with it?
16 A. Sure. I would assume that would be
17 going toward Zion and his family.
18 Q. Do you know Jamal Brunt?
19 A. I do.
20 Q. And who is Jamal Brunt?
21 A. Jamal Brunt is a basketball coach.
22 Q. And where does he coach?
23 A. I believe he's now at Virginia
24 Commonwealth University.
25 Q. Where was he before he was at VCU?

Page 299

1 A. I believe he was at University of
2 Miami.
3 Q. Do you recall a conversation that you
4 had with Jamal -- text messages with Jamal Brunt
5 with reference to Zion Williamson?
6 A. I'm not sure I recall any specific
7 between Zion Williamson and Jamal.
8 Q. Do you mind going to Page 232 of
9 Exhibit 3, please.
10 A. Sure.
11 Q. Let me know when you get there.
12 A. Yes. I'm there.
13 Q. So if you go to Line 6757.
14 A. Okay.
15 Q. All right. And so Column J has your
16 telephone number and "Dan Cutler." Do you see
17 that?
18 A. I do.
19 Q. And then next to it is the name Jamal
20 Brunt and an 804, which is a Virginia area code.
21 Do you see that?
22 A. Yeah. I see an 804 number and Jamal
23 Brunt's name.
24 Q. So Coach Brunt, is he just another --
25 he's another coach that you communicate with

Page 300

1 regarding players?
2 A. I would communicate with Jamal Brunt on
3 a number of topics, but certainly players would be
4 one of them.
5 Q. So this text message change May 6, 2016
6 starts out: Love the Adidas for the Path. Be in
7 touch.
8 You respond: We're doing it, man.
9 And then Jamal replies: If we get
10 close enough to be in top two, do you think he
11 knows you guys will continue to take care of him at
12 Adidas school?
13 Do you know who he's referring to
14 there?
15 A. I don't have it off the top of my head,
16 but -- I'm not sure exactly who he's referring to
17 at that time.
18 Q. Do you know what he's referring to in
19 terms of -- regardless of what player, but to take
20 care of him at the Adidas school -- what that would
21 mean?
22 A. I don't know specifically what Jamal
23 would be meaning. That's me interpreting what he
24 was thinking.
25 Q. Let's scroll down here a little bit.

Page 301

1 Let's go to Line 11916, please.
2 MR. LEVINE: What page is that?
3 MR. RAM: 405.
4 A. It says Line 11916. Okay.
5 Q. All right. I want to -- this is a text
6 conversation between you and Chris Rivers. If you
7 look in Column J do you see your telephone number
8 and your name there?
9 A. Yes, I do.
10 Q. And you see Chris Rivers there as well?
11 A. Yes, I do.
12 Q. All right. The date of this one is
13 September 18 of 2015.
14 A. Okay.
15 Q. And so you send a message to Chris
16 Rivers: Any way to hide this so I don't have to
17 bill Jimmy back for it?
18 Do you recall what you're referring to
19 when you sent that message to Chris Rivers?
20 A. Not the intimate specifics, but I
21 believe in review for this I know that to be a
22 situation where the budget for that -- for
23 grassroots basketball was pretty high, and so I was
24 asking if there was any way that I could use a
25 different budget to be able to get on that flight.

Page 302

1 Q. Who is the "Jen" referenced there in
2 that message?
3 A. I believe it was Chris' travel agent.
4 Q. Do you know her full name?
5 A. Sorry. I don't know.
6 Q. Did she work at Adidas?
7 A. I believe she worked for the travel
8 agency, but I'm not positive.
9 Q. Do you know the name of the travel
10 agency?
11 A. I don't. I'm sorry.
12 Q. Was that an occurrence that would come
13 up where you would be over -- or the company would
14 be over budget on particular events or event and
15 you would have to bill something to a different
16 budget code?
17 A. I wasn't in charge of or had access to
18 the budget code, so I wouldn't know.
19 Q. But you're referring to hiding it from
20 Jen. That's why I'm asking.
21 A. I'm not referring to hiding it from
22 Jen.
23 Q. Or was that your -- do you recall in
24 this specific instance what happened to the cost
25 for the flight?

Page 303

1 A. I don't think I got on that flight.
2 Q. Okay. Well, did you get on a different
3 flight? I'm assuming.
4 A. No. I think due to budget restraints I
5 wasn't able to go on the trip.
6 Q. We just have a couple more things and
7 we'll be done.
8 I do want to ask you -- let's go down
9 -- scroll further down on Exhibit 3. It's going to
10 be 15,600 through 609.
11 A. 609?
12 MR. LEVINE: What is the page number?
13 MR. RAM: 15600 through --
14 MR. LEVINE: Page number?
15 MR. RAM: I will tell you in a second.
16 503.
17 Q. (Continued) Let me know when you get
18 there.
19 A. Sorry. You said 503?
20 Q. 15600 -- yeah. 513.
21 A. 15600?
22 Q. Yes, sir.
23 A. Okay.
24 Q. And so this is a message between you
25 and Ryan Faulkner.

Page 304

1 Do you see in Column J your name and
2 telephone number there?
3 A. I do.
4 Q. And next to your name and telephone
5 number do you see the name Ryan Falker or Faulkner?
6 A. I believe it's Falker.
7 Q. Falker. Okay.
8 A. I could have that just incorrect.
9 Q. Sure. And this is dated May 14th,
10 2016. And you said earlier Ryan was the AAU coach
11 for Zion Williamson's team; is that right?
12 A. For a period of time, yeah.
13 Q. Which team was that again?
14 A. Game Elite.
15 Q. Game Elite. Okay. And so let's read
16 through this.
17 You write: There is only one more seat
18 on Zion's flight. What do you want to do?
19 Do you see that there?
20 A. Yeah.
21 Q. And Ryan's response: Put the mom on
22 Zion flight. Put the dad on the next flight. Put
23 them all on the same return flight.
24 And your response is what?
25 A. I believe I write: Okay. Dad is going

Page 305

1 to go early and get the same connection.
2 Q. And Ryan says: Cool. Send me the
3 info.
4 Ryan says: Parents can't eat at hotel.
5 Arrive from Airport. Question mark, question mark,
6 question mark.
7 And your response is: Zion's people
8 are not included in that group.
9 And he says: Thank-you.
10 And then what is your next message to
11 Ryan after that "thank you?"
12 A. "We also officially aren't putting any
13 parents up, so let's make sure that we all keep
14 that private, please."
15 Q. Right. And what were you asking him to
16 keep private?
17 A. I believe by the text message that we
18 were putting up Zion's parents.
19 Q. In a hotel?
20 A. I don't know for sure, but I assume so.
21 Q. Okay. Do you recall -- do you have any
22 personal knowledge -- and again, we're sitting here
23 in a deposition under oath.
24 Do you have any personal knowledge of
25 anyone from Adidas or any Adidas consultants paying

Page 306

1 money directly or indirectly to Zion Williamson's
2 family?
3 A. Not that I recall.
4 Q. Would it surprise you to learn if that
5 happened?
6 MR. LEVINE: Objection.
7 A. Can you repeat the question?
8 Q. Would it surprise you to learn if that
9 happened?
10 A. What are you referring to?
11 Q. If somebody from Adidas paid money to
12 the family of Zion Williamson directly or
13 indirectly.
14 A. I wouldn't -- I would be speculating,
15 so I wouldn't be able to answer that question.
16 Q. Did you have any conversations with
17 Olivia Guidera about payments that Chris Rivers was
18 making to Zion Williamson's family?
19 A. Again, I don't recall any of those
20 conversations.
21 Q. Do you recall any conversations with
22 Chris Rivers about payments he was making to the
23 family?
24 A. I just don't remember. I don't recall.
25 Q. Do you think that's something that you

Page 307

1 would recall?
2 A. I just -- I don't recall.
3 Q. Do you have knowledge of anybody at
4 Adidas paying money to any high school basketball
5 recruit?
6 A. I'm not sure. I don't recall.
7 Q. Have you ever heard that happening?
8 A. I've heard of a lot of things, but I
9 don't recall that being one of them for sure.
10 Q. When you say you don't recall, is it
11 possible it happened and you just don't remember
12 sitting here today?
13 MR. LEVINE: Objection.
14 A. Can you rephrase the question?
15 Q. You say you don't recall. Is it
16 possible that it may have happened, but you just
17 don't recall sitting here today?
18 MR. LEVINE: Objection.
19 A. A lot of things are possible. I don't
20 recall.
21 Q. Okay. All right. I've got very brief
22 documents to show you. These are the last two,
23 Exhibit 42 and 43. I just want to circle back to
24 invoices that you submitted to Adidas. So if you
25 can open up Exhibit 42, please.

Page 308

1 Do you have Exhibit 42 in front of you,
2 Mr. Cutler?
3 A. I do.
4 Q. Do you recognize this document?
5 A. It doesn't -- it looks like an invoice,
6 but I don't recognize the document.
7 Q. All right. Do you recognize the name
8 on the document in the top left-hand corner?
9 A. I do.
10 Q. And whose name is that, Mr. Cutler?
11 A. Dan Cutler.
12 Q. And is that your address underneath
13 your name?
14 A. That is.
15 Q. And this invoice is dated February
16 15th, 2015. Do you see that on the right side?
17 A. I do.
18 Q. And this was sent to Jim Gatto?
19 A. I see that.
20 Q. Adidas International Marketing BV. Do
21 you see that?
22 A. I do.
23 Q. In Amsterdam.
24 A. It appears to be.
25 Q. Okay. We looked at an invoice earlier

Page 309

1 today that you had sent to an address in
2 Massachusetts.
3 My question is: Did you send -- did
4 you send invoices to Amsterdam as reflected on this
5 document?
6 A. Did I mail them to Amsterdam?
7 Q. Well, were they -- did you invoice
8 Adidas International for the description on the
9 invoice?
10 A. I invoiced where my -- where the people
11 at Adidas told me to invoice.
12 Q. Okay. And that's fair.
13 Who were the people at Adidas who told
14 you where to send the invoice?
15 A. I'm not sure. It would be a number of
16 people.
17 Q. Who could it have been?
18 A. Who would have told me where to
19 invoice?
20 Q. Yes, sir.
21 A. It could have been Tonie Hanson; it
22 could have been Chris Rivers; it could have been
23 Jim Gatto.
24 Q. Are those the three people that you
25 would have conversations with about invoices and

Page 338

1 chain, marked for identification.)
 2 (PLAINTIFF'S EXHIBIT 12, copy of Excel
 3 spreadsheet, marked for identification.)
 4 (PLAINTIFF'S EXHIBIT 13, copy of email
 5 chain, marked for identification.)
 6 (PLAINTIFF'S EXHIBIT 14, copy of email
 7 chain, marked for identification.)
 8 (PLAINTIFF'S EXHIBIT 15, copy of email
 9 chain, marked for identification.)
 10 (PLAINTIFF'S EXHIBIT 16, copy of email
 11 chain, marked for identification.)
 12 (PLAINTIFF'S EXHIBIT 17, copy of email
 13 chain, marked for identification.)
 14 (PLAINTIFF'S EXHIBIT 18, copy of email
 15 chain, marked for identification.)
 16 (PLAINTIFF'S EXHIBIT 19, copy of email
 17 chain, marked for identification.)
 18 (PLAINTIFF'S EXHIBIT 20, copy of email
 19 chain, marked for identification.)
 20 (PLAINTIFF'S EXHIBIT 21, copy of email
 21 chain, marked for identification.)
 22 (PLAINTIFF'S EXHIBIT 22, copy of email
 23 chain, marked for identification.)
 24 (PLAINTIFF'S EXHIBIT 23, copy of image
 25 in Sports Center, marked for identification.)

Page 339

1 (PLAINTIFF'S EXHIBIT 24, copy of email.
 2 Subject - Expense Report, marked for
 3 identification.)
 4 (PLAINTIFF'S EXHIBIT 25, copy of First
 5 Team Sports invoice, marked for identification.)
 6 (PLAINTIFF'S EXHIBIT 26, copy of text
 7 messages, marked for identification.)
 8 (PLAINTIFF'S EXHIBIT 27, copy of text
 9 messages, marked for identification.)
 10 (PLAINTIFF'S EXHIBIT 28, copy of text
 11 messages, marked for identification.)
 12 (PLAINTIFF'S EXHIBIT 29, copy of text
 13 messages, marked for identification.)
 14 (PLAINTIFF'S EXHIBIT 30, copy of email,
 15 marked for identification.)
 16 (PLAINTIFF'S EXHIBIT 31, copy of text
 17 messages, marked for identification.)
 18 (PLAINTIFF'S EXHIBIT 32, copy of text
 19 messages, marked for identification.)
 20 (PLAINTIFF'S EXHIBIT 33, copy of FedEx
 21 label, marked for identification.)
 22 (PLAINTIFF'S EXHIBIT 34, copy of text
 23 messages, marked for identification.)
 24 (PLAINTIFF'S EXHIBIT 35, copy of text
 25 messages, marked for identification.)

Page 340

1 (PLAINTIFF'S EXHIBIT 36, copy of text
 2 messages, marked for identification.)
 3 (PLAINTIFF'S EXHIBIT 37, copy of text
 4 messages, marked for identification.)
 5 (PLAINTIFF'S EXHIBIT 38, copy of image,
 6 marked for identification.)
 7 (PLAINTIFF'S EXHIBIT 39, copy of
 8 Carnival cruise search, marked for identification.)
 9 (PLAINTIFF'S EXHIBIT 40, copy of
 10 FareHarbor search, marked for identification.)
 11 (PLAINTIFF'S EXHIBIT 41, copy of Delta
 12 ticket, marked for identification.)
 13 (PLAINTIFF'S EXHIBIT 42, copy of
 14 invoice from Dan Cutler, marked for
 15 identification.)
 16 (PLAINTIFF'S EXHIBIT 43, copy of
 17 invoice from Dan Cutler, marked for
 18 identification.)
 19 (Deposition concluded at 7:37 p.m.)
 20
 21
 22
 23
 24
 25

Page 341

1 CERTIFICATE OF REPORTER
 2
 3 I, Patricia L. Thompson, Registered
 4 Professional Reporter and Notary Public for the
 5 State of South Carolina at Large, do hereby certify
 6 that the foregoing transcript is a true, accurate
 7 and complete record.
 8
 9 I further certify that I am neither related
 10 to nor counsel for any party to the cause pending
 11 or interested in the events thereof.
 12
 13 Witness my hand, I have hereunto affixed by
 14 official seal this 29th day of March 2021 at
 15 Charlesto " " " " h Carolina.
 16
 17
 18
 19
 20
 21
 22 Patricia L. Thompson
 23 Registered Professional Reporter
 24 My Commission Expires
 25 October 15, 2025