

**Nos. 10-3270 & 10-3342**

---

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

**VIACOM INT'L INC., et al.** )  
 )  
 Plaintiffs-Appellants, )  
 v. )  
 )  
 **YOUTUBE, INC., et al.,** )  
 )  
 Defendants-Appellees. )  
 )  
 )

On Appeal from the United  
States District Court for the  
Southern District of New York  
  
No. 1:07-CV-2103  
  
The Honorable Louis L.  
Stanton, United States  
District Judge

---

**THE FOOTBALL  
ASSOCIATION PREMIER  
LEAGUE LTD., et al.** )  
 )  
 Plaintiffs-Appellants, )  
 v. )  
 )  
 **YOUTUBE, INC., et al.,** )  
 )  
 Defendants-Appellees. )  
 )  
 )

On Appeal from the United  
States District Court for the  
Southern District of New York  
  
No. 1:07-CV-03582  
  
The Honorable Louis L.  
Stanton, United States  
District Judge.

---

**DECLARATION OF ANDREW H. SCHAPIRO IN SUPPORT  
OF APPELLEES' MOTION TO SUPPLEMENT THE  
JOINT APPENDIX**

Pursuant to 28 U.S.C. § 1746, Andrew H. Schapiro declares as follows:

1. I am a partner at Mayer Brown LLP and counsel for Defendants-Appellees in the above-captioned cases. I submit this declaration in support of Appellees' Motion to Supplement the Joint Appendix.

2. Appellants filed their opening briefs on December 3, 2010. Pursuant to Fed. R. App. P. 30(a), Appellants filed a six-volume sealed Joint Appendix along with their briefs. An unsealed version of the Joint Appendix was filed on December 10, 2010.

3. Counsel for both parties worked diligently and cooperatively to prepare the Joint Appendix. Based on our expectations about what Appellants would likely argue, Appellees designated certain materials for inclusion in the Joint Appendix. Since receiving Appellants' briefs, and in the course of preparing our answering brief (due on March 31, 2011), Appellees have identified additional record materials to which we "wish[] to direct the court's attention." Fed. R. App. P. 30(b)(1). With this motion, Appellees ask the Court's permission to supplement the Joint Appendix to include those additional record materials.

4. We have advised counsel for Appellants of our intent to file this motion. Appellants have consented to the motion on the condition

that they be allowed to counter-designate additional record material for inclusion in the proposed supplement. Appellees have consented to Appellants' request.

5. For the convenience of the Court, the parties have further agreed, subject to the Court's approval, to file a single supplemental joint appendix, which would include all the supplemental designations of Appellants and Appellees. This proposed supplemental appendix would be filed along with Appellants' reply briefs, which are currently due on April 28, 2011. It would be designated as a "supplemental" joint appendix to avoid having to redo the table of contents for the original Joint Appendix that has already been filed with the Court.

6. For these reasons, Appellees respectfully request that the Court grant leave for the filing of a supplemental joint appendix along with Appellants' reply briefs.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of March, 2011.

David H. Kramer  
Bart E. Volkmer  
WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300

s/ Andrew H. Schapiro

Andrew H. Schapiro  
A. John P. Mancini  
Brian M. Willen  
MAYER BROWN LLP  
1675 Broadway  
New York, NY 10019  
(212) 506-2500

*Attorneys for YouTube, Inc.*

## CERTIFICATE OF SERVICE

I certify that on March 18, 2011, I caused copies of this motion to be sent to the following:

Paul M. Smith  
William H. Hohengarten  
Scott B. Wilkens  
JENNER & BLOCK LLP  
1099 New York Ave., NW  
Washington, D.C. 20001  
(202) 639-6000  
[psmith@jenner.com](mailto:psmith@jenner.com)  
[whohengarten@jenner.com](mailto:whohengarten@jenner.com)  
[swilkens@jenner.com](mailto:swilkens@jenner.com)

Susan J. Kohlmann  
JENNER & BLOCK LLP  
919 Third Ave.  
New York, NY 10022  
(212) 891-1690  
[skohlmann@jenner.com](mailto:skohlmann@jenner.com)

Charles S. Sims  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036  
(212) 969-3000  
[csims@proskauer.com](mailto:csims@proskauer.com)

Stuart J. Baskin  
John Guelli  
Kirsten Nelson Cunha  
SHEARMAN & STERLING LLP  
599 Lexington Ave  
New York, NY 10023  
(212) 849-4000  
[sbaskin@shearman.com](mailto:sbaskin@shearman.com)  
[jgueli@shearman.com](mailto:jgueli@shearman.com)  
[kirsten.cunha@shearman.com](mailto:kirsten.cunha@shearman.com)

Theodore B. Olson  
Matthew D. McGill  
GIBSON DUNN  
1050 Connecticut Ave., NW  
Washington, D.C. 20036  
(202) 955-8668  
[tolson@gibsondunn.com](mailto:tolson@gibsondunn.com)  
[mmcgill@gibsondunn.com](mailto:mmcgill@gibsondunn.com)

John C. Browne  
BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 55401400  
[johnb@blbglaw.com](mailto:johnb@blbglaw.com)

s/ Andrew H. Schapiro  
Andrew H. Schapiro