

No. 12-3200

**IN THE UNITED STATE COURT OF APPEALS
FOR THE SECOND CIRCUIT**

THE AUTHORS GUILD, INC., et al.,

Plaintiffs-Appellees,

v.

GOOGLE, INC.,

Defendant-Appellant.

On Appeal from an Order Granting Certification of a Class Action, Entered on May 31, 2012, by the United States District Court for the Southern District of New York, No. 1:05-cv-08136 Before the Honorable Denny Chin

**DECLARATION IN OPPOSITION TO AMICI MOTION
TO FILE AMENDED AMICUS BRIEF AND
TO SUPPLEMENT THE APPELLATE RECORD**

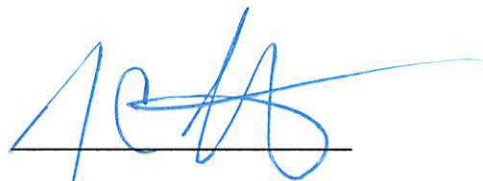
Joseph C. Gratz hereby declares as follows:

1. I am a partner in the firm of Durie Tangri LLP. I submit this Declaration in opposition to Amici's motion to file an amended amicus brief and to supplement the appellate record in the above-captioned matter.
2. The initial period of document discovery in this case ended in 2007, after which the parties agreed to cease document production until discovery resumed in 2011.

3. When discovery resumed in 2011, the parties agreed that Google would not be required to supplement its responses to earlier document requests from the initial period of document discovery.

I declare under penalty of perjury that the foregoing is true and correct, in accordance with 28 U.S.C. § 1746.

Executed on March 8, 2013



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