

3. DPW maintains its principal place of business in the State of California.

4. DPW does not have bank accounts, telephone listings, real estate, or personal property in Arkansas.

5. DPW does not maintain an office in Arkansas and has no agent for service of process in that State.

6. DPW does not “transact business” within the State of Arkansas, as that term is defined in Ark. Code Ann. § 4-27-1501.

8. Buena Vista Books, Inc. (“Buena Vista Books”) is a subsidiary of DPW. Hyperion, an imprint of Buena Vista Books, Inc, is a division of Buena Vista Books and not of DPW.

9. DPW and Buena Vista Books are separate corporate entities and have separate employees. DPW and Buena Vista Books maintain separate payrolls.

10. DPW and Buena Vista Books maintain separate books and records.

11. DPW does not control the business operations and affairs of Buena Vista Books; nor does it approve significant business decisions of Buena Vista Books.

12. Buena Vista Books is responsible for the conduct of its own day-to-day business activities.

13. Buena Vista Books does not hold itself out to be an agent for DPW and is not authorized to act for DPW without its consent.

14. DPW did not publish *The Washingtonienne*, the book at issue in this lawsuit. DPW did not contract with the author of the book; nor did it make payments to the author of the book. DPW did not distribute the book; nor did it contract with any entity for the distribution of the book. DPW played no part in either the publication or the distribution of *The Washingtonienne*.

FURTHER AFFIANT SAYETH NOT.



Vincent Loncto

ACKNOWLEDGMENT

Subscribed and sworn to before me this 17th day of August, 2006.



Notary Public

KATHRYN E. WILLIAMS
Notary Public, State of New York
No. 01W15028055
Qualified in Bronx County
Commission Expires April 11, 2010