

1 SPILLANE SHAEFFER
2 ARONOFF BANDLOW LLP
3 Lincoln D. Bandlow (SBN 170449)
4 1880 Century Park East, Suite 1004
5 Los Angeles, CA 90067-2627
6 Telephone: (310) 229-9300
7 Fax: (310) 229-9380
8 lbandlow@ssablaw.com

9 Attorneys for Defendant
10 JOHN MCCAIN

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 JACKSON BROWNE., an individual

15 Plaintiff,

16 vs.

17 JOHN MCCAIN, an individual; THE
18 REPUBLICAN NATIONAL
19 COMMITTEE, a non-profit political
20 organization; THE OHIO REPUBLICAN
21 PARTY, a non-profit political
22 organization,

23 Defendants.

CASE # CV08-05334 RGK (Ex)

**DECLARATION OF LINCOLN
BANDLOW IN SUPPORT OF
DEFENDANT JOHN MCCAIN'S
SPECIAL MOTION TO STRIKE
UNDER CCP 425.16**

Hearing:

Date: December 8, 2008

Time: 9:00 a.m.

Place: Courtroom 850

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3

5
6
7
8
9

- 1
- 2
- 3

5
6
7

9
20
21

23
24
25
26

1 6. Attached hereto as Exhibit 9 is a true and correct copy of “Remarks at the
2 Max M. Fisher National Republican Leadership Award Dinner in Livonia, Michigan”
3 from Volume 44, Issue 25 of the Weekly Compilation of Presidential Documents
4 which I obtained through a search on Westlaw.

5
6 7. Attached hereto as Exhibit 10 is a true and correct copy of the press
7 release “Colorado Dems: McCain’s Tax Breaks for Oil Companies Won’t Solve
8 Energy Crisis” from July 31, 2008 which I obtained through a search on Westlaw.

9
10 8. Attached hereto as Exhibit 11 is a true and correct copy of the article by
11 U.S. PIRG Reports: “Running on Empty: How Environmentally Harmful Energy
12 Subsidies Siphon Billions From Taxpayers” from January 31, 2002 which I obtained
13 through a search on the internet.

14
15 9. Attached hereto as Exhibit 12 is a true and correct copy of the article
16 “Running on Empty” by Natalie Canavor from the NEW YORK TIMES which I obtained
17 through a search on Westlaw.

18
19 10. Attached hereto as Exhibit 13 is a true and correct copy of an April 2006
20 article by Stephen P.A. Brown and Richard Alm of the Federal Reserve Bank of Dallas
21 titled “Running on Empty? How Economic Freedom Affects Oil Supplies” from
22 Economic Letter—Insights from the Federal Reserve Bank of Dallas, Vol. 1, No. 4
23 which I obtained through a search on the internet.

24
25 11. Attached hereto as Exhibit 14 is a true and correct copy of the article
26 “Running on Empty: The United States’ Real Problem with Oil and Energy Policy
27

1 Goes Beyond Rising Prices” by David Moberg which appeared in IN THESE TIMES on
2 July 3, 2006 which I obtained through a search on the internet.

3
4 12. Attached hereto as Exhibit 15 is a true and correct copy of the article
5 “Running on Empty” by James Ridgway in MOTHER JONES on June 27, 2007 which I
6 obtained through a search on the internet.

7
8 13. Attached hereto as Exhibit 16 is a true and correct copy of the article
9 “Running on Empty” by INVESTOR’S BUSINESS DAILY appearing on IBDeditorials.com
10 on March 22, 2007 which I obtained through a search on the internet.

11
12 14. Attached hereto as Exhibit 17 is a true and correct copy of the article
13 “Running on Empty” by Debra Saunders in REAL CLEAR POLITICS on March 23, 2008
14 which I obtained through a search on the internet.

15
16 15. Attached hereto as Exhibit 18 is a true and correct copy of the article
17 “Running on Empty” by Mark Hertsgaard in THE NATION on April 24, 2008 which I
18 obtained through a search on the internet.

19
20 16. Attached hereto as Exhibit 19 is a true and correct copy of the article
21 “Denver Running on Empty” by Gargi Chakrabarty in The ROCKY MOUNTAIN NEWS
22 on April 27, 2007 which I obtained through a search on the internet.

23
24 17. Attached hereto as Exhibit 20 is a true and correct copy of the WEEKLY
25 STANDARD article “Running on Empty: Democratic Energy Policies Ignore Reality” by
26 Fred Barnes on June 23, 2008 which I obtained through a search on the internet.

1 18. Attached hereto as Exhibit 21 are true and correct copies of articles and
2 news stories regarding Jackson Browne and this litigation which I obtained through a
3 search on the internet or on Westlaw.

4 19. Attached hereto as Exhibit 22 is a true and correct copy of "Jackson
5 Browne News & Updates" from Browne's website [http://www.jrp-graphics.](http://www.jrp-graphics.com/jb/jbnews.html)
6 [com/jb/jbnews.html](http://www.jrp-graphics.com/jb/jbnews.html) detailing his activities and press appearances which I obtained
7 through a search on the internet.

8
9 I declare under penalty of perjury under the laws of the United States of
10 America, that the foregoing is true and correct and that this declaration was made the
11 17th day of November, 2008 at Los Angeles, California.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27



LINCOLN D. BANDLOW