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 8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10
 11 DON HENLEY and MIKE CAMPBELL,
 and DANNY KORTCHMAR,

12 Plaintiffs,

13
 14 v.

15 CHARLES S. DEVORE and JUSTIN
 HART,

16 Defendants.

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 18 CHARLES S. DEVORE and JUSTIN
 HART,

19 Counterclaimants,

20 v.

21 DON HENLEY, MIKE CAMPBELL and
 ROES 1-10 inclusive,

22 Counter-defendants.
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Case No. SACV09-0481 JVS (RNBx)

**SUPPLEMENTAL DECLARATION
 OF CHRISTOPHER W. ARLEDGE**

25 I, Christopher Arledge, declare as follows:

- 26 1. I am a lawyer authorized to practice before this Court, and I am the lawyer
 27 primarily responsible for representing the Defendants in this case. I have personal
 28

1 knowledge of the facts stated in this declaration and, if called to do so, could and would
2 testify competently thereto.

3 2. At the time Defendants added the disclaimer language to the “All She Wants to
4 Do Is Tax” video, Defendants already believed that Henley had no Lanham Act claim
5 related to the videos and had made such an argument to this Court. But Defendants’ motion
6 to dismiss that claim had been denied, and at that time—this was prior to Plaintiffs adding a
7 copyright claim related to “All She Wants to Do Is Dance”—the only claim that stood in the
8 way of the Tax parody being shown on the internet was the Lanham Act claim. Thus,
9 Defendants added the disclaimer at my direction for tactical, litigation reasons. Henley’s
10 Lanham Act claim was already weak; with the addition of the tongue-in-cheek disclaimer
11 language, Henley would likely lose whatever little hope he had of proving that the video
12 Defendants were running on the internet was causing consumer confusion, and Defendants
13 would be able to run the video without interference.

14 3. Henley’s music video for “All She Wants to Do Is Dance” is available on the
15 internet at [http://new.music.yahoo.com/videos/DonHenley/All-She-Wants-To-Do-Is-Dance-](http://new.music.yahoo.com/videos/DonHenley/All-She-Wants-To-Do-Is-Dance-2142593)
16 [-2142593](http://new.music.yahoo.com/videos/DonHenley/All-She-Wants-To-Do-Is-Dance-2142593). The video uses Spanish language signs and Spanish language subtitles, and the
17 lyrics of the song have the people shouting at the “Yankees” as they fly away. The most
18 reasonable interpretation of these facts is that the allegedly unknown location is actually a
19 location in Latin America. Moreover, as Mr. DeVore stated in his declaration, the uniforms
20 worn by soldiers in the video are consistent with the uniforms used by the Nicaraguan
21 Contras. DeVore, an Army intelligence officer and a Reagan administration official during
22 the political controversy over the Reagan Administration’s support of the Contras, was
23 familiar with the Contras uniforms. Thus, whatever Henley’s subjective intent, in light of
24 the song’s lyrics, the video’s images, and the political context of the release of the song, a
25 reasonable interpretation of “All She Wants to Do Is Dance” is that the song was a criticism
26 of American foreign policy and the apathy of the American people to that policy, as is
27 articulated in DeVore’s declaration.

