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17	UNITED STATES DISTRICT COURT	
18	NORTHERN DISTRICT OF CALIFORNIA	
19		
20	REALNETWORKS, INC., et al.,	CASE NO. C 08-4548-MHP
21	Plaintiffs,	DECLARATION OF REBECCA GOSE LYNCH IN SUPPORT OF STUDIOS'
22	VS.	ADMINISTRATIVE MOTION FOR ORDER SHORTENING TIME FOR HEARING OF
23	DVD COPY CONTROL ASSOCIATION, INC., et al.	MOTION FOR SANCTIONS FOR SPOLIATION OF EVIDENCE
24	Defendants.	Ctrm: 15 (Hon. Marilyn Hall Patel)
25		
26	AND CONSOLIDATED ACTIONS.	
27		
28		
	7218598.1	LYNCH DECL. ISO ADMINISTRATIVE MOTION FOR ORDER SHORTENING TIME

DECLARATION OF REBECCA GOSE LYNCH

I, Rebecca Gose Lynch, declare:

1. I am an attorney associated with the law firm of Munger, Tolles & Olson LLP, counsel of record for Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Paramount Pictures Corp., Sony Pictures Entertainment, Inc., Sony Pictures Television Inc., Twentieth Century Fox Film Corp., NBC Universal, Inc., Walt Disney Pictures, Warner Bros. Entertainment, Inc., Universal City Studios Productions LLLP, Universal City Studios LLLP, and Viacom, Inc. ("the Studios") in the above-captioned matter. I make this Declaration based upon my own personal knowledge, and if called upon to do so, I could and would testify competently 10 to the matters stated herein.

2. The Studios are requesting shortened time for their Motion For Sanctions 12 For Spoliation Of Evidence ("Motion") because it would be impossible to hear the Motion on a 13 full 35-day notice period in time for adequate preparation for the April 1, 2009 preliminary 14 injunction hearing in this matter. The Studios were unable to file this motion earlier because the 15 evidence relating to spoliation has only recently come to light and the Studios have been 16 attempting to meet and confer with RealNetworks over the past few weeks on these issues. 17 Moreover, the Studios' Motion seeks evidentiary and other sanctions to remedy Real's spoliation 18 activities. The requested remedies include adverse inferences and the exclusion of certain 19 testimony and evidence, all of which will bear on both sides' preparation for the preliminary 20 injunction hearing.

3. If this Motion were noticed on the normal 35-day schedule, it would not be 22 heard until April 6, 2009, which would be after the preliminary injunction hearing itself. The 23 schedule proposed in the application strikes a balance between ensuring sufficient preparation for 24 the preliminary injunction hearing and allowing sufficient time for Real to oppose the Studios' 25 Motion.

4. On February 23, 2009, I spoke with Tracy Tosh Lane, counsel for Real, and asked her to stipulate to shortened time for hearing of the Studios' spoliation motion, as well

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as the proposed briefing and hearing schedule set forth in the Studios' accompanying application.
The next day, Ms. Tosh Lane sent me an email stating that Real declined to stipulate to shortened
time because Real did not believe that these issues needed to be decided prior to the hearing nor
did it have the time to respond to the spoliation issues. Attached hereto as Exhibit A is a true and
correct copy of that email.
5. There has been one previous schedule modification in this matter, which
occurred when the Court continued the preliminary injunction hearing from January 27 to April 1,

8 2009. The April 1 hearing will remain on calendar and is unchanged by the schedule proposed in9 the application.

I declare under penalty of perjury under the laws of the United States and
 California that the foregoing is true and correct and that this Declaration was executed this 25th
 day of February, 2009, in San Francisco, California.

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/s/ REBECCA GOSE LYNCH