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17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

20 REALNETWORKS, INC., et al.,  
 21 Plaintiffs,  
 22 vs.  
 23 DVD COPY CONTROL ASSOCIATION,  
 INC., et al.  
 24 Defendants.  
 25  
 26 AND CONSOLIDATED ACTIONS.

CASE NO. C 08-4548-MHP  
**DECLARATION OF REBECCA GOSE  
 LYNCH IN SUPPORT OF STUDIOS'  
 ADMINISTRATIVE MOTION FOR ORDER  
 SHORTENING TIME FOR HEARING OF  
 MOTION FOR SANCTIONS FOR  
 SPOILIATION OF EVIDENCE**  
 Ctrm: 15 (Hon. Marilyn Hall Patel)

**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 to the matters stated herein.

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

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

