

EXHIBIT 3

1 D.C. PETER CHU, State Bar No. 26431
Email: peter.chu@cojk.com
2 PAM K. JACOBSON, State Bar No. 31810
Email: pam.jacobson@cojk.com
3 DAVID PATRICK SHELDON , State Bar No. 39633
Email: david.sheldon@cojk.com
4 CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 5th Ave Ste 2800
5 Seattle, WA 98101-1344

6 Attorneys for Non-Party
NICOLE HAMILTON
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 REALNETWORKS, INC., a Washington
corporation; and REALNETWORKS HOME
13 ENTERTAINMENT, INC., a Delaware
corporation,

14 Plaintiffs and
15 Counterclaim Defendants,

16 v.

17 DVD COPY CONTROL ASSOCIATION, INC.,
a Delaware nonprofit corporation, DISNEY
18 ENTERPRISES, INC., a Delaware corporation;
PARAMOUNT PICTURES CORP., a Delaware
19 corporation; SONY PICTURES ENTER., INC., a
Delaware corporation; TWENTIETH CENTURY
20 FOX FILM CORP., a Delaware corporation;
NBC UNIVERSAL, INC., a Delaware
21 corporation; WARNER BROS. ENTER. INC., a
Delaware corporation; and VIACOM, Inc., a
22 Delaware corporation,

23 Defendants and
24 Counterclaim Plaintiffs.

25
26 AND RELATED CASES
27
28

Case Nos.: C08 04548 MHP,
C08 04719 MHP Consolidated

**DECLARATION OF NICOLE
HAMILTON**

Western District of Washington, Seattle
Case Nos.: Hereinabove

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Nicole Hamilton, declare as follows:

1. I am over the age of eighteen. I am a single female in her fifties. I have found myself unemployed in an economic environment not seen since the 1930s. To support myself through these difficult times, I have held temporary jobs that are not regular, expected, or planned. My spirits were lifted recently when I was called in for an interview for a full-time position in Seattle on December 16, 2008, the result of which is unknown.

2. I have reviewed various statements of the "Declaration of Rohit K. Singla Regarding Deposition of Nicole Hamilton," and I do not entirely agree with the various statements made by Mr. Singla. For example, although I have indicated a willingness to cooperate, as long as it is not burdensome, it is incorrect that I made any assurance of my availability on any particular date.

3. In fact, even Mr. Singla was not clear on any particular date in his various contacts with me without the presence of my counsel. He indicated that a particular date was still being worked out. Given that I was called to an interview on December 16, 2008, I would not have assured Mr. Singla that I was available on that date. For these and other reasons, I have chosen my attorney, Peter Chu, to protect me against the parties of this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Seattle, Washington on December 22, 2008.

By: 
Nicole Hamilton