

1 5. OTRN has produced and syndicated “The Michael Savage Show” (the “**Show**”)
2 for approximately eight years. Defendant MICHAEL WEINER, aka MICHAEL SAVAGE
3 (“**Savage**”) serves as the host of the Show for OTRN under contract to OTRN.

4 6. OTRN is the holder of the copyrights to the Show and all of the weekday
5 programs of the Show, with one exception.

6 7. Prior to September 29, 2008, OTRN formally assigned the copyright for the
7 October 29, 2007 broadcast of the Show (the “**10/29/07 Program**”) to Savage.

8 8. On or before September 29, 2008, I learned from Benjamin A. Shapiro
9 (“**Shapiro**”), a Southern California attorney that OTRN and I had recently begun working with,
10 that he had discovered the existence of hundreds of videos containing portions of the Show
11 posted on YouTube.

12 9. I was aware that OTRN had not granted any authorization to post video
13 containing content from the Show on YouTube, and that such a large archive of searchable
14 videos of content from the Show would be damaging to OTRN’s programs of making certain
15 archived content from the Show available to persons under paid membership programs.

16 10. As a result, I requested that Shapiro review the content of the Show posted on
17 YouTube and prepare the initial draft of an initial letter to YouTube demanding that it remove
18 content of the Show improperly posted on YouTube’s website.

19 11. After investigating the specifics of the postings further, Shapiro submitted a draft
20 letter and supporting attachment listing 259 videos which he had identified as videos posted on
21 YouTube which should be removed as containing content of the Show posted improperly on
22 YouTube in violation of the copyrights for the Show.

23 12. I am familiar with the September 29, 2008 letter from Carter Glahn to You Tube
24 at issue in this Action (the “**9/29/08 Letter**”). The authorization and request to Shapiro to
25 review underlying videos at issue in the 9/29/08 Letter and prepare the first draft of the 9/29/08
26 Letter was given by me, based solely on communications between Shapiro and me. The
27 authorization and request to Carter Glahn (“**Glahn**”) to issue the 09/29/08 Letter was given by
28 me, to Glahn, based on my separate communications with Shapiro. Neither Savage nor any

1 representatives of Savage participated in, or were informed of, or communicated any input of
2 any kind, whether directly or indirectly, to me, with respect to any of such communications, and
3 I did not communicate any directions to either Shapiro or Glahn on any basis other than as an
4 independent determination made solely on my part on behalf of OTRN.

5 13. In all of such communications, I acted on behalf of OTRN as the principal, and
6 neither I nor OTRN was acting as an agent for Savage. Similarly, neither I nor OTRN had any
7 understanding or expectation, whether from Savage or any other person or entity, that OTRN
8 was acting as an agent for Savage with respect to any action at issue in this Action.

9 14. Indeed, one of the points I did check for in my review of the 9/29/08 Letter was to
10 be sure that it was clear that the 9/29/08 Letter was being issued on behalf of OTRN, and that
11 the 9/29/08 Letter was not speaking “for the separate rights Savage” or of “any other parties” in
12 any respect, in order to ensure that it was clear that OTRN was issuing the 9/29/08 Letter
13 exclusively on its own behalf.

14 15. As OTRN was proceeding independently with respect to its own copyright claims
15 with respect to the discovery of the 259 videos on You Tube containing content from the Show,
16 neither Savage nor any representative of Savage was notified that a removal demand was being
17 sent to YouTube. No information concerning the issuance of such demand was sent to Savage
18 or any representative of Savage after the fact (at least prior to the commencement of this
19 Action). I was the coordinator of all communications relating to that demand, and there were no
20 communications from or to Savage concerning that demand prior to the time that he learned that
21 he had been named as a defendant in this Action.

22
23 I declare under penalty of perjury that the foregoing is true and correct and that this
24 declaration is executed under the laws of the State of California on the 8th day of May, 2009, at
25 Rogue River, Oregon.

26
27 /s/ Ronald H. Severaid

28 _____
RONALD H. SEVERAID

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