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4 Attorney for Defendant  
MICHAEL WEINER, aka MICHAEL SAVAGE

5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
7 SAN FRANCISCO DIVISION

8 BRAVE NEW FILMS 501(c)(4),  
9  
10

11 Plaintiff,

12 vs.

13 MICHAEL WEINER aka MICHAEL  
14 SAVAGE and ORIGINAL TALK RADIO  
NETWORK, INC.,

15 Defendants

) Case No.: CV 08-4703 SI

) **DECLARATION OF RONALD H.  
) SEVERAID IN SUPPORT OF  
) DEFENDANT MICHAEL WEINER, aka  
) MICHAEL SAVAGE'S OPPOSITION TO  
) PLAINTIFF BRAVE NEW FILMS  
) 501(C)(4)'S MOTION FOR PARTIAL  
) SUMMARY JUDGMENT**

) Date: June 12th, 2009  
) Time: 9:00 a.m.  
) Location: Courtroom 10

17 \_\_\_\_\_ Honorable Susan Illston

18 I, RONALD H. SEVERAID, hereby declare that:

19 1. I am an attorney at law duly licensed to practice before all courts of the State of  
20 California.

21 2. I am one of the California attorneys for defendant THE ORIGINAL TALK  
22 RADIO NETWORK, INC. ("**OTRN**" or "**Defendant**"), and I am a member of the law firm of  
23 Severaid & Glahn, P.C.

24 3. I have personal knowledge of all matters addressed in this declaration, and could  
25 testify competently thereto if called upon to do so.

26 4. I am also the Executive Vice President of OTRN and now spend most of my  
27 office time at the corporate office of OTRN.  
28

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 YouTube at  
24 issue in this Action (the “**09/29/08 Letter**”). The authorization and request to Shapiro to review  
25 underlying videos at issue in the 09/29/08 Letter and prepare the first draft of the 09/29/08  
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

1 me, to Glahn, based on my separate communications with Shapiro. Neither Savage nor any  
2 representatives of Savage participated in, or were informed of, or communicated any input of  
3 any kind, whether directly or indirectly, to me, with respect to any of such communications, and  
4 I did not communicate any directions to either Shapiro or Glahn on any basis other than as an  
5 independent determination made solely on my part on behalf of OTRN.

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

10 14. Indeed, one of the points I did check for in my review of the 09/29/08 Letter was  
11 to be sure that it was clear that the 09/29/08 Letter was being issued on behalf of OTRN, and  
12 that the 09/29/08 Letter was not speaking “for the separate rights Savage” or of “any other  
13 parties” in any respect, in order to ensure that it was clear that OTRN was issuing the 09/29/08  
14 Letter exclusively on its own behalf.

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

23  
24 I declare under penalty of perjury that the foregoing is true and correct and that this  
25 declaration is executed on the 22nd day of May, 2009, at Grants Pass, Oregon.

26  
27 /s/ Ronald H. Severaid  
28 RONALD H. SEVERAID

