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5 **Attorneys for Plaintiffs**
Jason Baker, Sean Bosquett,
6 *frank Bachman, Paul Graham,*
and Paul Vannatta
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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 ANTHONY VENTURA, on behalf of himself
13 and all others similarly situated,

14 Plaintiff,

15 vs.

16 SONY COMPUTER ENTERTAINMENT
17 AMERICA, INC.,

18 Defendant.

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20
21 **This document also relates to:**

22 TODD DENSMORE and ANTAL HERZ, on
23 behalf of themselves and all others similarly
situated,

24 Plaintiffs,

25 vs.

26 SONY COMPUTER ENTERTAINMENT
27 AMERICA, INC., a Delaware corporation,

28 Defendant.

No. 10-CV-1811-RS

CLASS ACTION

**DECLARATION OF JOHN R. FABRY IN
SUPPORT OF PLAINTIFFS' MOTION
TO APPOINT JOHN R. FABRY OF
BAILEY & GALYEN AS INTERIM
CLASS COUNSEL**

Date: June 24, 2010

Time: 1:30 p.m.

Courtroom: 3

The Honorable Richard Seeborg

No. 10-CV-1945-EDL

The Honorable Elizabeth D. Laporte

**CLASS ACTION - DECLARATION OF JOHN R. FABRY IN SUPPORT OF
PLAINTIFFS' MOTION TO APPOINT INTERIM CLASS COUNSEL**

1 **This document also relates to:**

2 JASON BAKER, SEAN BOSQUETT,
3 FRANK BACHMAN, PAUL GRAHAM, and
4 PAUL VANNATTA, Individually and on
Behalf of All Others Similarly Situated,

5 Plaintiffs,

6 vs.

7 SONY COMPUTER ENTERTAINMENT
8 AMERICA, LLC successor to SONY
COMPUTER ENTERTAINMENT
AMERICA, INC.

9 Defendant.

No. 10-CV-1897-SC

The Honorable Samuel Conti

10 **This document also relates to:**

11 KEITH WRIGHT, on behalf of himself and all
12 others similarly situated,

13 Plaintiff,

14 vs.

15 SONY COMPUTER ENTERTAINMENT
16 AMERICA, INC.; and SONY COMPUTER
ENTERTAINMENT AMERICA, LLC,

17 Defendants.

No. 10-CV-1975-JL

The Honorable James Larson

18
19 I, John R. Fabry, declare:

20 1. I practice with the law firm of BAILEY & GALYEN, counsel for Plaintiffs JASON
21 BAKER, SEAN BOSQUETT, FRANK BACHMAN, PAUL GRAHAM, and PAUL VANNATTA
22 in the matter of *Baker, et al. v. Sony Computer Entertainment America, LLC successor to Sony*
23 *Computer Entertainment America, Inc.*, No. 10-CV-01897-SC, U.S.D.C. Northern District of
24 California, San Francisco Division. My motion to be admitted Pro Hac Vice in this matter is
25 pending. I am a member in good standing of the following state bars and admitted to practice before
26 the following courts:

- 27
- Texas Bar
 - South Carolina Bar
 - U.S. Court of Appeals for the Third Circuit
- 28

**CLASS ACTION - DECLARATION OF JOHN R. FABRY IN SUPPORT OF
PLAINTIFFS' MOTION TO APPOINT INTERIM CLASS COUNSEL**

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the District of Nebraska
- U.S. District Court for the Northern District of Texas
- U.S. Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. Court of Federal Claims
- United States Supreme Court

I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. I submit this declaration in support of the motion by Plaintiffs JASON BAKER, SEAN BOSQUETT, FRANK BACHMAN, PAUL GRAHAM, and PAUL VANNATTA for appointment of John R. Fabry of BAILEY & GALYEN as interim class counsel.

3. I graduated from Notre Dame School of Law in 1989. I have been active in complex mass action litigation and trial practice since then. I have represented thousands of plaintiffs in litigation to recover for asbestos injuries caused by defective products and under the Federal Employers' Liability Act, noise-induced hearing loss under the Federal Employers' Liability Act, silicosis caused by defective products, claims for mercury related injuries in the U.S. Court of Federal Claims Omnibus Autism Proceeding, and injuries caused by defective prescription drugs such as Baycol and Fen-Phen.

4. My practice has been 100% litigation and trials.

5. I have successfully tried cases in both state and federal courts. I have appeared Pro Hac Vice in state and federal courts across the United States. I have worked cooperatively and successfully with other attorneys and various litigation leadership structures to handle mass torts, multi-district litigation, and consolidated cases.

6. I am lead counsel for proposed lead Plaintiff in the pending class action *Michael Ewert, on Behalf of Himself and All Others Similarly Situated v. eBay, Inc.*, No. 07-CV-2198-RMW, U.S.D.C. Northern District of California, San Jose Division, with Charles Bishop serving as local counsel, which has been coordinated with *The Missing Link, Inc. d/b/a Bath Plus Inc. and Jeffrey Marks, individually and on behalf of all others similarly situated v. eBay, Inc.*, No. 07-CV-4487-

**CLASS ACTION - DECLARATION OF JOHN R. FABRY IN SUPPORT OF
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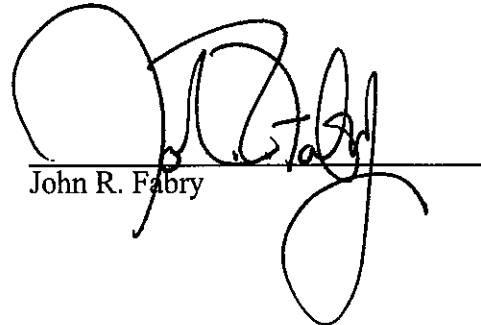
1 RMW, U.S.D.C. Northern District of California, San Jose Division. These cases involve alleged
2 violations of the same California consumer protection laws raised in the Sony PS3 cases.

3 7. BAILEY & GALYEN has 29 lawyers, 119 support staff, and substantial experience
4 prosecuting complex litigation.

5 8. BAILEY & GALYEN'S investigation began April 4, 2010 in response to PS3 consumer
6 requests for help. BAILEY & GALYEN has since devoted significant time to investigating and
7 researching the Plaintiffs' claims and talking to claimants. Since the Complaint was filed, BAILEY
8 & GALYEN has been contacted by numerous additional consumers and continued to gather
9 information supporting their claims. BAILEY & GALYEN is ready and able to finance this class action
10 litigation, and will coordinate and cooperate with other counsel in efforts to ensure that the matters
11 are prosecuted efficiently.

12 I declare under penalty of perjury under the laws of the State of California and Texas that the
13 foregoing is true and correct.

14 Dated: May 20, 2010.

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17 John R. Fabry
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**CLASS ACTION - DECLARATION OF JOHN R. FABRY IN SUPPORT OF
PLAINTIFFS' MOTION TO APPOINT INTERIM CLASS COUNSEL**

1 **UNITED STATE DISTRICT COURT; NORTHERN DISTRICT OF CALIFORNIA**
2 **Case Name: Ventura v. Sony Computer Entertainment**
3 **Case Number: CV 10-1811 EMC**

4 **CERTIFICATE OF SERVICE**

5 I am a citizen of the United States and a resident of the State of California. I am employed
6 in San Francisco County, State of California, in the office of a member of the bar of this Court, at
7 whose direction the service was made. I am over the age of eighteen years, and not a party to the
8 within action. My business address is 44 Montgomery Street, Suite 1750, San Francisco,
9 California 94104.

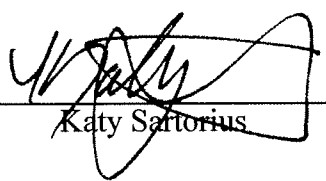
10 I hereby certify that on May 20, 2010, I electronically filed the following documents with
11 the Clerk of Court using the CM/ECF system:

- 12 ● DECLARATION OF JOHN R. FABRY IN SUPPORT OF PLAINTIFFS'
13 MOTION TO APPOINT JOHN R. FABRY OF BAILEY & GALYEN AS
14 INTERIM CLASS COUNSEL.

15 United States District Court, Northern District of California CM/ECF system will send
16 notification of such filing to the following attorneys of record at the following listed email
17 addresses:

18 Rebecca Coll 19 Meiselman, Denlea, Packman, Carton & 20 Eberz 21 1311 Mamaroneck Avenue 22 White Planes, New York 10605	rcoll@mdpcelaw.com
23 Deborah McCrimmon 24 DLA PIPER LLP (US) 25 555 Mission Street, Suite 2400 26 San Francisco, CA 94105	deborah.mccrimmon@dlapiper.com, tee.thomas@dlapiper.com
27 Rosemary M. Rivas 28 Mark Punzalan Tracy Tien FINKELSTEIN THOMPSON LLP 100 Bush Street, Suite 1450 San Francisco, CA 94104	ttien@finkelsteinthompson.com, jdito@finkelsteinthompson.com, mpunzalan@finkelsteinthompson.com, rrivas@finkelsteinthompson.com, srenwick@finkelsteinthompson.com

29 I declare under penalty of perjury under the laws of the United States that all of the
30 foregoing statements are true and correct and if called upon would testify competently thereto.
31 Executed on May 20, 2010, at San Francisco, California

32 
33 _____
34 Katy Sartorius

35 **CLASS ACTION; [PROPOSED] ORDER CONSOLIDATING CASES AND**
36 **APPOINTING JOHN R. FABRY OF BAILEY & GALYEN AS INTERIM CLASS COUNSEL**