

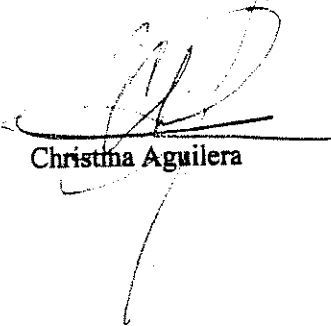
# Aze Music Management

## DECLARATION

I, Christina Aguilera, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness or identity, without my express written permission, or the permission of my manager or someone with the authority to act on my behalf.

Executed this 29<sup>th</sup> day of October 2001.



Christina Aguilera

3500 West Olive Avenue, Suite 600 • Burbank, California 91505  
Telephone: 818-977-0400 • Fax: 818-977-0406

EXHIBIT 5

Declaration

I, MAGALI AMADE, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 1 day of NOVEMBER, 2001

  
\_\_\_\_\_

AMADE MAGALI please print

DECLARATION

I, Mikyla, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, ~~except for Playboy~~, and

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of November, 2001



Mikla Archibald please print

Attached to  
April 23, 2003  
letter

DECLARATION

I, ASIA ARGENTO, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 7th day of February, 2002

[Signature]

ASIA ARGENTO please print

PLEASE FAX THE SIGNED DOCUMENT TO 310-205-9644.

DECLARATION

I, Alley Baggett, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and alleybaggett.net & macandbumble.com

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of November, 2001

Alley Baggett  
Alley Baggett please print

# Azoff Music Management

## Declaration

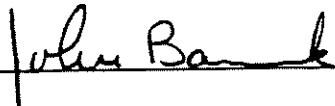
I, John Baruck, work with Irving Azoff who represents Christina Aguilera. As part of my regular duties as her representative, I am responsible for assisting in the review or management of her publicity, including, but not limited to, reviewing photographs of Ms. Aguilera and knowing to whom her rights of publicity have been granted or assigned. In my position as Ms. Aguilera's representative, I therefore have personal knowledge regarding the authorized uses of her name, identity, and likeness.

Christina Aguilera has not licensed or authorized the use of her name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" – i.e., pictures in which a celebrity's head is pasted onto another person's nude body and/or body engaged in sexually explicit acts. Any Internet site that commercially displays or advertises any fake nudes of Christina Aguilera is doing so without permission of any kind from Christina Aguilera.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: NOV. 1, \_\_\_\_\_, 2001,

At BURBANK, CA. \_\_\_\_\_.

  
\_\_\_\_\_  
JOHN BARUCK  
Please Print

DECLARATION

I, Kylie Bax, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 20 day of February, 2003

Kylie Bax

Kylie Bax please print

I, Bobbi Billard, hereby declare as follows: I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 1st day of Nov. 20

Bobbi Billard

Bobbi Billard



FROM :

PHONE NO. : 751-1025

Nov. 28 2001 02:52PM P2

FROM : SELMA RUBIN TALENT MGMT.

PHONE NO. : 718 896 6153

Nov. 19 2001 01:04PM P3

~~CONFIDENTIAL~~ LIT. DEPT.

**Declaration**

I, Yasmine Sleeth, hereby declare as follows:

I have not authorized or licensed any pornographic website or any affiliates of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2001

Yasmine Sleeth  
YASMINE SLEETH

Declaration

Robbie J. Brown hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 27 day of November, 2001

Robbie Brown please print

Declaration

I, Tracey Mikolas, represent Bobbie Brown.  
As part of my regular duties as their representative, I am responsible for assisting in the review or management of their publicity, including, but not limited to, reviewing photographs and knowing to whom their rights of publicity have been granted or assigned. In my position as their representative, I therefore have personal knowledge regarding the authorized uses of their name, identity, and likeness.

Bobbie Brown has not licensed or authorized the use of their name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" -- i.e., pictures in which a celebrity's head is pasted onto another person's nude body and/or body engaged in sexually explicit acts. Any Internet site that commercially displays or advertises any fake nudes of Bobbie Brown is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Nov. 13, 2001,  
at NC.

Tracey Mikolas  
Tracey Mikolas  
printed name

DECLARATION

I, ICEY BURGLAND, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 28 day of FEB, 2003

Burgland I.

BURGLAND I. please print

Declaration

I serve as an agent, manager, or attorney for

MICHAEL CAMPBELL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and my regular responsibilities include any licensing of their rights of publicity. I have not authorized the right to use or exploit the name, likeness, or identity of any of the above clients to any pornographic website or any of its affiliates, except for

0 I am also against any pornographic website or any other entity exploiting the name, likeness, or identity of my clients without express written permission.

Executed this 28 day of February, 2003



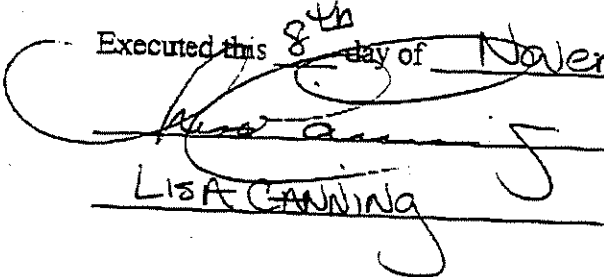
OMAR ALBERTO please print

Declaration

I, LISA CANNING, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 8<sup>th</sup> day of November, 2001

  
LISA CANNING

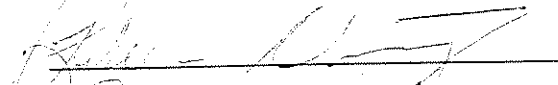
please print

Declaration

I, Rebecca Choney, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 17<sup>th</sup> day of October, 2001



Rebecca Choney please print

Declaration

I, Betsy COX, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 1 day of November, 2001

Betsy Cox

Betsy COX please print



DECLARATION

I, Devin DEVASQUEZ, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and www.devinderasquez.com.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 15 day of November, 2001



Devin DEVASQUEZ please print

JEFFREY N. MAUSNER (State Bar No. 122385)  
LAURENCE M. BERMAN (State Bar No. 93515)  
BERNARD M. RESSER (State Bar No. 92873)  
BERMAN, MAUSNER & RESSER  
A LAW CORPORATION  
4727 Wilshire Boulevard, Suite 500  
Los Angeles, California 90010-3874  
Telephone: (323) 965-1200  
Facsimile: (323) 965-1919

RONALD JOHNSTON (State Bar No. 057418)  
JOHN J. QUINN (State Bar No. 029588)  
DANIEL J. COOPER (State Bar No. 198460)  
SEAN MORRIS (Bar No. 200368)  
ARNOLD & PORTER  
777 Figueroa Street, 44th Floor  
Los Angeles, California 90017-5844  
Telephone: (213) 243-4000  
Facsimile: (213) 243-4199

Attorneys for Plaintiff PERFECT 10, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CYBERNET VENTURES, INC.; SPIKA'S )  
REALM; FUNET INC.; SEAN DEVINE, an )  
individual; THOMAS PACH, an individual; )  
JIM WELLS, an individual; MACH 10 )  
HOSTING, INC.; F-T-V CORP.; F-T- )  
V.NET; and VIC TORIA, an individual, )  
 )  
Defendants. )

Case No. 01-02595 LGB (SHX)  
DECLARATION OF R.D. DOBSON II

I, Richard D. Dobson II, hereby declare under penalty of perjury that the following is true and correct.

1. I am the managing partner of Controversy Management Group, which is in the business of tracking unauthorized uses of celebrity persona on the Internet on behalf of its clients. I make this declaration based upon my own personal knowledge, except where indicated otherwise, and if called to testify, I would and could testify competently hereto.

2. I started protecting celebrities' interests on the Internet in 1995, and now do so under the business Controversy Management Group. We track the manner in which celebrities' names and images were used on the Internet and to attempt to prevent unauthorized uses of such celebrity persona.

3. Controversy Management Group has represented numerous celebrities whose rights of publicity have been infringed on the Internet. Our clients have not licensed the use of their photographs or names on the Adult Check website or on the websites that are part of the Adult Check network. Nevertheless, I am aware of various Adult Check websites that claim to contain pictures of Controversy Management Group's clients and some that actually do contain pictures (fake or real) of some of our clients. Controversy Management Group represents Krista Allen, Traci Bingham, Caprice Bourret, and Brooke Burke, whose names and likenesses are invoked, without authorization, on websites, including Adult Check websites.

4. When the names of celebrities such as those listed above are typed into the Adult Check search engine on the Adult Check website, a list of links to allegedly matching websites is created by the Adult Check search engine. In the case of some of the celebrities, the search results also include the full names of the celebrities. As examples, Adult Check Search results for the names of our clients Krista Allen, Traci Bingham, and Caprice Bourret are attached hereto as Exhibits "A" through "C." Unauthorized images of Krista Allen, Traci Bingham, Caprice (Bourret), and Brooke Burke available on Adult Check affiliated websites are attached hereto as Exhibits "D" through "G." One of the search results for "Caprice Bourret" shown on Exhibit "C" is a link entitled "Bobbi and Caprice boinking each other." Clicking on that link leads to pictures of two unidentifiable women, neither of who is Caprice (but one of whom has blonde hair like Caprice Bourret).

engaging in explicit sex acts. Examples of these photographs are shown in Exhibit "F." **Because these fake pictures portray a celebrity having sex as though she were a porn star, or worse, they are highly damaging to the celebrity's reputation and are completely unauthorized.**

5. Controversy Management Group has complained approximately ten times to Cybernet Ventures, the owner of Adult Check, about such unauthorized and fake photos of our clients. Some of these complaints have been made in writing, giving Cybernet and its affiliated website(s) notice of the infringing material. In spite of complaints to both Adult Check and its affiliated infringing websites, we have had almost no success in getting Adult Check websites to remove unauthorized images of our clients.

6. There are several reasons, both financial and personal, which make it very unlikely that most celebrities would sue to enforce their rights of publicity and copyrights against infringing websites. First, if a celebrity files suit against the infringing website, it is likely to create publicity for the website and the purported photographs of the celebrity. Such publicity would contravene the purposes for initiating such a lawsuit in the first instance by bringing attention to the website, potentially injuring the reputation of the celebrity even more. Second, there are many models who have appeared in magazines such as Playboy, some of whom my firm represents, who simply do not have the money to sue even one website. Third, many pornographic websites are owned and operated by companies with phony registrations that are impossible to find, or by companies located in foreign countries which are difficult to sue, or by companies in the U.S. which do not have any money to collect. Fourth, there are thousands of infringing websites, and the cost of suing all of them is prohibitive. Fifth, celebrities are concerned that the infringing websites will attempt to conduct extensive discovery into the celebrity's private life and attempt to cast the celebrity in a negative light that could further damage their career. Sixth, even if an individual celebrity were successful in suing thousands of website operators and getting their images removed, it wouldn't help the thousands of other celebrities whose images are being stolen. So there are many reasons, both financial and personal, which make it very unlikely most celebrities would sue to enforce their rights against the thousands of website operators who are currently getting away with massive infringement.


7. It is well known in the industry that so called "celebrity" sites do not own the rights to their content. For example, there are Adult Check sites like "The Complete Adult Site" (noods.com), that claim to have 60,000 celebrity images. At a cost of \$5,000 per celebrity photo, that site would have content worth \$300 million. Cybernet advertises, promotes, and sells access to hundreds of celebrity sites that contain hundreds of thousands of stolen celebrity images. I believe Cybernet sells access to more stolen content than any other person or entity.

8. Cybernet describes itself as an age verification system that keeps minors from viewing pornography. However, many Adult Check websites display extremely pornographic materials as samples to get customers to join Adult Check. In other words, there are thousands of extremely pornographic images available to minors on Adult Check sites without any age verification of any kind.

9. In its lawsuit, Perfect 10 has asserted certain unfair competition claims that are generally not available to individual celebrities. As a result, Perfect 10 has the opportunity to enjoin the massive infringement that is taking place without the need for thousands of individual lawsuits. Controversy Management Group therefore supports Perfect 10's unfair competition claim and hopes that the Court will force Cybernet Ventures to follow its own rules and regulations by requiring that Adult Check websites own the rights to their content.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct, to the best of my knowledge and belief.

Executed this 28<sup>th</sup> day of November 2001, at Los Angeles, California.

  
Richard D. Dobson II

## DECLARATION

During my time serving as manager and publicist for actress/model **Carmen Electra**, my regular responsibilities included any licensing of her rights of publicity. During which time, I never authorized the right to use or exploit the name, likeness, or identity of **Carmen Electra** to any pornographic websites or any of their affiliates. I am also against any pornographic website or any other entity exploiting the name, likeness, or identity of any of my clients without express written permission.

Executed this 28<sup>th</sup> day of February 2003.

By

  
Eric G. Kent

Network Entertainment Group, LLC.

DECLARATION

I, Roxanne Gallo, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and

my personal websites roxanne-gallo.com

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of November, 2001

Roxanne Gallo

Roxanne Gallo please print

DECLARATION

I, Rebecca Speight, to the best of my knowledge, have never authorized any pornographic website to use my name or photograph.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Aug 20 2001, at Los Angeles (place of signing).

Rebecca Speight

fax to 310-205-9644



DECLARATION

I, Rebecca Syheart, to the best of my knowledge, have never authorized any pornographic website to use my name or photograph.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Aug 20 2001, at Los Angeles (place of signing).

Rebecca Syheart

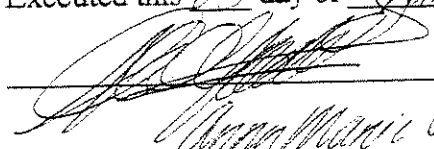
DECLARATION

I, Anna Marie Goddard, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and www.annamariegoddard.com.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 03 day of November, 2001

  
Anna Marie Goddard please print

DECLARATION

I, Lauren Hays, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and

Laurenhays.com

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of November, 2001

James Hays

Lauren Hays please print

# octagon

### Declaration

I, Ivan Brixi, represent Martina Hingis. As part of my regular duties as Ms. Hingis's representative, I am responsible for assisting in the review or management of Ms. Hingis's publicity, including, but not limited to, reviewing photographs of Ms. Hingis and knowing to whom Ms. Hingis's rights of publicity have been granted or assigned. In my position as Ms. Hingis's representative, I therefore have personal knowledge regarding the authorized uses of Ms. Hingis's name, identity, and likeness.

Ms. Hingis has not licensed or authorized the use of her name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. Any pornographic website, including but not limited to those affiliated with so-called age verification services such as Adult Check, that commercially displays or advertises Ms. Hingis's name, identity, or likeness, is doing so without permission.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 20 June, 2002,  
at BEIJING, CHINA.

Ivan Brixi  
IVAN BRIXI

Declaration

I serve as an agent, manager, or attorney for

- |                   |                  |
|-------------------|------------------|
| 1. VIVIAN HSU     | 9. SAORI AMAKAWA |
| 2. JENNIE CHAN    | 10. SAORI DEGAWA |
| 3. YUKO FUEKI     |                  |
| 4. XU RUO XUAN    |                  |
| 5. YUMIN          |                  |
| 6. Yu mean        |                  |
| 7. You mean       |                  |
| 8. AIKO MORISHITA |                  |

and my regular responsibilities include any licensing of their rights of publicity. I have not authorized the right to use or exploit the name, likeness, or identity of any of the above clients to any pornographic website or any of its affiliates, except for

\_\_\_\_\_ I am also against any pornographic website or any other entity exploiting the name, likeness, or identity of my clients without express written permission.

Executed this 10 day of OCTOBER, 2002

*Fumiko Homma*

FUMIKO HOMMA please print

PRESIDENT, SKY PLANNING

Declaration

I, Tracey Mikolas represent Brooke Johnson

As part of my regular duties as their representative, I am responsible for assisting in the review or management of their publicity, including, but not limited to, reviewing photographs and knowing to whom their rights of publicity have been granted or assigned. In my position as their representative, I therefore have personal knowledge regarding the authorized uses of their name, identity, and likeness.

Brooke Johnson has not licensed or authorized the use of their name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" -- i.e., pictures in which a celebrity's head is pasted onto another person's nude body and/or body engaged in sexually explicit acts. Any Internet site that commercially displays or advertises any fake nudes of Brooke Johnson is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Nov. 13, 2001,  
at \_\_\_\_\_

Tracey Mikolas -  
\_\_\_\_\_  
printed name



Declaration

I, Bill Butler, represent Jane Krakowski as agent. As part of my regular duties as her representative, I am responsible for assisting in the review or management of her publicity, including, but not limited to, reviewing photographs and knowing to whom her rights of publicity have been granted, licensed, or assigned. In my position as her representative, I therefore have personal knowledge regarding the authorized uses of her name, identity, and likeness.

Jane Krakowski has not licensed or authorized the use of her name, identity, or likeness in connection with the display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" - i.e., pictures in which a celebrity's head is pasted onto another person's nude body or a body engaged in sexually explicit acts. Any Internet site that displays or advertises any fake nudes of Jane Krakowski is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 7-29, 2002,  
at New York, N.Y.



BILL BUTLER

octagon

Declaration

I, Anna Kournikova, declare as follows:

Along with my agents and representatives, I have personal knowledge regarding the authorized uses of my name, identity, and likeness.

It has come to my attention that my name, identity and/or likeness has been used, or is currently being used, throughout various pornographic websites, some of which are affiliated with so-called age verification services including, but not limited to, Adult Check. Use of my name, identity and/or likeness by any of these entities in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures is unauthorized.

I swear under penalty of perjury that the foregoing is true and correct to the best of knowledge.

Dated: 6.30. 2002,  
at LONDON. UK.



ANNA KOURNIKOVA



Declaration

I, Jennifer Lothrop, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 12 day of November, 2001

Jennifer Lothrop  
Jennifer Lothrop please print

DECLARATION

I, Lorrie Menconi, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and

N/A

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of NOVEMBER, 2001

Lorrie Menconi

Lorrie Menconi please print

Declaration


I, Tracy Mikolas represent all listed below.

As part of my regular duties as their representative, I am responsible for assisting in the review or management of their publicity, including, but not limited to, reviewing photographs and knowing to whom their rights of publicity have been granted or assigned. In my position as their representative, I therefore have personal knowledge regarding the authorized uses of their name, identity, and likeness.

all listed below has not licensed or authorized the use of their name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" -- i.e., pictures in which a celebrity's head is pasted onto another person's nude body and/or body engaged in sexually explicit acts. Any Internet site that commercially displays or advertises any fake nudes of all listed below is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Nov. 13, 2001,  
at \_\_\_\_\_

  
Tracy Mikolas  
printed name

- Verina Wimmer -
- Jennifer Wood -
- Sara Spraker -
- Jenya Lano -
- Kristen Noelle -
- Inna -Baruskova

JEFFREY N. MAUSNER (State Bar No. 122385)  
LAURENCE M. BERMAN (State Bar No. 93515)  
MONA MILLER (State Bar No. 77452)  
G. JILL BASINGER (State Bar No. 195739)  
BERMAN, MAUSNER & RESSER  
A LAW CORPORATION  
4727 Wilshire Boulevard, Suite 500  
Los Angeles, California 90010-3874  
Telephone: (323) 965-1200  
Facsimile: (323) 965-1919

RONALD JOHNSTON (State Bar No. 057418)  
JOHN J. QUINN (State Bar No. 029588)  
DANIEL J. COOPER (State Bar No. 198460)  
ARNOLD & PORTER  
777 Figueroa Street, 44th Floor  
Los Angeles, California 90017-5844  
Telephone: (213) 243-4000  
Facsimile: (213) 243-4199  
Attorneys for Plaintiff  
PERFECT 10, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation )

Plaintiff, )

v. )

CYBERNET VENTURES, INC.; SPIKA'S )  
REALM; FUNET INC.; SEAN DEVINE, an )  
individual; THOMAS PACH, an individual; )  
JIM WELLS, an individual; MACH 10 )  
HOSTING INC.; F-T-V CORP.; F-T-V.NET; )  
and VIC TORIA, an individual, )

Defendants. )

Case No. 01-02595 LGB (SHX)

DECLARATION OF LIN MILANO IN  
SUPPORT OF PLAINTIFF PERFECT 10,  
INC.'S OPPOSITION TO DEFENDANT  
CYBERNET VENTURES, INC.'S MOTION  
TO DISMISS

Date: August 27, 2001

Time: 10:00 a.m.

Place: Courtroom of Honorable  
Lourdes G. Baird

I, Lin Milano, hereby declare under penalty of perjury, that the following is true and correct:

1. I am the owner of Cybertrackers. I make this declaration based upon my own personal knowledge, except where indicated otherwise, and if called to testify, I would and could testify competently hereto.

2. I started Cybertrackers a number of years ago in order to track the manner in which celebrities' names and images were used on the Internet and to stop the impermissible use of celebrities' names and images. I first became aware of the problem of owners of pornographic websites using celebrity names and images when it came to my attention that there were tens of thousands of pornographic websites that claimed to have nude images of my daughter, Alyssa Milano.

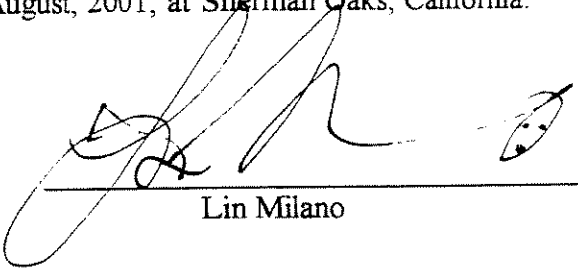
3. Over the past four years, Cybertrackers has represented numerous celebrities whose rights of publicity have been misappropriated on the Internet. Predominately, my work on behalf of these clients is to notify pornographic websites using my clients' names and image that such use is impermissible. To the best of my knowledge, none of my clients have licensed the use of their photographs or names to Cybernet Ventures, which I understand runs the Adult Check website. Nevertheless, I am aware of various websites that are part of Adult Check Network of participating sites that claim to contain pictures of my Cybertracker clients and some that actually do contain picture (fake or real) of some of my clients.

4. There are major problems for celebrities in enforcing their rights of publicity and copyrights against infringing companies such as Cybernet Ventures. First, there is the issue of cost in hiring organizations such as Cybertrackers to police the Internet. Second, many pornographic websites are owned and operated by phantom companies and it is very hard finding the true ownership of such sites. Third, many pornographic websites are, according to registration information, located in foreign countries. Fourth, in regards to the sites that do not remove the infringing material, the

cost of initiating litigation can be prohibitive – even if you can locate the true owners of the site. In addition, there are many personal issues that may dissuade a celebrity from initiating litigation against the sites that refuse to remove the infringing material.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge and belief.

Executed this 21 day of August, 2001, at Sherman Oaks, California.



Lin Milano

235167.1


DECLARATION

I, YVETTE NELSON, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, ~~XXXXXXXXXXXX~~, and SOUND RECORDINGS.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3rd day of NOVEMBER, 2001

  
YVETTE NELSON please print

Phone: 800-606-6639. Fax: 310-205-9644.

(916) 281-8698

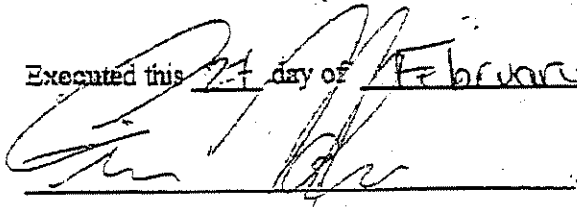
DECLARATION

I Gene L. Nolin, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 24 day of February, 2003



Gene L. Nolin please print



DECLARATION

I, Carie Otis, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 4 day of March, 2003

Carie Otis

Carie Otis please print

NDV-08-2001 21:18 FROM:N. ZADEH/PERFECT 10 3102059642

TO:816 763 5455

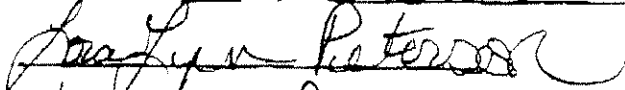
P.002/003

Declaration

I, LORA LYN PETERSON, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity. In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf

Executed this 8th day of NOVEMBER, 2001



LORA LYN PETERSON please print

Declaration

I, Tracey Mikolas represent Jaime Pressly

As part of my regular duties as their representative, I am responsible for assisting in the review or management of their publicity, including, but not limited to, reviewing photographs and knowing to whom their rights of publicity have been granted or assigned. In my position as their representative, I therefore have personal knowledge regarding the authorized uses of their name, identity, and likeness.

Jaime Pressly has not licensed or authorized the use of their name, identity, or likeness in connection with the commercial display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" -- i.e., pictures in which a celebrity's head is pasted onto another person's nude body and/or body engaged in sexually explicit acts. Any Internet site that commercially displays or advertises any fake nudes of Jaime Pressly is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Nov 13, 2001,  
at \_\_\_\_\_.

Tracey Mikolas  
Tracey Mikolas  
printed name



Declaration

I, Selma Rubin, represent Yasmine Bleeth as manager. As part of my regular duties as her representative, I am responsible for assisting in the review or management of her publicity, including, but not limited to, reviewing photographs and knowing to whom her rights of publicity have been granted, licensed, or assigned. In my position as her representative, I therefore have personal knowledge regarding the authorized uses of her name, identity, and likeness.

Yasmine Bleeth has not licensed or authorized the use of her name, identity, or likeness in connection with the display or advertisement on the Internet of nude or sexually explicit pictures. I am also aware that many Internet sites use celebrity names and pictures in connection with "fake nudes" - i.e., pictures in which a celebrity's head is pasted onto another person's nude body or a body engaged in sexually explicit acts. Any Internet site that displays or advertises any fake nudes of Yasmine Bleeth is doing so without authorization.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 11/16, 2001,  
at New York, N.Y.

Selma Rubin  
SELMA RUBIN

1 JEFFREY N. MAUSNER (State Bar No. 122385)  
2 MONA MILLER (State Bar No. 77452)  
3 G. JILL BASINGER (State Bar No. 195739)  
4 BERMAN, MAUSNER & RESSER  
5 A LAW CORPORATION  
6 4727 Wilshire Boulevard, Suite 500  
7 Los Angeles, California 90010-3874  
8 Telephone: (323) 965-1200  
9 Fax: (323) 965-1919  
10 E-mail: jmausner@bmrllaw.com

11 Attorneys for Plaintiff  
12 PERFECT 10, INC.

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 PERFECT 10, INC., ) Case No.: 01-02595 LGB (SHx)  
16 Plaintiff, )  
17 vs. ) DECLARATION OF LAURENCE H.  
18 ) RUDOLPH  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
CYBERNET VENTURES, INC.;  
CYBERNET VENTURES, INC. dba  
ADULT CHECK, et al  
Defendants.

19 I, Laurence H. Rudolph, declare as follows:

20 1. I am an attorney licensed to practice in the states of New York and Connecticut,  
21 and am admitted to practice before the United States District Court for the Southern District of  
22 New York.

23 2. I represent Brimey Spears as both her manager and her attorney. I am therefore  
24 personally familiar with licenses that Ms. Spears has granted for use of her photographs and  
25 name.

26 3. Ms. Spears has not granted Adult Check or the following websites which provide  
27 content to adultcheck.com via links the right to use her photographs or name:

28 Famous Celebrities Naked

- 1 Britney Spears What A Babe!
- 2 Babes of Rock
- 3 allnewteens.com
- 4 houseoffakes.com
- 5 merlenz.com

6 4. Adult Check claims to provide its customers with content from 870 sites that  
7 contain Britney Spears photos. To the best of my knowledge, Ms. Spears has not granted Adult  
8 Check or any of those 870 websites the right to use any of her photographs or her name.

9 5. A number of the websites listed above contain fake nude photographs of Ms.  
10 Spears, in which Ms. Spears' head is pasted onto someone else's nude body. Some of these fake  
11 pictures suggest that Ms. Spears is engaging in disgusting sexual acts. The contention that any of  
12 these sites has the rights to any pictures of Ms. Spears or the use of her name is outrageous.  
13 Access to these photographs is made possible by paying Adult Check a fee, and then clicking on  
14 a link corresponding to those sites on the adultcheck.com website.

15 6. If it is Adult Check's contention that they did not know that their linked sites do  
16 not have the rights to Britney Spears' photos or the use of her name, they know now. In fact,  
17 based on my knowledge regarding other celebrities I represent, and discussions with other  
18 celebrities that I know and their managers, it is unlikely that Adult Check or its sites have the  
19 right to use the photos or name of any top celebrities.

20 7. I believe that Adult Check should require each of its linked sites to prove that they  
21 own the rights to each and every photo on their sites. That is the only way to stop this outrage.

22 I declare under penalty of perjury that the foregoing is true and correct, to the best of my  
23 knowledge.

24 Executed this 29<sup>th</sup> day of May, 2001, at New York, New York.

25  
26   
27

28 LAURENCE H. RUDOLPH

I Stacy Sanches authorize Perfection  
to remove the use of my name and  
photos from any pornographic website  
other than playboy and my own.

None of these sites have the  
right to use my name or photos

Stacy Sanches  
6-2-01

DECLARATION

I, Laura Selway hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and  
personal website - blondpinup.com

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of Nov., 2001

Laura Selway  
Laura Selway please print



Declaration

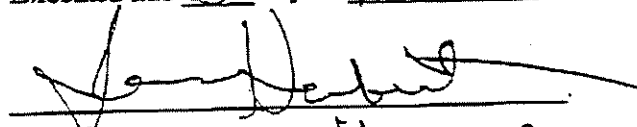
I serve as an agent, manager, or attorney for

STEPHANIE SEYMOR  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and my regular responsibilities include any licensing of their rights of publicity. I have not authorized the right to use or exploit the name, likeness, or identity of any of the above clients to any pornographic website or any of its affiliates, except for

\_\_\_\_\_, I am also against any pornographic website or any other entity exploiting the name, likeness, or identity of my clients without express written permission.

Executed this 3 day of March, 2003

  
Jennifer Hubert please print

DECLARATION


I, Britney Spears, to the best of my knowledge, have never authorized any pornographic website to use my name or photograph.

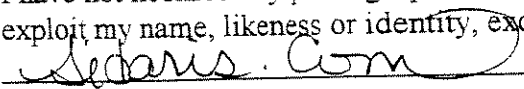
I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2001, at New York City (place of signing).

Britney Spears  
Britney Spears

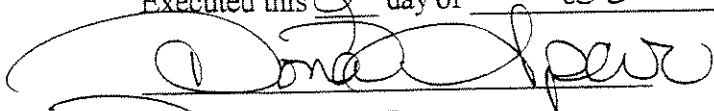
DECLARATION

I, , hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and .

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of Nov, 2001

  
Dana Speir please print

DECLARATION

I, DRISCIILLA TAYLOR hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity.

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 27 day of Feb - 2003

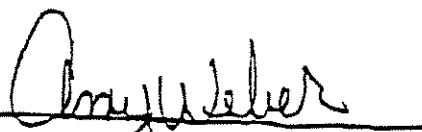
DRISCIILLA TAYLOR please print

DECLARATION

I, Amy Weber, to the best of my knowledge, have never authorized any pornographic web site other than that of Playboy and my own to use my name or photograph. Furthermore, I have never posed for any pictures completely nude.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 27, 2001 at Los Angeles, California.



AMY WEBER

DECLARATION

I, Victoria Zdrok, hereby declare as follows:

I have not licensed any pornographic website or any affiliate of such website to use or exploit my name, likeness or identity, except for Playboy, and various adult magazines & websites

In general, I do not want any entity to use or exploit my name, likeness, or identity, without my express written permission, or the permission of my agent or someone with the authority to act on my behalf.

Executed this 3 day of November, 2001

Victoria Zdrok

Victoria Zdrok please print