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11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 **VIDEO SOFTWARE DEALERS**  
 15 **ASSOCIATION and ENTERTAINMENT**  
 16 **SOFTWARE ASSOCIATION,**  
 Plaintiffs,  
 17  
 18 v.  
 19 **ARNOLD SCHWARZENEGGER, in his**  
 20 **official capacity as Governor of the State of**  
 21 **California; BILL LOCKYER, in his official**  
 22 **capacity as Attorney General of the State of**  
 23 **California; GEORGE KENNEDY, in his**  
 24 **official capacity as Santa Clara County**  
 25 **District Attorney, RICHARD DOYLE, in his**  
 26 **official capacity as City Attorney for the City**  
 27 **of San Jose, and ANN MILLER RAVEL, in**  
 28 **her official capacity as County Counsel for**  
 the County of Santa Clara,  
 Defendants.

C 05 4188 RMW RS

**DECLARATION OF MICHELE  
LEVY IN SUPPORT OF REQUEST  
FOR JUDICIAL NOTICE**

1 I, MICHELLE LEVY, declare as follows:

2 1. I am a Senior Legal Analyst in the Government Law Section of the Attorney  
3 General's Office. I have personal knowledge of the following and if asked to testify thereto could  
4 do so competently.

5 2. On Friday, September 21, 2007, I downloaded from the Administrative Office of the  
6 U.S. Courts PACER Service Center website ([https://ecf.cand.uscourts.gov/cgi-bin/  
7 DktRpt.pl?100935492099142-L\\_353\\_0-1](https://ecf.cand.uscourts.gov/cgi-bin/DktRpt.pl?100935492099142-L_353_0-1)) the Plaintiffs' Notice of Motion and Motion for a  
8 Preliminary Injunction; Memorandum of Points and Authorities in Support Thereof, Document No.  
9 5; and Plaintiffs' Notice of Motion and Motion for Summary Judgment; Memorandum of Points and  
10 Authorities in Support Thereof, Document No. 74 in *Video Software Dealers Association et al. v.*  
11 *Schwarzenegger et al.*, Case No. 5:05-cv-04188-RMW. Attached as exhibit "A" are the true and  
12 accurate copies of these pleadings.

13 3. On Tuesday, September 18, 2007, I downloaded from the Administrative Office of  
14 the U.S. Courts PACER Service Center website ([https://ecf.mied.uscourts.gov/cgi-bin/  
15 DktRpt.pl?546833367549841-L\\_353\\_0-1](https://ecf.mied.uscourts.gov/cgi-bin/DktRpt.pl?546833367549841-L_353_0-1)) the Plaintiffs' Motion for a Preliminary Injunction,  
16 Document No. 9; Plaintiffs' Motion for Summary Judgment, Document No. 41; and Order Granting  
17 Plaintiffs' Motion for Attorney Fees and Costs, Document No. 75 in *Entertainment Software*  
18 *Association et al. v. Granholm et al.*, Case No. 2:05-cv-73634-GCS-SDP. Attached as exhibit "B"  
19 are the true and accurate copies of these documents.

20 4. On Wednesday, September 19, 2007, I downloaded from the Administrative Office  
21 of the U.S. Courts PACER Service Center website ([https://ecf.mnd.uscourts.gov/cgi-bin/  
22 DktRpt.pl?544474937939973-L\\_353\\_0-1](https://ecf.mnd.uscourts.gov/cgi-bin/DktRpt.pl?544474937939973-L_353_0-1)) the Memorandum in Support of Plaintiffs' Motion for  
23 a Temporary Restraining Order and/or a Preliminary Injunction, Document No. 9 in *Entertainment*  
24 *Software Association et al. v. Hatch*, Case No. 0:06-cv-02268-JMR-FLN. Attached as exhibit "C"  
25 are the true and accurate copies of this pleading.

26 5. On Wednesday, September 19, 2007, I downloaded from the Administrative Office  
27 of the U.S. Courts PACER Service Center website ([https://ecf.lamd.uscourts.gov/cgi-bin/  
28 DktRpt.pl?115516405034216-L\\_353\\_0-1](https://ecf.lamd.uscourts.gov/cgi-bin/DktRpt.pl?115516405034216-L_353_0-1)) the Memorandum in Support of Plaintiffs' Application

1 for a Temporary Restraining Order, Document No. 5; and Memorandum in Support of Plaintiffs'  
2 Motion for Summary Judgment, Document No. 42 in *Entertainment Software Association et al. v.*  
3 *Foti et al.*, Case No. 3:06-cv-00431-JJB-CN. Attached as exhibit "D" are the true and accurate copies  
4 of these pleadings.

5           6. On Thursday, September 20, 2007, I downloaded from the Administrative Office of  
6 the U.S. Courts PACER Service Center website ([https://ecf.ilnd.uscourts.gov/cgi-bin/](https://ecf.ilnd.uscourts.gov/cgi-bin/DktRpt.pl?107901189539469-L_353_0-1)  
7 [DktRpt.pl?107901189539469-L\\_353\\_0-1](https://ecf.ilnd.uscourts.gov/cgi-bin/DktRpt.pl?107901189539469-L_353_0-1)) Memorandum in Support of Plaintiffs' Motion for a  
8 Preliminary Injunction, Document No. 29 in *Entertainment Software Association et al. v.*  
9 *Blagojevich et al.*, Case No. 1:05-cv-04265. Attached as exhibit "E" are the true and accurate copies  
10 of this pleading.

11           7. On Thursday, September 20, 2007, I downloaded from the Administrative Office of  
12 the U.S. Courts PACER Service Center website ([https://ecf.wawd.uscourts.gov/cgi-bin/](https://ecf.wawd.uscourts.gov/cgi-bin/DktRpt.pl?369736883620614-L_353_0-1)  
13 [DktRpt.pl?369736883620614-L\\_353\\_0-1](https://ecf.wawd.uscourts.gov/cgi-bin/DktRpt.pl?369736883620614-L_353_0-1)) Plaintiffs' Motion for Preliminary Injunction, Document  
14 No. 2; and Plaintiffs' Motion for Summary Judgment (Noting Date October 10, 2003), Document  
15 No. 48 in *Video Software Dealers Association et al. v. Maleng et al.*, Case No. 2:03-cv-01245-RSL.  
16 Attached as exhibit "F" are the true and accurate copies of these pleadings.

17           I declare under penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct that the foregoing is true and correct.

19           Executed this 26<sup>th</sup> day of September, 2007, at Sacramento, California.

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/s/ MICHELLE LEVY

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MICHELLE LEVY