

1 GOODIN, MACBRIDE, SQUERI, RITCHIE & DAY, LLP
2 ROBERT A. GOODIN, State Bar No. 061302
3 FRANCINE T. RADFORD, State Bar No. 168269
4 505 Sansome Street, Suite 900
5 San Francisco, California 94111
6 Telephone: (415) 392-7900
7 Facsimile: (415) 398-4321

8 PILLSBURY WINTHROP SHAW PITTMAN LLP
9 THOMAS V. LORAN III, State Bar No. 95255
10 JOANNE H. KIM, State Bar No. 221525
11 50 Fremont Street
12 Post Office Box 7880
13 San Francisco, CA 94120-7880
14 Telephone: (415) 983-1000
15 Facsimile: (415) 983-1200

16 Attorneys for Amicus Curiae Common Sense Media

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 VIDEO SOFTWARE DEALERS and
21 ENTERTAINMENT SOFTWARE
22 ASSOCIATION,

23 Plaintiffs,

24 v.

25 ARNOLD SCHWARZENEGGER, in his
26 official capacity as Governor of the State of
27 California; BILL LOCKYER, in his official
28 capacity as Attorney General of the State of
California; GEORGE KENNEDY, in his
official capacity as Santa Clara County
District Attorney; RICHARD DOYLE, in his
official capacity as City Attorney for the City
of San Jose, and ANN MILLER RAVEL, in
her official capacity as County Counsel for
the County of Santa Clara.

Defendants.

No. C 05 4188 RMW RS

**DECLARATION OF MICHAEL
OGDEN RICH, MD, MPH**

Date of Filing: No Date Set

Case No. C 05 4188 RMW RS

DECLARATION OF MICHAEL OGDEN RICH

1 I, Michael Ogden Rich, declare:

2 1. I am a medical doctor specializing in pediatrics. I received my M.D. from
3 Harvard Medical School in 1991 and a Master's in Public Health from Harvard School of Public
4 Health in 1997. I am currently an Assistant Professor of Pediatrics at Harvard Medical School
5 and Assistant Professor of Society, Human Development and Health at the Harvard School of
6 Public Health. I have directed and conducted research on the influence of media, positive and
7 negative, on the health and development of children and adolescents, taught courses on the role of
8 media in children's lives and its impact on their health, and have testified before the United States
9 Senate and House of Representatives on issues surrounding children and the media five times
10 since 2000. A true and correct copy of my complete curriculum vitae is attached hereto as Exhibit
11 A.

12 2. I make this declaration in opposition to plaintiffs' motion for summary
13 judgment. I know the following facts of my own knowledge, and if called as a witness, could
14 testify competently thereto.

15 3. Having come to medicine after a twelve-year career as a filmmaker, my
16 research explores the interface between medicine and communications media. Cognizant of the
17 potency of the image and of the primacy of mass media as a source of information and influence
18 for young people, I have focused on media as a force that affects health and behavior and as a tool
19 for medical research, education, health care policy, and advocacy.

20 4. Because of my experience and expertise in media and child health, I have
21 served as a member of the American Academy of Pediatrics' Committee on Public Education and
22 on the Editorial Board of *Pediatrics*. In 2002, building on my research in the area of media and
23 child health, I founded the Center on Media and Child Health at Children's Hospital Boston, with
24 institutional ties to Harvard Medical School and Harvard School of Public Health. The mission
25 of the Center on Media and Child Health is 1) to conduct original interdisciplinary research and
26 meta-analyses to determine and quantify the effects, positive and negative, of media exposure on
27 the health-related behaviors and physical, mental and social health of young people, 2) to develop
28 and evaluate media-related prevention strategies and intervention tools for protecting and

1 maintaining child health, 3) to use media to promote health by developing video, radio, computer
2 and Internet health education and intervention tools, and 4) to train researchers and clinicians in
3 the area of media and child health and to provide accurate, current research and clinical
4 information with which to teach and empower children, adolescents, and families to expect and
5 demand healthier lifestyles.

6 5. In March of 2005, I testified before the Illinois House Judicial Committee
7 on the effects of media on children's health. A true and correct copy of my testimony is attached
8 hereto as Exhibit B.

9 6. Under my direction, the Center on Media and Child Health (the "CMCH")
10 has to date reviewed 190 research studies published from 1982 to 2006 on the effects of violent
11 video game play on users, and has prepared a summary of those studies with their results and
12 conclusions. A true and correct copy of the CMCH summary as of April 4, 2006 is attached
13 hereto as Exhibit C. As I testified in March 2005, a recent study performed using more
14 sophisticated techniques than earlier studies found the strength of the correlation between violent
15 media exposure and aggressive behavior to be .31, a medium-sized effect. To place this in
16 context, the relationship between exposure to media and aggression is stronger than the
17 relationships between lead exposure and mental retardation in children or passive smoke exposure
18 and lung cancer.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on April 18, 2006 at Boston, Massachusetts.
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24 _____
Michael Rich, MD, MPH

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