

1 asking that Plaintiffs admit that the SmartDownload Actions did not allege that any user
2 information was “made known to any third person.” Plaintiffs responded on July 28, 2006 by
3 denying the RFA. A true and correct copy of Plaintiffs’ responses to St. Paul’s RFAs are
4 attached hereto as Exhibit 1.

5 6. Critically, in response to a correlative interrogatory asking that Plaintiffs explain
6 the basis for their denial of the RFA, Plaintiffs responded that the SmartDownload claimants
7 asserted that “information allegedly collected by Netscape and/or AOL either was – or was to
8 have been – shared with third parties.” A true and correct copy of Plaintiffs’ relevant
9 interrogatory responses are attached hereto as Exhibit 2. Plaintiffs specifically referenced Joshua
10 Rubin’s settlement presentation which alleged that claimants’ private information was shared
11 with AdForce.

12 7. On August 28, 2006, St. Paul responded as follows to Plaintiffs’ RFA #4 which is
13 at issue in its current motion:

14 **REQUEST FOR ADMISSION NO. 4:**

15 Admit that the SMARTDOWNLOAD CLAIM does not involve “3rd party advertising.”

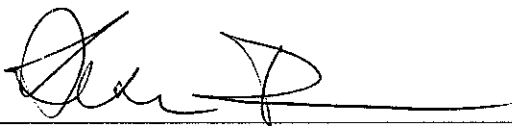
16 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

17 Admit.

18 A true and correct copy of St. Paul’s RFA responses are attached hereto as Exhibit 3.

19 I declare under penalty of perjury of the laws of the United States of America that the
20 foregoing is true and correct.

21 Executed this 3rd day of April 2007 at Los Angeles, California.

22 

23 _____
24 Leslie A. Pereira