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5 Attorneys for Defendants
SEAN SWEENEY, IN HIS CAPACITY AS TRUSTEE
6 OF THE ESTATE OF JAMES JOYCE, AND THE
ESTATE OF JAMES JOYCE
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 **CAROL LOEB SHLOSS,**
11 **Plaintiff,**
12

13 **v.**

14 **SEAN SWEENEY, in his capacity as**
trustee of the Estate of James Joyce, and
15 **THE ESTATE OF JAMES JOYCE,**
16 **Defendants.**

Case No. C 06 3718 JW HRL
DECLARATION OF GRACE SMITH

1 I, Grace Smith, do hereby declare:


2 1. I am a partner with the firm of McCann FitzGerald, in Dublin, Ireland, and head
3 the firm's Intellectual Property practice there. I make this declaration in support of Sean
4 Sweeney, in his capacity as Trustee of the Estate of James Joyce, as well as The Estate of James
5 Joyce ("Defendants"), in the litigation brought against them by Carol Loeb Shloss. Except as
6 otherwise stated, I have personal and first-hand knowledge of the facts set forth herein, and if
7 called as a witness, I could and would testify competently thereto.

9 2. McCann FitzGerald represents the Estate of James Joyce, which administers the
10 copyrights to the works of James Joyce, as well as the immediate family of James Joyce. In 2005,
11 I engaged in a series of correspondence with counsel for Carol Loeb Shloss regarding the website
12 that is the subject of the present litigation. I received the correspondence discussed herein
13 addressed to McCann FitzGerald, and prepared and signed the correspondence discussed herein
14 from McCann FitzGerald. Apart from the correspondence noted herein, neither I, nor, to my
15 knowledge, anyone else representing the Estate of James Joyce, had any discourse with Ms.
16 Shloss, or her counsel or publishers, regarding the website.

18 3. Attached hereto as Exhibit 1 is a true and correct copy of a letter dated March 9,
19 2005 from Jennifer Granick and Lawrence Lessig, of Stanford Law School, to my client Stephen
20 James Joyce, which letter was forwarded to McCann FitzGerald for response.

22 4. Attached hereto as Exhibit 2 is a true and correct copy of the contents of the Web
23 site referred to in the March 9, 2005 letter to Mr. Joyce, which was downloaded at my direction.

24 5. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated April 8,
25 2005 from McCann FitzGerald to Jennifer Granick and Lawrence Lessig, responding to their
26 letter to Mr. Joyce.
27
28



6. Attached hereto as Exhibit 4 is a true and correct copy of a letter dated April 20, 2005 from Jennifer Granick to McCann FitzGerald.

7. Attached hereto as Exhibit 5 is a true and correct copy of a letter dated May 13, 2005 from McCann FitzGerald to Jennifer Granick and Lawrence Lessig.

8. Attached hereto as Exhibit 6 is a true and correct copy of a letter dated June 9, 2005 from Lawrence Lessig to McCann FitzGerald.

9. Attached hereto as Exhibit 7 is a true and correct copy of a letter dated December 15, 2005 from Lawrence Lessig to McCann FitzGerald.

10. Attached hereto as Exhibit 8 is a true and correct copy of a letter dated December 23, 2005 from McCann FitzGerald to Lawrence Lessig.

11. After December 23, 2005, I had no further correspondence with counsel for Ms. Shloss until the present lawsuit was filed.

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

Executed outside the United States at Dublin, Ireland, this 1st day of August, 2006.

STATE OF IRELAND
CITY OF DUBLIN

On this 1st day of August 2006, before me
A NOTARY PUBLIC in and for said City and
State, personally appeared GRACE SMITH, THE
PERSON WHO EXECUTED THE FOREGOING DECLARATION
AND ACKNOWLEDGED THE SAME TO BE HER
VOLUNTARY ACT AND DEED.

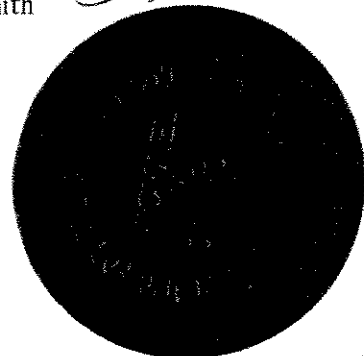
By:

Grace Smith

Michael V. O'Mahony
MICHAEL V. O'MAHONY

41 Palmerston Road,
Rathmines,
Dublin 6, Ireland.

NOTARY PUBLIC
Commissioned for Life



LAI-2253479v1

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1 Country: Ireland

This public document

2. has been signed by... Michael V. O'Mahony

3. acting in the capacity of... Notary Public

4. bears the seal/stamp of.....

Certified

5. at Dublin..... 6. the... 1/8/06...

7 by the Department of Foreign Affairs

8. No... 41106/06...

9. Seal/stamp:

10. Signature: Mary Lehan

