

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 Libyan Jamahiriya Broadcasting
5 Corporation,

6 Plaintiff,

7 vs.

8 Maher Adly Fadel,

9 Defendant.
10

Civil Action No. 5:10-CV-05432 JCS
DECLARATION OF JOHN R FUISZ

11
12 Pursuant to 28 U.S.C. § 1746, I, John. R Fuisz, being of mature age and having mental
13 capacity to do so, hereby, declare and state as follows:

14 1. I have personal knowledge of the facts alleged herein and could competently
15 testify thereto in a court of law.
16

17 2. On August 16, 2010, Plaintiff Libyan Jamahiriya Broadcasting Corporation
18 ("LJBC") provided YouTube LLC with Notification under the United States Digital Millennium
19 Act, 17 U.S.C. §512 that copyrighted material that infringed upon one or more LJBC owned
20 copyrights had been posted at <http://www.youtube.com/watch?v=Xa9zetxgteA>.
21

22 3. On November 11, 2010, an individual using the email address of
23 zeboogamed@yahoo.com who identified himself under oath as Maher Adly Fadel (username:
24 thelion330) of 23 Al Eman Street, Second Floor, Alexandria Egypt, 2003 provided a counter-
25 designation. As required by 17 U.S.C. §512, Maher Adly Fadel stated under penalty of perjury:

26 I consent to the jurisdiction of the Federal District Court for the district in
27 which my address is located, or if my address is outside of the United
28 States, to the judicial district in which YouTube is located, and will accept
service of process from the claimant.

1 4. On information and belief, YouTube LLC is located at 901 Cherry Ave., San
2 Bruno, California, 94066.

3 5. On December 2, 2010, 2010, YouTube LLC was provided with Notification under
4 17 U.S.C. §512(g). The Notification, including a copy of the complaint, the summons, civil cover
5 sheet, Case Schedule and Court Rules, was emailed to YouTube (email copyright@youtube.com)
6 and emailed to Maher Adly Fadel (email zeboelgamed@yahoo.com). The email to Maher Adly
7 Fadel was not returned and, on information and belief, reached Maher Adly Fadel on or about
8 December 2, 2010. On information and belief, Maher Adly Fadel's Answer or motion under Rule
9 12 of the Federal Rules of Civil Procedure were due on December 23, 2010.

11 6. On December 2, 2010, a copy of the email and attachments were sent by Federal
12 Express to Maher Adly Fadel to the address identified in the counter-designation. The package
13 was returned as undeliverable.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 ability.

18 Dated 1-6-11



John R. Fuisz