

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No.: 06-cv-01726-LTB-CBS

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INTERNET ARCHIVE, a California 501(c)(3) non-profit organization,

Plaintiff and Counterclaim Defendant,

v.

SUZANNE SHELL, a Colorado resident,

Defendant and Counterclaimant.

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DECLARATION OF LILA I. BAILEY IN SUPPORT OF  
INTERNET ARCHIVE'S OPPOSITION TO SHELL'S MOTION TO AMEND  
SCHEDULING ORDER

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I, Lila I. Bailey, declare as follows:

1. I am an attorney duly admitted to practice in Colorado and before this Court. I am an attorney at the law firm of Perkins Coie LLP in San Francisco, California, counsel for Plaintiff and Counterclaim Defendant Internet Archive in the above-captioned action. I make this declaration of my own personal knowledge, and, if called as a witness, I could and would testify competently to the facts set forth herein.

2. On January 4, 2007, I, along with my colleague, Michael H. Rubin, spoke with Ms. Shell by telephone for approximately twenty minutes regarding this matter. We offered to work with her to resolve our disputes regarding the facts at issue and to file an Amended Scheduling Order to reflect whatever agreement we could reach.

3. Ms. Shell refused this offer, stating that she would prefer to file her Motion to Amend because it was "already written."

DECLARATION OF LILA I BAILEY ISO  
INTERNET ARCHIVE'S OPPOSITION TO SHELL'S  
MOTION TO AMEND SCHEDULING ORDER

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4. Attached to this Declaration as Exhibit 1 is a true and correct copy of an email sent to me by Ms. Shell on Thursday, December 28, 2006 at 5:47 p.m.

5. Attached to this Declaration as Exhibit 2 is a true and correct copy of an email I sent to Suzanne Shell on Monday, January 2, 2007 at 12:20 p.m.

6. Attached to this Declaration as Exhibit 3 is a true and correct copy of an email sent to me by Suzanne Shell on Wednesday, January 3, 2007 at 5:56 p.m.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This declaration is executed this January 5, 2007, in San Francisco, California.

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/s/  
Lila I. Bailey