

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, CHIEF JUDGE

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

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

Plaintiff and Counterclaim Defendant,

v.

SUZANNE SHELL, a Colorado resident,

Defendant and Counterclaimant.

v.

BREWSTER KAHLE, an individual,

RICK PRELINGER, an individual,

and

KATHLEEN BURCH, an individual

Counterclaim Defendants

DECLARATION OF KATHLEEN BURCH IN SUPPORT OF
THE INDIVIDUAL DEFENDANTS' MOTION TO DISMISS

I, Kathleen Burch, declare as follows:

1. I am on the Board of Directors of the Internet Archive. I am a resident of the state of California. I have personal knowledge of the facts set forth in this Declaration and can competently testify to those facts.
2. I have never owned or been affiliated with a company incorporated, or registered to do business in Colorado.
3. I do not own offices, warehouse facilities or property of any kind in Colorado.
4. I do not pay taxes in Colorado.
5. I do not have a bank account in Colorado.
6. I do not have a telephone listing or mailing address in Colorado.
7. I sell books through Amazon.com, but I am unaware of any sales in Colorado specifically.

8. I do not make sales through distributors or franchisees in Colorado.
9. I do not have agents or employees in Colorado.
10. I have not made any efforts, including but not limited to advertising, to serve the Colorado market.
11. I have not maintained any contracts with Colorado residents.
12. I do not have any sales contacts with Colorado residents.
13. I have never filed a lawsuit in Colorado.
14. I have not conducted meetings or other activities in Colorado or with Colorado residents.
15. I have never resided in Colorado.
16. I traveled to Aspen, Colorado sometime between 1997 and 1999 to attend a spa.
17. It would be inconvenient for me to travel to Colorado for the purpose of this lawsuit. It would be a significant financial burden and I would miss crucial time at work.

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 March 12, 2007, in San Francisco, California.

s/ Kathleen Burch
Kathleen Burch