

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>ELECTRONIC PRIVACY INFORMATION CENTER</b>	)	
<b>Plaintiff,</b>	)	
v.	)	Civil Action No. _____
<b>THE FEDERAL TRADE COMMISSION</b>	)	
<b>Defendant.</b>	)	

**AFFIDAVIT OF MARC ROTENBERG**

1. My name is Marc Rotenberg, and all statements made herein are true, and based on my personal knowledge.
  
2. I am an adult resident of the District of Columbia.
  
3. I am employed by the Electronic Privacy Information Center (EPIC).
  
4. I am the President of EPIC.
  
5. I am a 1987 graduate of Stanford Law School.
  
6. I am a member in good standing of the Bar of the District of Columbia (admitted 1990), the Bar of Massachusetts (1987), the U.S. Supreme Court (1991), the U.S. Court of Appeals - 1st Circuit (2005), the U.S. Court of Appeals - 2nd Circuit (2010), the U.S. Court of Appeals - 3rd Circuit (1991), the U.S. Court of Appeals - 4th Circuit (1992), the U.S. Court of Appeals - 5th Circuit (2005), U.S. Court of Appeals - 7th Circuit (2011), U.S. Court of Appeals - 9th Circuit (2011), and the U.S. Court of Appeals - D.C. Circuit (1991).
  
7. I am the coauthor of *Information Privacy Law* (Aspen 2007), a leading casebook on privacy law, coeditor of *Litigation Under the Federal Open Government Laws* (EPIC 2010), a

leading practice manual on the Freedom of Information Act, and author of *the Privacy Law Sourcebook* (EPIC 2004), a leading collection of privacy materials in the United States and internationally.

8. EPIC is a 501(c)(3) organization.

9. I have been litigating cases on behalf of EPIC since 1994.

10. I am an Adjunct Professor at Georgetown University Law Center where I have taught Information Privacy Law continuously since 1990.

11. Prior to the filing of the instant action, actual notice of the time of making the application, and copies of all pleadings and papers filed in the action were furnished to the Federal Trade Commission.

12. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Willard K. Tom, General Counsel, Federal Trade Commission, by facsimile at (202) 326-2477.

13. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Willard K. Tom, General Counsel, Federal Trade Commission, by e-mail at [wtom@ftc.gov](mailto:wtom@ftc.gov).

14. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were sent to Willard K. Tom, General Counsel, Federal Trade Commission, by overnight mail at 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

15. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Chairman Jon Leibowitz, Federal Trade Commission, by facsimile at (202) 326-3442.

16. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Chairman Jon Leibowitz, Federal Trade Commission, by e-mail at [jleibowitz@ftc.gov](mailto:jleibowitz@ftc.gov).

17. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were sent to Chairman Jon Leibowitz, Federal Trade Commission, by overnight mail at 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

18. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Commissioner J. Thomas Rosch, Federal Trade Commission, by facsimile at (202) 326-3446.

19. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Commissioner J. Thomas Rosch, Federal Trade Commission, by e-mail at [trosch@ftc.gov](mailto:trosch@ftc.gov).

20. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related

documents were sent to Commissioner J. Thomas Rosch, Federal Trade Commission, by overnight mail at 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

21. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Commissioner Edith Ramirez, Federal Trade Commission, by facsimile at (202) 326-2396.

22. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Commissioner Edith Ramirez, Federal Trade Commission, by e-mail at [eramirez@ftc.gov](mailto:eramirez@ftc.gov).

23. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were sent to Commissioner Edith Ramirez, Federal Trade Commission, by overnight mail at 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

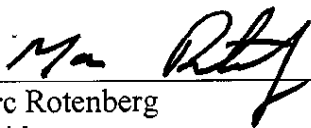
24. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were sent to Commissioner Julie Brill, Federal Trade Commission, by facsimile at (202) 326-2441.

25. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related documents were transmitted to Commissioner Julie Brill, Federal Trade Commission, by e-mail at [jbrill@ftc.gov](mailto:jbrill@ftc.gov).

26. On February 8, 2012, prior to the filing of the Complaint in this matter, the Complaint, motion for temporary restraining order and preliminary injunction, and all related

documents were sent to Commissioner Julie Brill, Federal Trade Commission, by overnight mail at 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

27. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 8th, 2012.

  
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Marc Rotenberg  
President  
Electronic Privacy Information Center  
DC Bar # 422825