

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

FOX TELEVISION STATIONS, INC., et al.

Plaintiffs,

v.

FILMON X, LLC, et al.

Defendants.

Civil Action No. 1:13-cv-00758-RMC
Hon. Rosemary M. Collyer

**DECLARATION OF JULIE A. SHEPARD IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' EMERGENCY MOTION TO MODIFY THE
PRELIMINARY INJUNCTION**

I, Julie A. Shepard, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and I am a partner at Jenner & Block LLP, counsel of record for plaintiffs Fox Television Stations, Inc., Twentieth Century Fox Film Corp., and Fox Broadcasting Company (collectively, “Fox”). I submit this declaration in support of the Plaintiffs’ Opposition to Defendants’ Emergency Motion to Modify the Preliminary Injunction filed by defendants FilmOnX, LLC (f/k/a Aereokiller LLC), FilmOn.TV Networks, Inc., FilmOn.TV, Inc., and FilmOn.com, Inc. (collectively, “FilmOn X” or “Defendants”). As used herein, the term “Plaintiffs” means Fox and the other plaintiffs in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to such facts under oath.

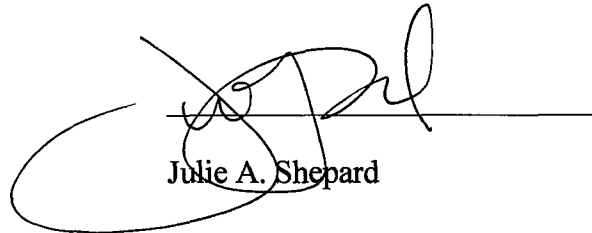
2. On October 8, 2013, the Honorable Nathaniel Gorton of the United States District Court for the District of Massachusetts entered an order denying Hearst Stations Inc.’s request for a preliminary injunction against Aereo, Inc. Shortly thereafter, in violation of this Court’s September 5, 2013 order granting Plaintiffs’ motion for a preliminary injunction against FilmOn X, Defendants recommenced their unauthorized retransmitting of Plaintiff’s copyrighted broadcast programming in the Boston area. Attached to my declaration as **Exhibit 1** is a true and correct copy of an article dated October 10, 2013 reporting that Alki David, FilmOn’s founder, intended to “defy” the preliminary injunction. Attached to my declaration as **Exhibits 2 and 3** are true and copies of screenshots taken at my direction showing FilmOn X’s website streaming

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the Fox, ABC, CBS and NBC local Boston channels on October 11, 2013 and October 14, 2013, respectively.

Executed this 15th day October, 2013 at Los Angeles, California.



Julie A. Shepard