

# EXHIBIT "A"

**PUBLIC VERSION**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 11-CIV-20427-WILLIAMS/TURNOFF

DISNEY ENTERPRISES, INC.,  
TWENTIETH CENTURY FOX FILM  
CORPORATION, UNIVERSAL CITY  
STUDIOS PRODUCTIONS LLLP,  
COLUMBIA PICTURES INDUSTRIES,  
INC., and WARNER BROS.  
ENTERTAINMENT INC.,

*Plaintiffs,*

v.

HOTFILE CORP., ANTON TITOV, and  
DOES 1-10,

*Defendants.*

\_\_\_\_\_/

HOTFILE CORP.,

*Counterclaimant,*

v.

WARNER BROS. ENTERTAINMENT INC.,

*Counter-Defendant.*

\_\_\_\_\_/

**[REDACTED] DECLARATION OF RODERICK THOMPSON IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFF WARNER BROS. MOTION FOR  
SUMMARY JUDGMENT**

I, Roderick Thompson, declare as follows:

1. I am an attorney at Farella Braun + Martel LLP, counsel for defendant Hotfile Corporation and Anton Titov. I have personal knowledge of the matters stated herein and, if called and sworn as a witness, I could and would competently testify to the facts set forth herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of an email from Michael Bentkover to abuse@hotfile.com, dated April 29, 2009. (WARNER000014-35)

3. Attached hereto as Exhibit 2 is a true and correct copy of an email from Hotfile Support to Michael Bentkover, dated August 29, 2009. (WARNER025890-97)

4. Attached hereto as Exhibit 3 is a true and correct copy of an email from Hotfile Support to Michael Bentkover, dated September 21, 2009. (WARNER025900-02)

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of David Kaplan, dated October 12, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of a spreadsheet, created at my direction, representing files deleted by Warner through its SRA [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The "Zebrak Title" column shows the title of the content of the deleted file, as listed in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

█ [REDACTED]

[REDACTED]

█ [REDACTED]

[REDACTED]

█ [REDACTED]

[REDACTED]

10. Attached hereto as Exhibit 9 is a true and correct copy of the Notice of Deposition of Warner Brothers Entertainment, served April 5, 2011.

11. Attached here to as Exhibit 10 is a true and correct copy of a spreadsheet created by Scott Zebrak, attached as Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

12. Attached hereto as Exhibit 11 is a true and correct copy of the Rebuttal Expert Report of Professor James Boyle, dated January 12, 2012. This document is Exhibit 2 to the deposition of James Boyle, taken on January 19, 2012 in the above-captioned case.

13. Attached hereto as Exhibit 12 is a true and correct copy of the Expert Report of Professor James Boyle. This document is also Exhibit 3 to the deposition of James Boyle, taken on December 21, 2011 in the above-captioned case.

14. Attached hereto as Exhibit 13 is a true and correct copy of an email from [REDACTED] [REDACTED] to Hotfile, dated May 8, 2010. (HF00069560)

█ [REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

17. Attached hereto as Exhibit 16 is a true and correct copy of a spreadsheet, created at my direction, representing files deleted by Warner through its SRA misidentified [REDACTED]

[REDACTED]

[REDACTED] The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED]

[REDACTED] The "Zebrak Title" column shows the title of the content of the deleted file listed in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

18. Attached hereto as Exhibit 17 is a true and correct copy of a spreadsheet, created at my direction, representing files deleted by Warner through its SRA [REDACTED]

[REDACTED]

[REDACTED] The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary

Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The "Zebrak Title" column shows the title of the content of the deleted file listed in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

19. [REDACTED]

[REDACTED]

20. Attached hereto as Exhibit 19 is a true and correct copy of a spreadsheet, created at my direction, representing files deleted by Warner through its SRA [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The "Zebrak Title" column shows the title of the content of the deleted file listed in Exhibit B to the

Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

21. [REDACTED]

22. Attached hereto as Exhibit 21 is a true and correct copy of a spreadsheet created at my direction, representing files deleted by Warner through its SRA misidentified as copies of

[REDACTED] The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED] The "Zebrak Title" column shows the title of the content of the deleted file listed in Exhibit B to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

23. [REDACTED]

24. Attached hereto as Exhibit 23 is a true and correct copy of a spreadsheet, created at my direction, of files improperly taken down by Leak ID, on behalf of Warner Bros. [REDACTED]

[REDACTED]. The "Number" column refers to the number of the file identified in Exhibit B to the Declaration of Scott Zembrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012. The "URL" is the URL of the deleted file. The "Notice Date/Time" column shows when the file was deleted. [REDACTED]

[REDACTED] The "Zembrak Title" column shows the title of the content of the deleted file listed in Exhibit B to the Declaration of Scott Zembrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

25. Attached hereto as Exhibit 24 is a true and correct copy of email from Herve Lemaire to abuse@hotfile.com, dated February 9, 2011. (HF00151039-72)

26. Attached hereto as Exhibit 25 is a true and correct copy of email from Herve Lemaire to abuse@hotfile.com, dated February 8, 2011. (HF00150633)

27. Attached hereto as Exhibit 26 is a true and correct copy of screen shots of comments posted to discussions of online articles regarding Warner's improper deletion of files on Hotfile, located at <http://yro.slashdot.org/story/11/09/13/1811250/hotfile-sues-warner-bros-over-abuse-of-takedown-tool> and [http://torrentfreak.com/warner-bros-admits-sending-hotfile-false-takedown-requests-111109/#disqus\\_thread](http://torrentfreak.com/warner-bros-admits-sending-hotfile-false-takedown-requests-111109/#disqus_thread). (HF02868379-80)

28. Attached hereto as Exhibit 27 is a true and correct copy of a spreadsheet attached as Exhibit E to the Declaration of Jennifer Yeh in Support of Warner's Motion for Summary Judgment on Hotfile's Counterclaim in the above-captioned case, filed February 9.



29. Attached hereto as Exhibit 28 is a true and correct copy of the resume of Scott Zebrak, attached as Exhibit A to the Declaration of Scott Zebrak in Support of Warner Bros. Motion for Summary Judgment on Hotfile's Counterclaim, filed February 9, 2012.

30. Attached hereto as Exhibit 29 is a true and correct copy of an article from the WK Journal, entitled, "Computer and Internet Lawyer (January 2004-Present), A DMCA Thrown Off Balance: *UMG v. Veoh* and Beyond," written by Scott Zebrak, published May 1, 2010.

31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts of the deposition of Scott Zebrak, taken on January 20, 2012 in the above-captioned case.

32. Attached hereto as Exhibit 31 is a true and correct copy of a spreadsheet, created by Scott Zebrak, relating to takedown notices in the counterclaim.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts of the deposition of Scott Zebrak, taken on December 20, 2011 in the above-captioned case.

34. Attached hereto as Exhibit 33 is a true and correct copy of the Affidavit of Leigh Mackay, dated January 19, 2012. This document is Exhibit 132 to the deposition of Scott Zebrak, taken on January 20, 2012, in the above-captioned matter.

35. Attached hereto as Exhibit 34 is a true and correct copy of the Expert Report of Matthew Lynde, dated November 15, 2011.

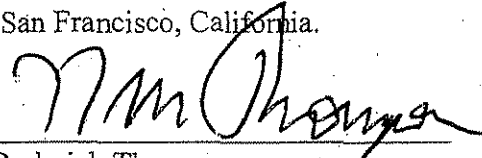
36. Attached hereto as Exhibit 35 is a true and correct copy of excerpts to the Rebuttal Expert Report of Scott Zebrak, dated January 6, 2012.

37. Attached hereto as Exhibit 36 is a true and correct copy of the SRA takedown page from Hotfile's website. This document is Exhibit 6 to the Deposition of David Kaplan, taken October 12, 2011 in the above-captioned matter.

38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts of the deposition of Matthew Lynde, taken on December 16, 2011, in the above-captioned matter.

39. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 27 day of February 2012, at San Francisco, California.

  
Roderick Thompson

**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2012, a true and correct copy of the foregoing document, was filed conventionally under seal and served on all counsel of record identified below via e-mail and via FedEx.

Karen L. Stetson, Esq., Fla. Bar No.: 742937  
GRAY-ROBINSON, P.A.  
Email: [Karen.Stetson@gray-robinson.com](mailto:Karen.Stetson@gray-robinson.com)  
1221 Brickell Avenue  
Suite 1600  
Miami, FL 33131  
Telephone: 305.416.6880  
Telecopy: 305.416.6887

Karen R. Thorland, Esq. (admitted *pro hac vice*)  
Senior Content Protection Counsel  
Email: [Karen\\_Thorland@mpaa.org](mailto:Karen_Thorland@mpaa.org)  
Motion Picture Association of America, Inc.  
15301 Ventura Boulevard, Building E  
Sherman Oaks, CA 91403-5885  
Telephone: 818.935.5812

Steven B. Fabrizio, Esq. (admitted *pro hac vice*)  
Email: [sfabrizio@jenner.com](mailto:sfabrizio@jenner.com)  
Duane C. Pozza, Esq. (admitted *pro hac vice*)  
Email: [dpozza@jenner.com](mailto:dpozza@jenner.com)  
Luke C. Platzer, Esq. (admitted *pro hac vice*)  
Email: [lplatzer@jenner.com](mailto:lplatzer@jenner.com)  
JENNER AND BLOCK, LLP  
1099 New York Avenue, N.W.  
Suite 900  
Washington, DC 20001  
Telephone: 202.639.6000  
Telecopy: 202.639.6066

By: \_\_\_\_\_  
Janet T. Munn