

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

Plaintiffs,

vs.

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

Defendants.

Case No. 11-cv-20427-AJ

**REPLY DECLARATION OF IAN
FOSTER IN SUPPORT OF PLAINTIFFS'
EMERGENCY MOTION FOR ORDER
PROHIBITING SPOILIATION AND
PRESERVING EVIDENCE**

I, Ian Foster, hereby declare as follows:

1. My name is Ian Foster. I previously submitted a February 21, 2011 Declaration in support of Plaintiffs' Motion for Preservation Order and for Expedited Discovery. My qualifications and CV are provided in that Declaration.

2. I have reviewed Defendants' February 28, 2011 Opposition to Plaintiffs' Emergency Motion for Order Prohibiting Spoliation and Preserving Evidence, and the declaration of Anton Titov filed in support thereof. I now make this Reply Declaration in support of Plaintiffs' Motion for Preservation Order and for Expedited Discovery. The observations and conclusions set forth below are based on my own observation and use of the live Hotfile site, as informed by my specialized knowledge, education, and expertise as applied to the facts and circumstances in this case.

3. In my February 21, 2011 Declaration, I described four different categories of data maintained by Hotfile: Content Files, Content Reference Data, User Data, and Activity Data. There appears to be some confusion within Defendants' filings regarding the size of these different data categories and their locations on Hotfile's system.

4. In paragraph 16 of Anton Titov's declaration, Mr. Titov states that Hotfile's Content Files are stored across "approximately 700 servers." I would not be surprised if the Content Files for a website of Hotfile's size resided across several hundred servers as Mr. Titov describes.

5. However, Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion claims that the data sought by Plaintiffs is "over 700 servers' worth of information." As stated in my original Declaration, I would expect Hotfile's Content Reference Data, Activity Data, and User Data to each be orders of magnitude smaller than the Content Files themselves, and consolidated in locations from which they could be readily copied. Unlike the Content Files themselves, there is no reason that Hotfile's Content Reference Data, User Data, or Activity data should represent "700 servers' worth of information." To be useful to Hotfile's system, such information would need to be accessible and consolidated on one or a handful of computers and/or servers.

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 28th day of February 2011, at Denver, CO.

A handwritten signature in black ink, appearing to read 'Ian Foster', written over a horizontal line.

Ian Foster