

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80387 CIV RYSKAMP/VITUNAC

STELOR PRODUCTIONS, LLC  
a Delaware limited liability company,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,

Defendant.

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**DECLARATION OF KEVIN C. KAPLAN IN SUPPORT OF STELOR  
PRODUCTIONS, LLC'S REPLY TO DEFENDANT GOOGLE, INC.'S RESPONSE TO  
ORDER COMPELLING BETTER ANSWERS TO INTERROGATORIES**

I, Kevin C. Kaplan, hereby declare as follows:

1. I am a partner with Coffey Burlington, counsel for Plaintiff Stelor Productions, LLC ("Stelor") in this action. I am submitting this declaration in support of Stelor's Reply to Defendant Google, Inc.'s Response to Order Compelling Better Answers to Interrogatories. I make this declaration of my personal knowledge.

2. After the entry of the Court's Order Compelling Better Answers to Interrogatories ("Order") on October 28, 2008, I spoke via telephone with Ramsey Al-Salam, counsel for Google. I informed Mr. Al-Salam that Stelor was willing to file an agreed motion with Google requesting that the Order be vacated. I suggested that counsel for Google prepare a draft, for my review.

3. No such draft was ever provided to me. And, neither Mr. Al-Salam nor any Google counsel contacted me again to discuss the issue or any other response to the Court's

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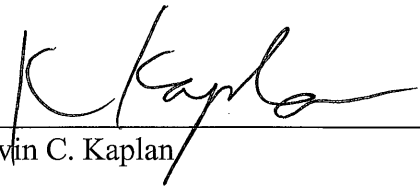
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Order. The next communication I received on the matter was when I was served with Google's Response on November 3, 2008.

4. As set forth above, Google's Response fails to mention the offer I made by phone to agree to a motion to vacate the Order.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 6<sup>th</sup> day of November, 2008, in Miami, Florida.

  
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Kevin C. Kaplan