

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

JUL 30 2010

JAMES N. WATTEN, Clerk  
By:  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

MAUREEN TOFFOLONI,  
as Administrator and Personal  
Representative of the ESTATE  
OF NANCY E. BENOIT,

CASE NO. 1:08-cv-00421-TWT

Plaintiff,

vs.

LFP PUBLISHING GROUP, LLC,  
d/b/a Hustler Magazine, et al.,

Defendant.

**ORIGINAL AFFIDAVIT OF LARRY FLYNT**

Attached hereto is the original Affidavit of Larry Flynt manually filed by  
Defendant LFP Publishing Group, LLC.

Respectfully submitted this 30th day of July 2010.

/s/ S. Derek Bauer

James C. Rawls  
Georgia Bar No. 596050  
Barry J. Armstrong  
Georgia Bar No. 022055  
S. Derek Bauer  
Georgia Bar No. 042537  
Darrell J. Solomon  
Georgia Bar No. 305922

McKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, NE, Suite 5300  
Atlanta, Georgia 30308  
(404) 527-4000  
(404) 527-4198 (facsimile)

*Pro hac vice:*

Paul J. Cambria, Jr.  
Jeffrey Reina  
William M. Feigenbaum

LIPSITZ GREEN SCIME CAMBRIA  
LLP  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3924  
(716) 849-1333  
(716) 849-1315 (facsimile)

Attorneys for LFP Publishing Group,  
LLC

ATLANTA:5243077.1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

JUL 30 2010

JAMES N. HATTEN, Clerk  
By:   
Deputy Clerk

**MAUREEN TOFFOLONI,**  
as Administratrix and Personal  
Representative of the ESTATE  
OF NANCY E. BENOIT,

Plaintiff,

vs.

**LFP PUBLISHING GROUP, LLC**  
d/b/a Hustler Magazine, et al.,

Defendant.

**CASE NO. 1:08-CV-00421-TWT**

**AFFIDAVIT OF LARRY FLYNT**

STATE OF CALIFORNIA,

COUNTY OF LOS ANGELES.

Personally appeared before the undersigned officer duly authorized by law to administer oaths, LARRY FLYNT, who being first duly sworn, deposed and said as follows:

1.

My name is Larry Flynt. I am over twenty-one (21) years of age and I am competent to make and give this Affidavit, and do so from personal knowledge.

2.

I am the founder LFP Publishing Group, LLC (“LFP”) and have been the owner of LFP since its inception.

3.

As owner of LFP and publisher of *Hustler* Magazine for over thirty years, I am knowledgeable and maintain awareness of media and publishing trends. As such, I was in 2008 and continue today to be aware of the growing trend in American media toward celebrity/entertainment gossip and news.

4.

Among other content, *Hustler* Magazine is a celebrity/entertainment media outlet. Celebrity/entertainment news, including articles and images, has always been a substantial and important component of *Hustler*’s regular editorial content. In the past ten years, as such content has become increasingly popular among *Hustler* readers, such editorial content has been an increasing part of *Hustler* Magazine’s editorial content.

5.

I authorized the publication of an article about and images of Ms. Nancy Benoit in the March 2008 issue of *Hustler* Magazine with the belief that the content was both newsworthy (that is, of substantial interest to *Hustler* Magazine

readers) and their publication protected by the First Amendment of the U.S. Constitution.

[Signatures on following page]

Further affiant sayeth not.



Larry Flynt

~~Sworn to and subscribed before me  
this \_\_\_ day of \_\_\_\_\_ 2010.~~

~~\_\_\_\_\_  
Notary Public~~

See Attached  
JNAT

ATLANTA:5241978.1

# CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

Signature of Document Signer No. 1 \_\_\_\_\_ Signature of Document Signer No. 2 (if any) \_\_\_\_\_

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this  
28<sup>th</sup> day of JULY, 2010, by  
Date Month Year

(1) LARRY FEINT  
Name of Signer

proved to me on the basis of satisfactory evidence  
to be the person who appeared before me (.) (,)

(and

(2) \_\_\_\_\_  
Name of Signer

proved to me on the basis of satisfactory evidence  
to be the person who appeared before me.)

Signature \_\_\_\_\_  
Signature of Notary Public



Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Further Description of Any Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER #1**  
Top of thumb here

**RIGHT THUMBPRINT OF SIGNER #2**  
Top of thumb here