

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

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

v.)

CIVIL ACTION
FILE NO. 1:08-CV-0421-TWT

LFP PUBLISHING GROUP, LLC,)
d/b/a Hustler Magazine,)
MARK SAMANSKY, an Individual,)
and other distributors and sellers of,)
Hustler Magazine, as)
Defendants X, Y, and Z,)
)
Defendants.)

AFFIDAVIT OF COUNSEL

Personally appeared before me the undersigned officer, duly authorized to administer oaths, Richard P. Decker, who, after being duly sworn, deposes and states as follows:

1. My name is Richard P. Decker.
2. I am of legal age, a resident of the State of Georgia, and the facts

set out herein are of my own personal knowledge and are true and correct.

3. I am an attorney for Hallman & Wingate, LLC, counsel of record for the Plaintiff in the above-styled matter.

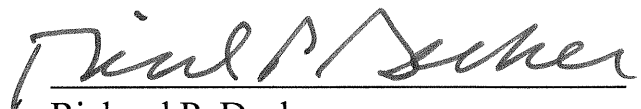
4. On October 16, 2009, I served Plaintiff's First Interrogatories to Defendant, LFP Publishing Group, LLC in the above-referenced case.

5. On November 30, 2009, Defendant's counsel served Defendant LFP Publishing Group, LLC's Responses to Plaintiff's First Interrogatories.

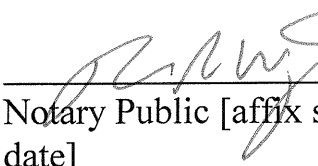
6. Attached hereto as Exhibit A is a true and correct copy of Defendant's Response to Plaintiff's Interrogatory No. 5 which is referenced in Plaintiff's Response to Defendant's Motion in Limine to Exclude the Expert report and Opinion Testimony of Dr. Usha Nair-Reichert.


7. This Affidavit is given so it may be used for any purpose allowed by law.

FURTHER AFFIANT SAITH NOT.


Richard P. Decker

Sworn to and subscribed before me
this 16th day of August, 2010.


Notary Public [affix seal and expiration date]



(5)

Identify each and every instance, including, but not limited to, magazines, videos, DVDs, internet sites, content, movies, or any other medium in which the Defendants, or any of them, or any parent company, partner, agent, affiliate, or licensee of any Defendant published, broadcast, displayed, or otherwise disseminated or made available to the public nude and/or partially nude images (hereinafter the "images") of Nancy Elizabeth Benoit (hereinafter "Ms. Benoit").

RESPONSE:

The only images of Ms. Benoit published or otherwise made available to the public by LFP are those found in the printed edition of the March 2008 issue of *Hustler Magazine*, a copy of which will be produced to Plaintiff.

(6)

Provide a complete accounting of all money, revenue, fees, income or other things of value received by Defendants, or any of them, as the result of sales or licenses of any media containing images of Ms. Benoit.

RESPONSE:

In accordance with Fed. R. Civ. P. 33(d), Plaintiff is directed to documents to be produced evidencing the total worldwide sales of the March 2008 issue of *Hustler Magazine*.

EXHIBIT A

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CERTIFICATE OF SERVICE

This is to certify that on August 16, 2010, I have electronically filed the foregoing Affidavit of Counsel with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

James Clifton Rawls, Esq.
S. Derek Bauer, Esq.

Barry J. Armstrong, Esq.
Darrell Jay Solomon, Esq.
Jeffrey F. Reina, Esq.
Paul J. Cambria, Esq.

and by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

William M. Feigenbaum, Esq.
Lipsitz, Green, Scime, Cambria, LLP
42 Delaware Avenue, Suite 120
Buffalo, NY 14202

/s/ Richard P. Decker
RICHARD P. DECKER
State Bar of Georgia #215600

For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

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