IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Individually and on behalf of a class of similarly Situated individuals,)))
Plaintiff,) Case No. 1:11-5807
v.) Hon. James F. Holderman
COMSCORE, INC., a Delaware corporation,	<i>)</i>)
Defendant.	<i>)</i>)
	<u></u>

DECLARATION OF JOHN O'TOOLE IN SUPPORT OF COMSCORE'S RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY

1, John O'Toole, declare as follows:

- 1. I make this declaration based on my personal knowledge and, if called upon to testify as a witness, I could and would testify competently thereto.
- 2. I am the Vice President for Panel Operations at defendant comScore, Inc. ("comScore"). My job responsibilities at comScore include recruiting and development of comScore's global measurement panel, survey panel, mobile panel, as well as several private panels. In connection with my job responsibilities, I am familiar with comScore's data retention and preservation practices.
- 3. As a regular business practice, comScore retains and preserves all of the data that it uses to generate customer reports. In addition to comScore's regular retention and preservation practices, it already has a litigation hold in place to further ensure the preservation of potentially relevant data.

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

Executed on September 27, 2011, at Fairfax, Virginia

Dated: September 27, 2011

Respectfully submitted,

COMSCORE, INC.

John O'Toole Vice President for Panel Operations

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he or she caused a copy of the foregoing document to be served on counsel listed below via the Court's CM/ECF online filing system this 28th day of September, 2011.

/s/ Leonard E. Hudson
Attorney for Defendant comScore, Inc.

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