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

MIKE HARRIS and JEFF DUNSTAN, 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,)
Defendant.))
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<u>DECLARATION OF RAY SARDO IN SUPPORT OF COMSCORE'S</u> <u>MOTION TO DISMISS UNDER RULE 12(B)(3) OR, IN THE ALTERNATIVE,</u> <u>TO TRANSFER VENUE UNDER 28 U.S.C. 1404(A)</u>

I, Ray Sardo, 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 an attorney licensed to practice at the law firm Cooley LLP ("Cooley").
- 3. On September 20, 2011, I visited Plaintiffs' counsel's website at the following URL: http://edelsonmcguire.com/. Once there, I clicked on a link towards the bottom of the page entitled "Contact Us" and was taken to a webpage indicating that Plaintiffs' counsel, Edelson McGuire, has offices in "Chicago," "Denver," "Florida," "California," and "New York."
- 4. While visiting the website for Edelson McGuire, I navigated to the following URL: http://edelsonmcguire.com/insidethefirm/#page_1. From there, I clicked on a hyperlink entitled "Press Articles." The hyperlink took me to a webpage that I downloaded and printed. I have attached a true and correct copy of the webpage to my Declaration as Exhibit "A". I reviewed the articles listed in Exhibit A, including additional content that can be accessed from

Exhibit A by clicking on the "read more" hyperlinks appended to the end of each article summary. From my review, I noticed that four of the articles referenced Edelson McGuire's litigation accomplishments in Missouri and Nevada. For ease of convenience, these articles are entitled: "Federal Judge Allows Casino Smoking Case to Proceed Against Wynn Las Vegas"; "eBay Sued for Discriminating Against Deaf Sellers"; "Lawsuit Alleges eBay Violates Disabilities Laws"; and "Wynn Seeks Dismissal of Second-Hand Smoke Suit." The articles appear on pages 6, 9, 10, and 14 of Exhibit A, respectively.

- 5. On September 19, 2011, a member of my law firm's research department reviewed, at my request and under my supervision, the federal court docket to determine whether Edelson McGuire or Jay Edelson were involved in litigation in eight states or commonwealths with reasonable proximity to Virginia. The review, which was limited to federal courts, indicated that Edelson McGuire and/or Jay Edelson had recently litigated cases in Massachusetts and Pennsylvania. Cooley's research staff provided me with a complaint corresponding to an action Jay Edelson filed in Massachusetts, and a federal court docket corresponding to an action Edelson McGuire filed in Pennsylvania. I have attached true and correct copies of the Complaint and docket to my Declaration as Exhibit "B" and "C," respectively. The review also indicated that Jay Edelson's previous firm, KamberEdelson, had litigated cases in other states, such as Connecticut. I have attached to my declaration, as Exhibit D a true and correct copy of a law.com article I located on the Internet indicating that KamberEdelson dissolved in January 2010, and Edelson McGuire was formed at that time.
- 6. On September 21, 2011, I visited a website maintained by the Administrative Office of the United States Courts that sets forth a number of statistics related to the United States District Courts, including: (1) the United Stated District Court for the Northern District of Illinois; and (2) the United States District Court for the Eastern District of Virginia. This website can be accessed via the following URL: http://www.uscourts.gov/Statistics/FederalCourtManagementStatistics.aspx. Once there, I clicked on a hyperlink to a March 2011 table pertaining to district courts. The hyperlink is

entitled "District Courts". From there, I utilized the drop down menu to select "Virginia Eastern," which took me to a webpage corresponding to the Eastern District of Virginia. I download and printed that webpage and have attached a true and correct copy of it to my Declaration as Exhibit "E". I utilized the same drop down menu to select "Illinois Northern," which took me to a webpage corresponding to the Northern District of Illinois. I downloaded and printed that webpage and have attached a true and correct copy of it to my Declaration as Exhibit "F".

7. Exhibit E shows that, as of September 30, 2010, the median time from the filing of a civil case to trial in the United States District Court, Eastern District of Virginia, is 9.3 months. In contrast, Exhibit F shows that, as of the same date, the median time from the filing of a civil case to trial in the United States District Court, Northern District of Illinois, is 28.2 months.

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

Executed on September 27, 2011, at San Francisco, California.

Dated: September 27, 2011

Respectfully submitted,

COMSCORE, INC.

By: /s/ Ray Sardo

One of Its Attorneys

Of counsel (pro hac vice applications pending):

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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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