

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

RUDE MUSIC, INC.)
)
v.) Case No. 1:12-cv-00640-(____)
)
NEWT 2012, INC., *et al.*)

DECLARATION OF GREGG KELLER

I, Gregg Keller, declare as follows:

1. I am the National Executive Director of American Conservative Union. I am of lawful age and, in the course of performing my responsibilities, I have gained knowledge of the facts set forth in this declaration. I have been asked to provide certain information by the lawyers for ACU in connection with a motion to dismiss a lawsuit against ACU. This is not a general response to the lawsuit. If called as a witness, I could and would testify competently under oath to the following facts:

2. American Conservative Union (“ACU”) is a non-profit corporation incorporated under the laws of the District of Columbia. ACU’s registered office and principal place of business is located at 1331 H Street NW, Washington, DC 20005. ACU is exempt from taxation under Section 501(c)(4) of the Internal Revenue Code. ACU is governed by a self-perpetuating board of directors and has members living across the United States and in some other countries.

3. American Conservative Union Foundation (“ACUF”) is a non-profit corporation incorporated under the laws of the District of Columbia and an affiliate of ACU. ACUF’s registered office and principal place of business is located at 1331 H Street NW, Washington, DC 20005. ACUF is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. ACUF is governed by a self-perpetuating board of directors and has no members.

4. ACU and ACUF do not maintain any offices other than their principal place of business in Washington, DC. They do not conduct continuous or systematic activities in Illinois. ACU and ACUF do not own property, hold assets or accounts, or have employees or agents in Illinois. They are not registered to do business in, and do not hold any licenses or permits from Illinois.

5. The complaint filed by Rude Music, Inc. includes allegations concerning the Conservative Political Action Conferences (“CPAC”) in 2009, 2010, and 2011 and postings of web videos in which some portion of *Eye of the Tiger* can be heard on ACU’s website and YouTube. The CPACs in 2009, 2010, and 2011 were held in Washington, DC.

6. ACU and ACUF do not sponsor and are not in any way affiliated with the Southern Republican Leadership Conference (“SRLC”) that the complaint mentions.

7. The ACU and ACUF websites are hosted by Bluehost, Inc.. ACU and ACUF business dealings with Bluehost, Inc. were and are conducted from their offices in Washington, DC, and payment is sent to Bluehost, Inc. at 1958 South 950 East, Provo, UT 84606. ACU and ACUF’s website may be visited at www.conservative.org.

8. The posting of video of the 2010 CPAC on YouTube was done by ACUF over the Internet in the ordinary way.

9. Nothing in the Internet postings alleged in the complaint referred to or was targeted at Illinois or Rude Music, Inc. Nothing in or about those postings sought the protection of Illinois law.

10. The statement in the complaint that ACU solicits “business” in Illinois is mistaken. From time to time ACU and ACUF communicate with, solicit, and receive

contributions from supporters located across the United States and abroad. These communications, solicitations, and responses use interstate wire and mail facilities.

11. ACU has had sporadic political contacts with Illinois, e.g. endorsing a candidate, running ads referencing a candidate, or exploring the possibility of holding an event in Illinois. None of these contacts has involved *Eye of the Tiger*.

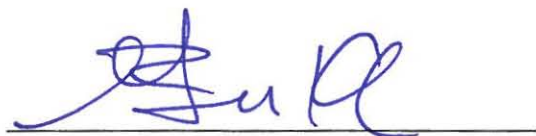
12. Until the present lawsuit was filed, ACU and ACUF was not aware of Rude Music, Inc. nor did they know where Rude Music was incorporated or had its offices. In activities related to CPAC 2009, 2010, and 2011, ACU and ACUF did not know of or intend any injury to Rude Music, Inc. or any other entity in Illinois. ACU did not know of or intend to infringe any copyright owned by Rude Music, Inc.

13. I am informed that Rule Music, Inc. has filed a letter with the Court indicating that it shares ownership of the copyright with Holy Moley Music, Easy Action, and WB Music Corp. These entities were similarly unknown to ACU and ACUF before that letter was filed.

14. ACU received the summons and complaint in the above-captioned legal action at its office in Washington, DC.

Pursuant to Section 1746 of Title 28 of the United States Code, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 1, 2012.



Gregg Keller