

EXHIBIT 2

DECLARATION OF HOWARD HERTZ IN SUPPORT OF REPLY TO PLAINTIFFS' MOTION TO EXCLUDE LATE PRODUCED DOCUMENTS

Case No. 2:07-cv-13164: Eight Mile Style, LLC, et al. v. Apple Computer Inc., et al.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**EIGHT MILE STYLE, LLC, and MARTIN
AFFILIATED, LLC,**

Plaintiffs,

vs.

**Case No. 2:07-cv-13164
Hon. Anna Diggs Taylor
Magistrate Judge Donald A. Scheer**

**APPLE COMPUTER, INC. and
AFTERMATH RECORDS d/b/a
AFTERMATH ENTERTAINMENT**

Defendant.

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**DECLARATION OF HOWARD HERTZ IN SUPPORT OF
PLAINTIFFS' MOTION TO EXCLUDE LATE PRODUCED DOCUMENTS**

I, Howard Hertz, having personal knowledge of the facts contained in this declaration, state as follows:

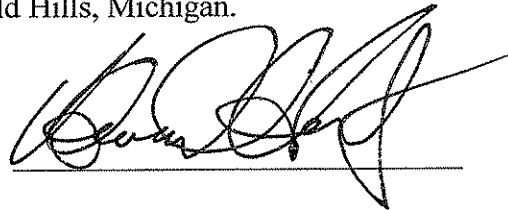
1. I am an attorney and partner in the law firm of Hertz Schram PC, local counsel for Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC ("Plaintiffs") in the above-entitled action. I am familiar with the files in this litigation.

2. In late May 2008, plaintiffs determined, despite having provided their initial disclosures to defendants in February, defendants never served or otherwise provided to plaintiffs their own initial disclosures. I called Daniel Quick, local counsel for plaintiffs, to

confirm that defendants had not provided initial disclosures and to request that defendants do so.
Mr. Quick told me that defendants did not believe they were compelled to provide any initial disclosures.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of October 2008, at Bloomfield Hills, Michigan.

A handwritten signature in black ink, appearing to read "Howard Hertz", written over a horizontal line.

Howard Hertz