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 and Live Nation Merchandise, Inc.

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

BRAVADO INTERNATIONAL GROUP
 MERCHANDISING SERVICES, INC.,
 MASCOTTE HOLDINGS, INC. and LIVE
 NATION MERCHANDISE, INC.,

Plaintiffs,

v.

JOHN DOES 1-100, JANE DOES 1-100,
 and XYZ COMPANIES 1-100,

Defendants.

Case No.:

**DECLARATION OF GARY GARDNER IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR A PRELIMINARY INJUNCTION
 AND ORDER OF SEIZURE, WITH
 TEMPORARY RESTRAINING ORDER**

I, GARY GARDNER hereby declare as follows:

1. I am a Tour Manager for plaintiff Bravado International Group Merchandising Services, Inc. ("Bravado"), and am responsible for merchandising and security with respect to the current WATCH THE THRONE joint concert tour (the "Tour") of the musical performers publicly known as KANYE WEST and JAY-Z (collectively the "Artists"). I am authorized by Bravado to make this declaration in support of plaintiffs Bravado, Mascotte Holdings, Inc. and Live Nation Merchandise, Inc.'s (collectively "Plaintiffs") application for a temporary restraining order, order of seizure, and preliminary injunction, enjoining the sale of, and

permitting the seizure of, unauthorized “bootleg” merchandise (the “Bootleg Merchandise”) bearing the Artists’ names, images, likenesses, logos, or trademarks (collectively, the “Trademarks”).

2. I have extensive experience with the sale of merchandise on concert tours and the problem of bootlegging. Over the past almost 20 years, I have attended, in a supervisory capacity, numerous concerts of artists performing in the same markets as the Artists will be performing on the Tour. I make this declaration based upon personal knowledge and to inform the Court of relevant facts concerning the unauthorized sales by defendants, and others acting in concert with defendants, of various Bootleg Merchandise bearing the Artist’s trademarks.

3. The United States portion of the Tour commenced in Atlanta, Georgia on October 28 and 29, 2011. The Tour will include performances at major venues throughout the United States, including concerts scheduled to be held at the Izod Center in East Rutherford, New Jersey on November 5 and 6, 2011 and at Boardwalk Hall in Atlantic City, New Jersey on November 19, 2011 (the “New Jersey Shows”). As part of the Tour, the Artists will appear in concerts at major venues in cities throughout the United States, including Auburn Hills, Baltimore, Boston, Chicago, Dallas, Fort Lauderdale, Greensboro, Houston, Kansas City, Las Vegas, Los Angeles, Miami, New Orleans, New York City, Philadelphia, Pittsburgh, San Jose, Sunrise, Tacoma, Uncasville and Washington DC. The United States portion of the Tour will continue through December 16, 2011 in Tacoma, Washington.

4. I personally observed bootlegging activity on the current Tour of the Artists. Indeed, at the concerts in Atlanta, Georgia on October 28 and 29, 2011, and in Greensboro, North Carolina on October 30, 2011, I personally observed individuals who were attempting to sell bootlegging merchandise. I purchased samples of the bootleg merchandise from these

individuals. Accordingly, Plaintiffs seek a preliminary injunction, with temporary restraining order and order of seizure in order to prevent the sale of additional bootleg merchandise on the Tour.

5. Based upon my almost 20 years of experience, and given the Artists' popularity and their status among popular music enthusiasts, I have no doubt that more bootlegging will occur on the Tour, including at the New Jersey Shows. Based upon my prior experience, I further believe that the same bootleggers who appear at the New Jersey Shows will continue to "work" the Tour, i.e., follow the Artists from city to city selling their bootleg goods.

6. On previous tours of other artists, I have recognized individual bootleggers at multiple venues as they follow the artist or group. In many instances, the bootleggers sell identical shirts at different venues, which indicates that they are supplied from a common source. Organized bootleggers generally "work the route" themselves or arrange to have local individuals sell the infringing merchandise for them. Bootleggers follow a tour from concert to concert to maximize their illegal profits, since bootlegging at only one or a small number of concerts generally is not financially worthwhile.

7. I anticipate that all future concerts on the Tour will be heavily attended, including the New Jersey Shows. By the end of the Tour, the Artists will have performed before hundreds of thousands of fans. Typically, these fans seek to purchase souvenirs at the concerts, including tour and program books, T-shirts, jerseys, sweatshirts, hats, stickers, jewelry, accessories, posters, calendars and other merchandise. Without protection from the courts, the bootleggers located outside the concert venues have the first and last opportunity to make these sales. Indeed, most of the Bootleg Merchandise is sold prior to the concert, before

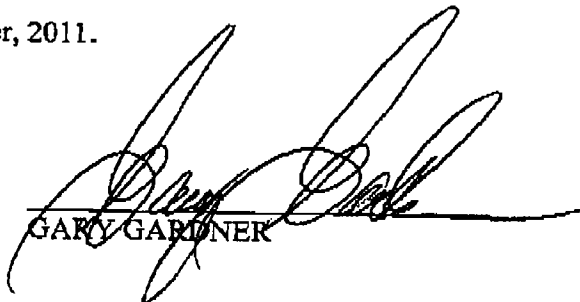
the fans have a chance to reach Bravado's authorized vending areas. Thus, each of the counterfeit sales represents a lost sale to Plaintiffs and lost income to the Artists and venues.

8. There is no question that bootleggers and counterfeiters, large and small, have targeted, and will continue to target, the Artists' Tour, including the New Jersey Shows. There is also no question that these bootleggers and counterfeiters have no right to sell their Bootleg Merchandise. If they are not enjoined and their infringing merchandise seized, Plaintiffs will continue to suffer sever economic harm, and will be irreparably harmed by the inferior product these bootleggers are disseminating.

9. For these reasons, I respectfully request that the Court grant Plaintiffs' application.

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

Executed on this 30th day of October, 2011.


GARY GARDNER