

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RALPH VARGAS and
BLAND-RICKY ROBERTS

Plaintiffs

vs.

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC. and
BRIAN TRANSEAU p/k/a "BT"

Defendants

CASE NO.: 04 CV 9772 (WHP)
(JCF)

ECF CASE

**DECLARATION OF PAUL A. CHIN SUBMITTING COPY OF THE ORAL
ARGUMENT TRANSCRIPT IN SUPPORT OF PLAINTIFFS'
MOTION FOR RECONSIDERATION**

PAUL A. CHIN declares and states as follows:

1. I am an attorney licensed to practice law in the courts of the state of New York and in this District and am counsel for Ralph Vargas ("Plaintiff Vargas") and Bland-Ricky Roberts ("Plaintiff Roberts") (collectively "Plaintiffs") in the above captioned matter. I hereby submit this declaration in support of Plaintiffs' motion for reconsideration.

2. On November 9, 2006, Plaintiffs filed and served their motion for reconsideration, and memorandum in support thereof, ("Plaintiffs' Motion") with the Court and the attorneys representing Brian Transeau ("Defendant Transeau") and East West Communications, Inc. ("Defendant EWC") (collectively "Defendants").

3. Due to the short period of time in which Plaintiffs had to file their motion for reconsideration, in accordance with Rule 6.3 of the Local Rules of this Court, Plaintiffs' Motion was filed without a copy of the transcript of the oral argument before

the Court on November 3, 2006 (the “transcript”); which contained the decision and order of the Court that Plaintiffs are seeking reconsideration. However, Plaintiffs did inform the Court that once they received a copy of the transcript they would submit the same to the Court and to the attorneys representing Defendants. *See, Plaintiff’ Motion, pg. 5, fn.1.*

4. Plaintiffs subsequently received a copy of the transcript today, November 14, 2006, and have attached said transcript to this declaration as Exhibit A.

5. Plaintiffs hereby submit a copy of the transcript, dated November 3, 2006, of the parties’ oral argument before the Court on Defendant Transeau’s second motion for summary judgment. The transcript is submitted in support of Plaintiffs’ Motion.

Dated: New York, New York
November 14, 2006

Respectfully submitted,

s/ Paul A. Chin

Paul A. Chin, Esq. (PC9656)
LAW OFFICES OF PAUL A. CHIN
The Woolworth Building
233 Broadway, 5th Floor
New York, NY 10279
(212) 964-8030
Attorneys for Plaintiffs

TO: Julie Ahrens, Esq.
Kirkland & Ellis, LLP
555 California Street, Suite 2700
San Francisco, CA 94104
Counsel for Defendant Transeau

David S. Olson, Esq.
Anthony Falzone, Esq.
Center for Internet and Society
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
Counsel for Defendant Transeau

Eric M. Stahl, Esq.
Davis Wright Tremaine, LLP
1501 4th Avenue, Suite 2600
Seattle, WA 98101-1688
Counsel for Defendant East West Communications

CERTIFICATE OF SERVICE

On the 14th day of November, 2006, a true and correct copy of the DECLARATION OF PAUL A. CHIN SUBMITTING A COPY OF THE ORAL ARGUMENT TRANSCRIPT IN SUPPORT OF PLAINTIFFS' MOTION FOR RECONSIDERATION was served pursuant to Local Rule 5.2 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, via e-mail and first-class mail, postage pre-paid to the following attorneys representing the Defendants:

Julie Ahrens, Esq.
Kirkland & Ellis, LLP
555 California Street, Suite 2700
San Francisco, CA 94104
Counsel for Defendant Transeau

David S. Olson, Esq.
Anthony Falzone, Esq.
Center for Internet and Society
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
Counsel for Defendant Transeau

Eric M. Stahl, Esq.
Davis Wright Tremaine, LLP
1501 4th Avenue, Suite 2600
Seattle, WA 98101-1688
Counsel for Defendant East West Communications

11/14/06
Date

s/ Paul A. Chin
Paul A. Chin, Esq. (PC 9656)
LAW OFFICES OF PAUL A. CHIN
The Woolworth Building
233 Broadway, 5th Floor
New York, NY 10279
(212) 964-8030
Attorneys for Plaintiffs