

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RALPH VARGAS and BLAND - RICKY
ROBERTS,

Plaintiffs,

v.

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

Defendants.

**04 CV 9772 (WHP)
ECF Case**

**DECLARATION OF ANTHONY T. FALZONE IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFFS' MOTION FOR RECONSIDERATION**

ANTHONY T. FALZONE declares and states as follows:

1. I am an attorney admitted to practice in California and before this Court pro hac vice. I am one of the attorneys of record for defendant Brian Transeau. I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called to do so.

2. Attached to this declaration as Exhibit A is a true and correct copy of the Memorandum in Support of Brian Transeau's Motion for Summary Judgment, which was filed with this Court on September 25, 2006.

3. Attached to this declaration as Exhibit B is a true and correct copy of plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, which was filed with this court on October 12, 2006.

4. Attached to this declaration as Exhibit C is a true and correct copy of defendant's Reply Memorandum in Support of Brian Transeau's Motion for Summary Judgment, which was filed on October 18, 2006.

5. Attached to this declaration as Exhibit D is a true and correct copy of the transcript of the November 3, 2006 hearing on defendants' motion for summary judgment.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on November 30, 2006 at Stanford, California.

/s/ _____

ANTHONY T. FALZONE