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

SUPPLEMENTAL DECLARATION OF JULIE A. AHRENS IN SUPPORT OF DEFENDANT BRIAN TRANSEAU'S MOTION FOR SUMMARY JUDGMENT

- 1. I, Julie A. Ahrens am an attorney licensed by the state of California and the state of New York and admitted to practice before this Court.
- 2. I am an associate at the firm of Kirkland & Ellis LLP, I am over 18 years of age, and if called upon to testify, I could and would testify competently to the matters stated herein. I make the following declaration based upon my own personal knowledge.
- 3. On November 16, 2006 at defendant Brian Transeau's ("BT") studio in Los Angeles, California, I witnessed BT recreate from scratch *Aparthenonia*, the drum track at issue in the above-captioned litigation. My firm contracted LegaLink San Francisco to videotape BT's demonstration. Also present to witness the demonstration were Brian Baughn and Wonseok Choi.
- 4. Attached hereto as Exhibit Z is a true and correct copy of the compact disc created by BT on November 16, 2006, labeled "BT New Aparthenonia 11/16/2006" that BT handed to me immediately after saving the computer files he created during the demonstration.

5. Attached hereto as Exhibit AA is a true and correct copy of Volume 1, Videotape Number 1 of the video recording of the recreation demonstration as recorded on November 16, 2006 by Adam Sperry, a Notary Public contracted by LegaLink San Francisco.

Dated: December 1, 2006

Julie A. Ahrens

KIRKLAND & ELLIS LLP 555 California Street San Francisco, California 94104-1501 Telephone: (415) 439-1400 Facsimile: (415) 439-1500

Attorneys for Defendant BRIAN TRANSEAU p/k/a "BT"