

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.

**DECLARATION OF
EDWARD P. KELLY**

Civil Action No.: 04 CV 9772 (WHP)

ECF CASE

Judge William H. Pauley III


Declaration of Edward P. Kelly

1. I, Edward P. Kelly, am counsel for Defendant Alanda Music, Ltd. d/b/a Fluid Music ("Fluid") in the referenced action. I make this declaration based upon my personal knowledge of the facts set forth herein. I make this declaration in support of Defendants' Joint Motion for Summary Judgment. I am over 18 years of age and if called upon to testify I would and could testify competently as to the factual matters stated herein.

2. Attached as Exhibit A is a true and correct copy of the Plaintiffs' Initial Disclosures served upon defense counsel on June 24, 2005.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30th day of June 2005


Edward P. Kelly