

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RALPH VARGAS and	:	CASE NO.: 04 CV 9772 (WHP)
BLAND-RICKY ROBERTS	:	(JCF)
Plaintiffs	:	
vs.	:	ECF CASE
PFIZER INC., PUBLICIS, INC., FLUID MUSIC,	:	
EAST WEST COMMUNICATIONS, INC. and	:	
BRIAN TRANSEAU p/k/a “BT”	:	
Defendants	:	

**DECLARATION OF PAUL A. CHIN IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

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 identifying the exhibits which contain the relevant portions of Plaintiffs’ evidence that establish disputed material issues of fact in support of Plaintiffs’ Opposition to Defendant Brian Transeau’s (“Defendant BT”) motion for summary judgment (“Defendant’s Motion”) <sup>1</sup>:

2. Attached hereto as **Plaintiffs’ Exhibit 1** is a true and correct copy of Plaintiffs’ Second Amended Complaint filed in this action.

---

<sup>1</sup> Defendant East West Communications, Inc. (“Defendant EWC”) has joined in Defendant’s Motion.

3. Attached hereto as **Plaintiffs' Exhibit 2** is a true and correct copy of the relevant portions of the deposition transcript of Plaintiff Ralph Vargas taken on July 31, 2006.

4. Attached hereto as **Plaintiffs' Exhibit 3** is a true and correct copy of the Declaration of Matthew Ritter ("Ritter Decl."), with attached exhibits, which was marked as Defendants' Exhibit 5 during the deposition of Ralph Vargas on July 31, 2006.

5. Attached hereto as **Plaintiffs' Exhibit 4** is a true and correct copy of the Plaintiffs' document bates stamped numbers 000003 and 000017 which produced to Defendant BT during discovery.

6. Attached hereto as **Plaintiffs' Exhibit 5** is a true and correct copy of the relevant portions of the deposition transcript of Plaintiff Bland-Ricky Roberts taken on August 2, 2006.

7. Attached hereto as **Plaintiffs' Exhibit 6** is a true and correct copy of the relevant portions of the deposition transcript of Defendant Brian Transeau taken on August 16, 2006.

8. Attached hereto as **Plaintiffs' Exhibit 7** is a true and correct copy of a Plaintiffs' First Set of Interrogatories to Defendant Brian Transeau and Responses Thereto ("Defendant BT's Interrogatory Resp.") dated September 2, 2005.

9. Attached hereto as **Plaintiffs' Exhibit 8** is a true and correct copy of a Plaintiffs' First Set of Interrogatories to Defendant East West Communications and Responses Thereto ("Defendant EWC's Interrogatory Resp.") dated September 2, 2005.

10. Attached hereto as **Plaintiffs' Exhibit 9** is a true and correct copy of the Declaration of Ivan A. Rodriguez ("Rodriguez Decl."), which was marked as Defendants' exhibit 22 during Defendants' deposition of Ivan A. Rodriguez on August 9, 2006.

11. Attached hereto as **Plaintiffs' Exhibit 10** is a true and correct copy of the relevant portions of the deposition transcript of Ivan Rodriguez taken on August 9, 2006.

12. Attached hereto as **Plaintiffs' Exhibit 11** is a true and correct copy the Expert Report of Dr. Steven Smith ("Dr. Smith's Expert Report"), which was marked as Defendants' exhibit 34 during Defendants' deposition of Dr. Steven Smith on August 15, 2006.

13. Attached hereto as **Plaintiffs' Exhibit 12** is a true and correct copy of the relevant portions of the deposition transcript of Matthew Ritter dated August 10, 2006.

14. Attached hereto as **Plaintiffs' Exhibit 13** is a true and correct copy of the relevant portions of the deposition transcript of Dr. Steven Smith taken on August 15, 2006.

15. Attached hereto as **Plaintiffs' Exhibit 14** is a true and correct copy of the expert opinion of Defendant BT's expert Dr. Richard Boulanger dated January 31, 2006 ("Boulanger's Report").

Dated: New York, New York  
October 12, 2006

Respectfully submitted,

s/ Paul A. Chin

Paul A. Chin, Esq. (PC9656)  
LAW OFFICES OF PAUL A. CHIN  
The Woolworth Building  
233 Broadway, 5<sup>th</sup> 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.  
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 4<sup>th</sup> Avenue, Suite 2600  
Seattle, WA 98101-1688  
*Counsel for Defendant East West Communications*

## **CERTIFICATE OF SERVICE**

On the 12<sup>th</sup> day of October, 2006, a true and correct copy of the DECLARATION OF PAUL A. CHIN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT was served via priority mail, with delivery confirmation, 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.  
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 4<sup>th</sup> Avenue, Suite 2600  
Seattle, WA 98101-1688  
*Counsel for Defendant East West Communications*

10/12/06  
Date

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