

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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The Authors Guild, Inc., *et al.*, : Case No. 05 CV 8136-DC
Plaintiffs, : DECLARATION OF
vs. : DAVID NIMMER IN
Google, Inc., : SUPPORT OF OBJECTION OF
Defendant. : AMAZON.COM, INC.
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Filed Electronically

I, David Nimmer, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP and counsel of record for Amazon.com, Inc. in the above-captioned case. I am a member in good standing of the State Bar of California and have submitted an application to practice before this Court *pro hac vice*. Dkt. # 151. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit A is a copy of the Cooperative Agreement between Google and the University of Michigan, obtained from the University of Michigan Library website at <http://www.lib.umich.edu/mdp/um-google-cooperative-agreement.pdf>.

3. Attached hereto as Exhibit B is a copy of the Amendment to the Cooperative Agreement between Google and the University of Michigan, also obtained from the University of Michigan Library website at <http://www.lib.umich.edu/mdp/Amendment-to-Cooperative-Agreement.pdf>.

4. Attached hereto as Exhibit C is a copy of the Complaint in *Cahn v. Sony Corp.*, Case No. 90 CV 4537 (S.D.N.Y. July 9, 1990), obtained from the Southern District of New York.

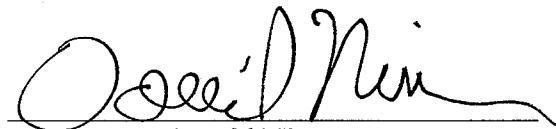
5. Attached hereto as Exhibit D is a copy of the Complaint in *Frank Music Corp. v. Compuserve, Inc.*, Case No. 93 CIV 8153 (S.D.N.Y. Nov. 29, 1993), obtained from the Southern District of New York.

6. Attached hereto as Exhibit E is a copy of the Order Approving Settlement of Class Action in *Frank Music Corp. v. Compuserve, Inc.*, Case No. 93 CIV 8153 (S.D.N.Y. Nov. 29, 1993), obtained from the Southern District of New York.

7. Attached hereto as Exhibit F is a copy of the Settlement Agreement (excluding attachments) in *Frank Music Corp. v. CompServe, Inc.*, Case No. 93 CIV 8153 (S.D.N.Y. Nov. 29, 1993), obtained from the Southern District of New York.

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

Executed on August 31, 2009, at Los Angeles, California.



David Nimmer