## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE "A MILLION LITTLE PIECES"
LITIGATION

No. 06-md-1771 Hon. Richard J. Holwell

## DECLARATION OF EVAN J. SMITH, ESQUIRE IN SUPPORT OF AMLP PLAINTIFFS' GROUP'S SUPPLEMENTAL MEMORANDUM **REGARDING APPROVAL OF NOTICE PLAN**

I, Evan J. Smith, Esquire, hereby declares:

- 1. I am an attorney, duly licensed and admitted to practice law in the State of New York and in this Court. I am a partner in the law firm of Brodsky & Smith, LLC, counsel for Plaintiff Michele Snow in these coordinated proceedings. I have personal knowledge of the facts set forth in this Declaration. If called upon and sworn as a witness, I could and would competently testify to these facts.
- 2. During the settlement negotiations between Class Counsel and Defendants herein, there were many discussions about the possibility of notice through retailers. For a variety of reasons, it was determined that, even if possible in some form, it was unlikely that retailers would participate in a notice program tasking them with responsibility for tracking down and providing notice to book purchasers. The letters attached hereto confirm this determination.
- Attached hereto as Exhibit "A" is a true and correct copy of the transcript of the 3. April 6, 2007 hearing in these proceedings.
- 4. Attached hereto as Exhibit "B" are true and correct copies of Class Counsel's correspondence to the General Counsel of Borders Group, Inc. and the response thereto.

- 5. Attached hereto as Exhibit "C" are true and correct copies of Class Counsel's correspondence to the General Counsel of Barnes & Noble and the response thereto.
- 6. Attached hereto as Exhibit "D" are true and correct copies of Class Counsel's correspondence to General Counsel of Amazon.com, Inc. and the response thereto.
- 7. Attached hereto as Exhibit "E" are true and correct copies of Class Counsel's correspondence to the General Counsel of Walmart/Walmart.com, Inc. and the response thereto.
- 8. Attached hereto as Exhibit "F" are true and correct copies of Class Counsel's correspondence to the General Counsel of Harpo Studios and the response thereto.

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

Dated: April 27, 2007 /s Evan J. Smith, Esquire (ES3254) Evan J. Smith, Esquire (ES3254)