

Edward Hernstadt
HERNSTADT ATLAS LLP
11 Broadway, Suite 615
New York, New York 10004
Tel: 212-809-2501
Fax: 212-214-0307
ed@heatlaw.com
www.heatlaw.com

Attorney for *Amici Curiae*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS, LLC, et al.

Plaintiffs,

v.

LIME WIRE LLC, et al.

Defendants.

CIVIL ACTION NO. 06 CV 5936 (GEL)
ECF Case

DECLARATION OF FRED VON LOHMANN IN SUPPORT OF MOTION OF NONPARTIES
THE ELECTRONIC FRONTIER FOUNDATION, CENTER FOR DEMOCRACY AND
TECHNOLOGY, COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION,
CONSUMER ELECTRONICS ASSOCIATION, HOME RECORDING RIGHTS COALITION,
INFORMATION TECHNOLOGY ASSOCIATION OF AMERICA, PUBLIC KNOWLEDGE,
SPECIAL LIBRARIES ASSOCIATION, AND U.S. INTERNET INDUSTRY ASSOCIATION
IN SUPPORT OF NEITHER PARTY.

I, Fred von Lohmann, declare as follows:

1. I am a staff attorney with the Electronic Frontier Foundation (EFF), duly licensed to practice law in the State of California.

2. Through their counsel, Charles S. Baker, Defendants in the above-captioned matter have consented to the filing of the *amicus curiae* brief submitted herewith.

3. On September 8, 2008, I contacted Ms. Katherine B. Forrest, counsel for Plaintiffs, to inquire whether Plaintiffs would consent to the filing of an *amicus curiae* brief by EFF and other *Amici*. On September 10, 2008, I was informed by Ms. Forrest that Plaintiffs would not consent to the filing of the brief.

I declare under penalty of perjury under the laws of the State of California that each of the above statements is true and correct. Executed September 26, 2008, in San Francisco, California.

Dated: September 26, 2008

By: /s/ Fred von Lohmann