The Football Association Premier League Limited et al v. Youtube, Inc. et al Doc. 24 Att. 1

EXHIBIT A

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED and BOURNE CO., on behalf of themselves and all others similarly situated,	:	07 Civ. 3582 (LLS) (related case no. 07 Civ. 2103 (LLS))
Plaintiffs,	:	ECF Case
v.	:	**DECLARATION OF ROBERT TUR IN SUPPORT OF PLAINTIFFS' MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL PURSUANT TO FED. R. CIV. P. 23(g)(2)(A)**
YOUTUBE, INC., YOUTUBE, LLC and GOOGLE, INC.,	:	
Defendants.	:	

ROBERT S. TUR hereby declares:

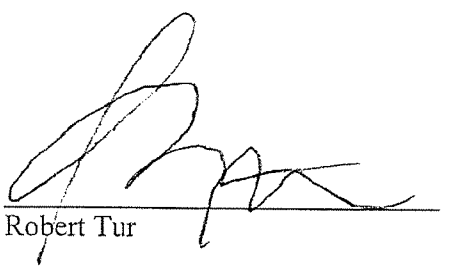
1. I am the plaintiff in the action filed in the Central District of California against YouTube, Inc. *See Robert Tur d/b/a Los Angeles News Service v. YouTube, Inc.*, 06-cv-4436 (C.D.Cal.) (the "Tur Action"). I make this declaration in support of the motion by plaintiffs The Football Association Premier League Limited and Bourne Co. (together, the "PL/B Plaintiffs") for the appointment of their counsel, Proskauer Rose LLP and Bernstein Litowitz Berger & Grossmann LLP (collectively, the ""PL/B Counsel" or the "Firms"), as counsel for the putative Class on an interim basis pursuant to Federal Rule of Civil Procedure 23(g)(2)(A).

2. I am the sole, individual plaintiff in the Tur Action. The present complaint in the Tur Action alleges copyright infringement against YouTube with respect to five of my works. No discovery has occurred in the Tur Action, and the Court in that case recently denied summary judgment motions filed on my behalf and by YouTube because of the need for factual development of the record through discovery.

3. Although I wish to be in a position to decide in the future whether to opt out of the Class, in terms of pre-trial matters, as my counsel already advised the Court in California, I intend to rely fully on the Firms in the conduct of discovery, etc. (my counsel correctly described my position as wishing to take advantage of and rely on the discovery that PL/B Plaintiffs are going to take in this action, and to "piggyback" on the PL/B Plaintiffs discovery and to "tag along" with the PL/B Plaintiffs efforts in this Court). Based on the investigation done by my counsel, I believe the Firms are well-equipped and the most appropriate firms to control and conduct that discovery in the comprehensive but expeditious a manner as they determine will protect the Class and to make the determinations that need to be made to do so. The Firms have included my counsel in their discussions and, I understand, will continue to do so. Accordingly, at this point in the cases, the center of gravity of the claims and litigation against Defendants is in the Class action pending in this Court.

4. I join in the PL/B Plainitffs' application to appoint PL/B Counsel as counsel for the putative Class on an interim basis.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Santa Monica, California, on July 6, 2007.



Robert Tur