

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INT'L INC., ET AL.,
Plaintiffs,

v.

YOUTUBE, INC., ET AL.,
Defendants.

Civil No. 07-CV-2103 (LLS)

ECF Case

THE FOOTBALL ASSOCIATION
PREMIER LEAGUE LIMITED, ET AL., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

YOUTUBE, INC., ET AL.,
Defendants.

ELECTRONICALLY FILED

Civil No. 07-CV-3582 (LLS)

**DECLARATION OF MICHAEL S. KWUN IN SUPPORT OF MOTION FOR LEAVE
TO FILE BRIEF OF *AMICI CURIAE* EBAY INC., FACEBOOK, INC.,
IAC/INTERACTIVECORP, AND YAHOO! INC. IN SUPPORT OF DEFENDANTS**

I, MICHAEL S. KWUN, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of California and am of counsel at Kecker & Van Nest LLP, counsel to proposed *amici curiae* eBay Inc., Facebook, Inc., IAC/InterActiveCorp, and Yahoo! Inc. (collectively, “proposed *amici curiae*”) in this case, and submit this declaration in support of the motion of these nonparties for leave to file the accompanying proposed brief as *amici curiae* in support of Defendants.

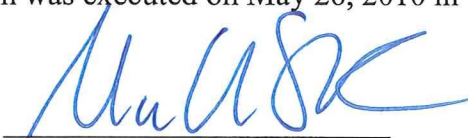
2. Defendants, through counsel, have consented to the filing of the proposed *amicus curiae* brief. The Viacom Plaintiffs, through counsel, have indicated that they do not object to the filing of the proposed *amicus curiae* brief.

3. On May 21, 2010, I contacted Charles Sims, of Proskauer Rose LLP, via email to seek the consent of Class Plaintiffs to file the proposed *amicus curiae* brief. On May 25, 2010, I left Mr. Sims a voicemail message following up on my earlier email, and informing Mr. Sims that the proposed *amici curiae* planned to file the motion for leave the following day (i.e. today). On May 25, 2010, Mr. Sims informed me that, as of then, he had not received instructions from his clients regarding my request, but that he would provide me with an updated response when possible. As of the date and time of this filing, I have not received an updated response from Mr. Sims.

4. For the reasons set forth in their accompanying motion for leave to file and in the proposed Brief of *Amici Curiae* eBay Inc., Facebook, Inc., IAC/InterActiveCorp, and Yahoo! Inc. in Support of Defendants, the proposed *amici curiae* respectfully request that their proposed motion for leave to file their proposed *amici curiae* brief in support of Defendants be granted.

5. Attached hereto as Exhibit 1 is a Proposed Order granting leave for the proposed *amici curiae* to file an *amicus curiae* brief in support of Defendants in these cases.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 26, 2010 in San Francisco, California.


MICHAEL S. KWUN