

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEN KNIGHT

Plaintiff,

-against-

MARIO LAVANDEIRA a/k/a PEREZ
HILTON

Defendant.

Case No. 07 CV 3751 (LBS)

**DECLARATION OF
JEFFREY M. EILENDER**

Pursuant to 28 U.S.C. § 1746, JEFFREY M. EILENDER hereby declares under penalty of perjury:

1. I am a member of Schlam Stone & Dolan LLP, counsel to Defendant Mario Lavandeira in this action. I submit this declaration in support of Defendant's motion pursuant to Fed. R. Civ. Proc. 12(b)(2) and 12(b)(5) to dismiss the Complaint of Plaintiff Ken Knight for lack of personal jurisdiction and insufficient service of process.

2. Attached hereto as Exhibit 1 is a true and complete copy of the Complaint in this action.

3. Attached hereto as Exhibit 2 is a true and complete copy of the Proof of Service in this action.

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

Executed on August 13, 2007



JEFFREY M. EILENDER

EXHIBIT 1

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

United States District Court

Southern

DISTRICT OF

New York

Ken Knight

SUMMONS IN A CIVIL CASE

v.

Mario Lavandeira a/k/a Perez Hilton

SP NUMBER
07 CV 3751

TO: (Name and address of defendant)

Mario Lavandeira
8174 Sunset Blvd. Suite #993
Los Angeles, CA 90046

JUDGE SAND

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edward C. Greenberg PC
570 Lexington Ave. 17th Floor
New York, New York 10022

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

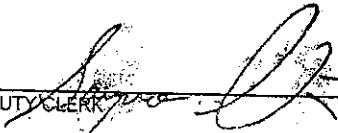
J. MICHAEL McMAHON

MAY 11 2007

CLERK

DATE

(BY) DEPUTY CLERK



AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/98

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEN KNIGHT

Plaintiff,

- against -

MARIO LAVANDEIRA a/k/a PEREZ HILTON

Defendant.

JUDGE SAND

COMPLAINT

JURY TRIAL
DEMANDED
MAY 11 2007

U.S. DISTRICT COURT
CASHIER

Plaintiff, KEN KNIGHT by his attorney, Edward C. Greenberg, alleges as follows:

PARTIES

1. Plaintiff, KEN KNIGHT (hereinafter "KNIGHT") is a resident of the state of Louisiana, residing at 2020 Washing Street, Franklinton, Louisiana, 70438.
2. Defendant, MARIO LAVANDEIRA a/k/a PEREZ HILTON (hereinafter "LAVANDEIRA") is, upon information and belief, a resident of the state of California, residing at 8174 Sunset Blvd. Suite #993, Los Angeles, CA 90046.
3. LAVANDEIRA is, upon information and belief, doing business in the state of California, and worldwide via the internet, under the name Perez Hilton as the sole owner and operator of the Internet website located at <http://www.perezhilton.com>.

JURISDICTION AND VENUE

4. This is a civil action for copyright infringement.
5. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1338.
6. The Southern District of New York is a proper venue pursuant to 28 U.S.C. § 1391 as defendant does a significant amount of business in New York City.

FACTS COMMON TO ALL CLAIMS

7. That plaintiff, KNIGHT, is a professional photographer with many years of experience.

8. On or about March 9, 2000, the plaintiff created an image of one Jason Allen Alexander. A copy of said image is attached hereto as "Exhibit A".

9. That plaintiff retained sole copyright in the subject image and registered the image on January 9, 2004. A copy of the registration, numbered Vau 596-505, is attached hereto as "Exhibit B".

10. The copyright and registration in the image relevant herein belong to the plaintiff and no transfer, sale or assignment of same has taken place.

11. At approximately 5:30 A.M. on January 3rd 2004, internationally known pop performer Britney Spears married Mr. Alexander in a Las Vegas chapel. Said marriage was annulled some 55 hours later.

12. Spears' marriage quickly became public and was reported via numerous newspapers, media outlets and publications. There was instant and significant demand within the publicity, news and entertainment industries for photographic images of "Mr. Britney", to wit, Mr. Alexander.

13. That, unlike Ms. Spears, Mr. Alexander was not a well known person, celebrity or public figure at the time of the marriage.

14. That images of Ms. Spears which involve or reflect upon her personal life have previously been the cause of bidding wars among rival celebrity publications seeking to acquire the exclusive right to publish said images. Ms. Spears is among the most photographed person in the world and photos incorporating her likeness and/or

those whose lives intersect with hers are routinely licensed and/or sold for significant fees worldwide. Many of those images are repeatedly licensed and fees are earned in consideration thereof.

15. To date, the plaintiff has not made the subject image available to any photographic stock agency or otherwise initiated third party licensing of the subject image.

16. That upon information and belief, perezhilton.com is one of the largest celebrity gossip websites on the World Wide Web. On March 5, 2007 the publication "PC World" named perezhilton.com's founder, defendant LAVANDEIRA, the "41st most important person on the web" (a copy of this article is attached hereto as "Exhibit C").

17. In a November 30, 2006, post on Perezhilton.com LAVANDEIRA claimed to have achieved 3.97 million unique visitors to his website in a single day (a copy of this post is attached hereto as "Exhibit D") and has claimed in various sources to *average a viewership of 3 million unique visitors per day.*

18. That on or about February 26, 2007, the plaintiff's image of Jason Allen Alexander was included in post on perezhilton.com entitled "Quote of the Day." A copy of said post as it appeared on the site is attached hereto as "Exhibit E."

19. The publication of the subject image was without plaintiff's knowledge, permission, or consent.

20. That the plaintiff holds a registered copyright in his image of Mr. Alexander, to wit: VAu 596-505.

21. Plaintiff zealously protects his copyright in said image, having repeatedly instituted litigation and claims regarding infringement thereof.

22. At no time has any court of competent jurisdiction adjudicated or suggested that plaintiff's registration, solely in his name, is anything other than valid.

23. Upon information and belief, the web site operated by the defendant makes daily use of images created by third parties, without having procured licenses for the use of same.

24. It is defendant's custom and practice to harvest photos from third party web sites without attempting to ascertain the actual ownership of said intellectual property and without obtaining a license for the use of same.

25. Upon information and belief, as a result of such conduct, the defendant has on more than one occasion been contacted by copyright holders or their authorized agents demanding that it remove potentially infringing content.

26. Upon information and belief, despite being the recipient of more than one such prior notice, the defendant has utterly failed and/or willfully chosen not to put policies in place regarding rights, clearances and the licensing of photography.

27. Upon information and belief, despite being the recipient of more than one such prior notice, the defendant continues to allow its employees, agents and staff to appropriate content from third parties and directly utilize same on defendant's web site.

28. That as a result of such conduct, defendant's business model is based on a pattern of constant infringement.

29. That plaintiff and defendant do not have any business relationship whatsoever nor has defendant sought to obtain a license from plaintiff for any reason whatsoever.

30. That the subject image was directly hosted by the defendant on its website and was not displayed via a link or frame from any other website.

31. The full nature and extent of the defendant LAVANDEIRA's usage of the subject image is unknown, such information being in the sole custody, possession and control of the defendant.

32. Upon information and belief the defendant has benefited from all usage of the image and has earned revenue as a result of the publishing of plaintiff's image as "content."

FIRST CLAIM FOR RELIEF

33. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 32 as if fully set forth herein.

34. That the publication of the subject image by the defendant constitutes federal statutory copyright infringement under Section 501 of the Copyright Act in violation of the exclusive rights granted the plaintiff KNIGHT as copyright holder.

35. Defendant's display of the image was willful, intentional and in bad faith.

36. As a result of defendant's acts, plaintiff was and continues to be damaged in an amount as yet undetermined.

37. Plaintiff is further entitled to damages, attorneys' fees and costs under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et. seq., given the willful, intentional, malicious and bad faith nature of defendant's copyright infringement.

SECOND CLAIM FOR RELIEF

38. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 37 as if fully set forth herein.

39. That the publication of the subject image by the defendant constitutes federal statutory copyright infringement under Section 501 of the Copyright Act in violation of the exclusive rights granted the plaintiff KNIGHT as copyright holder.

40. Defendant's display of the image was negligent.

41. As a result of defendant's acts, plaintiff was and continues to be damaged in an amount as yet undetermined.

42. Plaintiff is further entitled to damages, attorneys' fees and costs under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et. seq., given the bad faith nature of defendant's infringement.

WHEREFORE, the plaintiff demands judgment as against the defendant as follows:

ON THE FIRST CLAIM FOR RELIEF- an award in an amount to be determined by this court, but believed to be the maximum statutory damages award in an amount of \$150,000, or for such other amount as may be proper pursuant to 17 U.S.C. §504 and for an order enjoining LAVANDEIRA from infringing the plaintiff's copyrighted image, pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

ON THE SECOND CLAIM FOR RELIEF- an award in an amount to be determined by this court, but believed to be the maximum statutory damages award in an amount of \$150,000, or for such other amount as may be proper pursuant to 17 U.S.C. § 504 and for an order enjoining LAVANDEIRA from infringing the plaintiff's copyrighted image, pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

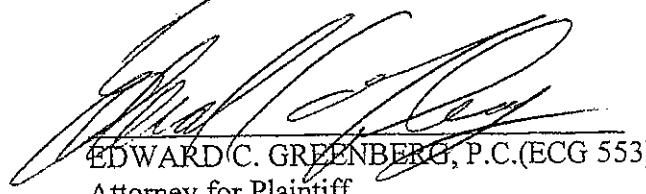
Prejudgment interest on all sums due;

And such other and further relief as this Court may deem just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ANY ISSUE SO TRIABLE.

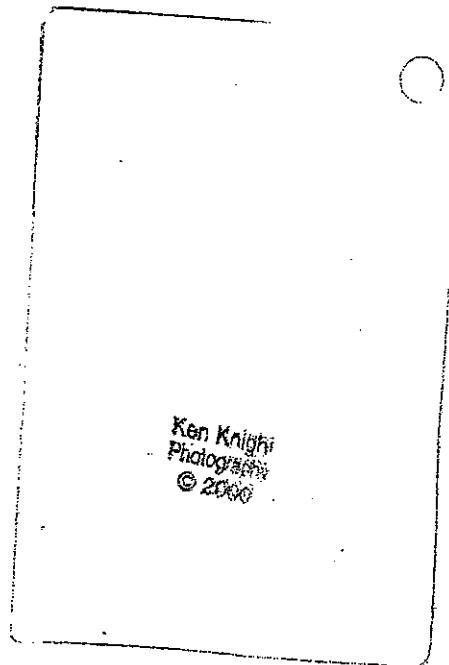
Dated: New York, New York
March 30, 2007

Yours etc.



EDWARD C. GREENBERG, P.C. (ECG 553)
Attorney for Plaintiff
100 Park Avenue, 33rd Floor
New York, New York 10017
Tel: (212) 697-8777

Exhibit
A



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA

For a Work of the Visual Arts

UNITED STATES GOVERNMENT

VAu596-505



EFFECTIVE DATE OF REGISTRATION

01 09 04
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1 Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

Jason Allen Alexander

Photograph

2 Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give Volume ▼

Number ▼

Issue Date ▼

On Page ▼

3 a NAME OF AUTHOR ▼

Kendall L Knight

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1949

Was this contribution to the work a work made for hire

Yes
 No

Author's Nationality or Domicile

Name of Country
OR Citizen of United States
Domiciled in _____

Was This Author's Contribution to the Work

Anonymous Yes No
Pseudonymous Yes No
If the answer to either of these questions is Yes see detailed instructions

NOTE

Under the law of a work made for hire in generally the employer not the employee (see instructions). For any part of the work that was made for hire check Yes in the space provided give the employer (or other person for whom the work was prepared) as Author of that part and leave the space for dates of birth and death blank

Nature of Authorship Check appropriate box(es) See Instructions

3 Dimensional sculpture Map Technical drawing
 2 Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3 b Name of Author ▼

Dates of Birth and Death
Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire

Yes
 No

Author's Nationality or Domicile

Name of Country
OR Citizen of _____
Domiciled in _____

Was This Author's Contribution to the Work

Anonymous Yes No
Pseudonymous Yes No
If the answer to either of these questions is Yes see detailed instructions

Nature of Authorship Check appropriate box(es) See Instructions

3 Dimensional sculpture Map Technical drawing
 2 Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3 a

Year in Which Creation of This Work Was Completed
2000This information must be given
Year in all cases

b Date and Nation of First Publication of This Particular Work

Complete this information Month _____ Day _____ Year _____ Nation _____

4

See instructions before completing this space

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

Ken Knight
P O Box 370
Franklinton I A 70438

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

DO NOT WRITE HERE
OFFICE USE ONLY

APPLICATION RECEIVED

JAN 09 2004

ONE DEPOSIT RECEIVED

JAN 09 2004

TWO DEPOSITS RECEIVED

FUND RECEIVED

DO NOT WRITE HERE
Date 1 of 2

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-9) on the reverse side of this page
See detailed instructions Sign the form at line 8

EXAMINED BY *Urb*

FORM VA

CHECKED BY

 CORRESPONDENCE
 YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of the work already been made in the Copyright Office?

 Yes No If your answer is Yes why is another registration being sought? (Check appropriate box) □

a This is the first published edition of a work previously registered in unpublished form.

b This is the first application submitted by this author as copyright claimant

c This is a changed version of the work as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work complete only 6b for a compilation

a Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

b Material Added to This Work Give a brief general statement of the material that has been added to this work and to which copyright is claimed ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Ap/City/State/ZIP ▼

Edward C. Greenberg Esq
Greenberg & Reicher LLP
50 East 42nd Street, 17th Floor

Area code and daytime telephone number (212) 697 8777

Fax number (212) 697 2528

Email ecglaw@aol.com

CERTIFICATION* I the undersigned hereby certify that I am the

check only one ► □ author
□ other copyright claimant
□ owner of exclusive right(s)
 authorized agent of Kendall L. Knight Name of author or other copyright claimant or owner of exclusive right(s) □

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Edward Greenberg Esq Date January 8 2004

Handwritten signature (X) ▼

X

Certificate
will be
mailed in
window
envelope
to this
address

Name ▼
Edward C. Greenberg Esq
Number/Street/Apt ▼
50 East 42nd Street, 17th Floor
City/State/ZIP ▼
New York NY 10017

Complete all necessary spaces
Sign your application in space 8
1 Application form
2 Nonrefundable filing fee in check or money
order payable to Register of Copyrights
3 Deposit material
Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

Form 102 (01-01-01) 2001
Fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov or write the Copyright Office, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000

Search: |

Advanced

The 50 Most Important People on the Web

Christopher Null, PC World

Mon Mar 5, 4:00 AM ET

Despite what *Time* magazine would have you believe, *you* are not the most powerful or influential person on the Web. At PC World we love online personals, social networks, and videos of people falling on their keisters as much as the next person, but without the folks who create the Craigslists, MySpaces, and YouTubes of the world, much of the Web's potential would be lost among spam sites and other online detritus.

So who's making the biggest impact online? We considered hundreds of the Web's most noteworthy power brokers, bloggers, brainiacs, and entrepreneurs to figure out whose contributions are shaping the way we use the Web. We whittled the list down to the top 50--well, actually the top 62--people, but as you'll see, there are some you just can't separate. And don't despair: Get a little more traffic on your Web site, and you may show up on the list next year.

ADVERTISEMENT

IMPORTANT PEOPLE #1 THROUGH #5**1. Eric Schmidt, Larry Page, and Sergey Brin** **Executives, Google**

When your stock price can top \$500 a share, you're collectively worth \$33 billion in cash, and you run the most trafficked search engine on the Internet, you can afford to do, well, pretty much whatever you want. Sergey Brin and Larry Page's little project from Stanford has grown into the Web's most talked-about powerhouse, and one of the few names on this list to have morphed into a verb. Schmidt left Novell to join the board of directors at Google in 2001 and soon became the company's CEO. Having conquered the online advertising world, Google seems to be gearing up for an acquisition spree, its headline-grabbing purchase of YouTube marking a big step toward complete domination of the Web.

2. Steve Jobs **CEO, Apple**

No doubt you're sick of the media bonanza surrounding the every move of Apple's CEO, but when one man's appeal for DRM-free music reverberates around the world, it's hard to ignore the power he wields. Jobs popularized legal music downloads and legal TV and movie downloads. And though the iPhone won't be released for five months, its demonstration at **MacWorld** Expo suggested that this product might finally popularize Internet browsing on a mobile device.

3. Bram Cohen **Cofounder, BitTorrent**

P2P systems like KaZaA and eDonkey are so last year. The future is all about BitTorrent, the brainchild of math wizard and programming wunderkind Bram Cohen. BitTorrent, developed in 2001, has gained in popularity as a way to download large files (like movies) by sharing the burden across hardware and bandwidth. The technology's adeptness at handling large files got Cohen in trouble with the Motion Picture Association of America, which ordered BitTorrent to remove copyrighted content from its network. But that setback hasn't slowed it down. Reportedly, more than a third of all Web traffic now comes from BitTorrent clients. BitTorrent and the entertainment heavyweights have since joined forces. The newly released BitTorrent Entertainment Network launched recently with thousands of industry-approved movies, television shows, games, and songs for sale and rental.

4. Mike Morhaime **President, Blizzard Entertainment****PCWORLD.COM**

Exhibit C

In the world of online gaming, there is World of Warcraft and there is everything else. With 8 million players worldwide, Blizzard earns about \$1.5 billion a year on WoW. And each player is breathlessly beholden to Mike Morhaime for the chance—if it ever comes—to obtain that Blade of Eternal Justice. As with Second Life (see #17), entire real-world businesses are based around the game. Unlike Second Life, though, these businesses—which exploit the WoW economy and gameplay—are not entirely welcome.

5. Jimmy Wales Founder, Wikipedia

Many onliners treat Internet encyclopedia Wikipedia as their first and last stop in researching a topic; and its user generated content has become so reliable that *Nature* magazine declared it "close to [Encyclopaedia] Britannica" in accuracy. The site has been cited as a source of information in more than 100 U.S. court decisions since 2004. But its popularity has also made Wikipedia a target for spammers—so much so that Wikipedia temporarily blocked the entire country of Qatar from making edits. To thwart spammers, Wales decided to slap "nofollow" tags on external links, telling search engines to ignore the links in order to avoid artificially inflating the search engine ranking of the link targets. This strategy ensures that Wikipedia's prominence in search results will continue to grow. But Wikipedia may just be the beginning for Wales. He recently launched his own search engine, WikiSeek, which searches only sites mentioned in Wikipedia.



IMPORTANT PEOPLE #6 THROUGH #10

6. John Doerr Venture capitalist, Kleiner, Perkins, Caulfield & Byers

A former salesman for Intel, John Doerr has been the king of Silicon Valley venture capital for 27 years, investing in tech businesses ranging from Sun Microsystems to Amazon.com to Google. Jeff Bezos (see #24) once described Doerr as "the center of gravity in the Internet." He has also put his money behind his politics, backing controversial state ballot initiatives in California involving alternative energy and stem-cell research.

7. Craig Newmark Founder, Craigslist

His Web site has no ads, charges absurdly low fees to a small fraction of its visitors, has a ".org" domain, and employs 23 people. Yet despite its humble appearance, Craigslist racked up 14.1 million page views last December and was the 52nd most viewed site last December according to comScore Media Metrix. Newmark's Craigslist has become an addiction for many, who impulsively refresh the listings of free stuff, "rants & raves," and personal ads while shirking their day jobs. Most importantly, it has almost singlehandedly demolished the offline classified advertising business. (In the San Francisco Bay Area alone, one study found, the site drains up to \$65 million annually from local newspapers' help-wanted ads.) Take that, old media!

8. Peter Levinsohn President, Fox Interactive Media

Fox Interactive Media, owned by Rupert Murdoch's News Corporation, is one of the Web's most powerful entities, controlling 13 sites that range from uber-popular MySpace.com to controversial FoxNews.com. A complement to News Corp's array of traditional film and television properties, this Internet-focused division ranked among the top 10 visited properties in the world in December 2006, according to comScore World Metrix. And there will probably be more to come, as Fox Interactive still has \$2 billion in acquisition money to play around with, according to TechCrunch (see #30).

9. Marissa Mayer Vice president for search products & user experience, Google

Google's product czar oversees the search giant's increasingly diversified list of Web services and tools, such as Google Maps, Google Desktop, and Google Base--an eBay-esque e-commerce service. The first lady of Google joined the company as its first female engineer in 1999 (she was approximately employee #20) and worked on developing Google's now-familiar minimalist look. But don't accuse her of all work and no play; according to Google's Web site, she organizes employee movie nights.

10. Chad Hurley and Steve Chen Founders, YouTube

Despite Google's acquisition of the company, YouTube founders Chad Hurley (CEO) and

50 Most Important People on the Web

Steve Chen (CTO) look like they'll be shaking things up for some time to come. The Internet video kingpin announced plans to pay users for videos, and it has signed several big-media content partnerships (with MTV, NBC, Warner Music, and others). Fellow co-founder Jawed Karim left the company to pursue a master's in computer science at Stanford University.

IMPORTANT PEOPLE #11 THROUGH #15

11. Kevin J. Martin Chairman, Federal Communications Commission

He may look innocent and unassuming, but Martin is arguably the most powerful bureaucrat on the Web. He took over the reins of the FCC in 2005, and to date he has encountered minimal controversy and none of the scandals that predecessor Michael Powell suffered. But that doesn't mean he couldn't cut off your Internet connection *like that* if he really wanted to.

12. Brad Templeton Chairman of the board, Electronic Frontier Foundation

If you've ever found yourself on the wrong side of an electronic copyright or privacy scuffle, you know that Brad Templeton and the Electronic Frontier Foundation are your friends. They've defended file-sharers sued by the Recording Industry Association of America and filed complaints against America Online for disclosing subscriber search terms; currently they're fighting to unmuzzle bloggers who published leaked documents related to Eli Lilly's alleged misrepresentation of side effects of the drug Zyprexa. Templeton's passion about copyright and free speech is not surprising. The Web publishing veteran got his start back in 1989 when he founded ClariNet, a company that published what Templeton calls "the Net's first newspaper."

13. Henry Chon CEO, Cyworld

Don't call Cyworld a Korean MySpace; MySpace is an American Cyworld. In South Korea, an estimated 25 percent of the population (and 90 percent of people in their teens and twenties) have Cyworld accounts, where individuals design miniature animated avatars to represent them in its unique online space. In 2006 CEO Henry Chon brought Cyworld to U.S. shores. Though Cyworld hasn't yet achieved comparable success here, MySpace shouldn't rest easy if Chon's track record is any indication of future competition.

14. Shana Fisher Senior vice president for strategy and M&A, IAC/InterActiveCorp

IAC/InterActiveCorp chairman and CEO Barry Diller loves his online enterprises. After a buying binge, IAC now owns Ask.com, Citysearch, Expedia, Match.com, Ticketmaster, and a host of other service-oriented Web businesses. But who tells Diller where to plunk down the cash? That would be his mergers and acquisitions advisor, senior VP Shana Fisher, who determines exactly where and when IAC should invest. Her control over IAC's purse strings makes her arguably the most powerful woman on the Internet.

15. Niklas Zennstrom and Janus Friis Founders, Skype and KaZaA

It seems like Niklas Zennstrom and Janus Friis just can't stop themselves. First they built the popular (though malware-addled) peer-to-peer file-sharing network KaZaA; then they followed that endeavor up by building the amazingly popular VoIP software Skype. After selling Skype to eBay (see #28) for \$2.6 billion, the duo has gone back to the drawing board to produce Joost (formerly "The Venice Project"), a P2P video distribution service that is currently in private beta form. Will Zennstrom and Friis pull off a trifecta of killer apps? After being forced to settle an RIAA lawsuit over KaZaA for more than \$100 million, they are negotiating directly with content providers as they prepare for Joost's official launch.

IMPORTANT PEOPLE #16 THROUGH #20

16. Matt Mullenweg Developer, WordPress blogging site and software

Matt Mullenweg can barely buy a drink, but this 22-year-old open-source enthusiast developed WordPress, the open-source publishing software favored by blogging diehards around the world. In 2004, WordPress became well-enough known that Web publishing

the 50 Most Important People on the Web

powerhouse CNet hired Mullenweg to work on it and other projects. Mullenweg quit in 2005, however, to work full-time on WordPress, which today is more like a content-management system, with various templates, widgets, and plug-ins, and Askismet antispam protection (we reviewed the service in January 2007.)

17. Philip RosedaleCEO, Linden Lab

Philip Rosedale took the MMORPG (massively multiplayer online role-playing game) concept and spun it into the Web's most talked-about virtual destination: Second Life. But don't call it just a game. For more and more "residents," Second Life has become a first life, where they can do everything in the virtual world from getting married to launching businesses that function exclusively within the site's confines. Many real-world businesses have opened Second Life branches, too. In fact, Second Life has become so popular that the inevitable backlash has begun: Nick Denton's Valleywag (see #45) has compared the game's economy to a pyramid scheme

18. Jon Lech JohansenCreator, DeCSS decryption program

Better known as DVD-Jon, Jon Lech Johansen is the Norwegian hacker who broke the encryption system used on DVD movies, thereby allowing them to be copied. He released the DeCSS decryption program in 2002 and was promptly prosecuted in his homeland. Eventually acquitted, Johansen went on to crack Apple's iTunes DRM (repeatedly) while working as a software developer in the United States. Beaten to the punch in cracking high-definition DVD formats by the still-anonymous muslix64, who created "backup" programs for HD DVD late last year and for Blu-ray Disc in January, Johansen nonetheless remains the renegade that big media fears most.

19. Jerry Yang, David Filo, and Terry SemelExecutives, Yahoo

Google's product innovations and its blockbuster purchase of YouTube for \$1.65 billion may have pushed Yahoo out of the limelight, but the Web giant led by founders Yang and Filo and CEO Terry Semel are fighting back. In the past two years, Yahoo has acquired online photo-sharing site Flickr and social bookmarking site Del.icio.us. It also continues to launch new properties such as Yahoo Food and Yahoo Pipes (for creating custom data feeds). Yahoo's recent switch to the Panama advertising platform represents another attempt to recapture ad revenue from Google. (*Full disclosure: The author of this story writes a blog hosted at tech.yahoo.com.*)

20. Jack MaCOO, Alibaba.com

Want to do business in China without springing for a plane ticket to Shanghai? Alibaba.com is your best bet. Founded by Jack Ma in 1999, this massively successful business-to-business e-marketplace is the best place online to meet people and trade proposals and product offers. (Ma has been quoted as saying that the firm got its bizarre start when he was kidnapped in Malibu and released on the condition he help his captor start a business in China.) In 2005, Yahoo (see #19) made a multibillion-dollar investment in Alibaba, which now runs Yahoo China. The venture recently became mired in scandal, when it provided information that led to the imprisonment of a Chinese journalist accused of leaking state secrets.

IMPORTANT PEOPLE #21 THROUGH #25

21. Brewster KahleDirector, Internet Archive

Since 1996, the nonprofit Internet Archive has been collecting terabytes of data—old books, movies, music, and radio shows. Meanwhile, another feature, called the Wayback Machine, has been quietly taking snapshots of Web history to memorialize where we browsed. Take a look at the Internet Archive's old snapshots of your favorite Web sites and you may be shocked at how different they used to be. Kahle cofounded the Internet Archive with the goal of "preserving our digital heritage," but don't let the humble curatorial pose fool you: Kahle has also challenged changes to U.S. copyright law in Kahle vs. Gonzales, a high-profile First Amendment legal case.

22. Ray OzzieChief software architect, Microsoft

In 2006, when Bill Gates abdicated the position of chief software architect at Microsoft

after 30 hands-on years, observers applauded his choice of successor: software visionary Ray Ozzie. The creator of Lotus Notes and Groove collaboration software is now charged with ensuring Microsoft's technological relevance in an age in which the Web threatens to replace the traditional desktop OS. A pioneer in computer-based collaboration, Ozzie seems well equipped to do the job. One piece of unsolicited advice, Ray: You might consider updating your blog as a first step.

23. Markos Moulitsas ZunigaBlogger, Daily Kos

The left's most high-profile voice on the Web, Markos "Kos" Moulitsas, is a political powerhouse without equal online. His blog draws comments from liberals ranging from Nancy Pelosi (news, bio, voting record) to Jimmy Carter, and Moulitsas even launched a conference (broadcast in part on C-Span) for like-minded political activists. Kos's endorsements haven't always triumphed, but his backing of Ned Lamont was influential in opponent Joe Lieberman's loss of the Democratic Senate primary in Connecticut last year, though Lieberman eventually won the general election as an independent. Kos has not indicated any desire to run for office himself as yet.

24. Jeff BezosCEO, Amazon

He may have launched Amazon.com with the goal of developing it into a big online bookstore, but Bezos proved that schlepping books and CDs across the country was just a first act. The next round: adding toys, T-shirts, and power tools. And now, for scene three, Bezos has thrown himself into Web services. What does it mean? Just the start of a new framework for developing Web sites, including "utility computing" services that let you buy server time at a rate of 10 cents an hour. While we wait to find out how his newfangled grid computing strategies pan out, don't forget that Bezos will sell you a Barbie Fashion Fever Grow 'N Style Styling Head for 50 percent off.

25. Robert ScobleVice president of media development, PodTech.net

You know a grassroots movement is a success when big business wants to join in. And for once, big business--namely Microsoft--did it right. This was largely due to Robert Scoble. At once, big business--namely Microsoft--did it right. This was largely due to Robert Scoble. At the time a Microsoft employee, he blogged about the company and revealed a human--and sometimes egg-covered--side of the Redmond empire. The glimpse into Microsoft's inner workings, cool technologies, and smart people shattered (or at least dented) the Microsoft stereotype. Microsoft blogs have subsequently become an integral part of the company's communication with users. In 2006 Scoble left Microsoft for PodTech.net, where his video podcast Scoble Show features interviews with geeks. Recent guests include *PC World*'s editor in chief Harry McCracken, who stopped in to debate the eternal question: Mac or PC? Scoble has also interviewed 2008 presidential candidate John Edwards, whose outspoken bloggers got him into hot water.

IMPORTANT PEOPLE #26 THROUGH #30

26. John BattelleEntrepreneur and chairman, Federated Media Publishing

Entrepreneur and journalist John Battelle has had a ringside seat for the unfolding of Webs 1.0, 2.0 (he cohosts the Web 2.0 Summit conference with Tim O'Reilly--see #36), and (in its preliminary stages) 3.0. In addition, he founded what some would call the *Vanity Fair* and the *People Magazine* of the Internet era: *Wired Magazine* and *The Industry Standard*. His most recent venture, Federated Media Publishing, represents the A-list of online content. Its slate of more than 50 sites includes 43 Folders, Ars Technica, BoingBoing, and TechCrunch. Battelle's 2005 book *The Search: How Google and Its Rivals Rewrote the Rules of Business and Transformed Our Culture* and his blog Searchblog are required reading for anyone who wants to understand the constantly evolving landscape of the tech industry.

27. Lawrence LessigCEO, Creative Commons

Acknowledging his kinglike status in the field, *Wired* once called him the "Elvis of Cyberlaw"--and the name stuck. Lawrence Lessig is a professor at Stanford University Law School and founder and chair of Creative Commons (CC), a nonprofit initiative that promotes a free but nonrevocable licensing system for online works. Designed to enable copyright holders to share content and yet still control it, a CC license spells out whether

the holder wants to require attribution, restrict commercial use, or allow derivative works under specified circumstances. Musical acts such as DangerMouse and David Byrne have made songs available under the CC's Sampling Plus license for noncommercial sharing and commercial sampling, while restricting advertising uses of it. A wealth of Creative Commons-licensed media is stored in searchable form at the Creative Commons Search page.

28. Meg WhitmanCEO, eBay

If there's an industry that eBay doesn't touch, we haven't found it yet. Whether trying to score a PlayStation 3 on opening week or laboring to complete your set of Thundercats action figures, you have probably visited the venerable king of all auctions. But Meg Whitman, whose tenure as CEO of eBay is now approaching nine years (an era by dot-com standards), has more on her mind than just vintage GI Joe dolls and state quarters. She's also boss of the Web's largest online payment system, PayPal, and proud new owner of the most popular VoIP system, Skype (see #15).

29. Ron Wyden (news, bio, voting record)U.S. Senator, Oregon

Oregon's senior U.S. Senator, a Democrat, has long ranked as one of Capitol Hill most influential voices on technology issues. During his tenure, Wyden has authored or co-authored the Science and Technology Emergency Mobilization Act, the Cyber Security Research and Development Act, and the controversial CAN-SPAM Act. (Hey, they can't all be winners.) More recently, Wyden has introduced a bill called the Internet Nondiscrimination Act, which would prevent telecom companies from charging more for delivering content faster.

30. Michael ArringtonBlogger/publisher, TechCrunch

An entrepreneur and former attorney who cofounded Canada's answer to Netflix (Zip.ca), Michael Arrington turned his attention in 2005 to blogging about Web startups. Almost overnight he became a sensation, eliciting the kind of fawning attention from dot-com wannabes that is normally reserved for the likes of men with surnames like Gates and Jobs. With TechCrunch properties now sprawling across six domains, the often-irascible Arrington is indisputably the most powerful technology blogger working today.

IMPORTANT PEOPLE #31 THROUGH #35

31. Bruce SchneierCryptographer

Whether his focus is the Transportation Security Administration's latest boneheaded security procedures or the question of how secure a 12-character password really is, Bruce Schneier offers the most lucid (and most profoundly influential) musings on computer security you're likely to find online or off. Schneier's recent writings on security problems associated with the war on terrorism--abroad, at home, and online--are required reading.

32. Kevin RoseFounder, Digg

Everyone who has a story on the Web wants Kevin Rose's users to "digg it." The former TechTV host (and colleague of Leo Laporte--see #47) founded Digg.com in 2004, bringing the power of social networking to the news. Digg's algorithm lets users submit their favorite news stories and vote them up (or down). Digg's expansion beyond technology news to mainstream news categories in June 2006 prompted *BusinessWeek* to slap a goofy-looking picture of Rose on its cover along with an eyebrow-raising valuation estimate of \$60 million. Whether Rose is a multimillionaire or not, his site has plenty of clout on the Internet.

33. David FarberFounder, Interesting-People.org

Since the early 1990s, David Farber has been running the Interesting-People mailing list. It started as a small e-mail list for friends and colleagues (the interesting people) and turned into the mother lode of online mailing lists. Interesting-People takes on topics from 9/11 to the Digital Millennium Copyright Act to Net neutrality and is rife with highly opinionated commentary from some very influential people. Farber is currently a professor of computer science and public policy at Carnegie Mellon University. His past positions include a stint as chief technologist for the Federal Communications Commission.

34. John Hinderaker, Scott Johnson, and Paul MirengoffAuthors, PowerLine

Political candidates can no longer afford to ignore political blogs, and PowerLine is among the most influential political blogs out there. This neoconservative triumvirate—three lawyers who met while attending Dartmouth College—gained their street cred during "RatherGate," when they assembled compelling arguments that the Kilian documents, which Dan Rather used in a *60 Minutes* newscast on George W. Bush's National Guard service, were fake. Initially, Rather and CBS News poo-pooed the PowerLine bloggers; but in the end, CBS admitted the forgery and Rather resigned.

35. Vinton G. CerfChairman, ICANN Board of Directors, and vice president and chief Internet evangelist, Google

Owing to his role in developing the TCP/IP protocols on which the Net depends, Vinton G. Cerf is one of the founding fathers of the Internet. Much of his work on the protocols occurred during the 1970s and early 1980s while he was employed by DARPA, the Department of Defense's Advanced Research Projects Agency. (In honor of their work, Cerf and partner Robert Kahn received the Presidential Medal of Freedom in 2005.) Currently, Cerf chairs ICANN (the Internet Corporation for Assigned Names and Numbers), and in 2005 he became Google's vice president and chief Internet evangelist. He has been a strong advocate of Net neutrality, notably in an appearance before the Senate Judiciary Committee. He is also working with NASA's Jet Propulsion Laboratory on an Interplanetary Internet for more-robust space communication systems.

IMPORTANT PEOPLE #36 THROUGH #40**36. Tim O'Reilly**Founder and CEO, O'Reilly Media

O'Reilly coined the phrase "Web 2.0," and he continues to cohost (with John Battelle—see #26) the industry's must-attend Web 2.0 Summit conference. The Harvard-educated publisher laid his foundation in computer manuals. (Many a computer enthusiast would immediately recognize the intricate black-and-white line drawings of animals that grace the covers of O'Reilly books.) But his company has grown to incorporate the new media—blogs, podcasts, and online news—he espouses.

37. Drew CurtisFounder, Fark.com

Lewd, crude, and traffic-generating, Fark.com invites its community of ad hoc commentators to participate in an ongoing brutal but frequently witty dissection of current news stories that sometimes turns into news itself. When the site recently greenlighted a news item under the descriptive headline "Anna Nicole Smith's condition downgraded to dead," Reuters and other international news outlets reported the crack. The enterprise is still primarily run by one guy: founder and smart-ass Drew Curtis. In January 2007, he launched FarkTV on the SuperDeluxe comedy video site. He is also scheduled to release a book titled *It's Not News, It's Fark: How Mass Media Tries to Pass Off Crap as News* in May 2007. (Yeah, but your media watchdog wants crap!)

38. Gabe RiveraCreator, Techmeme

Gabe Rivera has created a powerful content-analysis algorithm that scans traditional news media and blogs, identifies the important stories, and organizes them into easy-to-read clusters. His goal: to find the next big news story so that you don't have to. That's why influential bloggers, decision makers, and news junkies find his site Techmeme a must-read. Whereas Digg (see #32) ranks stories by vote, and Slashdot (see #44) does so by editorial opinion, the technology underlying Techmeme—and sister sites WeSmirch, Memorandum, and Ballbug—may prove to be the most powerful way to harness the blogosphere's investigative power.

39. Dave WinerBlogger and author of RSS 2.0

If you are wasting hours a day perusing podcasts, then you have Dave Winer to thank or blame (depending on your point of view). He was one of the inventors of podcasting—and one of the first bloggers. Winer started his Scripting News blog, which is still well read, back in 1997. He also co-authored the SOAP protocol, an instrumental element in operating-system-independent Web services. Nevertheless, his work on RSS—the

technology behind Web content feeds—is what really earned him his fame. That, plus his ability to persuade the *New York Times* to use RSS and his work in amending it to support media files (giving birth to the podcast), makes him the father of modern-day content distribution.

40. Mike Schroepfer *Vice president of engineering, Mozilla*

In the ongoing browser war, Mike Schroepfer is a five-star general who leads a massive but decentralized open-source army of staff and volunteer engineers. Its mission: to improve what is right now the best Web browser on the planet, Firefox. The open-source nature of Firefox permits a faster development cycle for incorporating new features and security fixes. The proof of its success is Internet Explorer 7's adoption of Firefox features such as tabbed browsing. See our recent comparative review, "Radically New IE 7 or Updated Mozilla Firefox 2—Which Browser Is Better?"

IMPORTANT PEOPLE #41 THROUGH #45

41. Perez Hilton *Hollywood blogger*

Love him or hate him, this controversial blogger (real name: Mario Lavandeira) has changed the face of celebrity journalism. Hilton's hugely popular Web site offers around-the-clock access to celebrity gossip and photos, but that's not the only reason that he's on our list. Hilton is involved in a legal battle with photo agency X17, which has accused him of using its copyrighted photos without permission. Hilton claims that posting the photos on his site is legal, amounting simply to fair use of newsworthy images. The \$7.6 million federal lawsuit could have lasting effects on how bloggers everywhere use digital photos online.

42. Paul Graham, Trevor Blackwell, Robert Morris, and Jessica Livingston *Founders, Y Combinator*

Rather than sinking a whole lot of money into a handful of companies that may (or may not) turn into the next big Google, venture capital firms like Y Combinator dole out smaller sums to potential mini-Googles. Y Combinator commits to two rounds of funding and dispenses less than \$20,000 (expense money, really) to coders so they can work, work, work on a prototype to parlay into more funding. In exchange, Y Combinator asks for 2 to 10 percent of the company's stock. Startups that these guys have funded include Reddit (acquired by CondeNast), Kiko, and Weebly. The names sound funny, sure, but do you remember the first time you heard the name YouTube?

43. Mikko H. Hypponen *Director of antivirus research, F-Secure*

F-Secure's security news blog, written by director of antivirus research Mikko H. Hypponen, is one of the Internet's go-to places for learning about the latest security threats. Too bad Sony BMG didn't think so. When directly approached by F-Secure, Sony BMG ignored Hypponen's warnings about a rootkit hidden within the antipiracy software used in certain SonyBMG audio CDs. Though F-Secure didn't initially go public with the news, Windows expert Mark Russinovich detailed the rootkit discovery process on his blog. The resulting embarrassment (and a third-party lawsuit over the rootkit) might encourage Sony to take Hypponen more seriously next time.

44. Rob Malda *Founder, Slashdot.org*

In 1997, Rob Malda (aka CmdrTaco) created Slashdot, the original blog with prioritized news content discussed in posts by snarky (and often highly technical) readers. In fact, the original news story often serves as a mere jumping off point for the site's meaty comments and discussions (fodder for links to more news stories). Even if you prefer Digg (see #32), Techmeme (see #38), Technorati, or some other news aggregation blog, don't forget that it all started with Slashdot. Authors and editors still consider it a badge of honor when their news story is "slashdotted," though increased competition from other sites has stolen a bit of Slashdot's thunder.

45. Nick Denton *Founder, Gawker Media*

Nick Denton's blog empire is so influential and so blogged about that you probably visit at least one of his 15 properties every day through one route or another. With titles that

the 50 Most Important People on the Web - Page 10 of 10

include New York City page six alternative Gawker, Washington, D.C., gossip rag Wonkette, L.A. equivalent Defamer, and tech news site Gizmodo. Denton's empire is unquestionably the most successful independent blogging venture on the Web right now, holding considerable sway over industries from automobiles to Hollywood to high tech.

IMPORTANT PEOPLE #46 THROUGH #50

46. Sir Tim Berners-Lee Director, World Wide Web Consortium (W3C)

What do you do after you invent the World Wide Web and give it away for free? Start a consortium that works on making it better. This British scientist designed the first Web browser, editor, and language protocol (HTTP) while employed as a scientist at CERN (the European Organization for Nuclear Research), and he founded the W3C in 1994. He has recently spoken in favor of Net neutrality. And like the old financial firm E.F. Hutton, when Berners-Lee talks, people listen.

47. Leo Laporte Creator, *This Week in Tech* (TWiT) podcast

For at least the past 15 years, the man behind Leoville has created, hosted, and written radio and television shows, most notably the former TechTV show *Screen Savers*. His personality-driven style demonstrated to the world that tech media could be fun. His most recent venture is the TWiT.tv podcast network, a listener-funded enterprise that has gathered some of the old TechTV crew and put them to work creating more than a dozen podcasts, including the eponymous "This Week in Tech."

48. Mohammed and Omar Fadhl Blogging voice of Iraq

Countless bloggers are filled to the bloviating point with opinions about the Iraq War. But the brothers Fadhl, who blog at Iraq the Model bring a perspective that few others can match--because they're Iraqis, based in Baghdad. Whatever your political leanings, you'll find it impossible to read the Fadhl's posts without acquiring a deeper understanding of the war, its implications, and its after-effects. There's no better example anywhere of how citizen journalism is changing the world.

49. Jesse James Garrett President, Adaptive Path

Garrett, the president of San Francisco Web design boutique Adaptive Path, didn't invent Ajax, the assemblage of technologies and programming techniques that gives Web-based applications such as Zoho's productivity apps and Google Maps desktop software-like interactivity and speed. But Ajax didn't really take off until Garrett identified and named it in an influential essay--and he remains one the most eloquent advocates for the innovative, effective techniques used in many of the best Web 2.0 sites and services.

50. Tila Tequila MySpace Personality

If you're friends with singer/model/actress Tila Tequila (nee Nguyen), you're hardly alone. Some 1.6 million MySpace users identify themselves similarly. Tequila proved that these MySpace friendships can generate power, fame, and wealth. In fact, she redefined the word "friend" to encompass an individual you've never met. Despite what you may think of Ms. Tequila's talents, she could certainly teach a course in the new Web economy, having channeled her online popularity into A-list (well, C-list) fame. She has posed for *Stuff* magazine, she has a part in an Adam Sandler film currently in production, and her MySpace page currently boasts more than 56 million page views and 1,734,374 comments.

PC World's Danny Allen, Liane Cassavoy, Stephen Compton, Harry McCracken, and Narasu Rebbapragada contributed to this story.

Christopher Null is the self-proclaimed 349th most powerful person on the Web. He blogs about technology daily at tech.yahoo.com.

[Email Story](#) [IM Story](#) [Printable View](#) (What happened to the "Discuss" option?)

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Exhibit D

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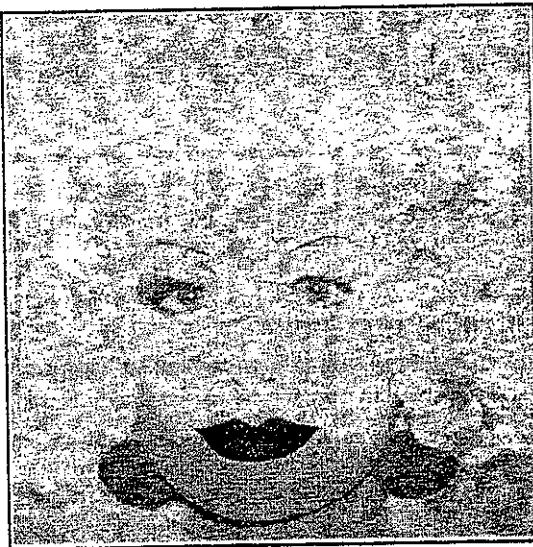
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Thank You Sooooo Much

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SEARCH

Every week we continue to be astounded!!!

We set a new traffic record yesterday.

On Wednesday, we had **3.97 million unique visitors** come to PerezHilton.com in that 24 hour period!!

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We had originally set the goal of 4 million by the end of December, and we already reached that. This is so beyond insane.

6 million by December 31st???

We can do it!!!

Thank you all again.

And thank you Britney Spears' vagina!!!!!!

Posted by on November 30, 2006 12:54 PM | Permalink

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Quote Of the Day

Filed Under: Britney Spears > Drugs



"We used ecstasy at night to party and cocaine during the day to stay awake. Then we would take downers like Valium or Vicodin to come down and rest. Britney stayed up three days straight over New Year. I couldn't keep up. She definitely had a problem with drugs when we were together - and that was three years ago. She has got herself in a cycle which is hard to break."

- Britney Spears' first husband, Jason Alexander

Posted by on February 26, 2007 2:06 PM | Permalink

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Court on

Ken Knight

plaintiffs

against

Certified pursuant to 22 NYCRR 130-1.1a

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK INDEX

d: New York, New York

Yours, etc.,
EDWARD C. GREENBERG, PC
Attorney for Plaintiff
570 Lexington Ave., 17th Floor
New York, New York 10022

EDWARD C. GREENBERG, PC
ATTORNEY FOR PAUL SUTHERLAND
PHOTOGRAPHY, LLC

Mario Lavandera a/k/a Perez Hilton
Defendants

COMPLAINT

EDWARD C. GREENBERG, PC
ATTORNEY FOR PAUL SUTHERLAND
PHOTOGRAPHY, LLC
570 Lexington Ave., 17th Floor
New York, New York 10022
(212) 697-8777

NOTICE OF SETTLEMENT

We take notice that the
within is a true copy will be presented for settlement to
the Clerk of the Supreme Court of the State and
at Room _____ of the Supreme Court of the State and
City of New York on the _____ day of _____, 2007 at
in the forenoon of said day

i. New York, NY

is hereby admitted

Dated

Yours, etc.,
Edward C. Greenberg, PC
570 Lexington Ave., 17th Floor
New York, New York 10022

Attorneys for

EXHIBIT 2

Case 1:07-cv-03751-LBS Document 3 Filed 07/12/2007 Page 1 of 2

FOR COURT USE ONLY

EDWARD C. GREENBERG, P.C. 570 LEXINGTON AVENUE, 17TH FL. NEW YORK, NY 10022 TELEPHONE NO.: (212) 697-8777 FAX NO. (Optional): (212) 697-2528 E-MAIL ADDRESS (Optional):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 255 E. TEMPLE STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012-3300 BRANCH NAME: CENTRAL DISTRICT - LOS ANGELES				
PLAINTIFF(name each): KNIGHT DEFENDANT(name each): LAVANDEIRA				
PROOF OF SERVICE	HEARING DATE:	DAY:	TIME:	DEPT.:
				Ref No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

Summons in a Civil Case; Complaint

PARTY SERVED: MARIO LAVANDEIRA A/K/A PEREZ HILTON

PERSON SERVED: ELY UGARTE - TELLER

DATE & TIME OF DELIVERY: 05/22/2007
03:14 pm

ADDRESS, CITY, AND STATE:
(BUSINESS)

8174 SUNSET BLVD., # 993
LOS ANGELES, CA 90046

MANNER OF SERVICE:

Substituted Service - By leaving the copies with or in the presence of ELY UGARTE a person at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him/her of the general nature of the papers. A declaration of diligence is attached. I thereafter mailed the copies to the person served, addressed as shown in above address, by first-class mail, postage prepaid, on May 23, 2007 from LOS ANGELES, CA.

Fee for Service: \$0.00

County: Los Angeles
Registration No.: 5181
Janney and Janney Attorney
Service, Inc.
1545 Wilshire Blvd.
Los Angeles, CA 90017
(213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 21, 2007.

Signature: _____

Robert Hall

Case 1:07-cv-03751-LBS Document 3 Filed 07/12/2007 Page 2 of 2	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
EDWARD C. GREENBERG, P.C. 570 LEXINGTON AVENUE, 17TH FL. NEW YORK, NY 10022	
TELEPHONE NO.: (212) 697-8777	FAX NO.: (212) 697-2628
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
USBC - CENTRAL DISTRICT - LOS ANGELES	
STREET ADDRESS: 255 E. TEMPLE STREET	
MAILING ADDRESS:	
CITY AND ZIP CODE: LOS ANGELES, CA 90012-3300	
BRANCH NAME: CENTRAL DISTRICT - LOS ANGELES	
PLAINTIFF/PETITIONER: KNIGHT	
DEFENDANT/RESPONDENT: LAVANDEIRA	
CASE NUMBER: 07CV3751	
DECLARATION OF DILIGENCE	

I received the within process on May 21, 2007 and that after due and diligent effort I have not been able to personally serve said person. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP § 1033.5 (a)(4)(B).

Servee: MARIO LAVANDEIRA A/K/A PEREZ HILTON

Documents: Summons in a Civil Case: Complaint

As enumerated below:

05/21/2007 -- 02:19 pm 8174 SUNSET BLVD., #993
LOS ANGELES, CA 90046

Given add is a PO Box, Person in Charge not in.

05/21/2007 ~ 08:20 pm 8174 SUNSET BLVD., # 993
LOS ANGELES, CA 90046

Given add is a PO Box, Person in Charge not in.

05/22/2007 - 09:31 am 8174 SUNSET BLVD., # 993
LOS ANGELES, CA 90046

Given add is a PO Box, Person in Charge not fn.

05/22/2007 - 03:14 pm 8174 SUNSET BLVD., #893
LOS ANGELES, CA 90046

Substituted Service Effected.

County: Los Angeles
Registration No.: 5181
Janney and Janney Attorney
Service, Inc.
1545 Wilshire Blvd.
Los Angeles, CA 90017
(213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 2, 2007 at Los Angeles, California.

Signature:

Robert Hall

DECLARATION OF DILIGENCE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEN KNIGHT

Plaintiff,

-against-

MARIO LAVANDEIRA a/k/a PEREZ
HILTON

Defendant.

Case No. 07 CV 3751 (LBS)

DECLARATION OF JEFFREY M. EILENDER

SCHLAM STONE & DOLAN LLP

Jeffrey M. Eilender

Cindy M. McBennett

26 Broadway

New York, NY 10004

(212) 344-5400 (telephone)

(212) 344-7677 (facsimile)

Attorneys for Defendant Mario Lavandeira, a/k/a Perez Hilton