UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD REINHARDT (pka Richie Ramone and Richie Beau), an individual,	:	07 Civ. 8233 (SAS)
Plaintiff,	:	AFFIDAVIT
-against-	:	
WAL MART STORES, INC., APPLE, INC., REALNETWORKS, INC., ESTATE OF JOHN CUMMINGS (aka JOHN RAMONE and JOHNNY RAMONE), TACO TUNES, INC., RAMONES PRODUCTIONS, INC., HERZOG & STRAUS, IRA HERZOG,	:	
Defendants.	:	

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

STEWART L. LEVY, being duly sworn, deposes and says:

1. I am a member of the firm of Eisenberg Tanchum & Levy, the attorneys for defendants Taco Tunes, Inc. ("Taco Tunes"), Ramones Productions, Inc. ("Ramones Productions"), the John Family Trust (incorrectly names in the complaint as the "Estate of John Cummings"), Herzog & Straus and Ira Herzog.

2. I am fully familiar with the facts set forth in this affidavit.

3. Annexed hereto as Exhibit A is a copy of Plaintiff's amended complaint in this action. (The amended complaint was served on January 8, 2008.)

4. Annexed hereto as Exhibit B are copies of printouts from the public catalog of the United States Copyright Office showing the copyright claimant for the compositions entitled, "Human Kind," "I Know Better Now," and "I'm Not Jesus."

5. Annexed hereto as Exhibit C is a copy of the first fifteen (15) pages of Plaintiff's original complaint in the action pending in the Supreme Court of the State of New York, County of New York captioned Reinhardt v. Cummings, et al., Index No. 04/601064. (the "New York State Action."). Paragraph 5 of this pleading discusses the 1984 agreement among Plaintiff and Ramones Productions and Taco Tunes, Inc, which is annexed to that pleading as Exhibit 1. (the "1984 Agreement")

6. Annexed hereto as Exhibit D is a copy of Plaintiff's amended complaint in the New York State Action. Paragraph 11 of this pleading discusses the 1984 Agreement, which is attached to that pleading as Exhibit A. (A motion to dismiss this action is currently pending.)

7. Annexed hereto as Exhibit E is a copy of the first fourteen (14) pages and page twenty two of Plaintiff's complaint in the United States District Court of the Central District of California entitled, Reinhardt v. Cummings, et al., 03-5743. Paragraph 79 of this pleading discusses the 1984 Agreement, which is attached to that pleading as Exhibit 11.

8. Since many of the exhibits attached to Plaintiff's various complaints are repetitive with one another, the complaints annexed hereto are minus their exhibits.

9. However, since as already noted, both of Plaintiff's New York State Action complaints (Exhibits C and D), as well as his complaint in the federal district court in California (Exhibit E), have attached to them as an exhibit the 1984 Agreement, annexed hereto as Exhibit F is a true and correct copy of the 1984 Agreement (with the deletion of the one page assent and guarantee in order to comply with this Court's rules).

10. This motion is made in accordance with the Court's scheduling order issued in open court on November 27, 2007.

Stewart L. Levy

Sworn to before me this
18th day of January, 2007

Notary Public

JAMES E. DOHERTY
Notary Public, State of New York
No. 02DO5050294
Qualified in New York County
Commission Expires October 10, 2009