

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

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WARNER BROS. ENTERTAINMENT INC. and
J.K. ROWLING,

Plaintiffs,

-against-

RDR BOOKS and DOES 1-10,

Defendants.

Case No. 07-CV-9667 (RPP)

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**DECLARATION OF JESSICA LARES IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Jessica Lares, declare and state as follows:

1. I am a citizen of the United States of America living in the state of Texas. I am a fan of the *Harry Potter* books by J.K. Rowling and have participated in numerous fan websites and discussions relating to the *Harry Potter* books. Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

2. I am a fan of the *Harry Potter* books by J.K. Rowling and have been involved with numerous fan websites relating to the *Harry Potter* books. In May of 2005, I discussed the idea of creating a "Fan-Made Harry Potter Encyclopedia" with my friend Matthew Lawlis who is also a *Harry Potter* fan, and we thought it would be a good idea to contact Steve Vander Ark, webmaster of the *Harry Potter Lexicon* website and author of the book at issue in this case, and Melissa Anelli, webmaster of another fan website called the *Leaky Cauldron* to see if they were interested in collaborating on the project.

3. On May 15, 2005, Mr. Vander Ark replied to us by making it clear that he knew that publishing such a book would be a violation of Ms. Rowling's rights. Mr. Vander Ark stated that,

"Basically, it is illegal to sell a book like that. Jo has reserved all publishing rights to her intellectual property, which means that she's the only one who may publish any book that is a guide or encyclopedia to her world. And since we're fans and supporters of Jo, we wouldn't do anything that would violate her rights, even if we could get away with it. We wouldn't get away with it, though, since Neil Blair, her solicitor, is very quick to defend his illustrious client in things like this.

So while it's a smashing idea, it simply isn't something that's allowed at the moment. Believe me, when the series is finished, I plan to petition Jo to allow the Lexicon to work with her to create the ultimate Harry Potter encyclopedia. In the mean time, we'll have to use the various online resources."

I agreed with Mr. Vander Ark's email and have not created or attempted to publish such a book. Attached hereto as **Exhibit A** is a true and correct copy of Mr. Vander Ark's email dated May 15, 2005.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 8, 2008, at The Colony, Texas.

Respectfully submitted,

By: Jessica Lares
Jessica Lares