

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

No. 07-CV-9667  
(RPP)

Plaintiffs, :

- against - :

RDR BOOKS and DOES 1-10, :

Defendants  
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DECLARATION OF ROGER RAPOPORT IN OPPOSITION  
TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, ROGER RAPOPORT, declare and state that:

1. I am the president of RDR Books, LLC, a Michigan limited liability company in good standing. I currently reside at 1487 Glen in Muskegon, Michigan. My home is the headquarters office of RDR Books. RDR Books also leases warehouse space in Muskegon and has additional offices in Santa Fe, New Mexico..

2. RDR Books is, and for the past fifteen years has been, a publisher of books. RDR Books formed in 1993 in California where I lived at the time. It became a California LLC on 2000. RDR Books moved to Michigan in early 2004.

3. RDR Books publishes biographies, books on education, sports, history, Judaica, humor, consumer health and dentistry, business, education, memoirs, environment, music, true crime, Russian history and children's literature.

4. In August of 2007, I read a newspaper article in the Muskegon Chronicle about Steve Vander Ark and the Harry Potter Lexicon website. I called Mr. Vander Ark.

He expressed interest in publishing a book version of the website. I told him I thought the A to Z Index was the best part of the website to publish.

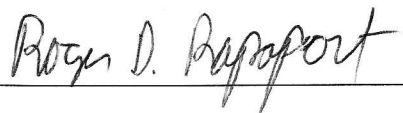
5. The original design for the cover of the book was put together by Carl Lemrye, a cover designer who works for the Canadian company Ariane editions. I corresponded with Mr. Lemrye in mid- to late October, 2007 about using the design for the Harry Potter Lexicon and about including disclaimers on the front and back cover of the book to make clear to consumers that the book was not associated with or approved by J. K. Rowling or by Warner Bros or by any of Ms. Rowling's publishers.

6. In late January, 2008, following the filing of this lawsuit by Warner Bros. Entertainment and Ms. Rowling, I started revising the cover of what was then named the Harry Potter Lexicon. I did so in order to make it as obvious as possible that the book (which is now entitled The Lexicon) has no connection to and has not been approved or endorsed by J. K. Rowling, Warner Bros. or any of Ms. Rowling's publishers. I removed the quotation from Ms. Rowling about her use of the Harry Potter website. While I made these changes to meet the concerns that plaintiffs have stated in their pleadings and moving papers, I continue to believe that the original cover was entirely truthful in its statements, and did not infringe any rights belonging to any of the plaintiffs. Exhibit A hereto is a true and correct copy of the revised cover completed by me on February 6, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Muskegon, Michigan

February 8, 2008

A handwritten signature in cursive script, reading "Roger D. Rapoport", is written over a horizontal line.

Roger Rapoport.