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Film Corporation, One America Productions, Inc.,
Todd Schulman, and Sacha Baron Cohen*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
MICHAEL PSENICKA,	:
	:
Plaintiff,	:
	:
-against-	:
	:
TWENTIETH CENTURY FOX FILM CORPORATION,	:
ONE AMERICA PRODUCTIONS, INC.,	:
TODD LEWIS, and	:
SACHA BARON COHEN,	:
	:
Defendants.	:
	:
-----X	

Case No.: 07 CIV 10972 (LAP)

**DECLARATION OF SLADE R. METCALF IN SUPPORT
OF DEFENDANTS’ MOTION TO DISMISS THE COMPLAINT**

I, **SLADE R. METCALF**, declare as follows:

1. I am a partner in the law firm of Hogan & Hartson LLP, counsel for defendants Twentieth Century Fox Film Corporation (“Fox”), One America Productions, Inc. (“One America”), Todd Schulman (“Schulman”) (incorrectly sued herein as “Todd Lewis”), and Sacha Baron Cohen (“Cohen”) (collectively, “Defendants”). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath. I submit this Declaration in support of Defendants’ Motion to Dismiss the

Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. On December 3, 2007, plaintiff Michael Psenicska (“Plaintiff”) filed a Summons and Complaint (the “Complaint”) in this Court, which asserts five causes of action against the Defendants stemming from Plaintiff’s alleged inducement to appear in the film *Borat – Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* (the “Film”) and his subsequent appearance in the Film. (A true and correct copy of the Complaint is annexed hereto as Exhibit “A”.)

3. Fox and One America were personally served with the Complaint on December 14, 2007.

4. Additionally, my firm agreed to accept service of the Complaint on behalf of Schulman on January 7, 2008 and on behalf of Cohen on January 15, 2008.

5. Pursuant to a stipulation among the parties, so ordered by this Court on January 31, 2008, Defendants have until February 15, 2008 to move, answer or otherwise respond to the Complaint.

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct and that this Declaration was executed in New York, New York on February 15, 2008.

s/ Slade R. Metcalf
SLADE R. METCALF