

United States District Court

Southern

DISTRICT OF

New York

PLAINTIFF

SHEPARD FAIREY and OBEY GIANT ART, INC.,

THIRD PARTY SUMMONS IN A CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

CASE NUMBER: 09-01123 (AKH)

THE ASSOCIATED PRESS,

V. THIRD PARTY DEFENDANT

OBEY GIANT LLC and STUDIO NUMBER ONE, INC.

To: (Name and Address of Third Party Defendant)

Obey Giant LLC
1331 West Sunset Boulevard
Los Angeles, California 90026

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court upon

PLAINTIFF'S ATTORNEY (name and address)

See attached Rider A

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Dale M. Cendali
Claudia Ray
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022

an answer to the third-party complaint which is herewith served upon you within 20 days after the 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 third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against *you* in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

J. MICHAEL McMAHON

CLERK

DATE

MAR 11 2009

(BY) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <input type="checkbox"/> Left copies thereof at the third-party 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: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p style="text-align: center;">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.</p> <p>Executed on _____ Date Signature of Server</p> <p style="text-align: center;">_____ Address of Server</p>		

(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

SHEPARD FAIREY and OBEY GIANT
ART, INC.,

Plaintiffs,

v

THE ASSOCIATED PRESS,

Defendant and
Counterclaim Plaintiff,

v.

SHEPARD FAIREY, OBEY GIANT ART,
INC., OBEY GIANT LLC and STUDIO
NUMBER ONE, INC.,

Counterclaim Defendants

Case No. 09 CV 1123 (AKH)

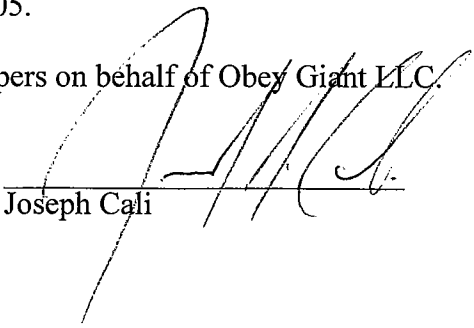
ECF Case

AFFIDAVIT OF SERVICE

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

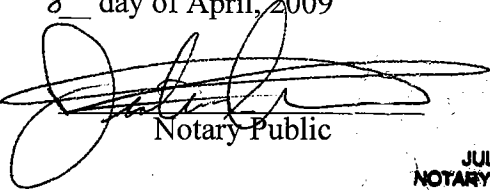
Joseph Cali, being duly sworn, deposes and says:

1. That I am over eighteen years of age, am employed by Kirkland & Ellis LLP, and am not a party to this action.
2. That on the 31st day of March, 2009, I served a true and accurate copies of the following: 1) Third Party Summons in a Civil Action, 2) Defendant and Third-Party Plaintiff's Answer and Counterclaims, 3) Individual Practice Rules of Judge Hellerstein and 4) the Standing Orders of Magistrate Eaton, upon Obey Giant LLC, the counterclaim defendant, by overnight Federal Express delivery to Anthony Falzone, Stanford Law School Center for Internet & Society, 559 Nathan Abbot Way, Stanford, CA 94305.
3. Mr. Falzone agreed to accept said papers on behalf of Obey Giant LLC.



Joseph Cali

Sworn to before me this
8th day of April, 2009


Notary Public

JULIUS D. CROCKWELL
NOTARY PUBLIC, State of New York
No. 01CR6185283
Qualified in Queens County
Certificate Filed in New York County
Commission Expires April 14, 2012