

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, STUDIO
NUMBER ONE, INC., and ONE 3 TWO,
INC. (d/b/a OBEY CLOTHING),

Counterclaim Defendants.

ECF

Case No. 09-01123 (AKH)

**DECLARATION OF ROBYN C. CROWTHER IN SUPPORT OF COUNTERCLAIM
DEFENDANT ONE 3 TWO, INC.'S MOTION IN LIMINE NO. 2**

I, Robyn C. Crowther declare and state:

1. I am a shareholder in the law firm of Caldwell Leslie & Proctor, PC. I am an attorney admitted to practice in the state of California and have been admitted *pro hac vice* to practice before this Court. I am one of the counsel of record for Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) in this action and make this Declaration in support of One 3 Two’s Motion in Limine No. 2 to Exclude the Opinion of the Associated Press’s Designated Experts Kathleen Kedrowski and Blake Pembroke Sell Regarding the Associated Press’s Hypothetical Lost Licensing Fee. I have personal knowledge of the facts stated herein, and could and would testify competently thereto if called as a witness in this matter.

2. Attached hereto as Exhibit "A" is a true and correct copy the Expert Report of Neil J. Zoltowski, an expert designated by One 3 Two, which was produced by counsel for One 3 Two on November 2, 2010.

3. Attached hereto as Exhibit "B" are true and correct copies of excerpts from the deposition of the Associated Press's designated expert, Kathleen M. Kedrowski, which was taken in this action on December 14 and 15, 2010, in New York, New York.

4. Attached hereto as Exhibit "C" are true and correct copies of excerpts from the deposition of Farah DeGrave, which was taken in this action on March 23, 2010, in New York, New York.

5. Attached hereto as Exhibit "D" is a true and correct copy of the Expert Report of Blake Pembroke Sell, an expert designated by Associated Press, which was provided to counsel for One 3 Two on November 2, 2010.

I declare under penalty of perjury and the laws of the United States that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed on February 25, 2011, at Los Angeles, California.

/s/ Robyn C. Crowther
ROBYN C. CROWTHER