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The Associated Press*

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,

And

MANNIE GARCIA,

Defendant, Counterclaim  
Plaintiff and Cross Claim  
Plaintiff/Defendant,

v.

Case No.: 09 CIV 01123 (AKH)

**DECLARATION OF DALE M.  
CENDALI IN SUPPORT OF  
MOTION OF THE ASSOCIATED  
PRESS FOR LEAVE TO AMEND  
ANSWER AND  
COUNTERCLAIMS PURSUANT  
TO RULES 15(a) AND 21 OF THE  
FEDERAL RULES OF CIVIL  
PROCEDURE**

SHEPARD FAIREY AND OBEY GIANT  
ART, INC.,

Counterclaim Defendants,

And

THE ASSOCIATED PRESS,

Cross Claim  
Plaintiff/Defendant.

I, DALE M. CENDALI, hereby declare as follows:


1. I am a partner in the firm of Kirkland & Ellis LLP, counsel to The Associated Press (“The AP”) in this action. I submit this declaration in support of the Motion of the Associated Press for Leave to Amend Answer, Affirmative Defenses and Counterclaims Pursuant to Rule 15(a) and Rule 21 of the Federal Rules of Civil Procedure. I make this declaration, based upon my knowledge of matters in this action, to place before the Court the Proposed Amendment, a red-lined version comparing the Proposed Amendment to the original Answer, Affirmative Defenses and Counterclaims, and other documents referenced in the Memorandum of Law in Support of Motion of the Associated Press for Leave to Amend Answer, Affirmative Defenses and Counterclaims Pursuant to Rule 15(a) and Rule 21 of the Federal Rules of Civil Procedure.
2. Attached hereto as **Exhibit A** is The Associated Press’s First Amended Answer, Affirmative Defenses and Counterclaims.

3. Attached hereto as **Exhibit B** is a red-line comparison between The Associated Press's Answer, Affirmative Defenses and Counterclaims, and The Associated Press's First Amended Answer, Affirmative Defenses and Counterclaims.

4. Attached hereto as **Exhibit C** is the Answer and Affirmative Defenses of Plaintiffs and Counterclaim Defendants, dated April 14, 2009.

5. Attached hereto as **Exhibit D** is this Court's letter endorsement extending the deadline to amend pleadings and to add a party to October 30, 2009, dated August 24, 2009.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 20th day of October 2009 at New York, New York.

  
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Dale M. Cendali