

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 WPIX, INC., et al.,

Civil Action No. 10-cv-7415 (NRB)

4 Plaintiffs,

5 v.

6 IVI, INC.,

7 Defendant.

8
9 **DECLARATION OF TODD WEAVER**

10 I, Todd Weaver, hereby declare as follows.

11 1. I am the Chief Executive Officer of ivi, Inc. I am over eighteen years of age and
12 make this declaration based on personal knowledge. I make this declaration in support of ivi's
13 motion to stay the preliminary injunction pending appeal.

14 2. ivi's staff, income, and subscribers suffered immensely the day the injunction was
15 granted from the District Court, and every day since.

16 3. The harm to ivi's staff was immediate and widespread: over 70% of ivi staff were
17 immediately terminated and our head-end aggregation facilities have been shutdown entirely,
18 leaving staff and service personnel without jobs and income. These are real people that had real
19 jobs. Customer Support Personnel, Sales Staff, Designers, Engineers, Installers, Programmers,
20 Account Managers, Accountants, and Maintenance Staff are all out of jobs. Rather than growing
21 and hiring, we are shrinking and firing. The staff would like to return to work when ivi can pay,
22 which will only occur if ivi can operate as a business.

23 4. The harm to ivi's income was immediate, retroactive, and widespread. Over 95%
24 of ivi's income immediately stopped, refunds were issued, and ivi is now surviving on subscriber
25 donations and savings.

