

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| THE AUTHORS GUILD, INC., et al, | : | |
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| Plaintiffs, | : | Index No. 11 Civ. 6351 (HB) |
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| - against - | : | |
| | : | |
| HATHITRUST, et al. | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

**DECLARATION OF EDWARD H. ROSENTHAL IN
OPPOSITION TO DEFENDANTS’ MOTION FOR
JUDGMENT ON THE PLEADINGS**

I, Edward H. Rosenthal, declare as follows:

1. I am a member of the law firm Frankfurt Kurnit Klein & Selz, P.C., attorneys for the Plaintiffs in the above-captioned case. I submit this declaration based on personal knowledge in opposition to Defendants’ Motion for Judgment on the Pleadings.

2. Attached as Exhibit A is a true and correct copy of Plaintiffs’ First Amended Complaint (“FAC”), filed October 6, 2011.

3. Attached as Exhibit B is a true and correct copy of Defendants’ Joint Answer to the FAC (“Answer”), filed on December 2, 2011.

4. Attached as Exhibit C are true and correct copies of (a) the Memorandum and Articles of Association of Plaintiff The Authors’ Licensing and Collecting Society, and (b) Section 101A of the United Kingdom’s Copyright, Design and Patents Act (1988).

5. Attached as Exhibit D is a true and correct copy of Chapter S-40 of the Quebec Professional Syndicates Act, R.S.Q.

6. Attached as Exhibit E are true and correct copies of (a) the Statutes of Plaintiff Norsk faglitterær forfatter- og oversetterforening (Norwegian Non-Fiction Writers and

Translators Association) with an unofficial English translation of Section 1-3 thereof, and (b) an English translation of the Norwegian Copyright Act.

7. Attached as Exhibit F is a true and correct copy of the standard copyright agreement signed by members of Plaintiff Sveriges Författarförbund (Swedish Writers' Union) and an unofficial English translation of excerpts thereof.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 31, 2012



Edward H. Rosenthal