

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REED, et al.,)	
Plaintiffs,)	CASE NO. 1:08-CV-1761
)	
vs.)	JUDGE CHRISTOPHER A. BOYKO
)	
FREEBIRD FILM PRODUCTIONS, INC., et)	
al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF MARK E. AVSEC

I, Mark E. Avsec, declare as follows:

I am a Partner of Benesch, Friedlander, Coplan & Aronoff LLP and vice-chair of the firm' s Intellectual Property Practice Group. Except as otherwise stated, I make this declaration based on my own personal knowledge and could competently testify to the matters herein if called upon to do so.

1. Attached hereto as Exhibit A is a true and correct copy of the July 31, 1995 agreement between Craig Reed and Freebird Video Products, Inc., bearing Bates numbers CR000037-38.
2. Attached hereto as Exhibit B is a true and correct copy of Plaintiffs' Answers to Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyrd Productions, Inc.'s First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions, verified by Craig Reed on behalf of himself and Survivor Films, Inc. on October 28, 2008.
3. Attached hereto as Exhibit C is a true and correct copy of the packaging from the Lynyrd Skynyrd Lyve from Steel Town VHS video, bearing Bates numbers CR000157-159.

4. Attached hereto as Exhibit D is a true and correct copy of a table produced by Plaintiffs indicating that 2 minutes and 54 seconds of Reel I was used in the Lynyrd Skynyrd Lyve from Steel Town video, bearing Bate number CR000294.
5. Attached hereto as Exhibit E is a true and correct copy of Plaintiffs' Responses to Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyrd Productions, Inc.'s Second Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions, verified by Craig Reed on behalf of himself and Survivor Films, Inc. on November 3, 2008.
6. Filed separately under seal as Exhibit F is a true and correct copy of VC Partners' check for \$2,500.00 to Craig Reed for use of Plaintiffs' footage in the 2003 Vicious Cycle Tour DVD, deposited by Craig Reed on October 7, 2003, bearing Bates number LSP00033.
7. Filed separately under seal as Exhibit G are true and correct copies of Fly On, Inc.'s checks to Craig Reed for use of Plaintiffs' footage in live concerts performed by Lynyrd Skynyrd during the years of 2003-2005, each cashed or deposited by Craig Reed, along with a ledger detailing the amounts paid for each usage, bearing Bates numbers LSP00016-32.
8. Filed separately under seal as Exhibit H is a true and correct copy of my letter to Plaintiffs' attorneys dated November 14, 2008, bearing Bates numbers LSP00001-6.
9. Attached hereto as Exhibit I is a true and correct copy of Certificate of Registration No. PA 1-596-609 issued by the U.S. Copyright Office on January 14, 2008, to Survivor Films, Inc. for the work titled Craig Reed – LYNYRD SKYNYRD – 8MM Film Reel- ONE, bearing Bates number CR000035.
10. Attached hereto as Exhibit J is a true and correct copy of Certificate of Registration No. PA 1-596-611 issued by the U.S. Copyright Office on January 16, 2008, to Survivor Films, Inc. for the work titled Craig Reed – LYNYRD SKYNYRD – 8MM Film Reel - TWO, bearing Bates number CR000034.

11. Attached hereto as Exhibit K is a true and correct copy of a letter from Natalya L. Rose to Don Lester dated January 18, 2008, bearing Bates number CR00004-5
12. Filed separately under seal as Exhibit L are true and correct copies of financial statements for the film titled Freebird – the Movie, bearing Bates numbers LSP00008-12.
13. Attached hereto as Exhibit M is a true and correct copy of a letter from Louis A. Colombo to H. Alan Rothenbuecher dated December 2, 2008.
14. Attached hereto as Exhibit N is a true and correct copy of the packaging from the Lynyrd Skynyrd Lyve Vicious Cycle Tour DVD.
15. Filed manually as Exhibit O is a true and correct copy of the 1999 Lynyrd Skynyrd Lyve from Steel Town DVD.
16. Filed manually as Exhibit P is a true and correct copy of the 2003 Lynyrd Skynyrd Lyve Vicious Cycle DVD.
17. Filed separately under seal as Exhibit Q are true and correct copies of the Lynyrd Skynyrd concert revenues for 2005, 2007, and 2008, bearing Bates numbers LSP00041, 44 -45, 157-158.
18. Attached hereto as Exhibit R are true and correct copies of tables produced by Plaintiffs indicating usage of Plaintiffs' footage in various Lynyrd Skynyrd music videos, movies and live concert videos, bearing Bates numbers CR000290-298.
19. Attached hereto as Exhibit S is a true and correct copy of a letter from Jonathan Blaufarb to Craig Reed dated December 21, 2000, bearing Bates numbers CR000032-33.

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

Dated this 23rd day of January, 2009 in Cleveland, Ohio.

/s/ Mark E. Avsec

Mark E. Avsec