

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA

**CARL EVANS, DONALD SPENCER,
VALERIE SPENCER, CINDY CARTER,
individuals, on Behalf of themselves and for
the Benefit of all with the Common or
General Interests, Any Persons Injured, and
All Others Similarly Situated,**

CIVIL DIVISION

No. 10-cv-1679

Plaintiffs,

v.

**LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,**

Defendants.

DECLARATION OF CARL EVANS

I, Carl Evans, declare as follows:

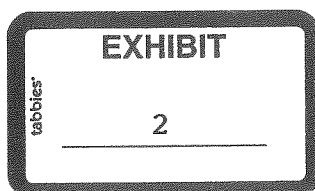
1. I am an adult individual and reside at 734 West Moyamensing Avenue, Philadelphia, PA 19148, which is in the Eastern District of Pennsylvania.

2. I have created several accounts in Second Life, which is operated by Linden Research, Inc. ("Linden").

3. I read written statements and representations made by Defendants in the media regarding the ownership of virtual property in Second Life.

4. I believed the statements made by Defendants that the virtual items I purchased and created in Second Life meant that I owned them.

5. I began participating in Second Life when I created an account with Linden.



6. I created this account through a personal computer in Philadelphia, Pennsylvania.

7. All subsequent accounts I created were from a personal computer in Philadelphia, Pennsylvania.

8. As I have had several Second Life accounts improperly de-activated by Defendant Linden, I have communicated with them numerous times.

9. Essentially, all of my communications with them were from Philadelphia, Pennsylvania.

10. I purchased and created virtual items in Second Life and had my U.S. currency converted to "lindens."

11. I provided my money to Defendant Linden by providing them with my credit card information.

12. I provided my credit card information to them in Philadelphia, Pennsylvania.

13. I created and purchased virtual items while in Philadelphia, Pennsylvania.

14. Defendants have improperly confiscated my virtual items and "lindens" that I owned.

15. I lost between \$30 and \$50 as a result of Defendant Linden improperly confiscating my virtual items and money.

16. At various times, Defendant Linden has required me to agree to a modified Terms of Service.

17. I was provided nothing in exchange for agreeing to the modified Terms of Service.

18. Rather, Linden threatened to terminate my ability to participate in Second Life, thus confiscating my virtual items and money, if I did not agree to the Modified Terms of Service.

19. I have had several accounts that were subjected to various Terms of Service at the time that Defendant Linden inappropriately de-activated them and confiscated my virtual items and money.

20. I am aware that Defendants are attempting to have my case transferred to San Francisco, California.

21. I am a self-employed locksmith and am aware of the significant expenses that I would have to incur if I were forced to litigate this case in California.

22. Such expenses would likely include airplane tickets, hotels and food for my lawyers and I.

23. I would likely have to abandon my claims against Defendants, as I simply cannot spend substantial amounts of money to collect the \$30 to \$50 that was wrongfully taken from me, if the Court enforces the forum selection clause set forth within Linden's modified Terms of Service.

24. I also submit this Declaration is support of the First Amended Complaint, which alleges violations of the Consumer Legal Remedies Act, California Civil Code Section 1780, et seq.

25. I have personal knowledge of the facts set forth within the First Amended Complaint.

26. A substantial part of the events or omissions giving rise to the claims set forth in the First Amended Complaint occurred in Philadelphia, Pennsylvania.

27. Further, all of my transactions with Linden occurred in Philadelphia, Pennsylvania.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 28, 2010.



J. L. Evans