



4. Attached hereto as Exhibit 2 is a true and correct copy Plaintiffs' Request for Production Pursuant to Paragraph 11 of the Discovery Order, served on Frito-Lay on April 2, 2010, in this matter.

5. Attached hereto as Exhibit 3 is a true and correct copy of an e-mail that I sent to Mr. Joyner, Mr. Yee and Mr. McSwane, counsel for Frito-Lay, dated October 6, 2011, in this matter.

6. Attached hereto as Exhibit 4 is a true and correct copy of an e-mail that I sent to Mr. Yee, counsel for Frito-Lay, dated September 28, 2011, in this matter.

7. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff's Second Set of Interrogatories (No. 3) To Be Answered By Frito-Lay, served on September 12, 2011, in this matter.

8. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff's First Amended Second Set of Interrogatories (No. 3) To Be Answered By Frito-Lay, served on September 28, 2011, in this matter.

9. Attached hereto as Exhibit 7 is a true and correct copy of an e-mail that I sent to Mr. Yee and Mr. Joyner, counsel for Frito-Lay, dated September 23, 2011, in this matter.

10. Attached hereto as Exhibit 8 is a true and correct copy of an e-mail from Mr. Yee, counsel for Frito-Lay to me, dated September 27, 2011, in this matter.

11. Attached hereto as Exhibit 9 is a true and correct copy of an e-mail from Mr. Yee, counsel for Frito-Lay to Ms. Engelmann and me, dated October 11, 2011, following a response from Ms. Engelmann to Mr. Yee on October 12, 2011, in this matter.

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter that I sent to Mr. Yee and Mr. Joyner, counsel for Frito-Lay, dated October 14, 2011, in this matter.

13. Attached hereto as Exhibit 11 is a true and correct copy of a Frito-Lay Press Release entitled "Lay's Unveils Happiness Exhibit Spotlighting Simple Moments of Happiness as Captured in Consumer Photos," dated March 15, 2011 available at [www.fritolay.com/about-us/press-release-20100315.html](http://www.fritolay.com/about-us/press-release-20100315.html).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 24, 2011, in Dallas, Texas.

  
Thomas Fasone III