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THE HON. JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMNI INNOVATIONS, LLC, a Washington
Limited Liability company; and JAMES S.
GORDON, JR., a married individual,

NO. CV6-1350 JCC

Plaintiffs,

DECLARATION OF NOAH ROSEN IN
SUPPORT OF DEFENDANT'S
OPPOSITION TO MOTION FOR
PARTIAL SUMMARY JUDGMENT

v.

BMG COLUMBIA HOUSE, INC., a New
York corporation; and JOHN DOES, I-X,

**Note on Motion Calendar:
July 13, 2007**

Defendants.

I, Noah Rosen, swear under penalty of perjury under the laws of the United
States of America to the following:

1. I am Senior Counsel for DIRECT GROUP NORTH AMERICA, INC., the
successor entity to BMG COLUMBIA HOUSE, INC ("BMG"), am over age 18, and competent
to be a witness. I am making this Declaration based on facts within my own personal knowledge.

2. I have reviewed the domain names listed in Plaintiffs' Second Amended
Complaint in this lawsuit (*see* ¶ 9) and understand that Plaintiffs have asserted the authority and
desire not to receive emails from BMG at email addresses with the following domain names:

DECLARATION OF NOAH ROSEN (RE:
OPPOSITION TO MOTION FOR PARTIAL
SUMMARY JUDGMENT)
(NO. CV6-1350 JCC) - 1

LAW OFFICES
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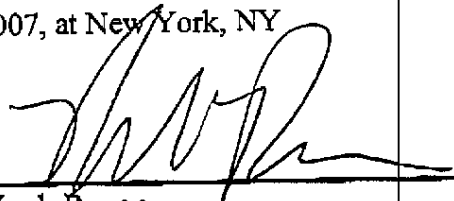
572398.1/025569.00001

1 Anthonycentral.com; Celiajay.com; Chiefmusician.net; Ehahome.com; Ewaterdragon.com;
2 Gordonworks.com; Itdidnotendright.com; Jammtomm.com; Jaycelia.com; Jaykaysplace.com;
3 and Rcw19190020.com (collectively, "Plaintiffs' Domain Names").

4 3. In light of Plaintiffs' assertions, BMG has undertaken efforts to suppress any
5 emails from being sent to Plaintiffs' Domain Names. It is BMG's practice that, prior to
6 transmission of any email campaign by BMG or its affiliates, the email address transmission list
7 is compared against a suppression list created and maintained by BMG. Any email addresses on
8 the email address transmission list are "scrubbed" against the suppression list and emails in the
9 campaign are prevented from being transmitted to those email addresses. All email addresses at
10 Plaintiffs' Domain Names have been included in the suppression list so that any future emails
11 sent by BMG or its affiliates should not be sent to Plaintiffs' Domain Names.
12

13 4. Upon information and belief, the suppression of Plaintiffs' Domain Names
14 would not be changed in the event that an individual opted-in to receive emails from BMG at an
15 email address at Plaintiffs' Domain Names.
16

17 DATED this 9th day of July, 2007, at New York, NY

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19 _____
20 Noah Rosen

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DECLARATION OF NOAH ROSEN (RE:
OPPOSITION TO MOTION FOR PARTIAL
SUMMARY JUDGMENT)
(NO. CV6-1350 JCC) - 2

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2007, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Roger M. Townsend**
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- **Robert Siegel**
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By ___s/ Roger M. Townsend

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DECLARATION OF NOAH ROSEN (RE:
OPPOSITION TO MOTION FOR PARTIAL
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(NO. CV6-1350 JCC) - 3

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