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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE, a first-class charter city,

Plaintiff,

v.

PROFESSIONAL BASKETBALL CLUB, LLC, an Oklahoma limited liability company,

Defendant.

No. C07-1620 MJP

DECLARATION OF JEFFREY JOHNSON IN SUPPORT OF THE CITY OF SEATTLE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE SHERMAN ALEXIE AND MITCH LEVY

Note on Motion Calendar:

June 6, 2008

I, Jeffrey Johnson, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct. I am over the age of 18, have personal knowledge of the matters stated below, and, if called to testify, could and would so testify.

1. I am a partner at Kirkpatrick & Lockhart Preston Gates Ellis, LLP, and am licensed to practice law in the State of Washington. I represent the City of Seattle in the above-captioned matter.

2. Attached as **Exhibit A** is a true and correct copy of Sherman Alexie's

DECLARATION OF JEFFREY JOHNSON IN SUPPORT OF THE CITY OF SEATTLE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE SHERMAN ALEXIE AND MITCH LEVY - 1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
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SUITE 2900
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Case No. C07-1620 MJP

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1 biography, printed from his website (<http://www.fallsapart.com/biography.html>) on June 3,
2 2008.

3 3. Attached as **Exhibit B** is a true and correct copy of Sherman Alexie's April 30,
4 2008 "Sonics Death Watch" column, printed from the *The Stranger* website
5 (<http://www.thestranger.com>) on June 3, 2008.

6 4. Attached as **Exhibit C** is a true and correct copy of PBC's Answer to the City
7 of Seattle's Request for Admission No. 17.

8 5. Daniel Barth, PBC's Chief Executive Officer and 30(b)(6) designee, was
9 deposed on April 25, 2008. Attached as **Exhibit D** is a true and correct excerpt of a true and
10 correct transcription of Mr. Barth's April 2008 deposition, redacted in accord with a
11 confidentiality designation applied pursuant to the parties' protective order.
12

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

14 EXECUTED this 2nd day of June, 2008 at Seattle, Washington.

15
16 /s/ Jeffrey Johnson

17 Jeffrey Johnson
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26 DECLARATION OF JEFFREY JOHNSON IN
SUPPORT OF THE CITY OF SEATTLE'S
OPPOSITION TO DEFENDANT'S MOTION IN
LIMINE TO EXCLUDE SHERMAN ALEXIE
AND MITCH LEVY - 2

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