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PICTURES; PARAMOUNT PICTURES; WARNER
11 BROS.; COLUMBIA TRISTAR HOME
ENTERTAINMENT; and NEW LINE PRODUCTIONS

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 TWENTIETH CENTURY FOX FILM
16 CORPORATION, a Delaware
corporation; COLUMBIA PICTURES
17 INDUSTRIES, INC., a Delaware
corporation; PARAMOUNT PICTURES
18 CORPORATION, a Delaware
corporation; WARNER BROS.
19 ENTERTAINMENT INC., a Delaware
corporation; COLUMBIA TRISTAR
20 HOME ENTERTAINMENT, INC., a
Delaware corporation; and NEW
21 LINE PRODUCTIONS, INC., a
Delaware corporation,

22 Plaintiffs,

23 vs.

24 DOES 1 - 12,

25 Defendants.

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

WHA

CASE NO. 04-4862

DECLARATION OF R. CHRISTOPHER
HARSHMAN IN SUPPORT OF
MISCELLANEOUS ADMINISTRATIVE
REQUEST FOR LEAVE TO TAKE
DISCOVERY PRIOR TO RULE 26
CONFERENCE

1 I, R. Christopher Harshman, have personal knowledge of
2 the facts stated below and, under penalty of perjury, hereby
3 declare:

4 1. I am a Litigation Clerk for the Motion Picture
5 Association of America, Inc. ("MPAA"), where I have been employed
6 since February 2002. The MPAA is a trade association whose
7 members include the largest motion picture studios in the United
8 States. Among other things the MPAA does on behalf of its member
9 companies is to investigate the unauthorized reproduction and
10 distribution of copyrighted motion pictures. As a Litigation
11 Clerk, I am responsible for identifying and investigating on-line
12 piracy of motion pictures, including gathering evidence of on-
13 line piracy to support outside counsel's enforcement efforts. I
14 submit this declaration in support of Plaintiffs' Miscellaneous
15 Administrative Request for Leave to Take Discovery Prior to Rule
16 26 Conference.

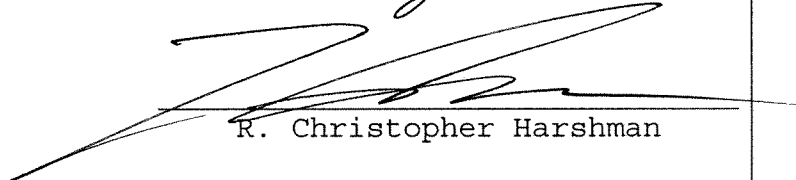
17 2. This declaration is based on my personal knowledge, and
18 if called upon to do so, I would be prepared to testify as to its
19 truth and accuracy.

20 3. As part of my responsibilities at the MPAA, I have been
21 designated to confirm that the digital files downloaded from
22 users of peer-to-peer networks are actual copies of the
23 Plaintiffs' motion pictures. It is possible for digital files to
24 be mislabeled or corrupted; therefore, Plaintiffs do not rely
25 solely on the labels and metadata attached to the files
26 themselves to determine which motion picture is copied in the
27 downloaded file, but also to confirm through a visual comparison
28 between the downloaded file and the motion picture itself.

1 4. Plaintiffs provided me with a DVD or VHS copy of each
2 of the motion pictures identified in the Complaint, and I have
3 watched these motion pictures. MediaSentry identified the Doe
4 Defendants and downloaded the motion pictures from them; I
5 accessed the downloaded files on MediaSentry's software
6 application which stores the files downloaded from the user. I
7 opened the downloaded file from each of the Doe Defendants,
8 watched it and confirmed that it contains a substantial portion
9 of the motion picture identified in the Complaint.

10 I declare under penalty of perjury that the foregoing is
11 true and correct.

12
13 Executed on Nov. 12, 2004, at Los Angeles, CA.

14
15 
16 R. Christopher Harshman