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11 and California First Amendment Coalition

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

15 TASH HEPTING, GREGORY HICKS,
16 CAROLYN JEWEL and ERIC KNUTZEN on
17 Behalf of Themselves and All Others Similarly
18 Situated,

19 Plaintiffs,

20 v.

21 AT&T CORP., et al.,

22 Defendants.

CASE NO. CV-06-0672-VRW

DECLARATION OF ROGER MYERS IN
SUPPORT OF NOTICE OF MOTION AND
MOTION OF CNET NEWS.COM AND
CALIFORNIA FIRST AMENDMENT
COALITION FOR LEAVE TO FILE BRIEF AS
AMICI CURIAE

Date: June 23, 2006
Time: 9:30 AM
Place: Courtroom 6, 17th Floor
(Hon. Vaughn R. Walker)
Complaint Filed: January 31, 2006

23 I, Roger Myers, declare as follows:

24 1. I am a partner with the law firm of Holme Roberts & Owen LLP and counsel for
25 proposed amici curiae CNET News.com ("CNET") and California First Amendment Coalition
26 ("CFAC"). I am licensed to practice law in the State of California and before this Court. I have
27 personal knowledge of the matters stated herein and, if called as a witness, could and would testify
28 competently thereto.

2. On the afternoon of June 20, 2006, I spoke to Cindy Cohn and Kurt Opsahl, counsel
for plaintiffs, on the telephone, informing them that CNET and CFAC intended to move this Court

1 for leave to file a brief as amici curiae. Ms. Cohn and Mr. Opsahl indicated that they supported the
2 filing of an amicus brief by CNET and CFAC.

3 3. On the afternoon of June 20, 2006, my office left telephone messages for David
4 Anderson and Brad Berenson, co-counsel for defendants, informing them that CNET and CFAC
5 intended to move this Court for leave to file a brief as amici curiae and asking him to inform us as to
6 whether defendants would consent to this filing. This morning I receive a voicemail message from
7 Marc Axelbaum of Pillsbury Winthrop Shaw Pittman LLP declining to give defendants' consent.

8 I declare under penalty of perjury under the laws of the State of California that the statements
9 contained in this declaration are true and correct. Executed on this 21st day of June, 2006, at San
10 Francisco, California.

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12 /s/

13 _____
14 Roger Myers
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