

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

IN RE SUBPOENA TO VERIZON
INTERNET SERVICES, INC.,

Misc. Act. No. 03-MC-804-HHK/JMF

RECORDING INDUSTRY ASSOCIATION
OF AMERICA,

Plaintiff,

v.

VERIZON INTERNET SERVICES, INC.,

Defendant.

**DECLARATION
OF DANIEL N. BALLARD IN
SUPPORT OF MOTION TO
INTERVENE**

RECORDING INDUSTRY ASSOCIATION
OF AMERICA,

Plaintiff,

v.

JANE DOE,
(a.k.a. nycfashiongirl@KaZaA.com)

Intervenor.

I, DANIEL N. BALLARD, declare:

1. I am an attorney at law duly licensed to practice in the State of California and in a number of federal district courts within California. I am a member of the law firm, McDonough, Holland & Allen, PC and one of the attorneys of record for Jane Doe, Intervenor applicant in this action. The facts stated herein are true to my personal knowledge and if called upon as a witness to do so, I could and would competently testify to their truthfulness.

2. I know Jane Doe to be a live human being. I was contacted by Jane Doe on July 23, 2003. Jane Doe sought my legal advice regarding a letter she received from Verizon Internet Services, Inc. ("Verizon"). That letter informed her that Verizon would release her name, telephone number, and home address pursuant to a subpoena propounded by the Recording Industry Association of America ("RIAA").

3. My law firm and I agreed to represent Jane Doe in her challenge to the validity of that subpoena. If the Court grants Jane Doe leave to intervene, it is our intention to file a motion to quash that subpoena.

4. Jane Doe has actively participated in preparing this challenge.

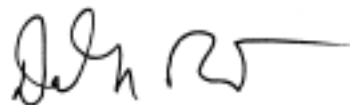
5. I discussed the instant motion to intervene with RIAA attorney Stephen Fabrizio on August 13th and 18th, 2003. On August 18, 2003, Attorney Fabrizio represented that the RIAA will not oppose this motion to intervene.

6. I discussed the instant motion to intervene with Verizon attorney Andrew McBride on a number of occasions. On August 20, 2003, Attorney McBride represented that Verizon would not oppose this motion to intervene.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States, as provided in 28 U.S.C. § 1746.

Dated: August 20, 2003

By:



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