

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JOURNAL PUBLISHING COMPANY, INC. :  
 :  
 : *Plaintiff* : CIVIL ACTION NO.  
 : : 3:11-CV-00188 (RNC)  
 :  
 --against-- :  
 :  
 THE HARTFORD COURANT COMPANY :  
 :  
 : *Defendant.* : May 4, 2011  
 :  
 :

**DECLARATION OF ROBERT PENCHINA**

ROBERT PENCHINA, pursuant to 28 U.S.C. § 1746, states:

1. I am a member of Levine Sullivan Koch & Schulz, L.L.P., counsel for defendant in the above-captioned action. I respectfully submit this declaration in support of Defendant’s Motion to Dismiss the Amended Complaint.

2. Attached as Exhibit A hereto is a true and correct copy of a printout of the article entitled “Greenway trail plan gets green light from East Windsor selectmen” that was published in the *Journal Inquirer* on or about August 5, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 14 of the complaint.

3. Attached as Exhibit B hereto is a true and correct copy of the article entitled “Grant Would Fix Bridge, Help Fund Greenway” published in the *Hartford Courant* on or about August 7, 2009, which article is referred to in paragraph 14 of the complaint.

4. Attached as Exhibit C hereto is a true and correct copy of a printout of the article entitled “Interim principal named in Hebron” that was published in the *Journal Inquirer* on or

about August 5, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 17 of the complaint.

5. Attached as Exhibit D hereto is a true and correct copy of the article entitled “Hebron Hires Principal” published in the *Hartford Courant* on or about August 7, 2009, which article is referred to in paragraph 17 of the complaint.

6. Attached as Exhibit E hereto is a true and correct copy of a printout of the article entitled “Selectmen raise building, zoning fees” that was published in the *Journal Inquirer* on or about August 12, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 20 of the complaint.

7. Attached as Exhibit F hereto is a true and correct copy of the article entitled “Board Changes Fees” published in the *Hartford Courant* on or about August 13, 2009, which article is referred to in paragraph 20 of the complaint.

8. Attached as Exhibit G hereto is a true and correct copy of a printout of the article entitled “PZC extends special-use permit for one year to allowing condo project to finish” that was published in the *Journal Inquirer* on or about August 18, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 22 of the complaint.

9. Attached as Exhibit H hereto is a true and correct copy of the article entitled “Coleman Farms Condos Get Permit Extension” published in the *Hartford Courant* on or about August 18, 2009, which article is referred to in paragraph 22 of the complaint.

10. Attached as Exhibit I hereto is a true and correct copy of a printout of the article entitled “Hebron Ed Board happy with superintendent” that was published in the *Journal*

*Inquirer* on or about August 17, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 24 of the complaint.

11. Attached as Exhibit J hereto is a true and correct copy of the article entitled “Board Extends Contract” published in the *Hartford Courant* on or about August 21, 2009, which article is referred to in paragraph 24 of the complaint.

12. Attached as Exhibit K hereto is a true and correct copy of a printout of the article entitled “Hazardville Water Co. wants 19% increase” that was published in the *Journal Inquirer* on or about August 18, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 26 of the complaint.

13. Attached as Exhibit L hereto is a true and correct copy of the article entitled “Water Company Seeks 19 Percent Rate Hike” published in the *Hartford Courant* on or about August 20, 2009, which article is referred to in paragraph 26 of the complaint.

14. Attached as Exhibit M hereto is a true and correct copy of a printout of the article entitled “Dems walk out on McCoy over handling of DPW director” that was published in the *Journal Inquirer* on or about August 19, 2009 and that I obtained from the *Journal Inquirer* website, [www.journalinquirer.com](http://www.journalinquirer.com). This article is referred to in paragraph 28 of the complaint.

15. Attached as Exhibit N hereto is a true and correct copy of the article entitled “DPW Vacancy Prompts Abrupt End to Meeting” published in the *Hartford Courant* on or about August 21, 2009, which article is referred to in paragraph 28 of the complaint.

16. Attached as Exhibit O hereto is a true and correct copy of copyright Certificate of Registration No. TX 7-149-431, which my office obtained from the U.S. Copyright Office. This Registration is referenced in paragraph 14 of the complaint.

17. Attached as Exhibit P hereto is a true and correct copy of copyright Certificate of Registration No. TX 7-149-437, which my office obtained from the U.S. Copyright Office. This Registration is referenced in paragraph 17 of the complaint.

18. Attached as Exhibit Q hereto is a true and correct copy of the court's docket sheet in the matter entitled *Journal Publishing Co., Inc. v. The Hartford Courant Company*, Index No. HHD-CV-09-5034313S, that was filed in the Superior Court for the Judicial District of Hartford (the "State Court Litigation").

19. Attached as Exhibit R hereto is a true and correct copy of the original complaint filed by Journal Publishing Co., Inc. in the State Court Litigation.

20. Attached as Exhibit S hereto is a true and correct copy of the amended complaint filed by Journal Publishing Co., Inc. in the State Court Litigation.

21. Attached as Exhibit T hereto is a true and correct copy of the court's docket sheet in the matter entitled *Journal Publishing Co., Inc. v. The Hartford Courant Company*, Index No. 3:10-CV-0187 (RNC), that was filed in this Court on February 5, 2010 (the "Prior Federal Litigation").

22. Attached as Exhibit U hereto is a true and correct copy of the original complaint filed by Journal Publishing Co., Inc. in the Prior Federal Litigation

23. Attached as Exhibit V hereto is a true and correct copy of the Advisory Notice to Court Re: Pending Motion for Voluntary Dismissal filed by Journal Publishing Co., Inc. in the prior Federal Litigation.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed at: New York, New York

Dated: May 4, 2011

*/s/*

---

Robert Penchina