

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COMCAST CABLE COMMUNICATIONS,)	
LLC,)	
)	Case No. 11 CV 05284
Plaintiff,)	
)	Honorable Ruben Castillo
v.)	
)	
DIRECTV INC.,)	
)	
Defendant.)	
)	
)	
)	

**SUPPLEMENTAL DECLARATION OF THOMAS JIRGAL IN SUPPORT OF
COMCAST’S MOTION FOR TEMPORARY RESTRAINING ORDER**

THOMAS P. JIRGAL declares as follows:

1. I am a partner at Loeb & Loeb, LLP and admitted to practice in this District. I am directly and actively involved in Loeb’s representation of Comcast Cable Communications, LLC (“Comcast”) in *Comcast Cable Communications, LLC v. DIRECTV, Inc.* I have personal knowledge of the matters set forth herein, and submit this supplemental declaration in support of Comcast’s motion for a temporary restraining order.

2. Attached as Exhibit W is a true and correct copy of a Complaint filed by the Washington State Attorney General on December 14, 2009 in *State of Washington v. DIRECTV* (King County Superior Court).

3. Attached as Exhibit X is the storyboard and occurrence report for a DIRECTV television advertisement featuring Deion Sanders that began airing on August 3, 2011. Attached

as Exhibit Y (included on accompanying disc) is a true and correct copy of the television advertisement, which says that NFL Sunday Ticket is available at “no extra charge.”

4. Attached as Exhibit Z (included on accompanying disc) is a true and correct recording of an in-game television advertisement for DIRECTV – saying NFL Sunday Ticket is “included” when someone “switch[es]” to DIRECTV – that appeared during an airing of an Ultimate Fighting Championship bout on August 6, 2011.

5. Attached as Exhibit AA is a true and correct copy of a Bloomberg transcript of DIRECTV’s Second Quarter 2011 Earnings Conference Call, held on August 4, 2011.

6. Attached as Exhibits BB and EE (included on accompanying disc) are true and correct copies of DIRECTV animated Internet advertisements that include DIRECTV’s claim that its NFL Sunday Ticket Service is available for “no extra charge.” These animated flash advertisements should be viewable using Microsoft Internet Explorer. Printed screenshots of these animated advertisements are also being electronically submitted with this declaration.

7. Attached as Exhibits CC and DD are true and correct copies of DIRECTV Internet banner advertisements that include DIRECTV’s claim that its NFL Sunday Ticket Service is available for “no extra charge.”

8. Attached as Exhibit FF is a true and correct excerpt of a transcription of a hearing held in *DIRECTV v. Comcast*, 07 C 2568 (N.D. Ill.).

9. Attached as Exhibit GG is a true and correct screenshot of the home page of the DIRECTV web site (www.directv.com, last visited August 8, 2011), which provides a link to a Deion Sanders television advertisement titled “Only One Game on Sunday?”

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the

United States of America that the foregoing is true and correct.

Executed on the 8th day of August 2011.

/s/ THOMAS JIRGAL

Thomas P. Jirgal