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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PENGUIN GROUP (USA) INC.,

Plaintiff,

-against-

AMERICAN BUDDHA,

Defendant.

Case No. 09 CIV 00528 GEL

**DECLARATION OF JACOB
HAMMOND IN SUPPORT OF
AMERICAN BUDDHA'S MOTION
TO DISMISS FOR LACK OF
PERSONAL JURISDICTION**

DECLARATION OF JACOB HAMMOND

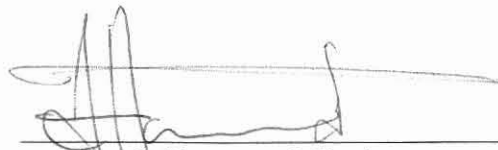
Jacob Hammond hereby declares:

1. I state the matters herein of personal knowledge. If called as a witness, I could and would so competently testify.
2. I have been the website administrator for American Buddha since 2002, and have complete knowledge of the manner of operation of the website visible on the Internet at www.naderlibrary.com.
3. The website at www.naderlibrary.com ("the website") is a simple, passive website that engages in no commercial marketing or selling of any sort. Website content is presented in the simplest, most basic fashion, using HTML (hypertext markup language) script, which is the most basic computer language in which websites can be written.
4. American Buddha has never used hosting or Internet services based in the State of New York or otherwise procured any information technology products or services from the State of New York.

5. The media content on the website is hosted on servers located in Tucson, Arizona and Portland, Oregon.
6. The servers and the material on the website are not directed toward the residents of the State of New York in any way, and never have been. The website does not advertise on other websites anywhere, and specifically, does not advertise on websites directed toward the residents of the State of New York. The naderlibrary.com website has never been used to market or sell anything to anyone, and specifically, has never been used to market or sell to anyone in the State of New York.

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the laws of the United States of America, and that this declaration was signed on March 7, 2009

in Troutdale, Oregon.



A handwritten signature in black ink, appearing to read 'Jacob Hammond', is written over a horizontal line. The signature is stylized with a large 'J' and 'H'.

Jacob Hammond, Declarant