

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA
ENTERTAINMENT, INC.,

DOCKET NO.:
10 Civ. 4074 (GBD)

Plaintiffs,

--against--

DON KIRSHNER,

Defendant

DEFENDANT'S NOTICE OF
FILING FED.R.CIV.P
26(A) INITIAL DISCLOSURES

DON KIRSHNER,

Third-Party Plaintiff,

--against--

ARIQ FOOTAGE, INC., CEA ENTERTAINMENT,
INC., and STEVE Z AUCTIONS, INC. f/k/a STEVE Z, INC.,

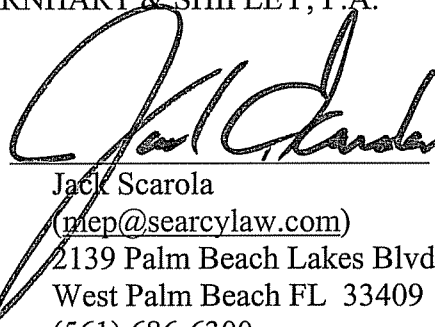
Third-Party Defendants.

Defendant, Don Kirshner, hereby gives Notice of Filing the attached letter, served upon Plaintiff's counsel on January 13, 2011, which constituted his initial disclosures required by Federal Rule of Civil Procedure 26. Defendant inadvertently neglected to file the initial disclosures that he had served, and the matter was further delayed by the unexpected death of Mr. Don Kirshner.

Dated: West Palm Beach, Florida
February 22, 2011

SEARCY DENNEY SCAROLA
BARNHART & SHIPLEY, P.A.

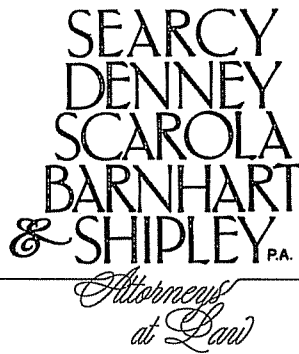
By:


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January 13, 2011

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ALSO ADMITTED

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Re: Kirshner adv. Historic Films Archive, LLC and SOFA Entertaining, Inc.
Our File No.: 290705

Dear David:

Enclosed please find a disk containing the materials comprising our Rule 26 disclosure regarding documents currently in our possession that we believe will support our defenses and counterclaims in the above-referenced action. In addition, while we may encounter additional information along the way, at this point here is a list of individuals and entities we believe are likely to have discoverable information that will further support our defenses and counterclaims:

- 1) Your clients and their corporate entities;
- 2) CEA and related affiliates, and employees thereof (Tampa, Florida);
- 3) Steve Zisselman and his corporate entities (New York);
- 4) Ira Ginsberg, Morris Plains, New Jersey

With reference to damages, the following documents in the disk submission provide evidence of damages and the calculation thereof:

- 1) Arthur D. Little, Inc., report for CEA valuating the Kirshner tapes (August 21, 1987) ;
- 2) CEA Revenue Projection report;
- 3) Lum, Danzis' letter of December 21, 1996;
- 4) Ladenburg Thalmann letter of valuation, March 17, 1998;
- 5) Phil Howort valuation letter to CEA, July 28, 1987; Broadcasting and Cable newswire re Dick Clark Productions sale, April, 2003;
- 6) CEA's David Unger memo, February 3, 1987.



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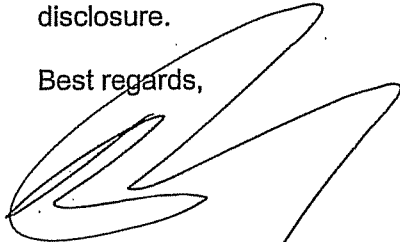
January 13, 2011

Page 2

In addition, witnesses from the list of performers detailed on the inventory sheets of the Don Kirshner Rock Concert programs will offer testimony relating to damages.

Please do not hesitate to contact me should you have any questions relating to this disclosure.

Best regards,



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