

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

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**LIBERTY MEDIA HOLDINGS, LLC,**

**Plaintiff,**

**12-Civ-02234 (LAK)**

**against**

**CARY TABORA and SCHUYLER WHETSTONE,**

**Defendants.**

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**DECLARATION OF KELLY D. TALCOTT**

I, KELLY D. TALCOTT, declare as follows pursuant to 17 U.S.C. §1746:

1. I am counsel for defendant Cary Tabora, and make this declaration in connection with Mr. Tabora's opposition to the motion of plaintiff Liberty Media Holdings, LLC ("Plaintiff") for leave to file an amended complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed on March 31, 2011 by Plaintiff in the case Liberty Media Holdings, LLC v. Cary Tabora, 11 CV 0651 (Southern District of California) (the "California Lawsuit"). I downloaded Exhibit 1 (as well as all other pleadings from the California Lawsuit included in this declaration) from the records maintained for the California Lawsuit on the ECF site maintained by the United States District Court for the Southern District of California.

3. Attached hereto as Exhibit 2 is a true and correct copy of the amended complaint filed on July 19, 2011 in the California Lawsuit.

4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Notice of Withdrawal of Plaintiff's Amended Complaint filed on August 12, 2011 in the California Lawsuit.

5. Attached hereto as Exhibit 4 is a true and correct copy of an order filed October 4, 2011 in the California Lawsuit granting Mr. Tabora's motion to dismiss and granting Plaintiff's motion to withdraw.

6. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff's second amended complaint filed in the California Lawsuit, together with Exhibit 1 to that second amended complaint.

7. Attached hereto as Exhibit 6 is a true and correct copy of an order filed January 4, 2012 in the California Lawsuit granting Mr. Tabora's motion to dismiss.

8. Attached hereto as Exhibit 7 is a true and correct copy of the product of a search that I conducted on the U.S. Copyright Office website ([www.copyright.gov](http://www.copyright.gov)). The search terms were (1) the phrase "Corbin Fisher's Amateur College Men Down on the Farm" as a title. The search produced no results.

9. Attached hereto as Exhibit 8 is a true and correct copy of portions of a website maintained by Plaintiff at [www.shopcorbinfisher.com](http://www.shopcorbinfisher.com) and a screenshot of the trailer available via that site as they appeared on April 26, 2012. Each page shows the title of the film being marketed as being "Down on the Farm."

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 8, 2012.

s/ Kelly D. Talcott  
Kelly D. Talcott

**CERTIFICATE OF SERVICE**

I, Kelly D.Talcott, an attorney, hereby certify that on August 8, 2012, I electronically transmitted the foregoing DECLARATION OF KELLY D. TALCOTT to the Clerk's Office using the ECF System for filing and transmittal to counsel for plaintiff.

*s/ Kelly D. Talcott*

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Kelly D. Talcott