

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE LITERARY WORKS IN ELECTRONIC  
DATABASES COPYRIGHT LITIGATION  
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)  
) Master Docket No. M-21-90 (GBD)  
) (MDL # 1379)  
)

**DECLARATION OF HILARY de VRIES IN SUPPORT OF  
FINAL SETTLEMENT APPROVAL**

I, Hilary de Vries, hereby declare as follows:

1. I am a freelance author and class member in the In re Literary Works In Electronic Databases Copyright Litigation, MDL 1379. I submit this declaration in support of Plaintiffs' motion for final approval of the proposed Settlement. I have personal knowledge of the facts stated herein and, if called on to do so, could and would testify competently thereto.

2. I have been publishing literary works as a freelance author since 1989.

3. I believe that I have literary works which are covered under the proposed Settlement, and I have filed my claim in the Settlement. My claim under the Settlement is comprised of approximately 399 works, categorized as C works. Under the plan of allocation matrix preliminarily approved by the District Court, I have estimated that my claim is worth \$18,500.

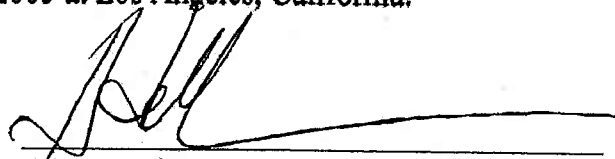
4. In my claim, I did not enforce my "takedown" rights, as I wish to receive 100% of my allocated Settlement proceeds, representing damages for the past infringements and a dollar value for the Defendants' non-exclusive use of those works going forward.

5. I support this class action Settlement as fair to the Class members, and want to receive my permitted share of the Settlement proceeds as approved by the District Court. I would also like to add that it required two weeks of full-time research – in my own personal files, calendars, tax records as well as on various internet databases – to assemble and verify my claims. I did not undertake this task lightly – I know several freelance journalists who simply decided not to file claims because of the burden of time - but with the real expectation that I would receive the settlement to which I believe I am entitled to. I realize \$18,500 is not an inconsiderable sum, but the reality is that amortized over my 16-year freelance career it works out to an extra \$1,100 per year, hardly excessive compensation when you understand, as every freelance journalist is acutely aware, that it is publishers' coercive and non-compensatory use of our work on electronic databases has made it all but impossible for freelance journalists to earn viable livings. My income, like every freelance journalist I know, has plummeted in the past five years for the exact reasons addressed in this suit. Many writers have simply left the business and journalism as a whole is the poorer for it. I do not know a single self-employed writer who would not welcome – and indeed *need* – the kind of compensation for which I have filed. Many would be thrilled for an extra \$2,000. While I intend to use the \$18,500 to literally pay my federal and state income taxes this year, and am in fact, counting on it to do so, the larger rewards of this claim, indeed the suit as a whole, go far beyond being able to write a check, but speak to a genuine sense of wrongs, if not wholly righted, than at least acknowledged. And that will have to do.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed September 16, 2005 at Los Angeles, California.

  
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HILARY de VRIES