

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

IN RE LITERARY WORKS IN ELECTRONIC  
DATABASES COPYRIGHT LITIGATION

Master Docket No. M-21-90 (GBD)  
(MDL # 1379)

DECLARATION OF RICHARD SCHERR IN SUPPORT OF  
FINAL SETTLEMENT APPROVAL

I, Richard Scherr, being duly sworn, deposes and says:

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 2204 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 \$15,000.

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.

6. I wholeheartedly and fervently support this settlement for a number of reasons.

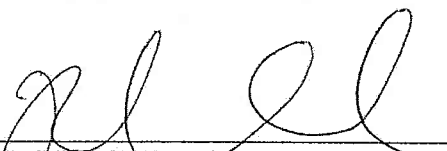
7. First and foremost, my wife, Alisa, has been a cancer survivor twice in the past two years. During the times of her treatments and hospitalizations, we racked up large amounts of bills -- bills that we could pay with a healthy settlement check.

8. She and I have worked exceedingly hard over the past few months to compile a list of my more than 2,000 qualifying freelance articles, spending hours on end searching through microfilm at the library and engaging in seemingly endless sessions in front of the computer, often typing until our fingers developed blisters.

9. After all we've been through, a delay at this point would be disastrous, as well as an enormous psychological blow.

10. I beg you, Your Honor, to let this settlement proceed without delay, so that class members like myself can receive what we are owed, and simply get on with our lives.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed September 15, 2005 at Owings Mills, Maryland.

  
RICHARD SCHERR