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6 NEW TIMES MEDIA LLC, SF WEEKLY LP,  
EAST BAY EXPRESS PUBLISHING LP,  
7 TROY LARKIN

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **CITY AND COUNTY OF SAN FRANCISCO**  
11 **UNLIMITED JURISDICTION**

12 BAY GUARDIAN COMPANY, INC.,

13 Plaintiff,

14 v.

15 NEW TIMES MEDIA LLC, SF WEEKLY LP,  
16 EAST BAY EXPRESS PUBLISHING LP,  
TROY LARKIN, DOES ONE through 10,  
17 inclusive,

18 Defendants.

Case No. 04-435584

**DECLARATION OF MICHAEL  
LACEY IN SUPPORT OF MOTIONS  
FOR SUMMARY ADJUDICATION OF  
SECTION 17043 AND SECTION 17045  
CLAIMS**

Case Filed: October 19, 2004

Date: September 14, 2007

Time: 11:00 a.m.

Courtroom: 304

Trial: October 15, 2007

HON. RICHARD A. KRAMER

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**DECLARATION OF MICHAEL LACEY**

I, Michael Lacey, declare:

1. I am the Executive Editor for Village Voice Media LLC, Inc. (“VVM”), formerly known as New Times Media LLC, Inc., (collectively “New Times”) and one of the defendants in this action. I have personal knowledge of each of the facts stated in this declaration.

2. As Executive Editor, my chief duty is to ensure the strong editorial content of all of New Times’ publications.

3. The decision to price and sell advertisements in New Times’ publications is a business department decision. I do not concern myself with advertising prices. I have not and do not set advertising prices.

4. I have never instructed anyone to sell advertisements in the San Francisco Weekly or the East Bay Express at below-cost prices or at any other particular price.

5. I am not aware of any strategy, plan or effort to sell advertisements at below-cost prices for the purpose of injuring the San Francisco Bay Guardian, other competitors, or to perpetuate a monopoly position in the advertising industry at any time. I have never directed that such a strategy be implemented.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this \_\_\_\_ day of June, 2007, in San Francisco, California.

\_\_\_\_\_  
Michael Lacey