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6 EAST BAY EXPRESS PUBLISHING LP, TROY  
LARKIN  
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **CITY AND COUNTY OF SAN FRANCISCO**  
10 **UNLIMITED JURISDICTION**

11 BAY GUARDIAN COMPANY, INC.,

12 Plaintiff,

13 v.

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

17 Defendants.  
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Case No. 04-435584

**DECLARATION OF SCOTT TOBIAS  
IN SUPPORT OF MOTIONS FOR  
SUMMARY ADJUDICATION OF  
SECTION 17043 AND SECTION 17045  
CLAIMS**

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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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25 **FILED CONDITIONALLY UNDER SEAL PURSUANT TO C.R.C. 2.551(d)**  
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**DECLARATION OF SCOTT TOBIAS**

I, Scott Tobias, declare:

1. I am the Chief Operating Officer of Village Voice Media, LLC (“VVM” and previously known as “New Times”). I have personal knowledge of each of the facts stated in this declaration.

2. I was involved with the negotiations of the sponsorship agreement involving the SF Weekly Warfield Theatre in San Francisco, California. A true and correct copy of the sponsorship agreement, including the amendment thereto, is attached as Exhibit A and is designated “Attorneys-Eyes Only” pursuant to the Protective Order on file in this action.

3. The sponsorship of the “SF Weekly Warfield Theatre” is publicly known and was the subject of a press release.

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 28th day of June, 2007, in Denver, Colorado.

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Scott Tobias