

|                                |   |                                     |
|--------------------------------|---|-------------------------------------|
| CITADEL SECURITY SOFTWARE INC. | ) | DISTRICT COURT OF                   |
|                                | ) |                                     |
| Plaintiff,                     | ) |                                     |
|                                | ) |                                     |
| v.                             | ) | COLLIN COUNTY, TEXAS                |
|                                | ) |                                     |
| JOHN DOES 1-5,                 | ) |                                     |
|                                | ) |                                     |
| Defendants.                    | ) | 416 <sup>th</sup> JUDICIAL DISTRICT |

**AFFIDAVIT OF PAUL ALAN LEVY**

1. My name is Paul Alan Levy. I am lead counsel for defendant onlymybusiness99. I make this affidavit based on personal knowledge.

2. I have handled numerous cases involving the right of anonymous speech of persons who posted messages on the Yahoo! message boards, and I am familiar both with the notices that Yahoo! sends to its customers and with Yahoo!’s procedures in responding to such notices.

3. I have examined the notice of subpoena that Yahoo! sent my client, which my client forwarded to me. The message appears to be a genuine Yahoo! notice to my client, and it reveals my client’s email address. I also asked my organization’s chief technology officer to examine the email, and he verified that the email was genuine. I have communicated with Yahoo! about this case, and was able to satisfy Yahoo! that I was communicating with them on behalf of the person who is their customer.

4. I have spoken with my client several times, and both the cell phone and the landline that my client has used to talk with me have area codes that are in Minnesota.

5. Examining my client’s email address, I was able to determine that my client uses an Internet Service Provider (“ISP”) that is a local Minnesota ISP.

6. My client mailed me material in connection with this case. Both the return address on the envelope, and the postmark, showed that the letter was sent from Minnesota.

7. I have reviewed the CDSS message board maintained by Yahoo!, and confirmed the presence of multiple messages from onlymybusiness99 indicating that my client lives in Minnesota.

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Paul Alan Levy

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF APRIL, 2005

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