SOUTHERN DISTRICT OF NEW YORK	
DAN BROWN and RANDOM HOUSE, INC.,	X :
Plaintiffs,	
against	
LEWIS PERDUE,	Civil Action No. Index No. 04 CV 7417 (GBD)
Defendant.	
LEWIS PERDUE,	DECLARATION OF KENNETH G. SCHWARZ
Counterclaim-Plaintiff,:	
against :	
DAN BROWN, RANDOM HOUSE, INC., : COLUMBIA PICTURES INDUSTRIES, INC., : SONY PICTURES ENTERTAINMENT INC., : SONY PICTURES RELEASING CORPORATION, : and IMAGINE FILMS ENTERTAINMENT, LLC, :	
Counterclaim- : Defendants. :	

- I, Kenneth G. Schwarz, hereby declare under penalty of perjury that the following statements are true:
- 1. I am of counsel to the law firm of Cozen O'Connor, the attorneys for Defendant/Counterclaim Plaintiff Lewis Perdue in the above-captioned action.
- 2. Annexed as Exhibit "A" is the Declaration of Lewis Perdue, dated April 5, 2005, filed in opposition to the motion by Plaintiffs Dan Brown and Random House, Inc. and Counterclaim-Defendants Dan Brown, Random House, Inc., Columbia Pictures Industries, Inc.,

Sony Pictures Entertainment, Inc., Sony Pictures Releasing Corporation, and Imagine Films Entertainment, LLC (collectively "Plaintiffs") for summary judgment.

- 3. Annexed as Exhibit "B" is the Memorandum of Law filed with this Court on behalf of Lewis Perdue in opposition to Plaintiffs' motion for summary judgment, dated April 7, 2005.
- 4. Annexed as Exhibit "C" is the Notice of Appeal, dated September 1, 2005, of Lewis Perdue to the United States Court of Appeals for the Second Circuit from the Memorandum Order and Opinion of this Court dated August 4, 2005.

Dated: New York, New York September 19, 2005

KENNETH G. SCHWARZ