

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE: )  
)  
)  
VERIZON INTERNET SERVICES, INC. )  
Subpoena Enforcement Matter )  
\_\_\_\_\_)  
)  
RECORDING INDUSTRY )  
ASSOCIATION OF AMERICA )  
)  
v. ) Miscellaneous Action  
) Case No. 1:03MS00040  
)  
VERIZON INTERNET SERVICES, INC. )  
\_\_\_\_\_)

**Declaration of Robert L. Lombardo in Support of RIAA's Brief in Opposition  
to Verizon's Motion to Quash the February 4, 2003 Subpoena**

I, Robert L. Lombardo, have personal knowledge of the facts stated below and, under penalty of perjury, hereby declare:

1. I am an attorney based in Silver Spring, Maryland, and I submit this declaration in support of RIAA's Brief in Opposition to Verizon's Motion to Quash the February 4, 2003 Subpoena Issued to Verizon.
2. This declaration is based on my personal knowledge, and if called upon to do so, I would be prepared to testify as to its truth and accuracy.
3. I represent ALS Scan Inc. ("ALS"), a Maryland Corporation engaged in the business of adult entertainment. ALS owns certain copyrighted and trademarked photographs and other materials, which are published on ALS CD-ROMs and ALS Internet web sites.

4. In 2002, it came to the attention of ALS, through Internet searches, that one or more of Verizon's subscribers was engaged in copyright infringement by using ALS's copyrighted materials in certain Internet websites and newsgroups, without ALS's authorization.

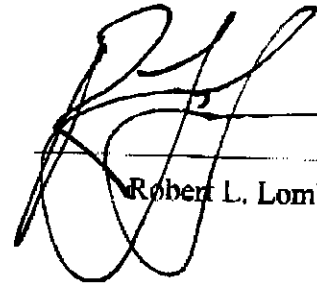
5. On November 21 & 22, 2002, pursuant to 17 U.S.C. § 512(c)(3), ALS notified Verizon of copyright infringement emanating from two separate Internet Protocol ("IP") addresses controlled by Verizon. ALS provided Verizon with specific information about the location of the IP addresses and of the infringing conduct and requested the identity of the infringers. In response, Verizon notified ALS that it could only release information about the identity of its subscribers upon receipt of a subpoena.

6. On December 10, 2002, pursuant to 17 U.S.C. § 512(h), ALS wrote to the Clerk of the United States District Court for the District of Maryland, requesting issuance of two subpoenas to Verizon for identification of the infringers. ALS provided the clerk the documentation required by § 512(h), including sworn declarations by the President of ALS stating that the subpoenas were sought only to identify the infringer(s) and to protect ALS's rights under federal copyright law. The Clerk issued the subpoenas on December 16, 2002, which were promptly served on Verizon.

7. On January 9, 2003, Verizon responded to the subpoenas by letter and revealed that one of its subscribers had accessed the Internet using both of the IP addresses specified in the ALS subpoenas. Attached hereto is a true and correct copy of the January 9, 2003 Verizon letter (which is incorrectly dated January 9, 2002) disclosing the information requested by ALS. *See Attachment 1.* Verizon did not indicate in its response to ALS in that letter, or otherwise, that it believed the subpoenas to be invalid or illegal in any way.

8. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 26, 2003



Robert L. Lombardo