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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIRECTV, a California corporation

Case No. 1:02cv0924

Plaintiff,

v.

KENNETH MCFADDEN,

Hon. Gordon J. Quist

Defendant.

Norman C. Ankers (P30533)
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Brigham Cook Smith (P63037)
Attorneys for Plaintiff
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AFFIDAVIT OF KENNETH MCFADDEN

NOW COMES the Affiant, Kenneth McFadden, who, having been duly sworn,
deposes and says:

1. My name is Kenneth McFadden.
2. I have personal knowledge of the facts contained within this affidavit and, if sworn as a witness, I would testify to these facts.
3. On or about April 23, 2000, I used my credit card to purchase a device from a company called White Viper.
4. I purchased the device because I wanted to access and view charges placed on my personal credit cards.

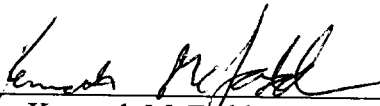
5. The device was shipped to my place of employment located at 3965 44th Street, S.E., Grand Rapids, MI 49512.

6. I then tried to make sense of the reader/writer, but realized it was beyond my ability to understand the technology since no instructions or software was included.

7. When I tried to return the device, the White Viper website no longer existed.

8. The device was never connected to any television in my household, nor any other household.

9. I never used the device to intercept or misappropriate any satellite transmission from DIRECTV.

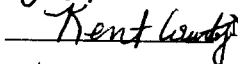

Kenneth McFadden

Subscribed and sworn to before me on August 8, 2003.

STATE OF MICHIGAN

COUNTY OF Ottawa


Julie Getz


Notary Public Acting in Ottawa County

Hudsonville Michigan
My Commission Expires: 11-11-04