

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA

CARL EVANS, DONALD SPENCER, CIVIL DIVISION
VALERIE SPENCER, CINDY CARTER, No. 10-cv-1679
individuals, on Behalf of themselves and for
the Benefit of all with the Common or
General Interests, Any Persons Injured, and
All Others Similarly Situated,

Plaintiffs,

v.

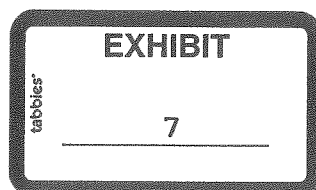
LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,

Defendants.

DECLARATION OF DONALD SPENCER

I, Donald Spencer, declare as follows:

1. I am an adult individual and reside at 3795 West Porcupine Lane, Dunellon, FL 34433.
2. I have created an account in Second Life, which is operated by Linden Research, Inc. ("Linden"), which I named Thunder Lardner.
3. This account was wrongfully confiscated from me by Linden.
4. In this account, Linden confiscated virtual property, virtual items, lindens and U.S. currency owned by me.
5. This account was created when the original terms of service were in place that included the arbitration provision that was deemed unconscionable.
6. The original terms of services remained in place the last time that I logged into this account.




7. I never agreed to abide by any other terms of service on this account.

8. The property and money I owned, which was confiscated by Linden, has never been returned to me. The property and money I owned has never been transferred by Linden to any other account where I have access to them.

9. Linden's latest terms of service claims to strip me of ownership to my virtual land and items. I never agreed to invest my money with Linden under those terms, nor would I have. I do not agree to be stripped of my ownership.

10. I do not understand how Linden can claim that new terms apply to items, land and money they took from me and refused to give back. I have never believed that any new terms could possibly apply retroactively to my account holding my money, items and land.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 7, 2010.


Donald Spencer