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THE HONORABLE CAROL SCHAPIRA  
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SUPERIOR COURT CLERK

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CASE NUMBER: 12-2-21829-3 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

GEOFF TATE and SUSAN TATE, a married couple,

Plaintiffs,

v.

EDDIE JACKSON and TERESA GOLDEN-JACKSON, a married couple; SCOTT ROCKENFIELD and MISTY ROCKENFIELD, a married couple; MICHAEL WILTON and KERRIE LYNN WILTON, a married couple; TRI-RYCHE, CORPORATION, a Washington corporation; QUEENSRYPHE MERCHANDISING, INC., a Washington corporation; and MELODISC LTD., a Washington corporation,

Defendants.

Case No. 12-2-21829-3 SEA

DECLARATION OF BRIAN FLEMING

Brian Fleming declares as follows:

1. I am over 18, competent to give testimony, and base this declaration on personal knowledge.
2. I live in Coney Island in Brooklyn, New York. I work for the Post Office, where I have worked most of my adult life. I support my wife, my teenage daughter, and help support my mother, who is not well.

DECLARATION OF \_\_\_\_\_

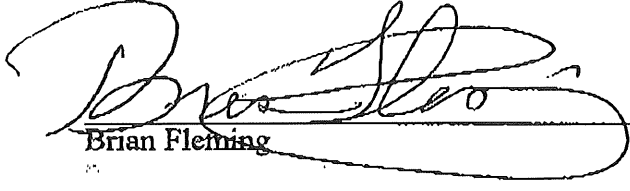
1           3.       My wife and I like music. But with our responsibilities, we do not get to go to  
2 concerts much. My wife and I were interested in seeing a concert scheduled for ~~June 7~~ <sup>July</sup> on  
3 Jones Beach, on Long Island, that featured the Scorpions and Queensryche. She wanted to see  
4 the Scorpions and I wanted to see Queensryche. We paid \$100 for the two tickets. I was so  
5 excited about the show that I posted on my Facebook page that I was going to see  
6 Queensryche.

7           4.       My wife and I drove from Brooklyn to Jones Beach to see Queensryche and  
8 Scorpions perform. When I got there, however, Queensryche did not play. Instead, some bar  
9 band played in their place. I was not told beforehand that Queensryche was not playing. Had I  
10 known Queensryche was not playing the show, I would not have bought the tickets.

11          5.       I was disappointed in not being able to see Queensryche and in how this was  
12 handled. I was so disappointed that I posted on my Facebook page that Queensryche did not  
13 show up.

14          6.       After my second Facebook post, my cousin, Ben Stone, read my Facebook  
15 postings and contacted me. I did not know he represented Geoff Tate when I posted my  
16 messages about Queensryche to Facebook. He lives in Seattle and we don't talk often.

17               I declare under penalty of perjury of the laws of the State of New York this 11<sup>th</sup> day of  
18 July 2012 that the foregoing is true and correct.

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DECLARATION OF \_\_\_\_\_