

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a) Civil Action No. 2:06-cv-2195-CWH
South Carolina corporation; RICHARD C.)
DAVIS, an individual,)
)
Plaintiffs,)
)
vs.)
)
A&E TELEVISION NETWORKS, and)
MAX WEISSMAN PRODUCTIONS,)
INC. d/b/a DEPARTURE FILMS,)
)
Defendants.)
_____)
)
A&E TELEVISION NETWORKS,)
)
Counterclaim Plaintiff,)
)
vs.)
)
TRADEMARK PROPERTIES, INC. and)
RICHARD C. DAVIS,)
)
Counterclaim Defendants.)
_____)

Declaration of Charles Nordlander

Charles Nordlander declares:

1. I have worked in the television industry as a producer, a consultant and in other roles since 1991. From April 2004 until May 2005 – acting through my production company, Glow in the Dark Productions, Inc. – I worked with A&E Television Networks (“AETN”) as an independent contractor. My work included developing lifestyle programming for the A&E cable television network, which is one of several networks

owned and operated by AETN. Also through Glow in the Dark Productions, I have served as executive producer or head writer for shows on a number of cable networks not affiliated with AETN, including HBO Family, the Sci-Fi Channel, TV Land and the Food Network. Currently I am Vice President of Programming Development for the Food Network. I make this declaration on personal knowledge in support of defendants' motion for summary judgment.

2. While I was working with AETN, I had no authority to make deals on behalf of the company or the A&E network. I was never an employee of AETN. My role was to develop possible new shows, refer proposals to the appropriate AETN executives for review and decision, and oversee the production of shows that the network decided to "greenlight."

3. I had no authority to make any sort of commitments for AETN about the business terms on which a show would be produced -- including economic terms, legal terms, the allocation of advertising revenue or anything else. Nor did I ever make any such commitments.

4. My first contact with Richard Davis was in the Spring of 2004. Mr. Davis contacted AETN, unsolicited, to propose a real estate reality show that would feature him and his business Trademark Properties.

5. I viewed a demo tape that Mr. Davis submitted, and I talked with Mr. Davis by telephone. I invited Mr. Davis to then come up to New York for a meeting that occurred on June 14, 2004.

6. At no point -- including during our phone conversations prior to June 14, on June 14 or after -- did I make any promises to Mr. Davis or Trademark Properties. Nor

did I make any agreements on behalf of AETN. I had no authority to do so, and I did not do so. I have reviewed Mr. Davis' descriptions in this case of the promises that I allegedly made. I made no such promises. To the best of my knowledge, nobody ever made such promises to Mr. Davis on behalf of AETN.

7. In particular, I never promised Mr. Davis that AETN would share revenue from the show with him or his company on a 50/50 basis or any other basis.

8. Any agreement by a network to split revenues 50/50 would be extraordinary. That would be especially true for advertising revenues. In my career in the television industry, I never have heard of a contract with the terms Mr. Davis describes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York this 29th day of March, 2007.


Charles Nordlander

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NOTICE OF FILING OF DECLARATION OF CHARLES NORDLANDER

I am hereby filing the attached Declaration of Charles Nordlander, which was executed
by Mr. Nordlander on March 29, 2007.

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Respectfully submitted,

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Attorneys for Defendant/Counterclaim Plaintiff AETN and
Defendant Departure Films

Charleston, South Carolina

April 2, 2007