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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
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11 BARBRA STREISAND, an individual,
12 Plaintiff,
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14 vs.

15 KENNETH ADELMAN, an individual;
16 PICTOPIA.COM, a California corporation;
LAYER42.NET, a California corporation;
and DOE 1 through DOE 20, inclusive.

17 Defendants.
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CASE NO. SC 077257

[Honorable Allan J. Goodman]

**DECLARATION OF REX D. GLENSY IN
SUPPORT OF PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
SPECIALLY SETTING FORTH HEARING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 19, 2003

Time: 8:30 a.m.

Dept.: H

Motion Cut-Off: None

Discovery Cut-Off: None

Trial Date: None Set

DECLARATION OF REX D. GLENSY

I, Rex D. Glensy, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California, and am an associate in Alschuler Grossman Stein & Kahan LLP, counsel of record of plaintiff herein. I have personal knowledge of the facts set forth in this declaration and, if called upon to testify thereto, could and would do so competently.

2. Plaintiff's Complaint and motion for preliminary injunction seek redress for the violation of her constitutionally guaranteed right to privacy. In particular, she is trying to prevent private and confidential information about her, such as her home address, photographs of secluded portions of her home that are not visible with the naked eye from any public vantage point, and the identification of her property as hers, from continuing to being disseminated on an internet website (the "Website") that is the property of Defendant Kenneth Adelman ("Adelman"). Plaintiff never consented to have such information published and disseminated on the internet.

3. The purpose of Adelman's Website, according to his own statements contained therein, is "to create a [sic] aerial photographic survey of the California Coast and update it on a periodic basis." Over the course of approximately two years, through the use of his own private helicopter, and the most sophisticated cutting edge developments in digital photography technology, Adelman has flown up and down the California coast, and taken photographs which do much more than create an aerial photographic survey of the California coast. The pictures on the Website show, with considerable detail, private aspects of people's homes who happen to live close to the coast. One such home is that owned by Plaintiff. The pictures of her home are taken with such a high resolution that the details which are visible on the Website could never be seen with the naked eye while viewing from a public vantage point. For example, the access points to Plaintiff's home, the interior of the home, the layout of her pool and grounds, the positioning of her parasols and deck chairs, the positioning of the windows, the French doors, the balconies, and all aspects of her residence and guest house that face the coast (and which are not visible with the naked eye while viewing from public property) are clearly visible. But Adelman has not limited

1 himself to the taking of these photographs of Plaintiff's property and identifying with a street map
2 its location; rather, he has gone a step further and specifically identified such property and
3 location as belonging to her by captioning the appropriate pictures with the title "Streisand's
4 estate," and allowing the Website's internal search engine to take any browser to such pictures
5 and location identification if the term "Streisand" is entered. Furthermore, Adelman profits from
6 these pictures by selling them through the Website at (should the purchaser desire) poster-size
7 dimensions.

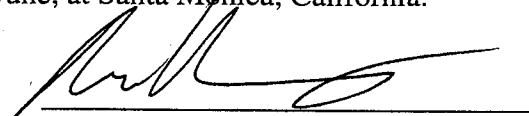
8 4. On or around May 21, 2003, I telephoned Department H to schedule a Motion for
9 Preliminary Injunction and was told that first available date for that motion to be heard would not
10 be before August 2003.

11 5. With every passing day, the damage to Plaintiff's privacy rights is being
12 compounded because Adelman, in seeking further publicity through the exploitation of Plaintiff's
13 private facts, now has Plaintiff's private information paraded on the homepage of his Website.
14 Thus, Plaintiff's private information is the first thing that anyone logging onto the Website gets to
15 see.

16 6. On June 17, 2003, before 10:00 a.m. I telephoned Richard Kendall of Irell &
17 Manella to inform him that Plaintiff intended to move *ex parte* on Thursday, June 19 at 8:30 a.m.
18 in Dept. H for an order to specially set for hearing Plaintiff's Motion for Preliminary Injunction. I
19 also told Mr. Kendall that Plaintiff would request that the Court set the Motion for Preliminary
20 Injunction hearing for July 14, 2003, pursuant to California Code of Civil Procedure 1005.

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

22 Executed this 18th Day of June, at Santa Monica, California.

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25 Rex D. Glensy