

To: Richard Mockler

From: Jay Horton

Fax: 305-789-9302

Regarding:

Katy Johnson vs. Tucker Max

Pages: 6

Notes:

The originals will be in the mail for you tomorrow. Let me know if you need anything else.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No. 03-Civ-80515-Hurley/Lynch

KATY JOHNSON,

Plaintiff,

vs.

TUCKER MAX,

Defendant.

DECLARATION OF JAY H. HORTON

JAY H. HORTON declares as follows:

1. I am the Sales Manager for Tallahassee.com, which is affiliated with the Tallahassee Democrat and owned by Knight Ridder Corporation.
2. I hold a Bachelor of Science degree in Marketing from Florida State University.
3. Knight Ridder oversees the publication of 31 daily newspapers in 28 markets in the United States, with 8.3 million readers daily and 12.1 million on Sunday. Knight Ridder also publishes 26 non-daily newspapers, as well as shoppers and special publications.
4. On the Internet, Knight Ridder is a leader in interactive information as well as the founder and operator of "Real Cities," a national network of 83 city and regional websites in 62 cities, including 20 of the top 30 U.S. markets and 27 of the top 50 U.S. markets.
5. Knight Ridder Digital creates and maintains a variety of online services in classifieds, entertainment, shopping, news, city guides, search and archives. Knight Ridder sells advertising on each of the "Real Cities" websites.

6. I have been employed by the Tallahassee Democrat since January 1998. Throughout my employment with the Democrat, I have been primarily responsible for selling advertisements in the newspaper and its affiliated "Real City" website, <http://www.tallahassee.com> (the "Tallahassee.com Website").

7. During the past three years, I have been primarily responsible for marketing web site advertising for the Tallahassee.com Website.

8. I have reviewed the website that appears at <http://www.tuckermax.com> (the "Tucker Max Website"). I have also reviewed the 2003 monthly reports summarizing Internet traffic to the Tucker Max Website.

9. The testimony that appears below is based on my review of the Website itself, my review of the reports summarizing information regarding Internet traffic and visitors to the Tucker Max Website, and my extensive experience marketing website advertising.

10. Website advertising is sold according to two industry standards:

- a. the number of unique computers that visit the site; and
- b. the total number pages that visitors view.

11. Button, banner and skyscraper appear on website pages near and around the page's primary content. These advertisements are sold according to the number of times that the page displaying the advertisement will be viewed. The industry standard rate charged for these advertisements is set in terms of CPM, or cost per thousand impressions. For button, banner and skyscraper advertisements, one impression is equivalent to one page view. Thus, the CPM rate is the amount charged per 1,000 page views.

12. A pop-up or interstitial advertisement appears each time a visitor accesses the Tucker Max Website's homepage. Pop-up or intestinal advertisements are sold according to the number of unique visitors to the site. The industry standard rate charged for a pop-up or interstitial advertisement is set in terms of CPM, or cost per thousand impressions. For pop-up or interstitial advertisements, one impression is recorded each time a unique computer visits the site. A CPM is thus equivalent to 1,000 impressions or visitors.

13. Based on my review of the Website and knowledge of national rates for web page advertising, my opinion is that the advertising value of the Tucker Max Website is a function of following rate per 1,000 page views:

Advertisement	CPM Rate
468x60 pixel banner placed on each page	\$9.35 per thousand page views
120x60 pixel button placed on each page	\$6.38 per thousand page views
120x600 pixel skyscraper on each page	\$13.88 per thousand page views

14. Based on my review of the Website and knowledge of national rates for web page advertising, my opinion is that the advertising value of the Tucker Max Website is a function of following rate per 1,000 visits:

Advertisement	CPM Rate
Pop-up or Interstitial on homepage	\$20.00 per thousand visits

15. The number of monthly page views for the Tucker Max Website and corresponding number of impressions (in thousands) for the value calculation is summarized as follows:

Month	Number of Page Views	Impressions (in thousands)
March 2003	275,950	275
April 2003	597,110	597
May 2003	1,322,960	1,322
June 2003	1,363,384	1,363

16. The number of monthly visits to the Tucker Max Website and corresponding number of impressions (in thousands) for the value calculation is summarized as follows:

Month	Number of Visitors	Impressions (in thousands)
March 2003	75,910	75
April 2003	136,596	136
May 2003	293,722	293
June 2003	306,998	306

17. Based on the national industry standard web advertising rates and amount of Internet traffic on the Tucker Max Website, the value of the web traffic for the Tucker Max Website between March and June 2003 is summarized as follows:

March 2003			
Advertisement	CPM Rate	Impressions (in thousands)	Value
468x60 pixel banner	\$9.35	275	\$2,571.25
120x60 pixel button	\$6.38	275	\$1,754.50
120x600 pixel skyscraper	\$13.88	275	\$3,817.00
Pop-up or Interstitial	\$20.00	75	\$1,500.00
		Total	\$9,692.36

April 2003			
Advertisement	CPM Rate	Impressions (in thousands)	Value
468x60 pixel banner	\$9.35	597	\$5,581.95
120x60 pixel button	\$6.38	597	\$3,808.86
120x600 pixel skyscraper	\$13.88	597	\$8,286.36
Pop-up or Interstitial	\$20.00	136	\$2,720.00
		Total	\$20,397.17

May 2003			
Advertisement	CPM Rate	Impressions (in thousands)	Value
468x60 pixel banner	\$9.35	1322	\$12,360.70
120x60 pixel button	\$6.38	1322	\$8,434.36
120x600 pixel skyscraper	\$13.88	1322	\$18,349.36
Pop-up or Interstitial	\$20.00	293	\$5,860.00
		Total	\$45,004.42

June 2003			
Advertisement	CPM Rate	Impressions (in thousands)	Value
468x60 pixel banner	\$9.35	1363	\$12,744.05
120x60 pixel button	\$6.38	1363	\$8,695.94
120x600 pixel skyscraper	\$13.88	1363	\$18,918.44
Pop-up or Interstitial	\$20.00	306	\$6,120.00
		Total	\$46,478.43

18. Thus, in my opinion, the advertising value of the actual traffic generated by the Tucker Max Website between March 2003 and June 2003 is \$121,522.77.

19. The amount of traffic on the Tucker Max Website, as evidenced by the site's number of page views and visitors, increased each month between March and June 2003.

20. If the Tucker Max Website continued to generate traffic and visitors at the June 2003 rate for the remainder of 2003 and advertising rates remain constant, the advertising value generated for that 6-month period would be \$278,870.58.

21. The Tucker Max Website's total advertising value for the 10-month period March 2003 through December 2003 would be \$400,393.35. Using the same assumption that traffic continues through February 2004 as it did in June 2003, this 10-month figure annualizes to \$493,350.21 over a 12-month period.

22. The amount of traffic and number of visitors to the Tucker Max Website could be increased by using through e-mail blasts, linking, heightened search engine rankings, traditional advertising, and any other additional media exposure or promotion.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 14th day of July, 2003.


 Jay H. Horton