

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REDBOX AUTOMATED RETAIL, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 09-592-RBK
vs.)	
)	
TWENTIETH CENTURY FOX HOME)	
ENTERTAINMENT, LLC,)	
)	
Defendant.)	
)	
)	

**DECLARATION OF TAMMY TSOUMAS IN SUPPORT OF TWENTIETH CENTURY
FOX HOME ENTERTAINMENT LLC’S REPLY BRIEF IN SUPPORT OF ITS
MOTION TO TRANSFER VENUE TO THE CENTRAL DISTRICT OF CALIFORNIA**

I, Tammy Tsoumas, declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, counsel for Twentieth Century Fox Home Entertainment LLC (“Fox”) in this matter. I submit this declaration in support of Fox’s Reply Brief in Support of Its Motion to Transfer Venue to the Central District of California. I have personal knowledge of the facts set forth herein and if called to testify, could testify competently thereto.

2. Attached hereto as **Exhibit 1** are true and correct copies of the Judicial Caseload Profiles for the District of Delaware and the Central District of California for 2008.

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

Executed on this 18th day of November, 2009 in Los Angeles, California.


Tammy Tsoumas

EXHIBIT 1

Nature of Suit/Offense Codes

CIVIL CODES

A Social Security
B Personal Injury/Product Liability
C Prisoner Petitions
D Forfeitures and Penalties and Tax Suits
E Real Property
F Labor Suits
G Contracts
H Torts(other than Personal/Injury/Product Liability)
I Copyright, Patent, and Trademark
J Civil Rights
K Antitrust
L All Other Civil

CRIMINAL FELONY CODES

A Marijuana
B All Other Drugs
C Immigration
D Firearms and Explosives
E Fraud
F Violent Offenses
G Sex Offenses
H Forgery and Counterfeiting
I Larceny and Theft
J Justice System Offenses
K Regulatory Offenses
L All Other Criminal Felony Cases

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30								
CALIFORNIA CENTRAL			2008	2007	2006	2005	2004	2003	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*		15,144	14,154	12,909	14,630	16,938	14,720	U.S.	Circuit	
	Terminations		14,742	13,642	13,680	16,173	15,269	15,800			
	Pending		12,221	11,817	12,401	13,180	14,720	13,129			
	% Change in Total Filings	Over Last Year			7.0					23	3
		Over Earlier Years				17.3	3.5	-10.6	2.9	28	4
Number of Judgeships			28	28	28	28	28	28			
Vacant Judgeship Months**			12.0	31.2	53.9	24.8	2.3	23.6			
ACTIONS PER JUDGESHIP	FILINGS	Total	540	505	461	523	605	526	19	5	
		Civil	433	425	397	450	515	451	12	3	
		Criminal Felony	63	47	36	45	60	49	49	9	
		Supervised Release Hearings**	44	33	28	28	30	26	15	6	
	Pending Cases		436	422	443	471	526	469	24	5	
	Weighted Filings**		578	551	518	565	651	590	12	4	
	Terminations		527	487	489	578	545	564	20	7	
	Trials Completed		11	12	12	13	12	14	84	12	
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	7.5	12.1	12.4	10.3	8.2	9.4	32	4	
		Civil**	7.0	6.8	7.2	7.4	7.3	7.5	12	2	
	From Filing to Trial** (Civil Only)		22.0	21.3	21.3	20.5	17.8	21.2	24	2	
OTHER	Civil Cases Over 3 Years Old**	Number	821	712	1,240	809	624	609			
		Percentage	8.1	7.2	11.6	7.2	5.0	5.4	68	10	
	Average Number of Felony Defendants Filed Per Case		1.5	1.3	1.6	1.5	1.4	1.4			
	Jurors	Avg. Present for Jury Selection	60.94	60.57	64.08	47.33	49.01	49.49			
		Percent Not Selected or Challenged	53.7	56.5	55.7	48.3	49.4	51.6			

2008 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	12130	1023	200	2976	287	205	839	1508	562	1395	1292	113	1730
Criminal*	1761	12	242	671	115	360	48	124	49	48	15	37	40

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.
 ** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30								
DELAWARE		2008	2007	2006	2005	2004	2003	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*	1,206	1,065	1,077	1,190	1,797	1,362	U.S.	Circuit	
	Terminations	1,222	975	1,419	1,448	1,516	1,507			
	Pending	1,482	1,511	1,501	1,853	2,085	1,836			
	% Change in Total Filings	Over Last Year		13.2					8	2
		Over Earlier Years		12.0	1.3	-32.9	-11.5	60	5	
Number of Judgeships		4	4	4	4	4	4			
Vacant Judgeship Months**		12.0	9.5	.0	.0	.0	1.9			
ACTIONS PER JUDGESHIP	FILINGS	Total	302	267	270	298	449	340	78	5
		Civil	246	218	233	264	414	306	65	5
		Criminal Felony	47	38	30	28	29	25	74	4
		Supervised Release Hearings**	9	11	7	6	6	9	84	4
	Pending Cases		371	378	375	463	521	459	49	5
	Weighted Filings**		443	379	367	422	534	424	44	3
	Terminations		306	244	355	362	379	377	76	5
	Trials Completed		26	21	15	20	19	23	25	3
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	8.6	8.5	9.3	9.4	9.1	8.3	45	1
		Civil**	11.2	12.5	16.8	10.9	14.0	11.2	80	5
	From Filing to Trial** (Civil Only)		25.0	27.0	26.0	23.5	26.0	24.0	40	1
OTHER	Civil Cases Over 3 Years Old**	Number	175	108	142	156	65	66		
		Percentage	13.8	8.2	10.6	9.1	3.4	3.9	85	5
	Average Number of Felony Defendants Filed Per Case		1.1	1.1	1.2	1.2	1.2	1.3		
	Jurors	Avg. Present for Jury Selection	46.03	41.56	39.60	39.82	38.50	34.98		
		Percent Not Selected or Challenged	28.8	31.7	24.1	22.8	20.9	24.0		

2008 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	984	38	8	260	12	3	24	95	50	214	117	22	141
Criminal*	186	3	30	24	66	33	3	13	7	3	-	1	3

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.
 ** See "Explanation of Selected Terms."

CERTIFICATE OF SERVICE

I, Beth Moskow-Schnoll, hereby certify that on November 18, 2009, I electronically filed the foregoing Declaration of Tammy Tsoumas In Support Of Twentieth Century Fox Home Entertainment LLC's Reply Brief in Support of Its Motion To Transfer Venue To The Central District Of California with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

Henry E. Gallagher, Jr.
Chad S. C. Stover
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19899
Tel: (302) 888-6288
Fax: (302) 658-0380
Email: hgallagher@cblh.com

/s/ Beth Moskow-Schnoll
Beth Moskow-Schnoll (No. 2900)