

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THOMAS LAUMANN, FERNANDA GARBER,)		
ROBERT SILVER, GARRETT TRAUB,)		
DAVID DILLON, and PETER HERMAN,)		
representing themselves and all others similarly)		
situated,)	12-cv-1817 (SAS)	
)		
Plaintiffs,)	ECF Case	
)		
v.)		
)		
NATIONAL HOCKEY LEAGUE et al.,)		
)		
Defendants.)		
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**DECLARATION OF NILI R. DOFT CERTIFYING
COMPLIANCE WITH SETTLEMENT AGREEMENT**

I, NILI R. DOFT, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am the Vice President of Database Marketing and Web Analytics at the National Hockey League (“NHL”). I have been employed by the NHL since 2008. My responsibilities formerly included managing the day-to-day business operations of NHL GameCenter LIVE (“GCL”). Unless stated otherwise, the facts stated herein are based on my own personal knowledge.

2. I oversaw the implementation of the NHL’s obligations under the *Laumann* Settlement Agreement.

3. For the 2015-16 NHL season, the NHL offered unbundled live game programming via the Internet for each team in the NHL. Thus, in addition to the full NHL GCL package that has traditionally been offered by the NHL, consumers had the option to purchase the games of any one NHL team without needing to purchase the games of another NHL team.

4. The unbundled programming included all of the same telecasts of a particular team that were included in the full GCL package and was subject to the same policies, limitations, and NHL rules as applicable to the full GCL package. The NHL gave reasonable publicity to the unbundled programming, including offering it as an alternative to the full GCL package at the website points of sale. The price of each unbundled package was 80% of the comparable GCL package.

5. Thus, the price of the auto-renewal GCL package was \$131.49, while the price of the auto-renewal unbundled package was \$105.09; the price of the Early Bird GCL package was \$131.49, while the price of the Early Bird unbundled package was \$105.09; the price of the full-season GCL package was \$131.49, while the price of the full-season unbundled package was \$105.09; the price of the half-season GCL package was \$49.99, while the price of the half-season unbundled package was \$39.99; and the price of the Race for the Cup GCL package was \$24.99, while the price of the Race for the Cup unbundled package was \$19.99. Additional packages were sold at the end of the season for \$9.99 (GCL)/\$7.99 (unbundled) and \$4.99 (GCL)/\$3.99 (unbundled).

6. For the next four seasons, the NHL will continue to offer the unbundled programming described in paragraphs 3 and 4 above, and on the terms described in paragraphs 3 and 4 above.

7. For the 2015-16 season, the NHL also offered Comcast and DIRECTV the right to sell unbundled programming for each and every NHL team, which neither exercised.

8. For the next four seasons, the NHL will continue to offer Comcast and DIRECTV the right to sell the unbundled programming described above.

9. As noted in paragraph 5 above, for the 2015-16 season, the NHL offered the full-season GCL package at a price of \$131.49. This represented a discount off the \$169 price for the 2014-15 full-season GCL package in excess of the 17.25% required under the Settlement Agreement.

10. Auto-renewals of existing GCL subscribers were implemented on the same basis as they had been in past years, subject to the pricing requirements of the Settlement Agreement. For the 2015-16 season, before charging the subscriber for the auto-renewal of GCL, the NHL notified each eligible GCL subscriber of the opportunity to select unbundled packages.

11. As noted in paragraph 5 above, for the 2015-16 season, the auto-renewal price for the GCL package was \$131.49, which was the same as the Early Bird price for the GCL package.

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

Executed on April 12, 2016, in New York, New York.



Nili R. Doft