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AUG 15 1967
McAuley, Farrington, Pearne & Gordon

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE FINNEY COMPANY,
a partnership,

Plaintiff,

v.

JFD ELECTRONICS CORPORATION,
a corporation,

and

UNIVERSITY OF ILLINOIS FOUNDATION,
a non-profit corporation,

Defendants.

CIVIL ACTION NOS.
65 C 220
and
65 C 671
(Consl.)

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AUG 11 1967
MASON, KOLEHMAINEN, RATHBURN & WYSS
20 NORTH WACKER DRIVE
CHICAGO 6, ILLINOIS

AFFIDAVIT

STATE OF ILLINOIS )
) SS
COUNTY OF CHAMPAIGN )

Harold B. Lawler, being duly sworn, deposes and says:

1. He is the same Harold B. Lawler whose deposition was taken by plaintiff in the action identified above and the same Harold B. Lawler who previously testified on behalf of the University of Illinois Foundation in an action which was tried in February, 1967, in the United States District Court for the Southern District of

APPENDIX A

Iowa, Davenport Division, (University of Illinois Foundation v. Winegard Company, Civil Action No. 3-695-D).

2. He is presently employed by the University of Illinois as the Business Manager of the Department of Electrical Engineering, a position which he has held with similar responsibilities, although with different titles, since November, 1956.

3. Among his duties as Business Manager is supervision of the operation of the Publications Office of the Electrical Engineering Department, a responsibility which he also held during the months of April and May, 1959.

4. One of the functions of the Publications Office of the Department of Electrical Engineering is to print and distribute the various reports required by research contracts and grants under which research work is performed by the Department.

5. In April and May, 1959, Miss Marjorie Johnson was in charge of the routine operation of the Publications Office. Miss Johnson reported to him as her supervisor.

6. In April and May, 1959, the policy of the Department of Electrical Engineering was generally to make available to interested responsible parties copies of research reports which emanated from the Department, provided that there was no restriction imposed on distribution, either by law or by the sponsor of the work reported therein. Once an unrestricted report had been issued to the sponsoring agency, requests for copies from the public would usually be honored as long as extra copies were available.

7. Prior to the issuance of a report, however, the policy of free dissemination and accessability to reports did not apply with respect to requests from the general public. In general, issuance of a report was indicated by mailing or otherwise delivering the necessary copies of the report, as called for by the research contract with the sponsoring agency.

A certain Norbert?

8. Although a request for an issued report from a responsible member of the public would usually have been granted <u>after</u> the report in question had been delivered to the sponsoring agency, such a request for a report <u>prior</u> to its being supplied to the sponsoring agency

presented a policy question to be resolved in each case by consultation with the Project Director of the Department in charge of the work, as well as with an appropriate official of the sponsoring agency. There was no established policy which permitted premature distribution of research reports, and no implication that permission for premature distribution of copies to anyone outside the Department or the sponsoring agency would be granted in any particular case.

9. He has searched the records of the Publications Office of the Department of Electrical Engineering for evidence concerning the date on which Quarterly Engineering Report No. 2 under contract AF 33 (616)-6079 was issued to the sponsoring agency and has determined that such issuance occurred on May 5, 1959, on which date copies of this Report were mailed to the personnel designated by the contracting agency, as indicated on the distribution list attached to each copy of this report.

10. Although copies of Quarterly Engineering Report No. 2 may have been physically present within the Publications Office of the Department as early as April 30, 1959, these copies were not available for distribution to the

public before the Report was issued on May 5, 1959.

11. He has also searched for copies of Quarterly Engineering Report No. 2 that were locally distributed to several individuals and organizations on the campus of the University at about the same time that distribution was made to the sponsoring agency. The earliest date that any of these copies became available to the general public, of which he has any evidence, was July, 1959, at which time a copy of this report was date-stamped as received by the Engineering Library of the University.

Harold B. Lawler

Subscribed and sworn to before me this 1st day of August, 1967.

Vesta L. Dunder
Notary Public

My Commission Expires: March, 1968

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Verna L. Linder
Notary Public

My Commission Expires: March, 1968