

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

**DECLARATION OF AARON D. HOAG**

1. I am one of the attorneys for the United States in this action. I have personal knowledge of the facts stated below, and would be competent to testify to them if called upon to do so.
2. Two consultants hired by the Technical Committee (“TC”) refused to return materials relating to their work for the TC following the completion of their work and the expiration of the Final Judgments on May 12, 2011.
3. Plaintiffs United States and Maryland (representing the New York Group) (hereinafter “Plaintiffs”) became aware of the situation on May 11, 2011, hours after the consultants informed the TC management that they were not going to return to the TC all materials relating to their work for the TC.
4. As required by the Protective Order in the event of an unauthorized disclosure, Plaintiffs informed Microsoft of the situation when the matter could not be resolved prior to expiration of the Final Judgments on May 12, 2011.

5. Plaintiffs then attempted to secure the return of the materials to cure the breach. Plaintiffs have held numerous telephone conferences with counsel for the two consultants, explaining Plaintiffs' view that the Final Judgments and Protective Order entered in this case do not permit the consultants to retain materials relating to their work for the TC. The consultants, through counsel, have continued to refuse to return the materials, stating that in their view, they are not required to do so.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of August, 2011, in Washington, DC.

/s/  
AARON D. HOAG  
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