

Exhibit D



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Declaration of Art Neill regarding New Media Rights

On behalf of New Media Rights (NMR), a program of California Western School of Law, I respectfully submit the following declaration requesting funding to support our consumer privacy work. Funds will be assigned specifically to the New Media Rights program, and will support pro bono preventative privacy related legal services for consumers, nonprofits, technology entrepreneurs, and creators across the United States. This proposal builds on partnerships and current and past work with the Rose Foundation, the California Consumer Protection Foundation, the San Diego Office of Small Business, the Mozilla Foundation, and the Federal Communications Commission's Consumer Advisory Committee.

Preventing Privacy Issues Before They Start

Founded in 2006, New Media Rights (NMR) has worked on more than 2,500 matters, in which we assisted and educated consumers, entrepreneurs, and creators on the ever-complicated legal world of privacy and intellectual property law.

We've seen in practice that a majority of legal issues can be avoided through preventative legal services. In the privacy realm, we provide legal education and services. This includes everything from assisting internet users in understanding their rights regarding audio and video recording laws, unwanted text messages, emails, and phone calls under the TCPA and related privacy laws, to how personal information can be collected and used under terms of service and privacy policies, to smartphone privacy, audio and video recording laws, and a variety of other privacy law related questions. New Media Rights hosts well-trafficked resources on privacy laws through our website.

We educate and advise early stage technology startups, nonprofits, creators and other small enterprises on how to comply with privacy laws in a consumer friendly way. These are the kind of individuals and small businesses who regularly record audio and video content, collect private information, and contact consumers by text, email, and phone call, and otherwise will simply go without legal services, putting consumers' privacy at risk. The work we do with smaller entities and creators has a direct impact on curbing a broad range of privacy abuses by helping to negate the need for lengthy and expensive litigation and FTC enforcement actions. When companies and

organizations are advised properly on relevant privacy and consumer communications laws from the beginning, organizations' data collection, consumer communication, other approaches to individuals' privacy rights vastly improve, avoiding problems before they arise. By helping these clients understand how to design with consumer privacy in mind, we can avert these issues altogether. We request funding to support and expand our existing preventative communications privacy related legal services that aim to prevent issues before they start.

A proven record of protecting consumers' rights under recording and privacy laws

New Media Rights has institutional partners and a proven record in the privacy space. We consistently receive funding from multiple grantors and hundreds of individuals each year. We now need help expanding our reach and sustaining our work. The California Consumer Protection Foundation (CCPF) partnered with New Media Rights on three consumer privacy related grants ranging from \$50,000 to \$100,000. We also have received multiple grants from the Rose Foundation and the Mozilla Foundation. These grants supported our preventative legal services, including one-to-one services, education, and advocacy. These funds will be used to continue our consumer privacy related efforts.

In addition, NMR has been the grateful recipient of grants from the City of San Diego economic development grants. With these funds, we are able to deliver free and nominal free legal services specifically to the San Diego innovation sector. The City has recognized us as a trusted partner in providing legal services.

We are proud of these partnerships and programs, and this request for support will help us expand our reach. This funding would be used to fund preventative legal services and consumer education that include directly addressing types of privacy law issues at issue in this case. New Media Rights would be able to provide free and reduced fee direct legal services to consumers, small enterprises and nonprofits, and creators. As a well trafficked legal educational website in this space, NMR will also be able to produce, update, and maintain online educational resources (guides and videos) that are visited by over hundreds of thousands of individuals a year, including resources directly educating consumers, as well as those regarding consumer-friendly privacy approaches for technology enterprises and creators.

Specific examples of work that is related to this case

1. Direct Legal Services for individuals and organizations - We have provided preventative legal services on over 2,500 matters for consumers, creators, and entrepreneurs. A significant number of these matters have involved advising about some aspect of privacy law. These range from directly advising consumers on questions about their rights regarding audio and video recording laws, improper use of their photos and likeness, unwanted texts, emails, and phone calls, and assistance with various other privacy questions, to helping small non-profits and entrepreneurs who record audio and video, and collect, use, and store personal information understand how to respect user privacy and comply with the law, to helping independent creators avoid recording or

publishing content that violates various individual privacy rights. We provide a first stop for many consumers, creators, and entrepreneurs seeking legal services, and through that work we're able to triage and address privacy issues before they become a problem.

2. Consumer Education in Partnership with the California Consumer Protection Foundation and Rose Foundation - In partnership with the California Consumer Protection Foundation (CCPF), NMR produced multiple written privacy and recording law related guides for consumers. In total, these CCPF consumer privacy related guides have been visited over 350,000 times. We also produced a well-trafficked Privacy & Cell Phone Tracking Video Series consisting of 7 videos about cell phone tracking and privacy issues that reaches consumers directly through Youtube. We continued this work in partnership with the Rose Foundation.
 - [Link](#) to our guide on the California Consumer Privacy Act,
 - [Link](#) to our guide on identifying and removing cell phone tracking software,
 - [Link](#) to the mobile device privacy video series,
 - [Link](#) to guide for defendants whose private information might be exposed in mass copyright lawsuits,
 - Guides for consumers and creators to understand their rights and responsibilities regarding [use of audio and video recordings](#), and [Secret Audio & Video recordings \(including regarding section 632.7 of California Law\)](#)
 - [Link](#) to our consumer facing TCPA guide
 - [Link](#) to our business facing TCPA guide
 - [Link](#) to our guide to Advertising Law for businesses and nonprofits

3. As a member of the Federal Communications Committee's Consumer Advisory Committee - New Media Rights participated in the Consumer Empowerment, Broadband (as co-chair), Media, and IP Transition Working Groups, which regularly review and make recommendations on consumer issues that including privacy matters. At the CAC from 2011-2016, we drafted recommendations regarding the TCPA and other consumer privacy concerns. Some specific examples include:
 - a. In 2016, New Media Rights was directly involved, as part of the Consumer Empowerment Working Group, in drafting and passing recommendations regarding revisions to consumer protection regulations under TCPA that created exceptions for some companies who contact consumers regarding debt collection. Congress provided a specific exemption to the Telephone Consumer Protection Act (TCPA) regarding robocalls and texts for “made solely to collect a debt owed to or guaranteed by the United States.” This exception covered texts and phone calls to consumers regarding many financial and debt instruments backed by U.S. government. The result was a specific recommendation, passed June 10, 2016, advising the Federal Communications Commission on how to implement the exception from Congress and ensure consumer privacy protections and consumers' right to control whether they receive autodialed communications such as robocalls and texts. ([Link](#) to the full recommendation)
 - b. New Media Rights led the drafting of a recommendation regarding improving Federal Communications Commission Consumer Complaint data, including the reporting of

- TCPA related complaints such as were at issue in this case. The result is that the FCC is in the middle of a vast improvement in the way it releases consumer complaint data. This information will help researchers and regulators to better identify, monitor, and rectify consumer abuses such as robocalls and texts that may violate the TCPA.
- c. New Media Rights was directly involved in the drafting of a recommendation by the CAC in October 2014 providing guidance to the FCC on mobile device security and consumer privacy. ([Link](#) to the full recommendation)
 - d. In 2012, Art Neill was appointed to a special task force regarding consumer access to the FCC. Reviewed and submitted extensive proposed changes to FCC phone system and Online Complaint form system. As a result of the task force's work, a resolution with specific recommendations to improve consumer access was finalized in September. The resolution includes recommendations proposed by NMR.

Case for support

Our work is particularly appropriate to support because we focus on: preventing privacy problems before they start. We don't just wait for consumer complaints, but also focus on the organizations, businesses and entrepreneurs that are most likely to cause these kinds of issues for consumers. Without our legal services, many of our clients would otherwise forgo legal counsel. Since privacy law is such a specialized area of the law, seeking counsel is usually well beyond the financial capability of even a modestly funded enterprise or creator. We will provide preventative legal services and education, reaching groups whose choices can directly improve the state of consumer privacy. The result of this will be a greater consumer understanding of their rights under the law, and more organizations that design for consumer privacy today, preventing privacy related problems for years to come. We appreciate your time and consideration of this proposal, and look forward to discussing it further at your convenience.

I declare under penalty of perjury that the foregoing is true and correct, executed on July 24, 2022, pursuant to the laws of the United States and the State of California at San Diego, California.



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