

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

GEOFFREY K. DAVIDIAN,

Plaintiff,

v.

Case No. 02-CV-9453

Case Code: 30106

30301

30704

STEVE CORDER,
T. MICHAEL O'MARA,
JIMMY DALE SHIPLEY and
JOHN C. DUFFY,

Defendants.

AFFIDAVIT OF JIMMY DALE SHIPLEY

STATE OF TENNESSEE:

:SS

COUNTY OF PUTNAM :

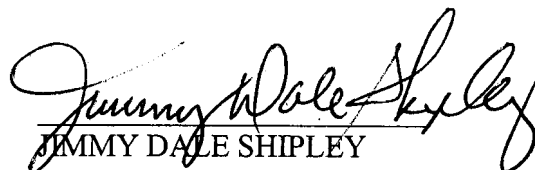
I, JIMMY DALE SHIPLEY, being first duly sworn on oath, affirm and state as follows:

1. I am an adult resident of the City of Cookeville, Putnam County, Tennessee, and I make this affidavit in support of the Defendants' motion to dismiss for lack of personal jurisdiction.

2. I have never been to the State of Wisconsin.

3. As City Manager, I have never been authorized by the Cookeville City Council to enter into a contractual agreement with Geoffrey Davidian or The Putnam Pit. Steve Corder, the City of Cookeville's Computer Operations Manager, does not have the authority to contractually bind the City of Cookeville.

4. On October 16, 2001, the plaintiff sent a letter via email to me requesting compensation for time allegedly spent as a result of the accidental upload that may have occurred. A true and correct copy of the letter is attached hereto as Exhibit A.


JIMMY DALE SHIPLEY

Sworn and subscribed before me,

on this 26TH day of NOVEMBER, 2002.

Sandra Stiel Gowler

My commission expires: 03 · 28 · 05

One of the only journalistic pit bulls on the Internet – Matt Welch, *Tabloid.net*

The Putnam Pit

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EXHIBIT

A

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TO: Jim Shipley

FROM: Geoff Davidian

October 16, 2001

Mr. Shipley:

I have obtained the logs for visitors and hits on the Putnam Pit's Web site.

As you recall, your attorney and Mr. Corder acknowledged an Oct. 26 intrusion to our site and as a result we were either totally or partially down for a number of days. In response we had to block access, reconstruct certain files and spend time assuring ourselves there was no virus uploaded.

During that period, we had the following notice as the Putnam Pit page: "On Wednesday, Sept. 26, 2001, we observed unusual activity on this site. Upon further investigation we have determined that antagonists of The Putnam Pit may have hacked this site. We regret that this action requires us to pull all files off this site until we can find the funds and technology to safeguard our files. In the meantime, if you are looking for Minnesota tobacco trial transcripts, records of lawyers disciplined by the Tennessee Board of Professional Responsibility, local commerce and tourism information, state Health Department ratings of Cookeville and Putnam County restaurants, court documents and pleadings in cases, involving local government, statistics of diseases acquired by patients while in Cookeville Regional Medical Center, graphics showing how the Putnam County Clerk of Courts' office added charges onto prisoners' costs although they weren't owed, weather, television listings or the comics, to the extent that we are able we will send them by email. To request such files, email us at geoff@putnampit.com."

I spent about 30 hours searching for files, trying to understand and fix the problem. Mr. Corder offered to help but I clearly was in no mood to offer the city passwords or other information about a site its intrusion had damaged.

Some problems continue, but for the most part I have patched the holes. For the purposes of this correspondence I will not suggest any malicious intent by the city. Yet there is no question the damage occurred.

I expect compensation for my time and for the loss of visits and hits.

If you would like to resolve this between us, I will discuss it with you. If not, please let me know how you want to go about it. Either way, I'd like to resolve the matter this week.

Thanks,

Geoff Davidian