

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

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

Case No. 07-CV-7061 (JSR/DCF)

**ECF CASE
ELECTRONICALLY FILED**

**DECLARATION OF NEAL DENTON IN
SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Neal Denton, being of mature age and having the mental capacity to do so, hereby declare and state as follows:

1. I am employed at the American National Red Cross (the "American Red Cross" or "ARC") as Senior Vice President, Service to the Armed Forces. The American Red Cross is a federally chartered nonprofit corporation located at 2025 E Street NW, Washington, DC 20006.

2. I submit this Declaration in support of Defendants' Motion for Summary Judgment based on my personal knowledge from working at the American Red Cross and other factual matters known to me.

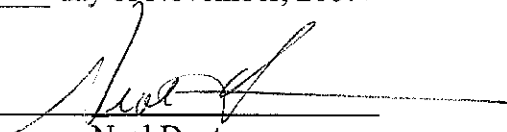
3. The Red Cross Emblem is ubiquitous in the United States as a result of its use by the American Red Cross and others authorized by the American Red Cross to display it. Most

obviously, the Emblem is critical and widely used in times of emergency or disaster. The Emblem is prominently displayed on the armbands and uniforms of American Red Cross employees and volunteers, as well as on the uniforms of the 40,000 nurses in paid and volunteer service with the American Red Cross. It is used to identify workers, volunteers, shelters, and other forms of aid provided by the American Red Cross when people are displaced or require care or support as a result of floods, hurricanes, and other natural and man-made disasters. And it is used by our manufacturing partners when they make the items bearing the Emblem that are so important during times of crisis, items ranging from water bottles and first aid kits to support material like clean-up or personal hygiene kits or simple blankets. These uses of the Emblem are critical, because the Emblem marks people, places, and items that victims can trust in time of dire need.

4. ARC is a federally chartered organization and thus has to report on its activities to Congress. The organization has provided details about its receipts from sales of products and materials to Congress in its annual reports as well as in testimony. It has also received guidance from the Department of Justice and the IRS on this important issue.

5. ARC exercises great care in identifying and training and controlling employees and volunteers whom we authorize to use the Emblem. Many volunteers are pre-screened and pre-trained and available as a “quiet corps,” available to respond on a moment’s notice anywhere in the United States. Sometimes, when the emergency warrants, the American Red Cross takes on “spontaneous volunteers,” people who have not been previously trained but who volunteer to help, and in some cases these spontaneous volunteers must also bear the Emblem. Throughout, we make every effort to screen and control those authorized to wear the Emblem, subject to the necessities of the crisis.

I declare the foregoing to be true and correct under penalty of perjury. This Declaration is executed by me in Washington, D.C. this 20th day of November, 2007.



Neal Denton