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and Simon & Schuster, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                      |   |                                  |
|--------------------------------------|---|----------------------------------|
| -----X                               |   |                                  |
| VALERIE PLAME WILSON;                | : |                                  |
| SIMON & SCHUSTER, INC.,              | : | Case No. 07 CV 4595 (BSJ)        |
|                                      | : |                                  |
| Plaintiffs,                          | : | <b>REPLY DECLARATION OF</b>      |
|                                      | : | <b>DAVID B. SMALLMAN</b>         |
| v.                                   | : | <b>IN SUPPORT OF</b>             |
|                                      | : | <b>PLAINTIFFS' MOTION</b>        |
| J. MICHAEL MCCONNELL,                | : | <b>FOR SUMMARY JUDGMENT,</b>     |
| IN HIS OFFICIAL CAPACITY AS DIRECTOR | : | <b>PERMANENT INJUNCTIVE</b>      |
| OF NATIONAL INTELLIGENCE;            | : | <b>RELIEF, AND IN OPPOSITION</b> |
| CENTRAL INTELLIGENCE AGENCY;         | : | <b>TO DEFENDANTS'</b>            |
| MICHAEL V. HAYDEN, IN HIS            | : | <b>CROSS-MOTION FOR</b>          |
| OFFICIAL CAPACITY AS DIRECTOR OF     | : | <b>SUMMARY JUDGMENT</b>          |
| CENTRAL INTELLIGENCE AGENCY,         | : |                                  |
|                                      | : |                                  |
| Defendants.                          | : |                                  |
| -----X                               |   |                                  |

I, David B. Smallman, declare as follows:

1. I am a member of the Bar of this Court and a member of Wollmuth Maher & Deutsch LLP, attorneys for plaintiffs Valerie Plame Wilson (“Valerie Wilson”) and Simon & Schuster, Inc. (“Simon & Schuster”) (collectively “plaintiffs”), in the above-captioned action. I make this declaration in further support of plaintiffs’ motion – pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York – for an Order granting summary judgment and

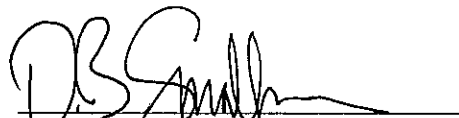
permanent injunctive relief as to their complaint filed on May 31, 2007 (“Complaint”) and in opposition to defendants’ cross-motion for summary judgment. I make this declaration on the basis of my personal knowledge, except where indicated otherwise.

2. On July 1, 2007, I conducted an online search of the Thomas.gov website and located through that search pages E118 and E119 of the January 16, 2007 Congressional Record. A true and correct copy of my letter to the Court, dated July 2, 2007, attaching the results of my July 1, 2007 search (but omitting the other attachments), is annexed hereto as Exhibit A

3. On July 20, 2007, I wrote to John A. Rizzo, Esq., Acting General Counsel, Central Intelligence Agency regarding certain email communications between Valerie Wilson and CIA’s Publications Review Board (“PRB”) during the period June 20, 2007 through July 5, 2007 and requesting that CIA “provide a specific and reasonable timeframe for PRB’s completion of its review of the revised version of Ms. Wilson’s manuscript, which PRB has now had for approximately three weeks without any substantive response.” A true and correct copy of my July 20, 2007 letter to Mr. Rizzo, together with the attached copies of email communications between Ms. Wilson and PRB, is annexed hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007.

  
David B. Smallman