

EXHIBIT 4

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11 Attorneys for Skydive Arizona, Inc.

12 IN THE UNITED STATES DISTRICT COURT FOR THE
13 DISTRICT OF ARIZONA

14 SKYDIVE ARIZONA, INC.,
15
16 Plaintiff,

Case No. 2:05-CV-2656 PHX-MHM

AFFIDAVIT OF JACK GUTHRIE

17 vs.

18 CARY QUATTROCCHI; BEN BUTLER;
19 USSO, LLC dba 1800SKYRIDE; ATLANTA
20 SC, INC.; CASC INC.; IGOVINCENT, INC.,
21 a Georgia corporation; 1800SKYRIDE.com;
22 and DOES 1 through 50,

23 Defendants.

24 STATE OF UTAH)
25) ss
26 County of Tooele)

27 I, Jack Guthrie, being first duly sworn upon my oath, depose and say:

28 1. I am over the age of 18 years old and competent to testify to the matters set forth below.

2. I have been the owner and operator of Skydive Utah under various names since 1985. I personally know the owners and operators of the two other drop zones in the State of Utah.

3. None of the drop zones in the State of Utah currently accept the gift certificates that are sold by the 1-800-Skyride entities or their affiliates, Thrillplanet,

Snell & Wilmer
LLP
LAW OFFICES
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1 Adventure Sports, IGoVincent, etc., nor have such gift certificates been accepted since at
2 least 2003 for Skydive Utah, 2004 for Skydive Ogden, and June 2006 for Skydive Moab.

3 4. Defendants continue to maintain websites that represent to consumers that
4 they have an affiliation with drop zone owners in Utah even though no such agreements or
5 affiliations exist.

6 5. In addition, Defendants use the name of my business, "Skydive Utah," in
7 their websites: <http://www.1800skyride.com/Skydiving/Utah/index.html> and
8 <http://www.thrillplanet.com/Skydiving/Utah/index.html>, without my permission.

9 6. Throughout their websites, Defendants use references to specific cities in
10 Utah to perpetuate the false impression given by their websites that Defendants have
11 affiliations and/or agreements with skydiving centers in Utah when no such affiliations or
12 agreements exist.

13 7. Neither myself nor the other drop zone owners in Utah have the financial
14 resources to commence and maintain litigation against Defendants to bring an end to their
15 deceitful and misleading websites.

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

17 DATED this 17th day of February, 2010.

18
19 By Jack Guthrie
20 Jack Guthrie

21 SUBSCRIBED AND SWORN to before me this 17th day of February, 2010, by
22 Jack Guthrie.

23 Leigh Ann Hiss
24 Notary Public

25 My Commission Expires:
26 27 OCT 13



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