

Exhibit 5

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO: 08CvD 12310

GARRY D. RENTZ,)
DONNA A. RENTZ, &)
KRISTA C. LISTER,)
Plaintiffs,)
v.)
BRADLEY COOPER,)
Defendant,)

**AFFIDAVIT OF
ROSEMARY ZEDNICK**

NOW COMES the undersigned Affiant, ROSEMARY ZEDNICK, being first duly sworn, and says the following:

1. My name is Rosemary Zednick. I am over eighteen years old, and I am competent to testify to the matters set forth herein.
2. I live at 224 Lochwood Drive West, Cary, NC 27518.
3. I am employed as an executive assistant for the vice president of business solutions at Alltel Communications. I have been employed in the same position going on twelve years though the company has changed names several times throughout the years.
4. I do not know either Brad or Nancy Cooper.
5. I was walking my dog on Saturday July 12, 2008, as I do almost every weekend.
6. I left my house at 7:00 a.m., walking toward Lochmere Drive. I walked across Lochmere Drive into the Lochmere Pool parking lot, made a left onto the path onto the sidewalk.
7. At approximately 7:10 a.m., I saw Nancy Cooper running on Lochmere Drive in the bicycle path traveling toward Kildaire Farm Road. I noticed her because I was stopped. I was not moving when she passed me. I had just pulled my dog's leash and untangled it. As she ran past me, we made eye contact (I was facing Lochmere Drive). I said hi, she turned her head and said hi back to me. She continued down Lochmere Drive. I continued toward walking toward Cary Parkway.
8. Nancy Cooper ran past facing me on Lochmere Road. She was running in the bicycle lane while I was on the sidewalk. We were almost close enough to

touch. I was walking North on Lochmere Road and Nancy was headed South toward Lilly Atkins Road.

9. I know it was approximately 7:10 a.m. because it takes me approximately ten minutes to reach the place we passed each other when I take this route walking from my house.
10. We passed facing each other, and I looked directly at her to say hello.
11. Nancy was wearing shorts and a light colored top. She had brownish hair pulled back in a ponytail and a long face. She wasn't wearing sunglasses and I could see her face. It did not appear that she had been running very long as I did not notice any sweating.
12. I am positive that the woman I saw was Nancy Cooper because I saw her picture on a flier either that very day or the next. It was a photocopied picture, but I could clearly tell that it was the woman I saw jogging. She had a longish face.
13. I did not meet or pass any other person on the morning of July 12, 2008.
14. On Sunday I saw the people searching the lake behind our house. I told my husband about seeing Nancy Cooper on Sunday, July 13, 2008 and he told me I should call the police to tell them that I had seen her. I called the police and left a voice message on a voice mail. Sometime later, a police officer called and left a message on my home phone. I called the police back and finally talked with someone. I left my statement with the police. To date, no officer has come to speak with me.
15. On several subsequent ^{weekends} ~~Saturdays~~, the police were stationed on Lochmere Drive. They were stopping people to ask if they knew anything about the missing jogger. They were also handing out fliers. I told them about having seen Nancy running at approximately 7:10 a.m. on July 12, 2008 and told them that I had already made a statement and to please review it.
16. At one point after her body was discovered during a weekday, I was coming home for lunch and the police had another road block and again I explained to them that I had seen Nancy running at approximately 7:10 a.m. on July 12, 2008. I spoke with a detective. He gave me his business card and said that they would be getting back to me. I still haven't heard from them.
17. After approximately three months with no contact with the Cary Police Department, I recently left a message at the office of Kurtz and Blum saying that I had seen Nancy Cooper on the morning of July 12, 2008 at 7:10 a.m. I left my cell phone number and my home number with the man who answered the phone at Kurtz and Blum. It took a few days for their investigator and me to be able to connect. When we finally connected, I told him what I had seen. He wanted to interview me personally and I agreed to do so. I met with him at

my house and we walked the route taken by me on the morning of July 12th. We took the dog so we could have as similar circumstances as possible. It took ten minutes to take the same route. We left at 4:00 p.m. and arrived at the same spot where I saw Nancy at 4:10 p.m. I showed him where I had seen Nancy Cooper on July 12, 2008 at 7:10 a.m. He took pictures and we both looked at our watch.

- 18. Brad Cooper's investigator was the first person to ask me detailed questions about how and when I saw Nancy. He is the only person with whom I have walked the route.
- 19. I wear contact lenses all the time. With them, I have 20/20 vision. I was wearing my contacts when I saw Nancy and could clearly see her. She was no more than ten feet away from me.
- 20. There is no question in my mind. I saw Nancy Cooper jogging at 7:10 a.m. on July 12, 2008 on Lochmere Road heading towards Lilly Adkins Road.

FURTHER AFFIANT SAYETH NAUGHT:

Rosemary Zednick
Rosemary Zednick

October 9, 2008

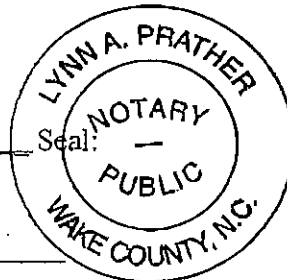
State of North Carolina
County of Wake

I, Lynn A. Prather, a Notary Public in and for the County of Wake, State of North Carolina, do hereby affirm that Rosemary Zednick did appear before me on this day and did under oath affirm that the contents of this affidavit were true and accurate and based on her personal knowledge.

This is the 9 day of October, 2008.

Witness my hand and notarial seal:

Lynn A. Prather



My commission expires: _____