

Exhibit 5

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

WAKE COUNTY

FILE NO: 08CvD 12310

GARRY D. RENTZ,
DONNA A. RENTZ, &
KRISTA C. LISTER,
Plaintiffs,

v.

BRADLEY COOPER,

Defendant,

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**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
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 on the path onto the sidewalk.
7. At approximately 7:10 a.m., I saw Nancy Cooper running on Lochmere Dr 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 hi back to me. She continued down Lochmere Drive. I continued toward walking toward Cary Parkway.

touch. ~~I was walking North on Lochmere Road and toward Lilly Atkins Road.~~

9. I know it was approximately 7:10 a.m. because it takes a few minutes to reach the place we passed each other while walking from my house.
10. We passed facing each other, and I looked directly at her.
11. Nancy was wearing shorts and a light colored top. Her hair was pulled back in a ponytail and she had a long face. She was not smiling and I could not see her face. It did not appear that she had been running and I did not notice any sweating.
12. I am positive that the woman I saw was Nancy Cooper. I saw a picture on a flier either that very day or the next. It was a close-up but I could clearly tell that it was the woman I saw. I saw her face.
13. I did not meet or pass any other person on the morning of the incident.
14. On Sunday I saw the people searching the lake behind my house. My husband and I talked about seeing Nancy Cooper on Sunday, June 15, 2008. I should call the police to tell them that I had seen her. I left a voice message on a voice mail. Sometime later I called the police and left a message on my home phone. I called the police and talked with someone. I left my statement with the police and they have come to speak with me.
15. On several subsequent ^{weekends} ~~Saturdays~~, the police were on the 1000 Drive. They were stopping people to ask if they knew anything about the missing jogger. They were also handing out fliers. I have seen Nancy running at approximately 7:10 a.m. on several occasions. I told them that I had already made a statement and to please stop.
16. At one point after her body was discovered during the search of my home for lunch and the police had ~~another~~ ^{another} road block they told me that I had seen Nancy running at approximately 7:10 a.m. on the morning of June 15, 2008. I spoke with a detective. He gave me his business card and they would be getting back to me. I still haven't heard from them.
17. After approximately three months with no contact from the Police Department, I recently left a message at the office of the Police Department that I had seen Nancy Cooper on the morning of June 15, 2008. I left my cell phone number and my home number with them.

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 question 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 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. July 12, 2008 on Lochmere Road heading towards Lilly Adkins Road.

FURTHER AFFIANT SAYETH NAUGHT:

Rosemary Zednick October 9, 2008
Rosemary Zednick

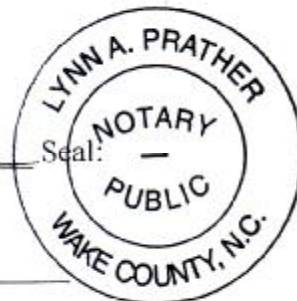
State of North Carolina
County of Wake

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: _____