

No. 11-16933

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**ADKNOWLEDGE, INC., d/b/a Super
Rewards and KITN MEDIA USA, INC.,
d/b/a Super Rewards,**

Appellants - Defendants,

v.

**REBECCA SWIFT, on behalf of herself &
all others similarly situated,**

Respondent - Plaintiff.

**APPEAL FROM THE UNITED STATES COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
(Hon. Elizabeth D. Laporte)
No. 4:09-CV-05443 EDL**

**DECLARATION OF DEREK LINKE
IN SUPPORT OF APPELLANTS'
RESPONSE TO ORDER TO SHOW CAUSE**

NEWMAN DU WORS LLP

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I, Derek Linke, declare as follows:

1. I am counsel of record for Appellants Adknowledge, Inc. and KITN Media, Inc. I am over eighteen (18) years of age, am competent to testify to the matters stated in this declaration, and make this declaration from personal knowledge of those matters.
2. This appeal is taken from the district court’s “Order Granting Zynga’s Motion to Compel Arbitration; Granting in Part and Denying in Part Other Defendants’ Parallel Motion to Stay; Denying as Moot: (1) Motion to Compel Discovery, (2) Motion to Hear Cross-Motion to Stay Discovery on Shortened Time, (3) Motion to Stay Discovery; Granting Motion to Seal” (the “Order”). A true and correct copy of the Order is attached as Exhibit A.
3. A true and correct copy of the First Amended Complaint, which Respondent-Plaintiff Rebecca Swift filed in the district court action, is attached as Exhibit B.
4. A true and correct copy of (now-dismissed) Defendant Zynga Inc.’s Notice of Motion and Motion to Compel Arbitration and Motion to Stay Litigation and the accompanying Memorandum of Points and Authorities, which Defendant Zynga filed in the district court action, is attached as Exhibit C.

5. A true and correct copy of the Joinder of Defendants Adknowledge , Inc. and KITN Media USA Inc. to Defendant Zynga Inc.'s Motion to Compel Arbitration and Motion to Stay Litigation, filed in the district court action, is attached as Exhibit D.
6. A true and correct copy of the district court's order dismissing all claims against Zynga with prejudice and further lifting the stay of proceedings, is attached as Exhibit E.

I certify and declare under the penalty of perjury under the laws of the United States that to my knowledge the foregoing is true and correct.

September, 26 2011.

Derek Linke