

EXHIBIT 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ashley Lynn Kirk
HAYES SOLOWAY PC
3450 E. Sunrise Drive, Suite 140
Tucson, AZ 85718
Telephone: (520) 882-7623
Facsimile: (520) 882-7643

Attorneys for Defendants
TIM OEY and JANE DOE OEY

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

THE FREECYCLE NETWORK, INC.,
an Arizona non-profit organization,

Plaintiff,

v.

TIM OEY and JANE DOE OEY,

Defendants

CASE NO. CIV 06-173-TUC-RCC

**DECLARATION OF DEFENDANT
PAT OEY IN SUPPORT OF
MOTION TO STAY OR TRANSFER**

Date: May 9, 2005
Time: 3:00 p.m.
Before: Hon. Raner C. Collins
Location: Courtroom 5B

I, Pat Oey, declare as follows:

1. I am a resident of Sunnyvale, California, and I reside at 795 Allison Way, Sunnyvale, California 94087.
2. I am married to Timothy Oey, who also resides at at 795 Allison Way, Sunnyvale, California 94087.
3. I am not a member of FreecycleSunnyvale, and I am not involved in freecycling other than to point out items that my husband was freecycling to people who would come to pick up the items at our house. I also accompanied my husband to one social event, a picnic for people involved in freecycling in the spring of 2005.
4. The only time that I was physically present in Arizona was during the spring of

44020053.2

1 1994 when I spent approximately one day visiting the Four Corners and Monument Valley areas
2 on a sightseeing trip with my husband and child.

3 5. On Thursday, April 20, 2006, at approximately 7:35 p.m., I was served at my
4 residence with two sets of documents. Both sets of documents had a cover page representing that
5 the cover page was a summons in a civil case in the United States District Court for the District of
6 Arizona. One cover page was addressed to Jane Doe Oey. The other cover page was addressed
7 to Tim Oey. Both sets of documents included:

- 8 (a) The complaint in the above-captioned lawsuit;
- 9 (b) A motion for a temporary restraining order;
- 10 (c) A motion for a preliminary injunction;
- 11 (d) A memorandum in support of the motions for a temporary restraining order
12 and preliminary injunction;
- 13 (e) The Declaration of Esha Bandyopadhyay with attachments;
- 14 (f) The Declaration of Deron Beal with attachments;
- 15 (g) Proposed orders for a temporary restraining order and preliminary
16 injunction.

17 6. On Thursday, April 20, 2006, when I was served with the documents described in
18 Paragraph 5, my husband, Tim Oey, was in transit and returning from a trip to India.

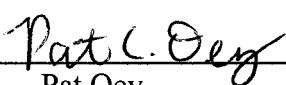
19 7. On Friday, April 21, 2006, at approximately 10:00 a.m., I delivered a copy of both
20 sets of the above-described documents to Dennis S. Corgill, at the offices of Mayer, Brown,
21 Rowe & Maw LLP, Two Palo Alto Square, Suite 300, 3000 El Camino Real, Palo Alto,
22 California 94306.

23 8. On Friday, April 21, 2006, at approximately 2:30, my husband, Tim Oey, returned
24 from his trip to India, and I gave him the documents described in Paragraph 5.

25 9. At no time prior to April 20, 2006, was I aware that a lawsuit had been filed in
26 Arizona by The Freecycle Network, Inc., and against my husband, Tim Oey, or his wife, "Jane
27 Doe" Oey.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the United States of America that
theoregoing is true and correct. Executed in Sunnyvale, California, on May 2, 2006.



Pat Oey