

# EXHIBIT B

1 Ashley Lynn Kirk  
2 HAYES SOLOWAY PC  
3 3450 E. Sunrise Drive, Suite 140  
4 Tucson, AZ 85718  
5 Telephone: (520) 882-7623  
6 Facsimile: (520) 882-7643

7  
8 Attorneys for Defendants  
9 TIM OEY and JANE DOE OEY

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF ARIZONA

12 THE FREecycle NETWORK, INC.,  
13 an Arizona non-profit organization,

14 Plaintiff,

15 v.

16 TIM OEY and JANE DOE OEY,

17 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

18  
19 I, Pat Oey, declare as follows:

20 1. I am a resident of Sunnyvale, California, and I reside at 795 Allison Way,  
21 Sunnyvale, California 94087.

22 2. I am married to Timothy Oey, who also resides at at 795 Allison Way, Sunnyvale,  
23 California 94087.

24 3. I am not a member of FreecycleSunnyvale, and I am not involved in freecycling  
25 other than to point out items that my husband was freecycling to people who would come to pick  
26 up the items at our house. I also accompanied my husband to one social event, a picnic for people  
27 involved in freecycling in the spring of 2005.

28 4. The only time that I was physically present in Arizona was during the spring of

44020053.2

-1-

DECLARATION OF DEFENDANT PAT OEY

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

44020053.2

-2-

DECLARATION OF DEFENDANT PAT OEY

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