

**DeCONCINI McDONALD  
YETWN & LACY, P.C.**  
2525 East Broadway, Suite 200  
Tucson, Arizona 85716-5300  
Telephone: 520-322-5000  
Facsimile: 520-322-5585  
LISA ANNE SMITH, AZ Bar No. 016762  
([lsmith@dmyl.com](mailto:lsmith@dmyl.com))  
SHEFALI MILCZAREK-DESAI, AZ Bar No. 021237  
([smdesai@dmyl.com](mailto:smdesai@dmyl.com))

**PERKINS COIE LLP**  
101 Jefferson Drive  
Menlo Park, California 94025-1114  
Telephone: (650) 838-4300  
Facsimile: (650) 838-4350  
(Admitted *pro hac vice*)  
LISA KOBIALKA  
([Lkobialka@perkinscoie.com](mailto:Lkobialka@perkinscoie.com))  
ESHA BANDYOPADHYAY  
([EBandyopadhyay@perkinscoie.com](mailto:EBandyopadhyay@perkinscoie.com))  
SEAN BOYLE  
([Sboyle@perkinscoie.com](mailto:Sboyle@perkinscoie.com))

Attorneys for Plaintiff  
THE FREECYCLE NETWORK, INC.

IN THE 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. CV 06-173 RCC

**DECLARATION OF LISA KOBIALKA  
IN SUPPORT OF THE FREECYCLE  
NETWORK, INC.'S OPPOSITION TO  
DEFENDANTS' MOTION TO STAY  
OR TRANSFER**

Date: June 16, 2006

Time: 11 a.m.

Judge: Hon. Raner C. Collins

Location: Tucson Courtroom 5B

I, LISA KOBIALKA, declare as follows:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for Plaintiff The Freecycle Network, Inc. (“The Freecycle Network”). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Deron Beal in Support of The Freecycle Network, Inc.’s *Ex Parte* Motion for Temporary Restraining Order and Motion For Preliminary Injunction, filed April 9, 2006.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Deron Beal in Support of the Freecycle Network Inc.’s Reply to Defendant’s Opposition to Motion for Preliminary Injunction, filed May 8, 2006.

4. At the April 24, 2006, hearing on The Freecycle Network’s *Ex Parte* Motion for Temporary Restraining Order, Ian Feinberg and Dennis Corgill of Mayer Brown Rowe & Maw (“Mayer Brown”) appeared telephonically on behalf of Mr. Oey as an individual. During this hearing, at no time did Mayer Brown inform The Freecycle Network or the Court that it was not representing Mr. Oey as an individual. Mayer Brown’s appearance at the April 24, 2006, hearing is reflected in the Court’s minutes from the hearing. Attached hereto as Exhibit 3 is a true and correct copy of the Court’s Civil Minutes from the April 24, 2006 hearing.

5. On May 1, 2006, Mr. Corgill sent a letter indicating that Mayer Brown was no longer representing Mr. Oey as an individual. Attached hereto as Exhibit 4 is a true and correct copy of Mr. Corgill’s letter of May 1, 2006.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed this 18th day of May 2006 in Menlo Park, California.

\_\_\_\_\_  
/s/  
Lisa Kobialka