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2008 DEC 12 PM 4:02
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
HMD

FILED

11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA

13 PERFECT 10, INC., a California
14 corporation,

15 Plaintiff,

16 vs.

17 GOOGLE INC., a corporation; and
18 DOES 1 through 100, inclusive,

19 Defendants.

20 AND COUNTERCLAIM

21 PERFECT 10, INC., a California
22 corporation,

23 Plaintiff,

24 vs.

25 AMAZON.COM, INC., a corporation;
26 A9.COM, INC., a corporation; and
27 DOES 1 through 100, inclusive,

28 Defendants.

CASE NO. CV 04-9484 AHM (SHx)
[Consolidated with Case No. CV 05-
4753 AHM (SHx)]

DECLARATION OF THOMAS D. NOLAN REGARDING TECHNICAL FAILURES IN THE ECF SYSTEM RESULTING IN GOOGLE INC.'S INABILITY TO ELECTRONICALLY FILE THE NOTICE OF MANUAL FILING OF THE DECLARATION OF ANDREA PALLIOS ROBERTS, GOOGLE'S APPLICATION AND (PROPOSED) ORDER TO SEAL, AND PROOF OF SERVICE

Hon. A. Howard Matz

Date: December 18, 2008

Time: 3:00 pm

Crtrm.: 14

Discovery Cutoff: None Set

Pretrial Conference Date: None Set

Trial Date: None Set

ORIGINAL


1 I, Thomas D. Nolan, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney with
3 Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for Defendant Google Inc.
4 ("Google") in this action. I make this declaration of my personal and firsthand
5 knowledge and, if called and sworn as a witness, could and would competently
6 testify thereto.

7 2. On December 12, 2008, between the hours of 1:00 pm and 3:30 pm, I
8 made multiple attempts to access the ECF system in order to electronically file the
9 Notice of Manual Filing of the Declaration of Andrea Pallios Roberts in Support of
10 Google's Response to the Court's Tentative Order Dated December 2, 2008 and
11 Opposition to Contemplated Stay, Google's Application and (Proposed) Order to
12 Seal, and Proof of Service. After each attempt, my Internet browser (Internet
13 Explorer) indicated that "[t]he page cannot be displayed." Accordingly, all attempts
14 to electronically file the document were unsuccessful.

15 3. At approximately 2:15 pm on December 12, 2008, I contacted the ECF
16 Help Desk at 213-894-0242, and received confirmation that the ECF website was
17 down and unavailable, that the Help Desk personnel were aware of the problem, and
18 that while they were working to fix the problem, they were unsure when it would be
19 fixed.

20 I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct. Executed December 12, 2008 at Los
22 Angeles, California.

23 
24 Thomas D. Nolan