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ENTREPRENEUR MEDIA, INC.

7 UNITED STATES DISTRICT COURT
8 FOR THE CENTRAL DISTRICT OF CALIFORNIA
9

10 ENTREPRENEUR MEDIA, INC.,)
11 Plaintiff,)
12 v.)
13 EYGN LIMITED; ERNST & YOUNG)
14 LLP; and ERNST & YOUNG)
ADVISORY INC.,)
15 Defendants.)

Case No. SACV08-0608 DOC

DECLARATION OF MICHAEL R. ADELE IN OPPOSITION TO MOTIONS FOR JUDGMENT ON THE PLEADINGS AND, IN THE ALTERNATIVE, TO TRANSFER

Date: December 22, 2008
Time: 8:30 a.m.
Ctrm: 9D
Judge: Hon. David O. Carter

16 EYGN Limited and ERNST &)
17 YOUNG LLP)
18 Counterclaimants,)
19 v.)
20 ENTREPRENEUR MEDIA, INC.)
21 Counterdefendant.)
22

23 I, Michael Adele, hereby declare:

24 1. I am counsel of record to Plaintiff Entrepreneur Media, Inc.
25 ("Plaintiff"). I know each of the following facts to be true of my own personal
26 knowledge and if called as a witness, I could and would competently testify
27 with respect thereto.
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1 2. Many third-party witnesses in this action live and work in
2 California. For instance, I am informed that the following entities in California
3 have been running their own entrepreneur of the year contests and are likely
4 to be called by Plaintiff to testify in this action:

- 5 • The University of Southern California, located in Los Angeles,
6 which has been holding "entrepreneur of the year" awards since
7 1977;
- 8 • Hispanic Business Magazine, published by Hispanic Business
9 Inc. located in Santa Barbara, which has been holding
10 "entrepreneur of the year" awards since 2002;
- 11 • Loyola Marymount University, located in Los Angeles, which has
12 been holding "entrepreneur of the year" awards since 2003; and
- 13 • The San Diego Chamber of Commerce, which as been holding
14 "entrepreneur of the year" awards since at least 2007.

15 Each of the foregoing entities referenced in Plaintiff's Complaint will likely
16 have at least one or two individuals who will be called upon to testify in this
17 action regarding their entrepreneur of the year contests. Testimony regarding
18 these (and other) California entities' longstanding (and recent) practice of
19 holding "entrepreneur of the year" contests is extremely important to Plaintiff's
20 case, as is the ability to compel representatives of these entities to appear
21 and testify at trial (something Plaintiff cannot do if the matter is tried in New
22 York). Moreover, the ability to convince such parties to appear voluntarily will
23 be prejudiced if the matter is tried in New York, rather than in the Central
24 District of California (which is a relatively short drive from said persons' place
25 of employment).

26 3. Online California Secretary of State records indicate that Ernst &
27 Young Advisory, Inc. is the only Ernst & Young entity registered to do
28 business in California. There is no online record of Ernst & Young LLP being

1 registered with the California Secretary of State to do business here. A true
2 and correct copy of the online Secretary of State records are attached hereto
3 as Exhibit A.

4 4. Online Yellow Pages records, however, list twelve offices for
5 Ernst & Young LLP in California. Attached hereto as Exhibit B is a true and
6 correct copy of the Yellow Pages.Com listing for Ernst & Young LLP in
7 California.

8 5. Ernst & Young LLP's "The Enterpriser Survey Report of
9 2001/2002," which I obtained online, showed Ernst & Young LLP as the
10 owner of the registered ENTREPRENEUR OF THE YEAR trademark. A true
11 and correct copy of said report is attached hereto as Exhibit C hereto.

12 6. Ernst & Young LLP's "Outline for a Business Plan," which I
13 obtained online, showed Ernst & Young LLP as the owner of the registered
14 ENTREPRENEUR OF THE YEAR trademark. A true and correct copy of
15 said report is attached hereto as Exhibit D.

16 7. The online records of the Patent and Trademark Office show that
17 the ENTREPRENEUR OF THE YEAR trademark was owned by Ernst &
18 Young LLP for a number of years, and then transferred to EYGN Limited. A
19 true and correct copy of the Trademark Assignment Abstract of Title that I
20 obtained from the Patent and Trademark Office's website is attached hereto
21 as Exhibit E.

22 8. Ernst & Young LLP's website indicates that it is running regional
23 "entrepreneur of the year" contests in California in Greater Los Angeles,
24 Northern California, the Orange County/Desert Cities and San Diego. A true
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1 and correct copy of the Entrepreneur of the Year Regional Programs Map
2 that I obtained online is attached hereto as Exhibit F.

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Executed this 8th of December, 2008, at Irvine, California.



Michael Adele