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 14 CAPITAL ONE BANK and  
 CAPITAL ONE FINANCIAL CORPORATION  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

19 DAVID VAN SLYKE, *et al.*, On Behalf of  
 Themselves and All Others Similarly Situated,

20 Plaintiffs,

21 v.

22 CAPITAL ONE BANK, CAPITAL ONE  
 23 FINANCIAL CORPORATION and DOES 1-  
 100, inclusive,

24 Defendants.  
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Case No. C07-0671 WHA (EDL)

**CLASS ACTION**

**DECLARATION OF MIA MAZZA IN  
 SUPPORT OF DEFENDANT CAPITAL  
 ONE BANK'S MOTION TO SHORTEN  
 TIME ON MOTION FOR DISCOVERY  
 SANCTIONS AS TO FRANKLIN CHAN**

Hon. Elizabeth D. Laporte

Complaint filed: Feb. 1, 2007

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1 I, Mia A. Mazza, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel of record for  
3 Capital One. I am licensed to practice law in the State of California and before this Court. I  
4 submit this Declaration in support of the Motion to Shorten Time on Motion for Discovery  
5 Sanctions as to Franklin Chan (“Motion”) filed by Capital One Bank (“Capital One”) herewith. I  
6 have personal knowledge of the matters stated herein, except for any items stated on information  
7 and belief, which I am informed and believe are true. If called as a witness I could and would  
8 competently testify to the matters set forth herein.

9 2. At approximately 2:52 p.m. on August 22, 2007, I sent a letter by facsimile and  
10 email to counsel for Franklin Chan, Jacqui Mottek of Lerach Coughlin Stoia Geller Rudman &  
11 Robbins LLP, asking for Mr. Chan’s stipulation to the expedited schedule requested in the  
12 Motion. I also called Ms. Mottek to discuss this matter but I was told that she was out of the  
13 office. As of 11:00 p.m., I have not received a response to the letter.

14 3. There have been no time modifications by either stipulation or court order with  
15 respect to the Motion.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is  
17 true and correct.

18 Executed on August 22, 2007, at San Francisco, California.

19  
20 /s/ Mia A. Mazza  
Mia A. Mazza

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