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5 Attorneys for Plaintiff
6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11
12 Plaintiff,
13 v.

14 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

15 Defendant.

Case No. C 06 2361 WHA (JCS)

**DECLARATION OF EUGENE M. PAIGE
IN SUPPORT OF NETFLIX'S MOTION
TO COMPEL**

Date: December 8, 2006
Time: 9:30 a.m.
Judge: Hon. Joseph C. Spero

Complaint filed: April 4, 2006

1 I, EUGENE M. PAIGE, declare and state as follows:

2 1. I am an attorney duly licensed to practice before this Court, and am associated with
3 Keker & Van Nest, LLP, counsel to Plaintiff and Counterclaim-Defendant Netflix, Inc.
4 (“Netflix”). I have personal knowledge of the facts set forth below, and if called to testify as a
5 witness thereto could do so competently under oath.

6 2. On August 31, 2006, Netflix served its First Set of Requests for the Production of
7 Documents on Defendant and Counterclaim-Plaintiff Blockbuster, Inc. (“Blockbuster”). A true
8 and correct copy of those Requests is attached hereto as Exhibit A.

9 3. On October 2, 2006, Blockbuster served its Responses and Objections to Netflix’s
10 First Set of Requests for the Production of Documents. A true and correct copy of those
11 Responses and Objections is attached hereto as Exhibit B.

12 4. Netflix sent a letter to Blockbuster on October 9, 2006, asking Blockbuster to remedy
13 certain deficiencies in its Responses and Objections. A true and correct copy of the letter is
14 attached hereto as Exhibit C.

15 5. On October 13, 2006, the parties personally met and conferred in San Francisco
16 regarding the deficiencies in Blockbuster’s Responses and Objections. Although some issues
17 were resolved then and subsequent to then, the parties could not come to an agreement on all
18 issues..

19 6. On October 25, 2006, Netflix sent a letter to Blockbuster memorializing the parties’
20 telephonic meet-and-confer session that took place on that date. A true and correct copy of that
21 letter is attached hereto as Exhibit D.

22 7. On October 26, 2006, Netflix sent a letter to Blockbuster, memorializing the parties’
23 telephonic meet-and-confer session that took place on that date. A true and correct copy of that
24 letter is attached hereto as Exhibit E.

25 8. The parties outlined the discovery issues that remain in contention in a joint letter
26 executed on November 2, 2006. A true and correct copy of that letter is attached hereto as
27 Exhibit F.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on this 2nd day of November, 2006, at San Francisco,
3 California.

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7 /s/ Eugene M. Paige
8 EUGENE M. PAIGE
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