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5 Attorneys for Plaintiffs  
 ELECTRONIC ARTS INC. and ELECTRONIC ARTS MUSIC  
 6 PUBLISHING, INC.

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

12 ELECTRONIC ARTS INC., a Delaware  
 Corporation, and ELECTRONIC ARTS  
 13 MUSIC PUBLISHING, INC., a Delaware  
 Corporation,

14 Plaintiffs,

15 v.

16 GIANT PRODUCTIONS, a French  
 17 Corporation, NAJIB MARC REGHAY, an  
 individual, and ALEXANDRA BERTHET, an  
 18 individual,

19 Defendants.

Case No. C06-3403 JSW

**DECLARATION OF RYAN M. KENT IN  
 SUPPORT OF REQUEST TO ENTER  
 DEFAULT**

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1 I, RYAN M. KENT, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an  
3 associate in the law firm of Kecker & Van Nest, LLP, counsel for Plaintiffs Electronic Arts Inc.  
4 and Electronic Arts Music Publishing, Inc. (collectively "EA") in the above-captioned matter.  
5 Except as otherwise noted, I have personal knowledge of the facts stated in this Declaration, and  
6 if called as a witness I could and would competently testify to them under oath.

7 2. On May 24, 2006, EA filed the Complaint against Defendants Giant Productions,  
8 Najib Reghay, and Alexandra Berthet. EA elected to request waiver of service from Defendants.  
9 Counsel for EA thus sent a letter by email and federal express to counsel for Defendants  
10 enclosing requests for waiver of formal service of process and explaining the procedure set forth  
11 in Rule 4(d). Specifically, the letter informed Defendants' counsel that:

12 This procedure is intended to reduce the costs that adhere to formally serving  
13 process. By agreeing to accept service, you will grant your clients an extension of  
14 time that your clients must respond to the Complaint to 90 days from the date  
15 when the request for waiver was sent. On the other hand, if you refuse to do so,  
16 we will serve the Complaint by formal means and the law requires your clients  
17 pay the costs of such formal service absent "good cause" for refusal. If you wish  
18 to confirm my brief summary of the law, you may review Federal Rule of Civil  
19 Procedure 4, which governs requests to waive formal service of process.

20 The letter concluded by requesting that Defendants' counsel "sign and date the waiver of formal  
21 service of process as indicated on those forms and return them to us using the self-addressed  
22 envelope provided." The requests for waiver of service complied in every way with Rule 4(d).

23 3. Each Defendant agreed to waive service and returned executed waivers of service  
24 to EA. EA filed those executed waivers on June 5, 2006. No Defendant, however, has filed a  
25 responsive pleading.

26 I declare under penalty of perjury that the foregoing is true and correct and that this  
27 declaration was executed at San Francisco, California, on September 13, 2006.  
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/s/ Ryan Kent  
RYAN M. KENT

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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Kecker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On September 13, 2006, I served the following document(s):

**DECLARATION OF RYAN M. KENT IN SUPPORT OF REQUEST TO ENTER DEFAULT**

by **FEDERAL EXPRESS**, by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Kecker & Van Nest, LLP for correspondence for delivery by FedEx Corporation. According to that practice, items are retrieved daily by a FedEx Corporation employee for overnight delivery.

Béatrice Dubreuil  
Association d'Avocats  
121, Champs Elysées  
75008 PARIS – FRANCE

Executed on September 13, 2006, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Maureen L. Stone  
MAUREEN L. STONE