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9 Attorneys for Defendant
 10 BARRY BONDS

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,
 16 Plaintiffs,
 17 vs.
 18 BARRY LAMAR BONDS,
 19 Defendants

) Case No.: CR 07-0732 SI
)
) DECLARATION OF ALLEN RUBY
) CONCERNING INQUIRY INTO
) POTENTIAL CONFLICT OF
) INTEREST

- 20
- 21 I, ALLEN RUBY, declare:
- 22 1. I am one of the attorneys of record for defendant Barry L. Bonds.
 - 23 2. I make this declaration from my personal knowledge.
 - 24 3. I previously represented Dr. Arthur Ting in connection with a subpoena served
 25 upon him in April, 2005. Since I returned Dr. Ting's file to him after my representation
 26 ended, I do not presently have a copy of the subpoena, but I believe that it called for him to
 27 produce certain medical records.
 - 28 4. According to my billing records, my representation of Dr. Ting began on

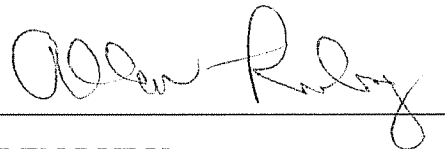
1 approximately April 22, 2005, and continued through May 23, 2005. My records show that
2 I performed no additional services for Dr. Ting after May 23, 2005, until April 13, 2006,
3 when another subpoena was served on him. I may have accepted service of the subpoena on
4 his behalf, but I am not sure. Thereafter Dr. Ting was represented solely by his long-time
5 attorney, Mr. Dan Alberti, of McDermott, Will & Emery. My billing records show that the
6 last services I performed for Dr. Ting were on April 14, 2006 when I talked to Mr. Alberti
7 and sent a letter to Dr. Ting, which I believe confirmed that I would not be representing him
8 going forward.

9 5. Before I was retained by Mr. Bonds in the present case, I informed him that I
10 had previously represented Dr. Ting. I also informed Mr. Bonds of his right to seek
11 independent legal advice in connection with any conflict of interest issues.

12 6. It is my understanding that Mr. Bonds has received independent legal advice
13 from Mr. Michael Rains concerning my prior representation of Dr. Ting.

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

16 Executed this 2nd day of January at San Jose, California.

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18 _____
19 ALLEN RUBY

20 I:\Bonds\P\Ruby Decl.doc

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