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8 Attorney for Plaintiff
 9 IO GROUP, INC.

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

12	IO GROUP, INC. v. GILBERT MICHAEL)	CASE NO. C-07-5026 (MHP)
13	GONZALES, et al.)	
14	In Re IO GROUP, INC.)	CASE NO. C-07-80228-MSC. (SI)
15)	DECLARATION OF GILL SPERLEIN IN
16)	SUPPORT OF PLAINTIFF IO GROUP,
17)	INC.'S NOTICE OF RELATED
18)	MATTERS (MOTION FOR
19)	ADMINISTRATIVE RELIEF)

20 I, GILL SPERLEIN, declare:

- 21 1. I am an attorney at law licensed to practice in the State of California and attorney of
- 22 record for Plaintiff Io Group, Inc.
- 23 2. On September 28, 2007, on behalf of Io Group, Inc., I filed in the United States
- 24 District Court for the Northern District of California a civil complaint against Gilbert Michael
- 25 Gonzales and twenty-one John Does. The Clerk randomly assigned the case to the Honorable
- 26 Marilyn Hall Patel attaching the docket number C-07-5026 (MHP).
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1 3. Subsequently on September 28, 2007, on behalf of Io Group, Inc., I requested that
2 the Clerk of the Court issue a Subpoena to Ning, Inc. under the unique subpoena provisions
3 designed to quickly identify on-line infringers as set forth at 17 U.S.C. § 512(h). As is customary,
4 the Clerk of the Court opened a miscellaneous case file and the matter was randomly assigned to
5 the Clerk of the Court opened a miscellaneous case file and the matter was randomly assigned to
6 the Honorable Susan Illston, attaching the docket number C-07-80228-MISC (SI).

7 4. The above referenced cases are related in the following manner: a) The cases have
8 virtually the same parties in that the plaintiff is identical in both cases, and the purpose of the
9 DMCA subpoena is to assist in establishing the true identities of the defendants identified as
10 DOES in the matter of *Io Group, Inc. v. Gonzales*, C-07-5026 (MHP); and b) the matters pertain to
11 identical property rights, namely copyrights owned by plaintiff Io Group, Inc. and infringed by the
12 DOE Defendants.
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14 5. If the cases are conducted before different judges there is likely to be an unduly
15 burdensome duplication of labor and expense.
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17 6. Because the claims in the above-referenced cases involve virtually identical parties
18 and the purpose of the subpoena is merely to establish the identities of defendants in *Io Group,*
19 *Inc. v. Gonzales*, C-07-5026 (MHP), Plaintiff Io Group, Inc. contends that assignment of the two
20 matters to the Honorable Marilyn Hall Patel will likely conserve judicial resources and promote
21 efficient determination of the actions.
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7. A stipulation could not be obtained regarding this Motion for Administrative Relief in compliance with Local Civil Rule 7-11(a) because: a) parties are not authorized to relate cases via stipulation and b) no defendants have yet to appear.

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: *October 4, 2007*

Respectfully submitted,

/s/ Gill Sperlein

GILL SPERLEIN,
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I am over 18 years of age, am employed in the county of San Francisco, at 69 Converse Street, San Francisco, California, 94110 in the office of a member of the Bar of the United States District Court for the Northern District of California. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with United Parcel Service and correspondence is deposited with United Parcel Service that same day in the ordinary course of business. Today I served the attached:

- **PLAINTIFF IO GROUP, INC.'S NOTICE OF RELATED MATTERS (MOTION FOR ADMINISTRATIVE RELIEF); AND [PROPOSED] ORDER;**
- **DECLARATION OF GILL SPERLEIN IN SUPPORT OF NOTICE OF RELATED MATTERS;**

by causing a true and correct copy of the above to be placed in United Parcel Service at San Francisco, California in a sealed envelope with postage prepaid, addressed as follows:

Gilbert Michael Gonzales
66640 Granada Avenue
Desert Hot Springs, CA 61867

United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

The Honorable Susan Illston
CHAMBERS COPY

United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

e-filing Chambers Copy
Io Group, Inc. v. Gonzales, C-07-5026 (MHP)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 4, 2007.

/s/ Steve Azbell
Steve Azbell

I hereby attest that this is the declaration of Steve Azbell and the original with Steve Azbell's holographic signature is on file for production for the Court if so ordered, or for inspection upon request by any party. Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: *October 4, 2007*

/s/ Gill Sperlein
GILL SPERLEIN,
Counsel for Plaintiff Io Group, Inc.