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9 Attorneys for Defendants  
THE CALIFORNIA CARS INITIATIVE, INC.  
10 and FELIX KRAMER and  
Third Party DAVE BAGSHAW  
11

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 CALCAR, INC., a California corporation; and  
17 AMERICAN CALCAR, INC., a Delaware  
corporation,

18 Plaintiffs,

19 v.

20 THE CALIFORNIA CARS INITIATIVE, INC., an  
unknown business entity; and FELIX KRAMER, an  
21 individual,

22 Defendants.  
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Case No. 3:08-MC-80083 MHP (WDBx)

Underlying Civil Action Pending in U.S.  
District Court for the Central District of  
California (Civil Action Case No.  
SACV07-00723)

**DECLARATION OF JAMES C.  
PISTORINO IN SUPPORT OF  
OPPOSITION TO PLAINTIFFS'  
MOTION TO SHORTEN TIME**

**Honorable Wayne D. Brazil**

1 I, James C. Pistorino, declare as follows:

2 1. I make the following declaration based on my personal knowledge and of my own free  
3 will. I am over 21 years of age. I am an attorney and partner at Howrey LLP and am admitted to  
4 practice in the State of California. I represent Third Party Dave Bagshaw, Third Party Ron Gremban,  
5 and Defendants The California Cars Initiative, Inc. and Felix Kramer in this action. The statements set  
6 forth herein are based upon my own personal knowledge and I would testify as set forth if called as a  
7 witness at trial.

8 2. Attached hereto as Exhibit A is a true and correct copy of an email from G. Warren  
9 Bleeker to James Pistorino and William Rooklidge, dated June 30, 2008, enclosing a copy of Plaintiffs'  
10 motion to compel and accompanying documents.

11 3. Attached hereto as Exhibit B is a true and correct copy of a letter from James C. Pistorino  
12 to G. Warren Bleeker, dated May 18, 2008.

13 4. Attached hereto as Exhibit C is a true and correct copy of an excerpt from the transcript  
14 of the deposition of Ronald Gremban, taken on June 19, 2008.

15 5. Attached hereto as Exhibit D is a true and correct copy of an excerpt of an email from  
16 Brian Brookey to James Pistorino, dated June 26, 2008.

17 6. On June 19, 2008, I represented Ron Gremban during a deposition conducted by counsel  
18 for Plaintiffs, Mr. Warren Bleeker. During the deposition, Mr. Bleeker laughed at Mr. Gremban in a  
19 disrespectful manner when Mr. Gremban sought clarification as to what Mr. Bleeker meant by a "type"  
20 of computer program. Because the deposition was not being videotaped, I noted Mr. Bleeker's conduct  
21 on the record.

22 7. I understand that Mr. Dave Bagshaw has been traveling on a family vacation since last  
23 week and I only have intermittent contact with him. Mr. Bagshaw has informed me that he will return  
24 to the Bay Area after the July 4th holiday. I understand that Mr. Bagshaw does not have access to  
25 facilities to print or scan documents. However, I communicated Mr. Bagshaw's declaration to him and  
26 he affirmed the statements therein. Mr. Bagshaw authorized me to execute the declaration for him and  
27 he affirmed that he will execute an original of the declaration upon his return.

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