

EXHIBIT C

DECLARATION OF RYAN BRICKER IN SUPPORT OF
PLAINTIFF SONY COMPUTER ENTERTAINMENT AMERICA
LLC'S OPPOSITION TO DEFENDANT GEORGE HOTZ'S
MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND IMPROPER VENUE

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14 Attorneys for Defendant George Hotz

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 SONY COMPUTER ENTERTAINMENT
19 AMERICA LLC, a Delaware limited liability
20 company,

21 Plaintiff,

22 v.

23 GEORGE HOTZ, et al.,

24 Defendants.

Case No. 11-CV-000167 SI

**DEFENDANT GEORGE HOTZ'S RES-
PONSES TO PLAINTIFF'S FIRST DE-
MAND FOR INSPECTION REFLECTING
JURISDICTIONAL DISCOVERY**

25 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, de-
26 fendant George Hotz responds to plaintiff's First Demand for Inspection Reflecting Ju-
27 risdictional Discovery:

PRELIMINARY STATEMENT AND OBJECTIONS

28 1. Mr. Hotz objects to each and every inspection demand on the grounds that
it goes beyond the scope of jurisdiction discovery and is not relevant to Mr. Hotz's rela-
tionship to California.

2. Mr. Hotz objects to each and every inspection demand on the ground that

1 it seeks information to the present date.

2 **INSPECTION DEMAND NO. 1:** All PS3 SYSTEM consoles in YOUR
3 possession, custody or control.

4 **RESPONSE TO INSPECTION DEMAND NO. 1:** Mr. Hotz incorpo-
5 rates by reference each and every of his general objections. Further, Mr. Hotz objects on
6 the grounds that the inspection demand does not state the manner in which inspection is
7 to take place and does not state with particularity the place in which inspection is to take
8 place. Inspection Demand No. 1 does not state how the PS3 SYSTEM consoles are to be
9 inspected or who will be performing the inspection. Inspection Demand No. 1 does not
10 define with particularity the place where inspection is to take place because it sets the
11 place for inspection as "Two Embarcadero Center, 8th Floor, San Francisco, CA 94111 or
12 at such other location as may be agreed upon by the parties" which leaves uncertain the
13 question of where the inspection is to take place. Mr. Hotz further objects on the
14 grounds that, to the extent the place of inspection is defined with particularity as being
15 San Francisco, the request is burdensome and oppressive because it requires the PS3
16 SYSTEMS be delivered to plaintiff's counsel's office across the country. Further, Mr.
17 Hotz reserves the right to have his counsel as well as any expert he desires present at the
18 inspection.

19 Notwithstanding the foregoing objections, Mr. Hotz responds as follows:

20 The items subject to Inspection Demand No. 1 are as follows:

- 21 1. One PS3 SYSTEM "slim" console, purchased new in February of
22 2010. Serial No. CG221368477-CECH-2001A.
- 23 2. One PS3 SYSTEM, purchased used in March of 2010. The serial
24 number sticker was missing at time of purchase.
- 25 3. One PS3 SYSTEM, broken blu-ray drive, purchased used in August
26 of 2010. Serial No. CE506688986-CECHGo1.
- 27 4. One PS3 SYSTEM, received used in March 2010. Serial No. 00-
28 27450032-0055449-DECHA00A.

1 Upon agreement by the parties of the location and manner for inspection,
2 Mr. Hotz agrees to produce the above-numbered PS3 SYSTEM consoles for inspection.
3 Mr. Hotz's counsel reserves the right to be present for the duration of inspection.


4 **WITHDRAWN INSPECTION DEMAND NO. 2:** All computers which
5 YOU have used to create any DOCUMENT, email or program related to the PS3 SYS-
6 TEM.

7 **WITHDRAWN INSPECTION DEMAND NO. 3:** All computers which
8 YOU have used to write or create code or programs that run on the PS3 SYSTEM or ena-
9 ble other software to run on the PS3 SYSTEM.

10 **WITHDRAWN INSPECTION DEMAND NO. 4:** All computers, hard
11 drives, CD-roms, DVDs, USB sticks or any other storage devices or STORAGE SYSTEMS
12 which contain or have contained and/or have transmitted any CIRCUMVENTION DE-
13 VICES and/or copies thereof.

14 Dated: March 7, 2011.

15 MBV LAW LLP

16
17 By 
18 Jack C. Praetzellis
19 Attorneys for Defendant George Hotz

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PROOF OF PERSONAL SERVICE

I am over the age of eighteen years of age, not a party to this action, and employed in the City and County of San Francisco at the law offices of MBV Law LLP, 855 Front Street, San Francisco, California 94111.

On March 7, 2011, I served the attached Defendant George Hotz's Responses to Plaintiff's First Demand for Inspection Reflecting Jurisdictional Discovery by causing a true and correct copy to be personally delivered to:

Holly Gaudreau, Esq.
Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 7, 2011 at San Francisco, California.

Eileen Van Matre

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

14 SONY COMPUTER ENTERTAINMENT
AMERICA LLC, a Delaware limited liability
15 company,

16 Plaintiff,

17 v.

18 GEORGE HOTZ, et al.,

19 Defendants.
20

Case No. 11-CV-000167 SI

**DEFENDANT GEORGE HOTZ'S RES-
PONSES TO PLAINTIFF'S FIRST SET
OF JURISDICTIONAL INTERROGATO-
RIES**

21 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, de-
22 fendant George Hotz ("Mr. Hotz") responds to plaintiff's First Set of Interrogatories Re-
23 lating to Jurisdictional Discovery as follows:

24 **PRELIMINARY STATEMENT AND OBJECTIONS**

25 1. Mr. Hotz objects to each and every interrogatory to the extent that it goes
26 beyond the scope of jurisdictional discovery and is not relevant to Mr. Hotz's relation-
27 ship to California.

28 2. Mr. Hotz objects to each and every interrogatory on the ground that Mr.

1 Hotz has not completed his investigation of the facts relating to this case and has not yet
2 had the benefit of discovery from Plaintiff. Accordingly, the following responses are given
3 without prejudice to Mr. Hotz's right to modify or enlarge the following responses
4 based on additional information hereinafter obtained.

5 3. Mr. Hotz objects to each and every interrogatory to the extent that it seeks
6 information protected by the attorney client privilege, the attorney work product doctrine,
7 or any other applicable privilege or protection. Mr. Hotz further objects to any request
8 which seeks information that is private, confidential, proprietary, or protected
9 from disclosure under appropriate state and federal laws.

10 4. Mr. Hotz objects to each and every interrogatory that seeks information
11 through the present date. To the extent Mr. Hotz responds, his response will only contain
12 information through the date his counsel received the interrogatories.

13 5. Mr. Hotz objects to each and every interrogatory that seeks information
14 contained in the public record or within the possession, custody or control of the Plaintiff
15 or that is equally available to Plaintiff.

16 6. Mr. Hotz objects to each interrogatory to the extent that it uses the defined
17 term "RELATED TO" because as defined the term is overbroad, burdensome, oppressive
18 and harassing.

19 7. Mr. Hotz objects to each interrogatory to the extent it uses the defined
20 term "IDENTIFY" because as defined the term is burdensome, oppressive, overbroad
21 and harassing. Further, where documents will suffice to identify communications, Mr.
22 Hotz will produce documents in lieu of identifying communications.

23 8. Mr. Hotz objects to each and every interrogatory on the ground that it is
24 overbroad burdensome and oppressive and not reasonably calculated to lead to the discovery
25 of admissible evidence.

26 **INTERROGATORIES**

27 **INTERROGATORY NO. 1:** IDENTIFY by date and geographic location
28 each instance in which YOU accessed the PlayStation Network and the PS3 SYSTEM that

1 you used to access the PlayStation Network during those instances.

2 **RESPONSE TO INTERROGATORY NO. 1:** Not applicable. Mr. Hotz
3 has never accessed the Playstation Network.

4 **REVISED INTERROGATORY NO. 2:** IDENTIFY by date each in-
5 stance in which YOU entered California between January 1, 2009 and the present, and
6 describe the reason for each of those visits, including but not limited to any conferences,
7 meetings, workshops, speaking engagements, interviews, seminars, forums, and/or oth-
8 er events in which YOU participated or attended.

9 **RESPONSE TO REVISED INTERROGATORY NO. 2:** Mr. Hotz in-
10 corporates by reference each and every one of his general objections. Mr. Hotz objects
11 on the grounds that the request is burdensome and oppressive. Further, Mr. Hotz ob-
12 jects on the grounds that the request seeks information not reasonably calculated to lead
13 to the discovery of admissible or relevant evidence. Mr. Hotz objects on the grounds that
14 the request seeks information relating to trips to California occurring after SCEA sued
15 him. Subject to, and without waiving any of the foregoing objections, Mr. Hotz responds
16 as follows:

17 Mr. Hotz entered California in April 2009 for approximately one week.
18 Mr. Hotz was working for Google at the time.

19 Mr. Hotz entered California in August 2009 for approximately one week.
20 Mr. Hotz was working for Google at the time.

21 Mr. Hotz entered California in October 2009 to assist friends compete in
22 the Regolith Excavation Challenge.

23 Mr. Hotz entered California in August 2010 for several days. The purpose
24 for the visit was tourism and leisure.

25 **INTERROGATORY NO. 3:** IDENTIFY all PERSONS located, head-
26 quartered or conducting business or work in California for whom YOU have provided
27 any services for hire, whether paid or unpaid, including but not limited to all employers,
28 contractors, and/or any PERSONS for whom YOU have provided consulting services.

1 **RESPONSE TO INTERROGATORY NO. 3:** Mr. Hotz incorporates by
2 reference each and every one of his general objections. Mr. Hotz objects on the grounds
3 that the request is overbroad, burdensome, oppressive and harassing. Further, the re-
4 quest is overbroad in that it seeks more than jurisdictional discovery. The fact that a
5 company conducts business in, or is headquartered in California is in and of itself unre-
6 lated to Mr. Hotz's contacts with California. If Mr. Hotz worked at Walgreens in New
7 Jersey, Walgreens' presence in California would not support personal jurisdiction over
8 Mr. Hotz. Mr. Hotz will IDENTIFY all PERSONS that he provided services to, which
9 services were directed at California. Subject to and without waiving the foregoing objec-
10 tions, Mr. Hotz responds as follows:

11 Mr. Hotz has performed services for Google, Inc. Google Inc., 1600 Am-
12 phitheatre Parkway, Mountain View, California 94043; (650) 253-0000.

13 Mr. Hotz has performed contract work for Wholesale Cellutions. Whole-
14 sale Cellutions, 4343 Ocean View Boulevard, Montrose, California 91020-1295; tele-
15 phone (818) 542-6698.

16 **REVISED INTERROGATORY NO. 4:** IDENTIFY all COMMUNICA-
17 TIONS between YOU and any PERSONS between January 1, 2010 and the present RE-
18 LATED TO SCEA, the PS3 SYSTEM (including its Other OS feature and its keys) or the
19 CIRCUMVENTION DEVICES.

20 **RESPONSE TO REVISED INTERROGATORY NO. 4:** Mr. Hotz in-
21 corporates by reference each and every one of his general objections. Plaintiff objects on
22 the grounds that the request is burdensome, oppressive, overbroad, harassing and out-
23 side the scope of jurisdictional discovery and is not reasonably calculated to lead to the
24 discovery of admissible evidence. Further, Plaintiff objects on the grounds that the re-
25 quest may include communications that are attorney-client privileged or protected work
26 product.

27 Subject to, and without waiving the foregoing objections, and assuming the
28 request seeks only non-privileged communications Mr. Hotz responds as follows:

1 In connection with Plaintiff's Request for Production Nos. 18 and 25, Mr.
2 Hotz is producing documents from less burdensome sources reflecting communications
3 if any exist. Should responsive documents exist, information sufficient to identify com-
4 munications is present therein.

5 **REVISED INTERROGATORY NO. 5:** IDENTIFY all PERSONS to
6 whom YOU personally provided, distributed and/or offered the CIRCUMVENTION DE-
7 VICES.

8 **RESPONSE TO REVISED INTERROGATORY NO. 5:** Not applica-
9 ble. Mr. Hotz never personally provided, distributed and/or offered the CIRCUMVEN-
10 TION DEVICES to anybody.

11 **INTERROGATORY NO. 6:** State when and how YOU provided, distri-
12 buted or offered CIRCUMVENTION DEVICES to each PERSON identified in response to
13 Interrogatory No. 5 including to what address (email or otherwise) YOU provided the
14 CIRCUMVENTION DEVICES.

15 **RESPONSE TO INTERROGATORY NO. 6:** Not applicable.

16 **REVISED INTERROGATORY NO. 7:** IDENTIFY all STORAGE SYS-
17 TEMS YOU use or have used to store the CIRCUMVENTION DEVICES.

18 **RESPONSE TO REVISED INTERROGATORY NO. 7:** Mr. Hotz in-
19 corporates by reference each and every one of his general objections. Mr. Hotz objects
20 on the grounds that the request is obviously outside the scope of jurisdictional discovery
21 and is therefore irrelevant. Further the request is not reasonably calculated to lead to
22 the discovery of admissible evidence.

23 Notwithstanding the foregoing objections, Mr. Hotz responds as follows:

24 Mr. Hotz stored the CIRCUMVENTION DEVICES on the impounded hard
25 drives, the impounded TI-89 calculator (PSJB89), and a Micro Center 1GB blue USB
26 stick. The CIRCUMVENTION DEVICE was deleted from the USB stick prior to the filing
27 of this lawsuit.

28 **INTERROGATORY NO. 8:** IDENTIFY the FAILOVERFLOW DEFEN-

1 DANTS.

2 **RESPONSE TO INTERROGATORY NO. 8:** Mr. Hotz incorporates by
3 reference each and every one of his general objections. Mr. Hotz objects on the grounds
4 that the request is outside the scope of jurisdictional discovery and is therefore irrele-
5 vant. Without waving the objections, Mr. Hotz responds as follows:

6 Mr. Hotz did not know the real names of Sven and Marcan until this law-
7 suit was filed. Further, Mr. Hotz does not know where they live or where they work.


8 Mr. Hotz does not know the real name of Segher, where he or she lives, or
9 where he or she works.

10 Mr. Hotz does not know the real name of Bushing and does not know
11 where he lives or where he works.

12 **INTERROGATORY NO. 9:** IDENTIFY any PERSON furnishing infor-
13 mation for YOUR response to these interrogatories, designating the number of the inter-
14 rogatory for which that PERSON furnished information.

15 **RESPONSE TO INTERROGATORY NO. 9:** George Hotz. 183 Boule-
16 vard, Glen Rock, New Jersey 07452. Mr. Hotz is currently unemployed. Mr. Hotz's last
17 employer was Google, Inc. All interrogatories.

18 Dated: March 7, 2011.

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Stewart Kellar
Attorney for Defendant George Hotz

PROOF OF PERSONAL SERVICE

I am over the age of eighteen years of age, not a party to this action, and employed in the City and County of San Francisco at the law offices of MBV Law LLP, 855 Front Street, San Francisco, California 94111.

On March 7, 2011, I served the attached Defendant George Hotz's Responses to Plaintiff's First Set of Jurisdictional Interrogatories by causing a true and correct copy to be personally delivered to:

Holly Gaudreau, Esq.
Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 7, 2011 at San Francisco, California.

Eileen Van Matre