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22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA  
 24 SAN FRANCISCO DIVISION

25 SONY COMPUTER ENTERTAINMENT  
 26 AMERICA LLC, a Delaware limited liability  
 27 company,

28 Plaintiff,

v.

GEORGE HOTZ, et al.,

Defendants.

Case No. 11-cv-000167 SI

**DEFENDANT GEORGE HOTZ'S OBJEC-  
 TIONS TO DECLARATION OF JENNIFER  
 LIU IN SUPPORT OF PLAINTIFF'S OPPO-  
 SITION TO DEFENDANT'S MOTION TO  
 DISMISS AND MOTION TO STRIKE TES-  
 TIMONY CONTAINED THEREIN**

Date: April 8, 2011  
 Time: 9:00 a.m.  
 Place: Courtroom 10, 19th Floor

Defendant George Hotz objects to the following paragraphs of Jennifer Lui's dec-  
 laration in support of plaintiff's opposition to Mr. Hotz's motion to dismiss. Moreover, Ms. Lui's  
 Declaration was late filed. SCEA must play by the rules, just like all other litigants. Opposition to

1 Mr. Hotz' Motion to Dismiss was due on March 18, 2011, which pursuant to F.R.C.P. Rule 6.4  
 2 and Local Rules 7-3, required all supporting affidavits and declarations to be filed on March 18,  
 3 2011. The Lui Declaration was filed on March 19, 2011. This is cause to strike it in its entirety.

<p>4 5 Paragraph 2. 6 7 8 9</p>	<p>Federal Rules of Evidence, Rule ("FRE") 402. Not relevant. SCEA's connection to Cali- fornia is not relevant since Mr. Hotz had never heard of SCEA prior to being sued by SCEA. Hotz Declaration ¶¶ 2-3.</p> <p>FRE 602. No personal knowledge. No founda- tion. Declarant has not stated how she knows the facts that she testifies to. Simply stating a job title in paragraph 1 cannot suffice.</p>
<p>10 Paragraph 3. Entire paragraph. 11 12 13 14 15</p>	<p>FRE 402. Not relevant.</p> <p>FRE 403. Confusion of issues, misleading, and waste of time. Confusing and misleading as to who is the manufacturer of the Playstation computer and the relevancy of the distributor. Statements regarding distribution are a waste of time. Needless presentation of cumulative evidence.</p> <p>FRE 602. No personal knowledge / foundation for testimony.</p>
<p>16 Paragraph 4. Entire paragraph. 17 18 19</p>	<p>FRE 402. Not relevant.</p> <p>FRE 403. Needless presentation of cumulative evidence.</p> <p>FRE 602. No personal knowledge / foundation for testimony.</p>
<p>20 Paragraph 5. Entire paragraph. 21</p>	<p>FRE 402. Not relevant.</p> <p>FRE 602. No personal knowledge / foundation for testimony.</p>
<p>22 Paragraph 6. Entire paragraph. 23</p>	<p>FRE 402. Not relevant.</p> <p>FRE 602. No personal knowledge / foundation for testimony.</p>
<p>24 Paragraph 7. Entire paragraph 25 26</p>	<p>FRE 402. Not relevant.</p> <p>FRE 602. No personal knowledge / foundation for testimony.</p>

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For the foregoing reasons, including SCEA's untimely filing, Plaintiff respectfully re-  
quests that the Court strike the declaration in its entirety. In the event this Court chooses not to  
strike the declaration in its entirety, Plaintiff respectfully requests this Court to strike the testi-  
mony referred to above.

Dated: March 24, 2011.

MBV LAW LLP

By \_\_\_\_\_ /s/ Stewart Kellar  
Stewart Kellar  
Attorneys for Defendant George Hotz

4826-1353-2169, v. 2