

1 KILPATRICK TOWNSEND & STOCKTON LLP
 JAMES G. GILLILAND, JR. (State Bar No. 107988)
 2 TIMOTHY R. CAHN (State Bar No. 162136)
 MEHRNAZ BOROUMAND SMITH (State Bar No. 197271)
 3 HOLLY GAUDREAU (State Bar No. 209114)
 RYAN BRICKER (State Bar No. 269100)
 4 Two Embarcadero Center Eighth Floor
 San Francisco, CA 94111
 5 Telephone: (415) 576-0200
 Facsimile: (415) 576-0300
 6 Email: jgilliland@kilpatricktownsend.com
 tcahn@kilpatricktownsend.com
 7 mboroumand@kilpatricktownsend.com
 hgaudreau@kilpatricktownsend.com
 8 rbricker@kilpatricktownsend.com

9 Attorneys for Plaintiff
 SONY COMPUTER ENTERTAINMENT AMERICA LLC

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SONY COMPUTER ENTERTAINMENT
 AMERICA LLC,

Plaintiff,

v.

GEORGE HOTZ; HECTOR MARTIN
 CANTERO; SVEN PETER; and DOES
 1 through 100,

Defendants.

Case No. 11-cv-000167 SI

**DECLARATION OF HOLLY
 GAUDREAU IN SUPPORT OF
 MOTION FOR AN ORDER
 SHORTENING TIME FOR HEARING
 MOTION ON EXPEDITED
 DISCOVERY**

Date: TBD
 Time: 9:00 a.m.
 Courtroom: 10, 19th Floor
 Judge: Honorable Susan Illston



1 I, Holly Gaudreau, declare as follows:

2 1. I am an attorney in the law firm of Kilpatrick Townsend & Stockton LLP,
3 counsel of record for plaintiff Sony Computer Entertainment America LLC (“SCEA”) in the
4 above-captioned matter. I make this declaration on personal knowledge and if called as
5 a witness could and would testify competently thereto.

6 2. Pursuant to Local Rule 6-3 (a)(1), the reason for the requested shortening
7 time is because SCEA needs to take expedited jurisdictional discovery so that SCEA can
8 fully respond to the motion to dismiss for lack of personal jurisdiction filed by Defendant
9 George Hotz (“Hotz”), by February 18, 2011, the deadline for SCEA’s opposition.
10 Expedited discovery is also necessary to promptly identify and locate the other defendants
11 in this action and other culpable parties responsible for distributing circumvention devices
12 in violation of SCEA’s rights under the Digital Millennium Copyright Act, 17 U.S.C. § 1201,
13 *et seq.* and the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, *et seq.*

14 3. Pursuant to Local Rule 6-3 (a)(2), SCEA is unable to obtain a stipulation to
15 the change in time since counsel for Hotz has not agreed to allow SCEA to conduct
16 expedited discovery.

17 4. Pursuant to Local Rule 6-3 (a)(3), SCEA will be substantially harmed and
18 prejudiced if the Court does not grant its request for shortened time because SCEA will be
19 unable to complete jurisdictional discovery before it must oppose Hotz’s motion to dismiss
20 for lack of personal jurisdiction on February 18, 2011. Moreover, the infringers will
21 distribute the circumvention devices while SCEA must wait to be heard on its request for
22 expedited discovery to discover the identities and locations of those infringers.

23 5. Pursuant to Local Rule 6-3 (a)(4) (i), Civil. L. R. 37-1(a) is not applicable
24 because this is not a motion to compel disclosure or discovery or for sanctions.

25 6. Pursuant to Local Rule 6-3 (a)(4) (ii), the nature of the underlying dispute that
26 will be addressed in the motion is that SCEA seeks to take targeted, expedited discovery
27 to obtain additional evidence on Hotz’s contacts with this District and the harm to SCEA
28 here resulting from Hotz’s unlawful conduct, and to identify and locate the other



1 defendants and culpable entitites so appropriate action can be taken against them to halt
2 their distribution of the illegal circumvention devices.

3 7. Pursuant to Local Rule 6-3 (a)(5), there have been no previous modifications
4 in time since the Complaint was only recently filed on January 11, 2011.

5 8. Pursuant to Local Rule 6-3 (a)(6), the requested time modification will help
6 advance the schedule for this case because SCEA will complete expedited jurisdictional
7 discovery prior to when it must oppose Hotz's motion to dismiss, and the identities and
8 locations of the other defendants and culpable parties will be discovered early on in this
9 action.

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct. Executed on this 4th day of February, 2011.

12 */s/ Holly Gaudreau*

13 HOLLY GAUDREAU
14

15 63135148 v1
16
17
18
19
20
21
22
23
24
25
26
27
28

