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4 Attorney for Defendant
 5 GEORGE HOTZ

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 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 SONY COMPUTER ENTERTAINMENT
 AMERICA LLC, a Delaware limited
 12 liability company,

13 Plaintiff,
 14 v.

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

16 Defendants.
 17
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CASE No.: 3:11-cv-00167-SI

**DECLARATION OF STEWART
 KELLAR IN SUPPORT OF MOTION
 FOR AN ORDER SHORTENING TIME
 FOR HEARING MOTION FOR
 HEARING ON TEMPORARY
 RESTRAINING ORDER**

1 I, Stewart Kellar, declare:

2 1. I am counsel of record for Mr. George Hotz in the above-captioned matter. I have
3 personal knowledge of the facts stated in this declaration, unless otherwise indicated, and
4 could and would testify competently thereto.

5 2. Pursuant to Local Rule 6-3 (a)(1), the reason for the requested shortening time is
6 because George Hotz needs a Motion for Hearing so that he may have an opportunity to contest
7 the language and restraints of the Temporary Restraining Order (“TRO”) which was granted
8 without a hearing. If a hearing is not held by February 10, 2011, Mr. Hotz will be forced to
9 surrender his storage devices to Plaintiff SCEA, and will continue to be restrained, without a
10 hearing or consideration of the substance of the TRO Order. A hearing is also needed so that Mr.
11 Hotz may limit the breadth and vagueness of the TRO.

12 3. Pursuant to Local Rule 6-3 (a)(2), Mr. Hotz is unable to obtain a stipulation to the
13 change in time since counsel for SCEA has not agreed to allow Mr. Hotz to hold a hearing on the
14 TRO prior to the date the impoundment order becomes effective.

15 4. Pursuant to Local Rule 6-3 (a)(3), Mr. Hotz will be substantially harmed and
16 prejudiced if the Court does not grant its request for shortened time because Mr. Hotz will be
17 forced to surrender his storage devices without a hearing. The storage devices contain much
18 more than the alleged circumvention devices at issue, such as privileged, confidential and
19 otherwise private files and information. Additionally, Mr. Hotz will be unable to obtain a
20 hearing on the TRO and impoundment until March 11, 2011, requiring this Court to extend the
21 TRO more than three times its standard duration. Moreover, SCEA will come into possession of
22 physical evidence they would attempt to proffer at trial, prior to a determination of this Court’s
23 jurisdiction over Mr. Hotz.

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

26 6. Pursuant to Local Rule 6-3 (a)(4) (ii), the nature of the underlying dispute that will be
27 addressed in the motion is that Mr. Hotz seeks a hearing to allow the Court to consider the
28 substance of the TRO Order prior to Mr. Hotz’s required compliance with the Impoundment

