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 The Freecycle Network, Inc.

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

13
 14 FREECYCLESUNNYVALE,
 a California unincorporated association,
 15
 16 **Plaintiff,**

17 v.

18 THE FREECYCLE NETWORK, INC.,
 an Arizona corporation,
 19
 20 **Defendant.**

CASE NO. C 06-00324 CW

**DECLARATION OF LISA KOBIALKA IN
 SUPPORT OF THE FREECYCLE
 NETWORK, INC.'S MOTION TO
 SHORTEN TIME**

Date: September 27, 2007
 Time: 2:00 p.m.
 Before: Honorable Claudia Wilken
 Location: Courtroom 2

21 THE FREECYCLE NETWORK, INC.
 an Arizona corporation,
 22
 23 **Counterclaimant,**

24 v.

25 FREECYCLESUNNYVALE,
 a California unincorporated association,
 26
 27 **Counterdefendant,**

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1 I, LISA KOBIALKA, declare:

2 1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for
3 Defendant and Counterclaimant The Freecycle Network, Inc. ("The Freecycle Network"). I have
4 personal knowledge of the facts set forth in this declaration and can testify competently to those
5 facts.

6 2. On August 30, 2007, I informed counsel for FreecycleSunnyvale that we would
7 be filing a motion to strike the Declaration of Miles Dennis Robertson, Jr., filed on July 17, 2007
8 in support of FreecycleSunnyvale's motion for summary judgment. I requested that the parties
9 stipulate to an expedited briefing schedule for the motion to strike, such that it could be heard at
10 the same time as FreecycleSunnyvale's summary judgment motion on September 27, 2007.
11 Attached hereto as Exhibit 1 is a true and correct copy of this communication.

12 3. On August 31, 2007, counsel for FreecycleSunnyvale informed me for the first
13 time that it did not represent Mr. Robertson, who is a third party. Counsel for
14 FreecycleSunnyvale refused to stipulate to an expedited briefing schedule for The Freecycle
15 Network's Motion to Strike. Attached hereto as Exhibit 2 is a true and copy of this
16 communication.

17 4. On August 31, 2007, I proposed to counsel for FreecycleSunnyvale that they
18 make Mr. Robertson available for deposition before the filing of The Freecycle Network's
19 opposition to FreecycleSunnyvale's summary judgment motion. Attached hereto as Exhibit 3 is
20 a true and correct copy of this communication.

21 5. The parties had earlier discussed extending the discovery cut-off for the sole
22 purpose of deposing Mr. Robertson. Attached hereto as Exhibit 4 is a true and correct copy of a
23 July 25, 2007 letter reflecting the parties' communications.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Menlo Park, California on September 4, 2007.

By /s/ Lisa Kobialka
Lisa Kobialka
Attorneys for Defendant and Counterclaimant
The Freecycle Network, Inc.