

EXHIBIT 3

HAYES SOLOWAY P.C.

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Attorneys for Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

THE FREECYCLE NETWORK, INC.,
an Arizona non-profit organization,

Plaintiff,

v.

TIM OEY and JANE DOE OEY,

Defendants.

No. CIV06-173-TUC-RCC

**DECLARATION OF ASHLEY L.
KIRK IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION**

I, Ashley L. Kirk, declare as follows:

1. I am an attorney licensed to practice in Arizona. I am the managing attorney of the law firm of Hayes Soloway P.C., with offices at 3450 E. Sunrise Drive, Suite 140, Tucson, Arizona 85718.

2. I am an attorney who represents Tim Oey and Jane Doe Oey (Pat Oey), in a matter filed before the United States District Court for the District of Arizona. *The Freecycle Network, Inc., v. Tim Oey and Jane Doe Oey*, Case No CIV06-173-TUC-RCC on April 4, 2006. That lawsuit has been assigned to the Honorable Raner C. Collins, United States District Court Judge. Plaintiff filed a motion for preliminary injunction on April 19, 2006.

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3. I am not representing Tim Oey or Jane Doe Oey (Pat Oey) *pro bono*.

4. On May 2, 2006 and May 3, 2006, I performed a Google group search attached as Tab 1; downloaded magazine articles critical of The Freecycle Network attached as Tab 2; downloaded a blog critical of The Freecycle Network attached as Tab 3; downloaded several pages of discussion groups critical of The Freecycle Network attached as Tab 4; and downloaded a Wikipedia article concerning The Freecycle Network attached as Tab 5.

DATED this 4th day of May, 2006.

HAYES SOLOWAY P.C.
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By: /s/Ashley L. Kirk
Ashley L. Kirk
Attorney for Defendants

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APPENDIX C - TAB 1



Web Images Groups News Froogle Maps more »

freecycle

Search

Advanced Groups Search Preferences

Members: Sign in

New users: Join

Recently visited [clear]

edm.general

Groups Alerts

Create a new group



About Google Groups

Searched all groups

Results 1 - 10 of 7,850 for freecycle. (0.16 seconds)

Sorted by relevance Sort by date

Groups matching freecycle

-  **HRM_Freebies** - 48 members - Last message: 15 hours ago
Description: This is a group for people in the HRM area who are ...
-  **Lavergne Freecycle** - 26 members - Last message: Nov 17 2005
Description: Welcome to the **Freecycle** Network, where one person's ...

37 more »

Damage Control at Freecycle? REPOST

... 15 Mar 2005 21:19:24 -0700, Jules Striker <"Kristian Damgaard"> wrote: The comments from MS appeared in the messages section for Edmonton **Freecycle** just now ...
edm.forsale - Mar 28, 2:28 pm by arielv2@37.com - 92 messages - 48 authors

Freecycle/business? Or Scam for Moderators? CRA To Investigate ...

From: "The Free World" <thefreeworldrecyclinggr...@gmail.com> Newsgroups: can.general
Subject: Deron Beal **freecycle** \$150,000 Date: 22 Apr 2005 08:47:00 -0700 ...
edm.general - Mar 11, 11:46 am by Ariadne - 63 messages - 32 authors

Freecycle in Wales

Freecycle in Wales Report Date : 30 October 2005 * * * * * **Freecycle** -
<http://www.freecycle.org/> The **Freecycle** Network is a worldwide movement of ...
uk.environment - Oct 30 2005, 1:06 pm by d...@rren.cymraeg.org - 2 messages - 2 authors

In The News freecycle Being Sued!

In The News (**freecycle**) Being Sued! At present **freecycle** is in a court battle and being sued by FreecycleSunnyvale for damages incurred ...
alt.recovery.clutter - Feb 5, 2:59 am by xfreecyclex - 2 messages - 2 authors

Deron Beal freecycle \$150,000

Deron Beal **freecycle** \$150,000 Imagine this Deron Beal the creator of **freecycle** is no longer running a free network. And he is the only salaried staff. ...
misc.consumers.frugal-living - Apr 22 2005, 10:20 pm by The Free World - 3 messages - 3 authors

Huckster for Freecycle, Now ADMITS Getting Camera, and Who ...

... Was James D, the second-hand dealer removed as a moderator by the others running **freecycle**, because of all the bad publicity he and Bax are generating? ...
edm.forsale - Feb 15, 1:27 pm by KennyMcVaySOB - 334 messages - 79 authors

Greediest freecycle moo to date

Freecycle is full of parents and breeders, some of them greedy. Of course it's good when parents on **freecycle** offer clothes when ...
alt.support.childfree - Feb 16, 4:52 pm by Terry Lomax - 2 messages - 1 author

Is Freecycle Run As A Business?

... That's right - **Freecycle** is *not* for selling or trading items. So if I want to trade my items for a tax receipt, **Freecycle's** not the way to do it. ...

[edm.general](#) - Mar 15 2005, 11:04 pm by Bart Oleksy - 62 messages - 24 authors

FT: Freecycle - Bargains from cyberspace free for the asking

That is the idea behind **Freecycle**, a network of internet-based giveaway clubs that is gaining hundreds of thousands of new members around the world every month ...

[alt.marketplace.online.ebay](#) - Oct 29 2004, 1:00 pm by Sufaud - 1 message - 1 author

FBI/IRS complaints against freecycle fraud

<https://www.ifccfbi.gov> Yes Paul, a great site, I am sure there are hundreds if not thousands of **freecycle** members or former members who are currently aware ...

[alt.fan.cecil-adams](#) - Nov 16 2005, 12:51 am by NameNotRelea...@gmail.com - 1 message - 1 author

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freecycle

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alt.marketin...ine.ebay

alt.recovery.clutter

edm.general

Groups Alerts

Create a new group

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Results 11 - 20 of 7,850 for freecycle. (0.24 seconds)

Sorted by relevance Sort by date

Freecycle Re: Update on attempted break-in

The goal of freecycle is to cut down on landfill fodder This is exactly why I think it's so great! ... What is freecycle supposed to be for?? ...

rec.pets.cats.anecdotes - Dec 6 2005, 9:57 pm by sridd...@aol.com - 38 messages - 22 authors

stop talking about freecycle fraud, report it!!

https://www.ifccfbi.gov a great site, I am sure there are hundreds if not thousands of freecycle members or former members who are currently aware that they ...

edm.general - Nov 16 2005, 12:45 am by NameNotRelea...@gmail.com - 4 messages - 4 authors

Freecycle

... If the London fellow isn't already doing this, talk to him and the mods of any other not-quite-in-your-region neighboring Freecycle groups...they may want to ...

alt.fan.cecil-adams - Mar 2 2005, 10:22 pm by incandescent blue - 224 messages - 41 authors

Let's do some freecycle

... Scarborough, Canada--freecycle.org The Scarborough, Ontario Freecycle Network is

open to all ... Check out freecycle.org for other cities and info on the movement! ... ott.forsale - Dec 20 2004, 9:11 am by moose - 1 message - 1 author

As Freecycle grows, idealism and reality collide

As Freecycle grows, idealism and reality collide By Matt Weiser 19 May 2005 Got a garage full of stuff you don't need? Try posting it on Freecycle. ...

alt.dumpster - May 19 2005, 8:51 pm by Freecycle Anonymous - 1 message - 1 author

Freecycle [was: Before I Admit To Anything! :-)]

... Freecycle, just started in 2003, has 3200 groups in 50 countries around the world! ... On Freecycle pretty much everything gets taken. ...

alt.recovery.clutter - Nov 12 2005, 6:39 am by egstcm - 31 messages - 11 authors

freecycle Bax, Aly, Kelly-Anne, Darlene, Dana, Kim, Melissa James

I wonder how many freecycle feel like they were taken in by the idea of freecycle when it is all about profit not keep thing out of land fills or re-cycle. ...

edm.forsale - Oct 31 2005, 5:50 pm by no mail - 53 messages - 21 authors

Freecycle.org

... For clarification, neither FreeCycle.org nor CraigsList.org has a charge for using, but all of the merchandise on FreeCycle is FREE and all of the merchandise ...

rec.crafts.brewing - Feb 5, 7:19 pm by KLS - 9 messages - 6 authors

freecycle fraud

FBI/IRS complaints against freecycle fraud wodiwkalb2005 Offline https://www.ifccfbi.

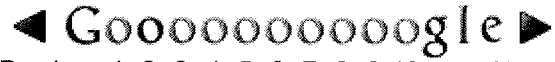
gov Yes Paul, a great site, I am sure there are hundreds if not thousands ...

alt.marketing.online.ebay - Nov 16 2005, 1:06 am by Widow - 13 messages - 6 authors

FreeCycle

Groups in hundreds of cities. From the main site <http://www.freecycle.org> you can select "West Coast" then San Diego. Yahoo! Groups : [sdfreecycleYahoo!](#) ... [sdnet.forsale](#) - Dec 6 2004, 9:48 pm by firechief - 3 messages - 3 authors

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freecycle

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Results **21 - 30** of 7,940 for **freecycle**. (0.20 seconds)

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Damage Control at Edmonton Freecycle? REPOSTED

... 15 Mar 2005 21:19:24 -0700, Jules Striker <"Kristian Damgaard" > wrote: The comments from MS appeared in the messages section for Edmonton **Freecycle** just now ...
ab.general - Mar 18 2005, 10:11 am by JohnMacDonald - 3 messages - 2 authors

Freecycle

There are also places like **Freecycle** where you might be able to hook up with one <http://www.freecycle.org> I'd just like to chime in with a plug for **Freecycle!** ...
rec.pets.cats.anecdotes - Oct 21 2004, 11:40 pm by Yoj - 10 messages - 7 authors

For Moos, "Freecycle" = "Freeload"

I love the idea of **Freecycle** and I wish there were one in Santa Cruz. If I had time, I'd set it up myself (limiting the want-ads ...
alt.support.childfree - Apr 27 2004, 11:46 am by Veronique - 5 messages - 3 authors

Reduce, Reuse and FREEcycle!

... **Freecycle** is open to all individuals, organizations & businesses who want to "recycle" that unneeded item rather than throw it away. ...
misc.consumers.frugal-living - Apr 27 2004, 7:00 am by Eric Snyder - 1 message - 1 author

Damage Control at Freecycle?

The comments from MS appeared in the messages section for Edmonton **Freecycle** just now, so thought more people giving comments will be constructive. ...
edm.forsale - Jan 21, 5:46 pm by Lisa McVay-Henske - 4 messages - 4 authors

HAMILTON FREECYCLE

HAMILTON **FREECYCLE** Welcome to Hamilton **Freecycle**, I hope you have a great time freecycling! To start sending messages to members ...
hamilton.buysell - Jun 29 2004, 8:22 pm by LIMEYNO1 - 1 message - 1 author

freecycle

... things (not junk) for which I have no further need but I was barred because I offended someone by suggesting that the stated ethos of **Freecycle** was "changing ...
uk.d-i-y - Mar 8, 2:42 pm by Stuart - 24 messages - 17 authors

OT: Freecycle

... space. <http://www.freecycle.org> The worldwide (!) **Freecycle** Network is made up of many individual groups across the globe. It's ...
alt.music.michael-jackson - May 5 2004, 12:00 am by Sarina - 1 message - 1 author

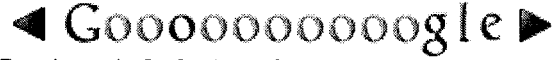
freecycle

The worldwide (!) **Freecycle** Network is made up of many individual groups across the globe. It's a grassroots movement of people ...
alt.consumers.free-stuff - May 14 2004, 7:09 am by Ashara - 1 message - 1 author

Give to Charities, Not Freecycle=WARNING! - Repost

Aparently you didnt see the big article in the sun 9 days ago again praising the **Freecycle** group. ... Something must be really rotten at Edmonton **Freecycle**. ... **edm.general** - Oct 18 2005, 11:48 pm by The Helpful One - 71 messages - 35 authors

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freecycle

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The **freecycle** group is discouraging the use of curb alerts, though, although I understand it is still the custom with a few groups. ... <http://www.freecycle.org>
alt.recovery.clutter - Jan 16 2005, 9:09 pm by Piper - 2 messages - 2 authors

OT - Freecycle Challenge

... Mary (Idaho to Oregon via Montana)
<http://community.webshots.com/user/mardor1948>
I finally got around to looking into **Freecycle** in my area and attempted to ...
rec.crafts.textiles.quilting - Feb 2, 11:04 pm by maryd - 13 messages - 9 authors

Freecycle Leinster

I am pleased to announce Leinster **Freecycle**. ... If someone is interested in starting up **Freecycle** in one of the other areas, feel free! ...
alt.mothers - Nov 14 2004, 4:03 pm by Irish Marie - 9 messages - 4 authors

freecycle (was Re: Free Punching Bag)

I just joined my local **freecycle** group, and it is moderated. ... another suggestion would
be to list it on a local **Freecycle** <http://www.freecycle.org/> list. ...
misc.consumers.frugal-living - Jul 17 2004, 3:35 pm by Jane Sitton - 39 messages - 18 authors

Ottawa Freecycle: Turning Trash Into Treasure

FOR IMMEDIATE RELEASE: Ottawa **Freecycle**: Turning Trash Into Treasure ...
ont.general - Mar 2 2004, 4:48 pm by Eric Snyder - 2 messages - 1 author

First Freecycle experience a success!

Hi Trina et al: I'm collecting **Freecycle** "success" stories to be used on an upcoming TV interview. Would you mind send your **Freecycle** ...
alt.recovery.clutter - Jan 5 2005, 4:45 am by egstcm - 4 messages - 4 authors

Got junque? Freecycle it.

Freecycle <http://www.freecycle.org> is an interesting concept. Got junk? Is it possibly interesting to others? Post what you got and see who will take it away. ...
rec.arts.sf.fandom - Oct 28 2003, 3:19 pm by yeltrabn...@email.com - 4 messages - 3 authors

Diesel trucks on Freecycle

Sorry you can't think that way. Actually, Vegas has two fantastic **freecycle** groups. ... It's just all in the **freecycle** and Christmas spirit. ...
misc.transport.trucking - Dec 17 2005, 5:47 pm by gashauler - 10 messages - 5 authors

Pre-FreeCycle

guy.k...@zetnet.co.uk said... Before I **FreeCycle** it - I've a spare Sony car radio and 10-disc CD player. Anyone want it? Excited squeals... ...
uk.rec.sheds - Dec 3 2005, 6:36 pm by Sena - 36 messages - 6 authors

Childfree moment of the day--from Freecycle!

Okay, some of you may have already read my post about giving free tarot readings

to get back in practice, to people from the Austin **Freecycle** list. ...
alt.support.childfree - May 21 2004, 9:55 pm by Atalanta Pendragonne - 2
messages - 2 authors

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freecycle

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Sorted by relevance [Sort by date](#)

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- [alt.recovery.clutter](#)
- [edm.general](#)

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Freecycle

Margie, you sound like my brother - he won't use **Freecycle** because he says he'd have to tell people when to come when he's home and that's like advertising ...
[sci.med.transcription](#) - Oct 9 2005, 5:46 pm by Liz - 33 messages - 17 authors

Rant - Freecycle

... And all good makes, not cheap stuff. So since of little value but wanting it to be used rather than scrapped, I decided to use **Freecycle**. ...
[argonet.zfc](#) - Feb 19, 4:55 pm by Dave Plowman (News) - 1 message - 1 author

OT: Freecycle (was New Yahoo Group - Greedbay)

Bertha mentioned the **Freecycle** Yahoo lists... Anyone else utilize **freecycle**? We have half a dozen in and around Phoenix in the various suburbs. ...
[alt.marketing.online.ebay](#) - Jan 24 2005, 7:18 pm by Lumpy - 15 messages - 8 authors

freecycle

... away. beats trashing up our earth, anyday. <http://www.freecycle.org/> -- everything is a goat : <http://www.goatism.org/logic.htm>
[alt.gathering.rainbow](#) - Feb 16, 3:03 am by heyzeus - 1 message - 1 author

Damage Control at Freecycle? Repost

The comments from MS appeared in the messages section for Edmonton **Freecycle** just now, so thought more people giving comments will be constructive. ...
[edm.forsale](#) - Mar 5, 2:14 pm by DaveJolly - 2 messages - 2 authors

Could 4paperplus sue freecycle.org? The original freecycle(tm)

Could 4paperplus sue **freecycle.org**? The original **freecycle(tm)** **FreeCycle** - a non profit service designed to help the environment ...
[misc.consumers.frugal-living](#) - Apr 26, 8:29 am by freecycled.blogspot.com - 1 message - 1 author

Freecycle changing the world one gift at a time

Freecycle changing the world one gift at a time <http://freecycle.org/> I don't know about changing the world but, I like getting or giving free stuff! ...
[alt.dumpster](#) - Jul 20 2004, 11:06 pm by Bear - 4 messages - 4 authors

Freecycle - is it worth the effort?

I know there are some dedicated freecyclers in the group, and you will probably answer in the positive. BUT... I thought I'd try ...
[aus.family](#) - Mar 21, 8:41 am by Narelle - 6 messages - 4 authors

www.freecycle.org

... I just *love* **Freecycle**! Actually its www.freecycle.org news:41F44D9A.3070801@usa.net... Take it to www.freecycle.com Ok guys, that's enough. ...
[alt.hvac](#) - Jan 23 2005, 9:32 pm by Noon-Air - 19 messages - 10 authors

freecycle

I am part of cardiffs but can not find others. Take a look on <http://www.freecycle.org> on the left is a category for United Kingdom. Paul

[alt.consumers.uk-freebies](#) - Oct 17 2005, 5:24 pm by Paul Haslam - 5 messages - 3 authors

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freecycle

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[alt.recovery.clutter](#)

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Reply: Freecycle

... I spent this morning helping at the Napanee landfill site, the local **freecycle** groups (I am the owner of one) had an area set up to divert things from the ...

[ODSP Fireside](#) - Oct 22 2005, 3:55 pm by Rosie - 15 messages - 8 authors

Give to Charities, Not Edmonton Freecycle=WARNING!

With CRA now getting interested in some of the people running **Freecycle**, we can expect interesting changes soon. If you were honest ...

[calgary.general](#) - Feb 26, 11:19 am by KATO - 9 messages - 6 authors

Give to Charities, Not Edmonton Freecycle=WARNING!

If you could be bothered to read the **freecycle.org** rules you would understand why those things (trades and services) aren't allowed on **Freecycle**. ...

[edm.general](#) - Dec 29 2005, 7:40 am by Fakename - 3 messages - 3 authors

Freecycle

Hey all, I don't know if any of you have heard of this (I hadn't until yesterday).

Freecycle is a neat online project for getting rid of unwanted items. ...

[comp.sys.cbm](#) - Jan 25 2005, 9:02 pm by Leif Bloomquist - 2 messages - 2 authors

Who mentioned Freecycle.org?

someone said they loved **Freecycle**. ... Hey Beth, I was noting your mention of a waterbed,

because it all comes around to why I found **Freecycle** so GREAT. ...

[alt.recovery.clutter](#) - Jun 12 2004, 11:29 pm by PattyC - 12 messages - 10 authors

Freecycle Moo Wants Free Hot Tub

Freecycle is a mooch-fest in my city, too. ... Sunfell In my most recent Ann Arbor

Freecycle

email digest, there were ten items "wanted" and four offers. ...

[alt.support.childfree](#) - May 14 2004, 5:30 am by snerdie - 22 messages - 17 authors

dam, freecycle was a scam, and man are they in trouble now

FBI/IRS complaints against **freecycle** fraud <https://www.ifccfbi.gov> Yes Paul, a great site, I am sure there are hundreds if not thousands of **freecycle** members ...

[alt.marketplace.online.ebay](#) - Nov 16 2005, 1:00 am by

NameNotRelea...@gmail.com - 1 message - 1 author

Deron Beal freecycle \$150,000

... Declawed fronts and spayed. Shy demure. Deron Beal **freecycle** \$150,000

Imagine this

Deron Beal the creator of **freecycle** is no longer running a free network. ...

[tor.general](#) - Apr 23 2005, 1:46 am by sn0ball0 - 4 messages - 3 authors

Freecycle

It's part of the **Freecycle** network and you can let fellow Mancunians know what "rubbish" you want to get rid of! <http://groups.yahoo> ...

[uk.local.manchester](#) - Oct 17 2004, 8:13 pm by Fred - 1 message - 1 author

After Freecycle A New FRUGAL Concept in the Works

Freecycle used to be good, I got rid of a ton of stuff Our **freecycle** used to

be about not filling land fills, now it's a social welfare program. ...
[mtl.general](#) - Oct 4 2005, 5:24 pm by Kat - 5 messages - 4 authors

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