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8 Attorneys for Plaintiff
 FREECYCLESUNNYVALE,

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

13 FREECYCLESUNNYVALE,
 a California unincorporated association,

14
 15 Plaintiff,

16 v.

17 THE FREecycle NETWORK,
 an Arizona corporation,

18 Defendant.

Case No. C06-00324 CW

**DECLARATION OF TIMOTHY OEY IN
 SUPPORT OF COUNTERDEFENDANT
 FREECYCLESUNNYVALE'S REPLY IN
 SUPPORT OF MOTION TO STRIKE
 STATE-LAW COUNTERCLAIM UNDER
 CAL. CODE. CIV. PROC. § 425.16**

19 THE FREecycle NETWORK, INC., an
 Arizona Corporation,

20
 21 Counterclaimant,

22 v.

23 FREECYCLESUNNYVALE, a California
 unincorporated association,

24
 25 Counterdefendant.

Before: The Honorable Claudia Wilken

1 I, Timothy Oey, declare as follows:

2 1. I am a resident of Sunnyvale, California, and I am a member of
3 FreecycleSunnyvale, a California unincorporated association that is the Plaintiff and
4 Counterclaimant in the above-captioned lawsuit.

5 2. Paula Spencer is a senior volunteer who works for The Freecycle Network, Inc.
6 (“TFN”). In September of 2005, Ms. Spencer sent emails to me and FreecycleSunnyvale in her
7 capacity as TFN’s California Group Outreach Assistance (GOA) person. In that capacity, Ms.
8 Spencer provided assistance to FreecycleSunnyvale and policed FreecycleSunnyvale’s
9 operations.

10 3. Freedomcycle operates an online group where local freecycle (e-cycle) group
11 leaders discuss issues of interest to the freecycling community. Freedomcycle’s online group is
12 located at <http://groups.google.com/group/Freedomcycle>. I am a contributor to the
13 Freedomcycle online group. A true and correct copy of the group's home page was downloaded
14 on May 26, 2006, and is attached to this Declaration as Exhibit A.

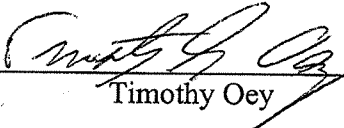
15 4. Freedomcycle also coordinates a network of local freecycling groups. In this
16 capacity, Freedomcycle maintains a web site which is located at <http://freedomcycle.org>.
17 There, Deanna Silva, the founder of Freedomcycle states: “I left the Freecycle Network because
18 I was told to leave due to the fact that I expressed opinions on what I felt would make the
19 Freecycle Network stronger that greatly differed from Deron Beal’s (Freecycle’s founder)
20 approach. . . . Deron’s feeling is that he is the owner and that Freecycle is a non-voting
21 membership, and that only he can decide what is best for the Freecycle Network.” A true and
22 correct copy of the “!As Seen in the News!” portion of the web site was downloaded on May 25,
23 2006, and is attached to this Declaration as Exhibit B.

24 5. At one time, I was the head of FreecycleNext, an online group formed within The
25 Freecycle Network, Inc., for moderators of local freecycling groups. FreecycleNext sometimes
26 is known simply as “fcnext.” This online group provides a forum where local freecycling leaders
27 can discuss issues of interest to the freecycling community. FreecycleNext’s online group is
28 located at <http://groups.yahoo.com/group/fcnext/>. A true and correct copy of the home page for

1 FreecycleNext was downloaded on May 25, 2006, and is attached to this Declaration as Exhibit
2 C.

3 6. In September of 2005, Chandon Mishra was a volunteer moderator for
4 FreecycleSunnyvale's online group.

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6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed in San Jose, California, on May 26, 2006.

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11 Timothy Oey

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