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10 Attorneys for Defendant and
 Counterclaim Plaintiff Podfitness, Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION
 14

15 APPLE COMPUTER, INC.,

16 Plaintiff,

17 v.

18 PODFITNESS, INC., and DOES 1-100,
 19 Inclusive,

20 Defendants.
 21

22 PODFITNESS, INC.,

23 Counterclaim Plaintiff,

24 v.

25 APPLE COMPUTER, INC.,

26 Counterclaim Defendant.
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Case No. C 06-05805 SBA

**DECLARATION OF JAMES
 MAGLEBY IN SUPPORT OF
 DEFENDANT'S MOTION FOR
 ADMINISTRATIVE RELIEF
 EXTENDING PRETRIAL DEADLINES**

Hon. Sandra Brown Armstrong

1 I, James Magleby, hereby declare:


2 1. I am a partner in the law firm of Magleby & Greenwood, P.C., attorneys for
3 Defendant Podfitness, Inc. (“Defendant”). I have personal knowledge of the facts set forth
4 herein and, if called as a witness, would testify competently thereto.

5 2. Within the same day as retaining new counsel, Podfitness (through counsel)
6 contacted Apple’s attorneys telephonically, advised them of having successfully obtained new
7 counsel, and sought a stipulation to extend the current form of scheduling order. Podfitness
8 offered to produce witnesses for depositions on dates certain, but not within the December 14,
9 2007 existing discovery cut-off deadline.

10 3. In a subsequent communication, Apple requested that it be allowed to conduct its
11 discovery as late as the end of January 2008, by taking the depositions of Podfitness’ witnesses.
12 The premise for this request was due to scheduling conflicts with Apples’ attorneys. Apple
13 would not agree to reciprocate such timing to Podfitness in providing its witnesses.

14 4. Podfitness has requested an extension on all deadlines, and for Apple to
15 reciprocate production of witnesses, but Apple would not stipulate to any modification of the
16 existing scheduling order, even though it requests depositions as late as end of January 2008 and
17 a 30 day stay was in place.

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct. Executed on the 10th day of December at Salt Lake City, Utah.

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24 _____
25 JAMES E. MAGLEBY