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 10 WANG XIAONING, YU LING, SHI TAO

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

14 WANG XIAONING, YU LING, SHI TAO,  
 and ADDITIONAL PRESENTLY  
 15 UNNAMED AND TO BE IDENTIFIED  
 INDIVIDUALS,

16 Plaintiffs,

17 v.

18 YAHOO, INC., a Delaware Corporation,  
 YAHOO! HOLDINGS (HONG KONG),  
 LTD., a Foreign Subsidiary of Yahoo!,  
 19 ALIBABA.COM, INC. a Delaware  
 Corporation, AND OTHER PRESENTLY  
 20 UNNAMED AND TO BE IDENTIFIED  
 INDIVIDUAL EMPLOYEES OF SAID  
 21 CORPORATIONS,

22 Defendants.

Case No. C07-02151 CW

**TORT DAMAGES CLAIM**

**DECLARATION OF MORTON SKLAR IN  
 SUPPORT OF PLAINTIFFS' OPPOSITION  
 TO DEFENDANT YAHOO!, INC.'S MOTION  
 TO SHORTEN TIME ON ITS MOTION FOR  
 AN EARLY CASE MANAGEMENT  
 CONFERENCE AND ORDER**

Judge: Hon. Claudia Wilken

23  
 24  
 25 I, MORTON SKLAR, declare:

26 1. I am the Executive Director of the World Organization for Human Rights USA,  
 27 attorney of record and lead counsel for the Plaintiffs in the above-captioned case, and a former  
 28

Decl. of Morton Sklar ISO Plaintiffs'  
 Opposition to Defendant's Motion to Shorten  
 Time

Case No. C07-02151 CW

1 Judge (for nine years) with one of the two international courts operated by the Organization of  
2 American States. This declaration is being submitted pursuant to Civil Local Rule 6-3 in support  
3 of Plaintiffs' Opposition To Defendants' Motion To Shorten Time On Its Motion For An Early  
4 Case Management Conference. Except where otherwise indicated, I have personal knowledge of  
5 the facts stated herein and, if called as a witness, I could and would testify competently thereto.  
6

7 2. In a reply filed today titled Plaintiffs' Opposition To Defendants' Motion To  
8 Shorten Time On Its Motion For An Early Case Management Conference, Plaintiffs are  
9 requesting the Court to dismiss Defendant Yahoo!'s Motion to Shorten Time, and to adhere to the  
10 newly revised schedule for ADR and case management activities with the Initial Case  
11 Management Conference scheduled for September 18, 2007.  
12

13 3. Approximately two weeks ago Defendants' Counsel Dan Petrocelli and Joseph Cyr  
14 sought my approval for a Joint Stipulation to alter the original ADR and Case Management  
15 Schedule ordered by the Court on the grounds that Mr. Petrocelli would be away on vacation  
16 during the first three weeks of June, and that Mr. Cyr also needed to travel to Hong Kong to  
17 obtain information on the case, making compliance with the original Case Management schedule  
18 difficult for them, especially since Mr. Petrocelli's vacation plans could not be changed. I  
19 initially expressed great reluctance to enter into a Joint Stipulation that would result in significant  
20 delays in the case management process, and suggested that Defendants make this request  
21 separately from the Plaintiffs. They asked me to reconsider this position as a matter of  
22 professional courtesy, and I acceded to their request on that basis, finally agreeing to seek the  
23 scheduling changes that they sought through a joint stipulation. I would not agree, however, to  
24 their request, delivered at the same time that they made their case management scheduling  
25 revision proposal, to seek an early meeting with the Court to discuss a variety of preliminary  
26 substantive matters. My view was then, and remains so now, that these matters, including the  
27  
28

1 first meeting with the Court, should properly be handled initially through the regular case  
2 management process, and pursuant to the schedule for these matters set by the Court, as newly  
3 revised pursuant to the Joint Stipulation that was approved by the Court on June 19.

4  
5 4. It therefore came as something of a surprise to me, after this negotiation had taken  
6 place, and a final agreement had been reached on a revised case management schedule, that the  
7 Defendants would seek a second revision in that schedule by requesting an earlier case  
8 management conference with the Court, with a requested July 2 hearing on that Motion. What  
9 was especially difficult to understand, and especially troubling given the assurances that I had  
10 been given about the Defendants' counsels' travel plans during July making necessary the  
11 proposed delays in the case management schedule, was that the Defendants counsel  
12 acknowledged to me in an email communication that what were described as "slight alterations"  
13 in Mr. Petrocelli's travel plans would now be made to accommodate the proposed July 2 Motions  
14 Hearing date. This was not consistent with the assurances given to me earlier that were used to  
15 justify the delays in the case management schedule that I reluctantly agreed to in order to  
16 accommodate Defendant counsel's vacation plans.  
17

18 I declare under penalty of perjury under the laws of the United States that the foregoing is  
19 true and correct. Executed in Washington, D.C. on this 25th day of June 2007.  
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22

23 /s/ Morton Sklar  
24 Morton Sklar  
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