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16 Attorneys for Plaintiffs

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20 WANG XIAONING, YU LING, SHI TAO,
 21 and ADDITIONAL PRESENTLY
 22 UNNAMED AND TO BE IDENTIFIED
 23 INDIVIDUALS,

24 Plaintiffs,

25 v.

26 YAHOO, INC., a Delaware Corporation,
 27 YAHOO! HONG KONG LTD., a Foreign
 28 Subsidiary of Yahoo!, AND OTHER
 PRESENTLY UNNAMED AND TO BE
 IDENTIFIED CORPORATE DEFENDANTS
 AND UNNAMED AND TO BE
 IDENTIFIED INDIVIDUAL EMPLOYEES
 OF SAID CORPORATIONS,

Defendants.

Case No. C07-02151 CW

TORT DAMAGES CLAIM

**DECLARATION OF MORTON SKLAR
 REGARDING PLAINTIFFS'
 CERTIFICATION OF DISCUSSION OF
 ALTERNATIVE DISPUTE RESOLUTION
 OPTIONS**

Judge: Hon. Claudia Wilken

29 I, MORTON SKLAR, declare:

- 30 1. This Alternative Dispute Resolution Certification should be considered in conjunction
 31 with the similar Certification filed in this case by the Defendants on September 7,
 32 2007.
- 33 2. I am the Executive Director of the World Organization for Human Rights USA,

1 attorney of record and lead counsel for the Plaintiffs in the above-captioned case. This
2 declaration is being submitted regarding ADR Certification of Discussion of ADR
3 Options in this case. Except where otherwise indicated, I have personal knowledge of
4 the facts stated herein and, if called as a witness, I could and would testify
5 competently thereto. I have been primarily responsible for communicating and
6 exchanging information with the Attorneys for the Defendants in connection with
7 pretrial case management.
8

9 3. On Friday, September 7, 2007, at 2:30 PM, I and other members of my staff discussed
10 a variety of case management issues with several members of Defendants' Counsel
11 team. Alternative Dispute Resolution options were discussed, as required by ADR
12 Local Rule 3-5a.
13

14 4. During the September 7 conference call, particular mention was made of the ADR
15 Certification form required by ADR Local Rule 3-5b, and the fact that the form was
16 due to the Court and the ADR staff on the same day as our call, September 7. We
17 further discussed whether all Parties could stipulate to an ADR process, and whether
18 the Parties wished to notify the Court of the need for an ADR telephone conference.
19 All Attorneys agreed to the need for an ADR telephone conference call with ADR
20 staff.
21

22 5. It was our understanding that Defense Counsel would file the necessary ADR form
23 jointly, certify our ADR discussions, and express our joint preference for the
24 telephone conference, before the end of the day. One of the Defendants' counsel team
25 asked how we would sign the form, and I confirmed that my signature should be
26 added electronically to this joint submission.
27

28 6. It was on the basis of this understanding that a joint certification would be made that

1 we did not take any further action to separately file the required ADR certification on
2 behalf of the Plaintiffs.

3 7. Defendants' legal team filed a joint request for an ADR conference call with ADR
4 staff, but filed the ADR certification individually, not jointly, though it was our
5 intention and expectation that both be filed jointly as a result of our September 7
6 discussions. We do not believe, imply, or mean to suggest in any way that the
7 Defendants acted improperly or in bad faith in not including our names on the ADR
8 certification they submitted on September 7 as we had anticipated they would. We
9 believe that they simply did not share our understanding of our discussions in this
10 regard and believed that they were filing only the ADR telephone conference request,
11 not the ADR certification, on a joint basis. We describe these discussions and our
12 differing understandings solely to indicate the reason why the Plaintiffs' ADR
13 certification was not filed on the due date of September 7, and why it is being filed
14 one business day late, on September 10.

15 8. When I arrived at work today (Monday, September 10, 2007), I saw for the first time
16 the ADR certification forms and submission filed by Defense Counsel after I left my
17 office on Friday, September 7. Upon review, I realized that my electronic signature
18 was not included on the certification form and a joint filing regarding the ADR had not
19 taken place. I am seeking to overcome this oversight by immediately filing our own
20 ADR certification form.

21 9. I have discussed the Court's ADR options and other settlement possibilities with our
22 Plaintiffs and/or their authorized legal representatives. As certified by my signature
23 on the form filed today, all three plaintiffs understand that a Court-sponsored ADR
24 process is available to them in connection with the lawsuit they have filed. Given the
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Plaintiffs' and their legal representatives' limited English abilities, it would not be accurate for them to attest that they have "read" the handbook, as stated in the Court's standard form, because they can not read English. The certification filed today states that we have discussed the nature and contents of the handbook with them, and that they understand the ADR options.

10. Because the Plaintiffs reside in China, and since two of the named Plaintiffs are being held in detention in China under circumstances that greatly restrict their access to visitors and to free communications, we have not yet obtained their personal signatures on the ADR form, as required, but we are in the process of attempting to do so.

11. Plaintiffs regret the one day lateness in their filing of this certification based on the reasons indicated in this declaration, and any inconvenience this delay may have caused the Court, its staff, or Defense Counsel. The Plaintiffs stand ready to fully comply with all of the Court's ADR processes, including the ADR telephone conference that has been jointly agreed to with the Defendants.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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Executed in Washington, D.C. on this 10th day of September 2007.

/s/ Morton Sklar

Morton Sklar
Executive Director
World Organization for Human Rights
USA