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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 KINDERSTART.COM LLC, a California
 12 limited liability company, on behalf of itself and
 all others similarly situated,

13 Plaintiffs,

14 v.

15 GOOGLE, INC., a Delaware corporation,

16 Defendant.

Case No. C 06-2057 JF

**DECLARATION OF GREGORY J. YU
 IN SUPPORT OF PLAINTIFF'S
 OPPOSITION TO DEFENDANT'S
 MISCELLANEOUS ADMINISTRATIVE
 RELIEF UNDER LOCAL RULE 7-11**

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 18 I, GREGORY J. YU, HEREBY DECLARE AS FOLLOWS:

19 1. My name is Gregory J. Yu, and I am legal counsel to plaintiff KinderStart.com
 20 LLC ("KSC") in the above action and am authorized by my client to make this declaration in
 21 support of plaintiff's opposition to defendant's Miscellaneous Administrative Request on file
 22 herein ("Defendant's Request").

23 2. On May 2, 2006, I had a telephone conversation with counsel to Defendant,
 24 David H. Kramer, about this case. Mr. Kramer advised me that Defendants would be noticing
 25 the court for two motions, its anti-SLAPP motion and its Rule 12(b) motion to dismiss, to be
 26 heard on June 30, 2006. Plaintiff's acknowledged this and agreed with Defendant to this date. I
 27 then advised Mr. Kramer that Plaintiff would be filing a motion for a preliminary injunction

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 DECLARATION OF GREGORY J. YU IN SUPPORT
 OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S
 MISCELLANEOUS ADMINISTRATIVE REQUEST
 UNDER LOCAL RULE 7-11

1 (“Injunction Motion”) and wanted have it heard earlier than Friday, June 30, perhaps either of
2 two Fridays, June 16 or 23. Since neither Mr. Kramer nor his partner Jonathan Jacobsen was
3 available for those two dates, Mr. Kramer declined that request. However, he indicated that
4 having Defendants’ dual motions and Plaintiff’s one motion heard on the same day, June 30,
5 would be amenable to him. (This was confirmed in an e-mail from Mr. Kramer on May 2,
6 2006.) Mr. Kramer further stated that if the timing of all motions were identical, the respective
7 briefing schedules for both sides would be mirrored to allow better management of the
8 arguments and motions for the parties and the Court.

9 3. On May 26, 2006, I telephoned Mr. Kramer to advise him that Plaintiff KSC
10 would be noticing the Injunction Motion for June 30, 2006. Mr. Kramer did not object to this
11 hearing date or to Plaintiff’s filing or noticing of such motion.

12 4. On or prior to May 31, 2006, never did Mr. Kramer suggest to me by phone, e-
13 mail or VoiceMail that the Injunction Motion be postponed until after the hearing of Defendant’s
14 own two motions.

15 5. Never have I as Plaintiff’s counsel asked Defendant or the Court for a delay,
16 postponement or separation of Defendant’s two pending motions or the associated briefing due
17 dates.

18 I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal
19 knowledge.

20 Executed on this 1st day of June, 2006 in San Mateo, California.

21
22 By: /s/ Gregory J. Yu
 GREGORY J. YU