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5 Attorney for Plaintiffs and Proposed Class and Subclasses

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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  
 MOTION UNDER LOCAL RULE 7-7(b)  
 FOR ORDER SHORTENING TIME FOR  
 MOTION FOR SPECIFIED DISCOVERY**

17  
 18 I, GREGORY J. YU, HEREBY DECLARE AS FOLLOWS:

19 1. I am legal counsel to plaintiff KinderStart.com LLC ("KSC") in the above action  
 20 and am authorized by my client to make this declaration in support of Plaintiff's motion for an  
 21 order shortening time for motion for specified discovery by Plaintiff.

22 2. Plaintiffs have timely filed its opposition to Defendant's Special Motion to Strike  
 23 Pursuant to CCP § 425.16 on June 9, 2006, which is 21 days prior to the calendared hearing date  
 24 of June 30, 2006.

25 3. On June 13, 2006, I sent a letter to Mr. Kramer as an informal discovery request  
 26 of specified information from Google on PageRank™ determination of [www.kinderstart.com](http://www.kinderstart.com)  
 27 and of other Websites generally. This was required for Plaintiff's assembly of evidence to  
 28 demonstrate a likelihood of its success on the defamation and libel count, in connection with its

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1 procedural burden under CCP § 425.16(b). I requested a reply from Google by June 15, 2006.

2 4. On June 15, 2006, Mr. Kramer replied timely to my June 13, 2006 letter. He  
3 indicated that a response to KSC's request was not possible due to the time constraints of the  
4 filing Google's reply to Plaintiffs' two oppositions to Google's pending motions and the current  
5 unavailability of his contact person at Google until June 19, 2006.

6 5. Today, on June 16, 2006, I requested a stipulation of Mr. Kramer to continue the  
7 hearing date for the anti-SLAPP motion in order to allow the Court and plaintiff sufficient time  
8 to address the discovery requirements of plaintiff in connection with the pending anti-SLAPP  
9 motion. On behalf of Defendant, Mr. Kramer declined to accept this stipulation by the close of  
10 business today.

11 6. On today's date, I requested a stipulation of Defendant to have the motion for  
12 specified discovery heard on June 30, 2006, with the conditions that (a) Defendant's opposition  
13 would be due June 23, 2006 and (b) Plaintiff would waive its right to a reply. On behalf of  
14 Defendant, Mr. Kramer declined to accept this stipulation by the close of business today.

15 I DECLARE UNDER PENALTY OF PERJURY, that the above is true and correct and  
16 based on my personal knowledge.

17 Executed on this 16th day of June, 2006 in San Mateo, California.

18  
19 By: s/s Gregory J. Yu  
20 GREGORY J. YU