

1 SAMUELSON LAW, TECHNOLOGY  
 & PUBLIC POLICY CLINIC  
 2 JASON M. SCHULTZ (SBN 212600)  
 JENNIFER A. LYNCH (SBN 240701)  
 3 DOMENIC IPPOLITO (*Application for Student  
 Practice Pending*)  
 HARI O'CONNELL (*Application for Student  
 Practice Pending*)  
 4 UC Berkeley Law School  
 5 389 Simon Hall  
 Berkeley, CA 94720  
 6 Telephone: (510) 642-7515  
 Facsimile: (510) 643-4625  
 7 jlynch@law.berkeley.edu

8 Attorneys for *Amicus Curiae*  
 9 Electronic Frontier Foundation

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

14 COUPONS, INC.,  
 15 Plaintiff,  
 16 v.  
 17 JOHN STOTTMIRE, AND DOES 1-10,  
 18 Defendant.

Case No. 5:07-CV-03457 HRL

**DECLARATION OF JENNIFER  
 LYNCH IN SUPPORT OF  
 STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE HEARING  
 DATE ON DEFENDANT'S MOTION  
 TO DISMISS TO MAY 13, 2008**

19 I, Jennifer Lynch, declare as follows:

21 1. I am a supervising attorney with the Samuelson Law, Technology & Public  
 22 Policy Clinic ("Clinic") and represent Amicus Curiae Electronic Frontier Foundation (EFF) in  
 23 this matter.

24 2. On March 25, 2008, Amicus Curiae Electronic Frontier Foundation (EFF) filed  
 25 Motions for Leave to File an Amicus Brief and for Leave to Appear and Participate in Oral  
 26 Argument in support of Defendant John Stottlemire's Motion to Dismiss.

27 3. On March 31, 2008, the Court granted EFF's two motions and ordered the amicus  
 28

1 brief to be filed.

2 4. On March 31, 2008, the Court ordered the hearing date on the Motion be  
3 continued to May 6, 2008.

4 5. My colleague Jason Schultz and I, the two supervising attorneys representing EFF  
5 in this matter, are both scheduled to attend the Association of American Law School's 2008  
6 Conference on Clinical Legal Education in Tucson, Arizona from May 4-7, 2008 and therefore  
7 will not be able to participate in oral argument at a hearing scheduled for May 6, 2008.

8 6. On April 1, 2008, after reading the Court's Order continuing the hearing date and  
9 realizing the conflict, I contacted Plaintiff's counsel and Mr. Stottlemire to determine if they  
10 would be amenable to continuing the hearing date to May 13, 2008.

11 7. On April 1, 2008, Mr. Stottlemire responded via email that he consented to  
12 continue the hearing date.

13 8. On April 2, 2008, Ms. Carley Alameda, counsel with Farella Braun & Martel  
14 representing Plaintiff, responded via phone that Coupons would also consent to continue the  
15 hearing date to May 13th.

16 I declare under penalty of perjury under the laws of the State of California that each of the  
17 above statements is true and correct. Executed April 2, 2008, in San Francisco, California.

18  
19  
20 /s/ Jennifer Lynch

21 Jennifer Lynch  
22  
23  
24  
25  
26  
27  
28