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8 Attorneys for Defendant DEAN V. KRUSE

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

13 eBAY INC.,

14 Plaintiff,

15 vs.

16 DEAN V. KRUSE,

17 Defendants.

Case No. C03-03038 RS

**DECLARATION OF ROBERT TED  
 PARKER SUPPORTING MOTION FOR  
 SUMMARY JUDGMENT OR PARTIAL  
 ADJUDICATION UNDER RULE 56, FED.  
 R. CIV. PROC.**

Date: July 28, 2004  
 Before: Magistrate Judge Seeborg

Date of Filing: June 30, 2003  
 Trial Date: September 14, 2004

20 I, **ROBERT TED PARKER**, declare as follows:

21 1. I am an attorney at law admitted to practice in the State of California and before this  
 22 Honorable Court, the District Court for the Northern District of California, and I am co-counsel  
 23 for Dean Kruse in this matter. I make this declaration on personal knowledge, and if called as a  
 24 witness I would and could testify accordingly.

26 2. Attached hereto as Exhibit A is a true and correct copy of the 1998 Equity Incentive Plan  
 27 of eBay, Inc. as produced in discovery in this case.

1 3. Attached hereto as Exhibit B is a true and correct copy of page 2, section 2(k), of the 2001  
2 Equity Incentive Plan of eBay, Inc., as produced in discovery in this case.

3 4. Attached hereto as Exhibit C is a true and correct copy of the Separation and Consulting  
4 Agreement between Dean Kruse and eBay, Inc. dated December 18, 2002, as produced in  
5 discovery.  
6

7 5. Attached hereto as Exhibit D is a true and correct copy of Action by Unanimous Consent  
8 of the Compensation Committee of the Board of Directors of eBay, Inc., as produced in discovery  
9 in this case.  
10

11 6. Attached hereto as Exhibit E is a true and correct copy of Minutes of a Telephonic Meeting  
12 of the Compensation Committee of the Board of Directors of eBay, Inc. dated April 14, 2003, as  
13 produced in discovery in this case.  
14

15 I declare under penalty of perjury under the laws of the United States of America and the State of  
16 California that the foregoing is true and correct.

17  
18 DATED: June 21, 2004

19 /s/ Robert Ted Parker  
20 Robert Ted Parker

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