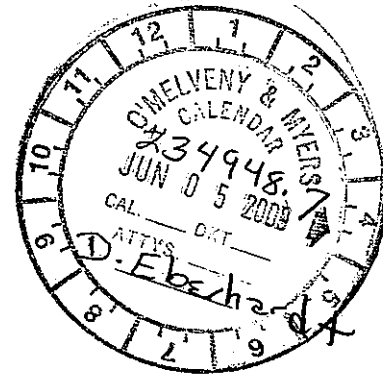


EXHIBIT 20



LAW OFFICES OF PATRICK K. McCLELLAN
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2211 Michelson Drive, Suite 700
Irvine, CA 92612
Telephone (949)261-7615
Facsimile (949)851-2772
Attorney for Defendant KESSLER'S FLYING CIRCUS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EBAY INC.,) Case No. 08-4052
)
Plaintiff,) KESSLER'S FLYING CIRCUS' RESPONSE
) TO SECOND SET OF REQUESTS FOR
vs.) PRODUCTION OF DOCUMENTS
)
DIGITAL POINTS SOLUTIONS, INC.,)
SHAWN HOGAN; KESSLER'S FLYING)
CIRCUS; THUNDERWOOD HOLDINGS,)
INC.; TODD DUNNING; DUNNING)
ENTERPRISES, INC.; BRIAN DUNNING;)
BRIANDUNNING.COM; and DOES 1-20,)
)
Defendants.)

PROPOUNDING PARTY: PLAINTIFF EBAY INC.

RESPONDING PARTY: DEFENDANT KESSLER'S FLYING CIRCUS

SET NO.: TWO (2)

Defendant Kessler's Flying Circus ("Defendant" and/or "Responding Party") hereby responds to the Second Set of Requests for Production (Nos. 35-36) propounded by Plaintiff eBay Inc. ("Plaintiff" and/or "Propounding Party") as follows:

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GENERAL STATEMENT

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Todd Dunning and Brian Dunning (“the Dunnings”) have invoked their privilege against self-incrimination pursuant to the Fifth Amendment to the U.S. Constitution, *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence Rule 501, Article 1, Section 15 of the California Constitution, and California Evidence Code section 940. Since the Dunnings are the sole partners and sole representatives of Responding Party, and the Dunnings decline to sign these discovery responses on behalf of Responding Party. These responses to requests for documents directed at Responding Party are not a waiver of the Dunnings’ privileges.

Furthermore, the Federal Bureau of Investigation has seized all documents and computers, disk drives, hard drives, cell phones and servers containing information potentially related to this matter. Assistant United States Attorney Kyle F. Waldinger in charge of this investigation has refused all requests to provide defendants with a copy of the material seized by the FBI. Those items and records may contain information responsive to the requests below, but those items and records are not in the possession, custody or control of Defendants.

Without waiving any of the foregoing, Responding Party responds to the requests below:

RESPONSES

REQUEST FOR PRODUCTION NO. 35 :

All documents relating to the settlement of the CJ Litigation, including Communications with Commission Junction regarding settlement, proposed or draft settlement agreements or portions of such agreements, and any other Documents relating to the negotiation, drafting and execution of the Settlement Agreement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Responding Party objects on the ground that this request is vague and ambiguous, overbroad, unduly burdensome and oppressive. Responding Party further objects to this request on

1 the grounds that, as phrased, the request seeks documents the disclosure of which might violate the
2 attorney-client privilege and/or the work product doctrine. Subject to and without waiving the
3 foregoing objections and based on a reasonable interpretation as to the meaning of this request,
4 Responding Party responds as follows: Responding Party will produce all non-privileged documents
5 responsive to this Request in its possession, custody and/or control, if any, at a time and place
6 mutually convenient to the parties.

7 **REQUEST FOR PRODUCTION NO. 36:**

8
9 All documents relating to any termination of a contractual or other business relationship
10 between any of Defendants and Commission Junction, including any termination of an agreement
11 entered into between any of Defendants and Commission Junction referred to as a Publisher Service
12 Agreement.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

14 Responding Party objects on the ground that this request is vague and ambiguous,
15 overbroad, unduly burdensome and oppressive. Responding Party further objects to this request on
16 the grounds that, as phrased, the request seeks documents the disclosure of which might violate the
17 attorney-client privilege and/or the work product doctrine. Subject to and without waiving the
18 foregoing objections and based on a reasonable interpretation as to the meaning of this request,
19

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1 Responding Party responds as follows: Responding Party will produce all non-privileged documents
2 responsive to this Request in its possession, custody and/or control, if any, at a time and place
3 mutually convenient to the parties.
4

5 Dated: June 3, 2009

LAW OFFICE OF PATRICK K. McCLELLAN

6
7 By: 

PATRICK K. McCLELLAN

8 Attorney for Kessler's Flying Circus

9 Telephone (949)261-7615

10 Facsimile (949)851-2772

11 E-mail: pkellymc@pacbell.net

12 Attorney for Defendant

13 KESSLER'S FLYING CIRCUS
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Michelson Drive, Suite 700, Irvine, California 92612.

On June 3, 2009, I served the document(s) described as KESSLER'S FLYING CIRCUS' RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS on the interested parties in this action.

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

David R. Eberhart, Esq.
O'Melveny & Meyers LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111

Ronald Rus, Esq.
Rus, Miliband & Smith
2211 Michelson Drive, Ste 700
Irvine, CA 92612

Stewart H. Foreman, Esq.
Freeland Cooper & Foreman, LLP
150 Spear Street, Ste 1800
San Francisco, CA 94105

Seyamack Kouretchian
Coast Law Group, LLP
169 Saxony Road, Ste 204
Encinitas, CA 92924

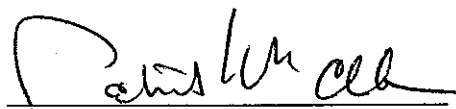
BY MAIL

As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 3, 2009, 2009, at Irvine, CA.

PATRICK K. McClellan
Type or print name)


(Signature)