

EXHIBIT 7

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Dunning Enterprise, Inc.

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 EBAY, INC.,

13 Plaintiff,

14 v.

15 DIGITAL POINT SOLUTIONS, INC., SHAWN
16 HOGAN, KESSLER'S FLYING CIRCUS,
17 THUNDERWOOD HOLDINGS, INC.,
TODD DUNNING, DUNNING ENTERPRISE, INC.,
18 BRIAN DUNNING, BRIANDUNNING.COM, and
DOES 1-20,

19 Defendants.

CASE NO.: CV-08-4052 JF

**DEFENDANT DUNNING
ENTERPRISE, INC.'S
SUPPLEMENTAL RESPONSES
TO PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION**

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21 PROPOUNDING PARTY: PLAINTIFF EBAY INC.
22 RESPONDING PARTY: DEFENDANT DUNNING ENTERPRISE, INC.
23 SET NUMBER: ONE
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FREELAND COOPER & FOREMAN LLP
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1 Defendant Dunning Enterprise, Inc. ("DEI") hereby submits the following supplemental
2 objections and responses to the Request for Production of Documents Set One propounded by
3 Plaintiff Ebay, Inc. ("Plaintiff").

4 GENERAL STATEMENT

5 Todd Dunning, the President of Defendant Dunning Enterprise, Inc. ("DEI"), has invoked his
6 privilege against self-incrimination pursuant to the Fifth Amendment to the U.S. Constitution,
7 *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973), Federal Rules of Evidence Rule 501, Article 1, Section 15
8 of the California Constitution, and California Evidence Code section 940. Todd Dunning was the
9 only active employee or knowledgeable person regarding the activities of Dunning Enterprise, Inc.
10 Should Mr. Dunning determine that there is no longer the threat of potential criminal prosecution and
11 elect to withdraw the assertion of his privilege against self-incrimination in the future, Defendant
12 expressly reserves the right to supplement its responses. These responses to requests for documents
13 directed at DEI are not a waiver of Mr. Dunning's privilege.

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

20 RESPONSES AND OBJECTIONS

21 REQUEST FOR PRODUCTION NO. 29:

22 Documents sufficient to identify all employees, contractors or temporary employees of
23 Dunning Enterprise, their dates of employment, duties, salary and any other compensation.


24 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

25 DEI objects on the ground that this request is overbroad, unduly burdensome and oppressive.
26 DEI further objects that this request seeks documents which are neither relevant to the subject matter
27 of this action, nor reasonably calculated to lead to the discovery of admissible evidence. DEI further
28 objects to this request on the ground that it violates the privacy rights of third parties, seeks production

1 of trade secrets or other confidential information. Subject to and without waiving the foregoing
2 objections and based on DEI's reasonable belief as to the meaning of this request, DEI responds as
3 follows: DEI will produce non-privileged documents in its possession that identify all employees,
4 contractors or temporary employees of DEI and their positions. All documents in DEI's possession,
5 custody and control are attached hereto with number DEI000001 and 2.

6
7 Dated: August 25, 2009

FREELAND COOPER & FOREMAN LLP

8
9 By: 
10 STEWART H. FOREMAN
11 Attorneys for Defendants Todd Dunning and
12 Dunning Enterprise, Inc.

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**MINUTES OF FIRST MEETING
OF THE BOARD OF DIRECTORS
OF
DUNNING ENTERPRISE, INC.
a California corporation**

The Board of Directors elected by the Incorporator of DUNNING ENTERPRISE, INC., a California corporation, and constituting the Board of Directors of said Corporation, held its first meeting at on the 27th day of December, 2006.

There were present at said meeting the following Directors constituting a quorum of the full Board:

**Todd Dunning
Karine Dunning**

There were absent: None. Also present was R. Zebulon Law, legal counsel to the Corporation.

On motion, and by unanimous vote, TODD DUNNING was elected the Temporary Chairman and KARINE DUNNING was elected the Temporary Secretary of the meeting.

The Chairman announced that the meeting was held pursuant to a written waiver of notice thereof, and consent thereto signed by all of the Directors of the Corporation. The waiver and consent was presented to the meeting, and upon motion duly made, seconded and unanimously carried, was made a part of the records of the meeting and now precedes the minutes of this meeting in the Book of Minutes of the Corporation.

The Chairman stated that the original Articles of Incorporation of the Corporation had been filed in the office of the California Secretary of State on December 27, 2006.

ARTICLES OF INCORPORATION

The Chairman presented to the meeting a certified copy of the Articles of Incorporation showing the filing date. The Secretary was directed to insert the copy in the Book of Minutes of the Corporation.

REAFFIRMATION OF BYLAWS

The matter of reaffirming the Bylaws for the regulation of the Corporation was next considered. The Secretary presented to the meeting the Bylaws which were duly considered and discussed. On motion duly made, seconded and unanimously carried, the following resolutions were adopted:

DEI 000001

RESOLVED, that the Bylaws presented to this meeting and discussed thereat be, and the same hereby are, reaffirmed as and for the Bylaws of this Corporation.

ELECTION OF OFFICERS

The meeting then proceeded to the election of the President, Secretary and Chief Financial Officer. Upon motion duly made, seconded, and unanimously carried, the following were duly elected to the offices indicated:

President:	Todd Dunning
Secretary/Chief Financial Officer:	Karine Dunning

Each officer so elected being present accepted his/her office and thereafter the President presided at the meeting as Chairman and the Secretary acted as Secretary at the meeting.

CORPORATE SEAL

The Secretary presented for the approval of the meeting the proposed seal of the Corporation, consisting of two concentric circles with the words, "DUNNING ENTERPRISE, INC.," and the words and figures, "INCORPORATED DEC. 27, 2006 CALIFORNIA."

On motion duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED, that the corporate seal, in the form, words, and figures presented at this meeting be, and the same hereby is, adopted as the seal of this Corporation, and an impression of said seal shall be affixed to the minutes of this meeting immediately preceding the adoption of this resolution.

SHARE CERTIFICATE

The Secretary presented to the meeting a proposed form of share certificate for use by the Corporation. On motion duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED, that the form of share certificate presented at this meeting be, and the same hereby is, adopted as the share certificate of this Corporation.

The Secretary was instructed to insert an exemplar of the share certificate in the Book of Minutes immediately following the minutes of the meeting.

TAX TREATMENT ELECTION – IRC SECTION 1244

The Chairman then suggested that consideration be given to the provisions of Section 1244 of the Internal Revenue Code of 1986, as amended, and the California Revenue and Taxation Code. The Chairman noted that these sections permit ordinary loss treatment when

DEI 000002