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10 Attorneys for Defendants, SHAWN HOGAN
 11 and DIGITAL POINT SOLUTIONS, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

15 EBAY, INC.,	)	Case No. CV 08-04052 JF PVT
)	
16 Plaintiff,	)	DECLARATION OF SEYAMACK
	)	KOURETCHIAN IN SUPPORT OF
17 v.	)	OPPOSITION OF DEFENDANTS
	)	DIGITAL POINT SOLUTIONS, INC. AND
18 DIGITAL POINT SOLUTIONS, INC., SHAWN	)	SHAWN HOGAN TO PLAINTIFF'S
19 HOGAN, KESSLER'S FLYING CIRCUS,	)	MOTION TO COMPEL
20 THUNDERWOOD HOLDINGS, INC., TODD)	
	)	Date: November 13, 2009
21 DUNNING, DUNNING ENTERPRISE, INC.,	)	Time: 9:00 a.m.
22 BRIAN DUNNING, BRIANDUNNING.COM,	)	Judge: Hon. Patricia V. Trumbull
23 and Does 1-20,	)	Dept.: Courtroom 5
)	
24 Defendants.)	
)	

25 I, Seyamack Kouretchian, declare:

26 1. I am an attorney at law duly authorized to practice law before the United States District
 27 Court for the Northern District of California and am a partner with Coast Law Group, LLP attorneys of
 28 record for defendants Shawn Hogan and Digital Point Solutions, Inc. If called upon as a witness I could
 and would competently testify to the following facts.

2. On September 22, 2009, I spoke via telephone with Assistant U.S. Attorney Kyle
 Waldinger of the United States Attorney's Office for the Northern District of California (USAO). The

1 subject of the conversation was the pending criminal investigation being undertaken by the USAO and
2 the Federal Bureau of Investigation. During the course of the conversation, Mr. Waldinger indicated the
3 following:: (1) Mr. Hogan is the subject of an ongoing criminal investigation as to whether activities
4 associated with Plaintiff's affiliate marketing program constitute wire fraud under 18 U.S.C. §1343; (2)
5 the scope of the investigation relates to the "cookie stuffing" schemes alleged against the Defendants in
6 this case; (3) Mr. Waldinger believes that Section 1343 has been violated; (4) the USAO intends to seek
7 an indictment based on the foregoing; and (5) and it is likely that an indictment will be issued within the
8 early part of next year.

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

11 DATED: October 23, 2009

s/Seyamack Kouretchian
COAST LAW GROUP, LLP
Attorney for Defendants, Shawn Hogan
and Digital Point Solutions, Inc.