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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16 EBAY INC.,

17 Plaintiff,

18 v.

19 DIGITAL POINT SOLUTIONS, INC.,
 20 SHAWN HOGAN, KESSLER'S
 21 FLYING CIRCUS, THUNDERWOOD
 22 HOLDINGS, INC., TODD DUNNING,
 23 DUNNING ENTERPRISE, INC., BRIAN
 24 DUNNING, BRIANDUNNING.COM,
 25 and DOES 1-20,

26 Defendants.

Case No. C 08-04052 JF PVT

**OMNIBUS DECLARATION OF
 SHARON M. BUNZEL IN SUPPORT
 OF EBAY INC.'S REPLIES IN
 SUPPORT OF ITS MOTIONS TO
 COMPEL RESPONSES TO
 REQUESTS FOR PRODUCTION,
 INTERROGATORIES AND
 REQUESTS FOR ADMISSION**

Hearing Date: November 13, 2009
 Time: 10:00 a.m.
 Courtroom: 5
 Judge: Hon. Patricia V. Trumbull

1 I, Sharon M. Bunzel, declare as follows:

2 1. I am a member of the Bar of the State of California and a partner in the law
3 firm of O'Melveny & Myers LLP, counsel for eBay Inc. in this matter. I submit this
4 Declaration in support of 1) eBay's Reply in support of its Motion to Compel Responses
5 to Requests for Production, Interrogatories and Requests for Admission from Defendants
6 Digital Point Solutions, Inc. and Shawn Hogan; 2) eBay's Reply in support of its Motion
7 to Compel Responses to Requests for Production, Interrogatories, and Requests for
8 Admission from Defendants Brian Dunning, Thunderwood Holdings, Inc.,
9 Briandunning.com, and Kessler's Flying Circus; and 3) eBay's Reply in support of its
10 Motion to Compel Responses to Requests for Production from Defendants Todd Dunning
11 and Dunning Enterprise, Inc. I have personal knowledge of the facts set forth in this
12 declaration and, if called to testify as a witness, could and would do so under oath.

13 2. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of
14 the September 25, 2009 Case Management Conference in this matter before United States
15 District Court Judge Jeremy Fogel.

16 3. Attached hereto as **Exhibit 2** is a true and correct copy of an October 28,
17 2009 email from Ross Campbell to Colleen Kennedy regarding DPS, Inc.'s responses to
18 eBay's Requests for Production.

19 4. Attached hereto as **Exhibit 3** is a true and correct copy of a July 29, 2009
20 letter from Colleen Kennedy to Ross Campbell regarding DPS, Inc.'s responses to eBay's
21 Requests for Production.

22 5. Attached hereto as **Exhibit 4** is a true and correct copy of a September 10,
23 2009 letter from Colleen Kennedy to Perry Robinson regarding Rackspace's response to
24 eBay's Amended Subpoena.

25 6. Attached hereto as **Exhibit 5** is a true and correct copy of a September 16,
26 2009 letter from Colleen Kennedy to Steve Priolo regarding Rackspace's response to
27 eBay's Amended Subpoena.

28 7. Attached hereto as **Exhibit 6** is a true and correct copy of the parties' initial

1 Joint Case Management Statement, filed in this matter on January 9, 2009.

2 8. Attached hereto as **Exhibit 7** is a true and correct copy of the transcript of
3 the August 14, 2009 Case Management Conference in this matter before United States
4 District Court Judge Jeremy Fogel.

5 9. Attached hereto as **Exhibit 8** is a true and correct copy of Dunning
6 Enterprise, Inc.'s Responses to eBay's First Set of Requests for Production, dated
7 February 26, 2009.

8 10. Attached hereto as **Exhibit 9** is a true and correct copy of an October 20,
9 2009 email from Stewart Foreman to Colleen Kennedy regarding Dunning Enterprise's
10 Inc.'s responses to eBay's Requests for Production.

11
12 I declare under penalty of perjury under the laws of the United States and the State
13 of California that the foregoing is true and correct. Signed on this 30th day of October,
14 2009 in San Francisco, California.

15 /s/ Sharon M. Bunzel

16 Sharon M. Bunzel