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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 ROSS M.
	)	CAMPBELL IN SUPPORT OF
17 v.	)	DEFENDANTS DIGITAL POINT
	)	SOLUTIONS, INC. AND SHAWN
18 DIGITAL POINT SOLUTIONS, INC., SHAWN	)	HOGAN’S MOTION TO DISMISS
19 HOGAN, KESSLER’S FLYING CIRCUS,	)	PLAINTIFF’S SECOND AMENDED
20 THUNDERWOOD HOLDINGS, INC., TODD	)	COMPLAINT FOR FAILURE TO STATE
DUNNING, DUNNING ENTERPRISE, INC.,	)	A CLAIM; [FRCP RULE 12(b)(6)]
BRIAN DUNNING, BRIANDUNNING.COM,)	
and Does 1-20,	)	Date: June 26, 2009
	)	Time: 9:00 a.m.
21 Defendants.	)	Dept.: Courtroom 3
)	

22 I, Ross M. Campbell, declare:

23 1. I am an attorney at law duly authorized to practice law before the United States District
 24 Court for the Northern District of California and am an attorney with Coast Law Group, LLP, attorneys
 25 of record for Defendants DIGITAL POINT SOLUTIONS, INC. and SHAWN HOGAN (the “DPS
 26 Defendants”). If called upon as a witness I could and would competently testify to the following facts
 27 based upon my own personal knowledge, except as to those matters set forth on information and belief.

28 //.

1 2. Attached as Exhibit “1” hereto is a true and correct copy of the “Commission Junction
2 Publisher Service Agreement” previously filed in conjunction with the defendants’ Motions to Dismiss
3 Plaintiff’s First Amended Complaint.

4 3. Attached as Exhibit “2” hereto is a true and correct copy of the “Special Terms &
5 Conditions >> eBay Affiliate Global Ts&Cs Oct.1, 2005 / eBay Affiliate Program - Supplemental Terms
6 and Conditions” previously filed in conjunction with the defendants’ Motions to Dismiss Plaintiff’s First
7 Amended Complaint.

8 4. The foregoing documents are submitted for consideration in conjunction with the DPS
9 Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint pursuant to the authorities set
10 forth in Section III of the accompanying Memorandum of Points & Authorities, as Plaintiff’s Second
11 Amended Complaint expressly refers to both documents and their validity was not challenged with
12 respect to the prior Motions to Dismiss.

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

15 DATED: April 27, 2009

s/Ross M. Campbell
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