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ZYNGA GAME NETWORK INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 ZYNGA GAME NETWORK INC., a Delaware
Corporation,

16
17 Plaintiff,

18 v.

19 JASON WILLIAMS, an individual, LUNA
MARTINI, an individual, WAN-WEN KUO, an
20 individual, and JOHN DOES 4-5 D/B/A MW
GROUP

21 Defendants.
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CASE NO. CV-10:01022 JF (PVTx)

**DECLARATION OF DAVID K. CAPLAN IN
SUPPORT OF ZYNGA'S
ADMINISTRATIVE MOTION TO SERVE
DEFENDANTS BY ELECTRONIC MAIL**

CASE NO. CV-10:01022 JF (PVTx)
DECLARATION OF DAVID K. CAPLAN
IN SUPPORT OF ZYNGA'S ADMINISTRATIVE MOTION
TO SERVE DEFENDANTS BY ELECTRONIC MAIL

1 I, David K. Caplan, declare as follows:

2 1. I am a partner of the firm Keats McFarland & Wilson LLP, counsel to Zynga Game
3 Network Inc. ("Zynga") in this matter. I am over the age of eighteen and am competent to testify.
4 Unless otherwise stated herein, I have personal knowledge of the facts stated in this declaration, and
5 if called upon to do so, I could and would testify competently thereto.

6 2. After receiving the Court's order authorizing it to conduct third party discovery to
7 confirm the identities and locations of the defendants in this matter, Zynga issued subpoenas as
8 authorized by the Court, and analyzed the documents and information it received in response to
9 those subpoenas.

10 3. Attached hereto as Exhibit 1 is a true and correct copy of a document produced by
11 PayPal Inc. in response to a subpoena issued by Zynga seeking documents and information related to
12 email address mafiawarsdirect@gmail.com, identifying defendant Wan-Wen Kuo, with a physical
13 address in Taiwan. Exhibit 1 has been redacted pursuant to Civil Local Rule 3-17.

14 4. On March 17, 2010, Zynga unsuccessfully attempted to serve Defendants at the
15 address listed in the Whois database for Internet domain name MWFEXPRESS.COM, but this
16 address was not valid. Production from GoDaddy.com, Inc. provided the same spurious physical
17 address for Defendants.

18 5. On March 29, 2010, Zynga unsuccessfully attempted to serve Defendants at the
19 address listed in the Whois database for Internet domain names MWBLACKMARKET.COM, but
20 this address was not valid. Production from GoDaddy.com, Inc. provided the same spurious
21 physical address for Defendants.

22 6. Production from GoDaddy.com, Inc. also provided three additional addresses for
23 Defendants in Seattle, Washington, Chicago, Illinois, and New York, New York. A search for these
24 addresses has revealed that all three addresses do not exist.

25 7. Attached hereto as Exhibit 2 is a true and correct copy of the Whois database
26 information Domain History for the domain name MAFIAWARSDIRECT.COM as of March 1,
27
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1 2010, on which Defendants advised their customers that they use the email address
2 jwilliams1980@ymail.com.

3 8. Attached hereto as Exhibit 3 is a true and correct copy of the Whois database
4 information Domain History for the domain name MWBLACKMARKET.COM as of March 1,
5 2010, on which Defendants advised their customers that they use the email address
6 jwilliams1980@ymail.com.

7 9. Attached hereto as Exhibit 4 is a true and correct copy of the Whois database
8 information Domain History for the domain name MWFEXPRESS.COM as of March 2, 2010, on
9 which Defendants advised their customers that they use the email address lmartini888@gmail.com.

10 10. Attached hereto as Exhibit 5 is a true and correct copy of the web page that appeared
11 at the Internet URL <http://mwblackmarket.com/default.aspx>, as of December 4, 2009, on which
12 Defendants advised their customers that they use the email address
13 mafiawarsblackmarket@gmail.com to carry on business through the website at the domain name
14 MWBLACKMARKET.COM.

15 11. Attached hereto as Exhibit 6 is a true and correct copy of the web page that appeared
16 at the Internet URL <http://mwfexpress.com/default.aspx>, as of December 4, 2009, on which
17 Defendants advised their customers that they use the email address mwfexpress@gmail.com to carry
18 on business through the website at the domain name MWFEXPRESS.COM.

19 12. Attached hereto as Exhibit 7 is a true and correct copy of the web page that appeared
20 at the Internet URL <http://mafiawarsdirect.com/default.aspx>, as of January 28, 2010, on which
21 Defendants advised their customers that they use the email address mafiawarsdirect@gmail.com to
22 carry on business through the website at the domain name MAFIAWARSDIRECT.COM.

23 13. Attached hereto as Exhibit 8 is a true and correct copy of a document produced by
24 GoDaddy, Inc. in response to a subpoena issued by Zynga seeking documents and information
25 related to the Internet domain name MWBLACKMARKET.COM, identifying email address
26 cindypearst@yahoo.com as being the registrant, administrative, technical and billing contact for the
27 domain name.

14. Attached hereto as Exhibit 9 is a true and correct copy of the status table of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. No. 6638 (the “Hague Convention”), taken from the official Hague Convention website, confirming that Taiwan is not a signatory to the Hague Convention.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of October 2010 at Beverly Hills, CA

_____/s/
David K. Caplan