

1 Larry W. McFarland (Bar No. 129668)
 E-Mail: lmcfarland@kmwlaw.com
 2 Dennis Wilson (Bar No. 155407)
 E-Mail: dwilson@kmwlaw.com
 3 David K. Caplan (Bar No. 181174)
 E-Mail: dcaplan@kmwlaw.com
 4 Tara D. Rose (Bar No. 256079)
 E-Mail: trose@kmwlaw.com
 5 KEATS McFARLAND & WILSON LLP
 9720 Wilshire Boulevard
 6 Penthouse Suite
 Beverly Hills, California 90212
 7 Telephone: (310) 248-3830
 Facsimile: (310) 860-0363
 8
 Attorneys for Plaintiff
 9 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 THIRD MOTION
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE**

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 CASE NO. CV-10:01022 JF (PVTx)
 DECLARATION OF DAVID K. CAPLAN
 IN SUPPORT OF ZYNGA'S THIRD MOTION TO
 CONTINUE CASE MANAGEMENT CONFERENCE

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. To date, Zynga has been unable to conduct the conference required by Federal Rule
7 of Civil Procedure (“Federal Rule”) 26(f)(1), and will not be able to timely file the joint statement
8 required by Federal Rule 26(f)(2) and Civil Local Rule 16-9 in this case.

9 3. Failure to continue the Case Management Conference would prejudice Zynga’s
10 ability to prosecute its case against Defendants because Zynga will be unable to effect service on
11 Defendants with sufficient time for Zynga to fulfill its obligations under Rule 26(f)(1).

12 4. The fact that Zynga has yet to effect service on the Defendants prevents Zynga from
13 submitting this motion as a stipulation.

14 5. The Court previously continued the Case Management Conference in this case from
15 June 8, 2010 to August 27, 2010.

16 6. The Court previously continued the Case Management Conference in this case from
17 August 27, 2010 to November 5, 2010.

18 7. The requested continuance will not affect the schedule for this case other than the
19 Case Management Conference because the Court has not yet issued a scheduling order pursuant to
20 Rule 16(b).

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

23 Executed this 15 day of October, 2010 at Beverly Hills, California.

24
25 _____/s/
David K. Caplan