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Attorneys for Plaintiff
ZYNGA INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZYNGA GAME NETWORK INC., a Delaware
Corporation,

Plaintiff,

v.

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

Defendants.

CASE NO. CV-10:01022 JF (PSGx)

**DECLARATION OF DAVID K. CAPLAN IN
SUPPORT OF ZYNGA'S FIFTH MOTION
TO CONTINUE CASE MANAGEMENT
CONFERENCE**

CASE NO. CV-10:01022 JF (PSGx)
DECLARATION OF DAVID K. CAPLAN
IN SUPPORT OF ZYNGA'S FIFTH 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 Inc.
3 (“Zynga”) in this matter. I am over the age of eighteen and am competent to testify. Unless
4 otherwise stated herein, I have personal knowledge of the facts stated in this declaration, and if
5 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 recently served the Defendants on March 28, 2011, and
13 Defendants have not yet responded to Zynga’s request to conduct the conference required by Federal
14 Rule 26(f)(1) and prepare the joint statement required by Federal Rule 26(f)(2) and Civil Local Rule
15 16-9, Zynga is unable to submit this motion as a stipulation.

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

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

20 7. The Court previously continued the Case Management Conference in this case from
21 November 5, 2010 to January 14, 2011.

22 8. The Court previously continued the Case Management Conference in this case from
23 January 14, 2011 to April 15, 2011.

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

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

Executed this 5th day of April, 2011 at Beverly Hills, California.

/s/
David K. Caplan