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 Attorneys for Plaintiff
 9 ZYNGA INC.

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

14 ZYNGA GAME NETWORK INC., a Delaware
 Corporation,
 15
 16 Plaintiff,
 17 v.
 18 JASON WILLIAMS, an individual, LUNA
 MARTINI, an individual, WAN-WEN KUO, an
 19 individual, and JOHN DOES 4-5 D/B/A MW
 GROUP
 20
 21 Defendants.

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

**DECLARATION OF DAVID K. CAPLAN IN
 SUPPORT OF MOTION FOR DEFAULT
 JUDGMENT AS TO DEFENDANTS JASON
 WILLIAMS, LUNA MARTINI AND WAN-
 WEN KUO**

Noted For Hearing:
DATE: June 24, 2011
TIME: 9:00 a.m.
PLACE: Courtroom 3, 5th Floor

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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. Attached hereto as **Exhibit 1** is a true and correct copy of the Terms of Service that
7 governed use of Zynga’s Mafia Wars game from August 1, 2009 until July 1, 2010.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Terms of Service that
9 governed use of Zynga’s Mafia Wars game from July 2, 2010 until November 29, 2010.

10 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Terms of Service that
11 have governed use of Zynga’s Mafia Wars game since November 30, 2010.

12 5. To the best of Zynga’s knowledge, Defendants are not infants or incompetent
13 persons, nor does the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq., apply to them.

14 6. Attached hereto as **Exhibit 4** is a true and correct copy of a portion of the
15 MWBLACKMARKET.COM website as it appeared on December 4, 2009

16 7. Attached hereto as **Exhibit 5** are true and correct copies of portions of the
17 MWFEXPRESS.COM website as it appeared on October 27, 2009 and December 4, 2009.

18 8. Attached hereto as **Exhibit 6** is a true and correct copy of a portion of the
19 MAFIAWARSDIRECT.COM website as it appeared on January 28, 2010.

20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct.

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24 Executed this 6th day of May, 2011 at Natick, Massachusetts.

25
26 _____ /s/
27 David K. Caplan