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| UNITED STATES | DISTRICT COURT | | |
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| ZYNGA GAME NETWORK INC., a Delaware | CASE NO. CV-10:01022 JF (PSGx) | | |
| Corporation, | | | |
| Plaintiff, | DECLARATION OF DAVID K. CAPLAN IN SUPPORT OF ZYNGA'S SIXTH MOTION | | |
| v. | TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE | | |
| JASON WILLIAMS, an individual, LUNA | | | |
| individual, and JOHN DOES 4-5 D/B/A MW GROUP | | | |
| Defendants. | | | |
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| | CASE NO CV-10:01022 IE (DSG*) | | |
| | DECLARATION OF DAVID K. CAPLAN IN SUPPORT OF ZYNGA'S SIXTH MOTION TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE Dockets.Justia.c | om | |
| | E-Mail: Imcfarland@kmwlaw.com Dennis Wilson (Bar No. 155407) E-Mail: dwilson@kmwlaw.com David K. Caplan (Bar No. 181174) E-Mail: dcaplan@kmwlaw.com Tara D. Rose (Bar No. 256079) E-Mail: trose@kmwlaw.com KEATS McFARLAND & WILSON LLP 9720 Wilshire Boulevard Penthouse Suite Beverly Hills, California 90212 Telephone: (310) 248-3830 Facsimile: (310) 860-0363 Attorneys for Plaintiff ZYNGA INC. UNITED STATES NORTHERN DISTR SAN JOSI 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 | E-Mail: Intefarland@kmwlaw.com Dennis Wilson@kmwlaw.com David K. Caplan (Bar No. 155407) E-Mail: dcaplan @kmwlaw.com Tara D. Rose (Bar No. 256079) E-Mail: dcaplan@kmwlaw.com REATS McFARLAND & WILSON LLP 9720 Wilshire Boulevard Penthouse Suite Beverdy Hills, California 90212 Telephone: (310) 248-3830 Facsimile: (310) 860-0363 Antomeys for Plaintiff ZYNGA INC. UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION ZYNGA GAME NETWORK INC., a Delaware Corporation, Plaintiff, v. IASON WILLIAMS, an individual, LUNA MARTINI, an individual, UNA MARTINI, an individu | |

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. | |
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| 3 | ("Zynga") in this matter. I am over the age of eighteen and am competent to testify. Unless | | |
| 4 | otherwise sta | ted herein, I have personal knowledge of the facts stated in this declaration, and if | |
| 5 | called upon t | o do so, I could and would testify competently thereto. | |
| 6 | 2. | Because the defendants have not participated in the litigation, Zynga has been unable | |
| 7 | to conduct th | e conference required by Federal Rule of Civil Procedure ("Federal Rule") 26(f)(1). | |
| 8 | Accordingly, Zynga will be unable to file the joint case management statement required by Federal | | |
| 9 | Rule 26(f)(2) and Civil Local Rule 16-9. | | |
| 10 | 3. | One of the defendants (Wan Wen-Kuo) is located overseas, and none of the | |
| 11 | Defendants have participated in this litigation in any way since being served with process. | | |
| 12 | 4. | Default has been entered against all Defendants. | |
| 13 | 5. | Zynga is unable to submit the instant motion as a stipulation because the Defendants | |
| 14 | have not participated in the litigation. | | |
| 15 | 6. | The Court previously continued the Case Management Conference in this case from | |
| 16 | June 8, 2010 | to August 27, 2010. | |
| 17 | 7. | The Court previously continued the Case Management Conference in this case from | |
| 18 | August 27, 2 | 010 to November 5, 2010. | |
| 19 | 8. | The Court previously continued the Case Management Conference in this case from | |
| 20 | November 5, | 2010 to January 14, 2011. | |
| 21 | 9. | The Court previously continued the Case Management Conference in this case from | |
| 22 | January 14, 2 | 011 to April 15, 2011. | |
| 23 | 10. | The Court previously continued the Case Management Conference in this case from | |
| 24 | April 15, 201 | 1 to May 13, 2011. | |
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| 28 | | CASE NO. CV-10:01022 JF (PSGx) DECLARATION OF DAVID K. CAPLAN IN SUPPORT OF ZYNGA'S SIXTH MOTION TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE | |

| 1 | 11. The requested continuance will not affect the schedule for this case other than the |
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| 2 | Case Management Conference because the Court has not yet issued a scheduling order pursuant to |
| 3 | Rule 16(b). |
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| 5 | I declare under penalty of perjury under the laws of the United States that the foregoing is |
| 6 | true and correct. |
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| 8 | Executed this 6th day of May, 2011 at Natick, Massachusetts. |
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| 10 | /s/ David K. Caplan |
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| 28 | CASE NO. CV-10:01022 JF (PSGx) DECLARATION OF DAVID K. CAPLAN IN SUPPORT OF ZYNGA'S SIXTH MOTION TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE |