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 Attorneys for Plaintiff
 9 ZYNGA INC.

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

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.
 22

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**

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 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. Because the defendants have not participated in the litigation, Zynga has been unable
7 to conduct the 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, 2010 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, 2011 to April 15, 2011.

23 10. The Court previously continued the Case Management Conference in this case from
24 April 15, 2011 to May 13, 2011.

