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Attorneys for Defendant
PETER KIRITCHENKO

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

UNIVERSAL TRADING & INVESTMENT
CO.,

Plaintiff,

v.

PETRO MIKOLAYEVICH KIRITCHENKO,
et al.,

Defendants.

Case No.: C 99-3073 MMC (EDL)

**DECLARATION OF TRACY
CLEMENTS IN SUPPORT OF
DEFENDANT PETER KIRITCHENKO'S
MOTION FOR ADDITIONAL TIME TO
FILE APPRAISER'S REBUTTAL**

Date: None Set
Time: None Set
Courtroom E
Judge: Hon. Elizabeth D. Laporte

**DECLARATION OF TRACY CLEMENTS IN SUPPORT OF DEFENDANT'S
MOTION FOR ADDITIONAL TIME TO FILE APPRAISER'S REBUTTAL
C 99-3073 MMC (EDL)**

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I, TRACY M. CLEMENTS, declare:

1. I am a partner in the law firm of Krieg, Keller, Sloan, Reilley & Roman LLP, counsel of record for defendant Peter Kiritchenko (“Defendant”) in this action. I have personal knowledge of the matters set forth in this declaration except those matters stated on information and belief, and as to those I am informed and believe they are true. I could competently testify to the matters herein.

2. In its order dated April 17, 2007, this Court granted defendant’s request to submit a rebuttal to plaintiff UTI’s critique of defendant’s appraisal and ordered that such rebuttal be filed by Thursday, April 19, 2007.

3. I have spoken with Steven Cox, the appraiser who prepared the appraisal of 1801 Jackson Street, Unit 1. Mr. Cox advised me that due to the press of business and an upcoming medical procedure, he will be unable to prepare a rebuttal for filing by the April 19 deadline. He advised that he could prepare such a rebuttal by the end of the day on Monday, April 23.

4. On Wednesday, April 18, 2007, I spoke with UTI counsel John Aspelin. Mr. Aspelin advised me that, as a matter of professional courtesy, UTI would not oppose defendant’s request for an extension of time to submit a rebuttal from April 19 to April 23.

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

Executed this 18th day of April, 2007, in San Francisco, California.

_____/s/_____
TRACY M. CLEMENTS