

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**MERCEXCHANGE, L.L.C.,**

**Plaintiff,**

**v.**

**eBAY, INC., and HALF.COM, INC.,**

**Defendants.**

**Miscellaneous No. 3:07mc38 (JBA)**

**(Case No. 2:01-CV-736 Pending in  
the United States District Court for  
the Eastern District of Virginia)**

**February 15, 2007**

**DECLARATION OF EDWARD R. SCOFIELD IN SUPPORT OF MOTION FOR  
RECONSIDERATION OF EX PARTE ORDER GRANTING DEFENDANTS' MOTION  
TO COMPEL ENFORCEMENT OF SUBPOENA DUCES TECUM**

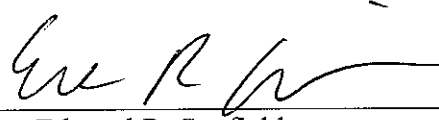
I, Edward R. Scofield, declare:

1. I am an attorney at the law firm of Zeldes, Needle & Cooper, which firm is counsel of record for Mr. Kenneth Nahan and MercExchange, L.L.C. ("MercExchange") in connection with this miscellaneous action. I am a member in good standing of the State Bar of Connecticut. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached as Exhibit A is a true and correct copy of the Declaration of David M. Young, which I received electronically this afternoon. Mr. Young, in his Declaration, states that the Exhibits annexed to the Memorandum of Law filed this date in the captioned miscellaneous proceeding are true and correct.

Executed on February 15, 2007, at Bridgeport, Connecticut.

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

A handwritten signature in black ink, appearing to read "E. R. Scofield", written over a horizontal line.

Edward R. Scofield

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**MERCEXCHANGE, L.L.C.,**

**Plaintiff,**

**v.**

**eBAY, INC., and HALF.COM, INC.,**

**Defendants.**

**Miscellaneous No. 3:07mc38 (JBA)**

**(Case No. 2:01-CV-736 Pending in  
the United States District Court for  
the Eastern District of Virginia)**

**DECLARATION OF DAVID M. YOUNG IN SUPPORT OF MOTION FOR  
RECONSIDERATION OF EX PARTE ORDER GRANTING DEFENDANTS' MOTION  
TO COMPEL ENFORCEMENT OF SUBPOENA DUCES TECUM**

I, David M. Young, declare:

1. I am an attorney at the law firm of Hunton & Williams, LLP, which firm is counsel of record for MercExchange, L.L.C. ("MercExchange") in the underlying action, and for Mr. Kenneth Nahan in connection with defendants' subpoena duces tecum upon Mr. Nahan. I am a member in good standing of the State Bar for the Commonwealth of Virginia. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached as Exhibit A is a true and correct copy of the Order and Opinion of December 18, 2006, of the United States District Court for the Eastern District of Virginia, in the underlying action.

3. Attached as Exhibit B is a true and correct copy of the form cover sheet from this Court as received with the service of defendants' motion to compel.

4. Attached as Exhibit C is a true and correct copy of the docket sheet for this action as obtained from PACER on February 14, 2007.

5. Attached as Exhibit D is a true and correct copy of a letter from counsel for Mr. Kenneth Nahan to counsel for defendants, dated January 19, 2007.

6. Attached as Exhibit E is a true and correct copy of an e-mail from counsel for Mr. Nahan to defendants' counsel, dated January 23, 2007.

7. Attached as Exhibit F is a true and correct copy of an e-mail from counsel for Mr. Nahan to defendants' counsel, dated February 5, 2007.

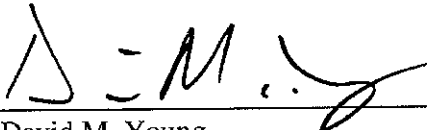
8. Attached as Exhibit G is a true and correct copy of the subpoena *duces tecum* issued by defendants upon Mr. Kenneth Nahan.

9. Attached as Exhibit H is a true and correct copy of the brief in support of a motion for protective order (without exhibits) filed on behalf of MercExchange, Kenneth Nahan, and other third party subpoena respondents, on February 9, 2007, in the United States District Court for the Eastern District of Virginia.

10. Attached as Exhibit I is a true and correct copy of a series of e-mails between counsel, including a February 8 e-mail from Kenneth Nahan's counsel requesting that defendants' counsel verify service upon Mr. Nahan.

Executed on February 15, 2007, at McLean, Virginia.

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

  
\_\_\_\_\_  
David M. Young

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of February, 2007, I caused a copy of the foregoing **DECLARATION OF EDWARD R. SCOFIELD IN SUPPORT OF MOTION FOR RECONSIDERATION OF EX PARTE ORDER GRANTING DEFENDANTS' MOTION TO COMPEL ENFORCEMENT OF SUBPOENA DUCES TECUM** to be served as follows:

**By Hand Upon:**

David R. Schaefer  
Brenner, Saltzman & Wallman  
271 Whitney Ave., P.O. Box 1746  
New Haven, CT 06511-1746

**By Overnight Mail Upon:**

Jeffrey G. Randall  
Skadden, Arps, Slate, Meagher & Flom, LLP  
525 University Avenue  
Suite 1100  
Palo Alto, CA 94301

Allan M. Soobert  
Skadden, Arps, Slate, Meagher & Flom, LLP  
1440 New York Avenue, NW  
Washington, DC 20005



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