

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No. 2:09-CV-10756
Hon. Marianne O. Battani

NAVIGATION CATALYST SYSTEMS, INC.,
a Delaware corporation; BASIC FUSION, INC.,
a Delaware corporation; CONNEXUS CORP.,
a Delaware corporation; and FIRSTLOOK, INC.,
a Delaware corporation,

Defendants.

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DECLARATION OF WILLIAM A. DELGADO

I, William A. Delgado, declare as follows:

1. I am over the age of eighteen and am lead counsel for Navigation Catalyst Systems, Inc. (“NCS”), defendant in this matter. I have personal knowledge of the facts stated herein except where stated on information and belief, and, as to those matters, I believe them to be true.

2. To satisfy Plaintiff’s never ending discovery requests (which, without exaggeration, originally requested nearly every document in the company’s possession from 2004 to the present), NCS has produced nearly 100,000 pages of documents and a hard drive containing Firstlook’s entire database, with third party data, measuring 448 GB in size. Firstlook is the parent company of NCS.

3. According to a white paper published by LexisNexis, 448 GB represents approximately **29 million pages** of a document in Microsoft Word format.

4. Presently, Defendant’s counsel is in the process of reviewing thousands of e-mails that were generated as a result of searches requested by Plaintiff.

5. NCS has made its witnesses available for deposition, including Firstlook President Seth Jacoby, software engineer Donnie Misino, and employees involved in domain name registration over time, Mavi Llamas and Lily Stevenson. Other depositions are currently scheduled.

6. Attached as Exhibit A is a true and correct copy of the Notice of Deposition of Chris Pirrone.

7. Attached as Exhibit B is a true and correct copy of a letter from Enrico Schaefer, counsel for Plaintiff, dated October 21, 2010 to William Delgado, counsel for Defendant.

8. Attached as Exhibit C is a true and correct copy of a letter from William Delgado, dated October 25, 2010, to Enrico Schaefer.

9. Attached as Exhibit D are true and correct copies of excerpts from the deposition transcript of Mavi Llamas. I attended Ms. Llamas' deposition.

10. Attached as Exhibit E are true and correct copies of excerpts from the deposition transcript of Lily Stevenson. I attended Ms. Stevenson's deposition.

11. Attached as Exhibit F is a true and correct copy of the Expert Report of Dr. Rich Korf which was submitted to Plaintiff in this matter.

12. Attached as Exhibit G are true and correct copies of excerpts from the deposition transcript of Seth Jacoby. I attended Seth Jacoby's deposition.

13. Attached as Exhibit H is a true and correct copy of NCS's Answer, containing its affirmative defenses.

14. Attached as Exhibit I are true and correct copies of the unpublished depositions cited in the motion.

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15. I spent over 10 hours preparing the motion, this declaration and exhibits thereto. My billing rate in this matter is \$350/hour. My associate, Eileen Ahern, spent 6.3 hours assisting me in the preparation of this motion. Her billing rate in this matter is \$300/hour. I anticipate spending another 5 hours reviewing the opposition filed by Plaintiff, preparing the reply brief and attending a telephonic hearing on this motion. However, NCS is only seeking \$5,250 (15 hours multiplied by \$350/hour) in sanctions.

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

Executed on this 8th day of November 2010 at Los Angeles, California.

/s/William A. Delgado.
William A. Delgado

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2010, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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