

# EXHIBIT A

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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Local Counsel for 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. On or about August 16, 2010, I received Plaintiff’s designation of expert witness in which Plaintiff designated Christopher Schwerzler, its Director and, essentially, Chief Technology Officer, as its testifying expert witness.

3. Attached as Exhibit B is a true and correct copy of NCS’s Third Set of Requests for Production.

4. Attached as Exhibit C is a true and correct copy of Plaintiff’s Responses to NCS’s Third Set of Requests for Production.

5. Notwithstanding the objections in Exhibit C, however, among the documents produced by Plaintiff in response to the Third Set of RPFs were communications between Plaintiff’s counsel and Mr. Schwerzler, including an email string from September 17-18, 2010 among counsel and Mr. Schwerzler and between Mr. Schwerzler and Mr. Steremberg. A true and correct copy of that e-mail string is attached as Exhibit H.

6. At Mr. Schwerzler’s deposition on December 6, 2010, I questioned Mr. Schwerzler about the e-mail string and marked it as Deposition Exhibit 220.

7. Attached as Exhibit D is a true and correct copy of a letter dated December 28, 2010 from Enrico Schaefer to William Delgado.

8. Attached as Exhibit E is a true and correct copy of a letter dated December 29, 2010 from William Delgado to Enrico Schaefer.

9. Attached as Exhibit F is a true and correct copy of a letter dated January 24, 2011 from William Delgado to Enrico Schaefer.

10. Counsel for the parties met and conferred, in person in Los Angeles, California, on January 31, 2011, and on February 8, 2011, Plaintiff's counsel responded to my earlier letters but refused to produce any communications on the basis of the privilege and work product. A true and correct copy of a letter dated February 8, 2011 from Enrico Schaefer to William Delgado is attached as Exhibit G.

11. Concurrently filed under seal as Exhibit H is a true and correct copy of Deposition Exhibit 220.

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 10<sup>th</sup> day of February 2011 at Los Angeles, California.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2011, 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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*/s/William A. Delgado*

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