

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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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. I attended the hearing on NCS’s Motion for Protective Order on January 13, 2011. After the hearing, I ordered the transcript of the hearing and reviewed the Court’s Order on NCS’s Motion for Protective Order (“PO Order”) to determine its scope.

3. On January 24, 2011, I wrote to Enrico Schaefer, counsel for Plaintiff, to explain that I was not clear on the scope of the PO Order and whether the Court intended to rule that NCS could not claim any privilege at all at a deposition of Chris Pirrone. A true and correct copy of my letter is attached as Exhibit B.

4. On January 31, 2011, I met and conferred with Mr. Schaefer regarding my letter and the parties’ understanding scope of the PO Order. It did not appear that the parties agreed on the scope of the PO Order or whether NCS could assert a privilege during the deposition. During the conference, Mr. Schaefer asked that I send him a copy of the hearing transcript. I sent him the transcript by e-mail later that night. The parties also discussed having me send a letter outlining the areas of testimony which NCS would or would not deem problematic. Upon reflection, however, this paradigm is unworkable since, within any given area or topic, there are questions which may be appropriate (insofar as they ask for non-privileged information) and questions to which NCS would object as privileged because they ask for privileged information.

As a result, given the state of the parties' meet and confer efforts, further conference did not seem fruitful.

5. Oral depositions were limited in this matter to seven (7) depositions per side. Plaintiff has already taken seven depositions including the 30(b)(6) Deposition of NCS, Seth Jacoby, Mavi Llamas, Lily Stevenson, Dennis Rhee, Richard Korf and John Berryhill. Korf and Berryhill are NCS's expert witnesses.

6. I have attended all of the depositions in this matter. When deposing employees related to Defendant (including Lily Stevenson and Mavi Llamas) Plaintiff has marked as a deposition exhibit the LinkedIn Profile of the deponent.

7. During the meet and confer on January 31, 2011, Mr. Schaeffer re-affirmed that, at the Pirrone deposition, he intended to inquire about why certain procedures were implemented and had other questions that even he acknowledged were "gray" (i.e., it was unclear whether the attorney-client or work product privilege had been waived as to testimony on such questions). For one such example, Mr. Schaeffer apparently intends to ask questions about the previous litigation between Verizon and NCS and the counterclaim asserted by NCS in that matter.

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 15th day of February 2011 at Los Angeles, California.

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

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 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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