

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; CONNEXUS CORP.,  
a Delaware corporation; FIRSTLOOK, INC.,  
a Delaware corporation; and EPIC MEDIA  
GROUP, INC., a Delaware corporation,

Defendants.

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Enrico Schaefer (P43506)  
Brian A. Hall (P70865)  
TRAVERSE LEGAL, PLC  
810 Cottageview Drive, Unit G-20  
Traverse City, MI 49686  
231-932-0411  
enrico.schaefer@traverselegal.com  
brianhall@traverselegal.com  
Lead Attorneys for Plaintiff

Anthony P. Patti (P43729)  
HOOPER HATHAWAY, PC  
126 South Main Street  
Ann Arbor, MI 48104  
734-662-4426  
apatti@hooperhathaway.com  
Attorneys for Plaintiff

William A. Delgado  
WILLENKEN WILSON LOH & LIEB LLP  
707 Wilshire Boulevard, Suite 3850  
Los Angeles, CA 90017  
(213) 955-9240  
williamdelgado@willenken.com  
Lead Counsel for Defendants

Nicholas J. Stasevich (P41896)  
Benjamin K. Steffans (P69712)  
BUTZEL LONG, P.C.  
150 West Jefferson, Suite 100  
Detroit, MI 48226  
(313) 225-7000  
stasevich@butzel.com  
steffans@butzel.com  
Local Counsel for Defendants

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**DECLARATION OF DAVID GRAFF IN SUPPORT OF  
DEFENDANTS' MOTION TO CONTINUE TRIAL**

I, David Graff, declare as follows:

1. I am over the age of eighteen and am the General Counsel of The Epic Media Group, Inc. ("Epic Media"), formerly a defendant in this matter. Epic Media is the parent company of Connexus Corporation, and, in my role as General Counsel, I am responsible for overseeing the defense of this matter.

2. Attached as Exhibit G is a true and correct copy of an e-mail confirming my two plane tickets to Detroit, Michigan from Newark, New Jersey for purposes of attending trial in this matter.

3. Since early February 2012, I have been diligently trying to convince former employees of Firstlook, including Donnie Misino, Mavi Llamas, and Dennis Rhee, to personally attend trial in this matter. By the date of the pretrial conference in this matter, Mr. Misino had agreed to come to trial in Detroit, and Ms. Llamas had tentatively agreed to come as well (pending childcare arrangements).

4. I had previously spoken to Dennis Rhee, and he had indicated a willingness to attend trial. On the evening of February 28, 2012, I spoke to Dennis Rhee to determine whether he would be able to attend trial in light of the new trial date. Mr. Rhee explained to me that he had a major deliverable for his new employer, the deadline for which was on or about April 11, 2012. While an earlier trial date would have been workable for him, the new trial date, which basically abuts his deadline, does not. As a result, he has informed me that he would not be able to personally attend trial at any point during the new trial date.

5. On March 5, 2012, I spoke with Mr. Rhee to determine if he would be amenable to personally attend trial in this matter if it was continued. Mr. Rhee informed me that there was

a high likelihood that he would be able to personally attend the trial if the trial date occurred after April 12<sup>th</sup>, 2012. Mr. Rhee assured me that he was not trying to avoid attending the trial (despite being under no obligation to do so), and that, provided he did not have a work conflict, he would attend.

Executed on this 5<sup>th</sup> day of March 2012 at New York, NY.

A handwritten signature in black ink, appearing to read "David Graff", written over a horizontal line.

David Graff

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2012, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

Enrico Schaefer (P43506)  
Brian A. Hall (P70865)  
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810 Cottageview Drive, Unit G-20  
Traverse City, MI 49686  
231-932-0411  
enrico.schaefer@traverselegal.com  
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Los Angeles, CA 90017  
(213) 955-9240  
williamdelgado@willenken.com  
Lead Counsel for Defendants

*/s/William A. Delgado*

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WILLENKEN WILSON LOH & LIEB LLP  
707 Wilshire Boulevard, Suite 3850  
Los Angeles, CA 90017  
(213) 955-9240  
williamdelgado@willenken.com  
*Lead Counsel for Defendants*