

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 ENRICO SCHAEFER

Enrico Schaefer, being first duly sworn, deposes and states as follows:

1. I am an attorney licensed to practice law in the state of Michigan with the law firm of Traverse Legal, PLC, counsel for The Weather Underground, Inc.

2. I have knowledge of the facts set forth herein and, if called to testify as a witness hereto, could do so competently under oath.

3. On or about March 2010, in working on the third party subpoenas Plaintiff will be sending out in this matter, it was discovered that some of the cybersquatting previously identified as being with NCS had been transferred to a registrant by the name of Name Admin, c/o ND Invest, Ltd.

4. ND Invest, Ltd., is located in Port Villa, Vanuatu, an island off the east coast of Australia. Upon information and belief, ND Invest, Ltd., is a company set up by NCS and its sister companies to hold domain names previously registered by NCS in hope of avoiding personal jurisdiction or US subpoena power.

5. In each of these instances, the registrar listed is Basic Fusion, Inc., an affiliate of NCS. (See Exhibit A attached.)

6. NCS has always made the defense, in affidavits and otherwise, that it is not a bad faith cybersquatter because it does not privacy protect its identity or location as part of its domain registration. NCS further wanted to show that bad faith cybersquatting is the use of proxy service, which completely conceals the registrant's name for any particular domain name.

7. Over the last several months, we have tracked several of the domain registrations where NCS is listed the registrant. The WHOIS archival history for those domain names shows that scores of these domains are now registered through a proxy

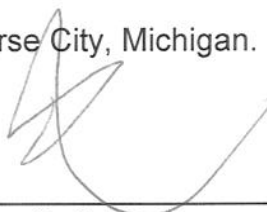
service on a server located at FirstLook, thereby concealing NCS' status as the registrant of those domains.

8. Many of the domain names on which NCS is now hiding its identity are trademark protected domain names.

9. NCS is attempting to avoid production of its lists of domain registrations and other critical information in order to preclude impeachment of its primary defenses. By obstructing discovery, hiding documents in sister companies, concealing its registrant status on trademark protected domain names, and now apparently transferring domain names to another Connexus controlled company which is located offshore, all are necessary issues which need to be fully explored as relevant to Plaintiff's underlying burden of proof, as well as NCS' defenses.

I declare under penalty of perjury under the laws of the State of Michigan that the foregoing statements are true and corrected based on my personal knowledge, information and belief and that if called to testify on the statements set forth above I could and would testify competently thereto.

Executed on March 26, 2010, at Traverse City, Michigan.



Enrico C. Schaefer

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2010, 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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