

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

CNG FINANCIAL CORPORATION	:	
	:	Case No. 1:06-cv-040
Plaintiff/Counterclaim-	:	
Defendant,	:	Chief Judge Sandra S. Beckwith
	:	Magistrate Timothy S. Black
vs.	:	
	:	<b>DECLARATION OF BARRY D.</b>
GOOGLE INC.	:	<b>HUNTER IN SUPPORT OF CNG</b>
	:	<b>FINANCIAL CORPORATION'S</b>
Defendant/Counterclaim-	:	<b>RESPONSE TO THE MOTION BY</b>
Plaintiff.	:	<b>GOOGLE TO COMPEL THE</b>
	:	<b>PRODUCTION OF DOCUMENTS</b>

1. My name is Barry D. Hunter, and I am lead counsel for CNG Financial Corporation (“CNG”) in this case. I make this Declaration on personal knowledge.

2. Before Google filed its Motion to Compel, I produced to Google’s counsel much of the financial information pertaining to CNG’s online operating subsidiary, Avante TelAvance, Inc.

3. Between June, 2006 (when I both produced CNG’s online subsidiaries’ financial information and objected to the production of any further financial information) and early December, 2006 when I received Google’s counsel’s November 27 letter, Google had not indicated to me that they took issue with CNG’s position on the production of its financial information. As stated in my December 1 letter, attached, Google’s counsel faxed the November 27 letter—demanding response by December 1—while I was in their presence in California taking depositions in this case.

4. In response, I assured Google’s counsel that additional financial production would be promptly forthcoming. In my December 8 letter, not intended for publication but attached as

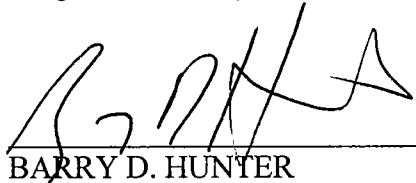
an Exhibit to Google's Motion, I stated that such production would be made "before noon on the last business day before the depositions." This comment was not meant to indicate that CNG would withhold its production until such time. Instead, the reference to the last business day before the depositions was meant as a tongue in cheek reference to Google's own production, just 2 weeks earlier, of literally thousands of pages of important and very relevant documents at noon on the last non-holiday business day before CNG took Google's depositions during the week following the Thanksgiving holidays, and was made to indicate that production on our end would not be made at such a late and highly improper hour.

5. In any event, this additional financial production, which Google has suggested to the Court was being withheld by CNG, has already been made—more than a month before the scheduled depositions.

6. In addition, I have attempted to reach agreement with Google's counsel on some limitation to the scope of Google's extensive requests for additional financial documents. Google's counsel has refused any such limitation.

I declare, under penalties of perjury, that the foregoing is true and correct.

Dated this 8 day of January, 2007, in Lexington, Kentucky.

  
BARRY D. HUNTER