

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CNG FINANCIAL CORPORATION,

Plaintiff/Counterclaim-Defendant,

v.

GOOGLE INC.,

Defendant/Counterclaim-Plaintiff.

Case No. 1:06cv040

Chief Judge Sandra S. Beckwith  
Magistrate Timothy S. Black

**DECLARATION OF KLAUS H. HAMM  
IN SUPPORT OF GOOGLE INC.'S  
MOTION TO EXCLUDE TESTIMONY  
OF PLAINTIFF'S EXPERT STEPHEN  
SCHALLER**

I, KLAUS H. HAMM, declare and state as follows:

1. I am an attorney duly licensed to practice by the State of California, and am associated with Keker & Van Nest, LLP, counsel to Defendant/Counterclaim-Plaintiff Google Inc. ("Google"). I have personal knowledge of the facts set forth below, and if called to testify as a witness thereto could do so competently under oath.

2. Attached hereto as Exhibit A is a true and correct copy of CNG Financial Corporation's (CNG's) Rule 26(a)(2) Disclosure of Expert Testimony, dated December 15, 2006.

3. Attached hereto as Exhibit B is a true and correct copy of CNG's Objections and Responses to Google's Third Set of Interrogatories, dated January 18, 2007.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition transcript of Steven Schaller, taken on February 14, 2007.

5. Attached hereto as Exhibit D is a true and correct copy of the Complaint from *The People of the State of California v. Check 'N Go of California, Inc.*, Case No. 462779, filed in the Superior Court of the State of California, County of San Francisco.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 13th day of July, 2007, at San Francisco, California.

/s/ Klaus H. Hamm  
KLAUS H. HAMM