

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KING-LINCOLN BRONZEVILLE
NEIGHBORHOOD ASSN., ET AL.,

Plaintiffs,

v.

OHIO SECRETARY OF STATE,
JENNIFER BRUNNER, ET AL.,

Defendants.

CASE NO. 2:06-cv-745

JUDGE ALGENON L. MARBLEY

MAG. JUDGE TERRENCE KEMP

AFFIDAVIT OF MICHAEL CONNELL IN SUPPORT OF
MOTION TO QUASH PLAINTIFFS KING LINCOLN BRONZEVILLE
NEIGHBORHOOD ASSN., ET AL.'S SUBPOENA

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

Now comes Affiant, Michael Connell, being first duly cautioned and sworn, and states as follows:

1. I am over eighteen (18) years of age of sound mind and body, and have personal knowledge of the facts set forth herein.

2. I am making this Affidavit in support of my Motion to Quash the Subpoena of Plaintiffs King Lincoln Bronzeville Neighborhood Assn., et al.'s Subpoena issued to me on October 8, 2008, commanding me to appear for a deposition on October 15, 2008 and produce documents for copying and/or inspection on the same date, or no later than October 15, 2008,

3. I was not served with the October 8, 2008 Subpoena until Monday, October 13, 2008.

EXHIBIT

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4. I am a principle in the businesses New Media Communications and Govtech Solutions (collectively the "Companies").

5. The Companies are involved, and have business interests, in the information technology ("IT") sector providing a wide array of IT services for both public and private clients that include, but are not limited to, data warehousing, electronic security systems analysis and configuration, electronic data management, design, implementation, maintenance, and management of electronic computer systems.

6. The Companies have been competitive entities in the IT business market for some time; almost 14 years in the case of New Media Communications, Inc.

7. The growth and success of the Companies has, and is, predicated in significant part on building a strong customer/client base, perfecting unique systems and methodologies related to the services they provide, and having specialized knowledge and expertise in various areas for which the businesses operate: all of these factors are brought to bear on behalf of the Companies' private and public clients.

8. For each of the contractor or business relationship that the Companies enter into there are always, or typically, contract terms and conditions that include confidentiality agreements, protection of trade secrets, and non-disclosure of proprietary information.

9. Through the growth of the Companies, I have created, devised, implemented, advanced, and manage various processes, business plans, business techniques, technical information, electronic information, software programs, databases, customer lists, electronic folders, files, and meta data, technical information, electronic information, and client/customer databases that include, but are not limited to, names, addresses, and telephone numbers

(collectively the "trade secrets") related to the function and services offered and provided by the Companies.

10. The trade secrets utilized by the Companies further and carry out their business activities.

11. The trade secrets have independent economic value and are a primary factor in the generation of income and profit for the Companies.

12. The trade secrets are not known to the public, or even to non-designated personnel within or working for the Companies.

13. The trade secrets are kept confidential from the public, and are kept confidential using encrypting technology and other electronic safeguards; the trade secrets are maintained and protected by secured systems, passwords, and protections so that their value cannot be legally obtained by the public or non-designated personnel.


14. The trade secrets are not readily ascertainable by any proper means such that their economic value can be obtained and used.

15. Both I, and the Companies, take all reasonable efforts to maintain the secrecy and security of the trade secrets.

16. I know Stephen Spoonamore on a professional basis, and as someone substantively involved in the IT business and profession. It is my belief and understanding that Mr. Spoonamore either through his employment, ownership, or other interests in various IT businesses or entities, or individually, has been a competitor to the Companies at various times and for various public sector contracts.


17. I believe the disclosure of the Companies' trade secrets would be extremely detrimental, burdensome, and harmful to the economic and professional well-being and position of the Companies within the marketplace.

FURTHER AFFIANT SAYETH NOT.



Michael Connell

Sworn to before me and subscribed in my presence, this 14 day of October, 2008.



NOTARY PUBLIC
Jennifer Muren
exp 3-2-2013