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8 Attorneys for Plaintiffs
SKYRIVER TECHNOLOGY SOLUTIONS, LLC
9 and INNOVATIVE INTERFACES, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 SKYRIVER TECHNOLOGY
SOLUTIONS, LLC, a California limited
15 liability company, and INNOVATIVE
INTERFACES, INC., a California
16 corporation,

17 Plaintiffs,

18 v.

19 OCLC ONLINE COMPUTER LIBRARY
CENTER, INC., an Ohio corporation,

20 Defendant.
21

Case No. C 10-03305 JSW

**DECLARATION OF MARY JO SHARTSIS
IN OPPOSITION TO DEFENDANT'S
MOTION TO TRANSFER VENUE TO
THE SOUTHERN DISTRICT OF OHIO**

Date: October 29, 2010
Time: 9:00 a.m.
Judge: Hon. Jeffrey S. White
Crtrm: 11, 19th Floor

Complaint Filed: July 28, 2010
Trial Date: None

1 I, MARY JO SHARTSIS, declare:

2 1. I am a member of Shartsis Friese LLP, attorneys of record for Plaintiffs SkyRiver
3 Technology Solutions, LLC And Innovative Interfaces, Inc. (collectively “Plaintiffs”), and am
4 duly authorized to practice law in the State of California. I have personal knowledge of the facts
5 set forth herein and if sworn to testify would and could competently testify thereto.

6 2. Attached hereto as Exhibit A are true and correct copies of OCLC’s Articles of
7 Incorporation, Governance statement, Board of Trustees information and other relevant
8 documents concerning governance obtained from its website at www.oclc.org. These documents
9 show that OCLC’s Board of Trustees establishes OCLC’s policies and strategic goals. Further
10 information regarding each member of the Board of Trustees is available from OCLC’s website,
11 which indicates that David P. Lauer is the only Trustee residing in Ohio.

12 3. Attached hereto as Exhibit B are true and correct copies of OCLC’s WorldCat use
13 and transfer policy now known as “WorldCat Rights and Responsibilities for the OCLC
14 Cooperative,” effective August 1, 2010, and related documents, including the members of the
15 review committee, obtained from OCLC’s website at www.oclc.org. Brian E.C. Schottlaender,
16 University Librarian at the University of California at San Diego, served on the review committee
17 and has been elected to the Board of Trustees according to OCLC’s website. *See* Exhibit A.

18 4. Attached hereto as Exhibit C is a true and correct copy of OCLC’s office locations
19 obtained from its website at www.oclc.org.

20 5. Attached hereto as Exhibit D is a true and correct copy of the Supreme Court of
21 Ohio’s decision regarding OCLC’s nonprofit exemption from Ohio property taxes, *OCLC Online*
22 *Computer Library Center, Inc. v. Kinney*, Commissioner, 11 Ohio St. 3d 198, 464 N.E. 2d 572;
23 1984 Ohio LEXIS 1136.

24 6. Attached hereto as Exhibit E is a chart derived from Judicial Caseload Profiles
25 through September 30, 2009 comparing Civil Filings By Year for the Northern District of
26 California and the Southern District of Ohio for the period 2004 through 2009. Plaintiffs have
27 separately requested that the Court take judicial notice of the underlying statistics published by
28 the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary,

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1 <http://www.uscourts.gov/Statistics/FederalCourtManagementStatistics.aspx>. Plaintiffs' Request
2 for Judicial Notice, Exhs. B and C.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 DATED: September 27, 2010

By: /s/ Mary Jo Shartsis
MARY JO SHARTSIS

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