

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BRIGHT RESPONSE, LLC,	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-cv-371-ce
	§	
GOOGLE, INC., et al.,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	

DECLARATION OF ANDREW W. SPANGLER

My name is Andrew W. Spangler. I am a member of the State Bar of Texas and practice with my firm, Spangler Law, P.C. in Longview, Texas and am lead and local counsel for Bright Response, LLC (“Bright Response”) in the above-referenced action. The facts recited below are true and correct and based on my personal knowledge as lead and local counsel in this case and local counsel for other parties and litigants in numerous litigation proceedings in this District. If called upon to testify I would testify truthfully to the following facts.

1. As to the matters set forth in the motion concerning the conduct of Mr. Yovitz and the insinuations concerning Mr. Pridham, it is correct that it was my position and genuine, honest belief that Mr. Yovitz’s continued requests and questions concerning Mr. Pridham’s compliance with the Court’s Protective Order were, because of the incessant nature, intended to harass. Therefore, to take the bait of continuing to respond to the correspondence (after havin done so repeatedly) was unnecessary.

2. At the Friday July 9, 2010 meet and confer concerning many issues, in which I participated by telephone as lead and local counsel for Bright Response, the issue of Yahoo’s continued allegations, and intent to pursue Court action concerning the issues raised in this

motion, was not raised. The group was collectively asked whether there were any other issues, and there was no response.

3. Exhibit A to this declaration is a true and correct copy of the email communications concerning Mr. Yovitz's inquiries, which email string also includes the email specifically addressed in this motion from Yahoo local counsel Mr. Josh Thane, who continued followed up the questioning that Mr. Yovitz started.

4. Exhibit B to this declaration is a true and correct copy of the relevant portion of an email from Bright Response counsel Mr. Adam Hoffman to Mr. Yovitz on the issue of the Mr. Pridham could not be reached by the group email address that the parties had been using, prior to the Court's Order.

5. Exhibit C to this declaration is a true and correct copy of another email from the email string that comprises Exhibit A, which email is dated July 12, 2010.

I declare under penalty of perjury that the above information is true and correct.

Executed this 13th day of July, 2010, in Longview, Texas.

/s/ Andrew W. Spangler
Andrew W. Spangler