

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

**BRIGHT RESPONSE, LLC**

**v.**

**GOOGLE INC., et al.**

**NO. 2:07-CV-371-CE**

**JURY**

**DECLARATION OF ELIZABETH A. WILEY**

My name is Elizabeth A. Wiley. I am a member of the State Bar of Texas of my law firm Wiley Firm PC and one of the counsel of record for Bright Response, LLC (“Bright Response”) in the above-referenced proceedings. The facts below are true and correct and in my personal knowledge and if called upon to testify I would truthfully testify thereto.

1. In support of the motion to which this declaration is attached I offer the following. I am one of the counsel of record also in the case The PACid Group, LLC (“PACid”), pending before Judge Davis in the Eastern District of Texas, Tyler Division. I was one of the attorneys involved in the meet and confer process on behalf of my client PACid to amend the docket control order in that case – for a second time – given that the deadlines were getting going to interfere with the ones in this case. I also was the one tasked with proposed modified deadlines to keep with the trial setting in that case and summary judgment deadlines.

2. The primary change was to ensure our expert for the damages analysis in that case, Dr. Becker, would have time to prepare his expert report in the PACid case, which is now due on August 27, 2010 under the revised docket control order. Those deadlines cannot be revised any more as they are tightly drawn and already include a

reduced timetable for summary judgment briefing to ensure the parties can still meet the pre-trial conference deadline and the trial setting. As public filings show, including PACER, which was not available to produce a PDF of the docket sheet in that case for this filing, counsel for Bright Response in this case, is counsel for PACid in that other matter.

3. As further set forth in the motion regarding the hearing in *nXn* before Judge Rader, I was present at that hearing and attest to the fact of the four days and Judge Rader's urging all parties to work to adjust to that tight schedule.

4. Exhibit A to this declaration is a true and correct copy of an email from Google counsel Todd Kennedy dated 11:21 a.m. that accompanied the supplemental disclosures.

5. Exhibit B to this declaration is a true and correct copy of the supplemental witness list submitted with the above-referenced email.

6. Exhibit C to this declaration is a true and correct copy of the Seventh Supplemental Disclosures sent with the above-referenced email.

7. Exhibit D to this declaration is a true and correct copy of an excerpt from the deposition of Amy Rice.

8. Exhibit E is a true and correct copy of emails from Mr. Perlson to Mr. Pridham and others regarding the communications concerning the filing of the stipulation.

I swear and certify under penalty of perjury that the foregoing is true and correct.

Executed this 1<sup>st</sup> day of August, 2010, in Marshall, Texas.

/s/ Elizabeth A. Wiley  
Elizabeth A. Wiley