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9 Attorneys for Defendant YAHOO!, INC. and
 10 Specially Appearing Defendant YAHOO!
 11 HOLDINGS (HONG KONG), LTD.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

15 WANG XIAONING, YU LING, SHI TAO,
 16 and ADDITIONAL PRESENTLY
 17 UNNAMED AND TO BE IDENTIFIED
 18 INDIVIDUALS,

19 Plaintiff,

20 v.

21 YAHOO!, INC., a Delaware Corporation,
 22 YAHOO! HOLDINGS (HONG KONG),
 23 LTD., a Foreign Subsidiary of Yahoo!,
 24 ALIBABA.COM, INC. a Delaware
 25 Corporation, AND OTHER PRESENTLY
 26 UNNAMED AND TO BE IDENTIFIED
 27 INDIVIDUAL EMPLOYEES OF SAID
 28 CORPORATIONS,

Defendant.

Case No. C07-02151 CW

**DECLARATION OF DANIEL M.
 PETROCELLI IN SUPPORT OF
 DEFENDANT YAHOO!, INC.'S MOTION
 TO SHORTEN TIME ON ITS MOTION
 FOR AN EARLY CASE MANAGEMENT
 CONFERENCE AND ORDER**

Judge: Hon. Claudia Wilken

I, DANIEL M. PETROCELLI, declare:

1. I am a partner in the law firm of O'Melveny & Myers, LLP, attorney of record for defendant Yahoo!, Inc. ("Yahoo!") and specially appearing for defendant Yahoo! Holdings (Hong Kong), Ltd. I am lead counsel for Yahoo! in this case. I submit this declaration, pursuant to Civil Local Rule 7-11, in support of Defendant Yahoo!, Inc.'s Motion To Shorten Time On Its Motion For An Early Case Management Conference And Order. Except where indicated otherwise, I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

C07-02151 CW
 DECL. OF DANIEL M. PETROCELLI ISO
 YAHOO!'S MOT. TO SHORTEN TIME

1 2. Pursuant to this Court's June 19, 2007, order, defendants' response to plaintiffs'
2 amended complaint is due July 27, 2007. The Court set this due date pursuant to a stipulation
3 agreed upon by the parties. In the declaration accompanying that stipulation, I stated that Yahoo!
4 would be advancing a "proposal to have an early case management conference in this case and to
5 request a schedule to address sequentially certain threshold matters, such as the question whether
6 YHKL is subject to jurisdiction in this case."

7 3. In a motion filed today—Defendant Yahoo!, Inc.'s Motion For An Early Case
8 Management Conference And Order ("CMO Motion")—Yahoo! seeks such a case management
9 conference and schedule.

10 4. We have requested that a hearing on our CMO Motion be held July 2, 2007—*i.e.*,
11 on shortened time.


12 5. Pursuant to Civil Local Rule 7-11(a), my associate, Matthew Kline, asked
13 plaintiffs' counsel, Morton Sklar, whether they opposed our requests to shorten time on our CMO
14 Motion. Mr. Sklar responded:

15 "Plaintiffs have indicated that they object to both the Defendants' Motion seeking
16 a special case management conference, and to the Defendants' request for an early
17 (July 2) date for a hearing on that Motion, on the grounds that, first, these requests
18 are at variance with the new timetable ordered by the Court, and more specifically
19 with the justification given by the Defendants for requesting changes in that
timetable, and second, because it is premature to raise the matters the Defendants
seek to address before the Court before the regular ADR and case management
process takes place."

20 6. July 2 is the last day that I am available before leaving on a family vacation
21 abroad. The vacation, planned long ago and including many extended family members, ends on
22 July 22. Monday, July 23, is my first day back to work. I advised Mr. Sklar about my vacation
23 plans when I proposed to him this case management approach, when he and I first spoke earlier
24 this month. After Mr. Sklar said he would not support such an approach, I requested an initial
25 extension of time, which was granted after some negotiation. I made clear to Mr. Sklar, as set
26 forth in our joint stipulation to the Court, that Yahoo! still intended to promptly present a motion
27
28

1 to the Court regarding our proposed case management approach.

2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct. Executed in Los Angeles, California on this 21st day of June 2007.

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6 Daniel M. Petrocelli

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