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8 Attorneys for Defendant, AZOOGLEADS.COM, INC.

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **ASIS INTERNET SERVICES**, a California
12 corporation,

13 Plaintiff,

14 vs.

15 **OPTIN GLOBAL, INC.**, a Delaware
16 Corporation, also dba Vision Media
17 Limited Corp., USA Lenders Network,
18 USA Lenders, and USA Debt
19 Consolidation Service; et al.,

20 Defendants.

Case No. C-05-5124 JCS

**SUPPLEMENTAL DECLARATION OF
HENRY M. BURGOYNE III IN
SUPPORT OF AZOOGLEADS.COM,
INC.'S MOTION FOR 1) PROTECTIVE
ORDER AND 2) LEAVE TO AMEND
DISCOVERY RESPONSES**

Date: April 20, 2007
Time: 9:30 A.M.
Courtroom A, 15th Floor
Honorable Joseph C. Spero

21 I, Henry M. Burgoyne III, declare as follows:

22 1. I am an attorney admitted to practice in the State of California and the United
23 States District Court for the Northern District of California. I am a partner at the law firm
24 of Kronenberger Burgoyne, LLP, counsel of record for Defendant AzoogLeads.com, Inc.
25 ("AzoogLe"). Unless otherwise stated, I have personal knowledge of the facts stated
26 herein.

27 2. On the afternoon of March 16, 2007, as my office and I were preparing to file
28

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1 Azoogle's Motion for 1) Protective Order and 2) Leave to Amend Discovery Responses
2 and my initial declaration in support thereof, I received a fax letter from Plaintiff counsel
3 Jason Singleton purporting to "attempt to meet and confer" regarding Plaintiff's failure to
4 grant Azoogle an extension to respond to Plaintiff's requests for admission. A true and
5 correct copy of that letter is attached hereto as **Exhibit A**.

6 3. I was surprised to receive the letter, since although it was dated March 14,
7 2007, it was not faxed to my office until March 16, 2007, the day after Mr. Singleton and
8 I agreed that we had sufficiently met-and-conferred on the issue of an extension.
9 Furthermore, during the parties' meet-and-confer, which encompassed at least three
10 separate conversations (March 9, 14 and 15, 2007), Plaintiff never articulated any basis
11 for its claim of prejudice.

12 4. A true and correct copy of the purported second portion of the fax letter
13 attached as Exhibit A is attached hereto as **Exhibit B**. The fax coversheet reflects that
14 this document was faxed to my office on March 19, 2007.

15 5. A true and correct copy of an email from me to Jason Singleton, dated March
16 18, 2007 and responding in-part to the fax letter attached as Exhibit A is attached hereto
17 as **Exhibit C**.

18 6. A true and correct copy of an email from me to Jason Singleton, dated March
19 19, 2007 and constituting the remainder of Azoogle's response to the fax letter attached
20 as Exhibit A is attached hereto as **Exhibit D**.

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct and that this Declaration was executed this 19 day of March
23 2007, at San Francisco, CA.

24 /s/
25 _____
Henry M. Burgoyne III

