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7 **Attorney for Plaintiff, ASIS INTERNET SERVICES**

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

10 **ASIS INTERNET SERVICES,**
11 **Plaintiff,**
12 **vs.**
13 **OPTIN GLOBAL, INC., a Delaware**
14 **Corporation, also dba Vision Media Limited**
15 **Corp., USA Lenders Network, USA Lenders,**
16 **and USA Debt Consolidation Service; et al.,**
Defendants.

Case No. C-05-5124 JCS
DECLARATION OF JASON K.
SINGLETON IN SUPPORT OF MOTION
FOR EVIDENTIARY SANCTIONS FOR
FAILURE TO PRODUCE WITNESS AT
DEPOSITION
DATE: December 21, 2007
TIME: 9:30 A.M.
CTRM: A, 15TH FLOOR

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18 I, JASON K. SINGLETON , declare as follows:

19 1. I am an attorney duly licensed to practice in the United States District Court,
20 Northern District of California, and I am one of the attorneys of record for Plaintiff. I have
21 personal and firsthand knowledge of each fact hereinafter set forth and if called to testify could
22 and would competently testify to the matters set forth herein.

23 2. Attached hereto as Exhibit "A" is a true and correct copy of the Deposition
24 Transcript of Ryan McVey, Pages 123 and 124.

25 3. Attached hereto as Exhibit "B" is a true and correct copy of the Deposition
26 Transcript of Julian Mossanen, Page 56. This Exhibit is being submitted Under Seal as it has
27 been designated Confidential by Defendant Azoogle.

28 4. Attached hereto as Exhibit "C" is a true and correct copy of several emails

1 between *Jen Evans* and Azoogles third party contractor *Consorte Media, Inc*, wherein the
2 parties discuss the details for setting up mortgage leads for the "Latin LowRateAdvisors"
3 bearing Consorte Bates Stamp Nos. 0042-0071.

4 5. Attached hereto as Exhibit "D" is an email between Azoogles employee, Julian
5 Mossanen, and Azoogles Third Party Vendor, Lendance, Plaintiff's Bate Stamp 1546.

6 6. Attached hereto as Exhibit "E" is a true and correct copy of an email from Jason
7 Singleton to Jeff Rosenfeld dated May 14, 2007 requesting a date for the Deposition of Jen
8 Evans.

9 7. Attached hereto as Exhibit "F" is a true and correct copy of a series of emails
10 between counsel discussing the setting of the Deposition of Jen Evans dated from May 21,
11 through May 31, 2007.

12 8. Attached hereto as Exhibit "G" is a true and correct copy of the Notice of
13 Deposition and Amended Notice of Deposition of Jen Evans, noticing the deposition in July,
14 2007.

15 9. Attached hereto as Exhibit "H" is a true and correct copy of an email from
16 counsel Steve Fox confirming the Jen Evans Deposition for July 18, 2007.

17 10. Attached hereto as Exhibit "I" is a true and correct copy of an email from Counsel
18 Steven Fox advising Jen Evans is unable to travel to NYC for her deposition.

19 11. Attached hereto as Exhibit "J" is a true and correct copy of the Amended Notice
20 of Deposition of Jen Evans for August 27, 2007, in Toronto.

21 12. Attached hereto as Exhibit "K" is a true and correct copy of an email from
22 Defendant's New York Counsel, Stephen Fox advising of the death of Jen Evans brother-in-
23 law and canceling the scheduled Deposition.

24 13. Attached hereto as Exhibit "L" is a true and correct copy of an email from
25 Counsel Hank Burgoyne advising of incompatibility of equipment and therefore the Evans
26 Deposition could not occur.

27 14. Attached hereto as Exhibit "M" is a true and correct copy of Docket 254, a Joint
28 Letter to the Court regarding outstanding discovery issues, including the Deposition of Jen

1 Evans.

2 15. Attached hereto as Exhibit "N" is a true and correct copy of Docket 255 being an
3 Order made by Judge Spero wherein it is ordered a video conference deposition of Jen Evans
4 take place the next time Plaintiff's counsel was in San Francisco on business.

5 16. Attached hereto as Exhibit "O" are true and correct copies of emails between
6 counsel setting the Deposition of Jen Evans on October 31, 2007, and advising that Azoogole
7 had fired Jen Evans.

8 17. Attached hereto as Exhibit "P" are true and correct copies of emails from Azoogole
9 Counsel Steve Fox advising Ms. Evans may not appear for deposition, that she was consulting
10 her own attorney.

11 18. Attached hereto as Exhibit "Q" are true and correct copies of emails from
12 Counsel Hank Burgoyne wherein after advising he was setting up the videoconference
13 deposition, he advised he was not dealing with the deposition of Jen Evan scheduled for
14 October 31, 2007.

15 19. Attached hereto as Exhibit "R" are true and correct copies of emails between
16 counsel regarding the possible cancellation of the deposition of Jen Evans, and Plaintiff's
17 counsel's notice that sanctions were going to be sought for failure to produce Ms. Evans.

18 20. Attached hereto as Exhibit "S" is a true and correct copy of an email from
19 Counsel Steve Fox advising that the deposition would not take place on the agreed date of
20 November 16th because: "I believe that Jen Evans is in the hospital..."

21 21. Attached hereto as Exhibit "T" is a true and correct copy of an email from
22 Counsel Steve Fox advising the deposition of Jen Evans could be rescheduled for the following
23 Tuesday (November 20).

24 22. Attached hereto as Exhibit "U" is a true and correct copy of Docket 118 being
25 Defendant's stipulation for an extension to respond to Plaintiff's Second Amended Complaint.,

26 23. Attached hereto as Exhibit "V" is a true and correct copy of the face page of
27 Docket 134, being Defendant's Answer to Second Amended Complaint which was filed late.

28 24. Attached hereto as Exhibit "W" are true and correct copies of the Proofs of

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Service of Plaintiff's Discovery Requests served on Defendant.

25. Attached hereto as Exhibit "X" are true and correct copies of the face, signature, and proof of service pages of Defendant's Responses to Discovery which were served 10 and 15 days late.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

SINGLETON LAW GROUP

Date: November 15, 2007

/s/ Jason K. Singleton
Jason K. Singleton, Attorneys for
Plaintiff, **ASIS INTERNET SERVICES**