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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF SANTA CLARA

15 MARK AND RHONDA LESHER,

16 Plaintiffs,

17 vs.

18 JOHN AND/OR JANE DOES 1-178,

19 Defendants.

20 No.: 109CV134190

21 **BY FAX**

22 **DECLARATION OF PHILIP P. KEATING
23 IN SUPPORT OF NON-PARTY TOPIX,
24 LLC'S NOTICE OF MOTION AND
25 MOTION TO QUASH PLAINTIFFS'
26 DEPOSITION SUBPOENA FOR
27 PRODUCTION OF BUSINESS RECORDS,
28 OR IN THE ALTERNATIVE FOR A
PROTECTIVE ORDER**

Date: March 27, 2009

Time: 9:00 a.m.

Place: Dept. 22

I, PHILIP P. KEATING declare as follows:

1. I am a member of the bar of the State of Pennsylvania and an associate at the law firm of Pietragallo Gordon Alfano Bosick & Raspanti, LLP, counsel for non-party Topix, LLC ("Topix"). I submit this declaration in support of Topix's motion for an order quashing the deposition subpoena for production of business records. I have personal knowledge of the facts set forth below.

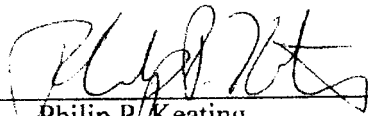
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2. Attached hereto collectively as Exhibit "A" is a true and correct copy of Plaintiffs' Deposition Subpoena for Production of Business Records, the District court of Tarrant County, Texas' Letter Rogatory and related attachments.

3. Attached hereto as Exhibit "B" is a true and correct copy of Plaintiffs' notice in a separate forum titled "Leshner v. Doe defamation lawsuit."

4. Because of the multiple deficiencies in the Subpoena, on multiple occasions between February 5, 2009 and February 25, 2009, I conducted telephonic "meet and confer(s)" with William Demond, counsel for Plaintiffs, in a reasonable and good faith effort to resolve the issues. It was requested that the Plaintiffs revise their request to only seek defamatory posts and to further limit their request to a reasonable and feasible amount of posts. The parties were not able to resolve these issues, forcing Topix to proceed with the Motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 25th day of February, 2009, in Pittsburgh, Pennsylvania.


Philip P. Keating