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 7 Corporation

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11 Kimberlite Corporation, a California  
 12 Corporation

13 Plaintiff,

14 vs.

15 John Does 1-20

16 Defendants.

CASE NO. 3:08cv02147

**DECLARATION OF STEVE  
 DEEDON IN SUPPORT OF  
 PLAINTIFF KIMBERLITE  
 CORPORATION'S OPPOSITION  
 TO JOHN DOE'S MOTION TO  
 QUASH**

1 I, Steve Deedon, declare as follows:

2 1. I am employed by Kimberlite Corporation ("Kimberlite") as its IT Manager,  
3 working out of Kimberlite's headquarters in Fresno, California. I submit this declaration in  
4 support of Kimberlite's Opposition to John Doe's Motion to Quash a subpoena served by  
5 Kimberlite on AT&T on April 28, 2008. The matters referred to in this declaration are based on  
6 my personal knowledge and, if called as a witness, I could and would testify competently to those  
7 matters.

8 2. In my position as Kimberlite's IT Manager, I oversee the company's internal  
9 computer network, including its email and internet servers. Part of that network is dedicated to  
10 Kimberlite's electronic mail system ("Kimberlite email"). Each employee of Kimberlite is given  
11 an individual account on Kimberlite email, which they use for business purposes. Each individual  
12 account is password-protected, using a password unique to the individual user.

13 3. On or about April 15, 2008, I was notified by a Kimberlite employee that their  
14 email had been viewed without their permission. Specifically, the employee indicated that the  
15 emails they had not yet viewed appeared within their email "in box" as having already been read.

16 4. I conducted an initial investigation into the employee's complaints by reviewing a  
17 log of activity on the Kimberlite email system. From that log, I determined that an unknown  
18 individual, using IP address 71.135.177.158, had logged into numerous employee email accounts  
19 on the evenings of April 7, 2008 and April 14, 2008, and while there, had viewed email messages  
20 intended for Kimberlite employees. As part of the investigation, I printed out a log of entries  
21 related to activity by IP address 71.135.177.158 within the Kimberlite email system on the days in  
22 question. A true and correct copy of that log is attached hereto as Exhibit C.

23 5. My investigation into the email intrusion has continued. Since the day this lawsuit  
24 was filed, I have determined that between April 2, 2008 and April 15, 2008 the user of IP address  
25 71.135.177.158 accessed without authorization 7 different Kimberlite e-mail accounts on at least  
26 24 occasions. Attached hereto as Exhibit D is a true and correct copy of a log showing the activity  
27 of the user of IP address 71.135.177.158 within the Kimberlite email system between April 2,  
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2008 and April 15, 2008, not including the initial two incidents that are specifically mentioned in the complaint.

6. In the time since the initial unauthorized viewings took place, my staff and I have spent over 100 hours investigating the matter and taking steps to repair the Kimberlite email system following the intrusions. Further, in increasing network security in response to this matter, my staff and I have also had to work with Kimberlite's employees to change passwords and otherwise further secure individual Kimberlite email accounts.

I declare under penalty of perjury under that the foregoing is true and correct, and that this declaration was executed at Fresno, California on May 15, 2008.

  
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Steve Deedon