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6 Attorneys for Plaintiff Kimberlite Corporation

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

11 Kimberlite Corporation, a California Corporation

12 Plaintiff,

13 vs.

14 John Does 1-20

15 Defendants.

CASE NO. 3:08cv02147

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

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1 I, Thomas Patterson, declare as follows:

2 1. I am the President and CEO of Kimberlite Corporation. I submit this declaration in  
3 support of Kimberlite Corporation's Opposition to John Doe's Motion to Quash. The matters  
4 referred to in this declaration are based on my personal knowledge and, if called as a witness, I  
5 could and would testify competently to those matters.

6 2. Kimberlite Corporation is a California corporation with its principal place of  
7 business in California. The Company is the world's largest independent dealer of Sonitrol-brand  
8 security systems, and conducts business with customers, suppliers, and the Sonitrol Corporation  
9 throughout the United States and Canada. By way of example, we have provided services to  
10 approximately 45 military bases located throughout the southwestern United States. We also do  
11 business and communicate with companies headquartered outside of California who have  
12 locations within the state. In addition, we regularly communicate with Sonitrol Corporation,  
13 which is located in Pennsylvania, and with other Sonitrol dealers located throughout the United  
14 States. Lastly, Kimberlite purchases supplies from companies located across the United States and  
15 Canada.

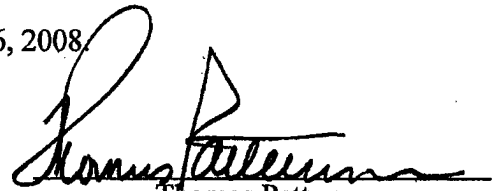
16 3. Kimberlite has an internal computer network in which it stores proprietary and  
17 otherwise confidential information related to its operations. Within this network, the Company  
18 has an electronic mail system ("Kimberlite email") that the Company uses to communicate and  
19 conduct business with its customers, suppliers, and other Sonitrol-related companies. Each  
20 employee of Kimberlite is given a Kimberlite email account.

21 4. On or about April 15, 2008, it was brought to my attention that an unknown  
22 individual or individuals had logged into Kimberlite email and viewed business-related messages  
23 intended for Kimberlite's employees. These email breaches took place without the authorization  
24 of Kimberlite or the affected employees.

25 5. Concerned over this unauthorized access, I directed my IT Department to conduct  
26 an investigation of the break-ins and to secure our Kimberlite email system. I also enlisted the  
27 assistance of outside legal counsel, private investigators, and forensic computer analysts. The cost  
28 of securing the Kimberlite email system and conducting this investigation has exceeded \$5,000.00.

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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 16, 2008.



Thomas Patterson