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7 Corporation

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 Kimberlite Corporation, a California
12 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.

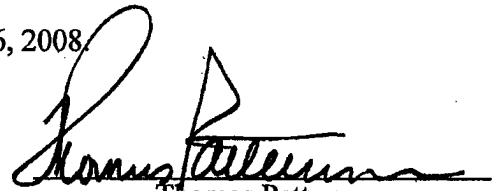
16 3. Kimberlite has an internal computer network in which it stores proprietary and
17 otherwise confidential information related to its operations. Within this network, the Company
18 has an electronic mail system ("Kimberlite email") that the Company uses to communicate and
19 conduct business with 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