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9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SANTA CLARA

12 MARK AND RHONDA LESHER,  
13  
14 Plaintiffs,

15 vs.

16 JOHN AND/OR JANE DOES 1-178,  
17 Defendants.

No.: 109CV134190  
**BY FAX**

**DECLARATION OF EMILY WILLIAMS  
HURLEY IN SUPPORT OF NON-PARTY  
TOPIX, LLC'S NOTICE OF MOTION AND  
MOTION TO QUASH PLAINTIFFS'  
DEPOSITION SUBPOENA FOR  
PRODUCTION OF BUSINESS RECORDS,  
OR IN THE ALTERNATIVE FOR A  
PROTECTIVE ORDER**

Date: March 27, 2009  
Time: 9:00 a.m.  
Place: Dept. 22

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19  
20  
21  
22  
23 I, EMILY WILLIAMS HURLEY declare as follows:

24  
25 1. I am responsible for the general management of the Topix forum system. I oversee  
26 and moderate user activity in connection with over 150,000 Internet posts per day. My  
27 responsibilities include developing and maintaining policies for user moderation and overseeing user  
28 feedback. On a daily basis, I manage approximately 1000-1200 new user inquiries. I am also


1 responsible for supporting our newspaper partners and handling and responding to all subpoena  
2 requests.

3  
4 2. I submit this declaration in support of Topix's Motion to Quash Plaintiffs Mark and  
5 Rhonda Leshner's Deposition Subpoena for Production of Business Records. I have personal  
6 knowledge of the facts set forth below and if called as a witness, I could and would competently  
7 testify to them.

8  
9 3. In order to comply with the Subpoena as drafted by the Plaintiffs, Topix has estimated  
10 that it would take a single person over 280 hours to produce the requested information. 280 hours is  
11 the equivalent of one person working 8 hours per day, 5 days per week for approximately 7 weeks.  
12 During this period, the employee devoted to the production of records, would be unable to perform  
13 their normal business function.

14  
15 4. Each of Topix's 28 employees is essential to the daily running of the company. The  
16 absence of any one employee for over 7 weeks would cause extreme undue hardship on Topix.

17  
18 I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct. Executed this 25th day of February, 2009, in Pittsburgh, Pennsylvania.

20  
21   
22 \_\_\_\_\_  
23 Emily Williams Hurley