

1 4. I drafted each and every request with the intent of obtaining documents which
2 either provide specific evidence of defendant's knowledge and actions with regard to plaintiff's
3 claims, or help identify additional documents that could serve that legitimate purpose.

4
5 5. Defendant Veoh Productions served written responses dated February 12, 2007.
6 The responses included numerous boilerplate objections. Also, Veoh objected to producing the
7 documents to my office stating that this was a burden.

8 6. Defendant only agreed to produce documents responsive to nine (9) of plaintiff's
9 requests and most of those related to documents defendant had already produced with its initial
10 disclosures. For the remaining sixteen (16) requests, defendant flatly refused to produce any
11 responsive documents. Veoh even objected to the location of production (plaintiff's offices).

12
13 7. I responded with a detailed letter to defense counsel explaining plaintiff's need for
14 the documents responsive to each request and asking that they make their objections more specific
15 or remove them. Specifically, I demanded revised responses and documents be produced by
16 Friday, February 23, 2007.¹

17
18 8. On Thursday, February 22, 2007 at 10:34 am I received an e-mail from defense
19 counsel stating that she would be out of the office and unavailable until February 27th. When I
20 returned her e-mail to express my dissatisfaction, I received an auto reply reiterating the fact the
21 she would be out of the office until the 27th. I contacted her through other means and at my
22 insistence we arranged a meet and confer for Friday, February 24, 2007.

23
24 9. On Friday, February 24, 2007, I conferred with Ms. Golinveaux by telephone. We
25 went over each request, but were unable to resolve many of the disputes. In response to Veoh's
26

27
28 ¹ In keeping with the Court's standing order, I have not attached copies of correspondence
between counsel, but all such correspondence is available at the Court's request.

1 objections of over breadth I repeatedly offered limiting language and asked that Ms. Golinveaux
2 offer limiting language. Over and over she stated that no limiting language could cure the
3 problems. For a number of items Ms. Golinveaux did say she would check with her client. One
4 week later, as I finalize this Declaration, I have not heard back from her.
5

6 10. After the telephone conference I sent a follow-up letter to defense counsel,
7 reviewing our discussions in detail. I confirmed that I agreed to accept the documents in tiff
8 format and again requested to be informed as to when I could expect production. I never received
9 a response. I asked if Veoh would stipulate to a shortened notice period for plaintiff's motion to
10 compel. I have not received a response.
11

12 11. On Thursday, March 1, 2007 at 2:50 p.m. I sent an e-mail to Jennifer Golinveaux
13 and Michael Elkin, informing them that I would file a motion to compel on Friday, March 2, 2007.
14 I wrote that I would assume they had not changed their position on their objections and that they
15 were not willing to agree to a shortened notice time for the motion. I quite directly indicated that
16 they were deliberately delaying discovery in an attempt to hinder plaintiff's access to the
17 responsive documents.
18

19 12. It is my understanding that Veoh Networks has only existed for several years and
20 that it is a technology based company.
21

22 Pursuant to the laws of the United States, I declare under penalty of perjury the
23 foregoing is true and correct.
24

25 Dated: *March 2, 2007*

Respectfully submitted,

26 /s/ *Gill Sperlein*

27 GILL SPERLEIN,
28 Attorney for Plaintiff