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USA TECHNOLOGIES, INC.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT
10 SAN FRANCISCO DIVISION

11 USA TECHNOLOGIES, INC.,
12 Plaintiff-Respondent,
13 v.
14 JOHN DOE, a.k.a., "STOKKLERK,"
15 et al.,
16 Defendant-Movant.

Case No. CV 09-80 275 MISC (SI)

**DECLARATION OF ALEX P.
CATALONA IN SUPPORT OF USA
TECHNOLOGIES INC.'S
OPPOSITION TO DEFENDANT
JOHN DOE, A.K.A.
STOKKLERK'S MOTION TO
QUASH THE SUBPOENA TO
YAHOO! INC. SEEKING
IDENTITY INFORMATION**

Date: December 18, 2009
Time: 9:00 a.m.
Courtroom: 10, 19th Floor
Judge: Hon. Susan Illston

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22 I, Alex P. Catalona , declare as follows:

23 1. I have personal knowledge of the following matters and, if called as a
24 witness, could testify competently thereto. I am licensed and admitted to practice
25 before this Court and the courts of the State of California. I am an associate in the
26 law firm of Schiff Hardin LLP, counsel for plaintiff USA TECHNOLOGIES, INC.
27 ("USAT") in this action.
28

1 2. Attached as Exhibit A is a true and correct copy of Stokklerk's
2 December 2, 2009 posting on the Yahoo! Finance message board about Stokklerk's
3 Motion To Quash.

4 3. Attached as Exhibit B is a true and correct copy of 23 of Stokklerk's
5 postings from April 15, 2009 to August 24, 2009 on the Yahoo! Finance message
6 board about USAT.

7 4. Attached as Exhibit C is a true and correct copy of USAT's Complaint
8 filed in the matter of *USA Technologies, Inc. v. John Doe, et al.*, Case No. 09-3899,
9 E.D. Pennsylvania.

10 5. Attached as Exhibit D is a true and correct copy of the Subpoena
11 *Duces Tecum* served by USAT upon Yahoo! Inc. ("Yahoo!") on September 24,
12 2009.

13 6. Attached as Exhibit E is a true and correct copy of the order granting
14 USAT's Motion For Issuance Of Subpoena *Duces Tecum* Directed To Yahoo! Prior
15 to F.R.C.P. 26(f) Conference.

16 7. Attached as Exhibit F, G and H are true and correct copies of USAT's
17 Motion (F), Memorandum (G), and Attorney's Declaration (H) filed in support of
18 its Motion For Issuance Of Subpoenas *Duces Tecum* Directed To Yahoo! Inc. Prior
19 to F.R.C.P. 26(f) Conference.

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21 I declare under penalty of perjury under the laws of the State of California
22 and the United States of America that the foregoing is true and correct.

23
24 DATED: December 4, 2009

25
26 By: 
Alex P. Catalona

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