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SAP AG, SAP AMERICA, INC., and
18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 ORACLE CORPORATION, et al.,
23 Plaintiffs,
24 v.
25 SAP AG, et al.,
26 Defendants.

Case No. 07-CV-1658 PJH

**DECLARATION OF JASON McDONELL
IN SUPPORT OF DEFENDANTS'
MOTION TO COMPEL PRODUCTION
OF FINANCIAL INFORMATION OF
PLAINTIFFS**

EXS. 2, 6, 7, 8, 9, 10, 11, 18 & 19
REDACTED

Date: August 18, 2007
Time: TBD
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

REDACTED McDONELL DECL. ISO OF MOT.
TO COMPEL

1 I, JASON McDONELL, declare:

2 I am partner with the law firm of Jones Day and counsel for defendants in the above-
3 captioned matter. I make this declaration based on personal knowledge and, if called upon to do
4 so, could testify competently thereto.

5 1. Attached hereto as **Exhibit 1** is a true copy of a July 10, 2009 letter from Holly
6 House to me.

7 2. Attached hereto as **Exhibit 2** is a true copy of a July 13, 2009 letter from me to
8 Holly House.

9 3. Defendants' First Set of Document Requests to Plaintiffs was served on July 26,
10 2007, the first day discovery was permitted to be served in this case. Attached hereto as **Exhibit**
11 **3** is a true copy of the Plaintiffs' Responses and Objection to Requests Nos. 65 through 73 from
12 Defendants' First Set of Document Requests to Plaintiffs. The requests were served on July 26,
13 2007.

14 4. Attached hereto as **Exhibit 4** is a true copy of my June 2, 2008 letter to Geoffrey
15 Howard.

16 5. Attached hereto as **Exhibit 5** is a true copy of the cover page and page 103 from
17 Defendants' Deposition Exhibit 31 which, in turn, is a copy of Oracle Corporation's Annual
18 Report on Form 10-K.

19 6. Attached hereto as **Exhibit 6** are true copies of the cover page and pages 14-15,
20 43, 63-64 and 72-73 from the transcript of the deposition of Oracle Corporation presented by
21 designee Ivgen Guner.

22 7. Attached hereto as **Exhibit 7** is a true copy of the cover page and pages 179-180
23 from the transcript of the deposition of Safra Catz.

24 8. Attached hereto as **Exhibit 8** is a true copy of the cover page and pages 69-70 and
25 170-179 from the transcript of the deposition of Corey West.

26 9. Attached hereto as **Exhibit 9** is a true copy of the cover page and pages 47-49
27 from the transcript of the deposition of Lawrence Ellison.

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1 10. Attached hereto as **Exhibit 10** is a true copy of the cover page, pages 177-180 and
2 194-196 from the transcripts of the deposition of Juergen Rottler.

3 11. Attached hereto as **Exhibit 11** is a true copy of the excerpts from Defendants'
4 deposition Exhibit 445.

5 12. Attached hereto as **Exhibit 12** is a true copy of the cover page and pages 46-51
6 from the transcript of the August 28, 2008 Discovery Conference.

7 13. Attached hereto as **Exhibit 13** is a true copy of the cover page and pages 55-57
8 from the unofficial transcript of the January 8, 2009 Discovery Conference.

9 14. Attached hereto as **Exhibit 14** are true copies of cover letters from Oracle's
10 counsel dated February 13, 2009, February 18, 2009, March 11, 2009 and March 26, 2009 which
11 accompanied Plaintiffs' production of charts of accounts information.

12 15. Attached hereto as **Exhibit 15** is a true copy of an exchange of email among
13 counsel dated April 29 and May 4, 2009

14 16. Attached hereto as **Exhibit 16** is a true copy of Plaintiffs' Supplemental Responses
15 and Objections to Defendants' "Second" and "Third" Targeted Search Requests.

16 17. Attached hereto as **Exhibit 17** is a true copy of Defendants' Deposition Exhibit
17 No. 244, which is Defendants' Amended Second Notice of Deposition of Plaintiff Oracle
18 International Corporation Pursuant to Federal Rule of Civil Procedure 30(b)(6).

19 18. Attached hereto as **Exhibit 18** is a true copy of my June 12, 2009 letter to Zachary
20 Alinder.

21 19. Attached hereto as **Exhibit 19** is a true copy of the cover page and pages 16, 41,
22 52, 63, 67, 78-79, 82-83, 94-95, 105-107, 122-126, 135, 150, 155, 159-160, 183-188, 195, 206,
23 208 and 222-226 from the transcript of the deposition of Oracle International Corporation
24 presented by corporate designee Ms. Ann Kishore.

25 20. I have met and conferred with Plaintiffs' counsel concerning the issues raised in
26 this motion on numerous occasions over the course of the last year. Most recently, I have
27 conferred by telephone on May 11, June 4 and July 10, 2009. I have also met and conferred in
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1 writing, including by not limited to, the correspondence included as Exhibits 1, 2, 4 and 18 to this
2 declaration.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the foregoing is true and correct.

5 Executed this 14th day of July 2009 in San Francisco, California.

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/S/ Jason McDonell

Jason McDonell

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