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17 Attorneys for Defendants
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' OBJECTIONS TO
SPECIAL MASTER'S REPORT AND
RECOMMENDATIONS RE:
DISCOVERY HEARINGS 1 AND 2**

Date: July 1, 2008
Time: 9:00 a.m.
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 I, JASON McDONELL, declare:

2 I am a partner in the law firm of Jones Day, 555 California Street, San Francisco,
3 California 94104, a member in good standing of the bar of this state, and counsel of record for
4 Defendants SAP AG, SAP Americas, and TomorrowNow, Inc. ("TN") in the above-captioned
5 action. I make this declaration based on personal knowledge and, if called upon to do so, could
6 testify competently thereto.

7 1. Attached hereto as Exhibit 1 are true and correct copies of SAP AG's and SAP
8 Americas' October 1, 2007 responses to RFP No. 55 in Plaintiffs' First Set of Requests for
9 Production of Documents.

10 2. Attached hereto as Exhibit 2 is a true and correct copy of TN's September 21,
11 2007 response to RFP No. 84 in Plaintiffs' First Set of Requests for Production of Documents.

12 3. Attached hereto as Exhibit 3 is a true and correct copy of the Special Master's
13 Report and Recommendations Re: Discovery Hearing No. 1, dated February 22, 2008 ("R&R No.
14 1").

15 4. Attached hereto as Exhibit 4 are true and correct copies of Oracle's September 14,
16 2007 responses to RFP Nos. 25 and 26 in Defendants' First Set of Requests for Production of
17 Documents.

18 5. Attached hereto as Exhibit 5 is a true and correct copy of the Special Master's
19 Report and Recommendations Re: Discovery Hearing No. 2, dated March 20, 2008 ("R&R No.
20 2").

21 6. Attached hereto as Exhibit 6 are true and correct copies of the relevant excerpts
22 from the transcript of the March 4, 2008 hearing with the Special Master on the parties' second
23 set of motions to compel.

24 7. Attached hereto as Exhibit 7 are true and correct copies of the relevant excerpts
25 from the transcript of the February 13, 2008 hearing with the Special Master on the parties'
26 second set of motions to compel.

27 8. Attached hereto as Exhibit 8 is a true and correct copy of a July 10, 2002 letter
28 from David Chavez of PeopleSoft to Seth Ravin of TomorrowNow.

