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7 Attorneys for Defendants
8 Oversee.net and
9 SnapNames.com, Inc.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

13 STEWART RESMER, an individual, on
14 behalf of himself and all others similarly
15 situated,

15 Plaintiff,

16 v.

18 OVERSEE.NET, INC., a California
19 corporation, and SNAPNAMES.COM,
20 INC., an Oregon corporation,

21 Defendants.
22
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Case No.: CV09-8497-MMM-VBKx

**DECLARATION OF LANCE
MARTINEZ IN RESPONSE TO OSC
REGARDING SUBJECT MATTER
JURISDICTION**

Judge: Hon. Margaret M. Morrow
Location: Courtroom 780

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DECLARATION OF LANCE MARTINEZ

I, Lance Martinez, declare:

1. I am the General Counsel, Domain Services for Oversee.net (hereinafter, “Oversee”), the parent company of SnapNames.com, Inc. (“SnapNames”). Except where indicated, I have personal knowledge of the facts stated herein and, if called as a witness, I could competently testify thereto.

2. Oversee was not aware of the unsanctioned actions taken by a certain SnapNames employee until late September 2009. When it discovered what had happened, Oversee immediately took various steps to correct the problem, including:

- Suspension and subsequent termination of the employee.
- Review of every single auction where “halvarez” had placed a bid to determine the impact on the winning bidder in each such auction.
- Establishing a rebate program administered by a third party (Rust Consulting) so that every SnapNames customer across the world who paid more than they should have for a domain name because of “halvarez” would be offered a check or account credit for the difference between what they actually paid and what they should have paid, together with interest at the rate of 5.22% (the highest federal interest rate for the relevant time period).
- Contacting every SnapNames customer eligible for a rebate to inform them about the rebate program.

3. I am familiar with the rebate program and receive weekly statistics regarding the eligible bidders, the bidders who have participated in the rebate program, and the amount of money available through the rebate program. Approximately 55% of the auctions affected by halvarez affected bidders who self-identify as living outside of the United States.

4. Over 70% of the auctions in which halvarez caused the winning U.S. bidder to pay more than he or she should have involved a loss of \$20 or less.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case.

Respectfully submitted this 16th day of February, 2010.

WILLENKEN WILSON LOH & LIEB LLP

By: /s/ William A. Delgado
William A. Delgado
Attorneys for Defendants
Oversee.net and SnapNames.com, Inc.